

## **ABERDEENSHIRE COUNCIL**

### **BANFF AND BUCHAN AREA COMMITTEE, LEARNING ROOMS 1 & 2, FRASERBURGH COMMUNITY AND SPORTS CENTRE, MACONOCHE PLACE, FRASERBURGH TUESDAY 16 JUNE 2015**

**Present:** Councillors J B Cox (Chair), C C Buchan, R A Cassie, M A Findlater, I W Gray, H Partridge, M J Roy, I S Tait and B A Topping.

**Apologies:** Councillor M J Roy

**Officers:** Miss M J Cardno, Area Manager; Mrs L Cowie, Solicitor; Mr D Murray, Roads Manager; Mr J Martin, Senior Planner; Mr J Dawson, Senior Environmental Health Officer; Mr N Steed, Principal Trading Standards Officer; Mr M Skilling, Strategy Manager and Mrs E M Farquhar, Committee Officer.

### **ANNOUNCEMENTS**

In relation to the Inspiring Aberdeenshire Awards ceremony which was held at Haddo House on Thursday 11 June 2015, the Chair, on behalf of the Area Committee, congratulated Erin Slater, pupil at Banff Academy for winning the "Best of Banff and Buchan" Award. Erin had raised over £8,000 for CLAN. Mr Mike Duncan was also commended for his runner-up award in the "Extra Mile for a Member of Staff" award.

The Committee congratulated Fraserburgh Academy on coming second in the 2015 Be Your Best Rock Challenge Scottish Final in the Caird Hall in Dundee and recognised the significant commitment of the pupils who had been rehearsing for this performance for a whole year.

The Chair, on behalf of the Area Committee congratulated Roger Goodyear, Chairman of the Scottish Traditional Boat Festival, who had received an MBE for Services to Tourism in Banffshire, in the Queen's birthday honours list.

In relation to recent articles in the local press, the Chair reiterated that, when dealing with planning applications, Councillors may already have significant knowledge of the area and sometimes it was not necessary for them to have any further information other than that which was available in the planning officer's reports before making a decision. On occasions when Councillors felt that they would like to see the site, they would ask for a site visit which is merely a fact-finding exercise for the Councillors. Members of the public are welcome to attend and may be allowed to point out relevant facts but the site visit was not a chance for debate on the merits, or otherwise, of applications. Elected members, guided by officers, would be able to gain any additional information necessary to assist them with their decision. Determination of planning applications would only take place in the Committee forum once the Councillors were in possession of all the facts.

### **1. DECLARATION OF MEMBERS' INTERESTS**

The Chair asked members if they had any interests to declare in terms of the Councillors' Code of Conduct.

No Councillors' interests were stated.

## 2. RESOLUTIONS

### A. STATEMENT OF EQUALITIES

In making decisions on the following items of business, the Committee **agreed**, in terms of Section 149 of the Equality Act, 2010:-

1. to have due regard to the need to:-
  - (a) eliminate discrimination, harassment and victimisation;
  - (b) advance equality of opportunity between those who share a protected characteristic and persons who do not share it; and
  - (c) foster good relations between those who share a protected characteristic and persons who do not share it.
2. where an Equality Impact Assessment was provided, to consider its contents and take those into account when reaching their decision.

### 3. MINUTE OF MEETING OF 26 MAY 2015

The minute of meeting of 26 May 2015 had been circulated.

The Committee **agreed**:

1. that an addition be made to Paragraph 1) in relation to the Matter of Urgency, to read:-

“to instruct officers to provide information to the Committee on the possible closure of Local Planning Service offices in Fraserburgh and ***put a halt on any proposal of closure or loss of service provision to the public until Councillors had a chance to be consulted in relation to the decision***”, and
2. that an addition be made to Paragraph 1) of Branch 4 of the minute to read:

“to instruct officers to investigate the possibility of holding a future meeting of the Committee at Duff House without any fee being charged to the Council ***and also the possibility of holding meetings at Fraserburgh Heritage Society and the Museum of Scottish Lighthouses.***”
3. to approve the Minute as a correct record, subject to the amendments detailed above.

### 4. LIST OF OUTSTANDING BUSINESS AT 26 MAY 2015

The list of outstanding business at 16 June 2015 had been circulated.

The Committee **noted** the Outstanding Business List at 26 May 2015 and **agreed**:

1. Item 4 – Area Committee and Partners’ meeting to discuss road safety and related issues:

that this meeting be arranged to look for ways to optimise the performance of the Council and its partners in relation to all aspects of community safety including road safety.

2. Ordiquhill School

that unresolved issues would come back to the Area Committee in August/September following discussion with the Director of Education and Children's Services.

**5. RESPONSE TO NOTICE OF MOTION – BANFF AND BUCHAN AREA COMMITTEE – 26 MAY 2015**

A report dated 03 June 2015 from the Director of Communities had been circulated in response to an urgent item which had been raised at the Area Committee meeting on 26 May 2015 in relation to proposals to close Local Planning Service offices in Fraserburgh and upcoming changes to the Benefit Service provision in Banff.

The Committee:

1. **noted** the response from both Infrastructure Services and Business Services as detailed in the report,
2. **agreed** that no services should be reduced but should be maintained or enhanced,
3. **agreed** that an informal meeting be arranged, in early course, to allow Members to discuss the proposed relocation of Building Standards staff from Fraserburgh, and
4. **agreed** that an informal meeting be arranged with senior staff to discuss the broader issues of general staff restructuring.

**6. COMMUNITY COUNCIL FUNDING 2015/2016**

A report dated 02 June 2015 from the Director of Communities had been circulated to ask the Committee to approve the allocation of the Community Council funding for 2015/2016.

The Committee:-

1. **noted** the results of the "Report on Community Council founding for the Six Administrative Areas of Aberdeenshire",
2. **agreed to approve** the allocation of an administration grant fixed at £41.00 per Community Council meeting, distributed as follows based on the number of Community Council meetings per annum:-

Alvah & Forglen	£ 451.00
Banff and Macduff	£ 410.00
Cornhill	£ 164.00
Fordyce	£ 246.00
Fraserburgh	£ 410.00
Invercairn	£ 246.00
King Edward and Gamrie	£ 369.00
New Aberdour	£ 246.00
Portsoy	£ 410.00
Rathen and Memsie	£ 246.00
Rosehearty	£ 451.00
Whitehills	£ <u>451.00</u>
Total	£4,100.00, and

3. **agreed** that the remaining sum of £3,429.00 be made available for Project Grant applications.

### **7. FIREWORK DISPLAY AT CAIRNBULG CASTLE, FRASERBURGH SUNDAY 12 JULY 2015 – APPLICATION FOR DISPENSATION**

A report dated 21 May 2015 from the Director of Infrastructure Services had been circulated to ask the Committee for dispensation in relation to firework regulations.

The Committee **agreed** to grant a dispensation from the prohibition on the use of fireworks imposed by Regulation 3(1) of the Fireworks (Scotland) Regulations 2004 to Mark Copland of Fireworx Scotland Ltd., Craigforthie, Inverurie, Aberdeenshire, AB51 0LT for the period between 01:00 and 01:10 on Sunday 12 July 2015 at Cairnbulg Castle, Fraserburgh, AB43 8TN as part of a private family function.

### **8. STATUTORY LIST OF PUBLIC ROADS – OLD SCHOOL PLACE, BANFF**

A report dated 28 April 2015 from the Director of Infrastructure Services had been circulated seeking the Committee's approval of additions to the Statutory List of Public Roads.

The Committee **agreed to approve** the following additions to the Statutory List of Public Roads:

<b>Parish</b>	<b>Name of Road</b>	<b>Description</b>	<b>Length (Metres)</b>
Banff	Old School Place, Banff	Westerwards off Walker Avenue for 54 metres or thereby then northwards for 67 metres or thereby	121 Metres or thereby
	Car Parking Area	Car park north of house numbers 1-7	336 Sq.m or thereby
	Grass Verge	2.8 metre wide grass verge extending westwards off Walker Avenue for 39 metres or thereby	39 metres or thereby
	Footway	Footway on the west side of Walker Avenue extending northwards from house number 14 Old School Place for 31 metres or thereby	31 metres or thereby

### **9. STATUTORY LIST OF PUBLIC ROADS – LADYSBRIDGE DRIVE, LADYSBRIDGE, BANFF (PHASE 1)**

A report dated 14 May 2015 the Director of Infrastructure Services had been circulated seeking the Committee's approval of an addition to the Statutory List of Public Roads.

The Committee **agreed to approve** the following addition to the Statutory List of Public Roads:

Parish	Name of Road	Description	Length (Metres)
Boyndie	Ladysbridge Drive, Ladysbridge, Banff	From B9121 northwards then westwards terminating in a turning hear with two branches, one to the north opposite house number 5 and one southwards towards Ladysbridge House	312 metres or thereby

#### 10. STATUTORY LIST OF PUBLIC ROADS – BLAIRMORE PARK, ROSEHEARTY

A report dated 13 May 2015 the Director of Infrastructure Services had been circulated seeking the Committee's approval of additions to the Statutory List of Public Roads.

The Committee **agreed to approve** the following additions to the Statutory List of Public Roads:

Parish	Name of Road	Description	Length (Metres)
Pitsligo	Blairmore Park, Rosehearty	From Pitsligo Street southeast-wards, southwest-wards then northwest-wards to connect back onto Pitsligo Street for 192 metres or thereby	192 metres or thereby
Pitsligo	Pitsligo Street, Rosehearty	Footway from Blairmore Park northeast-wards to join with Cairnhill Road for 155 metres or thereby	155 metres or thereby
Pitsligo	Pitsligo Street, Rosehearty	Footway from Blairmore Park southwest-wards for 32 metres or thereby	32 metres or thereby

#### 11. STATUTORY LIST OF PUBLIC ROADS – KIRKTON GARDENS, FRASERBURGH

A report dated 28 April 2015 from the Director of Infrastructure Services had been circulated seeking the Committee's approval of an addition to the Statutory List of Public Roads.

The Committee **agreed to approve** the following addition to the Statutory List of Public Roads:

Parish	Name of Road	Description	Length (Metres)
Fraserburgh	Kirkton Gardens, Fraserburgh	Westwards off Maconochie Road for 25 Metres or thereby, northwards for 67 metres or thereby. Including turning head north of house number 8a	109 metres or thereby

## 12. STATUTORY LIST OF PUBLIC ROADS – WESTSHORE GARDENS AND WALKER CRESCENT, FRASERBURGH

A report dated 28 April 2015 from the Director of Infrastructure Services had been circulated seeking the Committee’s approval of additions to the Statutory List of Public Roads.

The Committee **agreed to approve** the following additions to the Statutory List of Public Roads:

Parish	Name of Road	Description	Length (Metres)
Fraserburgh	Westshore Gardens, Fraserburgh	From house number 44 Marconi Road westwards for 340 metres or thereby	340 metres or thereby
	Remote Footpath	West of house number 8 Westshore Gardens, northwards for 30 metres or thereby	30 metres or thereby
	Walker Crescent, Fraserburgh	East side from house number 2 Walker Crescent northwards for 65 metres or thereby and west side from house number 1 Walker Crescent northwards for 65 or thereby	130 metres or thereby

## 13. ROUTE IMPROVEMENT STRATEGY FOR THE A947 ABERDEEN TO BANFF ROAD

A report dated 20 May 2015 from the Director of Infrastructure Services had been circulated seeking the Committee’s approval of consultation exercises in relation to the route improvement strategy for the A947 Aberdeen to Banff Road.

The Committee **agreed** to:-

1. endorse the works done to date and welcome the reduction in accidents and the commitment to continue this work,
2. note the progress to date on the development of a Route Improvement Strategy for the A947 between Aberdeen and Banff, and
3. approve wider consultation exercises including a public consultation exercise with communities along the route and workshops later in the year.

## 14. EDUCATION, LEARNING AND LEISURE SERVICE QUARTERLY PERFORMANCE EXCEPTION REPORTING JANUARY-MARCH 2015, INCLUDING UPDATE ON SERVICE PLAN (ABERDEENSHIRE PERFORMS)

A report dated 20 May 2015 from the Director of Education and Children’s Services had been circulated to advise the Committee of how the Service is performing against key performance and associated targets as set out in the Education, Learning and Leisure Committee.

The Committee, although noting that a full report would come back to Committee on the rezoning exercise being carried out in relation to schools in Ward 3, expressed concern that Rathen school was currently functioning at over 100% capacity while Tyrie school was at less than 61% capacity and requested further information from the service on what could be done meantime to improve what it considered to be an unacceptable situation.

#### **15. PLANNING APPLICATION FOR DECISION FOLLOWING DEFERRAL FOR SITE VISITS**

The following planning applications were considered following a visit to the site by Members of the Committee on 09 June 2015 and dealt with as recorded in Appendix A to this minute.

A	Reference No APP/2014/1974	Full Planning Permission for Erection of 3 Wind Turbines, Hub Height 55 Metres (Total Height 77 Metres), Formation of Access Track and Associated Infrastructure at Land 500 Metres East/South East of Cairnandrew, Longmanhill, Banff
B	Reference No APP/2015/0512	Planning Permission in Principle for Erection of 3 Dwellinghouses at Land Opposite Woodlands, King Edward, Banff

#### **16. PLANNING APPLICATIONS FOR CONSIDERATION**

The following planning applications were considered and dealt with as recorded in Appendix A to this minute.

A	Reference No APP/2014/4071	Planning Permission in Principle for Erection of Dwellinghouse at Land to the North of Cranna Bridge, Easter Corskie, Aberchirder
B	Reference No APP/2015/0673	Full Planning Permission for Installation of 18 Replacement Double Glazed Windows at Roseville, 4 Roseacre Street, Portsoy
C	Reference No APP/2015/0470	Full Planning Permission for Installation of Replacement Windows at Burnside Villa, 29 Aird Street, Portsoy
D	Reference No APP/2015/1115	Full Planning Permission for Alterations and Dormer Extension to Dwellinghouse at 2 Macgregor Road, Inverallochy
E	Reference No APP/2014/3420	Full Planning Permission for Erection of 1 Wind Turbine (Hub Height 55.6 Metres) (Total Height 79.6 Metres) and Ancillary Infrastructure at Land at Culvie Hill, Aberchirder

## 17. PLANNING APPEAL

### A. REFERENCE NO APP/2014/3005 - RESIDENTIAL DEVELOPMENT AT SITE H1 TO THE WEST OF WILLIAM STREET AND CHURCH STREET, CAIRNBURG

A letter from the Scottish Government dated 26 May 2015 had been circulated to inform the Committee of the decision of the Reporter in relation to the above planning appeal.

The Committee **noted** the decision of the Reporter to dismiss the appeal and to refuse planning permission for the above planning application.



## APPENDIX A

### PLANNING APPLICATIONS FOR CONSIDERATION/DECISION

#### 15A REFERENCE NO APP/2014/1974

#### FULL PLANNING PERMISSION FOR ERECTION OF 3 WIND TURBINES HUB HEIGHT 55 METRES (TOTAL HEIGHT 77 METRES), FORMATION OF ACCESS TRACK AND ASSOCIATED INFRASTRUCTURE AT LAND 500 METRES EAST/SOUTH-EAST, CAIRNANDREW, LONGMANHILL

**Applicant:** Inicio-Fresco Ltd, Old Station, King Edward, Banff  
**Agent:** 1 Stop Renewables, 46 Grayshill Road, Westfield Courtyard North, Cumbernauld

With reference to Branch 11A of the minute of meeting of 26 May 2015 and following a visit to the site by Members of the Committee on 09 June 2015, the Committee resumed consideration of a report from the Director of Infrastructure Services seeking determination of the above planning application by the Area Committee.

The Committee **agreed to refuse** the application for the following reasons:-

1. The proposed development is contrary to Policy 3: Development in the Countryside, and SG Rural Development2: Wind Farms and Medium to Large Wind Turbines, Policy 8: Layout, Siting and Design of New Development, and SG LSD 2: Layout, Siting and Design of New Development, and Policy 12: Landscape Character and SG Landscape 1: Landscape Character, as contained in the Aberdeenshire Local Development Plan 2012 in that:
  - a) the proposed turbines, in conjunction with consented and current wind turbine applications in the vicinity, would result in a very significant adverse cumulative impact to the detriment of the character and appearance of the local landscape; and
  - b) the proposed turbines would have an adverse visual impact on the wider landscape.

#### 15B REFERENCE NO APP/2014/0512

#### PLANNING PERMISSION IN PRINCIPLE FOR ERECTION OF 3 DWELLINGHOUSES AT LAND OPPOSITE WOODLANDS, KING EDWARD, BANFF

**Applicant:** Mr & Mrs Strachan, Mill of Balmaud, King Edward, Banff  
**Agent:** Mantell Ritchie, 27A High Street, Banff

With reference to Branch 11C of the minute of meeting of 26 May 2015 and following a visit to the site by Members of the Committee on 09 June 2015, the Committee resumed consideration of a report from the Director of Infrastructure Services seeking determination of the above planning application by the Area Committee.

The Committee **agreed** in the event of satisfactory conclusion of developer obligations that the application be delegated to the Head of Planning and Building Standards to approve on appropriate conditions including the following condition:

“Before commencement of any development or preparatory site works other than the demolition of existing buildings, a gas risk assessment shall be undertaken in accordance with CIRIA C665 “Assessing risks posed by hazardous ground gases to buildings” and NHBC document “Guidance on Evaluation of Development Proposals on Sites where Methane and Carbon Dioxide are Present” and to the satisfaction of the Planning Authority that 12 monitoring visits over a period of 6 months be conducted to the satisfaction of Infrastructure Services (Contaminated Land).”

The Committee’s reason for approval of the application was that it did not believe that the application was a departure from Policies 3 and 8 of the valid Local Development Plan.

**16A REFERENCE NO APP/2014/4071**

**PLANNING PERMISSION IN PRINCIPLE FOR ERECTION OF DWELLINGHOUSE AT LAND TO THE NORTH OF CRANNA BRIDGE, EASTER CORSKIE, ABERCHIRDER**

**Applicant: David Beckley**

A report dated 01 June 2015 from the Director of Infrastructure Services had been circulated seeking determination of the above application by the Area Committee.

The Committee heard Mr David Beckley, applicant, in support of his application.

Thereafter, Councillor Gray, seconded by Councillor Findlater **moved** that consideration of the application be deferred until the next meeting of the Committee to enable Members of the Committee to visit the site of the application to assess potential road safety issues.

**As an amendment**, Councillor Tait, seconded by Councillor Watt **moved** that the application be refused for the following reasons:-

1. The proposed development is contrary to Policy 3 Development in the countryside; and SG Rural Development1: Housing and business development in the countryside of the adopted Aberdeenshire Local Development Plan 2012. This is due to the site not meeting any of the criteria set out under SG Rural Development 1;
2. The proposed development is contrary to Policy 8: Layout, siting and design of new development; and SG LSD8: Flooding and erosion as it has not been adequately demonstrated through a Flood Risk Assessment that the site is not at an unmanageable risk of flooding;
3. The proposed development is contrary to Policy 9: Developer Contributions; and DG DC 3: Water and waste water drainage infrastructure as adequate information has not been provided in relation to the proposed foul drainage

Members of the Committee voted:

For the motion	6	Councillors Buchan, Cassie, Cox, Findlater, Gray and Partridge
For the amendment	3	Councillors Tait, Topping and Watt

The Chairman **declared the motion carried** in the following terms:-

that consideration of the application be deferred until the next meeting of the Committee to enable Members of the Committee to visit the site of the application to allow them to assess potential road safety issues.

**16B REFERENCE NO APP/2015/0673**

**FULL PLANNING PERMISSION FOR INSTALLATION OF 18 REPLACEMENT DOUBLE GLAZED WINDOWS AT ROSEVILLE, 4 ROSEACRE STREET, PORTSOY**

**Applicant:** Mrs Jennifer Eddy, Roseville, 4 Roseacre Street, Portsoy

A report dated 28 May 2015 from the Director of Infrastructure had been circulated seeking determination of the above application by the Area Committee.

The Committee heard Ms Jennifer Eddy, applicant, in support of her application.

Thereafter, Councillor Gray, seconded by Councillor Tait **moved** that the application be delegated to the Head of Planning and Building Standards to approve on appropriate conditions.

As an amendment, Councillor Topping, seconded by Councillor Buchan **moved** that the application be refused for the following reasons:-

1. The proposed windows are considered to have a negative impact on the character of the conservation area and do not comply with Policy 13 and related supplementary guidance SG Historic Environment 2: Conservation areas as contained in the Aberdeenshire Local Development Plan.

Members of the Committee voted:

For the motion	7	Councillors Cassie, Cox, Findlater, Gray, Partridge, Tait and Watt
For the amendment	2	Councillors Buchan and Topping

The Chairman **declared the motion carried** in the following terms:-

that that the application be delegated to the Head of Planning and Building Standards to approve on appropriate conditions. The reason for departure from the valid Local Development Plan was that although this area is classed as a conservation area, the house is not in a sensitive location and is not a typically traditional house.

**16C REFERENCE NO APP/2015/0470**

**FULL PLANNING PERMISSION FOR INSTALLATION OF REPLACEMENT WINDOWS AT BURNSIDE VILLA, 29 AIRD STREET, PORTSOY, ABERDEENSHIRE, AB45 2RB**

**Applicant:** Karen Gordon, Burnside Villa, 29 Aird Street, Portsoy, AB45 2RB  
**Agent:** Mantell Ritchie, 27A High Street, Banff, AB45 1AN

A report dated 26 May 2015 from the Director of Infrastructure Services had been circulated seeking determination of the above application by the Area Committee.

The Committee heard Mr Michael Ritchie, applicant's agent, in support of the application.

Thereafter, the Committee **agreed** to delegate the application to the Head of Planning and Building Standards to approve on appropriate conditions.

The Committee's reasons for approval of the application was that the windows are appropriate for the house, are identical to those currently in the house and will make the windows look more standardised.

Councillor Topping **entered his dissent** in terms of Standing Order 9.1.

#### **16D REFERENCE NO APP/2015/1115**

##### **FULL PLANNING PERMISSION FOR ALTERATIONS AND DORMER EXTENSION TO DWELLINGHOUSE AT 2 MACGREGOR ROAD, INVERALLOCHY, FRASERBURGH**

**Applicant:** Mr M Baillie, 2 Macgregor Road, Inverallochy  
**Agent:** Baxter Design, Aden Hall, 9 Kirkgate, Old Deer, Peterhead

A report dated 15 May 2015 from the Director of Infrastructure Services had been circulated seeking determination of the above application by the Area Committee.

The Committee heard Mr Philip Baxter, applicant's agent, in support of the application.

Thereafter the Committee **agreed** to delegate the application to the Head of Planning and Building Standards to approve on appropriate conditions.

The Committee's reason for approval of the application was that the house was not in a conservation area, there were many examples of similar dormer extensions in the vicinity and there were no objections from neighbours.

#### **16E REFERENCE NO APP/2014/3420**

##### **FULL PLANNING PERMISSION FOR ERECTION OF 1 WIND TURBINE (HUB HEIGHT 55.6 METERS) TOTAL HEIGHT 79.6 METERS AND ANCILLARY INFRASTRUCTURE AT LAND AT CULVIE HILL, ABERCHIRDER**

**Applicant:** Culvie Hill Renewables, Muirden, Turriff  
**Agent:** Muirden Energy LLP, Muirden, Turriff

A report dated 28 May 2015 from the Director of Infrastructure Services had been circulated seeking determination of the above application by the Area Committee.

The Committee heard Ms Janet Dixon, applicant and Mr Angus Elder, applicant's agent in support of the application.

Thereafter the Committee **agreed** to defer consideration of the application until the next meeting of the Committee to enable Members of the Committee to visit the site of the application to allow them to consider the potential visual impact on the surrounding area.

Councillor Tait **entered his dissent** in terms of Standing Order 9.1.