

ABERDEENSHIRE COUNCIL

BANFF AND BUCHAN AREA COMMITTEE, COUNCIL CHAMBER, COUNTY HALL, LOW STREET, BANFF 01 NOVEMBER 2016

Present: Councillors J B Cox (Chair), C C Buchan, R A Cassie, M A Findlater, I S Tait, B A Topping.

Apologies: Councillors M J Roy and M Watt.

Officers: Miss M J Cardno, Area Manager; Miss F M Stewart, Solicitor; Mr M White, Senior Planner, Mrs E Reid, Team Leader, Affordable Housing; Ms F Chirnside, Environment Planner and Mrs E M Farquhar, Area Committee Officer

1. DECLARATION OF MEMBERS' INTERESTS

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

No declarations of Interest 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.

B. EXEMPT INFORMATION

The Committee **agreed** under Section 50A (4) and (5) of the local Government (Scotland) Act 1973, as amended, that the public and media representatives be excluded from the meeting for Items 11 and 12 of the business on the grounds that these items involved the likely disclosure of exempt information of the class described in Paragraph 9 of Part 1 of Schedule 7A of the Act.

3. MINUTE OF MEETING OF 27 SEPTEMBER 2016

The minute of meeting of 27 September 2016 had been circulated.

The Committee **agreed to approve** the minute as a correct record.

4. LIST OF OUTSTANDING BUSINESS AT 27 SEPTEMBER 2016

The list of outstanding business at 27 September 2016 had been circulated.

The Committee **noted** the Outstanding Business List.

5. ABERDEENSHIRE COUNCIL TREE PRESERVATION ORDERS

A report dated 23 September 2016 from the Director of Infrastructure Services had been circulated to ask the Committee to approve a Tree Preservation Order and a Revocation Order.

The Committee **agreed to approve** the Orders as detailed in the report

6. STRATEGIC HOUSING INVESTMENT PLAN 2017-2022

A report dated 21 September 2016 from the Director of Infrastructure Services had been circulated seeking the comments of the Area Committee in relation to the Strategic Housing Investment Plan 2017-2022.

The Committee **agreed** to make the following comments to be forwarded to the Social Work and Housing Committee for consideration:-

1. There are a number of buildings and pieces of land which are owned by the Council which may be able to be used for housing and this needs a more strategic approach, in accordance with the Asset Disposal Policy.
2. There should be closer links with the private sector and housing associations.
3. There is a need to ensure that the Housing Allocation policy is transparent and that ethnic minority groups are not dealt with more favourably but that all allocations are made according to need. Allocations must be based solely on need rather than social integration as local people can also become alienated.
4. It is recognised that waiting lists, taken in isolation, are not a foolproof way to assess need and there should be a more comprehensive way to assess the total demand of an area.
5. The 243 houses allocated for Banff and Buchan is only 9-10% of the total allocation for Aberdeenshire but yet Banff and Buchan has over 16% of the population and Fraserburgh is designated as a "high priority" rural housing market area.
6. There are several SIMD zones in Banff and Buchan and, as allocations are based on need, this should be reflected in the percentage of allocations.
7. Banff and Buchan is a regeneration area and plentiful and appropriate rented accommodation is necessary especially when trying to encourage skilled workers and professional people to move into the area.

The Committee further **agreed**:-

1. that a copy of the Asset Disposal Policy in relation to Banff and Buchan be circulated to Members together with an update on the progress being made in terms of disposal,
2. that a breakdown of the allocation of 243 houses in Banff and Buchan be provided at Ward level.

3. that housing waiting list figures for settlements across Aberdeenshire be made available for Councillors

7. PLANNING APPLICATIONS FOR DETERMINATION FOLLOWING DEFERRAL FOR SITE VISITS

The following planning application was considered following visit to the site by Members of the Committee on 25 October 2016 and dealt with as recorded in Appendix A to this minute.

A	Reference No APP/2016/1763	Full Planning Permission for Erection of Agricultural Cattle Court at South Brownhill, Carnousie, Turriff
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The following application was **withdrawn** so no site visit took place.

B	Reference No APP/2016/1755	Planning Permission in Principle for Erection of Dwellinghouse Site adjacent to Woodlea, Blackhills, Tyrie, Fraserburgh
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8. PLANNING APPLICATIONS FOR CONSIDERATION

The following application was **withdrawn** from the agenda and was therefore not considered at this meeting.

A	Reference No APP/2016/2294	Planning Permission in Principle for Erection of Dwellinghouse at Site adjacent to Burnend Cottage, Forglen, Turriff
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The following planning application was considered and dealt with as recorded in Appendix A to this minute.

B	Reference No APP/2016/0603	Full Planning Permission for Erection of 10 Dwellinghouses, Associated Roads and Drainage Infrastructure at Site to Northwest of Roseacre, Rathen, Fraserburgh
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9. EDUCATION AND CHILDREN'S SERVICE QUARTERLY PERFORMANCE EXCEPTION REPORTING, APRIL-JUNE 2016 (ABERDEENSHIRE PERFORMS)

A report 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 measures and associated targets as set out in the Service Plan.

The Committee **agreed**:-

1. to **note** the performance achieved April-June 2016 referred to in Section s2.4, 2.5, 2.6, 2.7 and 2.8 of the report,
2. to **note** those measures where performance was below expectations April-June 2016 referred to in paragraphs 2.6, 2.7 and 2.8 of the report

3. to **note** the publication of the full April-June 2016 Performance Report on Ward Pages, and
4. that the Director of Education and Children's Services continue to report, by exception, to committee quarterly performance measures against Service objectives, and on a six monthly basis the progress in delivering all aspects of the Service Plan.

10. INFRASTRUCTURE SERVICES QUARTER 1 (APRIL-JUNE 2016) PERFORMANCE EXCEPTION REPORT (ABERDEENSHIRE PERFORMS)

A report dated 21 September 2016 from the Director of Infrastructure Services had been circulated to advise the Committee of how the service is performing against key performance measures and associated targets as set out in the Service Plan.

The Committee **agreed**:-

1. to **note** the performance achieved April-June 2016 referred to in Section s2.4, 2.5, 2.6, 2.7 and 2.8 of the report,
2. to **note** those measures where performance was below expectations April-June 2016 referred to in paragraphs 2.6, 2.7 and 2.8 of the report
3. to **note** the publication of the full April-June 2016 Performance Report on Ward Pages, and
4. that the Director of Education and Children's Services continue to report, by exception, to committee quarterly performance measures against Service objectives, and on a six monthly basis the progress in delivering all aspects of the Service Plan.

11. THE AULD SMIDDY, OLD MARKET PLACE, BANFF

A report dated 28 September 2016 from the Director of Infrastructure Services had been circulated seeking the Committee's approval of funding for the above project.

The Committee **agreed**:-

1. the estimated cost for the conversion of the Smiddy into a Silversmithing workshop as outlined in the report,
2. that the professional fees, as outlined in the report, should come from the Environment Planning Historic Asset Monument Project budget,
3. to **note** that the remaining funding for the project should come from external funding sources as outlined in the report, and
4. that officers proceed to tender on the Project (Gateway 3).

12. COMMUNITY ASSET TRANSFER: OLD COASTGUARD STATION, BATTERY GREEN, BANFF

With reference to Branch 14 of the Minute of Meeting of 06 September 2016, and following an informal meeting with the group involved to allow Members to receive further information in relation to the application, the Committee resumed consideration of a report from the Director of Education and Children's Services which had been circulated to ask the Committee to note the Stage 2 application for a Community Asset Transfer (CAT) and to consider concerns raised by the Banff and Buchan Community Asset Transfer Steering Group as detailed in the report.

The Committee:

1. **noted** the Stage 2 application for a Community Asset Transfer (CAT), and
2. having considered the original report together with all the additional information that had been provided at an informal meeting, **agreed** that the application be referred to the Policy and Resources Committee with the Area Committee's recommendation that the application should be approved as it now provided a sound basis on which to enter into a Community Asset Transfer agreement.

APPENDIX A**PLANNING APPLICATIONS FOR DETERMINATION****7A REFERENCE NO APP/2016/1763****FULL PLANNING PERMISSION FOR ERECTION OF AGRICULTURAL CATTLE COURT
AT SOUTH BROWNHILL, CARNOUSIE, TURRIFF**

Applicant: Mr Karl Scott, South Brownhill, Carnousie, Turriff
Agent: John Wink Design, Midtown of Foudland, Glens of Foudland, Huntly

With reference to Branch 15A of the Minute of Meeting of 27 September 2016 and following a visit to the site by Members of the Committee on 20 September 2016, the Committee resumed consideration of a report from the Director of Infrastructure which had been circulated seeking determination of the above application by the Area Committee.

The Committee heard Mr Karl Scott, applicant, in favour of his application.

Thereafter, the Committee **agreed** that the application be delegated to the Head of Planning and Building Standards **to approve** on appropriate conditions including a landscaping scheme to be submitted and agreed prior to the commencement of development.

The Committee's reasons for departure from the valid Local Development Plan were that the proposed development would have little impact on the local amenity, was in keeping in terms of design and materials and would add economic benefit to the area.

7B REFERENCE NO APP/2016/1755**PLANNING PERMISSION IN PRINCIPLE FOR ERECTION OF DWELLINGHOUSE AT
SITE ADJACENT TO WOODLEA, BLACKHILLS, TYRIE, FRASERBURGH**

Applicant: Mr & Mrs W Livingstone, Woodlea, Blackhill, Tyrie
Agent: Michael Ritchie, 27A High Street, Banff

The Committee **noted** that this application had been withdrawn.

8A REFERENCE NO APP/2016/2294**PLANNING PERMISSION IN PRINCIPLE FOR ERECTION OF DWELLINGHOUSE AT
SITE ADJACENT TO BURNEND COTTAGE, FORGLEN, TURRIFF**

Applicant: A C Duncan and Co, Burnend, Forglen, Turriff
Agent: Baxter Design Company Ltd., Adenhall, 9 Kirkgate, Old Deer, Peterhead

The Committee **noted** that this application had been withdrawn from the agenda.

8B REFERENCE NO APP/2016/0603**FULL PLANNING PERMISSION FOR ERECTION OF 10 DWELLINGHOUSES
ASSOCIATED ROADS AND DRAINAGE INFRASTRUCTURE AT SITE TO THE
NORTHWEST OF ROSEACRE, RATHEN, FRASERBURGH**

Applicant: Colaren Homes Ltd., Kirkton House, South Road, Fraserburgh
Agent: Baxter Design Company Ltd., Adenhall, 9 Kirkgate, Old Deer, Peterhead

A report dated 07 October 2016 from the Director of Infrastructure Services had been circulated seeking determination of the above planning application by the Area Committee.

The Committee heard Mr Gary Purves, applicant's agent, in support of the application.

Thereafter, Councillor Topping, seconded by Councillor Cox **moved** that in the event of satisfactory conclusion of a Section 75 Legal Agreement to secure the appropriate developer contributions, the application be delegated to the Head of Planning and Building Standards to approve on the following conditions:-

1. No works in connection with the development hereby approved shall commence prior to 1 January 2017.

Reason: To reflect the phasing of the housing land allocations of the Aberdeen City and Shire Strategic Development Plan and the Aberdeenshire Local Development Plan 2012.

2. No works in connection with the development hereby approved shall commence unless an archaeological written scheme of investigation (WSI) has been submitted to and approved in writing by the Planning Authority and a programme of archaeological works has been carried out in accordance with the approved WSI. The WSI shall include details of how the recording and recovery of archaeological resources found within the application site shall be undertaken, and how any updates, if required, to the written scheme of investigation will be provided throughout the implementation of the programme of archaeological works. Should the archaeological works reveal the need for post-excavation analysis the development hereby approved shall not be occupied unless a post-excavation research design (PERD) for the analysis, publication and dissemination of results and archive deposition has been submitted to and approved in writing by the Planning Authority. The PERD shall be carried out in complete accordance with the approved details.

Reason: To safeguard and record the archaeological potential of the area.

3. No works in connection with the development hereby approved shall commence unless a scheme of hard and soft landscaping works has been submitted to and approved in writing by the Planning Authority.

Details of the scheme shall include:

- a) Existing landscape features and vegetation to be retained;
- b) Protection measures for the landscape features to be retained;
- c) Existing and proposed finished levels;
- d) The location of new trees, shrubs, hedges, and grassed areas;
- e) A schedule of planting to comprise species, plant sizes and proposed numbers and density;
- f) The location, design and materials of all hard landscaping works including walls, fences, gates, and street furniture;
- g) An indication of existing trees, shrubs and hedges to be removed;
- h) A programme for the implementation, completion and subsequent management of the proposed landscaping.

All soft and hard landscaping proposals shall be carried out in accordance with the approved planting scheme and management programme. Any planting which, within a period of 5 years from the completion of the development, in the opinion of the Planning Authority is dying, being severely damaged or becoming seriously diseased, shall be replaced by plants of similar size and species to those originally required to

be planted. Once provided, all hard landscaping works shall thereafter be permanently retained.

Reason: To ensure the implementation and management of a satisfactory scheme of landscaping which will help to integrate the proposed development into the local landscape in the interests of the visual amenity of the area.

4. No works in connection with the development hereby approved shall commence unless a tree protection plan has been submitted to and approved in writing by the Planning Authority. Tree protection measures shall be shown on a layout plan accompanied by descriptive text and shall include:
- a) The location of the trees to be retained and their root protection areas and canopy spreads (as defined in BS 5837: 2012 Trees in relation to design, demolition and construction);
 - b) The position and construction of protective fencing around the retained trees (to be in accordance with BS 5837: 2012 Trees in relation to design, demolition and construction);
 - c) The extent and type of ground protection, and any additional measures required to safeguard vulnerable trees and their root protection areas;
 - d) An arboricultural impact assessment which evaluates the direct and indirect impacts of the proposed development on the trees to be retained and proposed mitigation;
 - e) An arboricultural method statement to demonstrate that operations can be carried out with minimal risk of adverse impact on trees to be retained;
 - f) A method statement for any works proposed within the root protection areas of the trees shown to be retained.

No works in connection with the permission hereby approved shall commence unless the tree protective measures have been implemented in full in accordance with the approved details. No materials, supplies, plant, machinery, soil heaps, changes in ground levels or construction activities shall be permitted within the protected areas without the written consent of the Planning Authority and no fire shall be lit in the position where the flames could extend to within 5 metres of foliage, branches or trunks. The approved tree protection measures shall be retained in situ until the development has been completed.

Reason: In order to ensure adequate protection for the trees and hedges on the site during the construction of development, and in the interests of the visual amenity of the area.

5. No works in connection with the permission hereby approved shall commence unless details of the proposed waste water drainage system and treatment plant, and maintenance scheme have been submitted to and approved in writing by the Planning Authority. The waste water drainage system and treatment plant shall be constructed to a standard which would be adoptable by Scottish Water. The maintenance scheme shall include details of who will be responsible for the maintenance of the proposed waste water drainage system and treatment plant until it is formally adopted by Scottish Water. No dwellinghouse hereby approved shall be occupied unless the proposed waste water drainage system and treatment plant has been provided in accordance with the approved details. The waste water drainage system and treatment plant shall be permanently retained thereafter in accordance with the approved maintenance scheme.

Reason: In order to ensure that adequate drainage facilities are provided, and retained, in the interests of the amenity of the area.

6. No works in connection with the permission hereby approved shall commence unless details of the maintenance scheme of the proposed surface water drainage systems have been submitted to and approved in writing by the Planning Authority. No dwellinghouse hereby approved shall be occupied unless the proposed surface water drainage system has been provided in accordance with the approved plans. The surface water drainage systems shall be permanently retained thereafter in accordance with the approved maintenance scheme.

Reason: In order to ensure that adequate drainage facilities are provided, and retained, in the interests of the amenity of the area.

7. No works in connection with the development hereby approved shall commence unless details of the maintenance scheme of the proposed 3m wide rural-type public footpath has been submitted to and approved in writing by the Planning Authority. No dwellinghouse hereby approved shall be occupied unless the proposed 3m wide rural-type public footpath has been fully provided in accordance with the approved plans. The 3m wide rural-type public footpath shall be permanently retained thereafter in accordance with the approved maintenance scheme.

Reason: To ensure the provision of a means of pedestrian access to and from the site to ensure it connects well into the existing Village.

8. No development in connection with the permission hereby granted shall commence and the access hereby approved shall not be brought into use unless visibility of 25 metres in both directions along the channel line of the public road has been provided from a point 2.4 metres measured at right angles from the existing edge of the carriageway surface along the centre line of the approved new access in accordance with the Council's Standards for Road Construction Consent and Adoption. The visibility splays shall be physically formed on the ground and any existing fences, walls, hedges or other means of enclosure or obstructions within the splays shall be removed and relocated outwith the splays in accordance with the approved plans. Once formed, the visibility splays shall be permanently retained thereafter and no visual obstruction of any kind shall be permitted within the visibility splays so formed.

Reason: To enable drivers of vehicles using the access to have a clear view of other road users and pedestrians in the interests of road safety.

9. No dwellinghouse hereby approved shall be harled unless a sample panel or full details and specification of the proposed harling relating to that dwellinghouse has been made available to and approved in writing by the Planning Authority. The dwellinghouse to which it relates to shall not be occupied unless the harling has been applied in its entirety in accordance with the approved details.

Reason: In the interests of the appearance of the development and the visual amenities of the area.

10. No dwellinghouse hereby approved shall have its roof tiles fitted unless a sample roof tile or full details and specification of the proposed roof tiles to be utilised relating to that dwellinghouse has been made available to and approved in writing by the Planning Authority. The dwellinghouse to which it relates shall not be occupied unless the roof tiles have been fitted in their entirety in accordance with the approved details.

Reason: In the interests of the appearance of the development and the visual amenities of the area.

11. No individual dwellinghouse hereby approved shall be erected unless an Energy Statement applicable to that dwellinghouse has been submitted to and approved in writing by the Planning Authority. The Energy Statement shall include the following items:
- a) Full details of the proposed energy efficiency measures and/or renewable technologies to be incorporated into the development.
 - b) Calculations using the SAP or SBEM methods, which demonstrate that the reduction in carbon dioxide emissions rates for the development, arising from the measures proposed, will enable the development to comply with the Council's Supplementary Planning Guidance on Carbon Neutrality in New Developments.

The development shall not be occupied unless it has been constructed in full accordance with the approved details in the Energy Statement. The carbon reduction measures shall be retained in place and fully operational thereafter.

Reason: To ensure this development complies with the on-site carbon reductions required in Scottish Planning Policy and the Council's Supplementary Planning Guidance - Carbon Neutrality in New Developments.

12. No residential unit in this development shall be occupied unless all roads, footpaths, parking and turning areas within and serving the development have been completed to the level of bottoming and binder course, including the access bellmouth and all turning heads in accordance with the Council's Standards for Road Construction Consent and Adoption. The maximum gradient of the new access on to the public road shall not exceed 1:20 gradient and the access shall be internally drained and formed in such a way to prevent any flow of surface water either onto or from the public road.

Reason: To ensure the provision of a means of access and turning space to an adequate standard in the interests of road safety.

13. Within 6 months of the occupation of the penultimate residential unit in this development or upon the expiry of a period of three years from the date of the first residential unit to be occupied, whichever is the sooner, all roads, footpaths, parking and turning areas within and serving the development shall be completed to their final surface course specification in accordance with the Council's Standards for Road Construction Consent and Adoption. The maximum gradient of the new access on to the public road shall not exceed 1:20 gradient and the access shall be internally drained and formed in such a way to prevent any flow of surface water either onto or from the public road. Once provided, all parking and turning areas shall thereafter be permanently retained as such.

Reason: To ensure the provision of a means of access and turning space to an adequate standard in the interests of road safety.

14. No dwellinghouse hereby approved shall be occupied unless its driveway and parking area have been provided and surfaced in accordance with the details shown on the approved plans. A new drop kerb footway shall be formed at each new driveway; the maximum gradient of each driveway shall not exceed 1:20 gradient and the driveway shall be internally drained and formed in such a way to prevent any flow of surface water either onto or from the public road. Once provided, all parking areas shall thereafter be permanently retained as such.

Reason: To ensure the timely completion of the driveway to an adequate standard to prevent the carriage of loose driveway material on to the public road in the interests of road safety.

15. No dwellinghouse hereby approved shall be occupied unless it is connected to the public water supply as indicated in the submitted application and shall not be connected to a private water supply without the separate express grant of planning permission by the Planning Authority.

Reason: To ensure the long term sustainability of the development and the safety and welfare of the occupants and visitors to the site.

16. No dwellinghouse hereby approved shall be occupied unless all of its associated means of enclosure have been provided in accordance with the approved plans. Once erected, the approved means of enclosure shall thereafter be permanently retained in accordance with the approved details.

Reason: In the interests of the residential amenities of the occupiers of the dwellinghouses and the visual amenities of the area.

17. All landscaped areas outwith the curtilages of the dwellinghouses and shown in light green and yellow on the approved drawing number 13059 –P01 rev 9 shall be permanently retained as such and shall at no time be used as private garden ground nor incorporated within the curtilage of any of the dwellinghouses hereby approved without the express grant of planning permission by the Planning Authority. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (Scotland) Order 1992 or any order amending, revoking or re-enacting that Order no means of enclosure, other than that shown on the approved plans, shall be erected within the landscaped areas without an express grant of planning permission by the Planning Authority.

Reason: In the interests of the character and appearance of the development.

The Committee's reason for departing from the Strategic Development Plan and the Aberdeenshire Local Development Plan 2012 was that the granting of Full Planning Permission on this site for 10 houses as a departure to Policy 5: Housing Land Supply, and the associated SG Housing2: Housing Land Allocations 2017 to 2023 and Early Draw Down, of the Aberdeenshire Local Development Plan 2012 is acceptable. This is due to no development associated with the proposal being allowed to be undertaken, by a suspensive planning condition, prior to 1st January 2017, which is now less than 3 months away. This only allows houses to be built and occupied on the site in line with what SG Housing2: Housing Land Allocations 2017 to 2023 and Early Draw Down sets to achieve, i.e. no development prior to 2017. This is viewed to be a proactive approach to development, as it allows the developer to get other permissions in place to allow the development to start as near as possible after 1 January 2017, which Scottish Planning Policy and the current Local Development Plan promotes. Furthermore, the granting of ten units in Rathen (only an additional 4 taking into account the extant Planning Permission in Principle for 6 houses on the site) is not viewed to be of strategic significance in terms of housing land supply, while it would also not prejudice housing land supply within the area. The proposed development accords with all other relevant policies of the development plan and there are no material considerations which indicate that permission should be refused.

As an amendment, Councillor Buchan, seconded by Councillor Tait **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 allow them to have a better understanding of the potential impact of the proposed development on the surrounding area.

Members of the Committee voted:-

For the motion	3	Councillors Cox, Findlater and Topping
For the amendment	3	Councillors Buchan, Cassie and Tait

The Chairman **exercised his casting vote** in favour of the motion and **declared the motion carried** in the following terms:-

that in the event of satisfactory conclusion of a Section 75 Legal Agreement to secure the appropriate developer contributions, the application be delegated to the Head of Planning and Building Standards to approve on the conditions stated above.