

ABERDEENSHIRE COUNCIL

BANFF AND BUCHAN AREA COMMITTEE, COUNCIL CHAMBER, COUNTY HALL, LOW STREET, BANFF 14 FEBRUARY 2017

- Present:** Councillors J B Cox (Chair), C C Buchan, M A Findlater, M J Roy, I S Tait, I W Taylor, B A Topping and M Watt
- Apologies:** Councillors Cassie and Partridge
- Officers:** Miss M J Cardno, Area Manager; Miss F M Stewart, Solicitor; Mr J Martin, Senior Planner; Mr D Naismith, Principal Engineer, Roads Development; Mr C Ormiston, Team Manager, Planning and Business Services; Ms C McCall, Acting Principal Engineer, Harbours and Mrs E M Farquhar, Area Committee Officer
- In attendance:** Chief Inspector Elaine Logue, Police Scotland (For item 4)

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 9, 10 and 11 of the business on the grounds that these items involved the likely disclosure of exempt information of the class described in Paragraphs 8, 9 and 10 of Part 1 of Schedule 7A of the Act.

3. MINUTE OF MEETING OF 24 JANUARY 2017

The minute of meeting of 24 January 2017 had been circulated.

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

3A OUTSTANDING BUSINESS AT 14 FEBRUARY 2017

The outstanding business list at 14 February 2017 had been circulated.

The Committee **noted** the outstanding business list.

4. POLICE SCOTLAND – PERFORMANCE MONITORING AND OPERATIONAL UPDATE

A report dated 31 January 2017 from the Director of Business Services had been circulated to provide the Committee with an update on the recent performance of the Police Service in Banff and Buchan.

The Committee **noted** the terms of the report, thanked the Chief Inspector for her comprehensive and positive report and asked her to pass on the thanks of the Committee to her team.

5. PEOPLE, PLACES AND PLANNING A CONSULTATION ON THE SCOTTISH PLANNING SYSTEM

A report from the Director of Infrastructure Services had been circulated to ask the Committee to consider the consultation and, in particular, the four key areas of change and the accompanying questions associated with each identified area of change.

The Committee **agreed** to make the following comments to be considered by the Infrastructure Services Committee on 16 March 2017 and **noted** that these would be incorporated into the document which would be submitted as Aberdeenshire Council's response to the consultation exercise:

Making Plans for the Future:

1. The Strategic Development Plan (SDP) should be retained but the process should be strengthened to empower local Councils and to ensure that, when developed locally, it had a greater influence both nationally and on the Local Development Plan (LDP).
2. The LDP period should be extended to 10 years but this should not constrain delivery. The planning process should be both fast and flexible to ensure appropriate responses to emerging issues and to facilitate delivery.
3. The independence of the "gatecheck" process caused concern and needed further clarity on the role of Elected Members.

People Make the System Work:

1. Greater community involvement was welcomed but this should in no way delay the process.
2. Further clarity was required on the role of Elected Members.

3. Greater community involvement was welcomed but other legislative agendas such as the Community Empowerment Act and the requirement for the development of locality plans were noted. Further clarity was required on how these legislative agendas could complement each other in order to avoid duplication of effort.
4. Effective engagement with communities in a meaningful and credible manner is potentially extremely resource-intensive and would require very skilled specialist staff.
5. The current democratic process is strong and the balance of decision-making should be retained within the existing Committee structures to promote clarity and accountability.
6. The LRB process should be used to a far greater extent.
7. Planning enforcement requires to be strengthened and enforcement teams empowered to take more robust measures which may include financial penalties.

Building More Homes and Delivering infrastructure:

1. An infrastructure-led approach should be supported.
2. Closing the gap between planning consent and delivery of homes should be supported on the basis that planning policy should stimulate development and actively discourage land-banking.
3. The onus should be on developers to demonstrate viability and delivery timeframes.
4. The promotion of schemes designed to increase connectivity by low carbon means should be supported.
5. Digital connectivity is imperative for future development and policies should be designed to future-proof development as far as reasonably practicable.

Stronger Leadership and Smarter Resourcing:

1. There is a need for equity across the system.
2. There is a need to generate revenue by way of planning fees but there is a challenge between generating income to effectively resource a planning service and avoiding planning fees becoming prohibitive.
3. Based on previous experiences within individual wards, there was concern about the areas highlighted in Proposal 19 in relation to permitted development rights.

6. PLANNING APPLICATION FOR CONSIDERATION

The following planning application was considered, following a visit to the site by Members of the Committee on 07 February 2017, and dealt with as recorded in Appendix A to this minute.

A	Reference Nos APP/2016/2924 and APP/2016/295	Full Planning Permission for Installation of Oil, Storage Tank and Outhouse (Retrospective) at 39 Sandend Village, Sandend, Portsoy
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7. PLANNING APPLICATION FOR DETERMINATION FOLLOWING SITE VISIT

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

A	Reference No APP/2016/3094	Planning Permission in Principle for Erection of 3 Dwellinghouses at Land to the North of Upper Cairns, Memsie, Fraserburgh
B	Reference No APP/2016/3095	Planning Permission in Principle for Erection of 2 Dwellinghouses at Site at Cairn of Memsie, Fraserburgh
C	Reference No APP/2016/3185 and APP/2016/3187	Full Planning Permission and Listed Building Consent for Erection of Decking, Painting of External Walls, Replacement Roof to Outhouse, Sunken Patio Area, 2 Gates and Fence (Retrospective) at 7 Duke Lane, Fraserburgh

8. PLANNING APPEAL DECISIONS

A. REFERENCE NO APP/2015/3800 – ERECTION OF WIND TURBINE HUB HEIGHT 99.5M TO BLADE TIP, INCLUDING FORMATION OF ACCESS TRACK AND HARDSTANDING WITH ELECTRICAL CONTROL BUILDING AT LAND AT BRACKENHILLS FARM, CORNHILL

A letter dated 06 December 2016 from the Scottish Government had been circulated to advise the Committee of the decision of the Reporter in relation to the above planning application.

The Committee **noted** the decision of the Reporter to allow the appeal and to grant planning permission subject to conditions for the erection of a wind turbine and associated infrastructure at Brackenhills Farm, Cornhill.

B. REFERENCE NO APP/2015/3918 – ERECTION OF THREE DWELLINGHOUSES AT LAND ADJACENT TO STATION ROAD, CAIRNBULG, FRASERBURGH

A letter dated 13 December 2016 from the Scottish Government had been circulated to advise the Committee of the decision of the Reporter in relation to the above planning application.

The Committee **noted** the decision of the Reporter to allow the appeal and to grant planning permission subject to conditions for the erection of three dwellinghouses at land adjacent to Station Road, Cairnbulg, Fraserburgh.

9. PROPOSED ROAD IMPROVEMENTS TO JUNCTION AT BANKHEAD ROAD, LAING STREET AND LOW SHORE, MACDUFF

A report dated 27 January 2017 from the Director of Infrastructure Services had been circulated seeking the Committee's approval of the preferred option for proposed road improvements to the junction at Bankhead Road, Laing Street and Low Shore, Macduff.

The Committee **agreed to approve**

1. Option 2, as detailed in the report and

2. the decision not to exercise the Council's current Right of Pre-emption to purchase a property in Macduff.

10. TOWN AND PUBLIC HALL ASSET STRATEGY

A report dated 06 January 2017 from the Director of Business Services had been circulated to ask the Committee to comment on recommendations in advance of the Business Services Committee.

The Committee:

1. **noted** that officers will commence negotiations with local Management Committees of halls to introduce formal lease and management arrangements;
2. **noted** that certain halls, detailed in the report, will be closed and declared surplus to requirements;
3. **noted** that two previously closed halls, as detailed in the report, will be declared surplus to requirements,
4. **noted** the proposals in relation to refurbishment of several halls, and
5. in relation to the hall mentioned in the report which is in the Banff and Buchan Area expressed concern and **agreed** that further consideration needed to be given in relation to:
 - a) finding appropriate alternative accommodation for the current user-groups,
 - b) upkeep and maintenance of the hall once it has been vacated,
 - c) disposal and alternative use of the building,
 - d) marketing of the building and the necessity to ensure that there was no conflict with the retail units located below.

11. FRASERBURGH – WESTFIELD HUB PHASE 3 SCHOOL UPGRADE WORKS, CONTRACT 17350

A report dated 27 January 2017 from the Director of Business Services had been circulated to ask the Committee to approve the above works.

The Committee **agreed**:

1. to approve the project cost, inclusive of associated costs, as detailed in the report, in respect of Phase 3, Westfield School Upgrade Works, the final element works to the Westfield Community Hub Project, and
2. to authorise acceptance of the tender submitted by Bell Contracts Ltd as detailed in the report.

Councillor Presiding over meeting

Print Name

Signature

Date

APPENDIX A

PLANNING APPLICATION

6A REFERENCE NO APP/2016/2924 AND APP/2016/2925

FULL PLANNING PERMISSION (2924) AND LISTED BUILDING CONSENT (2925) FOR INSTALLATION OF OIL STORAGE TANK AND OUTHOUSE (RETROSPECTIVE) AT 39 SANDEND VILLAGE, SANDEND, PORTSOY

Applicant: Mr D Bevilacqua, 13 Rosewell Place, Aberdeen

With reference to Branch 7A of the Minute of Meeting of 24 January 2017, and following a visit to the site by Members of the Committee on 07 February 2017, the Committee resumed consideration of a report from the Director of Infrastructure Services which had been circulated seeking determination of the above applications by the Area Committee.

Councillor Cox, seconded by Councillor Roy **moved** that the application be delegated to the Head of Planning and Building Standards to approve on appropriate conditions, including the following condition:

That within two months of the date of this decision details of a coloured paint finish to be used in the external finish of the outhouse shall be submitted to and approved in writing by the planning authority. Thereafter the finish shall be applied to the exterior walls of the outhouse within six months of the date of this decision in accordance with the approved details. Once applied, the approved coloured paint finish shall be retained thereafter

Reason: In order to ensure an acceptable form of development, in-keeping with the character and setting of this listed building, and in the interests of preserving and enhancing the character and appearance of the Sandend Conservation Area.

as the proposed development is in keeping with the surrounding area and does not detract from the character of the conservation area.

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

1. Full Planning permission (APP/2016/2924):-
 - i) The application does not comply with Policy 13: Protecting, Improving and Conserving the Historic Environment, and SG Historic Environment1: Listed Buildings of the Aberdeenshire Local Development Plan 2012, for the reasons that the development is inappropriately sited and lies incongruous to the form of the adjacent dwellinghouse featuring an unacceptable standard of design, thereby detracting from the character and setting of a category 'B' listed building.
 - ii) The application does not comply with Policy 13: Protecting, Improving and Conserving the Historic Environment, and SG Historic Environment2: Conservation Areas of the Aberdeenshire Local Development Plan 2012, for the reasons that the siting and design of the outhouse do not respect or enhance the architectural, historic and visual qualities of the Sandend Conservation Area and could set an undesirable precedent for similar developments within the Sandend Conservation Area.

- iii) The application does not comply with Policy 8: Layout, Siting and Design of New Development, and SG LSD2: Layout, Siting and Design of New Development Aberdeenshire Local Development Plan 2012, for reasons that it does not respect its setting or contribute to the creation of local identity for the area through its inappropriate siting and form, and

2. Listed Building Consent (APP/2016/2924):

- i) The application does not comply with Policy 13: Protecting, Improving and Conserving the Historic Environment, and SG Historic Environment1: Listed Buildings, for the reasons that the development is inappropriately sited and lies incongruous to the form of the adjacent dwellinghouse featuring an unacceptable standard of design, thereby detracting from the character and setting of a category 'B' listed building.

Members of the Committee voted:-

For the motion	4	Councillors Cox, Findlater, Roy and Taylor
For the amendment	3	Councillors Buchan, Tait and Topping
No vote	1	Councillor Watt

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

that the application be delegated to the Head of Planning and Building Standards to approve on appropriate conditions, including the following condition:

That within two months of the date of this decision details of a coloured paint finish to be used in the external finish of the outhouse shall be submitted to and approved in writing by the planning authority. Thereafter the finish shall be applied to the exterior walls of the outhouse within six months of the date of this decision in accordance with the approved details. Once applied, the approved coloured paint finish shall be retained thereafter.

Reason: In order to ensure an acceptable form of development, in-keeping with the character and setting of this listed building, and in the interests of preserving and enhancing the character and appearance of the Sandend Conservation Area.

as the proposed development is in keeping with the surrounding area and does not detract from the character of the conservation area.

7A REFERENCE NO APP/2016/3094

PLANNING PERMISISON IN PRINCIPLE FOR ERECTION OF 3 DWELLINGHOUSES AT LAND TO THE NORTH OF UPPER CAIRNS, MEMSIE, FRASERBURGH

Applicant: James Reid and Sons
Agent: Ecotech Architecture

A report dated 19 January 2017 from the Director of Infrastructure Services had been circulated seeking determination of the above application by the Area Committee.

Councillor Tait, seconded by Councillor Buchan **moved** that consideration of the application be deferred to enable Members of the Committee to visit the site of the application to better understand the concerns of the objectors in relation to drainage, and the lack of a pavement.

As an amendment Councillor Topping, seconded by Councillor Watt **moved** that in the event of satisfactory conclusion of developer obligations, the application be delegated to the Head of Planning and Building Standards to approve on the following conditions:-

1. Details of the specified matters listed below shall be submitted for consideration by the planning authority, in accordance with the timescales and other limitations in section 59 of the Town and Country Planning (Scotland) Act 1997 (as amended). No development shall begin on the site unless all of the details listed in this condition have been submitted to and approved in writing by the planning authority. The development shall be carried out in complete accordance with the details approved in relation to this condition.

Specified matters:

- (a) Full details of the siting, design, layout, external appearance and finishing materials of the proposed development including waste bin uplift area, driveway, vehicle parking and turning area;
- (b) Full details of the proposed means of access to the development including visibility splays, vehicle lay-by at the junction with the public road;
- (c) A landscaping scheme for the development including the locations of new trees, shrubs, hedges and grassed areas; a schedule of plants including species, plant sizes and proposed numbers and density; the layout, design and materials of all hard landscaping works including walls, fences and gates; and a programme for the completion and subsequent maintenance of the proposed landscaping;
- (d) A detailed levels survey of the site and cross sections showing proposed finished ground and floor levels relative to existing ground levels and a fixed ordnance datum point;
- (e) Full details of the proposed means of disposal of foul and surface water from the development.

Reason: Permission for the development has been granted in principle only and subsequent approval is required for these matters in accordance with Section 59 of the Town and Country Planning (Scotland) Act 1997 (as amended).

2. No other development in connection with the permission hereby granted shall commence and the access hereby approved shall not be brought into use unless visibility of 120 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 each 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.

3. No development in connection with the permission hereby granted, other than that required by condition 2, shall commence unless the vehicular and pedestrian access has been provided and surfaced in accordance with the details shown on the plans submitted and approved under condition 1. Once provided, the vehicular and pedestrian access shall thereafter be permanently retained as such.

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

4. All soft and hard landscaping proposals shall be carried out in accordance with the planting scheme and management programme submitted and approved under Condition 1. 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.

(The agreed landscaping scheme MUST be comprehensive and include timescales for the implementation of the works)

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.

5. Each dwellinghouse hereby approved shall not be occupied unless its lay-by driveway, turning and parking area has been provided and surfaced in accordance with the details shown on the plans submitted and approved under condition 1. Once provided, all parking and turning 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.

6. That the proposed temporary waste water drainage systems shall be connected to systems that are designed and built to an adoptable standard that will then subsequently be adopted by Scottish Water once public sewerage becomes available in this area in Memsie. Each dwellinghouse in the development hereby approved shall connect into the public waste water system within a period of 6 months from the date that the connection is available. The temporary waste water systems must be removed from the sites within 3 months following the connection to the public waste water network or otherwise within a time scale agreed in writing by the Planning Authority.

Reason: To protect people and the environment from the impact of waste water and ensure the development of the public sewerage network.

7. Each dwellinghouse hereby approved shall not be occupied unless all of its associated means of enclosure have been provided in accordance with the scheme submitted and approved under condition 1. 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 dwellinghouse and the visual amenities of the area.

8. 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 dwellinghouse 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.

9. No works shall take place within the development site until the developer has secured the implementation of a programme of archaeological works in accordance with a written scheme of investigation which has been submitted by the applicant, agreed by the Aberdeenshire Council Archaeology Service, and approved by the Planning Authority. Thereafter the developer shall ensure that the programme of archaeological works is fully implemented and that all recording and recovery of archaeological resources within the development site is undertaken to the satisfaction of the Planning Authority in agreement with the Aberdeenshire Council Archaeology Service.

This should take the form of an archaeological trial trenching evaluation of 7-10% of the total proposed development site to be undertaken by a suitably qualified archaeological contractor, the results of which will be used to inform whether any further mitigation is required.

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

The reason for approval of the application was that the proposal is in accordance with Policy 3: Development in the countryside and Supplementary Guidance Rural Development 1: Housing and Business development in the countryside of the Aberdeenshire Local Development Plan 2012, as the proposed development would contribute to the organic growth of Memsie which is a settlement identified in the report.

Members of the Committee voted:-

For the motion	2	Councillors Buchan and Tait
For the amendment	6	Councillors Cox, Findlater, Roy, Taylor, Topping and Watt

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

that in the event of satisfactory conclusion of developer obligations, the application be delegated to the Head of Planning and Building Standards to approve on the conditions stated above.

7B REFERENCE NO APP/2016/3095

PLANNING PERMISSION IN PRINCIPLE FOR ERECTION OF 2 DWELLINGHOUSES AT SITE AT CAIRN OF MEMSIE, FRASERBURGH

Applicant: James Reid and Sons
Agent: Ecotech Architecture

A report dated 19 January 2017 from the Director of Infrastructure Services had been circulated seeking determination of the above application by the Area Committee.

Councillor Topping, seconded by Councillor Cox **moved** that, in the event of satisfactory conclusion of developer obligations, the application be delegated to the Head of Planning and Building Standards to approve on the following conditions:-

1. Details of the specified matters listed below shall be submitted for consideration by the planning authority, in accordance with the timescales and other limitations in section 59 of the Town and Country Planning (Scotland) Act 1997 (as amended). No development shall begin on the site unless all of the details listed in this condition have been submitted to and approved in writing by the planning authority. The development shall be carried out in complete accordance with the details approved in relation to this condition.

Specified matters:

- (a) Full details of the siting, design, layout, external appearance and finishing materials of the proposed development including waste bin uplift area, driveway, vehicle parking and turning area;
- (b) Full details of the proposed means of access to the development including visibility splays, vehicle lay-by at the junction with the public road, and a link footway along the west verge of the U11B to its junction with B9032 (Muir Road);
- (c) A landscaping scheme for the development including the locations of new trees, shrubs, hedges and grassed areas; a schedule of plants including species, plant sizes and proposed numbers and density; the layout, design and materials of all hard landscaping works including walls, fences and gates; and a programme for the completion and subsequent maintenance of the proposed landscaping;

- (d) A detailed levels survey of the site and cross sections showing proposed finished ground and floor levels relative to existing ground levels and a fixed ordnance datum point;
- (e) Full details of the proposed means of disposal of foul and surface water from the development.

Reason: Permission for the development has been granted in principle only and subsequent approval is required for these matters in accordance with Section 59 of the Town and Country Planning (Scotland) Act 1997 (as amended).

2. No other development in connection with the permission hereby granted shall commence and the access hereby approved shall not be brought into use unless visibility of 59 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 each 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.

3. No development in connection with the permission hereby granted, other than that required by condition 2, shall commence unless the vehicular and pedestrian access has been provided and surfaced in accordance with the details shown on the plans submitted and approved under condition 1. Once provided, the vehicular and pedestrian access shall thereafter be permanently retained as such.

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

4. All soft and hard landscaping proposals shall be carried out in accordance with the planting scheme and management programme submitted and approved under Condition 1. 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.

(The agreed landscaping scheme MUST be comprehensive and include timescales for the implementation of the works)

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.

5. Each dwellinghouse hereby approved shall not be occupied unless its lay-by driveway, turning and parking area has been provided and surfaced in accordance with the details shown on the plans submitted and approved under condition 1. Once provided, all parking and turning 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.

6. That the proposed temporary waste water drainage systems shall be connected to systems that are designed and built to an adoptable standard that will then subsequently be adopted by Scottish Water once public sewerage becomes available in this area in Memsie. Each dwellinghouse in the development hereby approved shall connect into the public waste water system within a period of 6 months from the date that the connection is available. The temporary waste water systems must be removed from the sites within 3 months following the connection to the public waste water network or otherwise within a time scale agreed in writing by the Planning Authority.

Reason: To protect people and the environment from the impact of waste water and ensure the development of the public sewerage network.

7. Each dwellinghouse hereby approved shall not be occupied unless all of its associated means of enclosure have been provided in accordance with the scheme submitted and approved under condition 1. 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 dwellinghouse and the visual amenities of the area.

8. 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 dwellinghouse 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.

9. No works shall take place within the development site until the developer has secured the implementation of a programme of archaeological works in accordance with a written scheme of investigation which has been submitted by the applicant, agreed by the Aberdeenshire Council Archaeology Service, and approved by the Planning Authority. Thereafter the developer shall ensure that the programme of archaeological works is fully implemented and that all recording and recovery of archaeological resources within the development site is undertaken to the satisfaction of the Planning Authority in agreement with the Aberdeenshire Council Archaeology Service.

This should take the form of an archaeological trial trenching evaluation of 7-10% of the total proposed development site to be undertaken by a suitably qualified archaeological contractor, the results of which will be used to inform whether any further mitigation is required.

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

The reason for approval of the application was that the proposal is in accordance with Policy 3: Development in the countryside and Supplementary Guidance Rural Development 1: Housing and business development in the countryside of the Aberdeenshire Local Development Plan 2012, as the proposed development would contribute to the organic growth of Memsie which is a settlement identified in Appendix 1.

As an amendment, Councillor Buchan, seconded by Councillor Taylor **moved** that the application be refused as the proposed development would have a significant adverse impact on the Cairns of Memsie.

As a second amendment Councillor Tait, 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 better understand the concerns of the objectors in relation to drainage, and the lack of a pavement.

On a division between the first and second amendments, Members of the Committee voted:-

For the 1 st amendment	2	Councillors Buchan and Taylor
For the 2 nd amendment	6	Councillors Cox, Findlater, Roy, Tait, Topping and Watt

The Chairman **declared the second amendment** 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 better assess the potential impact of the proposed development on the surrounding area.

On a division between the motion and the second amendment, Members of the Committee voted

For the Motion	4	Councillors Cox, Roy, Topping and Watt
For the 2 nd amendment	4	Councillors Buchan, Findlater, Tait and Taylor

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 developer obligations, the application be delegated to the Head of Planning and Building Standards to approve on the conditions stated above.

7C REFERENCE NO APP/2016/3185 AND APP/2016/3187

FULL PLANNING PERMISSION AND LISTED BUILDING CONSENT FOR ERECTION OF DECKING, PAINTING OF EXTERNAL WALLS, REPLACEMENT ROOF TO outhouse, SUNKEN PATIO AREA, 2 GATES AND FENCE (RETROSPECTIVE) AT 7 DUKE LANE, FRASERBURGH

Applicant: Mr Meldrum
Agent: D K Meldrum Ltd

A report dated 26 January 2017 had been circulated seeking determination of the above applications by the Area Committee.

Councillor Watt, seconded by Councillor Findlater **moved** that the applications be delegated to the Head of Planning and Building Standards to approve on appropriate conditions as the application did respect the character and did not detract from the character and setting of a category 'C' listed building.

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

1. full planning permission for the following reasons:
 - i) The application does not comply with Policy 13: Protecting, Improving and Conserving the Historic Environment, and SG Historic Environment1: Listed Buildings of the Aberdeenshire Local Development Plan 2012, for the reasons that the alterations are not considered to respect or reflect their character or setting, thereby detracting from the character and setting of a category 'C' listed building.
 - ii) The application does not comply with Policy 13: Protecting, Improving and Conserving the Historic Environment, and SG Historic Environment2: Conservation Areas of the Aberdeenshire Local Development Plan 2012, for the reasons that the alterations do not respect or enhance the architectural, historic and visual qualities of the Fraserburgh Town Centre Conservation Area that give rise to its designation as such and could set an unfavourable precedent for similar developments within the conservation area.
 - iii) The application does not comply with Policy 8: Layout, Siting and Design of New Development, and SG LSD2: Layout, Siting and Design of New Development of the Aberdeenshire Local Development Plan 2012, for reasons that the alterations do not respect their setting or contribute to the creation of local identity for the area through the erosion of the character of a conservation area and by detracting from the character and setting of a listed building.
2. listed building consent for the following reasons:-

- i) The application does not comply with Policy 13: Protecting, Improving and Conserving the Historic Environment, and SG Historic Environment1: Listed Buildings of the Aberdeenshire Local Development Plan 2012, for the reasons that the alterations are not considered to respect or reflect their character or setting, thereby detracting from the character and setting of a category 'C' listed building.

Members of the Committee voted:-

For the motion	3	Councillors Cox, Findlater and Watt
For the amendment	5	Councillors Buchan, Roy, Tait, Taylor and Topping

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

that the application be refused for the reasons stated above.