

ABERDEENSHIRE COUNCIL

BANFF AND BUCHAN AREA COMMITTEE, COUNCIL CHAMBER, COUNTY HALL, LOW STREET, BANFF 29 AUGUST 2017

Present: Councillors M J Roy (Chair for Item A), A Kille (Chair for Items B-16), C C Buchan, R A Cassie, J B Cox, M A Findlater, D Mair (by Skype in accordance with Paragraph 5.1.8 of Part 1 of the Scheme of Governance), G D Reynolds and B A Topping

Apologies: Councillor H Partridge

Officers: Miss M J Cardno, Area Manager; Miss F M Stewart, Solicitor; Mr J Martin, Senior Planner; Mr J D Naismith, Principal Engineer; Mr J Stronach, Principal Roads Engineer; Mr M Davey, Roads Engineer; Mr C Menzies; Strategy Team Leader; Mrs C Millar, Location Manager, Fraserburgh; Mr G Penman, Projects Manager; Principal Officer (Harbours) and Mrs E M Farquhar, Area Committee Officer

Order of agenda was as follows:

Items A, B, C, 1, 2a, 2b, 3, 4, 5, 6, 7, 8, 9, 13A, 13B, 13D, 13C, 13E, 10, 11, 12, (suspension of Standing Order to allow discussion after 1.00pm), 14, 15, 16

A. ANNOUNCEMENT

Councillor Roy submitted his resignation as Chair of the Banff and Buchan Area Committee with immediate effect because he had been appointed as Vice Chair of the Business Services Committee and he did not feel that he would be able to give both positions his best attention. Councillor Roy thanked the Area Committee for their support in his short term as Chair.

B. ADDITIONAL ITEM

APPOINTMENT OF CHAIR OF BANFF AND BUCHAN AREA COMMITTEE

In terms of Section B.1.4 of Part 2A of the Scheme of Governance, the Vice Chair invited nominations for Chair of the Banff and Buchan Area Committee.

Councillor Findlater, seconded by Councillor Cox **moved** that Councillor Kille be appointed as Chair.

As an amendment, Councillor Buchan, seconded by Councillor Cassie, **moved** that Councillor Topping be appointed as Chair.

Both nominees having indicated acceptance of nomination, members of the Committee voted:

For Councillor Kille	5	Councillors Cox, Findlater, Kille, Mair and Roy
For Councillor Topping	4	Councillors Buchan, Cassie, Reynolds and Topping

Councillor Kille was therefore appointed Chair of the Banff and Buchan Area Committee. Councillor Roy yielded the Chair to Councillor Kille.

Councillor Kille paid tribute to Councillor Roy and then thanked the Committee for its trust in his ability to be Chair and said that he would seek to encourage the Committee to continue in the spirit of cooperation.

C. ADDITIONAL ITEM

APPOINTMENT OF VICE CHAIR OF BANFF AND BUCHAN AREA COMMITTEE

Councillor Kille, having resigned from his post of Vice Chair to take up his post as Chair, invited nominations for the Vice Chair of the Banff and Buchan Area Committee in terms of Section B.1.4 of Part 2A of the Scheme of Governance.

Councillor Topping, seconded by Councillor Cassie **moved** that Councillor Reynolds be appointed as Vice Chair.

As an amendment, Councillor Findlater, seconded by Councillor Cox, **moved** that Councillor Roy be appointed as Vice Chair.

Both nominees having indicated acceptance of nomination, members of the Committee voted:

For Councillor Reynolds	4	Councillors Buchan, Cassie, Reynolds and Topping
For Councillor Roy	5	Councillors Cox, Findlater, Kille, Mair and Roy

The Chair declared that Councillor Roy was appointed Vice Chair of the Banff and Buchan Area Committee.

1. DECLARATION OF MEMBERS' INTERESTS

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

Item 13E – Councillor Mair **declared an interest** in this item as she is a friend of the applicant. Councillor Mair took no part in the discussion or determination of this planning application.

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 14, 15 and 16 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 20 JUNE 2017

The minute of meeting of 20 June 2017 had been circulated.

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

4. LIST OF OUTSTANDING BUSINESS AT 29 AUGUST 2017

A list of outstanding business at 29 August 2017 had been circulated.

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

5. COMMON GOOD FUNDS

With reference to Branch 5 of the Minute of Meeting of 28 March 2017 and Branch 4 of the Minute of Meeting of 20 June 2017, a report from the Director of Business Services had been circulated to provide information requested by the Committee.

The Committee:

1. **noted** the terms of the information provided in relation to Banff, Fraserburgh and Macduff Common Good Funds, and
2. **agreed** that a special meeting of the Committee be arranged to enable further discussion relating to:
 - a) full declaration of income and expenditure
 - b) full valuation of common good assets
 - c) potential opportunities for income generation
 - d) the full costs of common good assets
 - e) steps to take to promote common goods effectively

6. APPOINTMENTS TO ROSEHEARTY HARBOUR ADVISORY COMMITTEE

With reference to Branch 11 of the Minute of Meeting of 30 May 2017, a report from the Director of Education and Children's Services had been circulated seeking additional appointments to the Rosehearty Harbour Advisory Committee.

The Committee **agreed**:

1. to suspend Standing Order 7.2.1(b) to enable it to re-visit a decision taken at its meeting on 30 May 2017,
2. to note that all local Ward Members are deemed to be Members of the Rosehearty Harbour Advisory Committee, and

3. to appoint Councillors Cassie and Partridge, in addition to Councillor Findlater, as representatives to serve on the Rosehearty Harbour Advisory Committee.

7. BANFF AND BUCHAN AREA INITIATIVES FUND – CONSIDERATION OF PREVIOUS AWARDS OF FUNDING

A report from the Director of Education and Children's Services had been circulated to ask the Committee to re-visit a decision taken at its meeting on 20 June 2017 in relation to awards of funding which had been allocated to two community groups.

The Committee **agreed**:

1. to suspend Standing Order 7.2.1(b) to enable it to re-visit a decision taken at its meeting on 20 June 2017,
2. that the award made, on 20 June 2017, to Crudie Parent Council could not be spent for the purpose originally intended and therefore that the award be withdrawn and the £2,300.00 be paid back into the Area Initiatives Fund for reallocation, and
3. that the award made, on 20 June 2017, to King Edward and Gamrie Community Council could not be spent for the purpose originally intended and therefore that the award be withdrawn and the £2,592.00 be paid back into the Area Initiatives Fund for reallocation.

8. BANFF AND BUCHAN AREA COMMITTEE BUDGET 2017/2018 – AREA INITIATIVES FUND (SECOND TRANCHE) APPLICATIONS

With reference to Branch 7 of the Minute of Meeting of 28 March 2017 and Branch 5 of the Minute of Meeting of 20 June 2017, a report dated 17 July 2017 from the Director of Education and Children's Services had been circulated to ask the Committee to consider the second tranche of applications received and determine whether, and to what extent to award funding.

The Committee:

1. **noted** that the total amount available for allocation from the second tranche was £11,429.00 made up of:

£ 6,537.00	from original allocation, and
£ 4,892.00	from two withdrawn allocations (Branch 7 of this minute refers)
2. **agreed** to make the following allocations
 - a) Portsoy Community Church – Repairs to Roof, External and Internal Painting - Amount requested £4,200.00.
Award of £4,200.00 granted.
 - b) Rosehearty Community Boat Club – Architect Fees and Building Warrant – Amount requested £1,427.00.
Award of £1,427.00 granted.
 - c) Fraserburgh Community Web – PPE, Video Camera and Equipment, Part Payment of Training – Amount requested £4,800.00

Award of £4,800.00 granted.

- d) Banff Academy Young Engineers – Young Engineering Club – Amount requested £900.00

Award of £900.00 granted.

3. **agreed** to delegate to the Area Manager, following consultation with the Chair and Vice Chair, allocation of any monies which have not been able to be spent within the agreed timescale, to the following reserve projects:
- a) Aberchirder and District Men's Shed – Purchase of Kitchen Equipment - £550.00,
 - b) Alvah and Forglan Community Council – Purchase of Flower Tubs - £566.00,
 - c) Rotary Club of Fraserburgh – Festive Frozen Fraserburgh - £484.00,
 - d) Fraserburgh West End Bowling Club – Railings for Clubhouse/Disabled Access - £3,200.00.

9. THE ABERDEENSHIRE COUNCIL (GARDENSTOWN) (TRAFFIC MANAGEMENT) ORDER, 2017

A report dated 17 August 2017 from the Director of Infrastructure Services had been circulated to ask the Committee to authorise the above Traffic Management Order.

The Committee heard Mrs Janet Molloy, on behalf of King Edward and Gamrie Community Council, who objected to the proposals.

Thereafter, Councillor Cassie, seconded by Councillor Findlater **moved** that the Committee:

1. authorise the commencement of the statutory procedures for the making of the "The Aberdeenshire Council (Gardenstown) (Traffic Management) Order, 2017" but that the Order relate only to the introduction of a mandatory 20mph speed limit on the specified roads,
2. authorise the subsequent making of the above order in the event that no valid objections are received or any received are resolved and withdrawn, and
3. instruct the submission of a further report to Committee in the event that any valid objections received are not resolved and not withdrawn, or the proposals are amended following consideration of valid objections.

As an amendment, Councillor Roy, seconded by Councillor Cox, **moved** that the Committee:

1. authorise the commencement of the statutory procedures for the making of the "The Aberdeenshire Council (Gardenstown) (Traffic Management) Order, 2017" as stated in the report,
2. authorise the subsequent making of the above order in the event that no valid objections are received or any received are resolved and withdrawn, and

3. instruct the submission of a further report to Committee in the event that any valid objections received are not resolved and not withdrawn, or the proposals are amended following consideration of valid objections.

Members of the Committee voted:

For the motion	5	Councillors Cassie, Findlater, Kille, Reynolds and Topping
For the amendment	4	Councillors Buchan, Cox, Mair and Roy

The Chair **declared the motion carried** in the following terms:

that The Committee:

1. authorise the commencement of the statutory procedures for the making of the “The Aberdeenshire Council (Gardenstown) (Traffic Management) Order, 2017” but that the Order relate only to the introduction of a mandatory 20mph speed limit on the specified roads,
2. authorise the subsequent making of the above order in the event that no valid objections are received or any received are resolved and withdrawn, and
3. instruct the submission of a further report to Committee in the event that any valid objections received are not resolved and not withdrawn, or the proposals are amended following consideration of valid objections.

10. PROGRAMME FOR WALKING, CYCLING AND SAFETY INITIATIVES

A report dated 18 August 2017 from the Director of Infrastructure Services had been circulated asking the Committee to consider and comment on the above programme of works.

The Committee **agreed**:

1. to welcome the Aberdeenshire-wide projects that were approved by Infrastructure Services Committee on 01 June 2017, included in the report, and
2. that, as a lot of work was necessary to bring the reserve item in relation to Cemetery Lane, Banff up to a standard where it could go ahead, this should be worked on now so that it is ready to be brought onto the primary list in the next financial year.

11. ABERDEENSHIRE HOUSING AND SOCIAL CARE PARTNERSHIP PERFORMANCE AND OUTCOMES FRAMEWORK QUARTER 4 REPORTING – 2017/2017

A report dated 06 June 2017 from the Chief Officer, Aberdeenshire Health and Social Care Partnership had been circulated to ask the Committee to consider and comment to the Integration Joint Board in relation to suggested improvement to the delivery of the Social Work service.

The Committee:

1. **noted** the terms of the report, and
2. **agreed** to make the following recommendations to the IJB for its consideration:-

In relation to L17 and L18, more investigation needed to take place into staffing ratios, patients coming to Fraserburgh for treatment because of lack of available treatment in other towns, the appropriate siting of drug clinics/facilities, and patient/GP ratios in Fraserburgh

The Committee further **agreed** that there were significant inconsistencies in the information provided in the report, especially in terms of the appendices and that, in future, reports needed to give more detail on local Banff and Buchan issues and provide greater narrative in relation to these.

12. EDUCATION AND CHILDREN'S SERVICES QUARTERLY PERFORMANCE – RESPONSES TO QUESTIONS RAISED BY COMMITTEE ON 20 JUNE 2017

With reference to Branch 7 of the Minute of Meeting of 20 June 2017, the Committee **noted** the responses to questions that had been raised and **agreed**:

- a) 7a – Duff House - That a visit be arranged to Duff House to enable the Committee to have the opportunity to discuss, with senior members of Historic Environment Scotland, the economic importance of Duff House, how it sits with other historic buildings in Aberdeenshire, what is being done to enhance the visitor experience, opening hours,
- b) that the Committee make recommendations to the Infrastructure Services Committee following this visit, and.
- c) 7. 1) – Banff Academy Technical Department – that action needs to be taken on this item as soon as possible.

The Committee agreed to suspend 2.1.2 of Part 1 of the Scheme of Governance to allow it to continue after 1.00pm.

13. 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/2017/0687	Planning Permission in Principle for Erection of 15 Dwellinghouses and Associated Infrastructure at Phase 4, Ladysbridge Village Site, Boyndie, Banff
B	Reference No APP/2017/1527	Planning Permission in Principle for Erection of 2 Dwellinghouses at Ground to South of Castlehill Drive, Gardenstown
C	Reference No APP/2017/1433	Approval of Matters Specified in Conditions for Condition 1 (Layout and Siting, External Appearance, Finishes, Landscaping including Trees, Levels Survey and Sections, Foul and Surface Water Disposal, Means of Access, Car Parking, Turning and Visibility, Energy Efficiency) of Planning Permission in Principle APP/2014/1061, Erection of Dwellinghouse and

		Formation of Vehicular Access at Bruntwood, Site to South of Grieves Croft, Memsie, Fraserburgh
D	Reference No APP/2017/1090	Full Planning Permission for Erection of Dwellinghouse (Change of House Type) at Plot 40, Kirkton Development Phase 1, Kirkton Heights, Fraserburgh
E	Reference No APP/2017/1417	Full Planning Permission for Erection of Dwellinghouse (Amended Layout from APP/2016/0963), Site Adjacent to Rathen West Church, Rathen, Fraserburgh

14. USE OF DELEGATED POWERS BY AREA MANAGER BY REASON OF SPECIAL URGENCY – HOMOLOGATION OF REPAIR WORK AT BANFF RAILWAY JETTY

A report dated 28 July 2017 from the Director of Education and Children's Services had been circulated to ask the Committee to **note** the decision to delegate powers to an officer to authorise repairs to the Banff Railway Jetty.

The Committee **noted** the terms of the report.

15. SUPPLEMENTARY WORK PLAN – BANFF HARBOUR RAILWAY JETTY RESTORATION WORKS

A report dated 15 August 2017 from the Director of Infrastructure Services had been circulated to ask the Committee to approve a supplementary work plan.

The Committee **agreed** to approve the Supplementary Work Plan for Banff Harbour Railway Jetty Restoration Works as outlined in the report.

16. LAND ADJACENT TO 92 WHINHILL ROAD, BANFF

A report dated 26 June 2017 from the Director of Business Services had been circulated in relation to the above land.

The Committee **agreed** to delegate authority to the Head of Legal and Governance to agree the detailed terms and conditions, as specified in the report, following consultation with the Estates Manager,

Councillor Presiding over meeting

Print Name

Signature

Date

APPENDIX A

PLANNING APPLICATIONS FOR CONSIDERATION

13A REFERENCE NO APP/2017/0687

PLANNING PERMISSION IN PRINCIPLE FOR ERECTION OF 15 DWELLINGHOUSES AND ASSOCIATED INFRASTRUCTURE AT PHASE 4, LADYSBRIDGE VILLAGE SITE, BOYNDIE, BANFF

Applicant: Ladysbridge Village Ltd
Agent: Alasdair Ramsay

A report dated 11 August 2017 from the Director of Infrastructure Services had been circulated seeking determination of the above planning application by the Area Committee.

The Committee heard Mr Alasdair Ramsay, applicant and his agent Mr Malcolm Campbell in support of the application; and Mr David Richard-Jones, and Mr Gary MacBeath, objectors to the application.

Thereafter, the Committee **agreed** to defer consideration of the application to enable Members of the Committee to visit the site of the application to better assess the potential impact of the proposed development on the surrounding properties and the open space.

13B REFERENCE NO APP/2017/1527

PLANNING PERMISSION IN PRINCIPLE FOR ERECTION OF 2 DWELLINGHOUSES AT GROUND TO SOUTH OF CASTLEHILL DRIVE, GARDENSTOWN, BANFF

Applicant: Mr George Gordon
Agent: Mantell Ritchie

A report dated 11 August 2017 from the Director of Infrastructure Services had been circulated seeking determination of the above planning application by the Area Committee.

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

Thereafter, Councillor Findlater, seconded by Councillor Cassie, **moved** that consideration of the application be deferred to enable Members of the Committee to visit the site of the application to better assess the potential impact of the proposed development on the surrounding countryside and on the coastal zone.

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

- 1) The development does not comply with Policy R1: Special Rural Areas (Coastal Zone) of the Aberdeenshire Local Development Plan 2017, in that it does not meet the criteria contained within such policy as the development does not constitute any of the following:
 - a) The extension of an existing building or use that is ancillary to the main use;
 - b) Development for the purposes of agriculture, forestry, horticulture, nature conservation or essential public infrastructure;
 - c) Development for a recreational use that is compatible with its agricultural or natural setting;

- d) The sensitive restoration, conversion or extension of a vernacular building or other building of architectural merit;
 - e) Accommodation within the immediate vicinity of the place of employment required for a worker in a primary industry which is appropriate to the countryside and where the presence of a worker is essential to the operation of the enterprise and there is no suitable alternative residential accommodation available;
 - f) Development identified as a national priority in the National Planning Framework;
 - g) Development of minerals under Policy R3 and waste facilities under Policy PR3 may be permitted where an essential need is identified;
 - h) Developments (including community infrastructure) under Policy PR2 may be permitted in the greenbelt where they meet an established need and where it can be adequately demonstrated that no alternative location can be found;
 - i) It is the replacement of a single non vernacular building on the same footprint, and for the same use. The replacement building must be consistent in scale, and no more intrusive than the existing building. In addition, it is generally expected that the new building will demonstrate a significant improvement in design to that of the existing building.
- 2) The development does not comply with Policy P1: Layout, Siting and Design, of the Aberdeenshire Local Development Plan 2017, in that the proposed development is found in a prominent location and does not constitute an appropriate addition to the settlement of Gardenstown.
- 3) The development does not comply with Policy E2: Landscape, of the Aberdeenshire Local Development Plan 2017, in that the proposed development is found within an identified Special Landscape Area where development of this nature is prohibited due to the adverse visual impact of the proposal upon the designation.

Members of the Committee voted:

For the motion	5	Councillors Cassie, Cox, Findlater, Mair and Reynolds
For the amendment	4	Councillors Buchan, Kille, Roy and Topping

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

That consideration of the application be deferred to enable Members of the Committee to visit the site of the application to better assess the potential impact of the proposed development on the surrounding countryside and on the coastal zone.

13C REFERENCE NO APP/2017/1433

APPROVAL OF MATTERS SPECIFIED IN CONDITIONS FOR CONDITION 1, (LAYOUT AND SITING, EXTERNAL APPEARANCE, FINISHES, LANDSCAPING INCLUDING TREES, LEVELS SURVEY AND SECTIONS, FOUL AND SURFACE WATER DISPOSAL, MEANS OF ACCESS, CAR PARKING, TURNING AND VISIBILITY, ENERGY EFFICIENCY) OF PLANNING PERMISSIOSN IN PRINCIPLE APP/2014/1061 ERECTION OF DWELLINGHOUSE AND FORMATION OF VEHICULAR ACCESS AT BRUNTWOOD, SITE TO SOUTH OF GRIEVES CROFT, MEMSIE, FRASERBURGH

Applicant: Mr M Rollo
Agent: Baxter Design Company (Old Deer) Ltd

A report dated 11 August 2017 from the Director of Infrastructure Services had been circulated seeking determination of the above planning application by the Area Committee.

The Committee **agreed**, in the event of a condition being added to include the provision of a detailed landscape plan, that the application be approved.

The Committee's reason for approval was that the proposed development accords with the development plan and there are no material considerations which indicate that permission should be refused.

13D REFERENCE NO APP/2017/1090

FULL PLANNING PERMISSION FOR ERECTION OF DWELLINGHOUSE (CHANGE OF HOUSE TYPE) AT PLOT 40, KIRKTON DEVELOPMENT PHASE 1, KIRKTON HEIGHTS, FRASERBURGH

Applicant: Colaren Homes Ltd
Agent: Taylor Design Services

A report dated 11 August 2017 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 Reynolds **moved** that the application be approved on the following conditions:-

- 1) The dwellinghouse hereby approved shall not be constructed unless an Energy Statement applicable to the 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 carried out in full accordance with the approved details. 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.

- 2) The dwellinghouse hereby approved shall not be occupied unless a residential travel plan, including leaflets which can be handed out to the household, for the approved development has been submitted to and approved in writing by the Planning Authority. The Travel Plan shall encourage more sustainable means of travel and shall include mode share targets. It shall identify measures to be implemented, the system of

management monitoring review, reporting and duration of the incorporated measures designed to encourage modes other than the private car. The dwellinghouse hereby approved shall not be occupied unless the approved Travel Plan leaflets have been handed out to the dwellinghouse.

Reason: In the interests of encouraging a more sustainable means of travel to and from the proposed development.

- 3) The dwellinghouse hereby approved shall not be occupied unless its driveway, turning and parking area has been provided and surfaced in accordance with the details shown on the approved plans. The maximum gradient of the access 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 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.

- 4) The dwellinghouse hereby approved shall not be occupied unless a 3m-wide kerbed footway/cycleway has been constructed along the length of the development site approved under planning permission APP/2016/0618 (Strichen Road and Boothby Road), on the development side of the carriageway, as shown on the approved plans under planning permission APP/2016/0618 and surfaced in accordance with the Council's Standards for Road Construction Consent and Adoption.

Reason: To enable and promote safe pedestrian access to and from the development.

- 5) The dwellinghouse hereby approved shall not be occupied unless the existing bus stop on the eastern side of the A981 Strichen Road as shown on the approved plans under planning permission APP/2016/0618 has been upgraded to a standard submitted to and approved in writing by the Planning Authority. The upgrade shall include the shelter, seating, lighting, raised kerbs, and timetable case.

Reason: To enable and promote sustainable access to and from the development.

- 6) The dwellinghouse hereby approved shall not be occupied unless details of pedestrian crossing facilities (dropped kerbs, tactile paving, linking pavements) have been submitted to and approved in writing by the Planning Authority and have been provided at the Boothby Road/Strichen Road roundabout, to provide crossing facilities across Strichen Road (south), and Boothby Road (east) arms of the roundabout.

Reason: To enable and promote sustainable access to and from the development, and to promote pedestrian safety.

- 7) The dwellinghouse hereby approved shall not be occupied unless all roads, footpaths, parking and turning areas within and serving that dwellinghouse 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.

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

- 8) The dwellinghouse hereby approved shall not be occupied unless visibility of 25 metres in both directions along the channel line of the road providing access to the dwellinghouse hereby approved has been provided from a point 2.0 metres measured at right angles from the existing edge of the carriageway surface along the centre line of the approved driveway 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) The dwellinghouse hereby approved shall not be occupied unless all of its associated means of enclosure have been provided in accordance with the approved scheme. 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.

- 10) The dwellinghouse hereby approved shall not be occupied unless the proposed foul and surface water drainage systems have been provided in accordance with the approved plans under planning permission APP/2016/0618. The foul and 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.

- 11) The dwellinghouse hereby approved shall be 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.

- 12) Waste water from the dwellinghouse hereby approved shall be disposed of via the public sewer as indicated in the submitted application and shall not be disposed of via private means 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.

- 13) 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 the garage shown on the approved plans shall be permanently retained as such and shall not be altered in any way under the terms of Schedule 1 to that Order without an express grant of planning permission from the Planning Authority.

Reason: To ensure the retention of adequate off-street parking facilities within the site in the interests of road safety.

As an amendment Councillor Buchan, seconded by Councillor Cassie **moved** that consideration of the application be deferred until the next meeting of the Committee to enable Members of the Committee to visit the application to better assess the potential for overlooking and lack of privacy.

Members of the Committee voted:

For the motion	7	Councillors, Cox, Findlater, Kille, Mair, Reynolds, Roy and Topping
For the amendment	2	Councillors Buchan and Cassie

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

That the application be approved on the conditions stated above.

The Committee's reason for approval was that the proposed development accords with the development plan and there are no material considerations which indicate that permission should be refused.

13E REFERENCE NO APP/2017/1417

FULL PLANNING PERMISSION FOR ERECTION OF DWELLINGHOUSE (AMENDED LAYOUT FROM APP/2016/0963), ON SITE ADJACENT TO RATHEN WEST CHURCH, RATHEN, FRASERBURGH

Applicant: Claymore Homes Ltd

A report dated 11 August 2017 from the Director of Infrastructure Services had been circulated seeking determination of the above planning application by the Area Committee.

The Committee **agreed** to delegate the application to the Head of Planning and Building Standards to approve on the following conditions:

01. 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/brought into use 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.

02. No works in connection with the development hereby approved shall commence unless the tree protection measures have been implemented in full in accordance with the approved tree protection plan. The trees protections shall only be implemented once all trees proposed to be removed have been felled and once all duntakings of the felled trees have been removed from the application site. 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.

03. 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 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 exceeding a height of 900 millimetres above the carriageway level 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.

04. The dwellinghouse hereby approved shall not be occupied unless its lay-by access, driveway, off-street parking spaces and turning area have been provided and fully paved in accordance with the approved plans. The maximum gradient of the access 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, the lay-by access, driveway, off-street parking spaces and turning area shall thereafter be permanently retained as such.

Reason: To ensure the timely completion of the proposed vehicular access arrangements to an adequate standard, including to prevent the carriage of loose driveway material on to the public road, all in the interests of road safety.

05. The dwellinghouse hereby approved shall not be occupied unless the refuse bin uplift store area has been provided and surfaced in accordance with the details shown on the approved plans. Once provided, the refuse bin uplift store area shall thereafter be permanently retained as such.

Reason: To ensure the provision of an appropriate means of servicing in the interests of road safety.

06. The dwellinghouse hereby approved shall not be occupied unless the proposed foul and surface water drainage systems have been provided in accordance with the approved plans and the recommendations of the Geotechnical Investigation report by Grampian Geotechnical (Scotland) Ltd. dated September 2015. The foul and 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.

07. The dwellinghouse hereby approved shall not be occupied unless all compensatory planting has been carried out in complete accordance with the approved scheme. Any planting which, within a period of 5 years from the completion of the compensatory tree planting, 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.

Reason: In order to maintain woodland cover in accordance with the aims of local and national planning policies.

08. The development hereby approved shall be carried out in strict accordance with Section 5.1 of the approved bat survey by Kevin I Wright BSc CMIEEM of Lunar Ecology, dated 09 July 2017.

Reason: In the interests of protecting the biodiversity of the environment.

09. The proposed development shall be 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.

10. The detached garage hereby approved shall be used only for purposes incidental to the enjoyment of the approved dwellinghouse as such and shall be used for no other purpose without a separate grant of planning permission from the Planning Authority.

Reason: To enable the Planning Authority to consider the implications of any subsequent change of use on the amenities of the area.