

ABERDEENSHIRE COUNCIL

BANFF AND BUCHAN AREA COMMITTEE - 16 JUNE 2020

ALL ATTENDANCE BY SKYPE

Present: Councillors A Kille (Chair), C C Buchan, R A Cassie, J B Cox, M A Findlater, D Mair, G Reynolds, M J Roy and B A Topping

Officers: Mrs A Keith, Interim Area Manager; Miss F M Stewart, Senior Solicitor; Mr J Martin, Senior Planner; Ms J Weir, Senior Planner; Mr N Rae, Civil Engineer; Mrs S Rhind, Regeneration Executive; Ms K Davidson, Business Services Manager; Ms F Campbell, Business Asset Manager; Mr T Buchan, Facilities Manager; Mr R Eunson, Team Leader, Property and Facilities; 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.

Item 8 - Councillors Kille and Reynolds **declared an interest** in the application from Portsoy Community Enterprise who had requested an award. Their interests were by virtue of them being members of the North East Scotland Preservation Trust who are the landlords of the property but, having applied the objective test, *each* concluded that his interest was so remote and insignificant that he would remain and participate.

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 and 10 of the business on the grounds that

these items involved the likely disclosure of exempt information of the class described in Paragraphs 8 and 9 of Part 1 of Schedule 7A of the Act.

3. MINUTE OF MEETING OF 26 MAY 2020

The minute of meeting of 26 May 2020 had been circulated.

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

4. LIST OF OUTSTANDING BUSINESS AT 16 JUNE 2020

A list of outstanding business at 16 June 2020 had been circulated.

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

Durnhythe Care Home - Report to the Area Committee on the Audit Committee's findings to be added to the Outstanding Business List.

5. PLANNING APPLICATIONS FOR DECISION FOLLOWING DEFERRAL

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

A	Reference No APP/2019/2651	Planning Permission in Principle for Erection of Dwellinghouse at Plot 1, Land Adjacent to Auds Cottage, Boyndie
B	Reference No APP/2020/0268	Conservation Area Consent for Demolition of Dwellinghouse and Erection of Wall at 11 Old Market Place, Banff

6. 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/2019/1868	Full Planning Permission for Erection of Dwellinghouse and Garage at Site South of Maunderlea Lodges, Aberchirder
B	Reference No APP/2020/0268	Conservation Area Consent for Demolition of Dwellinghouse and Erection of Wall at 11 Old Market Place, Banff
C	Reference No APP/2020/0529	Full Planning Permission for Erection of Workshop at Plot 2, Yard, South Harbour Road, Fraserburgh

D	Reference No APP/2020/0530	Full Planning Permission for Erection of Workshop at Plot 1, Yard, South Harbour Road, Fraserburgh
E	Reference No APP/2020/0359	Planning Permission in Principle for Erection of Dwellinghouse at Plot 1 to rear of 4 Spillarsford Cottages, Spillarsford, Lonmay
F	Reference No APP/2020/0362	Planning Permission in Principle for Erection of Dwellinghouse at Plot 2 to rear of 4 Spillarsford Cottages, Spillarsford, Lonmay

7. BANFF AND BUCHAN COASTAL COMMUNITIES FUND 2019/2020 AND 2020/2021

A report dated 29 May 2020 from the Director of Education and Children’s Services had had been circulated to seek the agreement of the Area Committee for the general allocation of the Banff and Buchan Coastal Communities Fund 2019/20 and 2020/21 and to advise the Committee of two applications which had been received.

The Committee **agreed**:

1. to approve the eligibility criteria outlined in the report,
2. that the budget contribute between £1,000 and £10,000 up to 90% towards the total cost of community coastal based projects,
3. to approve the award of £2,498.50 to the “Light in the North” Lighthouse trail,
4. that an informal session to be arranged before the next Committee to allow members to:
 - a) be provided with more information on the Coastal Seaweed Industries Diversification Study,
 - b) consider this application together with other applications and projects for the remainder of the 2020 allocation,
 - c) identify a project(s) which would benefit from the funding allocations that have to be spent before 31 March 2021, and
5. that following consultation with Members, the Area Manager be granted delegated authority to make the award(s) and that this decision be reported to a future meeting of the Committee for ratification.

8. BANFF AND BUCHAN AREA COMMITTEE BUDGET 2020/2021 AREA INITIATIVE FUND APPLICATIONS

With reference to Branch 9 of the Minute of Meeting of 31 March 2020, a report dated 30 May 2020 from the Director of Education and Children’s Services had been circulated to advise the Committee of the applications received for funding from the Banff and Buchan

Area Initiatives Fund 2020/2021 and to ask it to determine whether, and to what extent, to award funding.

The Committee **agreed**:

1. to make the following awards:

- a) Aberchirder and District Men's Shed - Roof Resurfacing and Insulation - Amount requested £3,720.

Award of £3,720 granted.

- b) Deveron FM - Radio Transmitters - Amount requested £5,000

Award of £5,000 granted

- c) Fordyce Community Association - Purchase of two picnic tables - Amount requested £833.

Award of £833 granted.

- d) Fraserburgh Development Trust - Community Garden Improvements - Amount requested £3,662.

Award of £3,662 granted

- e) Fraserburgh Sea Cadets - Purchase of two containers (storage and changing rooms) - Amount requested £4,880

Award of £4,880 granted

- f) King Edward Community Hall - Refurbishment of disabled toilet and purchase of dishwasher - Amount requested £3,440

Award of £3,440 granted

- g) New Byth Community Playing Fields Association - Purchase of laptop - Amount requested £383

Award of £383 granted

- h) Pennan Harbour Trust - Construction of tearoom (foundation and drainage) - Amount requested £5,000

Award of £5,000 granted

- i) Portsoy and District Community Council - Interpretation boards and map - Amount requested £3,337

Award of £3,337 granted

- j) Portsoy Community Enterprise - Sail Loft flood defence - Amount requested £5,000

Award of £5,000 granted

- k) Princess Royal Sports and Community Trust - Alteration to building to provide safe social distancing - Amount requested £1,000

Award of £1,000 granted

- l) Rathen, Memsie and Cortes Community Council - Purchase of speakers - Amount requested £400

Award of £400 granted

- m) Rathen, Memsie and Cortes Community Council - Wood chipping for Memsie Play Park - Amount requested £1,800

Award of £1,800 granted

- n) Rosehearty Harbour and Inshore Fishermen's Association - Improving appearance of harbour front and surrounding area - Amount requested £5,000

Award of £5,000 granted

- o) Sandend Amenities Council - Upgrade ladies' toilets in village hall - Amount requested £4,598

Award of £4,598 granted

2. that not enough information had been received from the Y Suffer in Silence group at this time, and that the group be encouraged to submit an application for the second tranche of funding which did not include any core or running costs but which provided details of the group's affiliations, confirmation of the training provider, accreditations of the awarding organisation and the subsequent qualifications, certificates and PVGs for representatives of the group.
3. that a second tranche of the fund be opened immediately to allow applications to be sought by 24 July 2020 and reported to Committee on 18 August 2020, and
4. that an informal meeting be arranged to allow members to identify a contingency project which would benefit from any money that was unable to be spent before 31 March 2021 and that, following this consultation with Members, the Area Manager be granted delegated authority to make the award and that this decision be reported to a future meeting of the Committee for ratification.

9. SUPPLEMENTARY PROCUREMENT PLAN FOR THE HEALTH AND SOCIAL CARE PARTNERSHIP - PROCUREMENT APPROVAL

A report from the Lead Officer, Aberdeenshire Health and Social Care Partnership had been circulated to present the Committee with a Supplementary Procurement Plan for the Integration Joint Board for the financial year 2020/2021 and asking the Committee to implement the Direction to procure the items the Procurement Plan.

The Committee acknowledged that the procurements detailed in the report were approved as part of cross area expenditure on essential maintenance in the Annual Procurement Plan by the Integration Joint Board on 18 December 2019, and

1. **agreed** to approve the items on the Procurement Plan to enable the implementation of the Direction from the Integration Joint Board,
2. **agreed** to approve the Procurement Approval Form, and
3. **noted** that the Partnership Manager (Strategy and Business Services) has the delegated authority to award the final contracts.

10. PROPOSED LEASE OF FORMER LORRY PARK, SOUTH HARBOUR ROAD, FRASERBURGH

A report dated 18 May 2020 from the Director of Business Services had been circulated seeking the Committee's approval to amend the lease terms originally approved on 28 January 2020.

The Committee **agreed**:

1. **to approve** the amended lease terms as detailed in the report, and
2. **to instruct** officers to conclude the lease.

Councillor Presiding over meeting

Print Name

Signature

Date

APPENDIX A

PLANNING APPLICATIONS FOR CONSIDERATION

5A REFERENCE NO APP/2019/2651

PLANNING PERMISSION IN PRINCIPLE FOR ERECTION OF DWELLINGHOUSE AT PLOT 1, LAND ADJACENT TO AUDS COTTAGE, BOYNDIE

Applicant: Mr Gordon Chalmers
Agent: Mr Neil Gray

A report dated 04 June 2020 from the Director of Infrastructure Services had been circulated seeking determination of the above planning application by the Area Committee.

The Committee heard Mr Neil Gray, applicant's agent, in support of the application and Mr W Burnand and Mr B Jones, objectors to the application.

Thereafter, the Committee **agreed to refuse** the application for the following reasons:

The planning authority considers that the application is for a development that is not in accordance with the Aberdeenshire Local Development Plan 2017.

1. The proposal does not comply with Policy R2 Housing and employment development in the countryside of the Aberdeenshire Local Development Plan 2017 as the proposed site does not form part of a cohesive group of at least five existing houses, whilst does not comply with any other criteria contained within the referred policy which would lead the Planning Service to support the proposal.
2. The proposal does not comply with Policy RD1: Providing suitable services of the Aberdeenshire Local Development Plan 2017 as the proposed surface drainage infrastructure is found outwith the proposed application site boundary and therefore cannot be considered to be legally included or implemented as part of a potential consent.

5B REFERENCE NO APP/2019/2660

PLANNING PERMISSION IN PRINCIPLE FOR ERECTION OF DWELLINGHOUSE AT PLOT 2, LAND ADJACENT TO AUDS COTTAGE, BOYNDIE

Applicant: Mr Gordon Chalmers
Agent: Mr Neil Gray

A report dated 04 June 2020 from the Director of Infrastructure Services had been circulated seeking determination of the above planning application by the Area Committee.

The Committee heard Mr Neil Gray, applicant's agent, in support of the application and

Mr W Burnand and Mr B Jones, objectors to the application.

Thereafter, the Committee **agreed to refuse** the application for the following reasons:

The planning authority considers that the application is for a development that is not in accordance with the Aberdeenshire Local Development Plan 2017.

1. The proposal does not comply with Policy R2 Housing and employment development in the countryside of the Aberdeenshire Local Development Plan 2017 as the proposed site does not form part of a cohesive group of at least five existing houses, whilst does not comply with any other criteria contained within the referred policy which would lead the Planning Service to support the proposal.

6A REFERENCE NO APP/2019/1868

FULL PLANNING PERMISSION FOR ERECTION OF DWELLINGHOUSE AND GARAGE AT SITE SOUTH OF MAUNDERLEA LODGES, ABERCHIRDER, AB45 7PY

Applicant: Mr Richard John Greig
Agent: Mr Michael Ritchie

A report dated 03 June 2020 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 Topping, seconded by Councillor Buchan **moved** that the application be refused for the following reasons:

1. The proposed development is contrary to Policy R2 Housing and employment development elsewhere in the countryside, as contained in the Aberdeenshire Local Development Plan 2017, as the proposed dwelling house fails to meet the criteria set out in the policy, in that:
 - a) It is not of a type that would be permissible in the green belt;
 - b) It does not contribute to the growth of a settlement identified in Appendix 4;
 - c) It is not associated with the retirement succession of a viable farm holding;
 - d) It is not for the refurbishment or replacement of an existing or disused building, or remediation of redundant brownfield land opportunities;
 - e) It is not an employment development proposal;
 - f) It is not an appropriate addition to a cluster or group of at least 5 houses.
2. The proposed development is contrary to Policy P1 Layout, siting and design, as contained in the Aberdeenshire Local Development Plan 2017, as the

proposal fails to demonstrate that the proposed house is of appropriate siting and layout which would respect the immediate countryside setting.

3. The proposal is contrary to Policy E2 Landscape as contained in the Aberdeenshire Local Development Plan 2017, as it would have an adverse impact upon and would erode the character of the farmland landscape area.

As an amendment, Councillor Cox, seconded by Councillor Reynolds **moved** that consideration of the application be deferred to allow the applicant to provide further information in relation to the justification for the proposed dwellinghouse and related labour calculations, and for a site visit to take place to enable members to consider the potential impact the proposed development may have on the amenity of the surrounding area in terms of its siting and design.

Members of the Committee voted:

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

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

that consideration of the application be deferred to allow the applicant to provide further information in relation to the justification for the proposed dwellinghouse and related labour calculations, and for a site visit to take place to enable members to consider the potential impact the proposed development may have on the amenity of the surrounding area in terms of its siting and design.

6B REFERENCE NO APP/2020/0268

CONSERVATION AREA CONSENT FOR DEMOLITION OF DWELLINGHOUSE AND ERECTION OF WALL AT 11 OLD MARKET PLACE, BANFF, AB45 1GE

Agent: Mr Michael Ritchie

A report dated 28 May 2020 from the Director of Infrastructure Services had been circulated seeking determination of the above planning application by the Area Committee.

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

Thereafter, the Committee **agreed** to delegate the application to the Head of Planning and Environment to approve on conditions including appropriate mitigation conditions provided by Infrastructure Services (Archaeology).

The Committee's reasons for departure from the Aberdeenshire Local Development Plan were that:

1. the building, now de-listed and derelict, makes no positive contribution to the conservation area,
2. demolishing of the building will have a much greater financial and economic impact for the area by attracting people into the town and providing further employment opportunities, and
3. restoration of the property is not financially viable and, as the site is liable to flooding it is unrealistic to expect that it can be brought back into its original use as a dwelling.

6C REFERENCE NO APP/2020/0529

**FULL PLANNING PERMISSION FOR ERECTION OF WORKSHOP AT PLOT 2,
YARD, SOUTH HARBOUR ROAD, FRASERBURGH**

Applicant: RPD

Agent: RJM Architectural Design

A report dated 28 May 2020 from the Director of Infrastructure Services had been circulated seeking determination of the above planning application by the Area Committee.

The Committee **agreed to approve** the application on the following conditions:

1. The development hereby approved shall not be brought into use unless the vehicular and pedestrian access and all parking and turning areas have been provided and surfaced in accordance with the details shown on the approved plan. 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.

2. The vehicular access, driveway and parking area hereby approved shall not be brought into use unless both have been provided and surfaced in accordance with the details shown on the approved plans and the drop kerb footway crossing has been formed at the new access. The first five metres of the driveway measured from the back of the footway shall be fully paved and shall have a maximum gradient not exceeding 1:20. The access and parking area 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 access, driveway and parking area shall thereafter be permanently retained as such.

Reason: To ensure the timely completion of the access, driveway and parking area to an adequate standard; to prevent the carriage of loose driveway material on to the public road and to ensure the retention of adequate off-street parking facilities, all in the interests of road safety.

The Committee's reasons for departure from the Aberdeenshire Local Development Plan were that the applicant has demonstrated the need case for the proposed building which although is in conflict with the CC1 allocation for bulky retail use is necessary for the expansion of a nearby existing business which will in turn secure local employment. The proposed building is deemed to be an appropriate addition to the site, which has remained undeveloped for some time, which is also suitable in the wider context of the surrounding area in terms of both the function and external appearance. The relocation of one aspect of the applicant's business from Maconochie Road to the proposed building will also reduce traffic concerns and congestion on a section of the A90 trunk road.

6D REFERENCE NO APP/2020/0530

FULL PLANNING PERMISSION FOR ERECTION OF WORKSHOP AT PLOT 1, YARD, SOUTH HARBOUR ROAD, FRASERBURGH

Applicant: RPD
Agent: RJM Architectural Design

A report dated 28 May 2020 from the Director of Infrastructure Services had been circulated seeking determination of the above planning application by the Area Committee.

The Committee **agreed to approve** the application on the following conditions:

01. The development hereby approved shall not be brought into use unless the vehicular and pedestrian access and all parking and turning areas have been provided and surfaced in accordance with the details shown on the approved plan. 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.

02. The vehicular access, driveway and parking area hereby approved shall not be brought into use unless both have been provided and surfaced in accordance with the details shown on the approved plans and the drop kerb footway crossing has been formed at the new access. The first five metres of the driveway measured from the back of the footway shall be fully paved and shall have a maximum gradient not exceeding 1:20. The access and parking area 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 access, driveway and parking area shall thereafter be permanently retained as such.

Reason: To ensure the timely completion of the access, driveway and parking area to an adequate standard; to prevent the carriage of loose driveway material on to the public road and to ensure the retention of adequate off-street parking facilities, all in the interests of road safety.

The Committee's reasons for departure from the Aberdeenshire Local Development Plan were that the applicant has demonstrated the need case for the proposed building

which although is in conflict with the CC1 allocation for bulky retail use is necessary for the expansion of a nearby existing business which will in turn secure local employment. The proposed building is deemed to be an appropriate addition to the site, which has remained undeveloped for some time, which is also suitable in the wider context of the surrounding area in terms of both the function and external appearance. The relocation of one aspect of the applicant's business from Maconochie Road to the proposed building will also reduce traffic concerns and congestion on a section of the A90 trunk road.

6E REFERENCE NO APP/2020/0359

PLANNING PERMISSION IN PRINCIPLE FOR ERECTION OF DWELLINGHOUSE AT PLOT 1 TO REAR OF 4 SPILLARSFORD COTTAGES, SPILLARSFORD, LONMAY, FRASERBURGH

Applicant: Mr D McDonald
Agent: Joan Harper

A report dated 28 May 2020 from the Director of Infrastructure Services had been circulated seeking determination of the above planning application by the Area Committee.

The Committee heard Mr Craig Fyvie, applicant's agent, in support of the application.

Thereafter, the Committee **agreed to approve** the application 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 bin uplift area, driveway, vehicle parking and turning area;
- (b) full details of the proposed means of access to the development including visibility splays, and a vehicle lay-by at the junction with the public road;
- (c) a landscaping scheme for the development including details of the existing landscape features and vegetation to be retained; 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 25 metres in both directions along the channel line of the [public road] 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 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(b). 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. The dwellinghouse hereby approved shall not be occupied unless its driveway, parking and turning area measuring not less than 7.6m x 7.6m, have been provided and surfaced in accordance with the details shown on the plans to be submitted and approved under condition 1(a). The first 5 metres of the access must be fully paved, and the maximum gradient of the access shall not exceed 1:20 gradient. 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. Parking spaces, surfaced in hard standing materials, shall be provided within the site in accordance with the Council's Car Parking Standards. 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.

5. No works in connection with the permission hereby granted, other than that required by condition 2, shall commence unless a lay-by has been provided and surfaced in accordance with the details shown on the plans submitted and approved under condition 1 (b). The lay-by shall measure 8 metres by 2.5 metres with 45 degree splay and be formed at the frontage of the site and the proposed vehicular access is to be taken via this. Construction shall be to a standard appropriate to the location and must be agreed in advance with Infrastructure Services (Roads Development).

Reason: To ensure the existing road network can accommodate the traffic likely to be associated with the proposed development in the interests of road safety.

6. No works in connection with the development hereby approved shall commence unless details of the refuse bin uplift store area has been submitted to and approved in writing by the Planning Authority under condition 1 (a). The area shall be constructed behind any visibility splay and shall be designed so as to be accessible for refuse bin uplift and to prevent empty bins from being wind-blown. No dwellinghouse shall be occupied unless the refuse bin uplift store area has been provided and surfaced in accordance with the approved details. 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.

7. 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(c). 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.

8. The dwellinghouse hereby approved shall not be occupied unless the proposed foul and surface water drainage systems have been provided in accordance with the plans submitted and approved under condition 1(e) and the Drainage Report by Ferguson Geotechnical dated February 2020. 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.

9. 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. No works in connection with the development hereby approved shall commence unless details of the surface water drainage arrangements have been submitted to and approved in writing by the Planning Authority under condition 1 (e). This must include a plan drawing(s) of the system layout; evidence from a suitably qualified person that suitably sized surface water partial soakaway(s) will be installed to limit discharge to the watercourse (for the new impervious area created) to the greenfield runoff rate; and information on who will be responsible for the future maintenance of the surface water drainage system. 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.

11. Notwithstanding the development hereby approved, no built development or landraising shall take place at or below an elevation of 34m above ordnance datum, as presented on drawings *19130-01 Amendment 1 Dated 01/06/20*.

Reason: To ensure there is no increased risk of flooding as a result of the development, and to protect people and property from flood risk and maintain flood water storage capacity.

12. Notwithstanding the details of the proposal hereby approved, the minimum finished floor levels should be set above 35m above ordnance datum in accordance with the details shown on the plans submitted and approved under condition 1 (a) and (d).

Reason: To ensure there is no increased risk of flooding as a result of the development, and to protect people and property from flood risk and maintain flood water storage capacity.

13. The 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(c). 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.

14. 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.

15. 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.

The Committee's reason for departure from the Aberdeenshire Local Development Plan was that the application complies with Policy R2: Housing and employment development elsewhere in the countryside as the proposed development represents a suitable addition of a single dwelling to a cluster of at least five existing dwellinghouses. The development is appropriately sited being well connected to the existing group in compliance with Policy P1: Layout, siting and design, and Policy E1: Natural heritage, and satisfies technical matters in accordance with Policy C1: Using resources in buildings, Policy RD1: Providing suitable services and Policy RD2: Developers' obligations.

6F REFERENCE NO APP/2020/0360

PLANNING PERMISSION IN PRINCIPLE FOR ERECTION OF DWELLINGHOUSE AT PLOT 2 TO REAR OF 4 SPILLARSFORD COTTAGES, SPILLARSFORD, LONMAY, FRASERBURGH

Applicant: Mr D McDonald
Agent: Joan Harper

A report dated 28 May 2020 from the Director of Infrastructure Services had been circulated seeking determination of the above planning application by the Area Committee.

The Committee heard Mr Craig Fyvie, applicant's agent, in support of the application.

Thereafter, the Committee **agreed to approve** the application 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 bin uplift area, driveway, vehicle parking and turning area;
- (b) full details of the proposed means of access to the development including visibility splays, and a vehicle lay-by at the junction with the public road;
- (c) a landscaping scheme for the development including details of the existing landscape features and vegetation to be retained; 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 25 metres in both directions along the channel line of the [public road] 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 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(b). 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. The dwellinghouse hereby approved shall not be occupied unless its driveway, parking and turning area measuring not less than 7.6m x 7.6m, have been provided and surfaced in accordance with the details shown on the plans to be submitted and approved under condition 1(a). The first 5 metres of the access must be fully paved, and the maximum gradient of the access shall not exceed 1:20 gradient. 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. Parking spaces, surfaced in hard standing materials, shall be provided within the site in accordance with the Council's Car Parking Standards. 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.

5. No works in connection with the permission hereby granted, other than that required by condition 2, shall commence unless a lay-by has been provided and surfaced in accordance with the details shown on the plans submitted and approved under condition 1 (b). The lay-by shall measure 8 metres by 2.5 metres with 45 degree splay and be formed at the frontage of the site and the proposed vehicular access is to be taken via this. Construction shall be to a standard appropriate to the location and must be agreed in advance with Infrastructure Services (Roads Development).

Reason: To ensure the existing road network can accommodate the traffic likely to be associated with the proposed development in the interests of road safety.

6. No works in connection with the development hereby approved shall commence unless details of the refuse bin uplift store area has been submitted to and approved in writing by the Planning Authority under condition 1 (a). The area shall be constructed behind any visibility splay and shall be designed so

as to be accessible for refuse bin uplift and to prevent empty bins from being wind-blown. No dwellinghouse shall be occupied unless the refuse bin uplift store area has been provided and surfaced in accordance with the approved details. 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.

7. 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(c). 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.

8. The dwellinghouse hereby approved shall not be occupied unless the proposed foul and surface water drainage systems have been provided in accordance with the plans submitted and approved under condition 1(e) and the Drainage Report by Ferguson Geotechnical dated February 2020. 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.

9. 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. No works in connection with the development hereby approved shall commence unless details of the surface water drainage arrangements have been submitted to and approved in writing by the Planning Authority under condition 1 (e). This must include a plan drawing(s) of the system layout; evidence from a suitably qualified person that suitably sized surface water partial soakaway(s) will be installed to limit discharge to the watercourse (for the new impervious area created) to the greenfield runoff rate; and information on who will be responsible for the future maintenance of the surface water drainage system. 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.

11. Notwithstanding the development hereby approved, no built development or landraising shall take place at or below an elevation of 34m above ordnance datum, as presented on drawings *19130-01 Amendment 1 Dated 01/06/20*.

Reason: To ensure there is no increased risk of flooding as a result of the development, and to protect people and property from flood risk and maintain flood water storage capacity.

12. Notwithstanding the details of the proposal hereby approved, the minimum finished floor levels should be set above 35m above ordnance datum in accordance with the details shown on the plans submitted and approved under condition 1 (a) and (d).

Reason: To ensure there is no increased risk of flooding as a result of the development, and to protect people and property from flood risk and maintain flood water storage capacity.

13. The 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(c). 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.

14. 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.

15. 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.

The Committee's reason for departure from the Aberdeenshire Local Development Plan was that the application complies with Policy R2: Housing and employment development elsewhere in the countryside as the proposed development represents a suitable addition of a single dwelling to a cluster of at least five existing dwellinghouses. The development is appropriately sited being well connected to the existing group in compliance with Policy P1: Layout, siting and design, and Policy E1: Natural heritage, and satisfies technical matters in accordance with Policy C1: Using resources in buildings, Policy RD1: Providing suitable services and Policy RD2: Developers' obligations.

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