

BANFF & BUCHAN AREA COMMITTEE

TUESDAY 21 JUNE, 2022

Present: Councillors Mair (Chair), J Adams, S Adams, A Bell, R Cassie, J Cox , M Findlater, S Logan, R Menard, and G Reynolds.

Officers: A Keith, (Area Manager); L Findlay, (Director of Education & Children's Services); R Johnston, (Director of Business Services); A Wood, Director of Environment and Infrastructure); A MacLeod, (Housing Manager); P Whalley, (Early Years Estate Manager); A Wight, (Team Manager, Property & Facilities); I Wylie, (Project Manager, Property & Facilities); J Martin, (Senior Planner); J Joss, (Senior Solicitor); F Stewart, (Senior Solicitor); R McGregor, (Strategic Transport Officer); N Woodward (Community Planning Officer); and J McRobbie (Area Committee Officer).

1. DECLARATION OF MEMBERS' INTERESTS

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

Councillor Cox declared an interest in Item 12 (Banff and Buchan Area Committee Budget 2022/2023 - Area Initiative Fund Applications), as a Board Member of the Friends of Chalmers Hospital, indicating that he would take no part in the discussion of the item, and leave the meeting during its consideration.

Councillor Reynolds declared an interest in Item 12 (Banff and Buchan Area Committee Budget 2022/2023 - Area Initiative Fund Applications), as a Board Member of the Friends of Chalmers Hospital, indicating that he would take no part in the discussion of the item, and leave the meeting during its consideration.

The Committee **noted** that Miss Stewart, Senior Solicitor had a similar interest in the Item, and would also leave the meeting and play no part in supporting Members' determination of the application.

2A. RESOLUTION: PUBLIC SECTOR EQUALITY DUTY

The Committee **agreed**, in terms of Section 149 of the Equality Act, 2010:-

1. to have regard to the need to:-
 - (i) eliminate discrimination, harassment, and victimisation;
 - (ii) advance equality of opportunity between those who share a protected characteristic and persons who do not share it; and
 - (iii) foster good relations between those who share a protected characteristic and persons who do not share it; and

2. where an Integration Impact Assessment was provided to consider its contents and take these into account when reaching a decision.

2B. RESOLUTION: EXEMPT

The Committee agreed, in terms of 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 16 and 17 of the business on the grounds that it involved the likely disclosure of exempt information of the class described in Paragraph 8 of Part 1 of Schedule 7A of the Act.

3. MINUTE OF MEETING OF 31 MAY 2022

There had been circulated and was **approved** as a correct record the Minute of Meeting of 31 May 2022.

4. LIST OF OUTSTANDING BUSINESS AT 21 JUNE 2022

There had been circulated a report by the Area Manager, providing an update on the outstanding business for Banff and Buchan Area Committee as at 21 June, 2022.

The Committee heard from the Area Manager that there were no additional updates to be reported and that date of the statement should be June, not May, 2022.

The Committee **noted** the updates provided.

5. PLANNING APPLICATIONS FOR DETERMINATION

The following applications were considered, along with valid representations received, and Requests to Speak, and were dealt with as recorded in the Appendix to this Minute.

- | | Reference No | Address |
|----|---------------|--|
| A. | APP/2022/0507 | Full Planning Permission for Formation of Campsite, Land at Black Culphin, Cornhill |
| B. | APP/2022/0027 | Full Planning Permission for Alterations and Extension to Dwellinghouse, 10 Hill Street, Portsoy |
| C. | APP/2022/0605 | Planning Permission in Principle for Erection of Dwellinghouse, Site At Nether Inverichnie, Banff |
| D. | APP/2022/0645 | Approval of Matters Specified in Conditions for Condition 1 (a) Siting, Design, Layout, External Appearance, Finishing Materials, Bin Uplift, Driveways, Vehicle Parking and Turning; (b) Means of |

Access including Visibility Splays, Vehicle Lay-by at junction; (c) Landscaping Scheme; (d) Levels Survey and Site Sections of Planning Permission in Principle Reference APP/2019/1165 for Erection of Dwellinghouse and Garage, Site Adjacent to Ladybrae Cottage, Ladysbridge, Banff

6. LRB 533 – THE OLD SCHOOL HOUSE, SEAVIEW ROAD, SANDEND (APP/2021/1106)

There had been circulated and was **noted** a report by the Director of Environment and Infrastructure advising Members that the Local Review Body had, in line with the Appointed Officer's decision, upheld the refusal of Full Planning Permission for the Erection of 4 Glamping Pods and Cycle Storage at the Old School House, Seaview Road, Sandend.

7. BANFF-MACDUFF RIVER DEVERON ACTIVE TRAVEL BRIDGE – STAG2 FINAL REPORT

With reference to the Minute of Meeting of 18 December 2018 (Item 12), there had been circulated a report dated 9 June 2022 by the Director of Environment and Infrastructure, (a) advising of the outcome of the detailed feasibility study into the construction of an Active Travel Bridge between Banff and Macduff, including the preferred alignment of any such bridge, and (b) seeking the Committee's endorsement to take the project to the next stage of development.

The Committee heard further from the Strategic Transport Officer as to the timeline of the project's development since 2007, and the summary conclusions of the STAG2 appraisal for the proposed foot-, wheeled-, and cycle bridge at the Deveron crossing between Banff and Macduff, which could also provide an opportunity to re-engineer the existing road bridge to alleviate current challenges of narrow carriageways. The opportunity to bid for Sustrans funding over the summer was highlighted and required the Committee's approval in principle for a choice of location of the technical options which had been assessed.

Clarification was provided that the identification of a preferred location would have no conflict with Members' role in considering any planning application which may subsequently be submitted.

There was discussion of the need for communication to be clear that any progression of an Active Travel Bridge would complement, and not replace, any road bridge project; of the Sustrans funding opportunity which was not available for road bridge works; of future revenue costs of upkeep and maintenance, the only burden which would fall within the Council's own funding; of indicative costs for the work which would be shared with Members; and of the opportunities which would be explored to ensure an iconic design, with the design process open to public comment, could be considered.

The Committee **agreed:-**

- (1) to note the conclusions of the feasibility study on constructing an active Travel Bridge between Banff and Macduff;
- (2) to endorse the proposed approach to take the project forward including seeking external funding for the next stage of development; and
- (3) that officers provide Members, via Ward Pages, a briefing with an indicative costs and timeline for the funding application.

8. ENVIRONMENT AND INFRASTRUCTURE SERVICES PERFORMANCE UPDATE OCTOBER – END OF MARCH 2022 (ABERDEENSHIRE PERFORMS)

With reference to the Minutes of Meeting of Full Council of 7 October 2020, (Item 3), Infrastructure Services Committee of 11 March 2021, (Item 5), and the Banff & Buchan Area Committee of 25 March 2021, (Item 7), there had been circulated a report dated 9 May 2022 by the Director of Environment and Infrastructure Services, (a) providing an update on key performance and outcome indicators demonstrating the delivery of the Council's strategic priorities in the Area, with the intent to inform and allow Elected Members to fulfil their scrutiny role, holding Officers to account for the performance of the service.

The Committee heard from the Director of Environment and Infrastructure of areas, within the 38 measures, two thirds of which were within target, where performance was good, including consistent incremental improvements on the Performance Indicators (PIs) for tenant arrears, and the resolution of homeless cases. Mr. Wood spoke of other areas where improvement, always welcome, was required, particularly in PIs where performance was below target, such as council house voids, waste, and planning and advised of the steps being taken to address these.

There was discussion of the potential to report main-stream housing voids separately from sheltered housing; the different approaches adopted by other local authorities in reporting voids without including sheltered housing statistics; the new re-lettable standard and processes which were intended to reduce the void period necessitated by repairs; the increasing challenges in meeting Energy Efficiency Standard for Social Housing (ESSH); the performance of the Business Gateway, compared to the complementary provision by the Fraserburgh Enterprise Hub; the priority required in the provision of export certificates timeously to the fishing community; the Council's route to Living Wage formal accreditation; challenges in providing superfast broadband across several areas of Aberdeenshire; and whether the report could include additional text reflecting how issues were to be resolved, including budgetary pressures, as this would inform Council funding decisions.

The Committee **agreed**, having considered the terms of the report:-

1. that the Director of Environment & Infrastructure Services continue to present performance reports on a six-monthly basis in order to evidence progress with the delivery of the actions set out in the Area Plan 2021 – 2022;

2. to note the intent to disaggregate void categories, and the potential positive impact of new lettable standard, noting that not all local authorities include sheltered-housing statistics in their void performance reporting;
 3. to note the success to date in meeting EEESH requirements, and the further opportunities which this would present;
 4. to welcome measures to improve planning application performance, including staff retention and development; and
 5. to note that an informal session with Digital Expert was to be scheduled post-recess; and
 6. that the Director of Business Services be requested to update Members on progress in the pursuit of Living Wage Accreditation.
- 9. BUSINESS SERVICES' AREA COMMITTEE PERFORMANCE INDICATOR REPORT – YEAR-END PROGRESS UPDATE (APRIL 2021 – MARCH 2022)**

There had been circulated a report dated 8 June 2022 by the Director of Business Services, providing an update on progress on Business Services Performance Indicators, for the Banff and Buchan Area, which support the Council Plan Priorities 2020-22.

The Committee heard from the Director of Business Services of a correction required on Performance Indicator status on Council Tax Reductions new claims, wrongly marked as acceptable which should have been flagged as red, and of officers' intentions add to the functionality of the PI-reporting in future reports, with an additional "So what" column to provide more context to the statistics reported.

Mr. Johnston spoke of the improvement over recent quarters of the average response time for contact centre calls, coupled with a decrease in abandonment rates; the automated webchat, from its modest start was averaging 30 enquiries per day, and would be continued to be refined, always aware of any issues of accessibility, necessitating that this would never become the sole means of customer contact; the challenges in dealing with new applications and changes of circumstances for Council Tax and Housing Benefits assessments, where, with an average annual application number of 10,000, in 2021 93,500 had been submitted, and in the context of awareness of current pressures in cost of living increases; the conflict between Universal Credit applications process approval times of five weeks, and the PI for Housing Benefit of 22 days and ongoing consideration of means of mitigating the impact on claimants; a proposed workshop for all Members, on Means-Tested Benefits, to be held post-recess; and reports to be submitted for Area Committee consideration in respect of operational buildings and surplus asset disposals.

There was discussion on staffing requirements to support the additional claims generated by increasing financial pressures, mainly related to cost of living challenges rather than specific events such as storm damage, and the review of the

process; and the joint working with partner colleagues to signpost support mechanisms.

The Committee **agreed**:-

- (1) to acknowledge progress made in relation to Business Services performance indicators relating to the Banff & Buchan Area as detailed in the report;
- (2) to welcome the proposed additional narrative to be added to the report on “so what”;
- (3) to note the proposed workshop on means tested benefits; and
- (4) that the Director of Business Services continue to present reports on progress with performance indicators to the Committee on a six-monthly basis, in line with the Performance Management Framework, evidencing progress and performance supporting the Council Plan 2020-22.

10. EDUCATION & CHILDREN’S SERVICES YEAR-END PERFORMANCE MONITORING REPORT – OCTOBER 2021 TO MARCH 2022 (COUNCIL PRIORITIES: AREA PLAN 2021-2023)

There had been circulated a report dated 20 May 2022 by the Director of Education & Children’s Services, (a) providing an update on the progress with key council area outcome indicators identified as provided by the Education & Children’s Services Directorate, demonstrating the delivery on the Aberdeenshire Council Plan Priorities (2020-2022) framework, linked to the Banff & Buchan Area Plan (2021-2023), and (b) evidencing through a reflection of the performance achieved during the last six months of the reporting year 2021/22 (October 2021 to March 2022), progress made, allowing Members to fulfil their scrutiny and monitoring role.

The Committee heard from the Director of Education and Children’s Services that, over the last six months of 2021/22, over half of Banff & Buchan Area Plan outcome measures linked to the Council Priorities 1, 2, 3 and 27 combined, and updated by the Education and Children’s Service, during this same period, were performing on target. Additional areas of reporting had been included, compared to previous reports, as data on schools, early years provision, positive destinations for school leavers returning to pre-pandemic levels, the increase in uptake of foundation apprenticeships at a higher level in Banff & Buchan compared to other areas of Aberdeenshire; as well as the work of the Community Learning & Development, where over 80% of adult learners had reached their goals. The recommencement, in March 2022, of reporting of performance on the reopened Live Life Aberdeenshire facilities would be included in future reports.

There was discussion of the positive improvements which had been reported, and the Committee **agreed**, having considered the terms of the report;-

- (1) to acknowledge progress made during October 2021 to March 2022 toward achieving the Council Plan Priorities 2020-2022 linked to the Banff & Buchan Area Plan 2021-2023; and

- (2) that the Director of Education & Children's Services continue to present performance reports to the Area Committee on a six-monthly basis, evidencing progress and performance with delivery of the Council Plan linked to the Banff & Buchan Area Plan.

Arising from consideration of the above, the Committee heard of a Primary 7 event at Rosehearty School, to which the whole community had been invited and at which the Chair of the Education & Children's Services Committee had presented prizes, and also of a well-received prizegiving, attended by local Members, at Fraserburgh Academy. The Committee **agreed** to commend the Head Teachers and staff on these events.

11. BANFF & BUCHAN AREA PLAN 2020-23 – MID-YEAR PROGRESS ON PROJECTS/ACTIONS

With reference to the Minute of Meeting of 25 May 2021, (Item 7,) there had been circulated a report dated 8 June 2022 by the Director of Education & Children's Services, providing a mid-year update on progress made in relation to projects and actions within the Banff & Buchan Area Plan.

The Committee heard from the Area Manager that of the 93 projects listed, 15 had been completed, with 60 in progress, 11 started but with no progress to report, and 7 which had not yet begun. Oral updates were provided in respect of Fraserburgh Library, where works were to start over summer 2022 whilst the facility operated from a temporary location; and of asset transfers where all projects were on track to deliver as expected. A further update, which would see new projects proposed to be added to the plan, would be reported in December 2022.

There was discussion of the need for further clarity over the Fraserdeen project which had ended, and of similar projects with the Academy which were to begin; the Art on the Fly project, on which a service update was awaited and would be provided to Members as a briefing note; confirmation on the timescale for the works at North Braeside, Fraserburgh; and the need for an update on the Fraserburgh Recycling Centre.

The Committee **agreed** having considered progress as detailed in the updates provided:-

- (1) to acknowledge progress made in relation to the projects/actions contained within the Banff & Buchan Area Plan which supports the Council Plan 2020-23;
- (2) to note the oral update provided on the upgrading works to Fraserburgh Library;
- (3) that additional information be shared with Members on (a) the Fraserdeen project, (b) Art on the Fly project, and (c) the timescale for housing development at North Braeside, Fraserburgh;

- (4) that the Area Manager to continue to present progress reports to the Committee on a six-monthly basis, in line with the Performance Management Framework, evidencing progress and performance with delivery of the Council Plan 2020-23; and
- (5) to note that the next Area Plan Performance and Progress Report was scheduled to come to Committee in November 2022.

Prior to commencement of discussion of the undernoted item of business, Councillors Cox and Reynolds, having declared an interest as Board Members of the Friends of Chalmers Hospital, Banff, left the meeting.

Senior Solicitor Miss Stewart also left the meeting at this point, with legal support for the Committee provided, for Item 12, by Senior Solicitor Mrs. Joss.

12. BANFF AND BUCHAN AREA COMMITTEE BUDGET 2022/2023 - AREA INITIATIVE FUND APPLICATIONS

With reference to the Minute of Meeting of 29 March 2022, (Item 10,) there had been circulated a report dated 2 June 2022 by the Director of Education and Business Services, advising the Committee of the applications received for funding from the Banff and Buchan Area Initiatives Fund 2022/2023, and requesting determination of the applications.

The Committee heard from the Area Manager of the range of projects, both in content and geographical location, which had been received, and of the balance of funding which would remain to be allocated should all grants requested be awarded in full.

After discussion, and the consideration of each application in turn, the Committee **agreed:-**

- (1) to approve the award of funding against each application as detailed below:

Organisation	Project	Total Project Cost	Amount Awarded
1 st Portsoy & Fordyce Scout Group	Upgrade toilets and shower facilities in the Scout Hall	42,880	10,000
Aberchirder & District Community Association	Refurbishment of outside of Pavilion in Parkview.	850	680
Banff and Macduff Heartstart	Replace 8 defibrillator cabinets.	3,625	2,900
Broch Community First Responders	Purchase and install defibrillator and box	1,680	1,344

	at Fraserburgh Beach.		
Fraserburgh Royal British Legion (RBL) Pipe Band	Purchase new waistcoats and jackets for all members.	10,800	5,000
Fraserburgh Sea Cadets	Upgrade toilets and install shower in HQ.	11,055	5,000
Invercairn Community Council	Toddler Play Equipment for Station Road Swing Park.	17,428	8,222
King Edward Community Hall	Replace emergency lighting in Community Hall.	651	521
North East of Scotland Preservation Trust	Options Appraisal for properties 6 properties at Portsoy Harbour and 4 properties in Whitehills Conservation Area.	20,000	5,000 (conditional)
Portsoy Community Council	Purchase 2 benches made from recycled material, to be located in Loch Soy Park.	1,634	1,307
The Pony Club	Towards purchase of a gazebo.	1,710	640

- (2) that a second tranche of the fund be opened, applications sought by Friday 29 July 2022 and reported to Committee on 30 August 2022, and
- (3) that, should any money allocated be unspent by 31 March 2023, an informal meeting be arranged to identify contingency projects and alternative ways to allocate the budget, with the Area Manager subsequently delegated authority to make the award.

13. COMMUNITY COUNCIL FUNDING 2022/2023

There had been circulated a report dated 6 June 2022 by the Director of Education & Children's Services, requesting Members' consideration of the process, and agree the allocation of the Banff and Buchan Community Council grants for 2022/2023.

Heard from the Area Manager of the breakdown of the awards between fixed amount, electorate-based additions, Date Protection costs, and standard insurances, the Committee **agreed:-**

to approve the allocation of the Community Council administration grants for the Banff and Buchan Area for 2022/2023, as detailed in Appendix 1 to the report.

14. ABERDEENSHIRE CHARITIES TRUST (ACT2) APPLICATION

There had been circulated a report dated 8 June 2022 by the Director of Education & Children's Services, seeking Members' consideration of an application for submitted, under Aberdeenshire Charities Trust (ACT2), Ward 3, by Fraserburgh Sea Cadets for funding of £750, towards the running of boating sessions, to be available, free of charge, to the general public within Fraserburgh.

The Chair advised that a Request to Speak had been submitted in terms of the ACT2 funding criteria by Lieutenant Commander Trail of the Fraserburgh Sea Cadet, but that he was unable to attend for personal reasons.

The Committee heard of the funding which was available in the two categories for funding in Ward 3, neither of which could meet the payment of the full grant requested, and also that the aims of the proposed taster sessions would fit under either category.

There was discussion of the pivotal role which the Sea Cadets played in contributing to the social capital of the wider area, and the Committee **agreed:-**

- (1) recognising the role which the group, and the proposed activity would have to the benefit of the community, to award the grant, as requested, in full; and
- (2) to utilise the full remaining balance, (£481.83 as of date of report writing) from category Ward 3, Any Purpose, and the residual amount (£268.17) from within Ward 3, Prevention and Relief of Poverty/ Those in Need.

15. FUTURE MEETING ARRANGEMENTS

With reference to the Minute of Meeting of Council of 23 September 2021, (Item 13), which had agreed to introduce a Choice Based Blended Model of Fully Virtual and Hybrid Meetings, incorporating the principle that meeting groups should be able to choose how they want to meet, there had been circulated a report dated 24 May 2022 by the Director of Education and Children's Services requesting Members to provide a view on preferred meeting arrangements for 2022/23, having regard to having regard to existing limitations, including the availability of audio visual equipment and staffing resources required to deliver a high quality hybrid experience.

The Committee heard from the Area Manager of works which would be undertaken to assess the capacity of the Faithlie Centre, Fraserburgh, to meet the technical requirements for hybrid meetings; of the longer-term exploration of potential venues in the north of the area; and that there was no additional budget for staffing or equipment if found necessary to support hybrid working.

There was discussion of locations which might be considered for Banff, including the Deveron Centre at Banff; the green and accessibility issues for officer attendance online; and the requirement to ensure accessibility issues were considered, with hybrid meetings

The Committee **agreed:-**

- (1) that the preferred method of meeting for 2022/23 be hybrid, subject to the confirmation that this could be accommodated within existing resources; and
- (2) that officers report back to Committee in the event that Members' preferred option cannot be facilitated at this time.

16. FRASERBURGH NEW SCHOOL PROVISION – GATEWAY 1 REPORT

With reference to the Minutes of Meeting of Full Council of 21 November 2021 (Item 15) and the Banff and Buchan Area Committee of 29 March 2022 (Item 13), there had been circulated a report dated 19 May 2022 by the Director of Education and Children's Services, providing Members with an update on progress relating to the provision of a new School building in Fraserburgh, to accommodate, subject to a statutory consultation the current Fraserburgh North and St Andrew's Schools; and requesting the Committee's consideration of (a) progressing the project to Gateway Stage 2 to allow more detailed and further cost planning to be undertaken and (b) endorsing the Fraserburgh Academy site as the preferred site location to accommodate the new provision.

Members heard from officers of the commencement of stakeholder engagement in November 2021 which had highlighted a range of feedback on issues such as safety and welfare, and ensuring the dignity of children into the future, and on the design considerations. Whilst benefits of geography and service co-location had already been identified for a site at Fraserburgh Academy, progression to a Stage 2 Gateway was not an instruction for the delivery on a specific site at this stage but would allow more detailed consideration of design and costings; a third Gateway would consider design, location, schedule of accommodation and the scope of any new premises.

There was discussion of the ongoing process of consultation with stakeholder groups; the investigations, as yet unproductive, of potential alternative site options; and the awareness of impact on existing catchment areas relating to the location of parents of school age children.

The Committee **agreed:-**

- (1) to acknowledge the inclusion of the project to build a new Primary School in Fraserburgh within the Capital Plan, as approved by Full Council in November 2021;
- (2) to note and commend the work undertaken in Gateway Stage 1;
- (3) that officers proceed to Gateway Stage 2; and
- (4) to endorse the Fraserburgh Academy site as the preferred site for the delivery of new school provision.

**17. SUPPLEMENTARY HOUSING AND BUILDING STANDARDS
PROCUREMENT PLAN & PROCUREMENT APPROVAL FORM:
PROPOSED REDEVELOPMENT OF SITE AT 2-4 BERVIE ROAD
FRASERBURGH**

With reference to the Minute of Meeting of 26 November 2019 (Item 17,) there had been circulated a report dated 1 June 2022 by the Director of Environment and Infrastructure Services, seeking approval to amend an item on the Housing and Building Standards Procurement Plan, as well as approval of the corresponding Procurement Approval Form, in respect of the procurement of works, goods and services, to deliver 6 social rented properties in Fraserburgh, as part of Phase 8 of Aberdeenshire Council's new-build affordable housing programme.

Having heard further from the Housing Manager of the returned contract cost significantly exceeding the amount approved in 2019, but being assured that, in the context of the drivers for change the price reflected current market rates and that the highest level of housing need was for 1-bedroom properties, there was discussion of requirement or otherwise to retain approval of the project to the Area Committee,

The Committee **agreed:-**

- (1) to approve an amendment to the Housing and Building Standards Procurement Plan as detailed in Appendix 1;
- (2) to approve the new Procurement Approval Form, as detailed in Appendix 2 to the report; and
- (3) that the award of final contract for any matters be not reserved but be delegated to the Head of Housing, after discussion with local Members.

APPENDIX

5A. Reference No: APP/2022/0507: Full Planning Permission for Formation of Campsite at Land at Black Culphin, Cornhill, Aberdeenshire

Applicant	Mr. Steven Chalmers
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There had been circulated a report dated 8 June 2022 by the Director of Environment and Infrastructure, requesting Members' determination of an application for Full Planning Permission for the formation of a campsite at Black Culphin, Cornhill.

The Committee heard from the Senior Planner of the proposal's assessment as an acceptable departure from the Local Development Plan 2017 in terms of the specific nature of the proposal, being a seasonal, basic camp site, compliant with landscape policies accommodation and with no objections from statutory consultants, letters of support, and despite the lack of connection to a settlement as suggested by Policy B3 (Tourist facilities) given the social and economic benefits which were likely to arise.

There was discussion of the history of previous applications, which had highlighted the importance of access to public transport; and the limited landscape impact of the proposal.

Members confirmed that they had had all the necessary information to participate in the determination of the application.

The Committee **agreed:-**

(1) to GRANT Full Planning Permission subject to the following conditions:-

1. The maximum gradient of the first 5m of the new access must not exceed 1 in 20.

Reason: In the interests of road safety.

2. Prior to occupancy of development, first 5m of access (measured from edge of road or back of footway) to be fully paved.

Reason: In the interests of road safety.

3. Prior to commencement of development, a lay-by measuring 8.0m x 2.5m with 45o splays to be formed on frontage of the site and the proposed vehicular access to be taken via this. Construction shall be to a standard appropriate to the location and must be agreed in advance with Roads Development.

Reason: In the interests of road safety.

4. Prior to commencement of development, Visibility Splays, measuring 2.4m by 160m to be formed on either side of the junction of the vehicular access with the public road. The visibility splays so formed shall thereafter be kept free of all permanent obstructions above adjacent carriageway level.

Reason: In the interests of road safety; and

- (2) That the reason for departing from the Aberdeenshire Local Development Plan 2017 is that the specific nature of the proposal and the social and economic benefits which are likely to arise from it merit a recommendation of support as an acceptable departure to Policy B3 (Tourist facilities) as contained in the Aberdeenshire Local Development Plan 2017, and there are no other material planning considerations which would warrant a recommendation other than to approve.

The presumption in favour of sustainable development is a significant material consideration, this must be balanced against any adverse impacts of the proposed development which would significantly and demonstrably outweigh the benefits.

The proposed development accords with the Scottish Planning Policy principles of sustainable development. This carries significant material weight lending itself to an approval.

In assessing the proposed development there were no adverse impacts which would significantly and demonstrably outweigh the benefits of the proposal.

5B. Reference No: APP/2022/0027: Full Planning Permission for Alterations and Extension to Dwellinghouse at 10 Hill Street, Portsoy, Aberdeenshire, AB45 2PL

Applicant	Mr. and Mrs. R Matthew
Agent	Mantell Ritchie

There had been circulated a report dated 6 June 2022 by the Director of Environment and Infrastructure, requesting Members' consideration of an application for Full Planning Permission for Alterations and Extension to Dwellinghouse at 10 Hill Street, Portsoy, recommended for refusal in terms of the scale of development and overshadowing of neighbours.

The Chair advised Committee that a request to speak had been received from Mr. Ritchie, of Mantell Ritchie, on behalf of the applicant. The Committee **agreed** to hear Mr. Ritchie.

The Committee heard from the Senior Planner that, although located in a Conservation Area, Built Heritage consultees had withdrawn their original objection and that the proposal was in compliance with Policy HE2: Protecting historic and cultural areas, in that its finish would not detract from a Conservation Area; and that

it was in terms of planning that the application was recommended for refusal, in terms of Policy P3: Infill and householder development within settlements, given the scale of the proposed 2-storey extension and its overshadowing impact on a neighbouring property, being less than half a metre from the boundary.

Questions were asked regarding the different considerations made by Built Heritage as statutory consultees and planners considering wider issues in their recommendation; the role of considering sustainability in the context of the Local Development Plan being out of date, with its policies still to be the major material considerations in making decisions on planning applications.

The Committee heard from Mr. Ritchie of his clients' need for increased accommodation in the house to add a bedroom, utility area, and kitchen/ dining space; the wish not to extend further into the garden which had led to the 2 storey proposal, matching the existing house albeit lower at the ridge; of an acceptable design, and with no objections submitted from the neighbour; and of a sunlight/ daylight analysis which identified extra shadowing in the early mornings, summer and spring; and that the proposal, in its design, and allowing opportunity to expand an existing house, should be considered as more sustainable than new build.

Clarification was sought that there were no windows on the wall adjacent to the neighbouring property and so no overlooking issues; the availability of the computer-generated overshadowing survey results to Members; and prior discussion with neighbours on the proposal.

There was discussion of the potential impact on the amenity of neighbours; and the benefit of seeing the overshadowing plans.

Councillor Cox **moved**, seconded by Councillor Cassie, that, not having all the necessary information to determine the application, the matter be DEFERRED pending (a) a site visit to consider the impact of the proposal on the amenity of the area and (b) the sharing of the overshadowing survey results.

Councillor Reynold moved as an **amendment**, seconded by Councillor Findlater, that the Committee DELEGATE the Grant of Full Planning Permission, subject to appropriate conditions, as the application was not a breach of Policy P3: Infill and householder development within settlements.

On a division, there voted:-

For the Motion	8	Councillors J Adams, S Adams, Bell, Cassie, Cox, Logan, Mair, and Menard.
For the Amendment	2	Councillors Reynolds and Findlater.

The Motion was therefore carried, and the Committee **agreed** to defer consideration of the matter pending a site visit and the sharing of the overshadowing survey.

5C. Reference No: APP/2022/0605: Planning Permission in Principle for Erection of Dwellinghouse at Site at Nether Inverichnie, Banff, Aberdeenshire, AB45 3LL

Applicant	Mr. John Lyon
Agent	Mantell Ritchie

There had been circulated a report dated 6 June 2022 by the Director of Environment and Infrastructure, requesting Members' consideration of an application for Planning Permission in Principle for the erection of a dwellinghouse at Nether Inverichnie, Banff, recommended for refusal as a breach of Policy R2: Housing and employment development elsewhere in the countryside as it did not meet any of the criteria contained in the Local Development Plan for such building.

The Chair advised Committee that a request to speak had been received from Mr. Ritchie, of Mantell Ritchie, on behalf of the applicant. The Committee **agreed** to hear Mr. Ritchie.

The Committee heard from the Senior Planner of the proposed location of the house, and the provisions made for private drainage and foul water; of the three letters of objection to the proposal, both on policy and including concerns about impact on a private access; and of officers' determination that the site, clearly separated from other houses cited by the agent as a cohesive group, did not meet any of five criteria for departing from Policy R2.

Questions were asked for clarification on the private access and the distances between the various buildings posited as a cohesive group by the applicant; and of the specific policy grounds cited in the letters of objection.

Mr. Ritchie assured Members that there would be no issues regarding the shared private access off the public highway as the applicant owned the land and there were already passing places on the track; and of their definition of the cohesive group of 5 houses, lying to the east and west of the application site; that the proposal would not be over-development. The application should therefore be considered as an addition to an acceptable group which was not contrary to Policy R2.

There were questions on the five properties and their current occupation status; and the proposed building style which was to be proposed.

In discussion, matters including the connection between buildings and the need for the definition of cohesive group were raised.

Members **agreed** to DEFER consideration of the application pending a site visit which would allow additional information on the suggested cohesive grouping of buildings.

5D. Reference No: APP/2022/0645: Approval of Matters Specified in Conditions for Condition 1 (a) Siting, Design, Layout, External Appearance, Finishing Materials, Bin Uplift, Driveways, Vehicle Parking

and Turning; (b) Means of Access including Visibility Splays, Vehicle Lay-by at junction; (c) Landscaping Scheme; (d) Levels Survey and Site Sections of Planning Permission in Principle Reference APP/2019/1165 for Erection of Dwellinghouse and Garage at Site Adjacent to, Ladybrae Cottage, Ladysbridge, Banff, Aberdeenshire

Applicant	As per agent
Agent	Mantell Ritchie

There had been circulated a report dated 6 June 2022 by the Director of Environment and Infrastructure, requesting Members' consideration of an application for Approval of Matters Specified in Conditions for the Planning Permission in Principle APP/2019/1165 for the erection of dwelling house and garage at Site adjacent to Ladybrae Cottage, Ladysbridge, Banff, recommended for refusal as contrary to Policies P1:Layout, siting and design and E2:Landscape, as it did not adopt a suitable external design, making it at odds with the surrounding area due to excessive mass and scale, which would also have an adverse visual impact upon the wider landscape.

The Chair advised Committee that a request to speak had been received from Mr. Ritchie, of Mantell Ritchie, on behalf of the applicant. The Committee **agreed** to hear Mr. Ritchie.

The Committee heard from the Senior Planner of the site of the dwelling house, for which Planning Permission in Principle had been granted, of the three-storey building, including a self-contained "granny flat" and internal garage store, proposed on sloping ground over a large site, considered to be an overpowering breach of Policy 1, Layout, siting and design.

There was discussion of the comparative foot-print of the proposed new house to an adjacent property which was itself, of significant mass; whether a new application, rather than the approval of Matters Specified in Condition would alter planners' recommendations; and the option which the applicants had had to reconsider their proposal in the light of the planners' comments on scale and setting in the landscape.

The Committee heard from Mr. Ritchie of his client's wish for a home for themselves and their extended family, including the lower floor granny flat; that there had been no comment from planners on the specific design proposed, merely that the footprint was too big; of the house's need to be one ½ storeys from the north, and 2 ½ from the public road because of the slope; of his understanding that there were not the same height restrictions in a settlement as in open countryside; and that the finishes proposed would have been acceptable even in the countryside.

Questions were asked for clarification on options on pre-submission discussions with officers; the difference in size between the proposed dwelling house and neighbouring properties; measures which might mitigate the impact of the view from the A96; the family composition for which the house was proposed, and whether this could be accommodated as two separate properties in the same site.

There was discussion of the scale, mass, and design of development and the propriety of its consideration within a settlement as well as outwith; how there was still a requirement to consider these matters even when the principle of development on that site had been accepted, and that a proposal of significantly reduced scale might have resulted in a different officer recommendation.

Councillor Reynolds **moved**, seconded by Councillor Findlater, that the application be REFUSED on the terms, and for the reasons, as detailed in paragraph 10.1 and 10.2 of the report.

Councillor Cox moved as amendment, that the application be DEFERRED pending a site visit to allow Members to better consider the impact of the proposal on the neighbouring properties and landscape in the context other large scale properties in the area.

There being no seconder, Councillor Cox's amendment fell, and the Committee **agreed:-**

- (1) to REFUSE Approval of Matters Specified in Conditions for the following reason: 01. The application is contrary to Policy P1: Layout, siting and design and Policy E2: Landscape of the Aberdeenshire Local Development Plan 2017 as the proposed dwelling does not adopt a suitable external design, making it at odds with the surrounding area due to excessive mass and scale which would also have an adverse visual impact upon the wider landscape; and
- (2) that the reason for the decision is that the presumption in favour of sustainable development is a significant material consideration, this must be balanced against any adverse impacts of the proposed development which would significantly and demonstrably outweigh the benefits. The proposed development was assessed against the Scottish Planning Policy principles of sustainable development. However, adverse impacts significantly and demonstrably outweigh the benefits of the proposal.