

## **BANFF & BUCHAN AREA COMMITTEE**

**TUESDAY 30 AUGUST 2022**

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

**Apologies:** Councillor S Logan.

**Officers:** A Keith, (Area Manager); E Wallace, (Head of Service, Environment and Sustainability); A Whyte, Head of Property and Facilities); R O'Hare, (Legal Services Manager); C Loney, (Waste Team Manager); D Murray, (Roads Manager); E Plunkett, (Facilities Manager); F Stephen, (Location Manager, Health & Social Care Partnership); P Blaxter, (Team Leader, Planning & Economy); C Menzies, (Strategy Team Leader, Environment and Sustainability); K Clark, (Principal Engineer, Roads Development & Transportation); J Sharp, (Senior Roads Engineer); H Atkinson, (Senior Planner); J Martin, (Senior Planner); B Strachan, (Senior Planner); F Stewart, (Senior Solicitor); B Strachan, (Senior Planner); F Reid (Senior Policy Planner); J Stewart, (Strategic Development Officer, Environment & Sustainability); K Southwell, (Policy Planner); A Rhind, (Strategic Regeneration Executive); J Burnett, (Business Development Executive); S Copland, (Technical Assistant, Roads Development); 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 6A, (Planning Application APP/2022/0688 - Full Planning Permission for Erection of Holiday Lodge, Site Adjacent to Craig Alvah Lodge, Banff), as there had been a historical involvement between his family and that of the applicant, indicating that he would take no part in the discussion of the item, and leave the meeting during its consideration.

Councillor Menard, in the interests of transparency, indicated that he lived on the same street as Planning Application APP/2022/0457: Full Planning Permission for Change of Use of Store to Dwellinghouse and Erection of 2 Dwellinghouses, Yard at Institution Street, Macduff, (Item 6C), but this would not debar his participation in, and determination of, the application.

Councillors Cox and Findlater, in the interests of transparency, indicated that they had used the garage neighbouring the site of Planning Application Full Planning Permission for Demolition of Dwellinghouse and Erection of Dwellinghouse at Bridgend Garage House, Banff, (Item 6D), but this would not debar their participation in, and determination of, the application.

Councillor Reynolds, in the interests of transparency, indicated that his wife was employed as a teacher at the school subject to the proposed School Gate Trial (Item 8), but this would not debar his participation in, and determination of, the matter.

## **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 INFORMATION**

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 21, 22, and 23 the business on the grounds that it involved the likely disclosure of exempt information of the classes described in the relevant paragraphs of Part 1 of Schedule 7A of the Act.

## **3A. MINUTE OF MEETING OF 21 JUNE 2022**

There had been circulated, and was **approved** as a correct record, the Minute of Meeting of 21 June 2022.

## **3B. MINUTE OF SPECIAL MEETING OF 28 JUNE 2022**

There had been circulated, and was **approved** as a correct record, the Minute of Meeting of 28 June 2022.

## **4. LIST OF OUTSTANDING BUSINESS AS AT 30 AUGUST 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 30 August 2022.

The Committee heard further that, in respect of Item 3, Roads, Bridges, Cycling, Walking and Roads Safety, Landscape, Coast & Flooding and Harbour Works Programmes 2022-2023, it was proposed that an informal session be held in order that up-to-date information may be provided in the context of current inflationary pressures on work programmes.

In respect of Item 5, Banff-Macduff Active Travel Bridge, the Area Manager confirmed, as already reported to Members, that, on 23 August 2022, an application to Sustrans for funding grant support to take the Banff-Macduff Active Travel Bridge to the next stage of design development has been submitted. This would be considered in October by an award panel, with feedback expected in November. Beyond this indicative

timescale it was not possible to advise on timings, but a detailed conception design plan could take up to 12 months from the point of inception. The AECOM STAG2 detailed appraisal study was now complete with a final report awaited to be shared with Councillors in due course.

The Committee **agreed:-**

- (1) to welcome the update provided on the Banff Macduff Active Travel Bridge;
- (2) that an informal session be held to consider the work programmes slippage;
- (3) to dismiss those items where the requested actions had been completed; and
- (4) to note, in all other respects, the terms of the report.

#### **5. PLANNING APPLICATIONS FOR DETERMINATION – FOLLOWING SITE VISITS**

The undernoted planning applications, having been deferred for site visits, were considered and disposed of as detailed in the Appendix to this Minute.

A	APP/2022/0027	Full Planning Permission for Alterations and Extension to Dwellinghouse, 10 Hill Street, Portsoy	Delegated Grant
B.	APP/2022/0605	Planning Permission in Principle for Erection of Dwellinghouse, Site at Nether Inverichnie, Banff	Refuse

#### **6. PLANNING APPLICATIONS FOR DETERMINATION**

The undernoted planning applications were considered and disposed of as detailed in the Appendix to this Minute.

	Reference No	Address	Decision
A.	APP/2022/0668	Full Planning Permission for Erection of Holiday Lodge, Site Adjacent to Craig Alvah Lodge, Banff	Defer
B.	APP/2022/0185	Full Planning Permission for Change of Use, Alterations and Extension of Workshop to Dwellinghouse and Erection of Dwellinghouse at Workshop, Kingswell Lane, Banff	Delegated Grant
C.	APP/2022/0457	Full Planning Permission for Change of Use of Store to Dwellinghouse and Erection of 2 Dwellinghouses, Yard at Institution Street, Macduff	Delegated Grant

D.	APP/2022/0997	Full Planning Permission for Demolition of Dwellinghouse and Erection of Dwellinghouse at Bridgend Garage House, Banff	Defer
E.	APP/2022/0680	Full Planning Permission for Change of Use of Land and Erection of 3 Glamping Pods, Land at Bickering Brae, Aberchirder	Grant
F.	APP/2022/0700	Full Planning Permission for Erection of Dwellinghouse, Site at Peathill, Rosehearty	Defer for Site Visit
G.	APP/2022/0759	Full Planning Permission for Erection of Dwellinghouse and Garage, Site adjacent to T Ranch, Inverallochy, Fraserburgh	Delegated Grant

#### **7. PPA-110-246 APP/2019/2247– SITE AT KEILHILL, KING EDWARD, BANFF**

There was circulated, and was **noted**, a report by the Director of Environment and Infrastructure, advising of the Planning Reporter's dismissal of an appeal, and the refusal of full planning permission for the for Erection of 2 Agricultural Storage Buildings, Erection of Building to Incorporate Combined Heat and Power Plant (CHP) and Erection of SEE Building at site at Keilhill, King Edward, Banff.

#### **8. SCHOOL GATE PEAK TIME ROAD CLOSURE TRIAL**

There had been circulated a report dated 10 August 2022 by the Director of Environment and Infrastructure, (a) outlining the details of a proposed Peak Time Road Closure Trial for Philorth Avenue and St Modan's Place, Fraserburgh, aiming to address congestion and road safety concerns around Fraserburgh South Park Primary School and (b) reporting the results of a community engagement exercise that was held, during June 2022, on the subject.

Having heard further from officers of the details of the proposal, there was discussion of the costings for the trial, and potential future maintenance costs, were the scheme successful and to be continued; Police Scotland's enforcement of parking restrictions; and the process through which residents would be invited to apply for parking permits.

The Committee **agreed:-**

- (1) to note the key findings of the community engagement, reflecting public feedback on the proposed trial;
- (2) to support the peak-time Road Closure Trial Scheme for a period of 18 months;
- (3) that officers seek approval for an Experimental Traffic Regulation Order (ETRO); and
- (4) to commend the work of officers in seeking to address the long-standing issues.

## **9. THE ABERDEENSHIRE COUNCIL (A981, FRASERBURGH) (40MPH SPEED LIMIT) ORDER 2022**

There had been circulated a report dated 15 August 2022 by the Director of Environment and Infrastructure, requesting Members' consideration of the extension of the existing 40mph speed limit on the A981, Fraserburgh, to include the new Kirkton Heights housing development.

Having heard from officers as to the procedural course which required to be followed to make a traffic order, pursued after due consultation with stakeholders, the Committee **agreed**:-

- (1) to approve the commencement of the statutory procedures for the making of The Aberdeenshire Council (A981, Fraserburgh) (40mph speed limit) Order 2022;
- (2) to approve in principle the making of The Aberdeenshire Council (A981, Fraserburgh) (40mph speed limit) Order 2022 in the event that no valid objections are received, or any received are resolved and withdrawn; and
- (3) to note that, in the event that any valid objections received are not resolved, and not withdrawn, or that the proposals are amended following consideration of any valid objection, a further report would be submitted for Committee consideration.

## **10. NAMING OF NEW STREET IN NEW ABERDOUR**

There had been circulated a report dated 10 August 2022 by the Director of Environment and Infrastructure, requesting Members' approval, in accordance with the Council's Roads Policy on Street Naming and Property Numbering, of the naming of a new street in the village of New Aberdour.

Having heard from officers as to the proposal, and the policy requirement, in terms of the Scheme of Governance, for streets named after individuals, living or deceased, to be approved by Area Committees, the Committee **agreed** that the street name, Sutherland, be used.

## **11. ROADS CAPITAL WORKS 2022-23**

With reference to the Minute of Meeting of the infrastructure Services Committee of 8 June 2022 (Item 15,) there had been circulated a report dated 26 July 2022 by the Director of Environment and Infrastructure, requesting the Committee to (a) note the Service's development of a method for identifying and prioritising roads-related capital works schemes, and (b) to note the roads related capital works programmes for 2022-23.

Members heard further from the Roads Manager of the aim to have road programmed works prioritised in awareness of community wishes, in addition to works prioritised in terms of a statistical analysis of the Road Asset Management Plan (RAMP) which identified works, using information such as SCRIM surveys (relating to surface conditions), detailed inspections by engineers and defect history. The current analysis also included the classification of roads, however there was no comparative assessment for streets and unclassified roads which may have locality factors which enhance their importance. The Committee was advised that the questionnaire, as

contained in the Appendix to the report, would be updated to reflect comments made by Area Committees and would be recirculated to Members for further consideration.

There was discussion of the various factors which ought to be included in the new questionnaire under development to try to complete the assessments in terms of the function of the road, including items such as access to specific facilities, the volume of traffic in the road, the “civic “ factor of town and village centres, and the extension of the same principles to footways; of the importance that smaller paths and roads should not be overlooked; of the impact of budget pressures on the works programme and procurement challenges, both in terms of resources and anticipated timings of works; and of localised issues in Carmelite Street and Bridge Street, Banff.

The Committee **agreed**:-

- (1) to note that data driven processes will be developed for producing and prioritising roads-related capital works programmes;
- (2) to note that the Service will move to a live and transparent method of scheme identification and prioritisation to replace annual roads maintenance works programmes reporting;
- (3) to note that road asset maintenance will be considered across Aberdeenshire as a whole;
- (4) to note that the draft questionnaire, which will allow Members to inform the Service of factors that should be considered when assigning a roads maintenance hierarchy designation to a section of road or footway amended to incorporate comments from all Area Committees, would be recirculated;
- (5) to note for their interest the agreed programmes of roads related capital works for 2022-23 as detailed in Appendix 2 to the report; and
- (6) that officers provide Members with updates on the issues at Carmelite Street and Bridge Street, Banff.

Arising from consideration of the above, there was discussion of the progress on the programme of LED street lighting upgrades. Having been advised that the multi-year programme was nearing completion and its benefits already demonstrated, the Committee **agreed** that officers provide detailed information on that project to Members.

## **12. ABERDEENSHIRE COUNCIL ROUTE MAP 2030 AND BEYOND**

With reference to the Minute of Meeting of the Sustainability Committee of 15 June 2022, (Item 8), there had been circulated a report dated 11 August 2022 by the Director of Environment and Infrastructure, containing, for consideration and comment, the draft Aberdeenshire Council’s Route Map 2030 and Beyond, developed by consultants with the support of Aberdeenshire Council officers.

The Committee heard further from the Head of Environment and Sustainability of the actions which had been assessed as requirements for the Council to reach its own ambition to achieve a 75% reduction in emissions by 2030 target and Net Zero by 2045, and of the development of a tool kit to assess ongoing progress, so that the Council can

analyse the impact on the overall budget and prioritise project selection, including a view on the Capital/Revenue impact and cost effectiveness (£/tCO<sub>2</sub>e) of each reduction project.

There was discussion of how business cases would be made for future investments; the potential for central government funding to assist the Route Map works; the impact of anticipated inflation on the costings and achievability of planned actions; consideration of, and discussions with manufacturers on, the long-term carbon footprints of electric vehicles in terms of disposal and replacement; financial gains which had already been achieved in projects such as LED street lighting replacements, which were now also achieving cost savings in operation; the overall carbon-footprint assessment of buildings in terms of the Council's asset disposal programme; the flexibility of the programmed work to adapt to changing circumstances, reporting to both Area and Central Committees as appropriate; the need to monitor the Council's use of water and the centrally-controlled heating of its buildings; and the ongoing requirement for cost benefit analysis of fleet and other vehicles unit costs.

The Committee **agreed**:-

- (1) to welcome the report, and commend officers on their work;
- (2) noting central governmental directives to local authorities for carbon-reduction work, to hope that parallel financial assistance will be available to support the achievement of Aberdeenshire's aspirations;
- (3) to note amendments to the estimated Capital investments, made since the Sustainability Committee of 15 June 2022; and
- (4) to welcome future reports to Area Committees on the progress of the Route Map.

### **13. HOUSEHOLD RECYCLING CENTRE HYBRID BOOKING SYSTEM PROPOSAL**

With reference to the Minute of Meeting of the Infrastructure Services Committee of 20 January 2022 (Item 12), and subsequent meetings of the Member/ Officer Working Group on Waste, there had been circulated a report dated 18 August 2022 by the Director of Environment and Sustainability, requesting Members' consideration of a customisation of the household recycling centre (HRC) service, on a site by site basis, and outlining, for comment to the Infrastructure Services Committee, a proposed pilot scheme of hybrid bookings for three sites, including Macduff in the Banff & Buchan Area.

Members heard from the Waste Team Manager and the Head of Environment and Sustainability of the evolution of the online booking system, initially as a response to Covid, and supported through grant funding from Zero Waste Scotland with the installation of barriers and vehicle recognition systems; of the public survey of users, demonstrating a mixed response of both like and dislike for the current booking system; of the cost reduction in treating waste from the HRCs and a 23% fall in materials collected; of reduction in trade waste, noting that trade operators might choose to contract with private companies rather than rely on Council services; of difficulties which might be experienced in communicating to the communities of Aberdeenshire were

different approaches adopted in each location; and of factors which had identified Macduff as one of the three pilot sites for a hybrid booking system.

There was discussion of the experiences of the Banff and Buchan communities of the booking system used during Covid; concerns of where the 23% reduction in waste had gone, with associated cost if it were being disposed of in the general waste collections, at £150 per tonne; lack of Member awareness of violence at Household Recycling Centres before Covid; the reported decrease in fly tipping recorded, now moving back to 2019 levels; of a ongoing review with Trade Operatives reviewing the Trade Waste service and clarification that the Household Recycling Centres were not equipped, in the main, to accept trade waste; the need to survey statistics of previous operations at the Macduff site before making any decisions; the requirement, in terms of equity, for accessibility of any booking system which should not be entirely reliant on internet or telephone access; comparisons with peer and neighbouring authorities, understood to have removed all booking requirements for similar sites;

The Committee **agreed:**

- (1) to welcome the ongoing review with Traders on the trade waste system;
- (2) to recommend to Infrastructure Services Committee that a no booking system be reinstated for all Household Recycling Centres in Banff & Buchan; and
- (3) that the undernoted comments and questions be submitted to the Infrastructure Services Committee on the proposed pilot:
  - Where has the 23% missing waste gone?
  - Have we quantified the cost of increased tonnage general waste and fly tipping?
  - If booking remains, the time allocations for this needs to be restricted, not the time allocated to free access;
  - There is a need to consider accessibility and equalities issues, especially in current cost of living crises, in online and by phone booking of services;
  - Increased recycling is important: anything that limits opportunities to do this is negative; and
  - Any hybrid option would be too complicated, and counter-intuitive on community understanding of recycling. It would be hard to get coherent messages across.

#### **14. ABERDEENSHIRE LOCAL DEVELOPMENT PLAN 2022**

With reference to the Minute of Meeting of Aberdeenshire Council of 14 January 2021 (Item 8), there had been circulated a report dated 5 August 2022 by the Director of Environment and Infrastructure Services, presenting for Members' consideration, before submission to a meeting of Council to be held on 21 September 2022, the Draft Aberdeenshire Local Development Plan (LDP) 2022, incorporating the findings of the Scottish Government Reporter, the "Report to Aberdeenshire Council on the Proposed Aberdeenshire Local Development Plan 2020 Examination" (the "Reporter's Report") following the public examination on representations to the Proposed LDP 2020 the Council on the LDP 2022.



Having heard further from the Team Leader, Planning and Economy, and the Policy Planner, of specific local additions in Macduff and Aberchirder, and of a recommendation that guidance be developed on the new rural development policy, including cohesive groups, the Committee **agreed**:-

- (1) to note the Reporter's Report and the proposed non-notifiable modifications;
- (2) that there were no elements of the Reporter's Report, in respect of any issue of relevance to Banff and Buchan, which Council should not accept; and
- (3) to commend the Team on their work on the Council's behalf in developing the Local Development Plan.

### **15. Review of Hybrid Meetings Arrangements**

With reference to the Minute of Meeting of Aberdeenshire Council of 23 September 2021 (Item 13) and the Area Committee of 21 June 2022 (Item 15), there had been circulated a report dated 17 August 2022, providing an update for Members' consideration of the hybrid testing in the Faithlie Centre undertaken by officers using existing equipment, and seeking comment, prior to Full Council's review of the current Choice based blending meeting options, including any preference for meeting type, and on the continuation of Live-Streaming, a legal requirement during lockdown, of the area and central committee meetings.

The Committee heard from officers of the specific reasons why hybrid meetings could not currently be effectively supported in the Faithlie Centre, Fraserburgh, or other venues in Banff & Buchan which had previously been used, or might be considered, for the hosting of formal meetings, and of ongoing exploration of what work may be required, at what cost, to provide the necessary infrastructure.

There was discussion of the various matters, noting that fully in person meetings where all participants had chosen to attend in person, creating an in-person meeting by default, and still requiring a functioning hybrid option for any online attendees; the need to consider any spend in the context of a commitment to how often the hybrid system might be required; and of the pros and cons of taking away Live streaming, given the previous discussion of its benefits beyond any legal requirement.

The Committee agreed :-

- (1) to note the outcome of the hybrid testing in the Faithlie Centre, Fraserburgh;
- (2) to note that there is not currently a venue in the Banff and Buchan area able to fully support a hybrid meeting;
- (3) to express an ambition to return to face-to-face meetings at the earliest opportunity, potentially for alternating meetings;
- (4) that, subject to the successful addressing of the infrastructure challenges at the Faithlie Centre can be addressed, this be agreed, in the short term, as a single venue for Banff and Buchan; and
- (5) that there was no demonstrable need for Live Steaming to be stopped.

## **16. BANFF AND BUCHAN COASTAL COMMUNITIES FUND 2021-2022**

There had been circulated a report dated 10 August 2022 by the Director of Business Services, (a) advising the Committee of the decisions made by the Banff and Buchan Area Manager for the allocation of the Banff and Buchan proportion of the Coastal Communities fund, (b) highlighting additional funding which had been made available, and scheduling proposals for its future dispersal, and (c) requesting the consideration of an application for funding submitted by Rosehearty Community Council.

Having heard from the Area Manager of the other applications being processed for reporting to the Committee meeting on 20 September, and of a further report to be considered by the Infrastructure Services Committee on 6 October 2022, there was discussion of Rosehearty Community Council's application for an award of for £3,409.20, towards a project to create a Walking Trail around the Village, supported by 7 signs, the design, creation, and printing of a leaflet, and planning application fees for the signs.

The Committee **agreed**:-

- (1) to award Rosehearty Community Council £3,409.20 for various items in support of their Village Trail project, as detailed in Appendix 1 to the report;
- (2) to continue to delegate approval of the project grants allocating the current budget to the Banff and Buchan Area Manager, following consultation with the Chair, Vice Chair, and Opposition Spokesperson, to ensure approval of future applications to the fund before March 2023; and
- (3) that the next review of the funding process consider, inter alia, the award criteria to ensure no duplication of other grant streams.

## **17. 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 3 August 2022 by the Director of Education and Children's Services seeking Members' determination of eight applications received in the second tranche for funding from the Banff and Buchan Area Initiatives Fund 2022/2023.

Members heard further from the Area Manager of Officer assessments which supported the first seven applications but would highlight a lack of detail and information in the application from Y Suffer In Silence, coupled with concerns about the proposal, and an ineligibility of equipment requested which was deemed to be core funding, recommending that it be refused, but that alternative support sign-posted to the applicant. The Committee was advised that, should all the applications be successful, there would still remain residual funds to support a third tranche of applications, for which there had already been a number of informal enquiries.

Having considered the merits of each case 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 (£)
Aberdour Parish Hall	Boundary fence	4,750	3,800
Fordyce Community Association	Improvements to Community Hall (gable works)	23,965	5,000
Gardenstown Public Hall	Ceiling Repairs	8,064	6,000
Macduff Lions	Football Equipment (goals, balls, bibs, and cones)	2,989	2,391
Portsoy Community Council	Benches	1,530	1,224
Portsoy Community Council	Compost and Planters	289	231
Sandend Amenities Council	Trim Trail	10,000	5,000
	Projector and Associated Equipment	2,000	1,600
Y Suffer in Silence	Training, Desk Top Computer, Data Base, and CCTV equipment	6,078	nil
<b>Total</b>			<b>25,246</b>

- (2) that the Area Manager signpost the unsuccessful applicant to other sources of potential assistance, including access to Aberdeenshire Council's Online Learning and Development (ALDO) and support via AVA and explain the areas of where information or assurances were lacking;
- (3) that a third tranche of Area Initiative Fund be held, with a closing date of 21 October 2022, to be reported to the Area Committee on 15 November 2022, with an informal meeting 8 November 2022 to allow Members to consider applications to the fund before formal determination; and
- (4) that, should the budget not be fully committed in the third tranche, Members consider alternative ways to allocate the budget to be spent before 31 March 2023 and that, following this consultation with Members, the Area Manager be granted delegated authority to make awards as appropriate.

**18. BANFF AND BUCHAN AREA COMMITTEE BUDGET - UPDATE ON PROJECTS WHICH RECEIVED FUNDING FROM THE AREA INITIATIVES FUND (AIF) IN 2021/2022**

There had been circulated a report dated 11 August 2022 by the Director of Education and Children's Services, providing information on the outcomes of projects which had received funding from the Area Initiative Fund in 2021/2022.

The Area Manager explained that, for those successful projects for which feedback had not been provided timeously, information would be shared with Members when received.

There was discussion of the Community Empowerment in action demonstrated by the various projects; and several Councillors spoke of their visits to projects in their Ward, recommending this to others. An update was requested on Homestart North East, given recent changes to that organisation.

The Committee **agreed**:-

- (1) to welcome the positive outcomes demonstrated for the projects detailed in the report, as validation of the Area Improvement Fund's criteria;
- (2) to congratulate the groups on the successful outcomes of their projects; and
- (3) that officers provide an update on Homestart North East.

## **19. ACT2 APPLICATION: VOLUNTEERING MATTERS (PROJECT SCOTLAND)**

There had been circulate a report dated 19 August 2022 by the Director of Education and Children's Services, seeking Members' consideration of an application from Volunteering Matters (ProjectScotland Brand) for funding of £1,000, under Aberdeenshire Charities Trust (ACT2), Ward 1, (Banff and District), Category: "The prevention or relief of poverty/ The relief of those in need by reason of age, ill-health, disability, financial hardship or other disadvantage," towards the meeting the costs of travel costs, where public transport is not possible, in supporting young clients in Ward 1 to access training or employment placement opportunities.

Members heard from the Area Manager that the organisation had been signposted to the Banffshire Partnership, in recognition of their work with a similar client group but being clear that there was no duplication between the projects and in the expectation of strong and complementary work.

The Committee **agreed** the award of £1000 to Volunteering Matters (Project Scotland Brand) for the project as detailed in the Appendix to the report.

## **20. BANFF & MACDUFF COMMUNITY COUNCIL – UPDATE**

With reference to the Minute of Meeting of 17 August 2021 (Item 11), there had been circulated a report dated 19 July 2022 by the Director of Education and Children's Services providing an update in respect of Banff and Macduff Community Council, since its dissolution in August 2021, reporting its reestablishment in July 2022.

Having heard from officers and local Members of the successful holding of the new Community Council's first meetings on Thursday, 25 August, where office bearers, with the exception of a secretary, had been appointed, the Committee **agreed**:-

- (1) to welcome the re-establishment of a Community Council for Banff and Macduff;

- (2) to confirm the allocation of £1,018 to the Community Council as administrative grant for 2022/23, subject to the demonstration of an operational bank account; and
- (3) to commend the work of the Area Office in supporting this re-establishment and their ongoing support for other Community Councils, including Rathen, Memsie, and Cortes Community Council for which an election had had to be rerun.

## **21. DURNHYTE CARE HOME – CAPITAL LIFECYCLE MAINTENANCE INVESTMENT**

With reference to the Minute of Meeting of 29 March 2022, (Item 5), there had been circulated a report dated August 2022, by the Director of Business Services, providing an update on the programme of capital Lifecycle Maintenance investment to Durnhythe Care Home.

Members heard further from the offices of the works undertaken, and programmed, in discussion with Aberdeenshire Health and Social Care Partnership, in response to a condition survey of 2018, and of work still to be considered which would be subject of a future report to Committee.

There was discussion of the potential impact on the works programme of potential inflationary and supply-chain issues; the short, medium and long-term commitment to the Care Home; the need to undertake a cost benefit analysis of repair costs compared with the cost of a replacement facility; the positive experience of residents, and their quality of life, including a recent Care Inspectorate assessment of 5; and the need to be assured of the facility's continuing suitability for nursing care provision.

The Committee **agreed**:-

- (1) to note the planned capital investment to Durnhythe Care Home and improvements already undertaken;
- (2) to welcome the recent excellent Inspectorate Report and commend staff on the quality of life provided for residents;
- (3) that officers provide a cost benefit analysis on future repair works compared to the cost of replacement build; and
- (4) that a future report include the assessment of the current building for nursing purposes.

## **22. SCOTTISH SEAFOOD CENTRE OF EXCELLENCE, FRASERBURGH**

There had been circulated a report dated 15 August 2022 by the Director of Environment and Infrastructure Services, (a) providing an update on the Scottish Seafood Centre of Excellence (SSCE) project and (b) recommending that, subject to match funding, a contribution to the project costs be made from the Regeneration Reserve Fund for Fraserburgh.

Members heard from officers of the project, which had consistent support at both local and national level and intended range of the proposal to benefit the fishing industry as a whole.

The Committee **agreed** that, as Aberdeenshire Council's contribution towards the costs of creating the Scottish Seafood Centre of Excellence in Fraserburgh, a grant of up to £100,000 be made to the Scottish Whitefish Producers Association from the Regeneration Reserve Fund for Fraserburgh.

### **23. PHASE 2 PROPERTY INVESTMENT FUND GRANT: PIF2022/JB001**

With reference to the Minutes of Meeting of the Infrastructure Services Committee of 28 January 2016 (Item 15) and 20 January 2022, (Item 8), there had been circulated a report dated 12 August 2022 requesting Members' consideration of a proposed grant, under the Property Investment Fund, Phase 2 for the refurbishment and restoration of a property in Macduff.

The Committee heard from officers of the background of the project, and after discussion of the review of the Property Investment Fund in June 2022 by the Infrastructure Services Committee, and the potential impact of the project in terms of the Council's Towns Centre First strategy.

The Committee **agreed**, in respect of Application PIF2022/JB001, to approve an award of up to £87,118 from the Phase 2, Property Investment Fund.

**5. PLANNING PERMISSIONS FOR DECISION FOLLOWING SITE VISITS BY MEMBERS OF THE COMMITTEE ON 23 AUGUST, 2022**

**5A. Reference No: APP/2022/0027**

Full Planning Permission for Alterations and Extension to Dwellinghouse, 10 Hill Street, Portsoy

<b>Applicant Agent</b>	<b>Mr. &amp; Mrs. R Matthew Mantell Ritchie</b>
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With reference to the Minute of Meeting of 30 August 2022, (Item 5B), there had been circulated a report dated 6 June 2022 by the Director of Environment and Infrastructure, requesting Members' consideration, deferred for the receipt of additional information in terms of a sunlight survey and a site visit held on 23 August 2022, 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 Mr. Martin, Senior Planner, that the main focus of the additional information related to the issue of overshadowing. The proposal did not accord with Policy P3, Infill and householder development within settlements of the Aberdeenshire Local Development Plan 2017 as there were significant concerns regarding the potential impact of the two-storey extension due to the size, height, and siting close to the boundary line with the adjoining neighbour. Accordingly, the proposed development, assessed against the Scottish Planning Policy principles of sustainable development was found not to accord with those principles, and so did not accord with the policies of the Aberdeenshire Local Development Plan 2017, and therefore could not be considered to contribute to sustainable development.

The Committee heard from Mr. Ritchie of his clients' need for the proposed 2 storey designed extension, with eaves levels matching the existing house design, and of a design and finish on which the Council's conservation officers had no negative comment. Regarding the impact on the neighbouring property, No, 12 Hill Street, the sun light analysis had identified that the only occurrence would be in the early mornings in April, July, and October, The positioning of the proposed extensions away from the shared boundary was intended to minimise the issue, Accordingly M., Ritchie advised that he felt the application proposed would have no negative impact on the amenity of the neighbours and should be approved

There were no questions for Mr. Ritchie who confirmed that he had had a fair hearing.

Councillor Cox **moved**, seconded by Councillor Menard, that having considered the Planners' application of the Policy as being correct, but being assured by the evidence of the site visit and the additional sunlight survey shared, that the Head of Planning and Economy be Delegated authority to GRANT Full Planning Permission, subject to

appropriate conditions, as there would be no detrimental impact on amenity and the application would not be prominent and would blend in with other houses on the street.

Councillor Cassie moved as an **amendment**, seconded by Councillor Menard, that the application be REFUSED, for the reasons as contained in the Officer recommendations.

On a division there voted:

For the Motion:	6	Councillors Mair, J Adams, S Adams, A Bell, J Cox, and Menard.
For the Amendment:	2	Councillors Cassie and Reynolds.
Declined to Vote	1	Councillor Findlater.

The Motion was therefore carried, and the Committee **agreed** to delegate the GRANT of Full Planning Permission, subject to appropriate conditions, for the reasons as detailed in the Motion.

## **5B. Reference No APP/2022/0605**

Planning Permission in Principle for Erection of Dwellinghouse, Site at Nether Inverichnie, Banff

**Applicant  
Agent**

**Mr. John Lyon  
Mantell Ritchie**

With reference to the Minute of Meeting of 30 August 2022, (Item 5C), there had been circulated a report dated 6 June 2022 by the Director the Director of Environment and Infrastructure, requesting Members' consideration, following a site visit held on 23 August 2022, 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 Mr. Martin, Senior Planner, of the interpretation of Policy R2, Housing and employment development elsewhere in the countryside of the Aberdeenshire Local Development Plan, 2017, in that it does not meet the criteria contained within such policies as the development of a dwellinghouse upon the application site does not constitute any of the following relating to definitions of a cohesive group. The application site was accepted to be in close proximity to the three buildings, but at a considerable distance, of over 60 metres, to Inverichnie House and over 80 metres to the Stables, which officers had determined to be too great a separation to form a cohesive group. On that basis, the application was recommended for refusal

Mr. Ritchie spoke of the site as an addition to a cohesive grouping at Inverichnie, with five properties in the vicinity, at a variety of distances from the proposed dwelling house. In his opinion, the proposal complied with policy R2, with all properties currently visible through the trees and would be more evident at different seasons. Mr. Ritchie felt that this would not create a sporadic development, would have no impact on the Deveron



Valley, and, if supported, would not create a precedent. He confirmed that there were no issues regarding access to the proposed dwellinghouse, as this would be via a shared private access over which there were no rights of access issues.

There were no questions for Mr. Ritchie who confirmed that he had had a fair hearing.

After discussion of the site visit, the Committee **agreed**:-

- (1) To REFUSE Planning Permission in Principle for the following reason:  
The development does not comply with Policy R2 Housing and employment development elsewhere in the countryside of the Aberdeenshire Local Development Plan, 2017, in that it does not meet the criteria contained within such policies as the development of a dwellinghouse upon the application site does not constitute any of the following:
  1. Development permissible under green belt policy;
  2. Refurbishment or replacement of an existing or disused building, or a previously developed site which is now redundant;
  3. Organic growth of a settlement identified in Appendix 4;
  4. A new dwelling in relation to a retiring farming succession; or
  5. An appropriate addition to a cohesive group of at least five houses; and
- (2) That the reason for Decision is as follows:  
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.

## 6. PLANNING PERMISSIONS FOR DECISION

### 6A. Reference No: APP/2022/0668: Full Planning Permission for Erection of Holiday Lodge, Site Adjacent to Craig Alvah Lodge, Banff

<b>Applicant</b>	<b>Mr. and Mrs. A Bruce</b>
<b>Agent</b>	<b>John Wink Design</b>

Councillor Cox, having declared an interest in this matter, left the meeting and took no part in the consideration of the application.

There had been circulated a report dated 15 August 2022 by the Director of Environment and Infrastructure, requesting Members' consideration of an application for Full Planning Permission for the erection of a Holiday Lodge, Site adjacent to Craig Alvah Lodge Banff, recommended for refusal as not in accordance with the Local Development Plan, 2017.

The Chair advised Committee that a request to speak had been received from Ms. Kennedy, of John Wink Design, on behalf of the applicant. The Committee **agreed** to hear Ms. Kennedy.

Members heard from Mr. Strachan, Senior Planner, of the historic setting of the proposed Holiday Lodge, accessed from the A97 and adjacent to two existing holiday

homes, being a large structure, centrally located on the site, with aspects facing to the south and west, and parking for 6 cars. The key planning issues were the principle of development on the site and the lack of conformity with policies relating to tourist accommodation and development in the countryside, and the impact on the landscape and the natural and built environment.

The site's connectivity could be accepted, in terms of existing access paths leading to both Banff and Macduff; there was an extant permission for the development of 12 lodges, but the cumulative impact of the proposal had not been quantified. No explanation had been received regarding any potential economic benefits of the proposal. In planning, as there was no difference between general accommodation and that intended for holiday use, both the lodges and proposed dwellinghouse had to be considered as houses in the countryside, and so the proposal was contrary to Policy R2: Housing and employment development elsewhere in the countryside and Policy B3: Tourism facilities.

The house as proposed was of a scale which would be visible, and would have an impact on ancient woodland, and as no tree survey or compensatory planting had been proposed, it would therefore be contrary to Policy E2: Landscape, as it had not been demonstrated as being in keeping with the character of the area and would not give rise to negative visual impacts on the built and natural environment. The overall proposal did not comply with Policy PR1: Protecting Important resources, as the development would result in the loss of an unknown quantity of woodland and trees without clear additional public or community benefit, compensatory planting or biodiversity enhancement.

In terms of Policy E1: Natural heritage, no survey work on protected species had been carried out and no provisions for habitat support and enhancement were detailed. There was insufficient information to assess the impact of the proposed development on protected species as there was a potential impact on a nearby badger sett and squirrel dreys, acknowledging that there might be mitigation of a proposed track which might make this acceptable

Located close to Duff House, insufficient information had been provided, despite the request for images and a photo montage to be lodged, and so the proposal does not comply with Policy HE2 Protecting historic and cultural areas as the supporting information does not facilitate a valued judgement on the potential visibility of the proposed building within the Duff House Designed Landscape.

Mr. Strachan advised Members that, due to insufficient information as identified above, it had not been fully demonstrated that the layout and siting of the proposed dwelling was appropriate and in keeping with the existing built and natural environment. Whilst the proposal was acceptable with Road and water services, subject to appropriate conditions, it did not accord with P1: Layout, siting and design due to the negative visual impact of a prominently located house and elongated access on the existing built and natural environment. It should also be considered, in terms of being for a new dwelling in the countryside that it did not comply with any relevant criteria within Policy R2 Housing and employment development elsewhere in the countryside. The proposed use of the dwellinghouse as holiday accommodation could not be assured in the longer term and would set an inappropriate precedent for similar development.

Having been assessed against the Scottish Planning Policy principles of sustainable development, it was felt that the proposal did not accord with those principles and so did not accord with the policies of the Aberdeenshire Local Development Plan 2017, and therefore cannot be considered to contribute to sustainable development and, at this stage, should be refused.

Questions were asked of the officer as to whether the applicant was to provide the impact statements mentioned and an explanation was given of the suite of documents which would have allowed planners to make a proper determination of the application; the locational relationship between the current application and the 2007 permission for 12 chalets, extant through the creation of the access road; and of the timings of engagements with the applicant in seeking additional information.

The Committee heard from Ms. Kennedy, agent, on behalf of the applicant that the planning policy was restrictive: although not connected to settlements, with established walks to Duff House and Bridge of Alvah, there were safe routes without cars, and that the chosen site provided space for families, who may not want to holiday in town centres and gave the opportunity for outside activities. She spoke of a 94% occupancy of current accommodation, with over 4300 bed nights in 2021, which was beneficial to the local economy. The popularity of the area showed unmet demand on a large scale. Ms. Kennedy indicated that the applicant would be content to have the holiday lodge conditioned for sole use as holiday accommodation as there was no intent to make a permanent dwelling house. In terms of the extent 2007 approval for 12 chalets, it was indicated that there was no longer any intent to proceed with these as there was no demand for this type of accommodation. She believed that the proposal would have minimum impact on wildlife, and that her client would consider, if required as mitigation, upgrading the existing track from the north, even although this was a shared access with two other properties. In terms of design, 3D visualisations had been provided to show how the property would fit, constructed of traditional materials to complement vernacular style. The structure would not be obtrusive in the landscape and was intended to provide accessible accommodation. The location of the site was unique but related to outdoor activities, the applicant was committed to promoting wildlife, and the intention was to increase visitors coming to the local area. Ms. Kennedy concluded by advising Members that, in respect of the missing information as detailed in the officer's presentation. her client had been advised, by planning officers, not to carry out expensive surveys, as these could be conditioned were the application to be approved by Committee.

Clarification was sought from Ms. Kennedy and Mr. Strachan regarding the requirement of information as fundamental to allow planning officers to assess the various points which at present could not be confirmed as conforming with the several policies.

There being no further questions for Ms. Kennedy, she confirmed that she had had a fair hearing.

There was discussion of the inability for Members to consider the planning recommendations, based on the evidence before them, and in the context of the applicant's statement of being given advice not to provide the information; and of the specific areas on which additional information was requested in order to allow the assessment.

The Committee **agreed** to DEFER consideration of the matter to allow (1) further engagement and dialogue with the applicant; and (2) the applicant the opportunity to submit the information required by planners, namely (a) the photo montage showing the proposed structure in the Duff House Designed Landscape; (b) a Tree survey, with its scope to be confirmed in discussion with Environmental Planners; and (c) a reassessment of the cumulative impact in the light of the agent's statement that the extant Full Planning Permission for 12 chalets would not be implemented.

**6B. Reference No: APP/2022/0185: Full Planning Permission for Change of Use, Alterations and Extension of Workshop to Dwellinghouse and Erection of Dwellinghouse at Workshop, Kingswell Lane, Banff**

<b>Applicant</b>	<b>Mr. Patrick Slattery</b>
<b>Agent</b>	<b>Mantell Ritchie</b>

There had been circulated a report dated 28 July 2022 by the Director of Environment and Infrastructure, requesting Members' consideration of an application for Full Planning Permission for Change of Use, Alterations and Extension of Workshop to Dwellinghouse and Erection of Dwellinghouse at Workshop, Kingswell Lane, Banff, recommended for refusal.

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.

Members heard from Ms. Atkinson, Senior Planner, details of the application for 2 dwellinghouses, where the principle of development was acceptable in terms of Policy P3, infill as there was no specific land-use allocation. Whilst the principle of residential development was welcomed and would make efficient use of a brownfield site, the construction of two dwellings as proposed would represent over-development, evidenced by the proposed amenity ground, inadequate car parking, overlooking within the development, and poor internal site layout. In addition, the siting of dwelling no. 1 would result in an incongruous and overly dominant feature within the streetscene. It was therefore recommended that the application be refused.

Questions were asked of the officer on the line of the boundary line and its following the same footprint of the building; and parking visibility splays.

The Committee heard from Mr. Ritchie that the proposal to convert a disused site, with a store, workshop, and associated ground to dwelling houses was acceptable in principle, using existing buildings and openings and retaining the existing stone wall, He felt that the development of a second unit was possible as the site was big enough to accommodate two dwelling houses, which would be of a design and finish appropriate to the conservation area. There would be no negative impact on the amenity of neighbouring properties, including the Central Bar. In regard to concern re parking spaces, with Roads Development looking for four to be provided on-site, he suggested that the availability of parking on local streets would complement the two included in the application. Visibility was clear leaving the site to both the north and south. The amenity of the properties would encompass their roof terraces and amenity ground between the western boundary and the car parking, shared equally between the two units, and defined by the erection of fencing. There would be no overlooking between the two dwellinghouses in terms of bedrooms: the living-room/ kitchens would be 6

metres apart. The existing timber fence defining the western boundary would be retained and extended. In conclusion, Mr. Ritchie recommended the granting of permission as the amenity would be provided on site and would not affect amenity elsewhere, the proposal was acceptable in terms of design, and it would bring a vacant, derelict site back into use.

Questions were asked on the consideration of developing a single property, dismissed in terms of the financial viability of the project; the assessment of the proposals as being incongruous and overly dominant in the context of the local area; and the potential for the existing buildings to be let for commercial purposes, linked to their derelict condition.

There being no further questions, Mr. Ritchie confirmed that he had had a fair hearing.

Arising out of the above, the Senior Planner confirmed that, on the map submitted with the application, there was no reference to amenity ground as described by Mr. Ritchie.

There was discussion of how the proposed development impacted on the character of the area, and the established street-scene; and the benefits of taking a currently redundant site back into use.

The Committee **agreed** to delegate the GRANT of Full Planning Permission, subject to appropriate conditions, to the Head of Planning and Economy, for the reason that the application met the criteria of the Local Development Plan 2017, in terms of both Policy P1: Policy P1 Layout, siting and design, and Policy P3 Infill and householder developments within settlements (including home and work proposals), being appropriately designed and scaled and having no adverse impact on surrounding amenity.

**6C. Reference No: APP/2022/0185: Full Planning Permission for Change of Use of Store to Dwellinghouse and Erection of 2 Dwellinghouses, Yard at Institution Street, Macduff**

<b>Applicant</b>	<b>Mr. Patrick Slattery</b>
<b>Agent</b>	<b>Mantell Ritchie</b>

There had been circulated a report dated 1 August 2022 by the Director of Environment and Infrastructure, requesting Members’ consideration of an application for Full Planning Permission for Change of Use of Store to Dwellinghouse and Erection of 2 Dwellinghouses, Yard at Institution Street, Macduff, recommended for refusal.

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.

Members heard from Ms. Atkinson, Senior Planner, details of the application for 2 dwellinghouses, a site comprising the dilapidated remains of previous stores and a garage, surrounded by residential property, where the Policy P3: Infill and householder developments within settlements (including home and work proposals) was the prime focus of consideration. It was considered that the proposed development would raise issue of overlooking and privacy, given the site location and so was considered overdevelopment. Three living-room windows from the house at No. 52 Market Street directly faced the application site.

Questions were asked regarding other accesses to the site; and the clarification that the overlook and loss of privacy on this occasion would be for the new properties proposed, and not the existing properties.

The Committee heard from Mr. Ritchie on behalf of the applicant. Mr. Ritchie spoke of the proposal to convert one store into a dwelling house and demolish other stores to form 2 new houses, and acknowledged that if the situation were reversed, an application for windows at No. 52 Market Street would have been refused as these were not allowed along boundary lines. To address the overlooking and protect amenity, one of the windows gave access to a stairwell, and a second to a bedroom, so he believed that No. 52 Market Street would not be affected by the development, and its impact on the two houses proposed would be limited. On this basis, he concluded that the proposal was not over-development, as the planners had suggested. As the planners were content, in all other respects, with the proposed development, Mr. Ritchie requested that Members consider granting the application.

A question was asked about the privacy to the outside of the properties and information provided that the garden grounds were well below the level of the windows at No. 52 Market Street which would make it very hard to overlook.

There being no further questions, Mr. Ritchie confirmed that he had had a fair hearing.

There was discussion on the impact on existing residential property, and the reverse impact on this development, if approved, from existing residential properties; and of the benefits which may be considered to arise from the reuse for residential development of a currently derelict and unsightly infill site.

The Committee **agreed** to delegate the GRANT of Full Planning Permission, subject to appropriate conditions, to the Head of Planning and Economy, on the basis that the application was not contrary to Policy P3: Infill and householder developments within settlements (including home and work proposals) of the Aberdeenshire Local Development Plan 2017 as the proposed development did not impact upon existing residential amenity in a negative manner by means of overlooking, and also did not represent overdevelopment of the application site.

**6D. Reference No APP/2022/0997: Full Planning Permission for Demolition of Dwellinghouse and Erection of Dwellinghouse at Bridgend Garage House, Banff**

<b>Applicant</b>	<b>Mr. &amp; Mrs. P Ingram</b>
<b>Agent</b>	<b>Mantell Ritchie</b>

There had been circulated a report dated 1 August 2022 by the Director of Environment and Infrastructure, requesting Members' consideration of an application for Full Planning Permission for Demolition of Dwellinghouse and Erection of Dwellinghouse at Bridgend Garage House, Banff, recommended for refusal.

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 Ms. Atkinson, Senior Planner, of the site, adjacent to a Category A listed building in the Banff Conservation area, of the planning history of the site, and of the determination that the proposal was did not enhance or preserve the conservation area and that no justification had been provided that the structural integrity of the existing building was incapable of being retained at a reasonable cost; and with materials chosen which were inappropriate to a conservation area; in addition, the scale and design were not considered to be appropriate.

A question was asked as to whether the structural survey, submitted by the applicant, would be shared with Members as a matter of course and whether it might be considered as a material consideration in determining the application.

The Committee heard from Mr. Ritchie an initial correction to information contained in the report: the windows proposed were to be of timber, not uPVC: this had been changed when the structural survey had been submitted. He suggested that the existing house, the former RNLI site, was in irreparable condition, with cracks identified in the western gable, repairs required to the flat roof, and was poorly insulated. The design in terms of finishings, were appropriate to the conservation area, and included a timber feature intended to make reference to the historical use of the building. The use of slate, and the instigation of a fully pitched roof, would be an improvement to the existing structure. Retaining the existing footprint, the increase by half a storey to a two-storey building was intended to allow modern living, and the overall design of the house was felt to be in keeping, in term of materials and design, to have a positive impact on the area.

Questions were asked about the condition of the existing structure and whether it could be considered at risk due to cracks and movements on the western gables and first floor slopes; the stability of the building; the intention to retain original features relating to the Life boat usage included as a feature on the western wall; and whether the survey had been submitted to council officers.

There being no further questions for Mr. Ritchie, he confirmed that he had had a fair hearing.

In the discussion that followed, Members expressed concern that, in the absence of the sharing of the structural survey, albeit not a material consideration but within the Committee's gift to request, they did not have the necessary information to make an informed decision. There was consideration of the potential benefit which might accrue if Members were to undertake a site visit, but the main issue was to ascertain whether the building was a structure which could be repairs, or a liability.

The Committee **agreed** to DEFER consideration of the matter pending sight of the structural survey.

**6E. Reference No APP/2022/0680: Full Planning Permission for Change of Use of Land and Erection of 3 Glamping Pods, Land at Bickering Brae, Aberchirder**

<b>Applicant</b>	<b>Mr. K Watson</b>
<b>Agent</b>	<b>Shand Building Design Limited</b>

There had been circulated a report dated by the Director of Environment and Infrastructure, requesting Members' consideration of an application for Full Planning Permission for Change of Use of Land and Erection of 3 Glamping Pods, Land at Bickering Brae, Aberchirder, recommended for approval.

The Committee heard from Mr. Martin, Senior Planner, of the proposal for three glamping pods, to be considered in terms of Policy B3, Tourism Facilities, as the remote location, matching the specific intention of the pods to be remote from settlements, did not comply with the policy's requirement to have demonstrable connectivity and links to public transport. The application did comply with all other relevant policies, and so it was considered that the type of accommodation to be provided was a mitigating circumstance which would allow for an acceptable departure from the Local Development Plan, subject to appropriate conditions.

Questions were asked on the reasons for the departure linked to type of tourism to be provided; and the scale of the development and its minimal impact on the landscape, mitigated by screening.

Following discussion, the Committee **agreed**:-

- (1) to GRANT Full Planning Permission subject to the following conditions:-
1. No works in connection with the development hereby approved shall commence unless a scheme of hard and soft landscaping works has been submitted to, and approved in writing by, the planning authority.

Details of the scheme shall include:

- a) Existing and proposed finished levels in accordance with the approved plans;
- b) The location of new trees, shrubs, hedges, or grassed areas;
- c) A schedule of planting to comprise species, plant sizes and proposed numbers and density for any proposed planting;
- d) The location, design and materials of all hard landscaping works including walls, fences, and gates;
- e) A programme for the implementation, completion, and subsequent management of the proposed landscaping.

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

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

2. No development in connection with the permission hereby granted shall commence and the access hereby approved shall not be brought into use unless visibility splays, measuring 2.4m by 90m to be formed on either side of the junction of the vehicular access with the public road 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 works in connection with the permission hereby granted, shall commence unless a lay-by has been provided and surfaced in accordance with the details shown on the plans submitted. 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.

4. No works in connection with the development hereby approved shall commence unless details of the refuse bin uplift store area have been submitted to, and approved in writing by, the planning authority. 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. The dwellinghouse shall not 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.

5. The proposed development hereby approved shall not be brought into use unless the parking and turning areas have been provided and surfaced in accordance with the details shown on the approved plans. The maximum gradient of the first 5m of the new access must not exceed 1 in 20. The first five metres of the access measured from the back of the footway shall be fully paved. Once provided, the access shall thereafter be permanently retained as such.

Reason: To ensure the timely completion of the access 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.

6. The development hereby approved shall not be brought into use unless the proposed surface water drainage systems have been provided in accordance with the approved plans and the Drainage Calculations and certification prepared by Shand Building Design, dated March 2022. The surface water drainage systems shall be permanently retained thereafter in accordance with the approved maintenance scheme.

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

7. 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.

8. The Glamping Pods hereby approved shall be used solely as temporary holiday letting accommodation and for no other purposes whatsoever including use as permanent residential units without the prior express grant of planning permission by the planning authority. The Glamping Pods shall not be occupied as a person's sole or main residence and the owner of the Glamping Pods shall maintain an up-to-date register of the name of each occupier of the Glamping Pods on the site, their length of stay, and their main home address and shall make this information available at all reasonable times to the planning authority.

Reason: The occupation of the Glamping Pods as permanent residential units would not comply with the Council's Local Development Plan policies regarding residential development in this area; and

- (2) the reason for departing from the Local Development Plan 2017 is that the principle of the proposal is considered to be an acceptable departure to Policy B3: Tourist Facilities under the existing 2017 and proposed 2020 local development plan. It has been demonstrated that while the proposal is not well related to existing settlements nor a 'major high value tourist development' it has specific locational requirements, and a remote and rural location is necessary. The proposal is a unique offering which the applicant has identified there is need for in the region. It has successfully been demonstrated that the accommodation would facilitate mental health and wellbeing benefits, without any adverse landscape or amenity impacts. The proposal can effectively be serviced and is in compliance with all relevant policies contained within the Aberdeenshire Local Development Plan 2017. There are no material considerations that would justify refusing the application.

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.

**6F. Reference No APP/2022/0700: Full Planning Permission for Erection of Dwellinghouse, Site at Peathill, Rosehearty**

<b>Applicant</b>	<b>Mr. G Brown</b>
<b>Agent</b>	<b>Baxter Design Company</b>

There had been circulated a report dated 12 August 2022 by the Director of Environment and Infrastructure, requesting Members' consideration of an application for

Full Planning Permission for Erection of Dwellinghouse, Site at Peathill, Rosehearty, recommended for refusal.

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

The Committee heard from Mr. Martin, Senior Planner of the detail of the application and the history of the site, for which Planning Permission in Principle had been approved in 2016, against Officer recommendation but had since expired, and which required to be considered in terms of non-compliance with Policy R1:Special rural areas or Policy R2 Housing and employment development elsewhere in the countryside as it does not meet any of the criteria for supporting a new dwellinghouse in the countryside; and also did not comply with Policy RD1 Providing suitable services of the Aberdeenshire Local Development Plan 2017 as insufficient information has been provided to demonstrate that the development can be serviced by private drainage arrangements. Whilst historical maps submitted showed a building on the site, there were no remains visible and accordingly the site had to be considered naturalized.

A question was asked about the number of houses around the proposed site, and whether the site could be considered as contributing to a cohesive group of five, in terms of the criteria for Policy R2.

The Committee heard from Mr. Fyvie, agent, on behalf of the applicant. The intention was to seek the reinstatement of the previous planning permission which had been granted in 2016, as the site had then been determined to be a brown field opportunity and would be part of a grouping of five houses. He clarified that the proposed house sat in the main farm yard, and that a drainage update had been sent to the Planners on 29 August 2022. The sole difference to the application previously approved was that this was for Full Planning Permission, for a proposal which he believed complied with Policy R2 Housing and employment development elsewhere in the countryside as an infill, brown-field site.

There were no questions for Mr. Fyvie who confirmed he had had a fair hearing.

There was discussion of whether there had been building previously on the site, and the extent to which the site had subsequently been naturalized; how the current application required to be determined under the policies of the Local Development Plan 2017 and could not be considered under the previous Plan; and the time period of the lapse of the previous Planning Permission in Principle.

The Committee **agreed** to DEFER consideration of the application pending a site visit to allow Members to see and determine the extent of naturalization on site,

**6F. Reference No APP/2022/0759: Full Planning Permission for Erection of Dwellinghouse and Garage, Site adjacent to T Ranch, Inverallochy, Fraserburgh**

<b>Applicant</b>	<b>Mr. M Nicol</b>
<b>Agent</b>	<b>Baxter Design Company</b>

There had been circulated a report dated 12 August 2022 by the Director of Environment and Infrastructure, requesting Members' consideration of an application for Full Planning Permission for Erection of Dwellinghouse and Garage, Site adjacent to T Ranch, Inverallochy, Fraserburgh, recommended for refusal.

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

The Committee heard from Mr. Martin, Senior Planner of the detail of the application and the history of the site, for accessed via a narrow private road and for a large contemporary house and garage and solar array, with public water and private drainage. A new access was proposed. The application was considered not to comply with Policy R1 Special rural areas as it does not meet any of the criteria for supporting a new dwellinghouse in special rural areas and the Coastal Zone in which a coastal location was a requisite. The development did not comply with Policy P1 Layout, siting and design as the proposed design of the dwellinghouse, substantial and tall, and garage were considered inappropriate in the local context and immediate rural area and would therefore result in an unacceptable visual impact on the character of the area; and further, did not comply with Policy E2 Landscape, as the proposed siting of the dwellinghouse and garage would be highly prominent and would have a negative visual impact on the special landscape area.

The Committee then heard from Mr. Fyvie, agent, on behalf of the applicant. An initial comment was a correction to the footprint reported as the correct areas were 25% smaller than detailed in the report. In respect of the suggestion that the amenity of the house, if approved, would be compromised by the proximity of a wind turbine, Mr. Fyvie reported that his applicants' family lived in the adjacent T Ranch and had had no issue. The planners' concerns on the orientation of the house had not been known until the committee report had been available, as an email exchange mentioned only concerns in principle. In terms of size, there were several large houses in close proximity so the proposal would fit in well and not look out of place. Most had glazing facing the coast so again the proposed house would fit in well and would benefit also from screening by the continued growth of existing trees, which could be augmented by additional planting if required. The house would sit 2 metres lower than the adjacent T Ranch, and its style was inspired by contemporary beach-houses already built, and recently approved in North- East Scotland, including in the coastal zone. Mr. Fyvie believed that, with its solar panels and wildflower meadow, the proposal would respect environmental issues and would allow his clients' children to be nearer to grand-parents and able to walk to Inverallochy and St. Combs. He urged Members to approve the application.

There were no questions for Mr. Fyvie, who confirmed that he had had a fair hearing.

There was discussion of the proposed design and scale of the house in the context of other similar properties in the local area.

The Committee **agreed:-**

to delegate the GRANT of Full Planning Permission, subject to appropriate conditions, to the Head of Planning and Economy, for the reason (!) that the application was not contrary to Policy P1 Layout, siting and design of the Aberdeenshire Local Development Plan 2017 as the proposed design of the dwellinghouse and garage were inappropriate

in the local context and immediate rural area and would therefore not result in an unacceptable visual impact on the character of the area; and (2) that the application is in keeping with policy E2 Landscape as the proposed siting of the dwellinghouse and garage would be no more prominent than neighbours and would have a negative visual impact on the special landscape area mitigated by existing screening.