

## ABERDEENSHIRE COUNCIL

### BANFF AND BUCHAN AREA COMMITTEE COUNCIL CHAMBER, COUNTY HALL, LOW STREET, BANFF TUESDAY 31 MARCH

**Present:** Councillors J B Cox (Chair), C C Buchan, R A Cassie, M A Findlater, I W Gray, H Partridge, M J Roy, B A Topping and Councillor Watt.

**Officers:** Miss M J Cardno, Area Manager; Mr S Munro, Senior Solicitor; Mr J D Naismith, Principal Engineer; Mr M White, Senior Planner; Mr J Martin, Senior Planner; Mr D Kemp, Acting Principal Building Surveyor; Mr D MacPherson, Structures Manager; Mr G Penman, Projects Manager; Mr I Tillett, Principal Officer; Mr D Murray, Roads Manager; Mr J Stronach, Principal Roads Engineer; Mr G Farrelly, Roads Technician, Ms J Burgess, Team Leader (Estates), Mr J Forsyth, Trainee Solicitor and Mrs E M Farquhar, Area Committee Officer.

**Attending:** Mr B Milne, Scottish Fire & Rescue Service, Chief Inspector E Logue, Police Scotland.

#### 1. DECLARATION OF MEMBERS' INTERESTS

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

In relation to Item 12, Councillors Buchan and Topping both declared that they were members of the Fraserburgh and District Community Safety Group. This Group had commented on this report but neither Councillor had had any involvement of the group's response and therefore continued to take part in the discussion and determination of this item.

Councillor Partridge **declared an interest** in Item 14(c), as he lives in close proximity to the site of the application, and left the room during discussion and determination of this item.

#### 2. RESOLUTIONS

##### A. STATEMENT OF EQUALITIES

In making decisions on the following items of business, the Committee **agreed**, in terms of Section 149 of the Equality Act, 2010:-

1. to have due regard to the need to:-
  - (a) eliminate discrimination, harassment and victimisation;
  - (b) advance equality of opportunity between those who share a protected characteristic and persons who do not share it; and
  - (c) foster good relations between those who share a protected characteristic and persons who do not share it.
  
2. where an Equality Impact Assessment was provided, to consider its contents and take those into account when reaching their decision.

## B. EXEMPT INFORMATION

The Committee **agreed** under Section 50A (4) and (5) of the local Government (Scotland) Act 1973, as amended, that the public and media representatives be excluded from the meeting for Item 15 of the business on the grounds that these items involve the likely disclosure of exempt information of the class described in Paragraphs 6 and 9 of Part 1 of Schedule 7A of the Act.

### 3. MINUTE OF MEETING OF 10 MARCH 2015

Councillor Roy, seconded by Councillor Watt **moved** that the minute be amended as follows:-

Branch 13 (2) – add the following words “business plan..... and that the money be used only for implementation of the business plan”.

**As an amendment** Councillor Cox, seconded by Councillor Partridge **moved** that the minute be approved as a correct record.

Members of the Committee voted:

For the Motion	3	Councillors Findlater, Roy and Watt
For the Amendment	6	Councillors Buchan, Cassie, Cox, Gray, Partridge and Topping

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

that the minute be approved as a correct record.

Councillor Roy, **entered his dissent**, in terms of Standing Order 9(1).

### 4. LIST OF OUTSTANDING BUSINESS AT 31 MARCH 2015

The Committee **noted** the list of outstanding business at 31 March 2015.

### 5. SCOTTISH FIRE AND RESCUE SERVICE – PERFORMANCE REPORT FOR 01 OCTOBER 2014 - 31 DECEMBER 2014

A joint report dated 20 March 2015 from the Local Senior Officer Aberdeenshire and Moray and the Director of Business Services had been circulated to inform the Committee on how the Scottish Fire and Rescue Services (SFRS) is performing locally in Banff and Buchan against key performance measures and associated targets as set out in the Aberdeenshire Local Fire and Rescue Plan 2014-2017 and the Banff and Buchan Multi-Member Ward Plan 2014-2015.

The Committee **noted** the performance relating to the period 01 October – 31 December 2014 and thanked Mr Milne for his presentation and asked him to pass on the thanks of the Committee to his teams for their continuing work.

### 6. POLICE SCOTLAND – LOCAL AREA POLICING PLANS AND MULTI-MEMBER WARD PLANS

A joint report dated 12 March 2015 from the Director of Business Services had been circulated to advise the Committee of the proposed creation of a Local Area Policing Plan

that will be produced for each Area Committee and comment on this and the draft Multi-Member Ward Plans.

1. **noted** the proposal for Local Area Policing Plans,
2. **agreed** to make the following comments on the proposed Local Area Plans and Multi-Member Ward Plans and the priorities and objectives contained within the plans:
  - a) Community Safety Groups should be included in the list of consultees when identifying priorities and objectives for the area,
  - b) In terms of partnership working, the by-law to prohibit drinking in public places and the use of CCTV cameras should be noted as useful tools.
3. **agreed** that the Divisional Commander continue to report to the Area Committee quarterly on performance measures against service objectives, and
4. **agreed** that the Committee submit, to the Chief Inspector, an affirmation of the Committee's endorsement of the plan.

#### **7. PLANNED MAINTENANCE 2015-2018**

A report dated 11 March 2015 from the Director of Infrastructure Services had been circulated to seek the Committee's comments on a programme of planned maintenance for 2015-2016.

The Committee **agreed** to make the following comments for submission to the Policy and Resources Committee on 24 April 2015:

- a) There is no mention in the report of the cost benefits or priorities,
- b) Future reports should include details of how priorities are identified, and
- c) Local Members should be able to suggest priorities for their areas and, to this end, should be included at an early stage of the discussions and before the report is produced.

#### **8. BRIDGES AND CULVERTS ANNUAL WORKS PROGRAMME (PUBLIC ROAD NETWORK) 2015/2016**

A report dated 10 March 2015 from the Director of Infrastructure Services had been circulated to seek the Committee's approval of the above programme.

The Committee **agreed** the Area Bridges and Culverts Annual Works Programme (Public Road Network) for 2015/2016 as detailed in the Report.

#### **9. FLOOD MANAGEMENT AND COAST PROTECTION PROGRAMME OF MEASURES 2015/2016**

A report dated 19 March 2015 from the Director of Infrastructure Services had been circulated seeking the Committee's approval for the above programme of measures.

The Committee:-

1. **agreed** to approve the Flood Management and Coast Protection Programme of Measures for 2015/2016 as detailed in the report,
2. **noted** the proposed expenditure on essential flood management and coastal protection measures relevant to all areas, identified and agreed by officers as contained in the report, and
3. **agreed** to defer consideration of the schemes on the Reserve List of Measures within the Banff and Buchan area as detailed in the report until the next meeting of the Committee to enable Members to discuss this further at an informal meeting.

#### **10. LANDSCAPE SERVICES REVENUE AND CAPITAL WORKS PROGRAMME 2015/2016**

A report dated 18 March 2015 from the Director of Infrastructure Services had been circulated seeking the Committee's approval for the above programme.

The Committee **agreed**:

1. to approve the Area Landscape Maintenance and Capital Programme as detailed in the report, and
2. that in future, informal ward meetings be arranged to enable detailed discussion in advance of annual reports being compiled.

#### **11. 2015/2016 ROAD MAINTENANCE PROGRAMME**

A report dated 25 February 2015 from the Director of Infrastructure Services had been circulated seeking the Committee's approval for the above programme.

The Committee **agreed**:

1. to approve the Area Road Maintenance Programme as detailed in the report, and
2. that, in future, informal ward meetings be arranged to enable detailed discussion in advance of annual reports being compiled.

*The Committee **agreed to suspend Standing Order 20(8)(c)** to enable the Committee to complete the Committee business.*

#### **12. ROBBIE'S ROAD, FRASERBURGH: REQUEST FOR ADDITIONAL TRAFFIC CALMING MEASURES**

A report dated 26 February 2015 from the Director of Infrastructure Services had been circulated seeking the Committee's authorisation for the commencement of a statutory procedure for the introduction of additional traffic calming measures.

The Committee **agreed**:-

1. to authorise the commencement of the statutory procedures for the introduction of additional traffic calming measures on Robbie's Road, Fraserburgh,
2. that, in the event of no valid objections being received or any received being resolved and withdrawn, to authorise officers to consider the additional traffic calming

measures for inclusion in future works programming, once appropriate funding is identified, and

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

### **13. HOUSING AND SOCIAL WORK SERVICE QUARTERLY PERFORMANCE EXCEPTION REPORTING OCTOBER-DECEMBER 2014 (ABERDEENSHIRE PERFORMS)**

A report dated 03 March 2015 from the Director of Communities had been circulated to advise the Committee of how the Service is performing against key performance measures and associated targets as set out in the Housing and Social Work Service Plan 2014-2017.

The Committee **agreed**:

1. to **note** the positive performance achieved, the exceptional performance achieved and those measures where performance was below expectations October to December 2014 as identified in the report,
2. to **note** the publication of the complete October to December 2014 Performance report on Ward Pages,
3. that the Director continue to report, by exception, to Committee quarterly on performance measure against Service objectives and six monthly on progress in delivering all aspects of the Service Plan, and
4. to submit the following comments/questions to the Director:-
  - a) Performance Measures 2c and 5b – Why do these indicators state “Not measured for months”?
  - b) Performance Measure 5d – What are the timescales and why is the performance so bad? There are no comments included.
  - c) Performance Measure 6b – Why is there such a large number of people not attending?

### **14. PLANNING APPLICATIONS FOR CONSIDERATION**

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

A	Reference Nos APP/201/4214 and APP/2014/4220	Reference Nos APP/2014/4214 and APP/2014/4220 – Full Planning Permission for Alterations and Extension to Dwellinghouse at Woodhead Cottage, Carnousie, Turriff
B	Reference No APP/2015/0087	Reference No APP/2015/0087 – Full Planning Permission for Erection of Dwellinghouse at Plot 43, Melrose Crescent, Macduff ( <b>request to speak</b> )

C	Reference No APP/2014/2836 and APP/2014/2837	<p>Reference Nos APP/2014/2836 and APP/2014/2837 – Full Planning Permission for Removal of Condition 12 and Variation of Conditions 1, 2, 7, 18 and 19 of Planning Permission APP/2010/2869 for Removal of Conditions 2 and 3 and Variation of Conditions 4, 6 and 7 of Planning Permission N020003MIN for Removal of Condition 3 of MIN950002 to Permit Revised Phasing and Restoration (Part Retrospective) and</p> <p>Full Planning Permission for Removal of Condition 12 and Variation of Conditions 1. 2. 7. 18 and 19 of Planning Permission APP/2010/2870 for Removal of Conditions 2, 13 and 26 and Variation of Conditions 17, 20 and 24 of Planning Permission MIN950002 for Extraction of Sand and Gravel (Part Retrospective) at Bodychell Quarry, Memsie, Fraserburgh</p>
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#### 15. REGENERATION – KESSOCK INDUSTRIAL ESTATE

A report dated 12 February 2015 from the Director of Infrastructure Services had been circulated to advise the Committee of efforts being taken to regenerate Kessock Industrial Estate, Fraserburgh.

The Committee **noted** the efforts being taken at Kessock Industrial Estate to regenerate the site.

**APPENDIX A****PLANNING APPLICATIONS FOR CONSIDERATION/DECISION****14A REFERENCE NOS APP/2014/4214 AND APP/2014/4220****FULL PLANNING PERMISSION FOR ALTERATIONS AND EXTENSION TO DWELLINGHOUSE AT WOODHEAD COTTAGE, CARNOUSIE, TURRIFF, AND****LISTED BUILDING CONSENT FOR ALTERATIONS AND EXTENSION TO DWELLINGHOUSE AT WOODHEAD COTTAGE, CARNOUSIE, TURRIFF**

**Applicant:** Mr & Mrs Steele, Penelopefield Farm, Forglen, Turriff  
**Agent:** D K Meldrum, Ardarhaidh, Market Street, Turriff

A report dated 13 March 2015 from the Director of Infrastructure Services had been circulated seeking determination of the above applications by the Area Committee.

The Committee heard Mr David Meldrum, applicant's agent, in support of the application.

Thereafter, Councillor Findlater, seconded by Councillor Gray **moved** that the applications be delegated to the Head of Planning and Building Services to approve on appropriate conditions as they would bring a derelict building back into use and were not contrary to Policies 8 and 13 as they did protect, improve and conserve the historic environment and the layout, siting and design of the new developments were appropriate.

**As an amendment**, Councillor Roy, seconded by Councillor Watt **moved** that the applications be refused for the following reasons:-

APP/2014/4214

1. The proposal is contrary to Policy 13 (Protecting, improving and conserving the historic environment) and associated SG HE1: Listed Buildings as contained in the Aberdeenshire Local Development Plan in that it does not respect the setting and scale of a Listed Building.
2. The proposal is contrary to Policy 8 (Layout, siting and design of new development) and associated SG LSD2: Layout, siting and design of new development and SG LSD3: House extensions as contained in the Aberdeenshire Local Development Plan in that it does not respect the scale of the existing house.

APP/2014/4220

1. The proposal is contrary to Policy 13 (Protecting, improving and conserving the historic environment) and associated SG HE1: Listed Buildings as contained in the Aberdeenshire Local Development Plan in that it does not respect the setting and scale of a Listed Building.
2. The proposal is contrary to Policy 8 (Layout, siting and design of new development) and associated SG LSD2: Layout, siting and design of new development and SG LSD3: House extensions as contained in the Aberdeenshire Local Development Plan in that it does not respect the scale of the existing house.

Members of the Committee voted:

For the motion	5	Councillors Cassie, Cox, Findlater, Gray and Partridge
For the amendment	4	Councillors Buchan, Roy, Topping and Watt

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

that the applications be delegated to the Head of Planning and Building Standards to approve on appropriate conditions as they would bring a derelict building back into use and were not contrary to Policies 8 and 13 as they did protect, improve and conserve the historic environment and the layout, siting and design of the new developments were appropriate.

**14B REFERENCE NO APP/2015/0087**

**FULL PLANNING PERMISSION FOR ERECTION OF DWELLINGHOUSE AT PLOT 43,  
MELROSE CRESCENT, MACDUFF**

**Applicant:** Bridgend Developments Ltd., Unit B, Inverboyndie Industrial Estate, Banff  
**Agent:** Alasdair Ramsay, Unit A, Ladysbridge, Banff

A report dated 10 March 2015 from the Director of Infrastructure Services had been circulated seeking determination of the above applications by the Area Committee.

The Committee heard Mr Alasdair Ramsay, applicant's agent, in support of the application.

Councillor Findlater, seconded by Councillor Buchan **moved** that the application be refused for the following reason:

1. the proposed development is contrary to Policy 8 Layout, siting and design of new development and Supplementary Guidance SG LSD4: Infill development as contained in the Aberdeenshire Local Development Plan 2012, in that the development of the site would result in the loss of a proposed access road link to the detriment of and in prejudice to the delivery of accessibility measures required to serve the neighbouring housing development in the interests of road safety.

**As an amendment**, Councillor Gray, seconded by Councillor Cassie **moved** that the application be approved as leaving this space as a potential access could cause road safety issues.

Members of the Committee voted:

For the motion	5	Councillors Buchan, Findlater, Roy, Topping and Watt
For the amendment	4	Councillors Cassie, Cox, Gray and Partridge

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

that the application be refused for the following reason:

1. the proposed development is contrary to Policy 8 Layout, siting and design of new development and Supplementary Guidance SG LSD4: Infill development as contained in the Aberdeenshire Local Development Plan 2012, in that the



development of the site would result in the loss of a proposed access road link to the detriment of and in prejudice to the delivery of accessibility measures required to serve the neighbouring housing development in the interests of road safety.

#### 14C REFERENCE NOS APP/2014/2836 AND APP/2014/2837

**REFERENCE NOS APP/2014/2836 AND APP/2014/2837 – FULL PLANNING PERMISSION FOR REMOVAL OF CONDITION 12 AND VARIATION OF CONDITIONS 1, 2, 7, 18 AND 19 OF PLANNING PERMISSION APP/2010/2869 FOR REMOVAL OF CONDITIONS 2 AND 3 AND VARIATION OF CONDITIONS 4, 6 AND 7 OF PLANNING PERMISSION N020003MIN FOR REMOVAL OF CONDITION 3 OF MIN950002 TO PERMIT REVISED PHASING AND RESTORATION (PART RETROSPECTIVE), AND**

**FULL PLANNING PERMISSION FOR REMOVAL OF CONDITION 12 AND VARIATION OF CONDITIONS 1, 2, 7, 18 AND 19 OF PLANNING PERMISSION APP/2010/2870 FOR REMOVAL OF CONDITIONS 2, 13 AND 26 AND VARIATION OF CONDITIONS 17, 20 AND 24 OF PLANNING PERMISSION MIN950002 FOR EXTRACTION OF SAND AND GRAVEL (PART RETROSPECTIVE) AT BODYCHELL QUARRY, MEMSIE, FRASERBURGH**

**Applicant: Lovie Ltd., Cowbog, New Pitsligo, Fraserburgh**  
**Agent: Dalgleish Associates Ltd., 1 Sinclairs Street, Cathedral Square, Dunblane**

A report dated 11 March 2015 from the Director of Infrastructure Services had been circulated seeking determination of the above planning application by the Area Committee.

Councillor Partridge **declared an interest** and left the room during discussion and determination of this item.

The Committee heard Mr Willie Booth, applicant's agent in support of the application and Mr Mike Smith and Mr Gordon Milne, objectors to the application.

Thereafter, Councillor Topping, seconded by Councillor Buchan **moved** that consideration of the application be deferred until the next meeting of the Committee to enable Members of the Committee to visit the site of the application to enable them to better assess the potential impact of the proposed development on the surrounding area.

**As an amendment** Councillor Roy, seconded by Councillor Cassie, **moved** that the application be approved on the following conditions:-

1. That permission for the development hereby approved shall be for a limited period of 20 years from the date of this approval. After this date all extraction of sand and gravel from the site shall cease.

Reason: In the interests of amenity in order to protect the appearance of the area around the development in accordance with Local Development Plan policies for the area.

2. The development hereby approved shall be carried out in full accordance with the phasing as detailed within the approved Site Development/Phasing Statement dated 31 July 2014 and accompanying plans, Figure: 674/2 Working Plan Showing Archaeological Designations and Figure: 674/3/1 Indicative Design Plan. For the avoidance of doubt, from these figures and documents the order in which mineral extraction will be undertaken from the site will be as follows: Area 4; Area 6; Area 8; Area 9; and Area 10.

Reason: To ensure that the site is developed in an appropriate manner.

3. Restoration and aftercare of the site shall be undertaken in full accordance with the approved Restoration & Aftercare Statement dated 31 July 2014 and accompanying plan, Figure: 674/4 Indicative Restoration Plan. This shall be undertaken in a phased manner in the first planting season following completion of each individual phase (area) as detailed within the approved Site Development/Phasing Statement dated 31 July 2014 and accompanying plans, Figure: 674/2 Working Plan Showing Archaeological Designations and Figure: 674/3/1 Indicative Design Plan, wherever practicable taking into account the proposed working arrangements.

Reason: To ensure satisfactory reclamation of the site and timeous completion of the work.

4. The site shall be fully restored in accordance with condition 3 of this planning permission within 12 months of the expiry date of this planning permission, unless otherwise agreed in writing with the Planning Authority.

Reason: To ensure satisfactory reclamation of the site and timeous completion of the work.

5. Within 6 months from the completion of all sand and gravel extraction operations on the site, all buildings, lighting, plant, machinery, stockpiles, bridges and vehicles shall be removed from the site unless required for restoration operations and all haulage routes, storage areas and hardstanding shall be removed and restored in accordance with the approved restoration scheme as required by condition 3. Details of any buildings and/or plant vehicles retained for the period of restoration shall be submitted for the written approval of the Planning Authority before the cessation of sand and gravel extraction on the site.

Reason: To maintain the quality of the landscape in the area.

6. During the aftercare period, temporary works (e.g. ditches, watercourses, setting lagoons) shall be carried out as necessary to prevent soil erosion, flooding of the land within or outside the site, or the erosion or silting up of existing drainage channels within or outside the site.

Reason: To ensure satisfactory drainage of the land and prevent damage to surrounding land.

7. Within the first 2 years of the aftercare period, a field drainage system shall be installed for the entire site in accordance with a scheme to be agreed in writing with the Planning Authority prior to being installed. The proposed field drainage system shall be submitted 1 year prior to the expiration of this planning permission.

Reason: To ensure satisfactory drainage of the land.

8. That no works in connection with the approved sand and gravel extraction development, including the operation or maintenance of machinery or plant on the site, shall be undertaken out with the hours on the days of the week stated below:

Monday – Friday (Weekdays) 06:00 – 19:00

Saturday 06:00 – 13:00

There shall be no works at any time on a Sunday.

Reason: In the interests of amenity to ensure the development does not create a nuisance in the surrounding area.

9. The development hereby approved shall be carried out in full accordance with the mitigation measures as detailed within the approved Air Quality Assessment dated 24 July 2014, unless otherwise agreed in writing with the Planning Authority.

Reason: In the interests of amenity to ensure the development does not create a nuisance in the surrounding area.

10. Sand and gravel extraction on the site shall be undertaken in full accordance with the working methods as detailed within the approved Site Development/Phasing Statement dated 31 July 2014, Hydrological and Hydrogeological Assessment dated 31 July 2014, and Lovie Ltd – Bodychell Water Monitoring Plan unless otherwise agreed in writing with the Planning Authority.

Reason: To ensure adequate protection of water environment within the vicinity of the development.

11. Should any dewatering operations require to be undertaken on the site, then prior to being undertaken, a water feature survey should be undertaken to an applicable radius, agreed in writing with the Planning Authority. This radius will be based on the groundwater volumes abstracted from the operations. This shall include a risk assessment of water features on the site as a result of the operations taking into account the potential impact on surface water features e.g. rivers, burns, drains and any groundwater supply such as wells, boreholes, and springs located within the survey radius. This water feature survey shall then be agreed in writing with the Planning Authority and then fully implemented in accordance with the approved details.

Reason: To ensure adequate protection of the water environment within the vicinity of the development.

12. No sand and gravel extraction or any other associated operation with this development shall take place within area 10 as detailed on approved plans, Figure: 674/2 Working Plan Showing Archaeological Designations and Figure: 674/3/1 Indicative Design Plan until the screening bund on the northern and eastern site boundary as shown on Figure: 674/3/1 Indicative Design Plan has been formed which shall provide a 10 metre stand-off buffer imposed between the Heath Hill Archaeological Designation (Ref: NJ96SE0019) and extraction on the remainder of the site. No works shall take place within this archaeological designation to the east of this screening bund with-out the prior written agreement of the Planning Authority.

Reason: To protect known features of the historic environment.

13. All stockpiles shall be sited at least 10 metres away from all ditches and watercourses on the site, and no discharge or silt from these stockpiles shall enter into any of these ditches or watercourses within the site.

Reason: To ensure adequate protection of water environment within the vicinity of the development.

14. All wash waters and process waters shall be recycled within the site and shall not be discharged to any watercourses.

Reason: In the interests of public health and to avoid contamination of the surrounding water environment.

15. No sand and gravel extraction shall take place within 15 metres of the public road (B9032), and any soil storage mounds or bunds with the side which faces onto this public road shall not have a gradient steeper than 1 in 1.5 i.e. the slope face should not raise vertically more than a metre for every 1.5 metres horizontally.

Reason: In the interests of road safety.

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

Members of the Committee voted:

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

The Chair **declared the amendment** in the following terms:-

That the application be approved on the conditions stated above.