

ABERDEENSHIRE COUNCIL**BANFF AND BUCHAN AREA COMMITTEE
FRASERBURGH COMMUNITY AND SPORTS CENTRE,
MACONOCHIE PLACE, FRASERBURGH
TUESDAY 05 MAY 2015**

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 M Watt.

Officers: Miss M J Cardno, Area Manager; Mr S Munro, Senior Solicitor; Mr J D Naismith, Principal Engineer; Mr J Martin, Senior Planner; Mr T Xu, Planner; Mr I Rogan, Area Project Officer; Mr A Griffiths, Head of Primary Education and Curriculum Development; Mrs M Baptie, Acting Head Teacher, Ms Moira Lawson, Education Support Officer; Mr J Dawson, Senior Environmental Health Officer; Mr P Giles, Roads Technician; Ms J Burgess, Team Leader (Estates); Mr I Tillett, Principal Officer (Roads and Landscape Services); Mrs V McCaskill, Committee Officer and Mrs E M Farquhar, Area Committee Officer

ANNOUNCEMENT

A request in terms of Aberdeenshire Council's Standing Order 19(3) had been received from a member of the public to audio-record the Committee meeting. Notices had been placed on the door of the Committee room to advise members of the public that the Committee would be asked, at the start of the meeting, to take a decision on whether or not to grant this request. The Committee **agreed** not to grant requests to record all or part of Committee meetings until guidance had been received from the Procedures Committee – Minute of meeting of 10/03/15 refers.

1. DECLARATION OF MEMBERS' INTERESTS

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

No Councillors' interests were stated.

2. RESOLUTIONS**A. STATEMENT OF EQUALITIES**

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

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

B. EXEMPT INFORMATION

The Committee **agreed** under Section 50A (4) and (5) of the local Government (Scotland) Act 1973, as amended, that the public and media representatives be excluded from the meeting for Items 19 and 20 of the business on the grounds that these items involve the likely disclosure of exempt information of the class described in Paragraph 9 of Part 1 of Schedule 7A of the Act.

3. MINUTE OF MEETING OF 31 MARCH 2015

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

In relation to Item 6 – Police Scotland – Local Area Policing Plans and Multi-Member Ward Plans, the Committee **agreed** that two formal meetings and two informal meetings with the police should be arranged each year.

4. LIST OF OUTSTANDING BUSINESS AT 05 MAY 2015

The Committee **noted** the list of outstanding business at 05 May 2015.

With reference to Branch 13 of the Minute of Meeting of 10 March 2015 (exempt report), the Committee **agreed** that a briefing note be provided to the Committee to give an update on the progress made in relation to the provision of financial support to a local business.

5. LOCAL REVIEW BODY (LRB) MEMBERSHIP

With reference to Branch 6 of the Minute of meeting of 17 February, a report from the Director of Communities had been circulated to ask the Committee to re-visit a decision taken on 17 February 2015 not to appoint a substantive member to the LRB.

The Committee:

1. **agreed to suspend Standing Order 18** to enable it to re-visit the decision taken on 17 February 2015,
2. **agreed** that Councillor Cassie be appointed as a substantive member to the Local Review Body, and
3. **noted** that Councillor Cassie's appointment as substantive member left a substitute member position vacant and **agreed** that Councillor Cox be appointed as a substitute Member to the LRB, subject to previous training that Councillor Cox had taken part in still being current and relevant.

6. FLOOD MANAGEMENT AND COAST PROTECTION PROGRAMME OF MEASURES 2015/2016 – RESERVE LIST

With reference to Branch 9 of the Minute of Meeting of 31 March 2015, a report from the Director of Communities had been circulated to ask the Committee to take a decision on the Reserve List of Measures which had been deferred from the last meeting.

The Committee **agreed**:

1. to approve the schemes on the Reserve List of Measures within the Banff and Buchan Area, as detailed in the report,

2. that schemes could be brought forward from the Reserve List in the order of priority given in the event of slippage, provided that their inclusion did not result in the overall expenditure exceeding the allocated budget sum, and
3. that, in future, informal meetings be arranged to allow Members to have more in-depth discussion prior to the main report coming to Committee.

7. AREA COMMITTEE BUDGET – BANFF AND BUCHAN INITIATIVES FUND 2015/2016

A report dated 20 April 2015 from the Director of Communities had been circulated to ask the Committee to approve the allocation of the Area Committee Budget/Banff and Buchan Initiatives Fund for 2015/2016 to promote the development of community based initiatives supporting the delivery of the Community Planning themes.

The Committee **agreed**:-

1. that the fund be allocated, as follows, to promote the delivery of the Community Planning themes:-

Theme	Allocation
Improving the appearance and maintenance of towns and villages within Banff and Buchan	£52,500
Reducing health inequalities across Banff and Buchan and supporting health initiatives through active sport	
Children have the best start in life through action with parents and children pre-birth to 8 years	
Older people and community care	
Supporting communities and volunteering	
Transport	
Community safety and wellbeing	
Total	£52,500

2. that applications for funding from the Initiatives Fund be requested by 26 June 2015 and reported to the Committee on 21 July 2015 and that any remaining funds be subject to a second call in the autumn and that an informal meeting of the Committee be arranged to enable members of the Committee to consider the applications in more detail before the formal meeting on 21 July 2015.
3. that the budget would contribute 80% towards the total cost of a project up to a maximum of £10,000 if the project has been identified and prioritised by the community through the Making it Real process (or equivalent), otherwise the budget will contribute 80% towards the total cost up to a maximum of £5,000.
4. that application forms include questions on whether groups have applied for funding elsewhere, whether they had been successful and, if so, how much money they had received,
5. that applicants would be required to submit a copy of their most recent, independently examined set of accounts, showing their current bank balance and any funds therein which had been ring-fenced for other projects,
6. that all application forms be made available to Members when making decisions

about allocations therefore removing the responsibility of the Area Manager to take decisions on the eligibility of the applications,

7. to note that, as in previous years, a scoring mechanism would be used to prioritise applications prior to submission to the Area Committee for determination and that:
- Applicants who have been granted Area Initiatives funding in the last 3 years will score lower,
 - Projects which can demonstrate a partnership approach will score higher
 - Projects which have secured external funding will score higher
 - Projects which are accessible to all members of the community will score higher

Thereafter, Councillor Tait, seconded by Councillor Watt **moved** that applications from organisations with an annual turnover of more than £100,000 should not be considered.

As an amendment, Councillor Buchan, seconded by Councillor Partridge **moved** that applications from organisations with an annual turnover of more than £250,000 should not be considered.

Members of the Committee voted:-

For the motion	2	Councillors Tait and Watt
For the amendment	8	Councillors Buchan, Cassie, Cox, Findlater, Gray, Partridge, Roy and Topping

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

that applications from organisations with an annual turnover of more than £250,000 should not be considered.

8. BANFF AND MACDUFF COMMUNITY COUNCIL MEMBERSHIP NUMBERS

A report dated 20 April 2015 from the Director of Communities had been circulated to ask the Committee to consider a change in the membership numbers for Banff and Macduff Community Council.

The Committee **agreed** that the current Community Council maximum number of 14 remain because increasing the maximum number to 20 could exacerbate the situation regarding uncontested elections and the Community Council could co-opt associate members when needed.

9. EDUCATION SCOTLAND INSPECTION, ORDIQUHILL SCHOOL

A report from the Director of Education and Children's Services had been circulated to ask the Committee to consider and comment on the contents of the report.

The committee **agreed**:

1. that, in future, Education Scotland reports should be included in reports to Committee and,
2. to defer consideration of this report to enable further discussion at an informal meeting.

10. 2015/2016 REVENUE WORKS PROGRAMMES FOR BANFF AND BUCHAN HARBOURS

A report dated 20 April 2015 from the Director of Infrastructure Services had been circulated to seek the Committee's approval for the 2015-2016 Revenue Works Programme.

The Committee **agreed**:

1. to approve the 2015-2016 Annual Harbours Works Programme for Banff and Buchan Harbours as detailed in the report, and
2. that a briefing note would be prepared in relation to any proposed AEFF grant applications for Banff and Buchan harbours.

11. STATUTORY LIST OF PUBLIC ROADS – LINKS VIEW, INVERBOYNDIE

A report dated 13 April 2015 from the Director of Infrastructure Services had been circulated seeking the Committee's approval of an addition to the Statutory List of Public Roads.

The Committee **agreed to approve** the following addition to the Statutory List of Public Roads:

Parish	Name of Road	Description	Length (Metres)
Banff	Links View, Inverboyndie, Banff	From the junction with C81L Inverboyndie Road northwards to the north end of the road (including turning head).	90 metres or thereby

12. STATUTORY LIST OF PUBLIC ROADS – COLLEONARD DRIVE (part) AND MONTCOFFER VIEW, BANFF

A report dated 13 April 2015 from the Director of Infrastructure Services had been circulated seeking the Committee's approval of an addition to the Statutory List of Public Roads.

The Committee **agreed to approve** the following additions to the Statutory List of Public Roads:

Parish	Name of Road	Description	Length (Metres)
Banff	Colleonard Drive (part), Banff	From the south end of the adopted section of Colleonard Drive, adjacent to no. 5, to the south end of the road (including turning circle).	230 metres or thereby
	Montcoffer View, Banff	From the junction with Colleonard Drive to the west end of the road (including turning head).	85 metres or thereby
	Remote Footpath	From the turning head at the west end of Montcoffer View to the turning circle at the south end of Colleonard Drive.	65 metres or thereby
	Remote Footpath	From Colleonard Drive, between no.s 21 & 23, to the turning head at the west end of Edward Avenue.	63 metres or thereby

13. STATUTORY LIST OF PUBLIC ROADS – MELROSE CRESCENT, MACDUFF (PHASE 1)

A report dated 13 April 2015 from the Director of Infrastructure Services had been circulated seeking the Committee's approval of an addition to the Statutory List of Public Roads.

The Committee **agreed to approve** the following additions to the Statutory List of Public Roads:

Parish	Name of Road	Description	Length (Metres)
Gamrie	Melrose Crescent, Macduff (Phase 1)	From the junction of Souter Street/Back Street northwestwards then eastwards to the east boundary of No. 21, including the cul-de-sac with turning head leading to No. 16.	390 metres or thereby
	Remote Footpath	From the junction of Souter Street/Back Street northeastwards then northwards to a point on the cul-de-sac between No.s 20 and 22.	91 metres or thereby

14. STATUTORY LIST OF PUBLIC ROADS – MELROSE CRESCENT, MACDUFF (PHASE 2)

A report dated 13 April 2015 from the Director of Infrastructure Services had been circulated seeking the Committee's approval of an addition to the Statutory List of Public Roads.

The Committee **agreed to approve** the following addition to the Statutory List of Public Roads:

Parish	Name of Road	Description	Length (Metres)
Gamrie	Melrose Crescent, Macduff (Phase 2)	From the east boundary of No. 21 eastwards then southwards then westwards then southwards to the junction with Old Gamrie Road, including the cul-de-sac with turning head leading to No. 48.	552 metres or thereby

15. EDUCATION, LEARNING AND LEISURE SERVICE QUARTERLY PERFORMANCE EXCEPTION REPORTING OCTOBER-DECEMBER 2014

A report dated 27 March 2015 from the Director of Education and Children's Services 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 Service Plan.

The Committee:

1. **noted** those aspects of performance achieved which were highlighted as positive and those where performance was below expectations,
2. **noted** the publication of the complete October-December 2014 Performance Report on Ward Pages,

3. **agreed** that the Director continue to report, by exception, to Committee quarterly on performance measures against service objectives and six-monthly on progress in delivering all aspects of the Service Plan and service improvement,
4. **agreed** to make the following comments to the Service:
 - i) Indicator 2.5a - % of half day truancy/unexplained absences of Looked After Children – The figure is very high and especially so in comparison with other children. Staff should not be redeployed to act as mainstream class teachers as this will exacerbate the situation.
 - ii) Where there is reference to a performance measure within the report, there should be an indicator shown within the exception report and not just in the full report e.g. there is a mention of Duff House in Paragraph 2.10 of the report (PI 3.3) but Indicator PI 3.3 is not mentioned in the exception report.
5. **agreed** that a briefing note be provided on how the Service plans to address the level of trancies showing an improvement plan to maximise the attendance of every pupil and also how the Service plans to address the wider staffing issues/shortages especially in Banff and Buchan.

16. INFRASTRUCTURE SERVICES QUARTER 3 PERFORMANCE (OCTOBER-DECEMBER 2014) (ABERDEENSHIRE PERFORMS)

A report dated 03 March 2015 from the Director of Infrastructure Services 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 Service Plan.

The Committee:

1. **noted** those aspects of performance achieved which were highlighted as positive and those where performance was below expectations,
2. **noted** the publication of the complete October-December 2014 Performance Report on Ward Pages,
3. **agreed** that the Director continue to report, by exception, to Committee quarterly on performance measures against service objectives and six-monthly on progress in delivering all aspects of the Service Plan and service improvement,
4. **agreed** to make the following comments to the Service:
 - i) Indicator 2.6a – Percentage of commercial and industrial properties occupied at the end of the period – What is being done to increase capacity in industrial units across Banff and Buchan?
 - ii) The Committee wished to reiterate its previous stance that performance reports are meaningless unless an officer is present on the day to answer the Committee's questions.

17. PLANNING APPLICATIONS FOR CONSIDERATION

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

A	Reference No APP/2013/2779	Full Planning Permission for Erection of 21 Wind Turbine (Hub Height 32 Metres) Total Height 45.5 Metres; Siting of Equipment Cabinet and Formation of Vehicular Access at Beechwood, Burnend, Forglen, Turriff
B	Reference No APP/2015/0309	Full Planning Permission for Erection of Dwellinghouse (Amended Design) at Site at Hilton Croft, Banff
C	Reference No APP/2015/0061	Planning Permission in Principle for Erection of Dwellinghouse at Site at Lower Plaidy, King Edward
D	Reference No APP/2014/3389	Planning Permission in Principle for Erection of Dwellinghouse at Land at Knockthunder, Forglen, Turriff
E	Reference No APP/2014/3296	Full Planning Permission (Major Development) for Erection of 52 Dwellinghouses with Associated Access Roads and Landscaping at Merryhillock Residential Development, Phase 1, Land to the West of Boothby Road, Fraserburgh

18. PLANNING APPEALS – LETTERS FROM THE SCOTTISH GOVERNMENT

- A) Appeal Decision Notice – Reference No APP/2014/2450 – Planning Permission for Re-slate Roof, Replacement of 3 Doors, Installation of Extractor Vent partially in Retrospect at 56A Sandend, Portsoy, AB45 2UB.

The Committee **noted** the decision of the Reporter to dismiss the appeal and to refuse to vary the terms of the planning permission.

- B) Appeal Decision Notice – Reference No APP/2014/2454 – Listed Building Consent for Reslate Roof, Replacement of 3 Doors, Installation of Extraction Vent, partially in Retrospect at 56A Sandend, Portsoy, AB45 2UB.

The Committee **noted** the decision of the Reporter to dismiss the appeal and to refuse to vary or amend the terms of the listed building consent.

- C) Appeal Decision Notice – Reference No APP/2012/2405, APP/2012/2402 and APP/2012/2406 – Appeal Decision Notice and Claim for an Award of Expenses Each for Single Wind Turbine with Hub Height of 55 Metres and Blade Tip Height of 79 Metres with Ancillary Development at Gledsgreen, Gawnsmoss and Cairnhill, Banff, AB45 3BS

The Committee **noted** the decision of the Reporter:

- a) to allow all three appeals and to grant planning permission subject to the conditions listed in the consent and the five advisory notes at the end of the notice, and
- b) to decline to make any award in the claim for expenses related to the three appeals, each for a single wind turbine.

19. LAND AT DEVERON TERRACE, BANFF

A report from the Director of Infrastructure Service had been circulated seeking the Committee's approval to advertise the land on the open market.

The Committee **agreed**:-

1. to advertise the land on the open market for a rent on a grazing licence until the end of November 2015, and
2. to delegate agreement of the detailed terms and conditions of the lease and licence to the Estates Manager.

20. PROPOSED GRASSUM LEASE AT TARLAIR BUSINESS PARK, OLD GAMRIE ROAD, MACDUFF

A report dated 13 April 2015 from the Director of Infrastructure Services had been circulated seeking the Committee's approval of a ground lease.

The Committee **agreed to approve** the ground lease to be granted to Robert McRobbie on the terms and conditions detailed in the report.

APPENDIX A

PLANNING APPLICATIONS FOR CONSIDERATION/DECISION

17A REFERENCE NO APP/2013/2779

FULL PLANNING PERMISSION FOR ERECTION OF 1 WIND TURBINE (HUG HEIGHT 32 METRES) TOTAL HEIGHT 45.5 METRES; SITING OF EQUIPMENT CABINET AND FORMATION OF VEHICULAR ACCESS AT BEECHWOOD, BURNEND, FORGLEN, TURRIFF

Applicant: A C Duncan & Co, Beechwood, Burnend, Forglen, Turriff
Agent: Enviko Ltd., Davidsons Mans, 10 Main Street, Edinburgh

A report dated 15 April 2015 from the Director of Infrastructure Services had been circulated seeking determination of the above application by the Area Committee.

The Committee heard Mrs Annie Kenyon (on behalf of herself and Mr Neil Mutch) and Mr John Burns, objectors to the application.

Thereafter, Councillor Findlater, seconded by Councillor Roy **moved** that the application be refused for the following reasons:-

1. The proposed development is contrary to Policy 3: Development in the Countryside, and SG Rural Development2: Wind Farms and Medium to Large Wind Turbines, Policy 8: Layout, Siting and Design of New Development, and SG LSD 2: Layout, Siting and Design of New Development, and Policy 12: Landscape Character and SG Landscape 1: Landscape Character, as contained in the Aberdeenshire Local Development Plan 2012 in that:
 - a) The proposed turbine would have an adverse impact on the Deveron and Upper Ythan Valleys landscape character area due to being dominant and out of scale with the landscape, resulting in a noticeable change to it, and the further damage it would result to the landscape in conjunction with the other turbines already operational and consented to the south of the River Deveron in the area.

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

Members of the Committee voted:

For the motion	1	Councillor Findlater
For the amendment	9	Councillors Buchan, Cassie, Cox, Gray, Partridge, Roy, Tait, Topping and Watt

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

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 turbine on the surrounding area.

17B REFERENCE NO APP/2015/0309**FULL PLANNING PERMISSION FOR ERECTION OF DWELLINGHOUSE (AMENDED DESIGN) AT SITE AT HILTON CROFT, BANFF**

Applicant: Ken Barbour Ltd., Fitmacan, Boyndie, Banff
Agent: William Lippe Architect Ltd., 4 James Place, Inverurie

A report dated 15 April 2015 from the Director of Infrastructure Services had been circulated seeking determination of the above application by the Area Committee.

Councillor Cox, seconded by Councillor Gray **moved** that the application be delegated to the Head of Planning and Building Standards to approve on appropriate conditions including additional conditions to include appropriate landscaping and a softer, more muted colour for the walls.

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

1. The proposed amended design is not an acceptable design for the site and does not comply with Policy 8 and related SG LSD 2: Layout, siting and design as contained in the Aberdeenshire Local Development Plan. Specifically, the scale and design of the house are not of a traditional character and are not in keeping with the surrounding rural area.
2. The application does not comply with Policy 12 and related SG L 1: Landscape character as contained in the Aberdeenshire Local Development Plan. Specifically, the large scale and non-vernacular design do not respect the setting and are not appropriate for the landscape character of the area.

Members of the Committee voted:

For the motion	5	Councillors Cassie, Cox. Gray, Partridge and Watt
For the amendment	3	Councillors Buchan, Roy and Topping
No vote	2	Councillors Findlater and Tait

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

that the application be delegated to the Head of Planning and Building Standards to approve on appropriate conditions including additional conditions to include appropriate landscaping and a softer, more muted colour for the walls.

The reason for departure from the valid Local Plan was that there was already a precedent set of two-storey buildings in the locality and the proposed development would not be detrimental to the landscape setting.

17C REFERENCE NO APP/2015/0061**PLANNING PERMISSION FOR ERECTION OF DWELLINGHOUSE AT SITE AT LOWER PLAIDY, KING EDWARD**

Applicant: Simon Massey, Lower Plaidy, King Edward, Banff
Agent: Mantell Ritchie, 27A High Street, Banff

A report dated 15 April 2015 from the Director of Infrastructure Services had been circulated seeking determination of the above planning application by the Area Committee.

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

Thereafter, the Committee asked the Planning Officer to check that referral to ISC was required if this application were to be approved and, if so, **agreed** that the application be delegated to the Head of Planning and Building Standards to refer to the Infrastructure Services Committee with the Area Committee's recommendation to approve on appropriate conditions and, if there were no need for this application to be referred to ISC, that the application be delegated to the Head of Planning and Building Standards to approve on appropriate conditions.

The Committee did not consider that its decision was a departure from the valid Local Plan, as there were already nine houses in close proximity to the proposed development so this application would not exceed the 20% limit for new dwellinghouses as part of an existing cohesive group and would therefore comply with Policy 3: Development in the countryside and related SG Rural Development 1: Housing and business development in the countryside as contained in the Aberdeenshire Local Development Plan.

17D REFERENCE NO APP/2014/3389

PLANNING PERMISSION IN PRINCIPLE FOR ERECTION OF DWELLINGHOUSE AT LAND AT KNOCKTHUNDER FARM, BANFF

Applicant: Mr R Rafferty, Amber Real Estate Investments Ltd., 9 Colmore Court, Colmore Row, Birmingham

Agent: Acorus Rural Property Services Ltd., Old Market Office, 10 Risbygate Street, Bury St Edmunds

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

The Committee **agreed**, in the event of a) satisfactory resolution of the disposal of foul effluent and surface water, b) receipt of a satisfactory drainage certificate that confirms the on-site ground conditions are suitable for the chosen drainage solution, c) amended plans and manufacturers information and additional conditions to ensure that the chosen drainage solution is retained in perpetuity, and d) satisfactory conclusion of developer obligation contributions towards affordable housing, that the application be delegated to the Head of Planning and Building Standards to approve on the following conditions:

1. Details of the specified matters listed below shall be submitted for consideration by the planning authority, in accordance with the timescales and other limitations in Section 59 of the Town and Country Planning (Scotland) Act 1997 (as amended). No work shall begin until the written approval of the authority has been given, and the development shall be carried out in accordance with that approval.

Specified matters:

- (a) Full details of the layout and siting of the proposed development;
- (b) Full details of the external appearance and finishing materials of the proposed development, which should not exceed 1 1/2 storey in height;
- (c) Full details of all existing and proposed landscape features, including trees to be retained and planted;

- (d) A detailed levels survey of the site and cross sections showing proposed finished ground and floor levels relative to existing ground levels and a fixed datum point; and
- (e) Full details of the proposed means of disposal of foul and surface water from the development;

Reason: Permission for the development has been granted in principle only and subsequent approval is required for these matters in accordance with Section 59 of the Town and Country Planning (Scotland) Act 1997 (as amended).

2. Unless otherwise agreed in writing with the Planning Authority the development shall be connected into the public mains water supply and no dwellinghouse hereby approved shall be occupied unless it is connected to and fully operational within the public water systems. Once connected, the connection shall be permanently retained thereafter and shall not be altered in any way without the prior express written permission of the Planning Authority.

Reason: To ensure the implementation of the preferred water solution to serve the proposed development in the interests of amenity.

3. The development shall be served in accordance with the approved drawings and the following details:
 - a) The maximum gradient of the first 5m of the new access must not exceed 1 in 20
 - b) Prior to occupancy of the development, first 5m of driveway (measured from edge of road or back of footway) to be fully paved
 - c) Prior to occupancy of development, Parking spaces, surfaced in hard standing materials shall be provided within the site.
 - d) Prior to commencement of development, visibility splays measuring 2.4m and 120m; to be formed on either side of the junction of the vehicular access with the public road. The visibility splays so formed shall thereafter be kept free of all permanent obstructions above adjacent carriageway level.

Reason: In order to ensure that the development is served by an appropriate standard of access and associated servicing in the interests of road safety.

4. Prior to the construction of any dwellinghouse an Energy Statement applicable to that dwellinghouse must be submitted to and approved in writing by the Planning Authority, including the following items:
 - (i) Full details of the proposed energy efficiency measures and/or renewable technologies to be incorporated into the development.
 - (ii) Calculations using the SAP or SBEM methods, which demonstrate that the reduction in carbon dioxide emissions rates for the development, arising from the measures proposed, will enable the development to comply with the Council's Supplementary Planning Guidance on Carbon Neutrality in New Developments. (In this case the development will achieve at least a Bronze Active rating under Section 7 of the Building Standards Technical Handbook).

The development shall not be occupied unless it has been carried out in full accordance with the approved details in the Energy Statement. The carbon reduction measures shall be retained in place and fully operational thereafter.

Reason: To ensure this development complies with the on-site carbon reductions required in Scottish Planning Policy and the Council's Supplementary Planning Guidance - Carbon Neutrality in New Developments.

5. That the dwellinghouse shall not be occupied or form the residence of parties other than those engaged or employed in the Knockthunder Poultry Unit operated from the application site and detailed in drawing 200-06 and outlined in blue or Buchraggie Poultry Unit, Boyndie, Drawing 200-01 and outlined in blue.

Reason: The site lies in an area where the Planning Authority considers that new residential development is inappropriate due to odour and nuisance arising from the adjacent intensive poultry unit.

The Committee's reason for approval of the application was that the proposed development accords with the development plan and there are not material considerations which indicate that permission should be refused.

17E REFERENCE NO APP/2014/3296

FULL PLANNING PERMISSION (MAJOR DEVELOPMENT) FOR ERECTION OF 52 DWELLINGHOUSES WITH ASSOCIATED ACCESS ROADS AND LANDSCAPING AT MERRYHILLOCK RESIDENTIAL DEVELOPMENT, PHASE 1, LAND TO THE WEST OF BOOTHBY ROAD, FRASERBURGH

Applicant: Claymore Homes Ltd
Agent: Mackie Ramsay Taylor Architects

The Committee **agreed**, in the event of satisfactory conclusion of Developer Contributions which reflected the original Masterplan, **and necessarily included the provision of two football pitches**, that the application be delegated to the Head of Planning and Building Standards to approve on the following conditions:-

1. That the development hereby permitted shall not be occupied unless the vehicular accesses have been constructed in accordance with the approved plans and as detailed below, and shall thereafter be permanently retained as such.
 - (a) A drop kerb footway crossing must be formed at the new driveway.
 - (b) The maximum gradient of the first 5m of the new access must not exceed 1 in 20.
 - (c) First 5m of driveway (measured from edge of road or back of footway) to be fully paved.
 - (d) Proposed garage must be set back at least 6m from the rear of the footway.
 - (e) Off-street parking for 141 cars, surfaced in hardstanding materials, must be provided within the site.

Reason: In the interests of road safety and to meet the Council's standards as contained in the Aberdeenshire Local Development Plan as to ensure the development is provided with an adequate access.

2. That prior to commencement of the development hereby permitted, Visibility Splays, measuring 2.0m by 25m at each driveway, shall be formed on either side of the junction of the vehicular access with the public road. The visibility splays so formed

shall thereafter be kept free of all permanent obstructions above adjacent carriageway level.

Reason: In the interests of road safety and to meet the Council's standards as contained in the Aberdeenshire Local Development Plan as to ensure the development is provided with an adequate access.

3. That no works in relation to external finish of the development shall take place unless details of all the materials (including colours) to be used in the external finish for the proposed development (including roofs, walls, windows, doors) have been submitted to and approved in writing by the Planning Authority. The development shall be carried out in complete accordance with the approved details.

Reason: In the interests of the appearance of the development and the visual amenities of the area.

4. That prior to the construction of any building(s), an Energy Statement applicable to that building(s) must be submitted to and approved in writing by the Planning Authority, including the following items:
 - (i) Full details of the proposed energy efficiency measures and/or renewable technologies to be incorporated into the development.
 - (ii) Calculations using the SAP or SBEM methods, which demonstrate that the reduction in carbon dioxide emissions rates for the development, arising from the measures proposed, will enable the development to comply with the Council's Supplementary Planning guidance on Carbon Neutrality in New Developments. (In this case the development will achieve at least a Bronze Active rating under Section 7 of the Building Standards Technical Handbook).

The development shall not be occupied unless it has been carried out in accordance with the approved details in the Energy Statement. The carbon reduction measures shall be retained in place and fully operational thereafter.

Reason: To ensure this development complies with the on-site carbon reductions required in Scottish Planning Policy and the Council's Supplementary Planning Guidance - Carbon Neutrality in New Developments.

5. That the dwelling houses hereby approved shall not be occupied unless all of the associated means of enclosures have been provided in accordance with the approved plans.

Reason: In the interests of the residential amenities of the occupiers of the dwelling house and the visual amenities of the area.

6. All soft and hard landscaping proposals shall be carried out in accordance with the approved scheme and shall be completed during the planting season immediately following the commencement of the development or such other date as may be agreed in writing with the Planning Authority. 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.

In addition, prior to the commencement of the implementation of the approved scheme, detailed proposals for a programme for the long term management and maintenance of all the approved landscaped and open space areas within the

development shall be submitted for the further written approval of the Planning Authority. Thereafter, all management and maintenance of the landscaped and open space areas shall be implemented, in perpetuity, in accordance with the approved programme.

Reason: To ensure the implementation 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.

7. Prior to the commencement of development, details of the equipment to be installed within the proposed play area for the development shall be submitted to and agreed in writing with the Planning Authority in consultation with Infrastructure Services (Landscape Services). Details of how the play area and equipment shall be maintained in perpetuity shall also be provided. The development shall be carried out in complete accordance with the approved details.

Reason: To ensure a satisfactory amount of play equipment is provided to serve the development.

8. Prior to the commencement of development, details of the waste/recycling facilities and collection arrangements for individual properties and the development as a whole, including the recycling point shall be submitted for the approval in writing of the Planning Authority. The development shall be carried out in complete accordance with the approved details.

Reason: In order to ensure that the development has appropriate and adequate facilities for the disposal and collection of household waste and recycling materials.

9. Prior to commencement of the proposed main access road and to its associated loss of storage, design details of the proposed compensatory flood storage and detention basins identified in the Addendum Flood Risk Assessment Report (April 2015) and associated plans (Ref. A/13187/909 Rev 1, 902 Rev 1, 903) must be submitted to and approved in writing by the Planning Authority. All works on site must be undertaken in accordance with the approved details unless otherwise agreed in writing with the Planning Authority.

Reason: In the interests of flood prevention.

10. That no built development shall take place within the 1 in 200 year functional flood plain in line with the 'proposed' scenario modelled in Appendix H of the Flood Risk Assessment. A table should be submitted to and approved in writing by the Planning Authority, in consultation with SEPA, detailing the volume of flood plain storage lost as a result of the development and the volume replaced by the proposed compensatory storage at each level. This is required in order to demonstrate that like-for-like (level and volume) compensatory storage can be provided.

Reason: In the interests of flood prevention.

11. That prior to the commencement of any works [in any phase/on site], a detailed scheme for surface water drainage shall be submitted to and agreed by the Planning Authority, in consultation with SEPA. The scheme shall detail two levels of sustainable drainage SUDS treatment for all areas roads/hardstanding/car parking and one level SUDS treatment for roof runoff, and all work shall be carried out in accordance with the approved scheme.

Informative: The scheme shall be developed in accordance with the technical guidance contained in the SUDS Manual (C697) and should incorporate source control.

Reason: To ensure adequate protection of the water environment from surface water runoff.

12. That no development shall commence on site until a site specific Construction Method Statement (CMS) has been submitted and approved in writing by the Planning Authority in consultation with SEPA. All works on site must be undertaken in accordance with the approved CMS unless otherwise agreed in writing with the Planning Authority.

Informative: It is recommend that the CMS is submitted at least 2 months prior to the commencement of any works on site; this is to allow the necessary agencies sufficient time to fully review the mitigation proposals to avoid any potential delays to the project moving forward.

Reason: In order to minimise the impacts of necessary construction works on the environment.

13. That notwithstanding the provisions of Classes 1 & 3E of Schedule 1 to the Town and Country Planning (General Permitted Development) (Scotland) Order 1992 or any order amending, revoking or re-enacting that Order, the proposed development shall not be altered in any way nor any building or means of enclosure erected within the curtilage of the development without an express grant of planning permission from the Planning Authority.

Reason: In the interests of the character and appearance of the development.

Informative

1. The length of the permission: This planning permission will lapse on the expiration of a period of three years from the date of this decision notice, unless the development is begun within that period. [See section 58(1) of the Town and Country Planning (Scotland) Act 1997 (as amended)].
2. Notice of the start of development: The person carrying out the development must give advance notice in writing to the planning authority of the date when it is intended to start the development. Failure to do so is a breach of planning control and could result in the planning authority taking enforcement action. [See sections 27A and 123(1) of the Town and Country Planning (Scotland) Act 1997 (as amended)]. Such notification shall contain the information set out in the 'Notification of Initiation of Development' Notice as appended.
3. Notice of the completion of the development: As soon as possible after the development is finished, the person who completed the development must write to the planning authority to confirm that the development has been completed. [See section 27B of the Town and Country Planning (Scotland) Act 1997 (as amended)]. Such notification shall contain the information set out in the 'Notification of Completion of Development' Notice as appended.

4 Construction Noise

- 4.1 Noise emanating from the site during construction and demolition shall not exceed levels specified in tables 1 and 2 when measured 1 metre from the façade of any noise sensitive premises.

Sound level measurements shall be carried out using a metering system conforming to at least type 2 of the appropriate British Standard, (i.e. BS EN 60804, BS EN 60651, etc). The time weighting shall be set to fast.

Noise sensitive premises for the purposes of this application are deemed to be dwellings and other residential accommodation;

Table 1

0800 – 1800 Monday to Friday (excluding public and local holidays)	70 dB L _{A eq,10} hr	90 dB L _{A max}
0700 – 0800 and 1800 – 1900 Monday to Friday (excluding public and local holidays)	Vehicle movements only and quiet activities to be agreed with the Head of Protective Services and Waste Management.	
0800 – 1300 Saturday	70 dB L _{A eq,5 hr}	90 dB L _{A max}

Table 2

1900 – 2200 Monday to Friday. 1300 – 2200 Saturday	No increase in background noise level, L _{A90} , measured over any 1 hour period
2200 – 0700 Monday to Friday 2200 – 0800 Saturday All day Sunday Public and local holidays	No increase in background noise level, L _{A90} , measured over any 5 minute period

- 4.2 Notwithstanding the maximum permitted noise levels specified above, the contractor shall employ good practice to minimise noise levels. Such measures to include the following: -

All vehicles and mechanical plant shall be fitted with effective exhaust silencers, and shall be maintained in efficient working order and a good state of repair.

All compressors shall be models which are effectively and efficiently manufactured or adapted to minimise noise emissions, and properly fitted with lined and sealed acoustic covers, which are to be kept closed when the equipment is in use.

All pneumatic tools shall be fitted with mufflers or silencers as recommended by the manufacturer. Electrically powered plant and tools should be utilised where reasonably practicable.

Where plant and equipment is used intermittently it shall be shut down during periods of non-use.

All practicable steps shall be taken to minimise noise levels at any noise sensitive building by erecting suitably designed screen, enclosures and barriers.

Reference shall be made to, and guidance adopted from, BS 5228 part 1 1997, in the selection, and siting of enclosures, barriers and screens.

All noise generating plant and equipment shall be sited as far as is practicable from any noise sensitive building. Plant shall be selected to minimise noise emissions, so far as is reasonably practicable.

- 4.3 Vehicles shall not arrive on any site, or leave any site between the hours of midnight – 0700 and 1900 – midnight Monday to Saturday. There shall be no vehicles arriving or departing any site on Sundays or public holidays.
- 4.4 The contractor will have regard to, and implement wherever reasonably practicable, all guidance and recommendations contained in BS 5228: Part 1: 1984, Noise Control on Construction and Open Sites. In particular occupiers who will be subjected to disturbance by noise from construction works shall be informed of projected timescales; hours of working, significant variation of projected timescales or working hours and be advised of a named individual for lodging complaints or seeking information.
- 4.5 Unavoidable working outside agreed hours

Due to unforeseen circumstances it may be necessary to carry out noisy operations/construction works outside of permitted hours. In such circumstances the contractor should agree variations with the Head of Infrastructure Services and notify all occupiers, likely to be affected, of the agreed variation in working practices/working hours.

5 Light Pollution

- 5.1 Details of any proposed floodlighting or security lighting to be used during construction shall be submitted by the applicant together with an assessment of the proposals demonstrating to the satisfaction of the Head of Protective Services and Waste Management that light spillage and glare will not cause a nuisance at any location.

The Committee's reason for approval of the application was that the proposal complies with relevant policies of the Aberdeenshire Local Development Plan 2012, in that the proposed erection of 52 dwellinghouses within the Merryhillock Masterplan area is acceptable in principle; the layout, siting and design would be in keeping with the character of the locality

and would not have any adverse impact on amenities of the proposed neighbouring new dwellings; the proposed public open space and infrastructure provisions are acceptable to the scale of the development.