

## ABERDEENSHIRE COUNCIL

### BANFF AND BUCHAN AREA COMMITTEE, LEARNING ROOMS 1 AND 2, FRASERBURGH COMMUNITY AND SPORTS CENTRE, MACONOCHIE PLACE, FRASERBURGH 01 MAY 2018

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

**Officers:** Mrs K F Wiles, Interim Area Manager; Miss F M Stewart, Senior Solicitor; Mr J D Naismith, Principal Engineer; Mr J Martin, Senior Planner; Mr S Murison, Senior Planner; Mr K McDermott, Community Learning and Development Team Leader; Mrs C Webster, Regeneration and Town Centres Manager; Mrs E Reid, Team Leader; Mr S Norman, Environment Planner, Mr P Selway, Environment Planner; Mr J Marerwa, Environmental Health Officer; Mr G Penman, Projects Manager; Mr M Hall, Strategy Manager; Ms L Hogg, Parking Officer; Mr M Robertson, Commercial Development Manager and Mrs E M Farquhar, Area Committee Officer

#### 1. DECLARATION OF MEMBERS' INTERESTS

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

No Councillors' interests were stated.

#### 2. RESOLUTION

##### 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**:

1. 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 13 and 14 of the business on the grounds that these items involved 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 27 MARCH 2018

The minute of meeting of 27 March 2018 had been circulated.

The Committee **agreed** that the following correction be made to the minute:

Branch 22 – Infrastructure Services Key Activity, Projects and Forward Procurement Plan for 2018/2019.

1. Councillor **Cox** (not Councillor Buchan) seconded the motion raised by Councillor Cassie that the business case be reserved for Fraserburgh 2021 – Kirk Brae Public Realm Improvement Scheme – The Faithlie Centre.”

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

### 4. LIST OF OUTSTANDING BUSINESS AT 01 MAY 2018

A list of outstanding business at 01 May 2018 had been circulated.

The Committee **noted** the Outstanding Business List.

### 5. COMMUNITY LEARNING AND DEVELOPMENT (CLD) PLAN REFRESH (2018-2021)

A report from the Director of Education and Children’s Services had been circulated to ask the Committee to a) note the work undertaken by the Aberdeenshire Learning Communities Partnership (ALCP) in leading on the CLD Plan (2015-18) to co-ordinate the delivery of the community learning and development activity in Aberdeenshire, and b) to make comments/recommendations to the Education and Children’s Services Committee and the Community Planning Partnership Board.

The Committee:

1. **noted** the terms of the report, and
2. **agreed** to make the following comments/recommendations to the Education and Children’s Services Committee and Community Planning Partnership Board:
  - a) Greater emphasis needs to be placed on the importance of family learning,
  - b) A mechanism should be put in place to ensure that the success of the plan can be measured appropriately.

## 6. PLANNING APPLICATIONS FOR CONSIDERATION

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

A	Reference No APP/2018/0623	Approval of Matters specified in Conditions 1 (q) (aa) (Cable Route Phase) of Planning Permission in Principle Reference APP/2015/0478 for National for Construction of Onshore Electrical Transmission Cables, Comprising an Onshore Transition Jointing Pit, Underground Cables within a 33km (approximately) Long Cable Corridor and the Construction of 2 Substations Southwest of New Deer, also including Temporary Construction Compounds, Access Tracks, Laydown Areas and other Associated Works at Landing at Inverboyndie Bay, Banff, Travelling to Land West of Cairnbanno House, New Deer
B	Reference No APP/2017/2918	Full Planning Permission for Extension to Existing Limestone Quarry, Boyne Bay Quarry, Boyndie, Banff
C	Reference No APP/2017/3261	Full Planning Permission for Change of Use, Alterations and Extension of Agricultural Building to Commercial Rehabilitation Centre, Erection of 5 Lodges and Erection of Education Centre at Hilton Park, Banff
D	Reference No APP/2018/0015	Full Planning Permission for Erection of 5 Dwellinghouses at Land at Backhill of Culburnie, Banff
E	Reference No APP/2018/0016	Full Planning Permission for Erection of 10 Dwellinghouses at Backhill of Culburnie, Banff
F	Reference No APP/2017/3031	Planning Permission in Principle for Erection of Dwellinghouse at Site at Middlemuir, Memsie
G	Reference No APP/2017/2696	Full Planning Permission for Change of Use and Alterations of Children's Home to 6 Flats at 11A Scalloway Park, Fraserburgh
H	Reference No APP/2017/2883	Full Planning Permission for Installation of Biomass Boiler and Accumulator Tank (Retrospective) at Crossbrae, Boyndie, Fraserburgh
I	Reference No APP/2017/3250	– Full Planning Permission for Erection of Dwellinghouse (Amended Design) and Erection of Boundary Walls and Gates at 3A Mid Street, Cairnbulg

***The Committee agreed to suspend Standing Order 2.1.3 to complete Item 6I. The Committee reconvened at 2.00pm.***

## **7. DEVELOPING EXCELLENCE IN OUR NORTH COAST COMMUNITIES 6 MONTH REPORT**

A report dated 15 March 2018 from the Director of Infrastructure Services had been circulated to update the Committee on the regeneration plans for Banff, Macduff and Fraserburgh.

The Committee **noted** the terms of the report.

## **8. ASSET DISPOSAL AND REINVESTMENT**

A report dated 01 March 2018 from the Director of Infrastructure Services had been circulated to ask the Committee to provide comment to the Communities Committee on a strategy to dispose of poorly performing assets on the Housing Revenue Account.

The Committee **agreed** to recommend to the Communities Committee:

1. approval of the proposed strategy to dispose of poorly performing assets on the Housing Revenue Account be approved on a case by case basis following the process set out in the report but that all proposals to sell land or buildings, not just those in excess of £100,000, be reported to the Area Committee, and
2. approval of the proposal to reinvest the proceeds from any disposals to enable the delivery of affordable housing in the local area.

## **9. CROVIE CONSERVATION AREA APPRAISAL**

A report dated 04 April 2018 from the Director of Infrastructure Services had been circulated to advise the Committee on the Conservation Area Appraisal for Crovie.

The Committee thanked the officers for their hard work in providing the report and in preserving and enhancing Crovie which was considered to be a great example of a good conservation area and **agreed:-**

1. to endorse the Character Appraisal for the Crovie Conservation Area, and
2. to endorse the conservation Area Management Plan for the Crovie Conservation Area.

## **10. FERNIE BRAE, GARDENSTOWN**

With reference to Branch 9 of the Minute of Meeting of 27 March 2018, a report dated 18 April from the Director of Infrastructure Services had been circulated to provide details of potential landslip issues at Fernie Brae, Gardenstown.

The Committee **noted** the issues relating to landslides in this location.

## **11. PARKING MANAGEMENT IN BANFF AND BUCHAN**

A report dated 11 April 2018 from the Director of Infrastructure Services had been circulated to advise the Committee on parking management in Banff and Buchan and task for feedback to the Parking Management Member Officer Working Group and Infrastructure Services Committee in order to help to achieve a balanced Transportation Car Parking Revenue budget:

The Committee **agreed** to provide the following comments:

- (a) Provision of free car parking for the first hour should be continued, and

(b) The 3-10 hour period should be split with an extra band of charging introduced.

Thereafter, Councillor Topping, seconded by Councillor Cassie **moved** that charges be increased, across all bands, at no greater than the rate of inflation.

**As an amendment** Councillor Kille, seconded by Councillor Cox **moved** that charges be increased, as necessary, to allow car parks to be cost-neutral.

Members of the Committee voted:

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

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

that charges be increased, as necessary, to allow car parks to be cost-neutral.

## **12. HOUSING SERVICE QUARTERLY PERFORMANCE EXCEPTION REPORTING OCTOBER-DECEMBER 2017 (ABERDEENSHIRE PERFORMS)**

A report dated 09 April 2018 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 Infrastructure Services Business Plan.

The Committee:

1. **noted** the terms of the report and expressed concern in regard to the poor performance recorded and the lack of information provided in the indicators, and
2. **noted** the publication of the complete October to December Performance Report document for all indicators on ward pages.

## **13. SALE OF FORDYCE OLD SCHOOL, FORDYCE**

A report dated April 2018 from the Director of Business Services had been circulated to ask the Committee to approve the sale of the above building.

The Committee **agreed to approve** the sale of Fordyce Old School building on the terms stated in the report.

## **14. PROPOSED DISPOSAL OF LAND AND BUILDINGS AT OLD MARKET PLACE, BANFF**

A report dated 11 April 2018 from the Director of Business Services had been circulated seeking determination to ask the Committee to endorse the officer's recommendations to dispose of the above land and buildings.

The Committee **agreed**:

1. that the land and buildings at Old Market Place, Banff be placed on the open market for sale, but that all opportunities and suggestions should be considered, and
2. that officers report back to the Committee with details of the offers received.

**Councillor Presiding over meeting**

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**Print Name**

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**Signature**

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**Date**

## APPENDIX A

### PLANNING APPLICATIONS FOR CONSIDERATION

#### 6A REFERENCE NO APP/2018/0623

**APPROVAL OF MATTERS SPECIFIED IN CONDITIONS 1 (q) (aa) (CABLE ROUTE PHASE) OF PLANNING PERMISSION IN PRINCIPLE REFERENCE APP/2015/0478 FOR NATIONAL FOR CONSTRUCTION OF ONSHORE ELECTRICAL TRANSMISSION CABLES, COMPRISING AN ONSHORE TRANSITION JOINTING PIT, UNDERGROUND CABLES WITHIN A 33KM (APPROIMATELY) LONG CABLE CORRIDOR AND THE CONSTRUCTION OF 2 SUBSTATIONS SOUTHWEST OF NEW DEER, ALSO INCLUDING TEMPORARY CONSTRUCTION COMPOUNDS, ACCESS TRACKS, LAYDOWN AREAS AND OTHER ASSOCIATED WORKS AT LANDING AT INVERBOYNDIE BAY, BANFF, TRAVELLING TO LAND WEST OF CAIRNBANNO HOUSE, NEW DEER**

**Applicant: Moray Offshore Windfarm (East) Ltd**

A report dated 24 April 2018 had been circulated seeking determination of the above application by the Area Committee.

The Committee heard Ms Sarah Pirie, applicant's agent, in support of the application.

Thereafter, the Committee **agreed**, in the event of confirmation of formal addressing of the following:

- SEPA confirmation of acceptability of updated CEMP
- SEPA confirmation of acceptability of updated details on wetland and peatlands

that the application be referred to the Infrastructure Services Committee for determination with the Area Committee's recommendation to approve the application.

The Committee's reason for approval of the application was that the proposal and mitigation measures set out and contained therein are considered to be acceptable in terms of the relevant policies contained within the Aberdeenshire Local Development Plan with regard to addressing the matters specified in conditions of extant Planning Permission in Principle application APP/2017/0478.

#### 6B REFERENCE NO APP/2017/2918

**FULL PLANNING PERMISSION FOR EXTENSION TO EXISTING LIMESTONE QUARRY, BOYNE BAY QUARRY, BOYNDIE, BANFF**

**Applicant: Breedon Northern Ltd**

A report dated 10 April 2018 from the Director of Infrastructure Services had been circulated seeking determination of the above planning application by the Area Committee.

The Committee **noted** that any excessive damage caused to the roads as a result of movement of additional vehicles, etc, could be recovered by the Roads Maintenance Service, and **agreed**, in the event of provision of further details of the restoration bond in place for the site and Section 75 if required, that the application be delegated to the Head of Planning and Building Standards to approve on the following conditions.

1. Planning permission is hereby granted for a temporary period only and shall cease to have effect on 7<sup>th</sup> November 2056 (the 'cessation date'). Extraction of minerals shall not be permitted after 7th November 2051.

Prior to the cessation date, the application site shall be cleared of all works and development approved under the terms of this permission (including any subsequent ancillary works, infrastructure, fixtures, fittings and any temporary developments permitted under Class 14 of the Town and Country Planning (General Permitted Development) (Scotland) Order 1992) and reinstated in accordance with the agreed restoration and aftercare scheme submitted to and approved in writing by the Planning Authority under the terms of condition 4 of this permission.

Reason: To enable the impact of the temporary development on the amenity of the surrounding area to be reviewed and to ensure the appropriate restoration and aftercare of the site.

2. The development hereby approved shall be carried out in full accordance with the approved phasing plans B08/PA/002, B08/PA/003 and B08/PA/004. Unless otherwise agreed in writing, the quarry shall be operated in accordance with the following:

- a) No works to commence in Phase 2 until extraction is completed in Phase 1;
- b) No works to commence in Phase 3 until extraction is completed in Phase 2.

Reason: To ensure that the site is developed in an appropriate manner in the interests of the visual amenities of the area.

3. No works in connection with each phase of the development hereby approved (B08/PA/002, B08/PA/003 and B08/PA/004) shall commence unless full details of a scheme for the restoration of that phase and aftercare of the application site have been submitted to and approved in writing by the Planning Authority as detailed in the 'Landscape Restoration Plan B08/PA/006' dated November 2017 and 'Concept Restoration Scheme' within Section 5 of the Supporting Statement.

Prior to the cessation of this permission the site shall be restored in accordance with the approved restoration and aftercare scheme.

Reason: To ensure the timeous and appropriate restoration and aftercare of the site in the interests of the amenity of the area.

4. No works in connection with the development hereby approved shall commence unless further details of landscaping works approved as Landscape Treatment Plan B08/PA/005 has been submitted to and approved in writing by the Planning Authority.

Details of the scheme shall include:

- a) A schedule of planting to comprise species, plant sizes and proposed numbers and density.
- b) A programme for the implementation, completion and subsequent management of the proposed landscaping.

All landscaping proposals shall be carried out in accordance with the approved planting scheme and management programme. Any planting which, within the duration of the permission, 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.

5. No works in connection with Phase 1 of the development hereby approved shall be carried out unless the site has been enclosed and warning signs erected in accordance with details to be submitted to, and agreed in writing with the Planning Authority. Once erected, the approved boundary treatment shall be retained for the entire period of the planning permission and the subsequent restoration of the site. Within one month of the restoration of the site being completed the boundary treatment and warning signs shall be removed.

Reason: In the interests of public safety.

6. No works in connection with Phase 1 of the development hereby approved shall commence unless a scheme for suppressing dust from activities on the site has been submitted to and approved in writing by the Planning Authority. The development hereby approved shall not operate unless the dust suppression scheme has been implemented in accordance with the approved details. Once implemented the dust suppression scheme shall thereafter be permanently retained in accordance with the approved details.

Reason: To ensure that dust from the development does not result in undue loss of amenity for surrounding properties.

7. No works in connection with Phase 1 of the development hereby approved shall commence unless a detailed scheme of dust management and monitoring shall be prepared by the operator and submitted to the Planning Authority for written approval.

NOTE: Consideration should be given to the dust mitigation recommendations detailed in Chapter 7 of the Advance Environmental air quality assessment, dated June 2017.

Reason: To ensure that the development would not result in undue loss of amenity for surrounding properties.

8. No works in connection with Phase 1 of the development hereby approved shall commence unless an updated species protection plan for the peregrine falcon has been submitted to and approved in writing by the Planning Authority, in consultation with SNH. The mitigation measures shall thereafter be adhered to for the duration of extraction.

Reason: to secure the long-term protection of the species by maintaining continuity of occupation on-site.

9. No extraction in connection with any phase of the development hereby approved shall take place unless the proposed surface water drainage for that phase has been provided in accordance with the approved plans *and the (Hydrological and Hydrogeological Assessment, Appendix B of Supporting Statement, SLR June 2017)*. The surface water drainage system shall be retained thereafter for the duration of the extraction of minerals in accordance with the approved scheme.

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

10. No works in connection with Phase 3 of the development hereby approved shall commence unless an Access Plan for continuing non-motorised public access as part of the restoration plan has been submitted to and approved in writing by the Planning Authority.

Details of the plan shall include:

- a) The location of existing paths, including core paths and desire lines on or adjoining the site;
- b) Details of new routes and proposed route changes.
- c) Path construction specifications;
- d) Details of structures, fittings and signage;
- e) Details of and timescales for the implementation and phasing of the path works;
- f) Details of the future maintenance of the proposed path(s);
- g) Written justification for the measures proposed.

The development shall be carried out in complete accordance with the approved Access Plan.

Reason: To ensure the adequate provision of public access within and around the site.

11. The development hereby approved shall be carried out in complete accordance with the approved detailed working method statement.

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

12. The development hereby approved shall not operate outwith the hours of 07.30 – 18.00 Monday to Friday; 08.00 – 13.00 Saturday; and no Sunday working.

Blasting shall only take place between the hours of 09.00 – 16.00 Monday to Friday and between 09.00 – 12.00 noon on Saturdays.

Reason: In order to ensure that the development would not result in undue loss of amenity for surrounding properties.

13. The ground vibration due to blasting when measured at vibration sensitive, residential building will comply to a vibration criteria of 6mm per second peak particle velocity at 95% confidence level. No individual blast will result in a peak velocity greater than 12 mm per second at vibration sensitive residential buildings. NOTE: The measurement to be the maximum of 3 mutually perpendicular directions taken at the ground surface.

The quarry operator shall notify all occupiers of all buildings where a ground vibration of 0.5 mm/sec peak particle velocity or more is anticipated. Occupiers shall be informed of the intention to blast at least 24 hours prior to the time of the blasting. The information provided will indicate the day upon which blasting will occur and an indication of the likely timescale of the blasting operations. The quarry operator shall also erect appropriate signage warning members of the public using footpaths or visiting any land or buildings in vicinity of the quarry where the blasts will cause ground vibration levels in excess of 6 mm/sec peak particle velocity in any plane.

Reason: In order to ensure that the development would not result in undue loss of amenity for surrounding properties.

14. No works in connection with the development hereby approved shall commence unless a programme of blast monitoring has been submitted to and approved in writing by the Planning Authority. The development shall be carried out in complete accordance with the approved blast monitoring programme. AND:

- a) The quarry operator shall monitor all blasts to determine the peak particle velocity at monitoring sites to be agreed with the Planning Authority. Approved and appropriate measurement equipment shall be used which has been subject to methods and frequency of calibration recommended by the manufacturer. Equipment be operated by competent persons and records of the monitoring shall be forwarded to the Planning Authority within 7 days of the date of blasting occurring and copies shall be held at the quarry site office.
- b) Prior to the commencement of blasting operations details of the methods employed to minimise air overpressure from blasting operations shall be submitted to the Planning Authority for written approval. All blasting operations shall take place only in accordance with the scheme as approved or with such subsequent amendments as may receive the written approval of the Planning Authority.

Reason: In order to ensure that the development would not result in undue loss of amenity for surrounding properties.

15. The noise emissions from the development (Phases 1,2 &3) shall not exceed 45dB LAeq,(1h) when measured at 3.5m from the façade of any noise sensitive dwelling and:

- a) It would be appropriate to increase this noise level to 50dB LAeq, (1hr) for a period of up to 8 weeks in a year to allow for soil stripping, baffle mound formation to be carried out.

NOTE: Dates and times when soil stripping and mould formation activities are to be carried out shall be submitted to the Planning Authority and agreed in writing prior to these activities commencing. The quarry operator shall notify occupiers of all noise sensitive premises of the intention to carry out soil stripping and baffle mound formation at least 24 hours prior to these activities commencing.

- b) The quarry operator shall employ an independent consultant, approved by the Planning Authority prior to their appointment, to measure, at the operator's expense, the level of noise emissions from the quarry operations within six months of the extension becoming operational in line with the levels stated in condition 15 above. The measurement procedures, including monitoring locations, shall be agreed in writing with the Planning Authority prior to commencement, should the report not follow best practice guidance it will not be accepted. The results of the monitoring shall be submitted to the Planning Authority within 7 days of the results being available in a format agreed by the Planning Authority. Should the levels found be above those stated in condition 15 above, a scheme of mitigation shall be proposed by the operator for the Planning Authority to agree to, prior to its implementation by the operator to ensure compliance with condition 15 above.
- c) Within 21 days from receipt of a written request from the Planning Authority following a justified complaint of alleged noise disturbance from an occupant of a dwelling, the operator shall, at their expense, employ a consultant approved by the Planning Authority to investigate the cause of the complaint and assess the level of noise emissions from the quarry operations at the complainant's property. The assessment of the rating level of the noise emissions shall be undertaken in accordance with an assessment protocol that shall be agreed in writing with the Planning Authority prior to commencement. The results of the monitoring shall be submitted to the Planning Authority within 7 days of the results being available in a format agreed with the Planning Authority. Should the levels found to be above those stated in condition 15 above, a scheme of mitigation shall be proposed by the operator for the Planning Authority to agree to, prior to its implementation by the operator to ensure compliance with condition 15 above.

- d) Prior to commencement of any quarrying activities, the formation of bunds as detailed in drawings B08/PA/002, B08/PA/003 7 and B08/PA/004 dated November 2017 shall be completed.

The Committee's 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.

**6C REFERENCE NO APP/2017/3261**

**FULL PLANNING PERMISSION FOR CHANGE OF USE, ALTERATIONS AND EXENSION OF AGRICULTURAL BUILDING TO COMMERCIAL REHABILITATION CENTRE, ERECTION OF 5 LODGES AND ERECTION OF EDUCATION CENTRE AT HILTON PARK, BANFF**

**Applicant: Re-nUtherapy Limited**  
**Agent: Shand Building Design Limited**

A report dated 16 April from the Director of Infrastructure Services had been circulated seeking determination of the above planning application by the Area Committee.

The Committee heard Mr Ian Crombie, representing the applicant, in support of the application.

Thereafter Councillor Reynolds, seconded by Councillor Cox **moved** that the application be delegated to the Head of Planning and Building Standards to approve on appropriate conditions.

**As an amendment** Councillor Topping, seconded by Councillor Roy **moved** that the application be deferred until the next meeting of the Committee to enable further information to be provided in terms of a business case to ensure that the proposed development would be a viable enterprise.

Members of the Committee voted:

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

The Chairman **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. The Committee's reasons for approval of the application were that the proposed development would utilise a disused, brownfield site and would encourage tourism.

**6D REFERENCE NO APP/2018/0015**

**FULL PLANNING PERMISSION FOR ERECTION OF 5 DWELLINGHOUSES AT LAND AT BACKHILL OF CULBIRNIIE, BANFF, AB45 3AS**

**Applicant: Re-nUtherapy Limited**  
**Agent: Shand Building Design Limited**

A report dated 06 April 2018 from the Director of Infrastructure Services had been circulated seeking determination of the above planning application by the Area Committee.

The Committee **agreed** to defer consideration of the application until the next meeting of the Committee to enable Members of the Committee to visit the site of the application to allow them to consider the potential effect of the proposed development on the amenity of the local area.

**6E REFERENCE NO APP/2018/0016**

**FULL PLANNING PERMISSION FOR ERECTION OF 10 DWELLINGHOUSES AT  
BACKHILL OF CULBIRNIE, BANFF, AB45 3AS**

**Applicant: Re-nUtherapy Limited**  
**Agent: Shand Building Design Limited**

A report dated 06 April 2018 from the Director of Infrastructure Services had been circulated seeking determination of the above planning application by the Area Committee.

The Committee **agreed** to defer consideration of the application until the next meeting of the Committee to enable Members of the Committee to visit the site of the application to allow them to consider the potential effect of the proposed development on the amenity of the local area.

**6F REFERENCE NO APP/2017/3031**

**PLANNING PERMISSION IN PRINCIPLE FOR ERECTION OF DWELLINGHOUSE AT SITE  
ADJACENT TO MIDDLEMUIR, MEMSIE, FRASERBURGH**

**Applicant: Mr & Mrs David Bellany**  
**Agent: Buchan Design Ltd**

A report dated 16 April from the Director of Infrastructure Services had been circulated seeking determination of the above planning application by the Area Committee.

The Committee heard Mr David Bellany, applicant, in support of the application.

Thereafter, the Committee **agreed** that the application be delegated to the Head of Planning and Building Standards to approve on appropriate conditions.

The Committee's reasons for approval of the application were that the proposed development would constitute infill development and would therefore not conflict with Policy R2, and, as this was only a planning application, in principle, it would not conflict with Policy P1.

**6G REFERENCE NO ABBP/2017/2696**

**FULL PLANNING PERMISSION FOR CHANGE OF USE AND ALTERATIONS OF  
CHILDREN'S HOME TO 6 FLATS AT FORMER CHILDREN'S HOME, 11A  
SCALLOWAY PARK, FRASERBURGH**

**Applicant: Aberdeenshire Council**  
**Agent: Halliday Fraser Munro**

A report dated 16 April 2018 from the Director of Infrastructure Services had been circulated seeking determination of the about planning application by the Area Committee.

The Committee **agreed**, in the event of conclusion of Section 75 negotiations to secure the proposed six units as affordable in perpetuity, to delegate the application to the Head of Planning and Building Standards to approve on the following conditions:

1. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (Scotland) Order 1992 or the Town and Country Planning (Use Classes) (Scotland) Order 1997 or any order amending, revoking or re-enacting these Orders the building hereby approved shall be used only for a purpose within Use Class 9-Dwellinghouses and shall not be used for any other purpose without the express grant of planning permission from the Planning Authority.

**Reason:** To enable the Planning Authority to consider the implications of any subsequent change of use on the amenities of the area.

2. The development hereby approved shall not be occupied unless its access, turning and parking areas have been provided and surfaced in accordance with the details shown on the approved plans. Once provided, all parking and turning areas shall thereafter be permanently retained as such.

**Reason:** To ensure the timely completion of the driveway to an adequate standard to prevent the carriage of loose driveway material on to the public road in the interests of road safety.

3. 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.

4. Waste water from the proposed development shall be disposed of via the public sewer as indicated in the submitted application and shall not be disposed of via private means 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.

The Committee's reason for departure from the Aberdeenshire Local Development Plan 2017 was that the proposed development would ultimately provide greater economic and social benefits, in the form of addressing a local housing need, at a minimal environmental cost to the protected area in which the application site is found.

Councillor Topping **entered his dissent** in terms of Paragraph 5.2.4 in Part 1 of the Scheme of Governance.

#### **6H REFERENCE NO APP/2017/2883**

#### **FULL PLANNING PERMISSION FOR INSTALLATION OF BIOMASS BOILER AND ACCUMULATOR TANK (RETROSPECTIVE) AT CROSSBRAE, BOYNDIE, FRSERBURGH, AB43 7DT**

**Applicant:** Mr D Johnston

**Agent:** Baxter Design Company (Old Deer) Ltd

A report dated 16 April 2018 from the Director of Infrastructure Services had been circulated seeking determination of the above planning application by the Area Committee.

The Committee **agreed to refuse** the application for the following reasons:

The development is contrary to Policy P4: Hazardous and Potentially Polluting Developments and Contaminated Land, of the Aberdeenshire Local Development Plan 2017, as the development has the potential to adversely impact upon the amenity of an adjacent domestic property by means of smoke and smell.

**6I REFERENCE NO APP/2017/3250**

**FULL PLANNING PERMISSION FOR ERECTION OF DWELLINGHOUSE (AMENDED DESIGN) AND ERECTION OF BOUNDARY WALLS AND GATES AT LAND AT 3A MID STREET, CAIRNBULG, AB43 8WJ**

**Applicant: Mr James Sutherland**  
**Agent: Lovie Construction Ltd**

A report dated 16 April 2018 from the Director of Infrastructure Services had been circulated seeking determination of the above planning application by the Area Committee.

The Committee heard Mr G Stephen, objector to the application.

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

The proposed development would cause further detriment to the Conservation Area and significant deterioration to the amenity of the village, and had the potential to increase risk to road safety.