

ABERDEENSHIRE COUNCIL

BANFF AND BUCHAN AREA COMMITTEE FRASERBURGH COMMUNITY AND SPORTS CENTRE, MACONOCHIE PLACE, FRASERBURGH - 18 JUNE 2019

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

Officers: Mrs A Keith, Interim Area Manager; Miss F M Stewart, Senior Solicitor; Mr J Martin, Senior Planner; Mr M Davis; Waste Team Manager; Ms Caroline Roff, Waste Support Leader; Mr T Stephen; Service Manager, Lifelong Learning and Leisure; Mr L Dougall, Area Estates Surveyor and Mrs E M Farquhar, 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.

Item 7 Councillor Findlater **declared an interest** by virtue of the fact that he is an elder and a member of Macduff Parish Church and, having applied the objective test, concluded that he would leave the meeting and take no part in the item.

Item 7 Councillor Topping **declared an interest** by virtue of the fact that he is Chairman of the Fraserburgh and District Community Safety Group and, having applied the objective test, concluded that he would leave the meeting and take not active part in the item.

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** 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 11 and 12 of the business on the grounds that these items involved the likely disclosure of exempt information of the class described in Paragraphs 8 and 9 of Part 1 of Schedule 7A of the Act.

3. MINUTE OF MEETING OF 28 MAY 2019

The minute of meeting of 28 May 2019 had been circulated.

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

4. LIST OF OUTSTANDING BUSINESS AT 18 JUNE 2019

A list of outstanding business at 18 June 2019 had been circulated.

The Committee **noted** the list of outstanding business.

5. PLANNING APPLICATION FOR CONSIDERATION

The following planning application was considered, following a visit to the site and dealt with as recorded in Appendix A to this minute.

A	Reference No APP/2019/0808	Full Planning Permission for Erection of 5 Dwellinghouses (Addition of 3 Dwellinghouses and Change of House Types of 2 Plots 14-18 Westhaven Development, Cairnbulg
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6. RECYCLING CENTRE POLICY AND PROCEDURES

A report dated 23 May 2019 from the Director of Infrastructure Services had been circulated to ask the Committee to consider and comment on the draft Recycling Centre Policy and procedures.

The Committee **agreed:**

1. to make the following comments/recommendations to the Infrastructure Services Committee:
 - 12 permits per year is too few a number for larger domestic vehicles,
 - The types of vehicles should be reviewed including the use of horse-boxes which are double-axled but not used for commercial reasons,
 - Timings should be revisited as the dramatic cut in hours is far too restrictive and likely to be harmful to businesses,
 - Proposals include businesses from all over Aberdeenshire attending only three Council-run waste stations and this may cause a loss of business time and will significantly increase the carbon footprint as many people will have to travel a distance to Macduff,
 - There should be better access to sites in Fraserburgh and Peterhead with the potential to use the harbour weighbridges,
 - Business support - the service should change to meet the needs of the businesses rather than asking businesses to fit the service
 - In-depth consultation with business communities is imperative

- There is merit in reducing risk by separating trade from domestic waste
 - There needs to be a balance to allow an increase in recycling
2. that a report on health and safety aspects of the sites be submitted to the Area Committee and that, if any issues are identified, this be referred to the Infrastructure Services for action.

7. BANFF AND BUCHAN AREA COMMITTEE BUDGET 2019/2020 THE AREA INITIATIVE FUND

Councillors Findlater and Topping had declared an interest and left the room before the commencement of this item.

With reference to Branch 12 of the Minute of Meeting of 12 March 2019, a report dated 30 May 2019 from the Director of Education and Children's Services had been circulated to ask the Committee to consider the applications received in relation to the Area Committee budget and to determine whether, and to what extent, to award funding.

The Committee **noted** that more money had been requested than was available and **agreed**,

1. to make the following allocations from the £80,000 Area Committee Budget which had been set aside for the Area Initiatives Fund:
 - a) Aberchirder and District Community Association - Upgrading of community pavilion (plumbing, redecoration and gym equipment) - Amount requested £2,385.
Award of £1,860 granted - It was agreed that, should any groups be unable to spend their awards by the end of the financial year, the Association should be considered for a further allocation.
 - b) Banff, Macduff and District Men's Shed - Purchase of tools - Amount requested £5,000
Award of £1,860 granted - It was agreed that, should any groups be unable to spend their awards by the end of the financial year, the Men's Shed should be considered for a further allocation.
 - c) Fordyce Community Association - Cladding and insulation for hall storage - Amount requested £3,067.
Award of £3,067 granted.
 - d) Fraserburgh and District Community Safety Group - Purchase of two defibrillators - Amount requested £2,560
Award of £2,560 granted
 - e) Fraserburgh Sea Cadets - Wind surfing equipment - Amount requested £3,926
Award of £3,926 granted

- f) Fraserburgh West End Bowling Club - Purchase of lawn mowers - Amount requested £4,767

Award of £4,767 granted

- g) Friends of Fraserburgh North School - Creation of community garden - Amount requested £5,000

Award of £5,000 granted

- h) Gardenstown Community Hub - Community café (installation of kitchen) - Amount requested £5,350

Award of £5,350 granted

- i) Home-Start North East Aberdeenshire - Installation of toilet and phone line at new rented property - Amount requested £3940

Award of £3,940 granted

- j) Invercairn Community Hall - Heating and boiler replacement - Amount requested £4,000

Award of £4,000 granted

- k) Invercairn Playgroup - Purchase of new furniture - Amount requested £1,277

Award of £1,277 granted

- l) King Edward Community Hall - Replacement windows and flooring in hall - Amount requested £4,790

Award of £4,790 granted

- m) Macduff Parish Church - Hall refurbishment (Phase 1) - Amount requested £5,000

Award of £5,000 granted

- n) New Aberdour Parish Hall - New hall doors and stair to clock tower - Amount requested £5,000

Award of £5,000 granted

- o) New Byth Community Playing Field Association - Notice board - Amount requested £2,040

Award of £2,040 granted

- p) Portsoy and District Community Council - Purchase of portable stage - Amount requested £3,083

Award of £3,083 granted

- q) 1st Portsoy and Fordyce Scout Group - Hall roof repairs - Amount requested £5,000

Award of £5,000 granted

- r) Rathen, Memsie & Cortes Community Council - Outdoor educational equipment for Rathen Hall - Amount requested £4,000

Award of £4,000 granted

- s) Rathen, Memsie & Cortes Community Council - Purchase and installation of defibrillator - Amount requested £1,680

Award of £1,680 granted

- t) Sandhaven & Pitullie Harbour Trust - Purchase of portable cabin, VHF defibrillator and furniture - Amount requested £5,000

Award of £5,000 granted

- u) Turriff Citizen's Advice Bureau - Training of volunteers to run outreach centres which are aimed at reducing child poverty - Amount requested £10,000

The Committee noted that much of the bid was for running costs and the Committee's policy was not to fund these. The award agreed was therefore for the training aspect only.

Award of £800 granted

- v) McRobert Park Association Ltd - Business plan and architectural drawings for planning application to build new Community hall in Aberchirder - Amount requested £10,000.

The Committee felt that the Association had substantial reserves and agreed to award a lesser amount to be used towards planning fees.

Award of £6,000 granted

2. in terms of Fraserburgh Community Council - Garden equipment and resilience group equipment - Amount requested £865 - instead of awarding money from the Area Initiative Fund, an award be made from the Community Council Project Grant (Item 8 refers),

3. that no award be made to the following organisations:-

- a) Fraserburgh Heritage Society - Purchase of laser printer

The Committee felt that the Society had substantial reserves and the money requested was for a printer which seemed to be more sophisticated than was required to print newsletters.

- b) Friends of Aberdeenshire Schools Pipe Band - Equipment and uniforms

The Committee felt that this project was not exclusive to Banff and Buchan, there was a significant number of community pipe bands in Banff and Buchan who had not applied for or received support and costs should come from a different budget.

- c) Rosehearty Harbour and Inshore Fishermen's Association - Purchase and installation of steel ladders for inner harbour basin

The Committee noted that no annual accounts were available as the group had not been in existence for a full year. Although the Committee fully accepted the need for health and safety requirements within the harbour, it felt that, because this was a Council-owned harbour, the money for this project could come from a Council budget.

- d) St Marnan's Sports Club - Purchase of sports equipment

The Committee noted that no annual accounts had been made available. There were other applications from Aberchirder which the Committee had chosen to support. The Committee also believed that the equipment requested was available from another source and the Area Manager was asked to investigate alternative options, and

4. that any money that was unable to be spent within the agreed timescale be allocated to fund the deficit between the money that requested and the money allocated to Aberchirder and District Community Association and Banff and Macduff Men's Shed, in that order of priority.

8. COMMUNITY COUNCIL PROJECT GRANT 2019/2020

With reference to Branch 13 of the Minute of Meeting of 28 March 2019, a report dated 30 May 2019 from the Director of Education and Children's Services had been circulated to ask the Committee to consider four applications received in relation to the Community Council Project Grant and to determine whether, and to what extent, to award funding.

The Committee **agreed**:

1. that the following allocations be made from the total budget of £3,174:-
 - a) Banff and Macduff Community Council – Provision of hanging flower baskets – Amount requested £607.
Award of £607.00 granted.
 - b) Cornhill and Ordiquhill Community Council - Provision of outdoor furniture for existing play park and picnic area – Amount requested £908.
Award of £908 granted.
 - c) Portsoy and District Community Council – Provision of free-standing notice board for outdoor use in Portsoy – Amount requested £476
Award of £476 granted, and
 - d) Fraserburgh Community Council - Garden equipment and resilience group equipment (referred from Item 7) - Amount requested £865
Award of £865 granted.
2. that the balance of £318 remaining in the project grant fund be advertised as a second tranche, with a closing date for further applications of 26 July 2018. Applications received will be submitted to the Committee for consideration on 20 August 2018.

9. ACT 2 (ABERDEENSHIRE CHARITIES TRUST) APPLICATION

With reference to Branch 10 of the minute of meeting of 16 April 2019, a report from the Director of Infrastructure Services had been circulated to ask the Committee to consider an application for ACT2 funding from Rosehearty Bowling Club.

The Committee **agreed** to award £580.00 to Rosehearty Bowling Club to enable the club to provide proper and safe storage of bowling equipment which could be accessed by infirm/disabled members and visitors.

10. APPLICATION FOR FUNDING FROM THE BANFF COMMON GOOD FUND

A report dated 05 June 2019 from the Director of Education and Children's Services had been circulated to ask the Committee to consider the terms of the application made for assistance from the Banff Common Good Fund.

The Committee:

1. **noted** and welcomed the contribution from NHS Grampian's contribution towards the cost of the improved parking facilities in and around Chalmers Hospital and Macduff Doctor's Surgery, and
2. **agreed** to make an award of £500 from the Banff Common Good Fund, being the balance of the cost of the work being carried out by Landscape Services to improve the parking at the hospital.

11. PROPOSED DISPOSAL OF LAND AND BUILDINGS AT LOWER DEVERONSIDE, BANFF

With reference to Branch 15 of the minute of meeting of 02 October 2018, a report dated 04 June 2019 from the Director of Business Services had been circulated to ask the Committee to agree a preferred bidder and seek approval of the Sherriff Court for the disposal of Common Good Land.

The Committee **agreed**:

1. to the preferred bidder for the subject site, as stated in the officer's recommendation in the report,
2. that officers negotiate a price before concluding missives, and
3. that on conclusion of missives, officers seek approval of the Sherriff Court for the disposal of Common Good land.

12. ANNUAL WORK PLAN FOR ECS DIRECTORATE - PROCUREMENT APPROVAL

A report dated 01 June 2019 from the Director of Education and Children's Services had been circulated to ask the Committee to consider the Directorate Workplan as detailed in the report.

The Committee **agreed**:

1. to approve the item on the work plan identified as falling within the remit of the Committee,
2. not to reserve approval of the Business Case, and

3. to note that the Head of Live Life Aberdeenshire had the delegated powers to award the final contract

Councillor Presiding over meeting

Print Name

Signature

Date

DRAFT

APPENDIX A

PLANNING APPLICATION FOR DECISION

5A REFERENCE NO APP/2019/0808

FULL PLANNING PERMISSION FOR ERECTION OF 5 DWELLINGHOUSES (ADDITION OF 3 DWELLINGHOUSES AND CHANGE OF HOUSE TYPES OF 2) AT LOTS 14-18, WESTHAVEN DEVELOPMENT, CAIRNBURG

Applicant: Mr Chris Forman

A report dated 03 June 2019 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 satisfactory resolution of developer obligations, **to approve** the application on the following conditions:

01. The vehicular driveway and parking area for 11 cars hereby approved shall not be brought into use unless both have been provided and surfaced in accordance with the details shown on the approved plans and the drop kerb footway crossing has been formed at the new access. The maximum gradient of the first 5 metres of each access shall not exceed 1:20 gradient and shall be internally drained and formed in such a way to prevent any flow of surface water either onto or from the public road. Once provided, all parking areas shall thereafter be permanently retained as such.

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

02. The garages hereby approved shall be set back at least 6 metres from the rear of the footway.

Reason: To ensure the public footway is not obstructed in the interests of road safety.

03. No individual dwellinghouse hereby approved shall be erected unless an Energy Statement applicable to that dwellinghouse has been submitted to and approved in writing by the Planning Authority. The Energy Statement shall include the following items:

- (a) Full details of the proposed energy efficiency measures and/or renewable technologies to be incorporated into the development;
- (b) 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 Policy C1 of the Aberdeenshire Local Development Plan 2017.

The development shall not be occupied unless it has been constructed 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 Policy C1 of the Aberdeenshire Local Development Plan 2017.

04. No dwellinghouse hereby approved shall be occupied unless the proposed surface water drainage system has been provided in accordance with the approved plans. The surface water drainage system shall be permanently retained thereafter in accordance with the approved maintenance scheme.

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

05. No works in connection with the development hereby approved shall commence unless a scheme of hard and soft landscaping works has been submitted to and approved in writing by the Planning Authority. Details of the scheme shall include:

- (a) Existing landscape features and vegetation to be retained;
- (b) Protection measures for the landscape features to be retained;
- (c) Existing and proposed finished levels;
- (d) The location of new trees, shrubs, hedges, grassed areas and water features;
- (e) A schedule of planting to comprise species, plant sizes and proposed numbers and density;
- (f) The location, design and materials of all hard landscaping works including walls, fences and gates; and
- (g) A programme for the implementation, completion and subsequent management of the proposed landscaping.

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

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

06. No works in connection with the development hereby approved shall commence unless samples/details/specification and colour of all the materials/roof/wall/windows/doors/garage doors/rainwater goods etc to be used in the external finish for the approved development have been submitted to and approved in writing by the Planning Authority. The development shall not be occupied unless the external finish has been applied in accordance with the approved details.

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

07. Prior to the completion of the first dwellinghouse hereby approved, a Residential Travel Plan shall be submitted for the written approval of the Planning Service in consultation with Transportation. It shall identify measures to be implemented, the system of management monitoring review, reporting and duration of the incorporated measures designed to encourage modes other than the private car. Once agreed, no dwellinghouse shall be occupied unless the measures set out in its approved Travel Plan have been implemented in full.

Reason: In the interests of encouraging a more sustainable means of travel to and from the proposed development for residents.

08. Within 6 months of the occupation of the penultimate residential unit in each phase of this development granted under APP/2017/0478 or upon the expiry of a period of three years from the date of the first residential unit to be occupied in each phase of APP/2017/0478, whichever is the sooner, all roads, footpaths, parking and turning areas within and serving that phase of the development shall be completed to their final surface course specification in accordance with the Council's Standards for Road Construction Consent and Adoption. Once provided, all parking and turning areas shall thereafter be permanently retained as such.

Reason: To ensure the provision of a means of access and turning space to an adequate standard in the interests of road safety.

09. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (Scotland) Order 1992 or any order amending, revoking or re-enacting that Order the existing garages shall not be altered in any way under the terms of Schedule 1 to that Order with the prior approval in writing of the Planning Authority.

Reason: To ensure the timely completion of the parking area to an adequate standard to prevent the carriage of loose driveway material on to the public road and to ensure the retention of adequate off-street parking facilities within the site, all in the interests of road safety.

The Committee's reason for departure from the Local Development Plan was that the proposal is considered to be an acceptable departure from Policy R1 Special rural areas, as contained within the Aberdeenshire Local Development Plan 2017, in that the additional three units would have no undue impact on the character of the surrounding area for which planning permission has previously been granted for residential development, and all technical matters have been resolved.

