

ABERDEENSHIRE COUNCIL

BANFF AND BUCHAN AREA COMMITTEE, LEARNING ROOMS 1 AND 2, FRASERBURGH COMMUNITY AND SPORTS CENTRE, MACONOCHIE PLACE, FRASERBURGH 19 SEPTEMBER 2017

Present: Councillors, A Kille (Chair) C C Buchan, R A Cassie, J B Cox, M A Findlater, D Mair (by Skype in accordance with Paragraph 5.1.8 of Part 1 of the Scheme of Governance), H Partridge, G D Reynolds, M J Roy and B A Topping

Officers: Miss M J Cardno, Area Manager; Miss F M Stewart, Solicitor; Mr J Martin, Senior Planner; Mrs F Rendall, Planner; Mr J D Naismith, Principal Engineer; Mr A Millar, Senior Roads Engineer; Mr A Bain, Business Support Officer; Mr R Hutchison, Community Economic Development Coordinator; Mrs J Burnett, Business Development Executive; Mrs C Webster, Regeneration and Town Centres Manager; Ms M Fraser, Policy Planner; Mr P Macari, Principal Development Obligations Officer; Ms F Chirnside, Environment Planner 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 declarations of Members' 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.

3. MINUTE OF MEETING OF 29 AUGUST 2017

The Committee:

1. **noted** that an amended minute of meeting of 29 August 2017 had been circulated by the Head of Legal and Governance, and
2. **agreed** that this be approved as a correct record of the meeting.

4. LIST OF OUTSTANDING BUSINESS AT 19 SEPTEMBER 2017

A list of outstanding business at 19 September 2017 had been circulated.

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

5. NEW ABERDOUR COMMUNITY HALL AND NEW ABERDOUR SCHOOL (CLOSED)

A report dated 05 September 2017 from the Director of Education and Children's Services had been circulated in relation to the current status of the New Aberdour School and its campus surplus to requirements.

The Committee **agreed**:

1. that Education and Children's Services give notice of intent to declare the New Aberdour school and its campus surplus to requirements and give intent that the school will finally close for use.
2. that the Area Project Officer continues to assist, as required, the New Aberdour Hall Committee.

6. RURAL PARTNERSHIP ANNUAL REPORT 2016/2017 AND FUNDING 2017/2018 AND 2018/2020

A report dated 24 August 2017 had been circulated to ask the Committee to support the continuing development of the Banffshire Partnership (BP).

The Committee **agreed to note**

1. and support the continuing development of the Banffshire Partnership (BP),
2. the progress made on the Action Plan for 2017/2018 and the Service Level Agreement 2017/2018, and
3. the publication of BP's Annual Report 2016/2017 on Ward Pages.

7. ECONOMIC ACTIVITY IN BANFF AND BUCHAN – APRIL 2016 TO MARCH 2017

A report dated 18 August 2017 from the Director of Infrastructure Services had been circulated to provide the Committee with an annual report on the economic development related actions which apply to the Banff and Buchan Area.

The Committee:

1. **noted** the terms of the report, and
2. **agreed** to make the following comments:
 - a) Future reports should include more detail with regard to the business start-ups including what these mean in terms of real economic growth rather than just numbers.
 - b) Better promotion, on various websites, is needed for visitor attractions such as Duff House and Macduff Aquarium.

- c) More support and investment is needed for processing of fish as there is an imbalance between the investments for catching and processing.
- d) Information should be provided on the amount of interest in acquisition of land at Kessock Industrial Estate and whether the correct services are being offered to attract new businesses.
- e) Greater effort is needed to expand Wi-Fi and broadband in all communities.
- f) The possibility of an expansion to the Taste of Grampian to include a Christmas event, perhaps in Banff and Buchan, should be explored.

8. DEVELOPING EXCELLENCE IN OUR NORTH COAST COMMUNITIES – REGENERATION SIX-MONTHLY UPDATE

A report dated 30 August 2017 from the Director of Infrastructure Services had been circulated to provide the Committee with a six-monthly update on regeneration projects within Banff, Macduff and Fraserburgh.

The Committee:

1. **noted** the terms of the report,
2. **agreed** to make the following comments:
 - a) More promotion is needed to publicise the work that is being done.
 - b) Property owners should be encouraged to tidy up their own buildings as there are many boarded up buildings, weeds in gutters, broken drain pipes, etc.
 - c) Investigation is needed into the possibility of finding ways to reduce the number of seagulls in town centres.
 - d) there is a need to enhance and develop new technology.
3. **agreed** that, in six months, a further report on the progress of the Banff and Buchan Regeneration Vision and Action Plans should be provided for the Committee.

9. LOCAL DEVELOPMENT PLAN 2017: SUPPLEMENTARY GUIDANCE NO 7: DEVELOPER OBLIGATIONS; METHODS FOR CALCULATION

A report dated 01 September 2017 from the Director of Infrastructure Services had been circulated to ask the Committee to consider and comment on the Supplementary Guidance: Developer Obligations: Methods for Calculation.

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

10. ABERDEENSHIRE COUNCIL TREE PRESERVATION REVOCATION ORDER B&BDC TPRO 15 (2017) CORTES HOUSE, RATHEN

A report dated 29 August 2017 from the Director of Infrastructure Services had been circulated to advise the Committee on the review of the existing Tree Preservation Order at Cortes House, Rathen which had been made by Banff and Buchan District Council 1987, and to ask the Committee to revoke the Order.

The Committee considered that to confirm the Revocation Order to revoke the existing Tree Preservation Order would be premature and that no action should be taken until the implementation of the new framework in 2019.

11. SEAFIELD STREET, PORTSOY: PROPOSED TRAFFIC MANAGEMENT UPDATE

A report dated 25 August 2017 from the Director of Infrastructure Services had been circulated to provide an update to Committee on public consultation with regard to the above.

The Committee **agreed**:

1. to authorise the Roads Service to present the revised options for traffic management on Seafield Street, Portsoy to the local community, and
2. that a further report be submitted to Committee detailing the outcomes of the presentation and to include the final proposals for a traffic management review.

12. THE ABERDEENSHIRE COUNCIL (WHITEHILLS) (TRAFFIC MANAGEMENT) ORDER, 2017

A report dated August 2017 from the Director of Infrastructure Services had been circulated to ask the Committee to authorise the commencement of the statutory procedures for the making of a traffic management order.

The Committee **agreed**:

1. to authorise the commencement of the statutory procedures for the making of the "The Aberdeenshire Council (Whitehills) (Traffic Management) Order, 2017,
2. to authorise the subsequent making of the above Order in the event that no valid objections are received or any received are resolved and withdrawn; and
3. that a further report(s) be submitted to Committee in the event that any valid objections received are not resolved and not withdrawn, or the proposals are amended following consideration of valid objections.

13. THE ABERDEENSHIRE COUNCIL (WHITEHILLS/INVERBOYNDIE) (REDETERMINATION OF MEANS OF EXERCISE OF PUBLIC RIGHTS PASSAGE) ORDER, 2017

A report dated August 2017 from the Director of Infrastructure Services had been circulated to ask the Committee to authorise the commencement of the statutory procedures for the making of a traffic management order.

The Committee **agreed**:

1. to authorise the commencement of the statutory procedures for the making of the "The Aberdeenshire Council (Whitehills/Inverboyndie) (Redetermination of Means of Exercise of Public Rights Passage) Order, 2017
2. to authorise the subsequent making of the above Order in the event that no valid objections are received or any received are resolved and withdrawn; and

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

14. INFRASTRUCTURE SERVICES QUARTER 4 AND YEAR END PERFORMANCE REPORT 2016-2017 (ABERDEENSHIRE PERFORMS)

A report dated 28 August 2017 from the Director of Infrastructure Services had been circulated to provide the summary of performance for Quarter 4 (January-March 2017) and year end.

The Committee:

1. **agreed** to acknowledge the good performance achieved January-March 2017 (Quarter 4) and year end,
2. **noted** those measures where performance is below expectations January-March 2017, and
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.

15. HOUSING QUARTERLY PERFORMANCE EXCEPTION REPORTING JANUARY-MARCH 2017

A report dated 07 September 2017 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 Infrastructure Services Business Plan.

The Committee then **agreed**:

1. to acknowledge the positive performance achieved January-March 2017,
2. to **note** those measures where performance is below expectations January-March 2017,
3. to acknowledge the publication of the complete January to March 2017 Performance Report on Ward Pages, and
4. having expressed concern that there appeared to be a high level of vacant houses and that the time taken to bring properties up to the necessary standard was excessive, **agreed** that a briefing note be provided giving details on what the service was doing to accelerate the process, including the possible provision of short term leases.

16. PLANNING APPLICATIONS FOR DETERMINATION

The following planning applications were considered following a visit to the site by Members of the Committee on 12 September 2017 and dealt with as recorded in Appendix A to this minute.

A	Reference No APP/2017/0687	Planning Permission in Principle for Erection of 15 Dwellinghouses and Associated Infrastructure at Phase 4, Ladysbridge Village Site, Boyndie, Banff
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B	Reference No APP/2017/1527	Planning Permission in Principle for Erection of 2 Dwellinghouses at Ground to South of Castlehill Drive, Gardenstown, Banff
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17. PLANNING APPLICATION FOR CONSIDERATION

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

A	Reference No APP/2017/0558	Erection of 2 Buildings to Incorporate Combined Heat and Power Plant (CHP) for Power Generation and Drying Agricultural Produce (Part Retrospective) at Land at Cairnandrew, Longmanhill, Banff
B	Reference No APP/2017/0478	Erection of 37 Dwellinghouses, Provision of Land for Future Affordable Housing, and Associated Landscaping and Infrastructure at Westhaven, Cairnbulg

Councillor Presiding over meeting

Print Name

Signature

Date

APPENDIX A

PLANNING APPLICATIONS FOR DETERMINATION

16A REFERENCE NO APP/2017/0687

PLANNING PERMISSION IN PRINCIPLE FOR ERECTION OF 15 DWELLINGHOUSES AND ASSOCIATED INFRASTRUCTURE AT PHASE 4, LADYSBRIDGE VILLAGE SITE, BOYNDIE, BANFF

Applicant: Ladysbridge Village Ltd
Agent: Alasdair Ramsay

With reference to Branch 13A of the Minute of Meeting of 29 August 2017, and following a visit to the site by Members of the Committee on 12 September 2017, the Committee resumed consideration of the report from the Director of Infrastructure Services which had been circulated seeking determination of the above planning application by the Area Committee.

Councillor Cox, seconded by Councillor Reynolds, **moved** 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 the application on appropriate conditions.

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

- 1) The development does not comply with Policy R2: Housing and Employment Development Elsewhere in the Countryside, of the Aberdeenshire Local Development Plan 2017, in that it does not meet the criteria contained within such policies as the development does not constitute any of the following:
 - (a) Rehabilitation or extension of an existing house;
 - (b) Replacement on the same site of a largely intact house;
 - (c) A new house which is essential to the efficient operation of an enterprise which is in itself appropriate to the countryside;
 - (d) Conversion of an existing building to a single house;
 - (e) The erection of a single house within an existing cohesive group of at least 5 houses in accordance with policy criteria and guidance relating to 'Cohesive Groups';
 - (f) It is not for the refurbishment or replacement of an existing or disused building, or on a site which has previously been developed and is now redundant;
 - (g) It does not contribute to organic growth in that the site does not lie within 200m of an existing rural settlement as defined within Appendix 1;
 - (h) Establishment of a new dwelling in relation to a retiring farming succession.
- 2) The proposal does not comply with Policy P2: Open Space and Access in New Development, or Policy P6: Community Infrastructure, of the adopted Aberdeenshire Local Development Plan 2017. This is due to the proposal resulting in an unacceptable reduction in the area allocated and protected for community use through previously implemented planning applications APP/2004/3466 & APP/2009/3777, and as set out in the approved Ladysbridge Development Brief (2007).

Members of the Committee voted:-

For the motion	6	Councillors Cassie, Cox, Findlater, Kille, Partridge and Reynolds
For the amendment	2	Councillors Roy and Topping
No vote	2	Councillors Buchan and Mair

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

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 the application on appropriate conditions.

The reasons for departure from the valid Local Development Plan were that the proposed development:

1. complies with policies in relation to regeneration and housing need;
2. would significantly improve a redundant brownfield site; and
3. would provide amenity space which would be in close proximity to the development and easily accessible by foot

16B REFERENCE NO APP/2017/1527

PLANNING PERMISSION IN PRINCIPLE FOR ERECTION OF 2 DWELLINGHOUSES AT GROUND TO SOUTH OF CASTLEHILL DRIVE, GARDENSTOWN, BANFF

Applicant: Mr George Gordon
Agent: Mantell Ritchie

With reference to Branch 13B of the Minute of Meeting of 29 August 2017, and following a visit to the site by Members of the Committee on 12 September 2017, the Committee resumed consideration of the report from the Director of Infrastructure Services which had been circulated seeking determination of the above planning application by the Area Committee.

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

- 1) The development does not comply with Policy R1: Special Rural Areas (Coastal Zone) of the Aberdeenshire Local Development Plan 2017, in that it does not meet the criteria contained within such policy as the development does not constitute any of the following:
 - a) The extension of an existing building or use that is ancillary to the main use;
 - b) Development for the purposes of agriculture, forestry, horticulture, nature conservation or essential public infrastructure;
 - c) Development for a recreational use that is compatible with its agricultural or natural setting;
 - d) The sensitive restoration, conversion or extension of a vernacular building or other building of architectural merit;
 - e) Accommodation within the immediate vicinity of the place of employment required for a worker in a primary industry which is appropriate to the countryside and where the presence of a worker is essential to the operation of the enterprise and there is no suitable alternative residential accommodation available;

- f) Development identified as a national priority in the National Planning Framework;
 - g) Development of minerals under Policy R3 and waste facilities under Policy PR3 may be permitted where an essential need is identified;
 - h) Developments (including community infrastructure) under Policy PR2 may be permitted in the greenbelt where they meet an established need and where it can be adequately demonstrated that no alternative location can be found;
 - i) It is the replacement of a single non vernacular building on the same footprint, and for the same use. The replacement building must be consistent in scale, and no more intrusive than the existing building. In addition, it is generally expected that the new building will demonstrate a significant improvement in design to that of the existing building.
- 2) The development does not comply with Policy P1: Layout, Siting and Design, of the Aberdeenshire Local Development Plan 2017, in that the proposed development is found in a prominent location and does not constitute an appropriate addition to the settlement of Gardenstown.
- 3) The development does not comply with Policy E2: Landscape, of the Aberdeenshire Local Development Plan 2017, in that the proposed development is found within an identified Special Landscape Area where development of this nature is prohibited due to the adverse visual impact of the proposal upon the designation.

As an amendment, Councillor Partridge, seconded by Councillor Findlater, **moved** that the application be delegated to the Head of Planning and Building Standards to approve on appropriate conditions.

Members of the Committee voted:-

For the motion	2	Councillors Roy and Topping
For the amendment	8	Councillors Buchan, Cassie, Cox, Findlater, Kille, Mair, Partridge and Reynolds

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

that the application be delegated to the Head of Planning and Building Standards to approve on appropriate conditions.

The reasons for departure from the valid Local Development Plan were that the proposed development would:-

1. constitute a natural continuation of the village;
2. be of benefit to the village in terms of school role and shops;
3. fit in appropriately and have no adverse impact on the surrounding area,
4. be invisible from the road because it would be built behind three other houses
5. be within 200m of the village so would constitute natural organic growth in line with Policy R2.

17A REFERENCE NO APP/2017/0558

ERECTION OF TWO BUILDINGS TO INCORPORATE COMBINED HEAT AND POWER PLANT (CHP) FOR POWER GENERATION AND DRYING AGRICULTURAL PRODUCE (PART RETROSPECTIVE) AT LAND AT CAIRNANDREW, LONGMANHILL, BANFF

Applicant: Inicio Fresco
Agent: Mantell Ritchie

A report dated 05 September 2017 from the Director of Infrastructure Services had been circulated seeking determination of the above planning application by the Area Committee.

The Committee heard Mr Robert Ritchie, applicant, in support of the application.

Thereafter, the Committee **agreed** to delegate the application to the Head of Planning and Building Standards to refer to the Infrastructure Services Committee with the Area Committee's recommendation to approve the application.

The Committee's reasons for approval of the application were that the proposed development:

1. complied with both policies R2 and C2,
2. would greatly enhance and help to future-proof a forward-thinking, well-established business, making it more cost effective;
3. would be in an appropriate location;
4. would bring economic benefits,
5. would create 10-12 jobs

17B REFERENCE NO APP/2017/0478

FULL PLANNING PERMISSION FOR ERECTION OF 37 DWELLINGHOUSES, PROVISION OF LAND FOR FUTURE AFFORDABLE HOUSING, AND ASSOCIATED LANDSCAPING AND INFRASTRUCTURE AT WESTHAVEN, CAIRNBULG

Applicant: Claymore Homes

A report dated 05 September 2017 from the Director of Infrastructure Services had been circulated to ask the Committee to provide a view to Aberdeenshire Council for its consideration when determine the planning application.

The Committee heard Ms Tiffany Kelly, applicant's agent, in support of the application.

Thereafter, the Committee:

1. **noted** the recommendation from the Planning Service to refuse the application for the following reasons,
 - 1) The proposal site is not allocated for housing within the Local Development Plan 2017, and therefore does not comply with Policy H1: Housing Land.
 - 2) The proposal does not reflect small-scale development and therefore does not comply with Policy R2: Housing and Employment Development Elsewhere in the Countryside. Furthermore, the proposal does not comply with any of the criteria for development supported by this policy.
 - 3) The proposal site is located within the coastal zone as defined in Policy R1: Special Rural Areas, and insufficient evidence has been provided to demonstrate the locational requirement for the development and it is the view of the Planning Service that there is sufficient housing allocated within the settlement to meet the local housing need, and

2. having taken into consideration the recommendation from the Planning Service and views expressed by the applicant, the Community Council and the local community at a Pre-Determination Hearing on 31 August 2017, **agreed** to recommend to Full Council that the application be delegated to the Head of Planning and Building Standards to approve on appropriate conditions.

The Committee's reasons for recommending approval of the application were that:

1. there was overwhelming support expressed by the local community;
2. many benefits would be realised if the development went ahead,
3. although the land was not currently in the LDP for housing, there was a very strong view that this should have been included and would be in the next LDP;
4. it was considered to be a small-scale development, appropriate for an infill site,
5. it would not have an adverse effect on either the coastal zone or the surrounding historic and cultural area and therefore complied with Policy HE2,
6. it would redress the imbalance between the two communities.