

ABERDEENSHIRE COUNCIL

BANFF AND BUCHAN AREA COMMITTEE, COUNCIL CHAMBER, COUNTY HALL, LOW STREET, BANFF 13 FEBRUARY 2018

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

Officers: Mrs K F Wiles, Interim Area Manager; Miss F M Stewart, Senior Solicitor; Mr J Martin, Senior Planner; Mr J D Naismith, Principal Engineer; Mr A Millar, Senior Roads Engineer; Mr A Rhind, Strategic Regeneration Executive; Ms D Burroughs, Team Leader (Environment); Mr J E Emery, Project Officer; Mr J Gahagan, Estates Manager (By Skype for Item 12 only); Ms L Will, Environmental Health Officer 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.

Councillor Kille **declared an interest in Item 12** by virtue of the fact that he is a Member of Duff House Royal Golf Club and left the meeting and took no part in the item.

Councillor Roy **declared an interest in Item 12** by virtue of the fact that he is a Member of Duff House Royal Golf Club and left the meeting and took no part in the item.

Councillor Findlater had a connection to Item 12 by virtue of the fact that his son plays for Banff Rugby Club but, having applied the objective test concluded that he had no interest to declare.

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 11 and 12 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 23 JANUARY 2018

The minute of meeting of 23 January 2018 had been circulated.

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

4. LIST OF OUTSTANDING BUSINESS AT 13 FEBRUARY 2018

A list of outstanding business at 13 February 2018 had been circulated.

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

URGENT ITEM

Councillor Partridge asked the Chair if he would allow an emergency Notice of Motion to be heard by the Committee. In terms of Paragraph 4.2.1(c) of Part 1 of the Scheme of Governance, the Chair considered the matter to be urgent and accepted it onto the agenda for the meeting and stated that it would be considered, in public, before the exempt items 11 and 12.

The reasons of urgency were health and safety concerns for residents of Gardenstown where the only road providing access to the lower part of the village had been closed due to a landslip which had occurred in November 2017.

5. NOTICE OF MOTION

From Councillor Cox

Damage has been caused to Duff House, Duff House Parkland, local woodlands and buildings associated with Duff House over recent years, all of which form an important part of Banff's heritage. This damage is as a result of graffiti, many old trees having collapsed and original landscaping reverting to wilderness.

Duff House and the surrounding grounds provide a unique visitor experience within the Banff area. They were built to be seen and not hidden away and they should be maintained in good order and not left to become ruinous.

I fully understand that Aberdeenshire Council are not the owners of the land affected. However, Aberdeenshire Council has an interest in looking after the local heritage of the Banff area. My motion is to therefore ask officers to investigate:

- how Aberdeenshire Council can influence the landowners to carry out the work required, in partnership with HES, Banff Preservation Society and other relevant organisations as appropriate;*
- what assistance Aberdeenshire Council is able to offer the landowners to enable them to carry out the work required;*
- ultimately, what statutory powers may be open to Aberdeenshire Council should the landowners fail to carry out any work and the land and buildings continue to fall into disrepair*

and to report back to the Area Committee with their findings on the above.

The Committee **agreed:**

1. **to approve** the Notice of Motion, and
2. that a meeting be arranged for Wards 1 and 2 Members to meet with representatives of Banff and Macduff Community Council, Historic Environment Scotland, the landowners, the Skills Academy at Duff House, Banff Preservation Society, Friends of Duff House and other interested parties to enable discussion and the production of a masterplan compiled to protect the wrack woods and parkland and associated structures around Duff House.

6. CIVIC GOVERNMENT (SCOTLAND) ACT 1982 – APPLICATION FOR GRANT OF A STREET TRADER’S LICENCE

A report dated 29 January 2018 from the Director of Business Services had been circulated to ask the Committee to consider an application for the grant of a Street Trader’s Licence and the objections made in respect thereof.

The Committee heard Miss Ross, daughter of the applicant, in support of the application and Mr Ian Williams representing himself as an objector to the application, and as an agent for Banff and Macduff Community Council which was also objecting to the application.

Thereafter Councillor Cox, seconded by Councillor Roy, **moved** that the application be refused on the basis that the proposed activity to operate as street trader was not suitable or convenient by reason of the location not being appropriate for road safety and congestion reasons.

The Committee was not against the application itself, and was keen to encourage new business and start-ups in the town, however, there were concerns about the location as it could cause potential danger to other road users and pedestrians, add to congestion, especially when there were football matches and/or the fairground in town, may conflict with the Deveronside development plan, may detract from other businesses, and would not enhance the entrance to the conservation area of the town.

As an amendment Councillor Topping, seconded by Councillor Buchan, **moved** that the application be approved as the development would be an enhancement, would encourage people to come into the town, and would provide a different service from others in the town.

Members of the Committee voted:

For the motion	7	Councillors Cassie, Cox, Kille, Mair, Partridge, Reynolds and Roy
For the amendment	2	Councillors Buchan and Topping
No vote	1	Councillor Findlater

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

that the application be **refused** for the reasons stated above.

7. PROPOSED TRAFFIC MANAGEMENT, WHITEHILLS – RESULTS OF CONSULTATIONS

A report dated 18 January 2018 from the Director of Business Services had been circulated to ask the Committee to approve the implementation of a Traffic Management Order.

The Committee, having considered the outstanding objections received during the consultation process, **agreed**, in relation to The Aberdeenshire Council (Whitehills) Traffic Management Order, 2017:

1. **to approve** the proposal in relation to the junction of Seafield Street/Loch Street only, and
2. **to defer** consideration of the proposal at the junction Wilson Crescent/Loch Street, to enable officers to come back with potential alternative options as there appeared to be no support for the current proposal from the local community.

8. REGENERATION FUNDING REQUEST FOR THE FRASERURGH ENTERPRISE HUB

A report dated 22 January 2018 from the Director of Infrastructure Services had been circulated to ask the Committee to approve a grant from the Regeneration Reserve budget for Fraserburgh.

The Committee **agreed** to approve a grant of £101,783.44 from the Regeneration Reserve budget for Fraserburgh as match funding towards the creation and establishment of the Enterprise Hub project in The Faithlie Centre.

9. 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/2017/2960	Planning Permission in Principle for Erection of Dwellinghouse, Site at Gash, Fraserburgh
B	Reference No APP/2017/2325	Full Planning Permission for Erection of 2 Buildings to House Pigs (Part Retrospective), Moreless Farm, Craigston
C	Reference No APP/2017/2416	Planning Permission in Principle for Erection of 5 Dwellinghouses at Ground South of Penelopefield Farm, Carnousie, Turriff Aberdeenshire

11. PLANNING APPEALS

A SCOTTISH GOVERNMENT APPEAL DECISION PPA/110-2333 – REFERENCE NO APP/2016/2111 – PLANNING PERMISSION IN PRINCIPLE FOR ERECTION OF A REPLACEMENT DWELLINGHOUSE AT BACKHILL OF YONDERTON, CRAIGSTON, TURRIFF

A letter from the Scottish Government had been circulated to advise the Committee of the decision of the Reporter in relation to the above planning application appeal.

The Committee **noted** the decision the Reporter to dismiss the appeal and refuse planning permission in principle for the erection of a replacement dwellinghouse at Backhill of Yonderson, Craigston, Turriff.

B. LOCAL REVIEW BODY DECISION REF 374 - REFERENCE NO APP/2017/0233 – FULL PLANNING PERMISSION FOR ERECTION FOR CHANGE OF USE OF ANCILLARY ACCOMMODATION TO DWELLINGHOUSE AND FORMATION OF 2 DORMERS AT MILL OF PLAIDY, PLAIDY, TURRIFF

A report dated 11 January 2018 from the Director of Business Services had been circulated to advise the Committee of the decision of the Local Review Body (LRB) in relation to the above planning application appeal.

The Committee **noted** the decision of the LRB to reverse the decision reviewed by it and to grant Full Planning Permission subject to the condition specified in the report.

URGENT NOTICE OF MOTION

From Councillor Partridge

“The Committee requests Aberdeenshire Council to put in place, with immediate effect, a controlled opening of the landslip affected road. These openings should be for at least 18 hours per day, seven days per week to allow safe entry and exit of the lower part of the village allowing people to go about their daily routine safely.”

Councillor Partridge stated that his reasons for the motion and request were to allow free movement as much as possible for residents and visitors. This manned opening was mainly based on health and safety issues for residents who suffer from mobility issues, disabilities or had medical conditions that required them to leave the village for treatment or immediate action.

After considerable discussion, the Committee **agreed to approve** the following amended emergency notice of motion:

“The Committee requests that Aberdeenshire Council puts in place, with immediate effect, the maximum, reasonable, safe opening of the landslip affected road, to be assessed on a daily basis.”

11. LEASE FOR THE SMIDDY, OLD MARKET PLACE, BANFF

A report dated 22 January 2018 from the Director of Infrastructure Services had been circulated to ask the Committee to consider the lease of the above building.

The Committee **agreed** that the building be leased to the organisation named, and on the terms set out, in the report.

12. LAND AT DEVERON TERRACE, BANFF

A report dated January 2018 from the Director of Business Services had been circulated to update the Committee on a piece of Land at Deveron Terrace, Banff.

The Committee:

1. **noted** the offers received for the above property, and **agreed** that all offers be refused at this time,
2. **agreed** that the Head of Property and Facilities Management remarket the property on the basis of a short term (maximum 3 years) lease only,
3. **agreed** that in the meantime, officers consider other possible uses of the land including use as a cemetery for future years, or increasing the number of allotments currently available in Banff.

Councillor Presiding over meeting

Print Name

Signature

Date

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APPENDIX A

PLANNING APPLICATIONS FOR CONSIDERATION

9A REFERENCE NO APP/2017/2960

PLANNING PERMISSION IN PRINCIPLE FOR ERECTION OF DWELLINGHOUSE AT SITE AT GASH, FRASERBURGH

Applicant: Mrs G Strachan
Agent: Mantell Ritchie

A report dated 29 January 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 Michael Ritchie, applicant's agent, in support of the application.

Thereafter, Councillor Topping, seconded by Councillor Mair **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 development does not comply with Policy RD1: Providing Suitable Services, of the Aberdeenshire Local Development Plan 2017, as the proposed access arrangements are deemed unsuitable and unsafe.

For noting:-

Part 2C (Planning Delegations) states at Section C.3.2b for Local Development, that following consultation with the Chair and Vice-Chair of the determining Committee, the Head of Planning and Building Standards can refuse planning applications for which Section 75 Agreements are not completed or Developer Obligations are not paid within four months from the date of the Committee at which the application is determined. Local Ward Members shall be notified of any such refusal.

Please note that this power may be exercised in respect of the application which is the subject of this report if the application is approved by the Committee.

As an amendment, Councillor Cox, seconded by Councillor Cassie **moved** that 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 further consider the potential road safety issues raised in the letters of representation.

Members of the Committee voted:

For the motion	7	Councillors Buchan, Findlater, Kille, Mair, Reynolds, Roy and Topping
For the amendment	3	Councillors Cassie, Cox and Partridge

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

that the application be refused for the reasons stated above.

9B REFERENCE NO APP/2017/2325

FULL PLANNING PERMISSION FOR ERECTION OF 2 BUILDINGS TO HOUSE PIGS (PART RETROSPECTIVE) AT LAND AT MORELESS FARM, CRAIGSTON, TURRIFF

Applicant: Mr Neil Ironside
Agent: Energy Let Ltd

A report dated 29 January 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 approve** the application as the proposed development accorded with the development plan and there were no material considerations which indicated that permission should be refused.

9C REFERENCE NO APP/2017/2416

Applicant: Mrs Patricia Steele
Agent: D K Meldrum Ltd

A report dated 26 January 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:

1. The proposal is contrary to Policy R2: Housing and Employment Development Elsewhere in the Countryside, as contained in the Aberdeenshire Local Development Plan 2017, in that;
 - a) It does not involve the refurbishment or replacement of an existing house or disused building;
 - b) It does not involve the remediation of a redundant brownfield site;
 - c) It is not for a single house associated with the succession of a viable farm holding; and
 - d) It is not an appropriate addition of no more than 3 houses within 200m of an identified a settlement as contained in Appendix 4 of the Development Plan.
2. The proposal is contrary to Policy E2: Landscape, as contained in the Aberdeenshire Local Development Plan 2017, in that it would have an adverse impact upon, and would erode the character of, the Deveron Valley Special Landscape Area.

3. The proposal is contrary to Policy HE3 (Helping to Reuse Listed Buildings at Risk) of the Aberdeenshire Local Development Plan 2017, in that;
 - a) Insufficient evidence has been provided to demonstrate that all other possibilities of funding to secure the conservation and reuse of Woodhead Cottage have been exhausted; and
 - b) Insufficient evidence has been provided to demonstrate that the amount of enabling development sought is the minimum required to achieve a sympathetic reuse of Woodhead Cottage.

4. The proposal is contrary to Policy P1: Layout, Siting and Design, as contained in the Aberdeenshire Local Development Plan 2017 in that;
 - a) It would occupy a prominent position in the landscape; and
 - b) It would be out of character with the development pattern and rural character of the surrounding area.

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