

ABERDEENSHIRE COUNCIL**BANFF AND BUCHAN AREA COMMITTEE
FRASERBURGH COMMUNITY AND SPORTS CENTRE
29 JANUARY 2019**

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

Apologies: Councillor M A Findlater

Officers: Mrs A Keith, Interim Area Manager; Miss F M Stewart, Senior Solicitor; Mr J Martin, Senior Planner; Ms D Campbell, Community Planning Officer; Mrs L Mackenzie, Locality Manager, Mrs M Geddes, Locality Manager; Mrs J Cranna, Principal Finance Officer; Mr A Mackie, Acting Housing Manager, Tenancy Services; Mrs C Webster, Regeneration and Town Centres Manager; Mrs D Burroughs, Team Leader, Environment; 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** 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 Item 9 of the business on the grounds that this item involved the likely disclosure of exempt information of the class described in Paragraph 8 of Part 1 of Schedule 7A of the Act.

3. MINUTE OF MEETING OF 18 DECEMBER 2019

The minute of meeting of 18 December 2018 had been circulated.

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

4. LIST OF OUTSTANDING BUSINESS AT 29 JANUARY 2018

A list of outstanding business at 29 January 2019 had been circulated.

The Committee **noted** the list of outstanding business and the updates as follows:

- a) in relation to Item 1 - The review of the Community Safety Team had taken longer than anticipated so the briefing note would now be expected in March 2019, and
- b) in relation to Item 2 - A briefing note will be available in February 2019 following a Saltoun Project Board meeting which will take place this week.

5. 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/2018/2245	Full Planning Permission for Erection of Dwellinghouse at Land at Rosieburn, Alvah, Banff
B	Reference No APP/2018/2335	Full Planning Permission for Alterations and Extension to Dwellinghouse at Site at Gawnsmoss, Banff
C	Reference No APP/2018/1278	Listed Building Consent to form Opening in Wall (Part Retrospective), Create Care Parking Area and Erection of Gates and Boundary Wall at 18a Carmelite Street, Banff
D	Reference No APP/2018/1268	Full Planning Permission to form Opening in Wall (Part Retrospective), Create Care Parking Area and Erection of Gates and Boundary Wall at 18a Carmelite Street, Banff

6. BANFF AND BUCHAN COMMUNITY PLAN

A report dated 14 January 2019 from the Director of Education and Children's Services had been circulated to ask the Committee to comment on the review process of the Banff and Buchan Local Community Plan 2016-2019.

The Committee:

1. **noted** the terms of the report, and

2. **agreed** that the next report should have specific, tangible, measurable outcomes rather than general comments. The projects should concentrate on potential improvements to the economy of the area and Councillors should be involved at an earlier stage in the process.

7. ABERDEENSHIRE HEALTH AND SOCIAL CARE PARTNERSHIP (HSCP) PERFORMANCE AND OUTCOMES FRAMEWORK QUARTER 2 REPORTING JULY-SEPTEMBER 2018

A report dated 13 December 2018 from the Lead Officer, Health and Social Care Partnership had been circulated to enable the Area Committee to consider service performance against an agreed set of performance measures to ensure that the Integrated Joint Board (IJB) is provided with appropriate information to allow it to deliver its function.

The Committee:

1. **noted** the terms of the IJB Performance Q2 Report, and
2. **agreed** to comment to the IJB that information provided needs to be much clearer and easier to understand and needs to be current because much of the information is out of date by the time it is submitted to Committee for consideration.

8. UNIVERSAL CREDIT FULL SERVICE

A report dated 16 January 2019 from the Director of Infrastructure Services had been circulated to ask the Committee to consider the work being carried out to support customers in receipt of Universal Credit Full Service and to discuss the activities to mitigate rent arrears.

The Committee:

1. **noted** the terms of the report, and further up-to-date information provided by the officers who were present,
2. **agreed** that an informal session be arranged to allow more up-to-date data to be provided and to allow detailed discussion on support and information offered to customers in receipt of universal credit, and the effect on rent arrears,
3. **agreed** that a formal update report be submitted to Committee after the summer recess,
4. **agreed** to recommend to the Communities Committee that APAs should be monitored and reviewed regularly to ensure that they are providing the best opportunities for tenants.

9. SUPPLEMENTARY DIRECTORATE WORK PLAN PROCUREMENT APPROVAL - THE VINERY, AIRLIE GARDENS, BANFF

A report dated 07 January 2019 from the Director of Infrastructure Services had been circulated to ask the Committee to approve a budget towards an item on the Supplementary Work Plan

he Committee:

1. **agreed** to approve Aberdeenshire Council's budget towards the redevelopment of The Vinery, Airlie Gardens, Banff,
2. considered and **agreed** to approve the item on the Supplementary Work Plan and note that it would be added to the Directorate Work Plan that was approved by this Committee on 27 March 2018, and

3. **agreed** to approve the business case for the item on the Supplementary Work Plan as detailed in the report.
4. The Committee noted that a common good application required to be lodged in respect of the common good monies referred to in the report and would be considered separately by the Committee.

Councillor Presiding over meeting

Print Name

Signature

Date

APPENDIX A

PLANNING APPLICATION FOR CONSIDERATION

5A REFERENCE NO APP/2018/2245

FULL PLANNING PERMISSION FOR ERECTION OF DWELLINGHOUSE AT LAND AT ROSIEBURN, ALVAH, BANFF

Applicant: Mr Adrian Wilson
Agent: A J Rennie (Builders) Ltd

A report dated 07 January 2019 from the Director of Infrastructure Services had been circulated seeking determination of the above planning application by the Area Committee.

The Committee heard Mr Adrian Wilson (applicant) and Mr Neil Gray (applicant's agent) in support of the application.

Thereafter, Councillor Cox, seconded by Councillor Roy **moved** that the application be delegated to the Head of Planning and Building Standards to approve on appropriate conditions, including some slight changes to the suburban nature of the design of the proposed farmhouse.

As an amendment, Councillor Buchan, seconded by Councillor Cassie **moved** that consideration of the application be deferred to enable further legal advice to be sought in relation to recent amendments to the Land Reform Scotland Act which may mean that the application was not contrary to the valid local development plan and could therefore be recommended for approval.

Members of the Committee voted:

For the motion	5	Councillors Cox, Mair, Reynolds, Roy and Topping
For the amendment	3	Councillors Buchan, Cassie and Kille

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, including some slight changes to the suburban nature of the design of the proposed farmhouse.

The Committee's reason for departure from the valid local development plan was that the proposed development complied with the spirit of Policy R2 which had been intended to ensure that there was an opportunity for people to retire and remain in the community. The Committee considered that the application was associated with the retirement succession of a viable farm holding as the successors had been neighbours of the applicant and had known and worked with him for many years and the applicant wished to continue to assist with the farm work in the future.

5B REFERENCE NO APP/2018/2335

FULL PLANNING PERMISSION FOR ALTERATIONS AND EXTENSION TO DWELLINGHOUSE AT SITE AT GAWNSMOSS, BANFF

Applicant: Mr James Gammie
Agent: Mantell Ritchie

A report dated 05 December 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, 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 assess the potential impact of the proposed development on the surrounding landscape.

5C REFERENCE NO APP/2018/1278

LISTED BUILDING CONSENT TO FORM OPENING IN WALL (PART RETROSPECTIVE), CREATE CAR PARKING AREA AND ERECTION OF GATES AND BOUNDARY WALL AT 18A CARMELITE STREET, BANFF

Applicant: Mr Peter Innes
Agent: George Hadden, Architectural Agent

A report dated 27 December 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 George Hadden, applicant's agent, in support of the application.

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

- 01 The proposals are contrary to Policies HE1 (Protecting historic buildings, sites and monuments) and HE2 (Protecting historic and cultural areas) as contained in the Aberdeenshire Local Development Plan 2017 in that the wall is an 800-year-old listed structure within a conservation area and should be cherished and looked after as part of Banff's heritage,
- 02 As the only two potential accesses are through land owned by two objectors, both of whom have expressed their unwillingness to allow access, approval of the application would allow the wall to be demolished for no benefit,
- 03 The proposals are contrary to Policy RD1 (providing suitable services) as contained in the Aberdeenshire Local Development Plan 2017 in that the development may encourage dangerous vehicle manoeuvres.

5D REFERENCE NO APP/2018/1268

FULL PLANNING PERMISSION TO FORM OPENING IN WALL (PART RETROSPECTIVE), CREATE CAR PARKING AREA AND ERECTION OF GATES AND BOUNDARY WALL AT 18A CARMELITE STREET, BANFF

Applicant: Mr Peter Innes
Agent: George Hadden, Architectural Agent

A report dated 27 December 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 George Hadden, applicant's agent, in support of the application.

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

- 01 The proposals are contrary to Policies HE1 (Protecting historic buildings, sites and monuments) and HE2 (Protecting historic and cultural areas) as contained in the Aberdeenshire Local Development Plan 2017 in that the wall is an 800-year-old listed structure within a conservation area and should be cherished and looked after as part of Banff's heritage,
- 02 As the only two potential accesses are through land owned by two objectors, both of whom have expressed their unwillingness to allow access, approval of the application would allow the wall to be demolished for no benefit,
- 03 The proposals are contrary to Policy RD1 (providing suitable services) as contained in the Aberdeenshire Local Development Plan 2017 in that the development may encourage dangerous vehicle manoeuvres.

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