

## ABERDEENSHIRE COUNCIL

### BANFF AND BUCHAN AREA COMMITTEE COUNCIL CHAMBER, COUNTY HALL, LOW STREET, BANFF 19 FEBRUARY 2019

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

**Apologies:** Councillor G Reynolds

**Officers:** Mrs A Keith, Interim Area Manager; Mr I Meredith, Solicitor; Mr J Martin, Senior Planner; Mr J D Naismith, Principal Engineer; Mr L Findlay, Director of Education and Children's Services; Mr D Clark, Head Teacher Fraserburgh Academy; Mr A Horberry, Head Teacher, Banff Academy; Mr G Robertson, Team Manager, Economic development and Protective Services; Ms I Birnie, Team Leader (Environment North); Ms K Black, Project Officer; Mr D MacLennan, Team Leader (Planning & Building Standards); Mr A Lawal (by Skype), Asset Management Surveyor; Mr R McCleary, Project Coordinator and Mrs E M Farquhar, Area Committee Officer

**In attendance:** Mr C Shand, Station Manager, Scottish Fire and Rescue Service

#### 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 12 Councillor Cox **declared an interest** by virtue of the fact that he owns property in Bridge Street, Banff and left the meeting and took no part in the item.

Item 12 Councillor Kille **declared an interest** by virtue of the fact that he is on the board of the North East Scotland Preservation Trust but, having applied the objective test, concluded that it was so remote and insignificant that he would remain and participate.

#### 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 13 and 14 of the business on the grounds that these items involved the likely disclosure of exempt information of the class described in Paragraphs 9 and 13 of Part 1 of Schedule 7A of the Act.

### 3. MINUTE OF MEETING OF 29 JANUARY 2019

The minute of meeting of 29 January 2019 had been circulated.

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

### 4. LIST OF OUTSTANDING BUSINESS AT 19 FEBRUARY 2019

A list of outstanding business at 19 February 2019 had been circulated.

The Committee **noted** the list of outstanding business and **agreed** that the following be added to the list:

Date of Committee & Item No	Subject Matter	Action
29/01/19 - Item 8	Universal Credit	Informal session to 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.  Formal Update report to Committee after the summer recess.

### 5. SCOTTISH FIRE AND RESCUE SERVICE (SFRS) - PERFORMANCE REPORT 01 OCTOBER - 31 DECEMBER 2018

A joint report from the Local Senior Officer, SFRS, and the Director of Business Services had been circulated to inform Members of how the Scottish Fire and Rescue Service is performing locally in Banff and Buchan against key SFRS priorities and the Multi-Member Ward Plan.

The Committee thanked the Station Manager for his attendance and comprehensive report and,

1. **noted** the briefing report relating to the period 01 October to 31 December 2018, and
2. **noted** the local matters arising and key resource issues detailed in the report.

### 6. ANALYSIS OF ATTAINMENT AND ACHIEVEMENT OF YOUNG PEOPLE IN BANFF AND BUCHAN SECONDARY SCHOOLS IN ACCREDITED AWARDS YEAR ENDING JUNE 2018

A report from the Director of Education and Children's Services had been circulated to inform the Committee of the attainment and achievement of young people in Banff and Buchan secondary schools in accredited awards during the year ending June 2018.

The Committee:

1. **noted** the terms of the Director's report and thanked and congratulated both head teachers, the staff, pupils and parents for the significant improvement realised in both schools, specifically over the last year, but also for the continuing improvement over several years,
2. **noted** that there was still work to be done and the Committee looked forward to continuing improvement,
3. **agreed** that further discussion take place with North East Scotland College (NESCol) to consider ways to enhance provision in the area, and
4. **agreed** that similar performance information be sought for Turriff Academy over the past year as some of the primary schools in Banff and Buchan feed into Turriff Academy.

## 7. PLANNING APPLICATIONS FOR DETERMINATION

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

A	Reference No APP/2018/0015	Full Planning Permission for Erection of 5 Dwellinghouses at Land at Backhill of Culbirnie, Banff AB45 3AS 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, Gawnsmoss, Banff

## 8. PLANNING APPLICATION FOR CONSIDERATION

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

A	Reference No APP/2017/1357	Full Planning Permission for Erection of 2 Agricultural Storage Buildings, Erection of Potato Store Building, Erection of Building to Incorporate Combined Heat and Power Plant (CHP) and Erection of SSE Building at Site at Keilhill, King Edward, Banff
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## 9. PLANNING APPEAL

### A **SCOTTISH GOVERNMENT APPEAL DECISION PPA/110-2363 – REFERENCE NO APP/2017/3250 – ERECTION OF DWELLINGHOUSE (AMENDED DESIGN) AND ERECTION OF BOUNDARY WALLS AND GATES AT 3A MID STREET, CARINBULG, FRASERBURGH, AB43 8WJ**

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

The Committee **noted** the decision of the Reporter to allow the appeal and to grant planning permission subject to two conditions detailed in the appeal notice.

## **10. ABERDEENSHIRE CHARITIES TRUST (ACT2) FINANCIAL MANAGEMENT**

A report dated 17 January 2019 from the Director of Business Services had been circulated to ask the Committee to review the current maximum and minimum thresholds of awards and agree the split between Capital and Revenue balances for each ward.

The Committee **agreed** to defer consideration of the report so that further information could be sought on:

1. how the split between revenue and capital was decided and if a higher percentage of the money could be earning interest, and
2. the potential implications if the minimum and maximum figures were to be changed,
3. how this fund can be advertised more successfully so that more people can benefit from it.

## **11. HISTORIC ASSET MANAGEMENT PROJECT ANNUAL UPDATE**

A report dated 01 February 2019 from the Director of Infrastructure Services had been circulated to ask the Committee to note and comment on the Historic Asset Management Project.

The Committee:

1. **noted** the terms of the report,
2. **agreed** to continue to support the approach taken by the Historic Asset Management Project, and
3. **agreed** that the next annual update in the Spring of 2020 be provided in the Consultation section of the Council's Ward Pages.

## **12. BRIDGE STREET AND DEVERONSIDE REGENERATION UPDATE**

A report dated February 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.

The Committee commended the officers for their comprehensive report and:

1. **noted** the analysis from the public consultation response to the Bridge Street Public Realm Improvement Design Statement, and
2. **agreed** that the Council continue with its negotiations with the owner of the building to discuss the possible redevelopment of the site.

## **13. SALE OF FORMER NEW ABERDOUR SCHOOL, ELPHIN STREET, NEW ABERDOUR**

A report dated February 2019 from the Director of Business Services had been circulated to ask the Committee to approve the sale of the former New Aberdour school.

The Committee **agreed**:

1. to approve the sale to the purchasers detailed in the report, and

2. that a press-release be prepared to inform the public of the progress made.

**14. THE WORLD'S END - 11 DALRYMPLE STREET, FRASERBURGH**

A report dated 31 January 2019 from the Director of Infrastructure Services had been circulated to ask the Committee to instruct officers to carry out various actions in relation to the above property.

The Committee **agreed to approve** the actions as detailed in the report.

**Councillor Presiding over meeting**

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**Print Name**

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**Signature**

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**Date**

## APPENDIX A

### PLANNING APPLICATION FOR CONSIDERATION

#### 7A REFERENCE NO APP/2018/0015

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

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

With reference to Branch 6D of the Minute of Meeting of 01 May 2018, Branch 7A of the Minute of Meeting of 22 May 2018 and Branch 11A of the Minute of Meeting of 06 November 2018, a report from the Director of Infrastructure Services had been circulated seeking determination of the above planning application by the Area Committee.

The Committee heard Mr Neil Gray, applicant's agent, and Mr Ian Crombie in support of the application.

Thereafter, Councillor Cox, seconded by Councillor Findlater **moved** that, in the event of satisfactory conclusion of a Section 75 Agreement tying the proposed dwellinghouse to the business, and satisfactory conclusion of Developer Obligations, the application be delegated to the Head of Planning and Building Standards to approve on appropriate conditions.

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

1. The application is contrary to Policy B4: Special Development Areas, as contained in the Aberdeenshire Local Development Plan 2017, in that it has not been adequately demonstrated that the overall public benefit will outweigh any negative impact of the development.
2. The application 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 retirement succession of a viable farm holding; and
  - d) It is not for the erection of a single house within an existing cohesive group of at least five houses.
3. The application is contrary to Policy P1: Layout, Siting and Design, as contained in the Aberdeenshire Local development Plan 2017, in that it would introduce a development which is suburban in nature and would be out of character with the established pattern of development in the immediate area.

Members of the Committee voted:

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

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

that, in the event of satisfactory conclusion of a Section 75 Agreement tying the proposed dwellinghouse to the business and satisfactory conclusion of Developer Obligations, the application be delegated to the Head of Planning and Building Standards to approve on appropriate conditions.

The reasons for decision were that the proposed development complied with the overarching policies of the Council and wider national and regional policies, for example, the Scottish Planning Policies by supporting sustainable economic development and encouraging regeneration, and the Aberdeen City and Shire Strategic Development Plan 2014 by supporting economic growth, encouraging population growth, promoting sustainable communities and improving accessibility in developments.

### **7B 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

With reference to Branch 5B of the Minute of Meeting of 29 January 2019 and following a visit to the site by members of the Committee on 12 February 2019, the Committee resumed consideration of a report from the Director of Infrastructure Services which had been circulated to seek determination of the above planning application by the Area Committee.

Councillor Findlater, seconded by Councillor Cox, **moved** that, in the event of receipt of a satisfactory full roost assessment 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 refused for the following reasons:

1. The application is contrary to Policy P1: Layout, Siting and Design, of the Aberdeenshire Local Development Plan 2017, as the proposed dwelling would be out of keeping with the immediately surrounding area in terms of its siting, mass, scale and design which make this structure an overly prominent feature within the surrounding landscape.
2. The application is contrary to Policy E1: Natural Heritage, of the Aberdeenshire Local Development Plan 2017, as it has not been demonstrated that the impact on a European protected species, namely bats, has been fully considered.

Members of the Committee voted:

For the motion	6	Councillors Buchan, Cassie, Cox, Findlater, Kille and Mair
For the amendment	2	Councillors Roy and Topping

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 reasons for departure from the Aberdeenshire Local Development Plan were that the proposed development was not contrary to Policy P1 as it would fit in well against the backdrop and the other buildings and it was in a very isolated location so it would have little impact on the surrounding landscape

#### 8A REFERENCE NO APP/2017/1357

### FULL PLANNING PERMISSION FOR ERECTION OF 2 AGRICULTURAL STORAGE BUILDINGS, ERECTION OF POTATO STORE BUILDING, ERECTION OF BUILDING TO INCORPORATE COMBINED HEAT AND POWER PLANT (CHP) AND ERECTION OF SSE BUILDING AT SITE AT KEILHILL, KING EDWARD, BANFF

**Applicant:** Keil Green Energy  
**Agent:** Mantell Ritchie

A report dated 29 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 Bob Ritchie, applicant and Mr Michael Ritchie, applicant's agent, in support of the application, and Ms Avril Morgan and Mrs Sheena Lindsay, objectors to the application.

Thereafter, Councillor Findlater, seconded by Councillor Cassie **moved** that the application be refused for the following reasons:

- 1) The application is contrary to Policy R2: Housing and Employment Development Elsewhere in the Countryside, of the Aberdeenshire Local Development Plan 2017, in that this employment development proposal incorporating a biomass scheme is inappropriate to the countryside and no justification has been provided as to why the proposal cannot be located elsewhere. Furthermore, the scale of the proposal is inappropriate to the location and has not been justified by the business case provided.
- 2) The application is contrary to Policy C2: Renewable Energy, of the Aberdeenshire Local Development Plan 2017, in that the proposed biomass scheme is an industrial process suitable for business land, and it has not been adequately demonstrated that the location of the proposal is appropriate or necessary.

**As an amendment**, Councillor Mair, seconded by Councillor Cox **moved** that consideration of the application be deferred to enable further information to be obtained in relation to economic development and issues raised during the consultation process which had not been addressed.

Members of the Committee voted:

For the motion	6	Councillors Buchan, Cassie, Findlater, Kille, Roy and Topping
For the amendment	2	Councillors Cox and Mair

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

that the application be refused for the reasons stated above.