

ABERDEENSHIRE COUNCIL

BANFF AND BUCHAN AREA COMMITTEE COUNCIL CHAMBER, COUNTY HALL, LOW STREET, BANFF 16 APRIL 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 (for Items 1-7) and B A Topping (for Items 1-7 - by Skype)

Officers: Mrs A Keith, Interim Area Manager; Miss F M Stewart, Senior Solicitor; Mr J Martin, Senior Planner; Ms L Crossan, Planner; Mr M Hall, Strategy Manager; Mr L Watson, Principal Roads Engineer; Mrs C Webster, Regeneration and Town Centres Manager, Mr S Norman, Environment Planner; Mrs E Reid, Team Leader, Housing; Mr C Dalziel, Affordable Housing Officer, Mrs C Pert, 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.

Item 6C Councillor Reynolds **declared an interest** by virtue of the fact that he was a local resident and, as a member of the public, objected to the application and left the meeting and took no part in the item.

Item 8 Councillor Buchan **declared an interest** by virtue of the fact that he a member of the Fraserburgh Regeneration Development Partnership but having applied the objective test he concluded that the connection was so remote and insignificant that he would remain and participate.

Item 8 Councillor Cassie **declared an interest** by virtue of the fact that he is Chair of the M Macduff evelopment Partnership but having applied the objective test he concluded that the connection was so remote and insignificant that he would remain and participate.

Item 8 Councillor Cox **declared an interest** by virtue of the fact that he is a member of the Banff Development Partnership but having applied the objective test he concluded that the connection was so remote and insignificant that he would remain and participate. He also **declared an interest** by virtue of the fact that he was involved in the original processing strategy for the Seafood Centre of Excellence (P44 of the report) but, having applied the objective test, concluded that he had no interest to declare.

Item 8 Councillor Findlater **declared an interest** by virtue of the fact that he is a member of the Macduff Development Partnership but having applied the objective test he concluded that the connection was so remote and insignificant that he would remain and participate.

Item 8 Councillor Kille **declared an interest** by virtue of the fact that he is a member of the Fraserburgh Regeneration Development Partnership but having applied the objective test he concluded that the connection was so remote and insignificant that he would remain and participate.

Item 8 Councillor Mair **declared an interest** by virtue of the fact that she is a member of the Fraserburgh Regeneration Development Partnership but having applied the objective test he concluded that the connection was so remote and insignificant that he would remain and participate.

Item 8 Councillor Reynolds **declared an interest** by virtue of the fact that he is Chair of the Banff Development Partnership but having applied the objective test he concluded that the connection was so remote and insignificant that he would remain and participate.

Item 8 Councillor Topping **declared an interest** by virtue of the fact that he is a member of the Fraserburgh Regeneration Development Partnership but having applied the objective test he concluded that the connection 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 11, 12 and 13 of the business on the grounds that these items involved the likely disclosure of exempt information of the class described in Paragraphs 4, 8 and 9 of Part 1 of Schedule 7A of the Act.

3. MINUTE OF MEETING OF 12 MARCH 2019

The minute of meeting of 12 March 2019 had been circulated.

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

4. LIST OF OUTSTANDING BUSINESS AT 16 APRIL 2019

A list of outstanding business at 16 April 2019 had been circulated.

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

5. PLANNING APPLICATION FOR DECISION

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

A	Reference No APP/2018/1652	Full Planning Permission for Demolition of Outhouse and Alterations and Extension to Dwellinghouse at 3 Shore Street, Inverallochy
---	----------------------------	--

6. 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	Reference No APP/2019/0146 - Planning Permission in Principle for Erection of Dwellinghouse at Site at Findon Farm, Gardenstown, Banff
B	Reference No APP/2019	Reference No APP/2019/0046 - Full Planning Permission for Erection of Dwellinghouse at Site adjacent to Glenalva, Bogton, Forglen, Turriff
C	Reference No APP/2019	Reference No APP/2019/0118 - Full Planning Permission for Erection of 8 Metre Telecommunications Mast, Raised Concrete Platform and Handrail at Site Adjacent to Pennan Community Hall, Main Street, Pennan
D	Reference No APP/2019 WITHDRAWN	Reference No APP/2019/0164 - Full Planning Permission for Alterations to Shop Front (Retrospective) at Peartree Coffee House and Bistro, 61 High Street, Fraserburgh

7. FLOOD RISK AND COAST PROTECTION PROGRAMME OF MEASURES 2019/2020

A report dated 12 March 2019 from the Director of Infrastructure Services had been circulated to ask the Committee to consider and approve the programme of works for the Banff and Buchan Coast Protection Programme of Measures for 2019/2020.

The Committee **agreed**:

1. **to approve** the Flood Management and Coast Protection Programme of Measures for 2019/2020 as detailed in the report,
2. **to approve** the schemes on the Reserve List of Measures within the Banff and Buchan Area as detailed in the report,
3. that schemes can be brought forward from the Reserve list in the order of priority given in the event of slippage, provided that their inclusion does not result in the overall expenditure exceeding the allocated budget sum,
4. **to note** that approval for and Banff and Buchan Area based procurements over £50,000 will be sought within the Infrastructure Service 2019/2020 Procurement Plan, and

5. that a report be brought back to a future meeting of the Committee giving details of the erosion at Greenbanks, Banff, including measurements of the speed of the erosion and an indication of how much deterioration will have to take place before action is required.

8. DEVELOPING EXCELLENCE IN OUR NORTH COAST COMMUNITIES SIX MONTH REPORT

A report dated 03 April 2019 from the Director of Infrastructure Services had been circulated to update the Committee on the regeneration plans for Banff, Macduff and Fraserburgh.

The Committee:

1. **noted** the terms of the report,
2. **agreed** that further clarification and/or information be provided on the following items:
 - The report needs to have all boxes filled with information and, if none is available, this should be made clear with interim information
 - The report should have SMART planning with specific, measurable outcomes.
 - There should be more liaison with other Council services e.g. the Property should feed more into the document to support Economic Development.
 - There should be more information and marketing for Business Gateway courses
 - There should be greater focus on creating jobs and what can be done to further support and encourage new companies starting up
 - Kessock Industrial Estate - information on when the units will be developed as there is a need for these now – especially in relation to the offshore wind project
 - Macduff Industrial Estate - information on when the units will become available
 - More use of University students for research
 - Super Saturday attendance figures need to be re-examined
 - Information on the success of the Deveron Centre with measurement of outcomes
 - Information on the work that is being continued by other groups since the closure of the Here for You centre
 - Seafood Centre of Excellence – this should be removed if it does not relate to Fraserburgh
 - Part of Maconochie Road in Fraserburgh has been changed to “South Road” and this needs to be reflected in the report in future, and
3. **agreed** that officers continue to report on the regeneration plans every six months.

9. PORTSOY CONSERVATION AREA MANAGEMENT PLAN

A report dated 27 March 2019 from the Director of Infrastructure Services had been circulated to ask the Committee to approve the Management Plan for the Portsoy Conservation Area.

The Committee **agreed to approve:**

1. the Management Plan for the Portsoy Conservation Area, and
2. the introduction of Article 4 Directions to control additional classes of development.

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 financial management of the ACT2 Fund.

The Committee **agreed:**

1. that the maximum threshold of the ward be increased from £500 to £1,000 and that the minimum threshold be decreased from £100 to £25,
2. that the split of ward balances between Capital and Revenue remain as detailed in the report,
3. that a report be presented to allow the Committee to review the thresholds and Capital and Revenue splits following the next review of ACT2 by the ACT2 Committee, and
4. that an informal session be arranged to allow further, more detailed discussion to take place, with appropriate finance officers, to provide the Committee with further information before the next review takes place. This information should include details of how to market the fund better and utilise it more effectively.

11. PROPOSED REDEVELOPMENT OF FORMER ANDERSON HOUSE 44-46 ARDANES BRAE, BANFF

A report from the Director of Infrastructure Services had been circulated to ask the Committee to approve the proposed redevelopment of the above property.

The Committee **agreed:**

1. **to approve** the proposed redevelopment of the former Anderson House to provide 3 units for social rent through Aberdeenshire Council's new build affordable housing programme,
2. **to approve** the Supplementary Housing Service Work Plan as detailed in the report,
3. **to approve** the Business Case for the redevelopment of the former Anderson House, and
4. to instruct the issue and receipt of tender documents through Public Contracts Scotland.

12. BUSINESS CASE FOR MACONOCHIE ROAD CYCLE PATH ITT PROJECT PROCUREMENT APPROVAL

A report dated 29 March 2019 from the Director of Infrastructure Services had been circulated to ask the Committee to approve the Procurement Business case for the above project.

The Committee **agreed:**

1. **to approve** the Procurement Business Case for Maconochie Road Cycle Path ITT Project as detailed in the report, and

2. **to note** that the award of contract is delegated to the Head of Transportation.

**13. REGENERATION PROJECT, THE FAITHLIE CENTRE, 1-3 SALTOUN SQUARE,
FRASERBURGH**

A report dated 04 April 2019 from the Director of Infrastructure Services had been circulated to provide the Committee with an update on the progress made in relation to the above project.

The Committee **noted** the progress made in relation to the completion of The Faithlie Centre project.

Councillor Presiding over meeting

Print Name

Signature

Date

APPENDIX A

PLANNING APPLICATION FOR DECISION

5A REFERENCE NO APP/2018/1652

**FULL PLANNING PERMISSION FOR DEMOLITION OF OUTHOUSE AND ALTERATIONS
AND EXTENSION TO DWELLINGHOUSE AT 3 SHORE STREET, INVERALLOCHY**

Applicant: Mr & Mrs Andrew Masson
Agent: Buchan Design Ltd

With reference to Branch 5D of the Minute of Meeting of 12 March 2019, a report dated 26 February 2019 from the Director of Infrastructure Services had been circulated seeking determination of the above planning application by the Area Committee.

Councillor Buchan, seconded by Councillor Mair **moved** that the application be delegated to the Head of Planning and Building Standards to approve on appropriate conditions, ensuring that

materials, appropriate for the conservation area, are used.

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

- 1) The proposal is contrary with Policy HE 2: Protecting Historic and Cultural Areas, and P1: Layout Siting and Design, of the Aberdeenshire Local Development Plan 2017, in that the alterations and extension do not respect the individual characteristics in terms of design and scale for which the Conservation Area was originally designated.

Members of the Committee voted:

For the motion	7	Councillors Buchan, Cassie, Cox, Findlater, Kille, Mair and Reynolds
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, ensuring that materials, appropriate for the conservation area, are used.

The reason for approval of the application was that the application concurs with Policy HE2 because it will fit in well with the design of the adjacent properties and will improve the appearance of the building, especially by the removal of an unsightly corrugated iron roof.

6A REFERENCE NO APP/2019/0146

PLANNING PERMISSION IN PRINCIPLE FOR ERECTION OF DWELLINGHOUSE AT SITE AT FINDON FARM, GARDENSTOWN, BANFF

Applicant: Mr D MacDougall
Agent: Mr Michael Ritchie

A report dated 29 March 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 D MacDougall, applicant, and Mr M Ritchie, applicant's agent, in support of the application.

Thereafter the Committee **agreed** to delegate the application to the Head of Planning and Building Standards to approve on appropriate conditions.

The Committee's reasons for departure from the valid Local Development Plan were that the application was in accordance with Policy R1; there was sufficient justification for the coastal location and the social and economic benefits outweighed any potential adverse environmental impact on the surrounding area.

Councillor Topping **entered his dissent** in terms of Standing Order 5.2.6.

6B REFERENCE NO APP/2019/0046

FULL PLANNING PERMISSION FOR ERECTION OF DWELLINGHOUSE AT SITE ADJACENT TO GLENALVA, BOGTON, FORGLEN, TURRIFF

Applicant: Mr Barry Clear
Agent: James G Ironside Limited

A report dated 29 March 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 conclusion of developer obligations, to approve the application on the following conditions:

1. No development in connection with the permission hereby granted shall commence and the access hereby approved shall not be brought into use unless visibility of 90 metres in both directions along the channel line of the public road has been provided from a point 2.4 metres measured at right angles from the existing edge of the carriageway surface along the centre line of the approved new driveway in accordance with the Council's Standards for Road Construction Consent and Adoption. The visibility splays shall be physically formed on the ground and any existing fences, walls, hedges or other means of enclosure or obstructions within the splays shall be removed and relocated outwith the splays in accordance with the approved plans. Once formed, the visibility splays shall be permanently retained thereafter and no visual obstruction of any kind shall be permitted within the visibility splays so formed.

Reason: To enable drivers of vehicles using the access to have a clear view of other road users and pedestrians in the interests of road safety.

2. The dwellinghouse hereby approved shall not 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.

3. The vehicular access, driveway, lay-by and parking area 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 first five metres of the driveway measured from the back of the carriageway shall be fully paved and shall have a maximum gradient not exceeding 1:20. The driveway 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, the access, driveway, lay-by and parking area shall thereafter be permanently retained as such.

Reason: To ensure the timely completion of the access, driveway and 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, all in the interests of road safety.

4. The proposed development shall be connected to the public water supply as indicated in the submitted application and shall not be connected to a private water supply without the separate express grant of planning permission by the Planning Authority.

Reason: To ensure the long term sustainability of the development and the safety and welfare of the occupants and visitors to the site.

5. The dwellinghouse hereby approved shall not be occupied until the refuse bin uplift store area has been provided and surfaced in accordance with the details shown on the approved plan. Once provided, the refuse bin uplift store area shall thereafter be permanently retained as such.

Reason: To ensure the provision of an appropriate means of servicing in the interests of road safety.

6. The dwellinghouse hereby approved shall not be occupied unless the proposed foul and surface water drainage systems have been provided in accordance with the approved plans and the Percolation Test (JGI Architectural and Building Consultant, 17th January 2019). The foul and surface water drainage systems 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.

The Committee's reasons for departure from the valid Local Development Plan were that the proposed development is considered as an acceptable departure to Policy R2: Housing and Employment Development Elsewhere in the Countryside, due to the capacity of the settlement for organic growth being understood to be 3. Although this would result in the increase in house numbers to slightly exceed 20%, due to the site history for the settlement, it is considered acceptable in this instance.

6C REFERENCE NO APP/2019/0118

FULL PLANNING PERMISSION FOR ERECTION OF 8 METRE TELECOMMUNICATIONS MAST, RAISED CONCRETE PLATFORM AND HANDRAIL AT SITE ADJACENT TO PENNAN COMMUNITY HALL, MAN STREET, PENNAN

Applicant: WHP Telecoms Ltd

A report dated 29 March 2019 from the Director of Infrastructure Services had been circulated seeking determination of the above application by the Area Committee.

The Committee was of the opinion that it did not have sufficient information to determine this application and **agreed:**

1. **to defer** consideration of the application to enable the applicant to provide further information including:
 - whether the application site is within the conservation area,
 - the potential effect on amenity, even if the mast is outwith the conservation area,
 - whether the mast has to be in that particular location,
 - whether other potential sites were considered,
 - health and safety issues,
 - the potential impeding of exit from hall in event of emergency,
 - information on technical issues such as wattage,

- what the implications would be if the application were to be refused, and
2. that, once the above information became available, and the application was brought back to Committee for decision, a site visit be arranged to enable members of the Committee to better appreciate the potential impact of the proposed mast on the conservation area.

5D REFERENCE NO APP/2019/0164

**FULL PLANNING PERMISSION FOR ALTERATIONS TO SHOP FRONT
(RETROSPECTIVE) AT PEARTREE COFFEE HOUSE AND BISTRO, 61 HIGH STREET,
FRASERBURGH**

Applicant: Mr Hamish Partridge
Agent: Ecotech Architecture

A report dated 29 March 2019 from the Director of Infrastructure Services had been circulated seeking determination of the above application by the Area Committee.

The Committee **noted** that this application had been **withdrawn** from the agenda.

DRAFT