

ABERDEENSHIRE COUNCIL

BANFF AND BUCHAN AREA COMMITTEE

FRASERBURGH COMMUNITY AND SPORTS CENTRE, FRASERBURGH

7 MAY, 2019

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

Apologies: Councillor R A Cassie.

Officers: Mrs A Keith, Interim Area Manager; Mr J Martin, Senior Planner; Miss F M Stewart, Senior Solicitor; Ms J Weir, Senior Planner; Ms S Cochrane, Project Manager (Property and Facilities); Mr R McCleary, Project Coordinator, Planning & Building Standards; and Ms J McRobbie (Committee Officer).

Prior to the commencement of business, the Chair, on behalf of the Committee, welcomed Councillor Topping to his first meeting after surgery and expressed good wishes to Councillor Cassie for his on-going recuperation.

Mr Martin introduced Ms Jane Weir, Senior Planner, Banff & Buchan and Garioch, to the Committee, indicating that she would attend to support planning applications on occasions. The Chair, on behalf of the Committee, welcomed Ms Weir to the meeting.

1. DECLARATION OF MEMBERS' INTERESTS

The Chair asked Members if they had any interests to declare in terms of the Councillor's Code of Conduct.

Item 5A Councillor Partridge **declared an interest** by virtue of the fact that he was the applicant and indicated that he would leave the meeting during consideration of the item.

Councillor Cox **declared an interest** in the matter by virtue of knowing the applicant and having dined in the premises to which the planning application related; having applied the objective test, he indicated that he would leave the meeting and take no part in the consideration of the item.

Councillor Topping **declared an interest** in the matter as he knew the applicant, and, as Chair of the North Aberdeenshire Licensing Board, had inspected the premises, and having applied the objective test, he indicated that he would leave the meeting and take no part in the consideration of the item.

Councillor Reynolds **declared an interest** in the matter as he knew the applicant and had received an email from the applicant on the application, was also a member of the Licensing Board, and having applied the objective test, indicated that he would leave the meeting and take no part in the consideration of the item.

Councillor Buchan **declared an interest** in the matter as he knew the applicant as a colleague, however, having applied the objective test, had determined that

the interest was remote and insignificant, allowing him to remain and participate in the discussion of the item.

Councillor Findlater **declared an interest** in the matter as he knew the applicant as a colleague, however, having applied the objective test, had determined that the interest was remote and insignificant, allowing him to remain and participate in the discussion of the item.

Councillor Kille **declared an interest** in the matter as a colleague of the applicant however, having applied the objective test, had determined that the interest was remote and insignificant, allowing him to remain and participate in the discussion of the item.

Councillor Mair **declared an interest** in the matter as a colleague of the applicant however, having applied the objective test, had determined that the interest was remote and insignificant allowing her to remain and participate in the discussion of the item.

Councillor Roy **declared an interest** in the matter as a colleague of the applicant however, having applied the objective test, had determined that the interest was remote and insignificant, allowing him to remain and participate in the discussion of the item.

2. RESOLUTIONS

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, 2019:-

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; and
2. where an Equality Impact Assessment was provided, to consider its contents and take those into account when reaching their decision.

B. EXEMPT INFORMATION

Having been advised that Item 9 had been withdrawn, the Committee **agreed**, under Sections 50A(4) and (5) of the Local Government (Scotland) Act 1973, as amended, that the public and media representatives be excluded from the meeting during consideration of items 6, 7, and 8, of the business on the grounds that these items involved the likely disclosure of exempt information of the classes described in Paragraph 10 of Part 1 of Schedule 7A of the Act.

3. MINUTE OF MEETING OF 16 APRIL, 2019

The Minute of Meeting of 16 April, 2019, had been circulated.

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

4. LIST OF OUTSTANDING BUSINESS AS AT 7 MAY, 2019

A list of outstanding business as at 7 May, 2019, had been circulated.

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

5. PLANNING APPLICATION FOR DECISION

With reference to the Minute of Meeting of 16 April, 2019, Item 6(D), the following planning application was considered and dealt with as recorded in Appendix A to this Minute.

A	Reference No APP/2019/0164	Full Planning Permission for Alterations to Shop Front (Retrospective) at Peartree Coffee House and Bistro, 61 High Street, Fraserburgh.
---	----------------------------	--

6. MACDUFF: REINSTATEMENT OF FIRE DAMAGED BUSINESS UNIT (HARLEYS CONTRACT NUMBER 18179)

With reference to the Minute of Meeting of the Policy & Resources Committee of 5 March, 2015, (Item 25), and the Banff & Buchan Area Committee of 12 March, 2019, (Item 15), there had been circulated a report dated 17 April, 2019 by the Director of Business Services, declining the delegation to him in terms of Part 2B (Officer Powers) in the Scheme of Governance and requesting Members' consideration of the addition of a contract, for the reinstatement of a fire damaged business unit at Macduff, to the Area approved work plan.

There was discussion of the wider economic context of the proposal, in terms of whether local need had been identified, and whether it would be prudent to include any potential end user in consideration of the specific re-fit proposals, and the Committee heard further from officers of the background to the proposal.

The Committee **agreed:-**

- (1) to approve the addition to the Supplementary Work Plan to the Business Services Directorate's Annual Work Plan 2019/20, of the reinstatement of fire-damaged repairs and associated upgrade works at the former Harleys Unit in Macduff Industrial Estate, , (Contract 18179);
- (2) to approve the Strategic Business Case as detailed in Appendix B to the report; and
- (3) to authorise acceptance of the tender submitted by Morrison Construction to carry out the works.
- (4) that Officers (cross service,) report back to next meeting on current status of demand for business units/ local estate issues.

7. FRASERBURGH 2021 KIRK BRAE PUBLIC REALM IMPROVEMENT SCHEME – DESIGN WORKS

With reference to the Minute of Meeting of 12 March, 2019 (Item 14), there had been circulated a report dated 17 April, 2019 by the Director of Infrastructure Services requesting Members' consideration of the award of a contract for design work associated with the Kirk Brae Public Realm Improvement Scheme, aiming to (a) improve the urban environment of central

Fraserburgh, and the quality of life and location for local people and businesses; and to enhance the town's potential to attract new investment; and (b) set a benchmark of specified materials for any future town centre public realm improvement works.

Having heard further from officers that the specific designs for street furniture would be shared with Local Members in due course, the Committee **agreed:-**

- (1) to approve the appointment of TGP Landscape Architects as designers for the Kirk Brae Public Realm Improvement Scheme; and
- (2) as required by the governance scheme for the Fraserburgh 2021, to approve funding for the appointment as detailed in the tender.

8. SUPPLEMENTARY INFRASTRUCTURE SERVICES DIRECTORATE WORK PLAN – PROCUREMENT APPROVAL: RESTORATION OF THE SALTOUN MAUSOLEUM AND TEMPERANCE FOUNTAIN

With reference to the Minute of Meeting of 28 March, 2018, (Item 22), there had been circulated a report dated 24 April, 2019 by the Director of Infrastructure Services requesting Members' consideration of the proposed addition of works on the restoration of the Saltoun Mausoleum and Temperance Fountain in Fraserburgh to the Infrastructure Services Work Plan 2019/2020.

Having heard further from officers that it was proposed that the Council undertake the remedial work on the Mausoleum, as the title deeds were such that conservation conditions could not be applied, and would thereafter be liable for repairs and maintenance for a 15-year period. Discussions are continuing with the owners about a potential financial contribution towards the works, and on why public access could not be achieved.

The Committee **agreed**, having considered the proposed supplementary Work Plan as detailed in Appendix 1 to the report, to **approve** the inclusion of the item on the Infrastructure Services Work Plan for 2019/20.

9. ACT2 (ABERDEENSHIRE CHARITIES TRUST) APPLICATION

The Committee **noted** that this item had been withdrawn on the applicant's request.

Councillor Presiding Over Meeting

Print Name

Signature

Date

**PLANNING APPLICATION FOR DECISION
5A 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

With reference to the Minute of Meeting of 16 April, 2019, (Item 6D), there had been circulated a report dated 29 March, 2019 by the Director of Infrastructure Services, requesting Members consideration of a retrospective application for Full Planning Permission for Alterations to Shop Front at Peartree Coffee House and Bistro, 61 High Street, Fraserburgh.

Councillor Partridge (applicant); and Councillors Cox, Topping, and Reynolds, having declared an interest in the application, withdrew and took no part in the discussion of this item.

Having heard from officers that the sole reason for referral for Committee consideration was that the applicant was an Area Councillor, and that otherwise the application could have been determined under delegated powers, there was discussion of the need for absolute transparency in determining the application.

The Committee **agreed** to refer the matter simpliciter to the Infrastructure Services Committee for determination. The Committee wished the application to be considered by a Committee that would consider the application completely impartially rather than by the Banff and Buchan Area Committee which had a closer working relationship with the applicant.