

ABERDEENSHIRE COUNCIL

BANFF AND BUCHAN AREA COMMITTEE COUNCIL CHAMBER, COUNTY HALL, LOW STREET, BANFF 05 NOVEMBER 2019

Present: Councillors A Kille (Chair), C C Buchan, R A Cassie, J B Cox, M A Findlater (to Item 7), G Reynolds, D Mair and B A Topping

Apologies: Councillor M J Roy

Officers: Mrs A Keith, Interim Area Manager; Mrs L Cowie, Principal Solicitor; Mr J Martin, Senior Planner; Mrs C Webster, Regeneration and Town Centres Manager; Mr A Rhind, Strategic Regeneration Executive; Ms J Cranna, Team Leader (Finance); Mr T Buchan, Facilities Manager; Mr M MacAulay, Team Manager (Stock Improvement and Maintenance, Housing) and Mrs E M Farquhar, 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 5A Councillor Reynolds declared an interest in this item as he knows the applicant but, having applied the objective test and concluded that the interest was not clear and substantial, he would remain and participate in the item.

Item 7 All eight members present are members of one of the Regeneration Development Partnerships, but **each** agreed that, having applied the objective test, they had no interest to declare.

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, 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 and 12 of the business on the grounds that these items 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 01 OCTOBER 2019

The minute of meeting of 01 October 2019 had been circulated.

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

4. LIST OF OUTSTANDING BUSINESS AT 05 NOVEMBER 2019

A list of outstanding business at 05 November 2019 had been circulated.

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

5. PLANNING APPLICATIONS FOR CONSIDERATION

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

Reference No APP/2019/1517	Full Planning Permission for Formation of Vehicular access at 59 Boyndie Street, West, Banff
Reference No APP/2019/1261	Full Planning for Alterations and Extension to Garage and Erection of Gate (Retrospective) , 2 Rowan Place, Fraserburgh
Reference No APP/2019/1344	Full Planning Permission for Alterations to Driveway and Erection of Wall at 3A Mid Street, Cairnbulg
Reference No APP/2019/1997	Planning Permission in Principle for Erection of Dwellinghouse and Formation of Vehicular Access at Site at Longlands Croft, Gamrie, Banff

6. PLANNING APPEALS

A) LOCAL REVIEW BODY DECISION - LRB450 - APP/2018/2071 - ERECTION OF DWELLINGHOUSE AT LAND AT MAINS OF PITTENDRUM ST MAGNUS ROAD, SANDHAVEN, FRASERBURGH

A report from the Director of Infrastructure 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 refuse planning permission in principle, in variance with the Appointed Officer's decision, and for the following reasons:

1. There has been a material change in policy relating to housing in this area since the grant of Planning Permission in Principle APP/2014/2988 which this application seeks to renew. The proposal must be considered against the policies of the Aberdeenshire Local Development Plan 2017. The proposed development does not require a coastal location or meet the other policy criteria which allow for development within the Coastal Zone and therefore fails to comply with Policy R1: Special rural areas of the Aberdeenshire Local Development Plan 2017.
2. The proposed development, by virtue of its siting, would likely have a detrimental impact on the setting of the A listed Mains of Pittendrum House contrary to Policy HE1: Protecting

Historic Buildings, Sites and Monuments of the Aberdeenshire Local Development Plan 2017.

B) PLANNING APPEAL BY REPORTER APPOINTED BY THE SCOTTISH MINISTERS - 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

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

The Committee **noted** the decision of the Reporter to dismiss the appeal and to refuse planning permission because the proposed development did not accord overall with the relevant provisions of the development plan and there were no material considerations which would justify granting planning permission.

7. FRASERBURGH ENTERPRISE HUB - PROJECT EXTENSION

A report dated 27 September 2019 from the Director of Infrastructure Services had been circulated to ask the Committee to agree additional funding from the Regeneration Reserve for an extension to the Fraserburgh Enterprise Hub project to enable the project to relocate to The Faithlie Centre.

The Committee **agreed** to approve a grant of up to £159,778 from the Regeneration Reserve budget for Fraserburgh to extend the Fraserburgh Enterprise Hub project from July 2020 to September 2021.

8. DEVELOPING EXCELLENCE IN OUR NORTH COAST COMMUNITIES SIX-MONTHLY REPORT

A report dated 16 October 2019 from the Director of Infrastructure Services had been circulated to provide the Committee with a six-monthly progress report on the regeneration strategy: Developing Excellence in our North Coast Communities.

The Committee:

1. **noted** the terms of the report for Banff, Macduff and Fraserburgh,
2. **agreed** that an informal session be arranged for each Ward, with appropriate officers in attendance to allow further, in-depth discussion and updates on projects, and
3. **agreed** that officers continue to report on the regeneration plans every six months.

9. BANFF AND BUCHAN AREA COMMITTEE BUDGET - REALLOCATION OF AWARD FROM THE AREA INITIATIVES FUND

A report dated 21 October 2019 from the Director of Education and Children's Services had been circulated to advise the Committee of a change in circumstances for one group which received an award from the Area Initiatives fund and to ask the Committee to consider the reallocation of the money originally awarded to this group.

The Committee:

1. **noted** the changes in circumstances for Home-Start North East Aberdeenshire and agreed to withdraw the original award from that group,

2. **noted** the additional award of £525 to Aberchirder and District Community Association,
3. **noted** the additional award of £3,140 to Banff and Macduff District Men's Shed,
4. **agreed** to delegate the award of the remaining £275 (and a further £32.40 which had been returned to the fund) to the Area Manager, following consultation with the Chair, Vice Chair, and Opposition Spokesperson, and
5. **agreed** that, in the event of further money which was unable to be spent for whatever reason, being returned to the Area Initiatives Fund, the decision on how that money should be re-allocated be delegated to the Area Manager, following consultation with the Chair, Vice Chair and Opposition Spokesperson.

Councillor Buchan **entered his dissent** in terms of Standing Order 5.2.6

10. CONSULTATION ON DRAFT COUNTER FRAUD STRATEGY

A report dated 24 September 2019 from the Director of Business Services been circulated to consult the Committee on the draft Counter Fraud Strategy aimed at preventing and mitigating the risk of fraud.

The Committee **noted** the terms of the report and **agreed** to make the following comments on the draft Counter Fraud Strategy to the Audit, and Business Services Committees-:

1. Considering the significant changes in the 21 years since the strategy was last updated, it will be important to future-proof the strategy and ensure that it is kept up to date.
2. Care should be taken to ensure that the Council is not duplicating any work undertaken by the Police, Trading Standards, etc.

11. DURNHYTHE CARE HOME - REWIRING

A report dated 09 October 2019 from the Director of Infrastructure Services had been circulated to ask the Committee to note the tender amount and approve the award of contract to the contractor named in the report in respect of the rewiring of Durnhythe Care Home.

The Committee **agreed**:

1. to defer decision on the electrical wiring until the next meeting of the Committee when it will consider an update paper from the Health and Social Care Partnership giving details of the expected future plans for care in Portsoy,
2. that a Committee Review Process be initiated and that a Stage 1 report be submitted to Committee as per the Scrutiny at Aberdeenshire Guidance in the Scheme of Governance in terms of its scrutiny powers to cover all issues raised by Members at Committee.

12. SUPPLEMENTARY HOUSING WORKPLAN AND BUSINESS CASE - PROCUREMENT APPROVAL FOR STRUCTURAL REPAIR AND UPGRADE OF COUNCIL HOUSE

A report dated 24 October 2019 from the Director of Infrastructure Services had been circulated to advise the Committee of extensive and specialist structural repair works that were required at a Council house.

The Committee **agreed**:

1. to approve the item on the Supplementary Workplan as falling within the remit of the Committee and noted that it would be added to the Annual Housing Workplan approved by the Communities Committee on 21 February 2019,
2. to approve the Procurement Business Case for the procurement of structural repair and upgrade works of the Council house as detailed in the report, and
3. to acknowledge that the Head of Housing has the delegated power to award the final contract.

Councillor Presiding over meeting

Print Name

Signature

Date

DRAFT

APPENDIX A

PLANNING APPLICATIONS FOR CONSIDERATION

5A REFERENCE NO APP/2019/1517

FULL PLANNING PERMISSION FOR FORMATION OF VEHICULAR ACCESS AT 59 BOYNDIE STREET WEST, BANFF

Applicant: Mrs Wioletta Tamkun

A report dated 15 October 2019 from the Director of Infrastructure Services had been circulated seeking determination of the above planning application by the Area Committee.

Councillor Cox, seconded by Councillor Reynolds, **moved** that consideration of 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 allow them to assess the potential road safety issues.

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

- 01 That by reason of its proximity to the junction of Moray View with the A98 and the lack of turning space within the site, the proposed vehicular access would result in hazardous vehicle manoeuvres to the detriment of the safety of pedestrians and other road users. Vehicles would not be able to enter and leave the site in a forward gear and would have limited visibility of pedestrians and other road users. The proposed access would not be safe, and the development would therefore not comply with Policy RD1 of the Aberdeenshire Local Development Plan 2017.

Members of the Committee voted:

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

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

that consideration of 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 allow them to assess the potential road safety issues.

5B REFERENCE NO APP/2019/1261

FULL PLANNING PERMISSION FOR ALTERATIONS AND EXTENSION TO GARAGE AND

ERECTION OF GATE (RETROSPECTIVE) AT 2 ROWAN PLACE, FRASERBURGH

Applicant: Mr Michael Watt
Agent: Buchan Design Ltd

A report dated 18 October 2019 from the Director of Infrastructure had been circulated seeking determination of the above planning application by the Area Committee.

The Committee heard Mr Jim Buchan, applicant's agent, in support of the application and Mr Robert Stephen, objector to the application.

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

The development fails to comply with Policy P1 Layout, siting and design of the Aberdeenshire Local Development Plan 2017, in that the external finishes of the development are undesirable and would have an adverse impact on the appearance and character of the existing property and the surrounding residential area.

5C REFERENCE NO APP/2019/1344

FULL PLANNING PERMISSION FOR ALTERATIONS TO DRIVEWAY AND ERECTION OF WALL AT 3A MID STREET, CAIRNBULG

Applicant: Mr James Sutherland
Agent: William McBey

A report dated 15 October 2019 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 on the following conditions:

01. Notwithstanding the details shown on the approved plans, the two new granite pillars within the driveway are not approved.

Reason: In the interests of preserving or enhancing the character or appearance of the conservation area.

02. The height of the proposed west boundary wall must not exceed 0.9m.

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

The Committee's reason for approval was that the proposal is fully in accordance with the policies of the Aberdeenshire Local Development Plan 2017 and (subject to conditions) there are no material considerations which would warrant a recommendation other than approval.

5D REFERENCE NO APP/2019/1997

PLANNING PERMISSION IN PRINCIPLE FOR ERECTION OF DWELLINGHOUSE AND FORMATION OF VEHICULAR ACCESS AT SITE AT LONGLANDS CROFT, GAMRIE

Applicant: Mr Robert Duncan
Agent: Michael Ritchie

A report dated 21 October 2019 from the Director of Infrastructure Services had been circulated seeking determination of the above application by the Area Committee.

The Committee heard Mr Michael Ritchie, applicant's agent, in support of the application.

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 Aberdeenshire Local Development Plan were that the proposed house does comply with Policies R2 and P1 as it:

1. would form an appropriate addition to a cohesive group, and
2. would not constitute ribbon development as there were houses positioned on both sides of the road.

DRAFT