

## ABERDEENSHIRE COUNCIL

### BANFF AND BUCHAN AREA COMMITTEE LEARNING ROOMS 1 AND 2, FRASERBURGH COMMUNITY AND SPORTS CENTRE, MACONOCHIE PLACE, FRASERBURGH 26 NOVEMBER 2019

**Present:** Councillors A Kille (Chair), C C Buchan, R A Cassie, J B Cox (left after Item 7B), M A Findlater (left after Item 7C), D Mair, H Partridge (left after Item 7C), G Reynolds, M J Roy (left during Item 14) and B A Topping

**Officers:** Mrs A Keith, Interim Area Manager; Mrs A Overton, Senior Solicitor; Mr J Martin, Senior Planner; Mr C Menzies, Strategy Team Leader; Ms C Roff, Waste Support Leader, Ms S Mellin, Head Teacher; Mrs R Goldring, Learning Estates Team Leader; (by skype) Mr M Simpson, Aberdeenshire Housing and Social Care Partnership Manager; Mr T Buchan, Facilities Manager; Ms K Black, Project Coordinator; Planning and Environment, Mr C Dalziel, Affordable Housing Officer and Mrs E M Farquhar, Committee Officer

### ANNOUNCEMENT

A short presentation had been arranged to recognise and celebrate people who, in two different episodes over the summer months, had shown real bravery in their part in rescuing several people who had got into difficulty at Fraserburgh beaches. The Chairman presented certificates to George Bruce, Chay Clark, Kevin Clark, Rebekah Clark, Sarah Geddes, Nadia Gresham, Eilidh Noble and Isla Noble stating that they really were "The Pride of Banff and Buchan" and congratulating them on their "brave and selfless acts".

### 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 knew 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 11 Councillor D Mair **declared an interest** in this item as she was the subject of the report and, having applied the objective test, concluded that she would leave the room and not participate in 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, 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 15, 16 and 17 of the business on the grounds that these items involved the likely disclosure of exempt information of the class described in Paragraphs 8 and 10 of Part 1 of Schedule 7A of the Act.

### **3. MINUTE OF MEETING OF 05 NOVEMBER 2019**

The minute of meeting of 05 November 2019 had been circulated.

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

#### **3A URGENT NOTICE OF MOTION**

Councillor Cassie asked the Chair to accept an urgent Notice of Motion in terms of Paragraph 4.2.1(c) of Part 1 of the Scheme of Governance. He said that, in light of the decision to close the night service at Banff Minor Injuries Unit on 2<sup>nd</sup> December 2019 and the lack of will on the part of Aberdeenshire Health and Social Care Partnership to enter into meaningful dialogue, he wished to raise an urgent notice of motion.

The Chair was satisfied that the notice of motion was competent and the reason for urgency was that the decision to close the night service was imminent.

Councillor Cassie raised the following Notice of Motion:

*“That the Banff & Buchan Area Committee acknowledge the concern within our communities regarding the decision taken on 28 August 2019 by Aberdeenshire Integration Joint Board to stop the provision of a night service at Chalmers Hospital, Banff, Minor Injuries Unit with effect from 2<sup>nd</sup> December 2019.*

*Banff & Buchan Area Committee in light of the proposed implementation date request that a report be brought back to the next area committee surrounding the points raised in the document submitted to the Chair and Vice Chair of the Integration Joint Board on 6th November 2019 that have not been responded to, as yet, as well as the management of staffing issues and the impact upon patient and staff safety in the absence of an up to date risk assessment.”*

The Committee **agreed** the Notice of Motion.

### **4. LIST OF OUTSTANDING BUSINESS AT 26 NOVEMBER 2019**

A list of outstanding business at 26 November 2019 had been circulated.

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

**5. CIVIC GOVERNMENT (SCOTLAND) ACT 1982  
APPLICATION FOR RENEWAL OF LATE HOURS CATERING LICENCE**

A report dated 04 November 2019 from the Director of Business Services had been circulated to ask the Committee to consider an application for the renewal of a Late Hours Catering Licence which had attracted an objection, and which required to be determined by the Area Committee.

Neither the applicant, nor the objector, were present or represented at the meeting. The Committee **agreed** to hear the application in their absence.

The Committee, having considered the application and the objector's comments **agreed**:

1. to grant the application for the following hours of operation:

24<sup>th</sup> December 2019 - 11.00 pm - 2.00 am  
31<sup>st</sup> December 2019 - 11.00 pm - 2.00 am, and

2. to refuse the application for the extended hours (Monday - Sunday from 11.00 pm - 4.00 am) throughout the week and that the existing late hours catering licence continue for the premises for the following trading hours:

Sunday - Thursday 11.00pm - 12.00 midnight, and  
Friday - Saturday 11.00pm - 2.00 am

**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/2019/1517	Full Planning Permission for Formation of Vehicular access at 59 Boyndie Street West, Banff
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**7. 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/2019/1837	Full Planning Permission for Replacement of 7 Windows and 2 Doors at 12 Braeheads, Whitehills
B	Reference No APP/2019/2135	Full Planning Permission for Erection of Dwellinghouse at Land at Burnthill, Fraserburgh
C	Reference No APP/2019/2120	Planning Permission in Principle for Erection of Dwellinghouse at Site at Burnside of Craigellie, Lonmay, Fraserburgh

## 8. PLANNING APPEALS

### A) LOCAL REVIEW BODY DECISION - LRB464 - APP/2019/0840 - PLANNING PERMISSION IN PRINCIPLE FOR ERECTION OF DWELLINGHOUSE AT SITE ADJACENT TO BLACKPOTS COTTAGE, WHITEHILLS

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 accordance with the Appointed Officer's decision, and for the following reasons:

1. The application does not comply with Policy R1: Special Rural Areas of the Aberdeenshire Local Development Plan 2017 as it has not been demonstrated how the social or economic benefits of the development would outweigh any environmental impacts.
2. The application does not comply with Policy P1: Layout, Siting and Design or Policy E2: Landscape of the Aberdeenshire Local Development Plan 2017 as approval would result in the loss of existing open space with a clear coastal nature in place of a potentially modern and expansive dwelling house would drastically change the character of the area in an unacceptable manner.

### B) LOCAL REVIEW BODY DECISION - LRB 465 - APP/2019/0482 - FULL PLANNING PERMISSION FOR FORMATION OF DORMER EXTENSION AT 16 HIGH SHORE, MACDUFF

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 agree with the determination reviewed by it and to refuse Full Planning Permission in accordance with the Appointed Officer's decision for the following reason:

1. The proposed dormer extension does not comply with Policy P3: Infill and householder development within settlements due to its overall scale, non-traditional appearance, unbalanced windows and prominence in the streetscape which does not respect the character of the surrounding area.

## 9. ELECTRIC VEHICLE CHARGE POINTS IN ABERDEENSHIRE

A report dated 01 November 2019 from the Director of Infrastructure Services had been circulated to inform members of the Transport Scotland funded Electric Vehicle charge point installation programme for Aberdeenshire.

Councillor Roy assumed the Chair for this item only.

The Committee:

1. **noted** the information provided relating to the installation programme for EV charge points, and
2. **agreed** to make the following comments for consideration by the Service and asked that a briefing note be issued to Councillors with information on the issues raised.

- Consider, with the Planning Service, the possibility of having charging points installed into driveways in new housing schemes.
- Ensure that there are enough car parking spaces for the charging points provided as some car parks have more charging points than parking spaces, e.g. Greenbanks in Banff and Woodhill House.
- Time to stop subsidising and start charging for the use of charging points.
- Saltoun Square and Castle Street suggested as appropriate places for charging points in Fraserburgh
- Consider the possibility one charging point servicing several car parking spaces.
- Investigate ways to ensure that cars do not park indefinitely in charging point spaces
- Charging points should be supplied before the demand to encourage and enable people to buy electric cars.
- There is no provision of charging points between Ellon and Fraserburgh.
- Consideration should be given to allowing the public to use charging points at depots.
- Investigate ways to enable people who have to park in the street to be able to charge their cars.
- Consider extra charging points in light of the public realm development in Banff.
- Consider whether the charge can be reduced to encourage usage or if this is a Scottish Government requirement.

## **10. REPORT ON HEALTH AND SAFETY ARRANGEMENTS AT MACDUFF WASTE TRANSFER STATION**

With reference to Branch 6 of the Minute of Meeting of 18 June 2019, a report dated 12 November 2019 from the Director of Business Services had been circulated to provide additional information requested on the health and safety of Macduff transfer station in relation to the relocation of trade waste from the household recycling centres to the transfer station.

The Committee:

1. **noted** the terms of the report, and
2. **agreed** that a visit to the site be arranged to allow Members of the Committee to see the whole site in operation.

## **11. USE OF DELEGATED POWERS BY CHIEF OFFICER BY REASON OF SPECIAL URGENCY**

A report dated 11 November 2019 from the Director of Infrastructure Services had been circulated to advise the Committee of travel arrangements which had been made at short notice to enable Cllr Mair to join a small delegation undertaking a learning journey to seafood training establishment in Humberside on 13 August 2019 and Billingsgate on 14 August 2019.

Councillor Mair **declared an interest** and left the room and took no part in this item.

The Committee **noted** and acknowledged the use of delegated powers by the Director of Infrastructure Services in order to enable Councillor Mair to travel.

## **12. EDUCATION SCOTLAND CONTINUED ENGAGEMENT - FRASERBURGH NORTH SCHOOL AND NURSERY**

A report dated 30 October 2019 from the Director of Education and Children's Services had been circulated to inform the Committee of Education Scotland's findings following a Fraserburgh North School and Nursery inspection.

The Committee congratulated the head teacher for the marked improvement since the last inspection report and:

1. **noted** the terms of the report,
2. **agreed** to endorse the Service's continuing efforts in support of its schools in the Education Scotland inspection process and in the raising of standards of attainment and achievement in all aspects of school life, and
3. **agreed** to further reports on Education Scotland school inspections being presented.

### **13. 2019 BASED SCHOOL ROLL FORECASTS**

A report dated 14 November 2019 from the Director of Education and Children's Services had been circulated to give the Area Committee the opportunity to consider the schools in Banff and Buchan and highlight, to the service, any areas of concern.

The Committee **agreed** to make the following comments to be considered by the Education and Children's Services Committee:

- a) Collaboration between schools should be encouraged, particularly between Rathen and Tyrie schools to allow children to take part in activities such as team sports.
- b) The re-zoning exercise had been ongoing for a significant period of time and the process should be reviewed and progressed.

### **14. DURNHYTE CARE HOME - SERVICE IMPROVEMENT PLAN**

A report dated 12 November 2019 from the Interim Chief Officer, Aberdeenshire Health and Social Care Partnership had been circulated to provide an update to Committee on the Service Improvement Plan for Durnhythe Care Home, Portsoy, following the recent Care Inspectorate report.

The Committee considered the report and:

1. **agreed** to make the following comments on the service Action Plan for improvement:
  - i) The Action Plan had a lot of good suggested actions, but these will need to be measured and monitored.
  - ii) Concerns were expressed that the report stated that there are no financial or staffing implications.
  - iii) A presentation to Committee on "homely settings" should be arranged to give evidence of the well-being of the residents as opposed to just concerns about the building
  - iv) There should be minutes taken of the planned 2-monthly meetings.
  - v) The importance of keeping residents engaged, stimulated, involved and entertained was stressed as these are extremely important for mental health and well-being.

*Councillor Roy left the meeting.*

The Committee **agreed to suspend Standing Order 2.1.3** to enable consideration of this item to be completed.

- vi) Members welcomed the fact that the staff feedback and suggestions were to be used for the development of the home.
  - vii) Need to reassure staff that the current level of support is for the long-term and that their needs and the needs of the residents are at the forefront.
  - vii) Noted that an improvement group had been set up and expressed the importance of residents and relatives being reassured that things will improve in the future.
2. **agreed** that an update report be provided within twelve weeks.

The Committee **agreed** that the suspension of Standing Order 2.1.3 continue to enable the last three items to be completed.

## 15. DURNHYTHE CARE HOME - REWIRING

With reference to Branch 11 of the Minute of Meeting of 05 November 2019, a report dated 15 November 2019 from the Director of Business Services had been circulated to provide the Committee with an update on the proposal for electrical rewiring at Durnhythe Care Home in Portsoy and to provide further details linked to the overall condition of the establishment.

The Committee **agreed** to:

1. **note** the tender amount in respect of the upgrade of the electrical systems of Durnhythe Care Home,
2. approve the revised project spend
3. approve the award of contract to the company detailed in the report,
4. **note** the condition survey and that a programme of improvement works is scheduled to commence,
5. that a briefing note giving timescales for the work and details of the process be compiled for Members, and
6. that officers report back to this Committee with a detailed property asset management plan with details of condition, suitability and an associated programme of works.

## 16. SUPPLEMENTARY DIRECTORATE WORKPLAN - PROCUREMENT APPROVAL

A report dated 14 November 2019 from the Director of Infrastructure Services had been circulated to invite the Committee to consider and approve the public realm improvement project in Bridge Street, Banff.

The Committee considered the Infrastructure Services' Supplementary Work Plan as detailed in the report and **agreed**:

1. to approve the item on the Supplementary Workplan and note that this item will be added to the Infrastructure Services' Work Plan that was approved by Infrastructure Services Committee on 14 March 2019, and

2. not to reserve approval of the Business Case for the item on the Supplementary Work Plan as per Paragraph 5.2.2 of the Financial Regulations.

#### **17. SUPPLEMENTARY HOUSING WORK PLAN PROPOSED REDEVELOPMENT OF SITES AT 2-4 BERVIE ROAD AND 57-59 CASTLE STREET, FRASERBURGH**

With reference to Branch 13 of the Minute of Meeting of 01 October 2019, a report dated 06 November 2019 from the Director of Infrastructure Services had been circulated to ask the Committee to approve options to progress works at the above properties.

Having moved a motion which was not seconded, that Option 1 be the preferred option for 57 Castle Street and that Option 2 be the preferred option for 2-4 Bervie Road, Councillor Topping requested, as provided for in Standing Order 5.2.4, that the terms of his motion be recorded in the minute.

Thereafter, the Committee **agreed**:

1. that Option 1 be progressed in order to best meet local housing need at 2-4 Bervie Road and 57-59 Castle Street, Fraserburgh,
2. to approve, in principle, the demolition of the buildings at 2-4 Bervie Road and 57-Castle Street, Fraserburgh and the construction, on the cleared sites, of 12 x 1-bedroom flats for social rent,
3. to approve the required expenditure as part of the item in the Supplementary Housing service Work Plan and note that the item will be added to the Housing Work Plan approved by the Communities Committee on 21 February 2019,
4. to approve the business case as detailed in the report, and
5. not to reserve the award of the contract and to note that the Head of Housing has delegated authority to award the final tendered contract.

**Councillor Presiding over meeting**

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**Print Name**

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**Signature**

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**Date**

## APPENDIX A

### PLANNING APPLICATIONS FOR CONSIDERATION

#### 6A REFERENCE NO APP/2019/1517

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

**Applicant:** Mrs Wioletta Tamkun

With reference to Branch 5A of the Minute of Meeting of 05 November 2019, and following a visit to the site by Members of the Committee on 19<sup>th</sup> November, a report dated 05 November 2019 from the Director of Infrastructure Services had been circulated seeking determination of the above planning application by the Area Committee.

Councillor Findlater, seconded by Councillor Roy **moved** that the application be refused for the following reason:

- 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.

**As an amendment**, Councillor Cox, seconded by Councillor Reynolds **moved** that the application be delegated to the Head of Planning and Building Standards to approve on appropriate conditions.

Members of the Committee voted:

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

The Chairman **exercised his casting vote** in favour of the motion and **declared the motion carried** in the following terms:

that the application be refused for the following reason:

- 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.

## 7A REFERENCE NO APP/2019/1837

### FULL PLANNING PERMISSION FOR REPLACEMENT OF 7 WINDOWS AND 2 DOORS AT 12 BRAEHEADS, WHITEHILLS

**Applicant:** Mr Thom

A report dated 08 November 2019 from the Director of Infrastructure had been circulated seeking determination of the above planning application by the Area Committee.

The Committee **agreed** to delegate the application to the Head of Planning to approve on appropriate conditions.

The Committee's reason for approval of the application was that the proposed development was not contrary to Policy HE2 of the Aberdeenshire Local Development Plan 2017 as the change of windows would preserve and enhance the appearance of the conservation area.

## 7B REFERENCE NO APP/2019/2135

### FULL PLANNING PERMISSION FOR ERECTION OF DWELLINGHOUSE AT LAND AT BURNTHILL, FRASERBURGH

**Applicant:** Colaren Farms

**Agent:** Gary Purves

A report dated 07 November 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 Gary Purves, applicant's agent, in support of the application.

Following the debate, the Senior Solicitor and the Senior Planner advised the Area Committee that if the Committee were minded to support the application then, in the professional opinion of the Head of Planning, this would be a significant departure from the Local Development Plan 2017. Therefore, the application would be referred to Infrastructure Services Committee for final determination. The Senior Solicitor clarified that the Committee did not have the delegated authority to determine that the matter was not a significant departure. It was also clarified that the application as made was not based on the need for accommodation for an essential worker.

Thereafter, Councillor Cox, seconded by Councillor Partridge, **moved** that the application be delegated to the Head of Planning to approve on appropriate conditions as the proposed development would form part of a cohesive group, would satisfy the need for a house for an essential worker and would meet two aspects of national planning policies by supporting regeneration and economic development.

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

01. The application does not comply with Policy R2: Housing and employment development elsewhere in the countryside of the Aberdeenshire Local Development Plan 2017 as the proposed development does not constitute a suitable addition to a cohesive group of at least five houses, and does not accord with any other policy criteria within Policy R2.
02. The application does not comply with Policy P1: Layout, siting and design or Policy E2: Landscape of the Aberdeenshire Local Development Plan 2017 as the proposed dwelling would be grossly out of keeping with the immediately surrounding landscape in terms of its mass, scale and external materials.

Members of the Committee voted:

For the motion	7	Councillors Cassie, Cox, Findlater, Kille, Mair, Partridge and Topping
For the amendment	3	Councillors Buchan, Reynolds and Roy

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

that the application be delegated to the Head of Planning to approve on appropriate conditions as the proposed development would form part of a cohesive group, would satisfy the need for a house for an essential worker and would meet two aspects of national planning policies by supporting regeneration and economic development.

*Councillor Cox left the meeting.*

### **7C PLANNING PERMISSION IN PRINCIPLE FOR ERECTION OF DWELLINGHOUSE AT SITE AT BURNSIDE OF CRAIGELLIE, LONMAY, FRASERBURGH**

**Applicant:** Mrs E Rogers  
**Agent:** Ryan Urquhart

A report dated 28 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 Craig Fyvie, applicant's agent, in support of the application.

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

The Committee's reason for approval of the application was that the proposed development complies with Policy R2 as it would replace an existing building which is now redundant.

*Councillors Findlater and Partridge left the meeting.*