

ABERDEENSHIRE COUNCIL

BANFF AND BUCHAN AREA COMMITTEE - 09 MARCH 2021 ALL ATTENDANCE BY SKYPE

Present: Councillors D Mair (Chair), C Buchan, R A Cassie, M A Findlater (Items 1-6 inclusive), A Kille, H Partridge (Items 1-6), and B A Topping

Apologies: Councillors Cox, Reynolds and Roy

Officers: Mrs A Keith, Area Manager; Miss F M Stewart, Senior Solicitor; Mr J Martin, Senior Planner; Ms N Murray, team Leader, Housing and Building Standards; Ms K Low, Environment Planner, Mrs I Birnie, Team Leader, Planning and Environment; Mrs C Webster, Regeneration and Town Centre Manager; Mrs D Conway, Team Leader, Planning and Environment, Mr R Eunson, Team Leader, Property and Facilities; and Mrs E M Farquhar, Area Committee Officer

1. DECLARATION OF MEMBERS' INTERESTS

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

Item 5(C) Councillor Kille **declared an interest** in this item as he is a Member of the Board of the North East Scotland Preservation Trust, the owners of the property in question and, having applied the objective test, he concluded that his interest was clear and substantial, and he would leave the meeting and not take part in the discussion or decision relating to this item.

Item 5(C) Councillors Buchan, Mair and Topping **declared an interest** in this item as they are all members of the Board of Fraserburgh 2021 but, having applied the objective test, each concluded that the interest was so remote and insignificant that they would remain and participate.

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 this item involved the likely disclosure of exempt information of the class described in Paragraph 9 of Part 1 of Schedule 7A of the Act.

*As the Vice Chair had given apologies for the meeting, the Committee **agreed** to appoint Councillor Kille as proxy Chair in the event of Councillor Mair being absent from the meeting at any time.*

3. MINUTE OF MEETING OF 16 FEBRUARY 2021

The minute of meeting of 16 February 2021 had been circulated.

The Committee **agreed**:

1. to amend the wording of the third paragraph in the announcement by removing the words “this complex” and replacing with “the new Fraserburgh Community and Sports Centre”, and otherwise
2. to approve the minute as a correct record of the meeting in accordance with Standing Order 7.1.1.

4. LIST OF OUTSTANDING BUSINESS AT 16 FEBRUARY 2021

The list of outstanding business at 09 March 2021 had been circulated.

The Committee:

1. **noted** the list of outstanding business, and
2. **agreed** that, in addition to an informal session with the Mental Health and Learning Disability Team, a more formal report be requested to provide information on the future provision of the respite services in Fraserburgh and that this item be added to the outstanding business list.

5. PLANNING APPLICATIONS FOR CONSIDERATION

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

A	Reference No APP/2020/1679	Full Planning Permission for the Demolition of Buildings and Erection of 4 Semi-Detached
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		Dwellinghouses, Buildings to Rear of 74 Duff Street, Macduff
B	Reference No APP/2020/2169	Full Planning Permission for Erection of Dwellinghouse with Integral Garage and Formation of Vehicular Access at Site adjacent to Wester Keilhill Steading, King Edward
C	Reference No APP/2020/2296	Full Planning Permission for the Demolition of Outbuildings, Change of Use, Alterations and Extension to Former Bank (Class 2) to form Hotel (Class 7) with Restaurant and Bar Facilities (Class 3) at Former Bank, 34 Broad Street, Fraserburgh

6. BELOW TOLERABLE STANDARD POLICY

A report dated 12 February 2021 from the Acting Director of Infrastructure Services had been circulated to seek the views of the Committee on the policy which had been reviewed to take account of impending legislation changes and relevant Local Housing Strategy 2018-2023 outcomes.

The Committee considered the Below Tolerable Standard Policy and **agreed** to provide the following comments to be considered by the Communities Committee on 01 April 2021:

1. The policy needs to be clearer in showing that it relates to private landlords/ housing rather than Council houses, and
2. It is important to be sensitive to the exposed nature of tenants who wish to make complaints about their landlords, and look for ways to protect them.

7. HOUSING RENEWAL AREA POLICY

A report dated 15 January 2021 from the Acting Director of Infrastructure Services had been circulated seeking to seek the views of the Committee on the policy which had been reviewed to take account of relevant Local Housing strategy 2018-2023 outcomes.

The Committee considered the Housing Renewal Area Policy and **agreed** to provide the following comments to be considered by the Communities Committee on 01 April 2021:

1. The amount of overseeing and bureaucracy needed for a housing renewal area is disproportionate and other ways should be considered to deal with issues,
2. Paragraph 6.2 in the policy needs to be clarified in terms of what constitutes a "substantial number".

8. COAST ABERDEENSHIRE - PHASE 1 (NORTH) PROJECT UPDATE

A report dated 16 February 2021 from the Acting Director of Infrastructure Services had been circulated to provide an update for Members on the progress of the Coast Aberdeenshire Project and secure approval for two proposals to be taken forward for funding applications.

The Committee:

1. **noted** the progress of the Coast Aberdeenshire project, and
2. **agreed** to the preparation of up to two funding applications to appropriate funding bodies to include:
 - the Invercairn Path project. The Committee commended the Invercairn Community Council for its long term ambition and effort over many years to bring this project to fruition, and
 - a Project Officer to take forward elements of the wider Coast Aberdeenshire project over an initial 2-3 year period. The Committee further agreed that the job description needed to be specific with key performance indicators for the post,
3. **agreed** that local Members be kept up to date with this project at future Ward 3 meetings.

9. BANFF AND BUCHAN AREA COMMITTEE BUDGET 2020/2021 - AREA INITIATIVES FUND APPLICATION FROM THE BOYNDIE TRUST LIMITED

A report dated 18 February 2021 from the Director of Education and Children's Services had been circulated to ask the Committee to consider an application from the Boyndie Trust Limited for funding towards the provision of safe outdoor meeting spaces.

The Committee **agreed to approve** the award of £5,000 from the Area Initiatives fund to the Boyndie Trust Limited towards the provision of safe outdoor meeting spaces.

10. REVIEW OF THE SCHEME FOR THE ESTABLISHMENT OF COMMUNITY COUNCILS

A report dated 04 February 2021 from the Director of Education and Children's Services had been circulated to ask the Committee to consider and comment on the proposed changes to the Scheme, such comments to be utilised by the Officer Review Group and reported to Full Council.

The Committee considered the draft amendments to the Scheme for the Establishment of Community Councils as detailed in the report and,

1. **agreed** to provide the following comments to the Officer Review Group which would be considered when creating the final draft of the Scheme,

- a) Consideration should be given to whether a 3-year term for Community Councillors is appropriate or if this should be increased to 5 years in line with Elected Members' terms,
 - b) In Paragraph 17.2(1) - Who decides who is "guilty"? Is it a criminal conviction or does the Community Council or the Council decide?
 - c) In Paragraph 17.2(2) - The word "may" should be strengthened as a Community Councillor should not be expelled or suspended unless they have *definitely* brought the Community Council into disrepute by their actions or activities.
2. **noted** that the comments would be recorded as part of the formal consultation process and reported to Full Council.

11. THE VINERY, AIRLIE GARDENS, BANFF PROPOSED OPERATOR AND LEASE ARRANGEMENTS

A report dated 25 February 2021 from the Acting Director of Infrastructure Services had been circulated to provide the Committee with an update on proposals for a social and therapeutic horticultural project at The Vinery, Airlie Gardens, Banff and asking the Committee to agree the preferred operator and proposed approach to leasing the site..

The Committee **agreed**:

1. the preferred operator for The Vinery site as detailed in the report
2. that the building and associated garden ground be offered on a repair and maintenance lease to the organisation detailed and the terms stated in the report,
3. to delegate the detailed terms of the lease to the Head of Planning and Environment in agreement with the Head of Legal and People and the Head of Property,
4. to authorise officers to seek a Common Good Order from the Court authorising the lease of the property prior to delegating the detailed terms of the lease to the relevant officer, and
5. to **note** the progress on the tender award for the restoration of The Vinery buildings.

12. PROPOSED LEASE OF FISH PROCESSING UNIT, WEST SHORE INDUSTRIAL ESTATE, FRASERBURGH

A report dated 15 February 2021 from the Director of Business Services had been circulated to ask the Committee to grant a new lease.

The Committee **agreed**:

1. to approve the terms proposed for a new lease of the Fish Processing Unit, West Shore Industrial Estate, Fraserburgh to the proposed tenant as set out in the report, and
2. to delegate powers to the Head of Legal and People to agree the detailed terms of the lease.

Councillor Presiding over meeting

Print Name

Signature

Date

Appendix 1

PLANNING APPLICATIONS

5A REFERENCE NO APP/2020/1679

FULL PLANNING PERMISSION FOR DEMOLITION OF BUILDINGS AND ERECTION OF 4 SEMI-DETACHED DWELLINGHOUSES AT BUILDINGS TO REAR OF 74 DUFF STREET, MACDUFF, AB44 1NJ

Applicant: Carraig Homes Ltd
Agent: G P Waypoint Design

A report dated 17 February 2021 from the Acting Director of Infrastructure Services had been circulated seeking determination of the above planning application by the Area Committee.

The Committee heard Mr Aaron Lorimer, applicant, in support of the application.

Thereafter, Councillor Findlater, seconded by Councillor Partridge **moved** that the application be delegated to the Head of Planning and Building Standards to approve on appropriate conditions, including a condition to ensure satisfactory clearing of the contamination of the site.

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

- 01 The application is contrary to Policy P3 Infill and householder developments within settlements (including home and work proposals) and Policy P1 Layout, siting and design as contained in the Aberdeenshire Local Development Plan 2017, as the proposal fails to respect the character of the surrounding area by introducing a layout and density of housing which would be at odds with the established pattern of development observed in the surrounding locality.

Members of the Committee voted:

For the motion	4	Councillors Findlater, Kille, Mair and Partridge
For the amendment	3	Councillors Buchan, Cassie and Topping

The Chair **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, including a condition to ensure satisfactory clearing of the contamination of the site.

The Committee's reasons for departure from the Local Development Plan were that the proposed development was not contrary to Policy P3 regarding to infill and householder development within settlements, and it did comply with Policy P1 as it did respect the character of the surrounding area.

5B REFERENCE NO APP/2020/2169

FULL PLANNING PERMISSION FOR ERECTION OF DWELLINGHOUSES WITH INTEGRAL GARAGE AND FORMATION OF VEHICULAR ACCESS AT SITE ADJACENT TO WESTER KEILHILL STEADING, KING EDWARD, BANFF

Applicant: Mr Steven Watt
Agent: A J Rennie (Builders) Ltd

A report dated 22 February 2021 from the Acting 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:

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 C38L 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 access 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. No development in connection with the permission hereby granted shall commence unless the vehicular access has been provided and surfaced in accordance with the details shown on the approved plan. Once provided, the vehicular and pedestrian access shall thereafter be permanently retained as such.

Reason: To ensure the provision and retention of a means of access to an adequate standard in the interests of road safety.

3. The vehicular access, driveway and parking area and turning area hereby approved shall not be brought into use unless all 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 access 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 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 dwellinghouse hereby approved shall not be occupied unless its lay-by driveway, turning and parking area has been provided and surfaced in accordance with the details shown on the approved plans. Once provided, all parking and turning areas shall thereafter be permanently retained as such.

Reason: To ensure the timely completion of the driveway to an adequate standard to prevent the carriage of loose driveway material on to the public road in the interests of road safety.

5. No works in connection with the development hereby approved shall commence unless details of the refuse bin uplift store area have been submitted to and approved in writing by the Planning Authority. The area shall be constructed behind any visibility splay and shall be designed so as to be accessible for refuse bin uplift and to prevent empty bins from being wind-blown. The dwellinghouse shall not be occupied unless the refuse bin uplift store area has been provided and surfaced in accordance with the approved details. 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. No works in connection with the development hereby approved shall commence unless a sample of proposed render to be used in the external finish for the approved development have been submitted to and approved in writing by the Planning Authority. The development shall not be occupied unless the external finish has been applied in accordance with the approved details.

Reason: In the interests of the appearance of the development and the visual amenities of the area.

7. No works in connection with the development hereby approved shall commence unless a scheme of hard and soft landscaping works has been submitted to and approved in writing by the Planning Authority.

Details of the scheme shall include:

- a) A tree survey in accordance with BS 5837:2012 to account for any existing trees on site (if any).
- b) Existing landscape features and vegetation to be retained.
- c) Protection measures for the landscape features to be retained.
- d) Existing and proposed finished levels.
- e) The location of new *trees, shrubs, hedges, grassed areas and water features*

- f) A schedule of planting to comprise species, plant sizes and proposed numbers and density.
- g) The location, design and materials of all hard landscaping works including *walls, fences, gates, street furniture and play equipment*
- h) An indication of existing trees, shrubs and hedges to be removed.
- i) A programme for the implementation, completion and subsequent management of the proposed landscaping.

All soft and hard landscaping proposals shall be carried out in accordance with the approved planting scheme and management programme. Any planting which, within a period of 5 years from the completion of the development, in the opinion of the Planning Authority is dying, being severely damaged or becoming seriously diseased, shall be replaced by plants of similar size and species to those originally required to be planted. Once provided, all hard landscaping works shall thereafter be permanently retained.

Reason: To ensure the implementation and management of a satisfactory scheme of landscaping which will help to integrate the proposed development into the local landscape in the interests of the visual amenity of the area.

8. No individual dwellinghouse hereby approved shall 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 the Council's Supplementary Planning Guidance on Carbon Neutrality in New Developments.

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 the Council's Supplementary Planning Guidance - Carbon Neutrality in New Developments.

9. 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.

10. 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 report by William McBey July 2020. 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 departing from the Aberdeenshire Local Development Plan 2017 were:

1. that the application can be supported as a departure from Policy R2: Housing and employment development elsewhere in the countryside of the Aberdeenshire Local Development Plan 2017 as would effectively act as a replacement for a previously approved application in principle for the erection of a single dwellinghouse which occupies the northern half of the application site considered as part of this submission, and
2. The Planning Service is satisfied that it is the intention of the applicants for only one house to be built on this site, with sufficient powers remaining in place to refuse any subsequent applications relating to the previous approved Planning Permission in Principle which if approved would result in two houses being built upon this site.

5C REFERENCE NO APP/2020/2296

FULL PLANNING PERMISSION FOR DEMOLITION OF OUTBUILDINGS, CHANGE OF USE, ALTERATIONS AND EXTENSION TO FORMER BANK (CLASS 2) TO FORM HOTEL (CLASS 7) WITH RESTAURANT AND BAR FACILITIES (CLASS 3) AT FORMER BANK, 34 BROAD STREET, FRASERBURGH, AB43 9AH

Applicant: North East Scotland Preservation Trust
Agent: EKJN Architects

A report dated 22 February 2021 from the Acting Director of Infrastructure Services had been circulated seeking determination of the above planning application by the Area Committee.

Councillor Kille had declared an interest and left the meeting for the duration of this item.

The Committee **agreed to approve** the application on the following conditions:

1. No works in connection with the development hereby granted shall commence unless the full specification of the proposed lime mortar work or harling to be applied have been submitted to and approved in writing by the Planning Authority. The specification shall include details of the proposed lime mortar mix, the lime wash colour (if appropriate); the lime treatment for dressed stone margins, door and window opening surrounds (if appropriate) and protective measures to be employed during the carbonation stage. The lime mortar work or harling shall not be applied to the building unless a sample of the lime mortar or harling has been made available to view on site and has been agreed in writing

by the Planning Authority. Thereafter, the work shall be carried out in complete accordance with the approved details.

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

2. No works in connection with the development hereby approved shall commence unless an archaeological written scheme of investigation (WSI) has been submitted to and approved in writing by the Planning Authority and a programme of archaeological works has been carried out in accordance with the approved WSI. The WSI shall include details of how the recording and recovery of archaeological resources found within the application site shall be undertaken, and how any updates, if required, to the written scheme of investigation will be provided throughout the implementation of the programme of archaeological works. Should the archaeological works reveal the need for post excavation analysis the development hereby approved shall not be brought into use unless a post- excavation research design (PERD) for the analysis, publication and dissemination of results and archive deposition has been submitted to and approved in writing by the Planning Authority. The PERD shall be carried out in complete accordance with the approved details.

Reason: To safeguard and record the archaeological potential of the area.

3. Noise level due to the operation of the kitchen extract, when measured at 1m from any window, door or other ventilation opening serving any adjacent property shall not exceed 38 dB LAeq (1 hour).

Reason: To ensure that noise from the development does not result in undue loss of amenity for surrounding properties.

4. Noise level due to the operation of the air source heat pump when measured at 1m from any window, door or other ventilation opening serving any adjacent property shall not exceed 38 dB LAeq (1 hour).

Reason: To ensure that noise from the development does not result in undue loss of amenity for surrounding properties.

5. 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.

6. Wastewater from the proposed development shall be disposed of via the public sewer as indicated in the submitted application and shall not be disposed of via private means 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.

The Committee's reason for decision was that the proposal would allow for the reuse of a historic building and promote the regeneration and economic growth of Fraserburgh Town Centre Conservation Area by providing a new tourist facility in accordance with Policy B2: Town centres and office development, Policy B3: Tourist facilities, and Policy P3: Infill and householder developments within settlements (including home and work proposals) of the Aberdeenshire Local Development Plan 2017, and it would improve the visual appearance of the building and its setting, in compliance with Policy P1: Layout, siting and design, and Policy HE2: Protecting historic and cultural areas.

DRAFT