

ABERDEENSHIRE COUNCIL

BANFF AND BUCHAN AREA COMMITTEE - 30 MARCH 2021 ALL ATTENDANCE BY SKYPE

Present: Councillors D Mair (Chair), C Buchan, R A Cassie, J B Cox, M A Findlater (Items 1-11 inclusive), A Kille, G Reynolds, M J Roy and B A Topping (Items 1-11 inclusive)

Apologies: Councillor Partridge

Officers: Mrs A Keith, Area Manager; Mr D MacLennan, Team Manager, Planning and Environment; Miss F M Stewart, Senior Solicitor; Mr J Martin, Senior Planner; Miss J Weir, Senior Planner; Mr D MacPherson, Structures Manager; Mrs D Campbell, Community Planning Officer; Mr D Young, Asset Disposal Surveyor; Mr D Murray, Roads and Landscape Service Manager; Ms F Swanston, Environment Planner; Mr S Norman, Environment Planner; Mr R McCleary, Project Coordinator; Mr P Fraser, Environmental Planner; and Mrs E M Farquhar, Area Committee Officer

In attendance: Mr Kevin Coutts, Station Officer, Scottish Fire and Rescue Service

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 8 Councillor Cox declared an interest in this item as one of the speakers was related to a relative of his but, having applied the objective test, he concluded that his interest was so remote and insignificant that he would remain and participate in the item.

Items 14, 15 & 16 Councillors Buchan, Kille, Mair and Topping declared an interest in these items as they are all Members of the Fraserburgh Regeneration Development Partnership and Members of the Board of Fraserburgh 2021. Having applied the objective test, each concluded that their interest was so remote and insignificant that they would remain and participate in the items.

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 12, 13, 14, 15 and 16 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.

3. MINUTE OF MEETING OF 09 MARCH 2021

The draft minute of meeting of 09 March 2021 had been circulated.

The Committee **agreed 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 30 MARCH 2021

The list of outstanding business at 30 March 2021 had been circulated.

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

5. SCOTTISH FIRE AND RESCUE SERVICE - PERFORMANCE REPORT FOR 01 OCTOBER - 31 DECEMBER 2020

A joint report dated 05 February 2020 from the Director of Business Services and the Local Senior Officer had been circulated to inform members how the Scottish Fire and Rescue Service is performing locally in Banff and Buchan against key performance measures and associated targets, as set out in the Aberdeenshire Local Fire and Rescue Plan and Banff and Buchan Multi-Member Ward Plan.

The Committee **noted** the performance relating to the period and the local operational matters together with key resource issues as detailed within the appendices attached to the report.

6. PLANNING APPLICATIONS RETURNING AFTER SUBMISSION OF ADDITIONAL INFORMATION

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

A	Reference No APP/2019/1648	Full Planning Permission for Erection of Rest Room and Chapel Facilities at Site at Burnside Street, Portsoy
B	Reference No APP/2020/2092	Full Planning Permission for Erection of Dwellinghouse at Site South of Maunderlea Lodges, Aberchirder

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/2020/2148	Full Planning Permission for Installation of Replacement Double Glazed Windows and Door and Enlargement of Gable Window at 46 Seatown, Gardenstown
B	Reference No APP/2020/2502	Full Planning Permission for Erection of Dwellinghouse at Crossfolds, Cornhill
C	Reference No APP/2020/2634	Full Planning Permission for Erection of Dwellinghouse and Change of Use of Agricultural Building to Decorator's Store and Office at Site adjacent to Glasslaw House, New Pitsligo
D	Reference No APP/2020/2516	Full Planning permission for Change of Use of Land and Erection of 2 Glamping Cabins (Short Term Letting Accommodation) at Durn Hill Farm, Fordyce

8. PUBLIC ROAD NETWORK - BRIDGES WORK BANK PRIORITISATION DRAFT POLICY AND PROCEDURE

A report dated 11 March 2021 from the Acting Director of Infrastructure Services had been circulated to present to the Committee, the initial proposals for a new policy (and associated procedure) and inviting the Committee to contribute to its development by commenting on the draft documents.

The Committee considered the Public Road Network - Bridges Work Bank Prioritisation draft policy and procedure and **agreed** to make the following comments to be considered by the Infrastructure Services Committee:

1. Some methodology should be built in to take account of the cumulative effect of several bridges being out of operation,
2. There should be some weighting to reflect any potential restrictions or delays to emergency services,

3. There should be more flexible consideration for single access properties
4. The policy should not be too rigid but should have flexibility to take into account unknown/unexpected events
5. Consideration should be given to socio-economic impacts in the area,
6. Assurance needed that legal opinions are being sought for every aspect of the policy and, in particular, the options relating to the Road Traffic Orders currently in place in the King Edward Area.

9. BANFF AND BUCHAN AREA COMMITTEE BUDGET

A report dated 23 February 2021 from the Director of Education and Children's Services had been circulated to seek the agreement of the Committee for the general allocation of the Area Committee Budget 2021/2022 which had been set at £80,800.

The Committee **agreed**:

1. the eligibility criteria outlined in Appendix 1 to the report,
2. that the applications for funding from the Area Initiatives Fund be requested by Friday 28 May 2021 and reported to the Banff and Buchan Area Committee on 15 June 2021 and that any remaining funds be subject to a second call in the autumn, and
3. that the budget contribute up to 80% towards the total cost of community projects, to a maximum of £5,000, or a maximum of £10,000 where the work has been identified and prioritised by the community in a Community Action Plan (or equivalent) and will help communities to deliver targets identified within their action plans.

10. BANFF AND BUCHAN COMMUNITY PLAN 2020-2022

A report dated 15 March 2021 from the Director of Education and Children's Services had been circulated to seek the Committee's endorsement of the Banff and Buchan Community Plan 2020-2022.

The Committee **agreed** that amendments and additions be made to the Community Plan and an updated version be brought back to the Area Committee for further consideration before the plan is endorsed.

11. BANFF AND BUCHAN COASTAL COMMUNITIES FUND 2020-2021

A report dated 10 March 2021 from the Director of Education and Children's Services had been circulated to advise the Committee of the decisions made by the Banff and Buchan Area Manager for the allocation of the Banff and Buchan proportion of the Coastal Communities Fund, to advise the Committee of additional funding that has been made available and to ask the Committee to consider potential future use of the funds.

The Committee **agreed**:

1. to note the decisions taken by the Banff and Buchan Area Manager to approve the funding allocations detailed in Appendix 1 to the report allocating the 2019/2020 budget,
2. to note the additional funding of £25,000 which has been allocated to Banff and Buchan to support coastal community initiatives,
3. to allocate in the region of £10,000 of funding to offer an additional contribution to enable the Coastal Aberdeenshire Project Officer to work with Banff and Buchan communities to expand on ideas and proposals arising from the Coastal Aberdeenshire Coastal Environment Strategy and allocate the remaining budget, in the region of £15,000 to support the delivery of projects,
4. to delegate approval of the project grants to the Banff and Buchan Area Manager following consultation with the Chair, Vice Chair and Opposition Spokesperson of the Area Committee for the budget allocation for 2020/2021 only, and
5. that the Area Manager report back to the Area Committee to determine the exact funding allocations and detail of the committed projects.

12. PROPOSED SALE OF FORMER PARK STREET DEPOT, FRASERBURGH

A report dated 10 March 2021 from the Director of Business Services had been circulated to seek the Committee's approval to sell the former depot at Park Street, Fraserburgh.

The Committee **agreed**:

1. that the Head of Legal and People complete the sale of the former Park Street depot, Fraserburgh on the terms set out in Paragraph 4.6 of the report, and
2. to delegate, to the Head of Legal and People, agreement of detailed terms following consultation with the Head of Property and Facilities Management.

13. INFRASTRUCTURE SERVICES DIRECTORATE PROCUREMENT PLAN 2021/2022

A report dated 18 March 2021 from Acting Director of Infrastructure Services had been circulated to present to the Committee the Infrastructure Services Directorate Procurement Plan for 2021/2022.

The Committee considered the terms of the Procurement Plan as detailed in the report and **agreed**:

1. to approve the items on the Procurement Plan as falling within the remit of the Committee,

2. not to reserve approval of the Procurement Approval Form for any of the items in the Procurement Plan, and
3. to note that the Committee will receive the Procurement Approval Form for any item which is within the Committee's remit and the value of the matter is over £1,000,000.

14. FRASERBURGH 2021 PRIORITY PROJECTS: 12-14 HIGH STREET OFFER OF GRANT FUNDING

A report dated 11 March 2021 from the Director of Infrastructure Services had been circulated to ask the Committee to approve the release of funding for the above project.

The Committee **agreed**:

1. to approve grant funding for 12-14 High Street through the Fraserburgh 2021 Conservation Area Regeneration Scheme/Townscape Heritage Scheme (CARS/TH), and
2. to delegate to the Head of Planning and Environment, the authority to determine the final amount of grant to be awarded, subject to it being within 10% of the estimated costs contained in Appendix 1 to the report.

15. FRASERBURGH 2021 PRIORITY PROJECTS: 51-55 BROAD STREET OFFER OF GRANT FUNDING

A report dated 11 March 2021 from the Director of Infrastructure Services had been circulated to ask the Committee to approve the release of funding for the above project

The Committee **agreed**:

1. to approve grant funding for 51-55 Broad Street through the Fraserburgh 2021 Conservation Area Regeneration Scheme/Townscape Heritage Scheme (CARS/TH), and
2. to delegate to the Head of Planning and Environment, the authority to determine the final amount of grant to be awarded, subject to it being within 10% of the estimated costs contained in Appendix 1 to the report.

16. GLOVER BIRTHPLACE MEMORIAL GARDEN - AWARD OF TENDER

A report dated 18 March 2021 from the Director of Infrastructure Services had been circulated seeking to regularise arrangements for the award of contract for the above project following an increase in projected costs.

The Committee **agreed** to

1. note and approve the increase in project costs for the Glover Birthplace project, and

2. approve the Award of Contract for the Glover Birthplace construction works to the contractor named in the report.

Councillor Presiding over meeting

Print Name

Signature

Date

Appendix 1

PLANNING APPLICATIONS

6A REFERENCE NO APP/2019/1648

FULL PLANNING PERMISSION FOR ERECTION OF REST ROOM AND CHAPEL FACILITIES AT SITE AT BURNSIDE STREET, PORTSOY

Applicant: Mr David Urquhart
Agent: Gordon Philip

A report dated 11 March 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 David Urquhart, applicant, in support of his application.

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

The Committee's reasons for departure from the valid Local Development Plan were that:

1. there is no history of flooding on that site and additional drainage has been provided for the proposed development and therefore the application does comply with Policy C4,
2. a very small number of parking spaces will be required for short periods of time on infrequent occasions so the proposed development will not cause any significant shortage of car parking provision and will therefore comply with Policy RD1.

6B REFERENCE NO APP/2020/2092

FULL PLANNING PERMISSION FOR ERECTION OF DWELLINGHOUSE AT SITE SOUTH OF MAUNDERLEA LODGES, ABERCHIRDER

Applicant: Mr Richard Greig
Agent: Mantell Ritchie

A report dated 11 March 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 Richard Greig, applicant, and Mr Michael Ritchie, applicant's agent, in support of the application.

Thereafter, Councillor Cox, seconded by Councillor Reynolds **moved** that the application be delegated to the Head of Planning and Environment to approve on appropriate conditions as the proposed development was in a suitable location, met the criteria in terms of Scottish Planning Policy, and supported regeneration and the Council's transport policies.

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

- 01 The proposed development is contrary to Policy R2 Housing and employment development elsewhere in the countryside, as contained in the Aberdeenshire Local Development Plan 2017, as the proposed dwelling house fails to meet the criteria set out in the policy, in that:
- a) It is not of a type that would be permissible in the green belt;
 - b) It does not contribute to the growth of a settlement identified in Appendix 4;
 - c) It is not associated with the retirement succession of a viable farm holding;
 - d) It is not for the refurbishment or replacement of an existing or disused building, or remediation of redundant brownfield land opportunities;
 - e) It is not an employment development proposal;
 - f) It is not an appropriate addition to a cluster or group of at least 5 houses.
- 02 The proposed development is contrary to Policy P1 Layout, siting and design, as contained in the Aberdeenshire Local Development Plan 2017, as the proposal fails to demonstrate that the proposed house is of appropriate siting and layout which would respect the immediate countryside setting.
- 03 The proposal is contrary to Policy E2 Landscape as contained in the Aberdeenshire Local Development Plan 2017, as it would have an adverse impact upon and would erode the character of the farmland landscape area.

Members of the Committee voted:

For the motion	4	Councillors Cox, Findlater, Reynolds and Topping
For the amendment	5	Councillors Buchan, Cassie, Kille, Mair, and Roy

The Chair **declared the amendment carried** in the following terms:

that the application be **refused** for the reasons stated above.

7A REFERENCE NO APP/2020/2148

FULL PLANNING PERMISSION FOR INSTALLATION OF REPLACEMENT DOUBLE GLAZED WINDOWS AND DOOR AND ENLARGEMENT OF GABLE WINDOW AT 46 SEATOWN, GARDENSTOWN

Applicant: Mr and Mrs C MacLachlan
Agent: Mantell Ritchie

A report dated 10 March 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 Michael Ritchie, applicant's agent, in support of the application.

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

The Committee's reasons for departure from the valid Local Development Plan were that the proposed development would comply with Policy HE2 and enhance the conservation area because:

1. the proposed replacement windows will be wooden framed and will replace PVC windows, thus protecting and enhancing the conservation area,
2. the window which is to be enlarged will still have vertical proportions and the increase in size will provide more light into the property, and
3. the character of the village has changed considerably and there are many gable windows of different sizes and shapes in the vicinity,

7B REFERENCE NO APP/2020/2502

FULL PLANNING PERMISSION FOR ERECTION OF DWELLINGHOUSE AT CROSSFOLDS, CORNHILL

Applicant: Mr M Imlach
Agent: A J Rennie (Builders) Ltd

A report dated 10 March 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 Neil Gray, applicant's agent, in support of the application.

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

- 01 The Planning Authority considers that the application is for a development that is not in accordance with the Aberdeenshire Local Development Plan 2017 as the application does not comply with Policy R1: Special rural areas nor Policy R2: Housing and employment development elsewhere in the countryside. The proposal cannot be considered as a replacement dwellinghouse and is not required for an essential worker in a primary industry. The proposal also fails to meet any other criteria contained within these policies which would allow for it to be supported.

- 02 The application also fails to comply with Policy P1: Layout, siting and design and Policy E2: Landscape as the proposed dwelling would occupy an extremely prominent position in the landscape in contrast with the surrounding pattern of development and would negatively impact on the character of the area.
- 03 The Planning Authority considers that the application is for a development that is not in accordance with the Aberdeenshire Local Development Plan 2017 as the application does not comply with Policy RD1: Providing suitable services due to not adequately demonstrating that the proposed dwellinghouse can be serviced with a viable means of both foul and surface drainage.

7C REFERENCE NO APP/2020/2634

FULL PLANNING PERMISSION FOR ERECTION OF DWELLINGHOUSE AND CHANGE OF USE OF AGRICULTURAL BUILDING TO DECORATOR'S STORE AND OFFICE AT SITE ADJACENT TO GLASSLAW HOUSE, NEW PITSLIGO

Applicant: Mr Steven Carle
Agent: D K Meldrum Ltd

A report dated 10 March 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 Steven Carle, applicant, in support of the application.

Thereafter, Councillor Cassie, seconded by Councillor Findlater, **moved** that in the event of submission of details of an acceptable water supply and conditions of consent, that the application be delegated to the Head of Planning and Environment to approve on appropriate conditions.

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

1. The proposed development is contrary to Policy R2 Housing and employment development elsewhere in the countryside, as contained in the Aberdeenshire Local Development Plan 2017, as the proposed dwelling house fails to meet the criteria set out in the policy, in that:
 - a) It is not of a type that would be permissible in the green belt;
 - b) It does not contribute to the growth of a settlement identified in Appendix 4;
 - c) It is not associated with the retirement succession of a viable farm holding;
 - d) It is not for the refurbishment or replacement of an existing or disused building, or remediation of redundant brownfield land opportunities;
 - e) It is not an appropriate addition to a cluster or group of at least 5 houses.
2. The proposed development is contrary to Policy RD1 Providing suitable services of the Aberdeenshire Local Development Plan 2017, as no information regarding

private water supply options has been submitted to demonstrate that the development would be adequately serviced in an area where mains water supply is unavailable.

Members of the Committee voted:

For the motion	6	Councillors Cassie, Cox, Findlater, Kille, Mair, and Reynolds
For the amendment	3	Councillors Buchan, Roy and Topping

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

that in the event of submission of details of an acceptable water supply and conditions of consent, that the application be delegated to the Head of Planning and Environment to approve on appropriate conditions.

The Committee's reason for departure from the valid Local Development Plan was that the proposed development is in accordance with Policy R2 as it is a small scale employment proposal in the rural housing market area.

7D REFERENCE NO APP/2020/2516

FULL PLANNING PERMISSION FOR CHANGE OF USE OF LAND AND ERECTION OF 2 GLAMPING CABINS (SHORT TERM LETTING ACCOMMODATION) AT DURN HILL FARM, FORDYCE

Applicant: Mr James Crombie

Agent: A Crombie Ltd

A report dated 10 March 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 Angus Crombie, applicant, in support of his application.

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

The Committee's reasons for approval of the application were that the proposed development does comply with policy B3 in that:

1. the application is well related to existing settlements,
2. there is a bus service currently running and the bus stop is within a short walk,
3. it is good for the area and for tourism and is the sort of business opportunity that should be encouraged post-pandemic, and in a changing tourism environment, to promote mental and physical wellbeing.