

ABERDEENSHIRE COUNCIL

BANFF AND BUCHAN AREA COMMITTEE - 04 MAY 2021 ALL ATTENDANCE BY SKYPE

- Present:** Councillors D Mair (Chair), C Buchan, R A Cassie, J B Cox, M A Findlater, A Kille, G Reynolds, M J Roy (for Items 1-4 only)
- Apologies:** Councillors Partridge and Topping
- Officers:** Mr D MacLennan, Acting Area Manager; Miss F M Stewart, Senior Solicitor; Mr J Martin, Senior Planner; Mrs I Sharp, Head Teacher, Fraserburgh Academy; Mr A Horberry, Head Teacher, Banff Academy; Mr J Stronach, Principal Roads Engineer; Mr D MacPherson, Structures Manager; Ms C McCall, Principal Officer Harbours; Mr J Duncan, Senior Engineer; Mr K Regan, Principal Officer; Mr A Anderson, Landscape Services Officer; Mr P Blaxter, Team Leader; Mr A Millar, Senior Roads Engineer; Mr A Wilkinson, Principal Engineer; Mr K Mercer, Civil Engineer; Mr D Young, Asset Disposal Surveyor; 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 7 Councillor Cassie **declared an interest** in this item as he is the Chair of the Harbours Sub Committee and, having applied the objective test, he concluded that his interest was so remote and insignificant that he would remain and participate in the item.
- Item 7 Councillor Findlater **declared an interest** in this item as he is a member of the Harbours Sub Committee and, having applied the objective test, he concluded that his interest was so remote and insignificant that he would remain and participate in the item.
- Item 9 Councillors Buchan, Kille and Mair **declared an interest** in this item 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 Item 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.

3. MINUTE OF MEETING OF 30 MARCH 2021

The draft minute of meeting of 30 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 04 MAY 2021

The list of outstanding business at 04 May 2021 had been circulated.

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

5. ANALYSIS OF ATTAINMENT AND ACHIEVEMENT IN ACCREDITED AWARDS OF YOUNG PEOPLE IN BANFF AND BUCHAN SECONDARY SCHOOLS UP TO 2019-2020

A report dated 01 April 2021 from the Director of Education and Children's Services had been circulated to present the Committee with an analysis of school attainment based on the set of data arising from qualifications taken by school leavers from Banff and Buchan secondary schools up to session 2019-2020.

The Committee **noted** the terms of the report and congratulated the Head Teachers on their ongoing hard work and for seizing the new opportunities presented during the pandemic, and asked that the Committee's thanks be passed on to staff pupils and parents for their efforts through the most trying of times.

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/2020/0225 | Full Planning Permission for Erection of Dwellinghouse and Garage at Site at Dogshillock Croft, Aberchirder |
| B | Reference No APP/2019/2247 | Full Planning Permission for Erection of 2 Agricultural Storage Buildings; Erection of Building to Incorporate Combined Heat and Power Plant (CHP) and Erection of SSE Building at Site at Keilhill, King Edward, Banff |
| C | Reference No APP/2020/2590 | Full Planning Permission for Change of Use of Open Space to Residential Garden Ground, Alterations and Extension to Dwellinghouse and Erection of Garage and Summer House at Golfview, 1 Mid Street, Inverallochy |
| D | Reference No APP/2021/0301 | Planning Permission in Principle for Erection of Dwellinghouse at Land at the Old Aerodrome, Inverallochy |

7. ROADS, BRIDGES, HARBOURS & FLOODING AND LANDSCAPE SERVICES WORKS PROGRAMME 2021-2022

A report dated 24 March 2021 had been circulated to outline the available funding and the proposed programmes of works for Roads, Bridges, Harbours, Coast & Flooding, Landscape and Transportation.

The Committee **agreed**:

1. **to approve** Appendices A, B, D, E, F and G of the works programme, and
2. **to defer** consideration of Appendix C relating to Harbours, until the next meeting of the Committee to enable more accurate information on the actual budget figures to be provided.

8. ABERDEENSHIRE LOCAL DEVELOPMENT PLAN 2021 DEVELOPMENT PLAN SCHEME 2021

A report from the Director of Infrastructure Services had been circulated to ask the Committee to consider the revised Development Plan Scheme prepared to support the preparation of the Aberdeenshire Local Development Plan 2021.

The Committee considered and **noted** the terms of the report.

9. KIRK BRAE, FRASERBURGH - REDETERMINATION ORDER

A report dated 12 April 2021 from the Director of Infrastructure Services had been circulated to seek the Area Committee's permission to commence the statutory procedures required to make the Aberdeenshire Council (Kirk Brae, Fraserburgh) (Redetermination of Means of Exercise of Public Right of Passage) Order 2021.

The Committee **agreed**:

1. to authorise the commencement of the statutory procedures for the making of the Aberdeenshire Council (Kirk Brae, Fraserburgh) (Redetermination of Means of Exercise of Public Right of Passage) Order, 2021,
2. to delegate authority to the Head of Legal and People to make and implement the Aberdeenshire Council (Kirk Brae, Fraserburgh) (Redetermination of Means of Exercise of Public Right of Passage) Order 2021, in the event that no valid objections are received or if any are received they are resolved and withdrawn, and
3. in the event that any valid objections received are not resolved and not withdrawn, to instruct the remittance of the matter to the Scottish Ministers for determination.

10. DISABLED PERSONS' PARKING PLACES

A report dated 31 March 2021 from the Director of Infrastructure Services had been circulated to seek the Committee's permission to commence the statutory procedures required to make the Aberdeenshire Council (Disabled Street Parking - Banff & Buchan Area) Order 2021.

The Committee **agreed** to:

1. authorise the commencement of the statutory procedures for the making of the Aberdeenshire Council (Disabled Street Parking - Banff and Buchan Area) Order 2021,
2. delegate authority to the Head of Legal and People to make and implement The Aberdeenshire Council (disabled Street parking - Banff and Buchan Area) Order 2021, in the event that no valid objections are received or if any are received they are resolved and withdrawn, and
3. instruct the submission of a further report to Committee in the event that any valid objections received are not resolved and not withdrawn, or the proposals are amended following consideration of valid objections.

11. ROAD SAFETY AND ACTION PLAN

A report dated 29 March 2021 from the Director of Infrastructure Services had been circulated to inform the Committee of, and collect comments on, the draft Road Safety and Action Plan to 2030.

The Committee considered the terms of the report and **agreed** to provide the following comments on the draft Road Safety Plan and associated Action Plan to be reviewed and considered for inclusion or reference in the final report that will go before the Infrastructure Services Committee for final approval:

1. P6 - the human cost reflecting intrinsic loss of enjoyment of life; pain, grief and suffering due to injury or death should be mentioned first in the list of values,
2. Consideration should be given to education and training for Council staff/drivers,
3. Consideration should be given to the impact of deprivation on the statistics provided,
4. The Driver and Vehicle Standards Agency should be included in partnership working,
5. The word “accident” should not be used except in exceptional circumstances where no-one is to blame,
6. Committee welcomed the downward trend in collisions, serious incidents and fatalities,
7. The reference to “motorways” should be removed as there are no motorways in Aberdeenshire,
8. Paragraph 4.6.2 - More consideration should be given to providing facilities where there is separation between cars and cyclists/pedestrians

12. PROPOSED SALE OF FORMER FIFE STREET SCHOOL 108 FIFE STREET, MACDUFF

A report dated 19 April 2021 from the Director of Business Services had been circulated to seek the Committee’s approval to sell the former school, Fife Street, Macduff.

Councillor Findlater, seconded by Councillor Cassie **moved** that the Committee refuse permission to sell the property.

As an amendment, Councillor Kille, seconded by Councillor Mair **moved** that the Committee accept the offer and sell the building as per the officer’s recommendation.

Members of the Committee voted:

| | | |
|-------------------|---|---|
| For the motion | 5 | Councillors Buchan, Cassie, Cox, Findlater and Reynolds |
| For the amendment | 2 | Councillors Kille and Mair |

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

that the Committee refuse permission to sell the property.

The Committee **noted** that, in accordance with the proviso to Section B.9.2.3 of Part 2A of the Scheme of Governance, the matter would be referred to the Business Services Committee for final determination, and **agreed** that photographs of the building and

information on support provided to local groups who had shown an interest in the building be submitted as part of the report to the Business Services Committee to help that Committee in its decision-making.

Councillor Presiding over meeting

Print Name

Signature

Date

Appendix 1

PLANNING APPLICATIONS

6A REFERENCE NO APP/2021/0225

FULL PLANNING PERMISSION FOR ERECTION OF DWELLINGHOUSE AND GARAGE AT SITE AT DOGSHILLOCK CROFT, ABERCHIRDER

Applicant: Mr K Usher
Agent: Mantell Ritchie

A report dated 15 April 2021 from the 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 approval of the application were that the proposed development complied with Policy R1 as it would replace an existing disused building.

6B REFERENCE NO APP/2019/2247

FULL PLANNING PERMISSION FOR ERECTION OF 2 AGRICULTURAL STORAGE BUILDINGS; ERECTION OF BUILDING TO INCORPORATE COMBINED HEAT AND POWER PLANT (CHP) AND ERECTION OF SSE BUILDING AT SITE AT KEILHILL, KING EDWARD, BANFF

Applicant: Keil Green Energy
Agent: Mantell Ritchie

A report dated 15 April 2021 from the Director of Infrastructure Services had been circulated seeking determination of the above planning application by the Area Committee.

The Committee heard Mr Bob Ritchie, applicant, and Mr Michael Ritchie, applicant's agent, Mr Bob Moffat, and Mr Stanley Wood, all in support of the application.

Thereafter, Councillor Findlater, seconded by Councillor Cassie **moved** that consideration of the application be deferred to a future meeting of the Committee to enable further information to be supplied in relation to the objection from Economic Development (particularly Paragraph 6.42 of the report), further details of the business case, details of the sources of materials, particularly wood, and details of plans for using the waste heat.

As an amendment, Councillor Cox, seconded by Councillor Kille, **moved** that the application be delegated to the Head of Planning and Environment to approve on

appropriate conditions as it complied with policies R2 and C2 as it was an appropriate development in the countryside in terms of agriculture and farming in a rural economy.

Members of the Committee voted:

| | | |
|-------------------|---|---|
| For the motion | 6 | Councillors Buchan, Cassie, Findlater, Kille, Mair and Reynolds |
| For the amendment | 1 | Councillor Cox |

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

that consideration of the application be deferred to a future meeting of the Committee to enable further information to be supplied in relation to the objection from Economic Development (particularly Paragraph 6.42 of the report), further details of the business case, details of the sources of materials, particularly wood, and details of plans for using the waste heat.

6C REFERENCE NO APP/2020/2590

FULL PLANNING PERMISSION FOR CHANGE OF USE OF OPEN SPACE TO RESIDENTIAL GARDEN GROUND, ALTERATIONS AND EXTENSION TO DWELLINGHOUSE AND ERECTION OF GARAGE AND SUMMER HOUSE AT GOLFVIEW, 1 MID STREET, INVERALLOCHY

Applicant: Mr N Whyte

Agent: Fitzgerald and Associates Ltd

A report dated 15 April 2021 from the Director of Infrastructure Services had been circulated seeking determination of the above planning application by the Area Committee.

The Committee heard Mr Nathan Whyte, applicant, in support of the application.

Thereafter, the Committee:

1. **agreed** to delegate the application to the Head of Planning and Environment to approve on appropriate conditions,
2. **agreed** that refusal of the application would have a negative impact rather than the neutral impact stated in the Equalities Impact Assessment, based on the presentation given by the applicant that highlighted the nature of the conditions affecting the children.

The Committee's reason, therefore, for departure from the valid Local Development Plan was that the equalities issues outweighed the planning policy reasons for refusal.

6D REFERENCE NO APP/2021/0301

**PLANNING PERMISSION IN PRINCIPLE FOR ERECTION OF DWELLINGHOUSE
AT LAND AT THE OLD AERODROME, INVERALLOCHY**

Applicant: Ms B Whyte
Agent: Baxter Design Company

A report dated 15 April 2021 from the Acting Director of Infrastructure Services had been circulated seeking determination of the above planning application by the Area Committee.

*During this item, the Committee **agreed to suspend Standing Order 2.1.3** to enable the discussion and decision of this item to be completed.*

The Committee heard Mrs Brenda Whyte, applicant and Mr Ryan Urquhart, 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 approval were that the application was compliant with Policy R1 as there were already foundations in place and the site is not suitable for anything other than a building.