

## ABERDEENSHIRE COUNCIL

### BANFF AND BUCHAN AREA COMMITTEE LEARNING ROOMS 1 AND 2, FRASERBURGH COMMUNITY AND SPORTS CENTRE, MACONOCHIE PLACE, FRASERBURGH - 12 MARCH 2019

- Present:** Councillors A Kille (Chair), R A Cassie, J B Cox, M A Findlater, Councillor G Reynolds, D Mair, H Partridge, M J Roy and B A Topping
- Apologies:** C C Buchan
- Officers:** Mrs A Keith, Interim Area Manager; Miss F M Stewart, Senior Solicitor; Mr J Martin, Senior Planner; Mr S Newlands, Planner; Mrs A Johnston, Tackling Poverty and Inequalities Coordinator; Ms M Reid, Admin Assistant; Ms C McCall, Principal Officer (Harbours), Mr K Regan, Principal Officer (Landscape Services); Mr A Anderson, Landscape Services Officer; Mr J Stronach, Principal Roads Engineer; Mr G Lee, Principal Engineer (Bridges); Mr R Jasinski, Engineer; Mr C Menzies, Strategy Team Leader; Mr R McCleary, Project Coordinator, Mr K Abel, Quantity Surveying Manager; Mrs J Burnett, Business Development Executive and Mrs E M Farquhar, Area Committee Officer

## ANNOUNCEMENT

Councillor Cox, on behalf of the Area Committee, paid tribute to ex-Councillor Sydney Mair who died on Thursday 28<sup>th</sup> February 2019. Mr Mair had been a Councillor for over 48 years and had been Chair of the Banff and Buchan Area Committee for many of these. Councillor Cox said that Councillor Mair was a tenacious character, resolute and determined in his efforts to support his community. He had left a substantial legacy especially in terms of the work he did to promote Macduff Aquarium and he supported the two towns of Macduff and Banff in their efforts to obtain the very best sporting facilities which are now the envy of many other towns. He campaigned hard to ensure that people who did well in sports were recognised. Councillor Topping, who had been Councillor Mair's Vice Chair for many years, said that he was a very passionate advocate for Macduff and always insisted that everyone looked for positive solutions rather than concentrating on potential barriers to progress. The Committee's thoughts were with Mr Mair's family at this time.

### 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 16 Councillor Kille **declared an interest** by virtue of the fact that he is on the Board of the North East Scotland Preservation Trust (NESPT) and left the meeting and took no part in the item.
- Item 16 Councillor Reynolds **declared an interest** by virtue of the fact that he is on the Board of the North East Scotland Preservation Trust (NESPT) and left the meeting and took no part in the item.

### 2. RESOLUTION

#### 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 14, 15, 16, 17 and 18 of the business on the grounds that these items involved the likely disclosure of exempt information of the class described in Paragraphs 4, 8, 9 and 10 of Part 1 of Schedule 7A of the Act.

### **3. MINUTE OF MEETING OF 19 FEBRUARY 2019**

The minute of meeting of 19 February 2019 had been circulated.

The Committee **agreed** the following amendments to the minute:

1. Branch 6 - Analysis of Attainment and Achievement of Young People in Banff and Buchan Secondary Schools in Accredited Awards Year Ending June 2018 - Addition of Paragraph 2 as follows:

“**noted** that there was still work to be done and looked forward to continuing improvement”, and
2. Appendix 1 - Branch 7B - Vote was 6:2 as stated but Councillor Kille voted for the Motion.

and otherwise **agreed to approve** the minute as a correct record of the meeting.

### **4. LIST OF OUTSTANDING BUSINESS AT 12 MARCH 2019**

A list of outstanding business at 19 February 2019 had been circulated.

The Committee:

1. **noted** the list of outstanding business, and
2. in relation to Item 6, **agreed** that, in addition to a briefing note from the Head of Education, a meeting be arranged with representatives from NESCol to discuss ways to enhance Education provision in the area.

### **5. 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/2019/0015	Full Planning Permission for the Installation of three Ground Based Equipment Cabinets (Amended Siting to Planning Permission Reference APP/2017/2222) (Retrospective) at British Telecom, Telephone Exchange, Boyndie Street West, Banff
B	Reference No APP/2018/3000	Full Planning Permission for Erection of Dwellinghouse at Site Adjacent to Aulds Land, Boyndie
C	Reference No APP/2018/3075	Full Planning Permission for Erection of Dwellinghouse at Site at Fife Street, Macduff
D	Reference No APP/2018/1652	Full Planning Permission for Demolition of Outhouse and Alterations and Extension to Dwellinghouse at 3 Shore Street, Inverallochy

## 6. REDUCING CHILD POVERTY IN ABERDEENSHIRE 2019

A report dated 21 February 2019 from the Director of Business Services had been circulated to ask the Committee to review the Action Plan, provide comments to Full Council and identify particular local concerns.

The Committee:

1. **noted** the terms of the report,
2. **agreed** the following comments to be considered by Full Council:
  - a) The Report needs to have clarity of figures - they need to be accurate and well-explained,
  - b) The base-line figures in the Action Plan need to be accurate so that they can have clear, measured improvements.
  - c) There should be more information in terms of outcomes with actions rather than aspirations.
3. **agreed** the following comments for consideration by the Tackling Poverty and Inequalities Group:
  - a) More emphasis needs to be placed on stimulating the economy, providing training courses and creating jobs,
  - b) The Council needs to lead by example,
  - c) Banff and Buchan has regeneration towns, and health and housing issues need to have a much higher profile.

## 7. 2019/2020 REVENUE, CAPITAL AND RESERVE WORKS PROGRAMMES FOR BANFF AND BUCHAN HARBOURS

A report dated 14 February 2019 from the Director of Infrastructure Services had been circulated to ask the Committee to consider and approve the programme of works for Banff and Buchan harbours.

The Committee **agreed**:

1. to **approve** the 2019-2020 Annual Revenue Works programmes for Banff and Buchan harbours as detailed in the report,
2. to **note** the 2019-2020 Capital Works Programme for Banff and Buchan harbours, approved by the Banff and Buchan Area Committee on 27 March 2018,
3. to **note** the 2019-2020 Regeneration Reserve allocation for Banff Harbour Marina and Macduff Harbour, and
4. to **note** the Reserve list for Banff Harbour Marina, Portsoy and Rosehearty harbours.

#### **8. LANDSCAPE SERVICES REVENUE AND CAPITAL WORKS PROGRAMME 2019-2020**

A report dated 28 February 2019 from the Director of Infrastructure Services had been circulated to ask the Committee to approve the Area Landscape Maintenance and Capital Programme.

The Committee:

1. **agreed to approve** the Area Landscape Maintenance and Capital Programme as detailed in the report,
2. **agreed to approve** the list of reserve schemes,
3. **agreed** that reserve schemes could be brought forward in the event of slippage, provided that their inclusion did not result in the overall expenditure exceeding the allocated budget sum, and
4. **noted** that approval for any Banff and Buchan Area based procurements of £50,000 or more would be sought within the Infrastructure Services 2019/2020 Procurement Plan.

#### **9. ROAD MAINTENANCE PROGRAMME 2019-2020**

A report dated 27 February 2019 from the Director of Infrastructure Services had been circulated to ask the Committee to approve the Road Maintenance Programme for 2019-20.

The Committee **agreed** to approve the Area Road Maintenance Programme as detailed in the report.

#### **10. 2019/2020 BRIDGEWORKS PROGRAMME (ROAD NETWORK)**

A report dated 22 February 2019 from the Director of Infrastructure Services had been circulated to ask the Committee to approve the Banff and Buchan Area 2019/2020 Bridgeworks Programme.

The Committee **agreed**:

1. to **approve** the Banff and Buchan Area 2019/2020 Bridgeworks Programme (Road Network, as detailed in the report,
2. to **note** that approval for any Banff and Buchan Area based procurements £50,000 or more would be sought within the Infrastructure Services 2019/2020 Procurement Plan, and

3. that an informal meeting be arranged with all relevant officers to provide an update on Banff Bridge, erosion generally including Palmer Cove and issues in regard to the A947.

## 11. FRASERBURGH SOUTH PARK

A report from the Director of Infrastructure Services had been circulated to ask the Committee to review and agree to public consultation on the design of the Fraserburgh South Park.

The Committee **agreed** to approve the public consultation on the design of the Fraserburgh South Park and that consultation should include a question inviting other alternative suggestions in addition to those proposed.

## 12. BANFF AND BUCHAN AREA COMMITTEE BUDGET

A report dated 22 February 2019 from the Director of Education and Children's Services had been circulated to ask the Committee to agree the arrangements for the disbursement of the Area Committee budget for 2019/20.

The Committee **agreed**:

1. the eligibility criteria as outlined in the report, with an addition to criterion 8 "... and including any necessary and relevant qualifications and insurances".
2. that applications for funding from the Area Initiatives Fund be requested by 30 May 2019 and reported to the Banff and Buchan Area Committee on 18 June 2019 and that any remaining funds be subject to a second call in the autumn,
3. that the budget should 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.

## 13. COMMUNITY COUNCIL FUNDING 2019/2020

A report dated 22 February 2019 from the Director of Education and Children's Services had been circulated to ask the Committee to agree the arrangements for the disbursement of Community Council funding for 2019/2020.

The Committee **agreed**:

1. **to approve** the allocation of an administration grant fixed at £41 per Community Council meeting to be distributed according to the figures in the report, and that this method of disbursement be reviewed before next year's allocation is due, and
2. to make the remaining sum of £3,187 available for Project Grant applications.

## 14. ANNUAL WORK PLAN FOR INFRASTRUCTURE SERVICES PROCUREMENT APPROVAL

A report dated 01 March 2019 from the Director of Infrastructure Services had been circulated to ask the Committee to approve the Annual Work Plan for Infrastructure Services.

The Committee considered the Directorate Work plan as detailed in the report and **agreed**:

1. to approve the items on the Work Plan identified as falling within the remit of the Committee and,

2. to reserve approval of the Business Case for the Transportation Service - Fraserburgh ITT Maconochie Road, provision of shared use path - so that the Committee can consider further information to be provided on where the path is to be situated and the exact plan of action before any work is carried out.

#### **15. ANNUAL WORK PLAN 2019/2020 FOR BUSINESS SERVICES DIRECTORATE - PROCUREMENT APPROVAL**

A report dated 28 February 2019 from the Director of Business Services had been circulated to ask the Committee to approve the Annual Work Plan for Business Services.

The Committee considered the Directorate Work Plan as detailed in the report and **agreed**:

1. to approve the items of the Work Plan identified as falling within the remit of the Committee and,
2. not to reserve approval of the Business Case for any item on the Work Plan.

#### **16. FRASERBURGH 2021 PRIORITY PROJECT - FORMER JOHN TRAIL BOOKSHOP, 5-13 MID STREET, FRASERBURGH**

A report dated 01 March 2019 from the Director of Infrastructure Services had been circulated to ask the Committee to consider and approve the recommendation in the report.

Councillor Roy assumed the Chair for this item, in Councillor Kille's absence.

The Committee **agreed**:

1. to approve the actions specified in the report in respect of the above property, and
2. that regular updates be provided for Ward 3 Councillors.

#### **17. FRASERBURGH SHELTERED HOUSING - SPRINKLER INSTALLATIONS CONTRACT 18023 - TENDER RETURNS**

A report dated 24 February 2019 from the Director of Business Services had been circulated to ask the Committee to approve the above contract.

The Committee **agreed**:

1. to approve the project cost inclusive of associated costs as detailed in the report, and
2. to authorise acceptance of the tender in the sum stated and to the company specified in the report.

#### **18. SUPPORT FOR ABERDEENSHIRE BUSINESS SCHEME - SAB REF 118/0668**

A report dated 25 February 2019 from the Director of Infrastructure Services had been circulated to provide details of a loan which had been approved by the Support for Aberdeenshire Business (SAB) panel and to ask the Committee to approve certain terms.

The Committee **agreed**:

1. to waive the requirement for the applicant to provide heritable security for the loan, and

2. to approve a fixed rate of 3% per annum for the duration of the loan period of five years.

**Councillor Presiding over meeting**

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**Print Name**

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**Signature**

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**Date**

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## APPENDIX A

### PLANNING APPLICATION FOR CONSIDERATION

#### 5A REFERENCE NO APP/2019/0015

#### FULL PLANNING PERMISSION FOR INSTALLATION OF THREE GROUND BASED EQUIPMENT CABINETS (AMENDED SITING TO PLANNING PERMISSION REFERENCE APP/2017/2222) (RETROSPECTIVE) AT BRITISH TELECOM, TELEPHONE EXCHANGE, BOYNDIE STREET WEST, BANFF

**Applicant:** Arqiva  
**Agent:** The Harlequin Group

A report dated 25 February 2019 from the Director of Infrastructure Services had been circulated seeking determination of the above planning application by the Area Committee.

Councillor Topping, seconded by Councillor Roy, **moved** that the application be refused because the cabinets were not in accord with Policy P1 as the siting and design did not fit well with the surrounding area.

As an amendment, Councillor Cox, seconded by Councillor Findlater **moved** that the application be approved because the proposed development accorded with the development plan and there were no material considerations which indicated that permission should be refused, but that the Planning Officer request, on behalf of the Committee, that suitable landscaping be provided to reduce the impact of the cabinets on the surrounding area.

Members of the Committee voted:

For the motion	2	Councillors Roy and Topping
For the amendment	7	Councillors Cassie, Cox, Findlater, Kille, Mair, Partridge and Reynolds

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

that the application be approved because the proposed development accorded with the development plan and there were no material considerations which indicated that permission should be refused, but that the Planning Officer request, on behalf of the Committee, that suitable landscaping be provided to reduce the impact of the cabinets on the surrounding area.

#### 5B REFERENCE NO APP/2018/3000

#### FULL PLANNING PERMISSION FOR ERECTION OF DWELLINGHOUSE AT SITE ADJACENT TO AUDS LAND, BOYNDIE

**Applicant:** Excel Scotland Ltd  
**Agent:** Excel Scotland Ltd

A report dated 25 February 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 David Lovie, applicant, in support of the application.

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

The Committee's reasons for departure from the valid Local Development Plan were that the proposed development would form part of a cohesive group, there would be no impact on the amenity of the surrounding area and it was in agreement with Scottish Planning Policies which encouraged and supported regeneration.

### **5C REFERENCE NO APP/2018/3075**

#### **FULL PLANNING PERMISSION FOR ERECTION OF DWELLINGHOUSE AT SITE AT FIFE STREET, MACDUFF**

**Applicant:** Mrs Hayley King  
**Agent:** Jill Andrews Architect

A report dated 22 February 2019 from the Director of Infrastructure Services had been circulated seeking determination of the above application by the Area Committee.

The Committee heard Ms Jill Andrews, applicant's agent, in support of the application.

Thereafter, the Committee **agreed to approve** the application on the following conditions:

1. No other development in connection with the permission hereby granted shall commence and the access hereby approved shall not be brought into use unless visibility of 59 metres in both directions along the channel line of the 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 each 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. The development hereby permitted shall not be occupied until the vehicular access has been constructed in accordance with the approved plans as detailed below, and shall thereafter be permanently retained as such:
  - (a) A drop kerb footway crossing must be formed at the new driveway;
  - (b) The maximum gradient of the first 5m of the new access must not exceed 1 in 20;
  - (c) The first 5m of the access (measured from the edge of the road or the back of the footway) must be fully paved;
  - (d) Off-street parking for 2 cars, surfaced in hardstanding materials, shall be provided within the site in accordance with the Council's Car Parking Standards;
  - (e) A suitable vehicle turning area, measuring not less than 7.6m x 7.6m, must be formed within the site to enable all vehicle movements onto or from the public road to be carried out in a forward gear.

Reason: In the interests of road safety and to meet the Council's standards as contained in the Aberdeenshire Local Development Plan so as to ensure the development is provided with an adequate access.

3. 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 Policy C1 of the Aberdeenshire Local Development Plan 2017.

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 Policy C1 of the Aberdeenshire Local Development Plan 2017.

4. 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.

5. Waste water 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 approval of the application was that the proposal complies with relevant policies of the Aberdeenshire Local Development Plan 2017, in that the proposed dwellinghouse is acceptable in principle; the siting, design and layout are satisfactory and would not have an adverse impact on the amenity of the neighbouring residents. There are no material considerations which indicate that permission should be refused.

#### **5D REFERENCE NO APP/2018/1652**

#### **FULL PLANNING PERMISSION FOR DEMOLITION OF OUTHOUSE AND ALTERATIONS AND EXTENSION TO DWELLINGHOUSE AT 3 SHORE STREET, INVERALLOCHY**

**Applicant:** Mr & Mrs Andrew Masson  
**Agent:** Buchan Design Ltd

A report dated 26 February 2019 from the Director of Infrastructure Services had been circulated seeking determination of the above application by the Area Committee.

The Committee heard Mr Andrew Masson, applicant, in support of the application.

Thereafter, the Committee **agreed to defer** consideration of the application until the next meeting of the Committee to enable Members of the Committee to visit the site of the application to allow them to assess the potential impact of the proposed development on the amenity of the conservation area.

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