

ABERDEENSHIRE COUNCIL

BUCHAN AREA COMMITTEE

BUCHAN HOUSE, PETERHEAD, 27TH AUGUST 2019

Present: Councillors N Smith (Chair), D Beagrie (Vice Chair), M Buchan, S Calder, A Fakley, J Ingram, A Simpson and I Sutherland

Apologies: Councillors A Allan, A Buchan and S Smith

Officers: Chris White, Buchan Area Manager (Business Services); Peter Robertson, Senior Solicitor (Business Services); Amanda de Candia, Solicitor (Business Services); Laumon Dougall, Commercial Development Manager (Business Services); Sally Wood, Senior Planner (Infrastructure Services); Alan Davidson, Senior Planner (Infrastructure Services); John Todd, Planner (Infrastructure Services); James Hewitt, Planner (Infrastructure Services); Eleanor Munro (via skype), Environment Planner (Infrastructure Services); Peter MacCallum (via skype), Roads Development Manager (Infrastructure Services); David Vesco, Senior Roads Engineer (Infrastructure Services); Tony Jesser, Roads Technician (Infrastructure Services); Jim Bowe (via skype), Principal Officer Transportation (Infrastructure Services); Suzanne Robertson, Business Development Executive (Infrastructure Services); Andrew Murray, Senior Environmental Health Officer (Infrastructure Services); Lesley Forrest, Waste Support Leader (Infrastructure Services); Paul Whalley (via skype), Early Years Estate Manager (Education & Children's Services); and Theresa Wood, Area Committee Officer (Business Services)

In Attendance: Craig Shand, Scottish Fire & Rescue Service

CONGRATULATIONS ...

On behalf of the Buchan Area Committee, the Chairman extended the Committee's good wishes to Councillor Stephen Smith and Mrs Eilidh Whiteford on the recent birth of their son, Allan Douglas William Smith.

1. DECLARATIONS OF MEMBERS' INTERESTS

The Chairman asked Members if they had any interests to declare in terms of the Councillors Code of Conduct –

- (1) Councillor I Sutherland declared an interest in Item 4h by virtue of being the applicant for that particular planning application. In having a clear and substantial interest, Councillor Sutherland advised that he would leave the meeting for this item, and
- (2) Councillor N Smith, on behalf of the Area Committee as a whole, declared an interest in Item 4h by virtue of knowing the applicant (Councillor Iain Sutherland). Given the interest was remote and insignificant, the Members of the Buchan Area Committee remained and participated in this item (with the exception of Councillor Iain Sutherland)

2(a). STATEMENT ON EQUALITIES

In making decisions on the following items of business, the Committee **noted** the requirement, 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

2(b). RESOLUTION

The Committee **agreed** in terms of Section 50A (4) and (5) of the Local Government (Scotland) Act 1973, to exclude the public from the meeting during consideration of the items specified below so as to avoid disclosure of exempt information of the class described in the undernoted paragraphs of Part 1 of Schedule 7A of the Act.

Item No	Paragraph No of Schedule 7A
12	8
13	9
14	10

3. MINUTE OF MEETING OF 25TH JUNE 2019

The Minute of the Meeting of 25th June 2019 had been circulated and was **approved**.

4. NEW PLANNING APPLICATIONS

The Committee had before them reports by the Director of Infrastructure Services on planning applications for determination in terms of the Town and Country Planning (Scotland) Acts 1972 and 1997 and **agreed** to dispose of the applications as detailed in Appendix A attached to this Minute.

- (a) APP/2019/0105 Full Planning Permission for Change of Use from Agricultural Land to Travellers Site Suitable for 3 Pitches with Associated Works at Land adjacent to Smallburn, Clola, Mintlaw
- (b) APP/2019/0155 Full Planning Permission for Erection of Dwellinghouse at Site adjacent to The Laundry, Chapel Park, Pitfour Lake, Mintlaw
- (c) APP/2019/0786 Planning Permission in Principle for Erection of Dwellinghouse at Site to the North East of Mains of Park, Lonmay, Fraserburgh
- (d) APP/2019/0798 Planning Permission in Principle for Erection of Dwellinghouse at Captains Cabin, Aulton Road, Cruden Bay
- (e) APP/2019/0982 Full Planning Permission for Erection of Electricity Substation Comprising Platform Area, Control Building, Associated Plant & Infrastructure, Ancillary Facilities, Landscape Works and Road Alterations and Improvement Works at Site to the South of Newton of Sanford, Boddam, Peterhead

- (f) APP/2019/1063 Full Planning Permission for Erection of Dwellinghouse at Site to the West of Northview, High Street, St Combs
- (g) APP/2019/1380 Full Planning Permission for Erection of Dwellinghouse at Land at 8B School Street, New Pitsligo
- (h) APP/2019/1391 Advertisement Consent for Display of Signage at 7 Marischal Street, Peterhead

5. C48B, UGIE ROAD, PETERHEAD – PARKING & WAITING RESTRICTIONS

A report by the Director of Infrastructure Services had been circulated with regard to amending the parking and waiting restrictions at the Ugie Road/Churchhill Drive junction (west) in Peterhead. Following concerns expressed by residents, a review was undertaken and it was noted that parked vehicles on Ugie Road, opposite Churchhill Drive (west junction) are making it difficult for vehicles to safely negotiate this junction.

The Committee **agreed**:-

- (1) to authorise the commencement of the statutory consultation for the making of the Ugie Road, Peterhead, Parking & Waiting Restrictions Order 2019,
- (2) to authorise the subsequent making of the above Order in the event that no valid objections are received or any received are resolved and withdrawn, and
- (3) to 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

6. ABERDEENSHIRE COUNCIL TREE PRESERVATION ORDER REVIEW AC TPO 105 (2019) Slains Woodlands, Cruden Bay

A report by the Director of Infrastructure Services had been circulated seeking confirmation of a Tree Preservation Order (TPO) which is the subject of an outstanding objection. The Officer explained that as part of the review of Tree Preservation Orders across Aberdeenshire, the TPO made by Banff & Buchan District Council in 1986 has been reassessed and resurveyed and a new Order was made on 29th March 2019. One representation was received in respect of this Order, and Members were provided with a copy of the objection and Officers comments.

Having considered the detail of the report, the Committee **agreed** to confirm the Tree Preservation Order AC TPO 105 (2019).

7. WASTE MANAGEMENT – LITTER PREVENTION ACTION PLAN AND ASSOCIATED STREET CLEANSING POLICY AND PROCEDURES

A report by the Director of Infrastructure Services had been circulated asking that the Committee consider and provide comment on the proposed Litter Prevention Action Plan and associated Policy and Procedures in relation to Street Cleansing.

Having considered the content of the report, the Buchan Area Committee agreed to make the following comments to Infrastructure Services Committee –

- (1) whilst acknowledging that this is an extensive document which covers every aspect in terms of dealing with the issues of litter prevention, the Committee expressed concern in terms of implementation given the continual financial pressures,

- (2) to request that consideration be given as to how the Plan is to be benchmarked,
- (3) to highlight the importance of 'prevention' first and foremost,
- (4) to highlight the importance of educating the public on the use of their recycling centres,
- (5) to note that in some other countries they are now using bins with recycling compartments; whilst acknowledging that this would have considerable cost implications, this should nevertheless be a long term aim, and
- (6) to commend the work of the Waste Team in Buchan

8. ABERDEENSHIRE H&SCP PERFORMANCE & OUTCOMES FRAMEWORK QUARTER 4 REPORTING – JANUARY TO MARCH 2019

A report by the Partnership Manager (North) for the Aberdeenshire Health and Social Care Partnership had been circulated providing the Committee with a H&SCP performance report for January to March 2019. In addition, an annual performance report for the Buchan Locality Plan had been attached.

The Committee **agreed**:-

- (1) to seek clarification as to what 'ED' means in LO12 (page 8) – "ED attendance rates per 1,000 ...",
- (2) to note concern in relation to LO9 and LO10 (page 11) in that rates per 1,000 had increased in both instances, and to request that Officers provide more detail, and
- (3) to welcome the opportunity to meet with Officers informally to further discuss performance, as scheduled for November 2019

9. PETITION FOR CONSIDERATION – REMOVAL AND REINSTATEMENT OF BUS ROAD MARKINGS IN LONGHAVEN

A report by the Director of Business Services had been circulated advising that a petition, with 119 signatures, had been lodged seeking the removal of yellow lines from the road outside a shop in Longhaven and the reinstatement of the original bus stop markings.

Given that the Council has an obligation to provide access to public transport, the Chairman had determined the subject matter of the petition to be competent and relevant.

In terms of Standing Order 6.2, the Area Manager had received a request to address the Committee from a Mr Hadden, who had submitted the petition.

The Committee was asked if they wished to hear the representation. The Committee unanimously **agreed**.

Before hearing Mr Hadden, the Committee received an update, in relation to the site visit that had taken place the week previous, from the Council's Principal Officer for Transportation, Mr Jim Bowe. Having outlined the purpose of the site visit and those in attendance, Mr Bowe advised that it had been decided that BEAR will follow-up with Transport Scotland to seek approval for a removal from standard to allow for the solid yellow line to be removed. If this is successful, Mr Hadden, the shop owner, will remind his customers to show consideration for the buses and avoid parking in the bus stop.

The Committee then heard from Mr Hadden –

“Myself and my immediate neighbours Mr and Mrs Alexander, Aldu and Mrs Buchan at No. 3 Coldwells Cottage are the same minded as myself - leave the bus stop in the same format as it has been for the last 50 years.

Our neighbours including ourselves are quite clear in that the shop and the bus stop have co-existed quite uneventfully over the past 50 years or more without any instance.

Approximately 10 years ago the owner of Blackhills Farm situated east and south across from the shop died as the result of an accident. A man who lived in a mobile home at Wellbank seized the opportunity to site his mobile home at Blackhills Farm knowing that there was no apparent beneficiary to inherit the farm.

Subsequent owners have failed to evict him. This man appears to indulge in creating trouble, he self-confessed that he continually contacted SEPA complaining about the unpleasant odour coming from Stoneyhill landfill site over a number of years., SEPA were not convinced that his complaints were genuine because the landfill site were complying with waste management regulations on their visits, he gave up. He then turned his attention to the bus stop, although he had caught the bus at this stop for almost 10 years without incident, for some unknown reason he started to pick arguments with our customers (these customers are all short stay in and out of shop as quickly as possible) and made a complaint to a local member.

As a result of this complaint a yellow box appeared with solid lines in front of the shop stopping my customers from stopping. My wife and myself have worked hard to build the business over the last 27 years, it's a small rural shop where we have had to diversify to survive, if these solid yellow lines are not removed preventing our customers parking it may lead to the possible closure of one of the last few remaining rural shops. Lastly, the bus stop is an ultra-low usage stop, Mr Fletcher being the only passenger many days.

Allegedly Mr Fletcher has now turned his attention to another neighbour wrongly accusing him of failing to fulfil his tenancy agreement.

Jim Bowe of Aberdeenshire Council organised a meeting on Wednesday past inviting myself, or neighbours and several others to find a solution. His proposed solution was to remove the solid yellow lines with broken yellow lines which he is putting forward to the Scottish Transport office for their approval.

Councillors I ask for your support at best returning the bus stop to its original road markings but in yellow which have worked for all concerned for the past 50 plus years, or at worst Jim Bowe's recommendation which doesn't fulfil the request of the petition signed by over 150 people on 1 day only.”

Having heard that the Council is now awaiting a decision from Transport Scotland, the Committee **agreed** to defer any further discussion on this issue for up to two cycles of the Buchan Area Committee to allow time for BEAR and Transport Scotland to provide a response as to whether they are willing to relax the regulations in this particular location.

10. RISK MANAGEMENT POLICY & PROCEDURES

A report by the Director of Business Services had been circulated asking the Committee to consider and provide comment on the Risk Management Policy.

Having considered the Risk Management Policy, the Committee **agreed** to forward the following comments to Business Services Committee –

- (1) whilst welcoming the review, to highlight the Committee's concerns in relation to the delay in this Policy having been reviewed, and
- (2) in recognising the diverse issues covered, to ask how and where does this Policy fit within Aberdeenshire Council as a whole?

11. SCOTTISH FIRE AND RESCUE SERVICE – PERFORMANCE REPORT – FOR 1ST APRIL TO 30TH JUNE 2019

A report by the Local Senior Officer for SFRS and Director of Business Services had been circulated informing the Committee as to how the SFRS is performing locally in Buchan against key priorities and the Multi-Member Ward Plan.

Following a brief discussion with the presenting Officer, the Committee **agreed** to note the content of the report.

12. SUPPLEMENTARY ANNUAL WORK PLAN FOR EDUCATION AND CHILDREN'S SERVICES DIRECTORATE – PROCUREMENT APPROVAL

A report by the Director of Education and Children's Services had been circulated reminding the Committee that the Buchan Area Committee had approved the E&CS Buchan Area Procurement Work Plan on 19th March 2019. The Supplementary Procurement Work Plan for Buchan, as attached to the report, included proposals to carry out enhancement works at six Nursery settings to improve existing infrastructure.

Having considered the Directorate Work Plan, the Committee **agreed**:-

- (1) to approve the item on the Work Plan identified as falling within the remit of the Committee,
- (2) to approve the Business Case, as detailed in Appendix 2 attached to the report,
- (3) to not reserve the award of contract and that the contract be dealt with by the Head of Resources and Performance, and
- (4) to request that Officers provide local Members with an update in respect of the capacity issues at St Fergus School, as previously raised by local Members

13. ESTATES NON-OPERATIONAL PORTFOLIO DEVELOPMENT UPDATE

A report by the Director of Business Services had been circulated asking the Committee to provide comment on the Estates Non-Operational Portfolio Development Update report.

Having considered the content of the report, the Committee **agreed** to provide the following comments to Business Services Committee from the Buchan Area Committee:-

- (1) to welcome the Estates Non-Operational Portfolio Update report,
- (2) to approve the Buchan area project within the Supplementary Work Plan, as noted in Appendix 1, and note that this item will be added to the Directorate Work Plan, and
- (3) to approve the Business Case for the Buchan area project as noted in Appendix 2

**14. GATEWAY 2 REPORT, KEY DEPOT BUILDING MINTLAW:
NEW WELFARE AND STORAGE FOR HOUSING AND WASTE, CONTRACT 17982**

A report by the Director of Business Services had been circulated providing the Committee with an update on the Mintlaw depot project as part of the depot strategy programme of work.

The Committee **agreed**:-

- (1) to welcome and approve the addition of the item on the Supplementary Work Plan as detailed in Appendix A to the Business Services Directorate's Annual Work Plan 2019/2020, being the project cost as detailed in the report,
- (2) to approve the Strategic Business Case in Appendix B for the item on the Supplementary Work Plan,
- (3) to note the scope of work as outlined in the report, and
- (4) to authorise the expenditure of the project cost for the consultation, final design and tendering process

APPENDIX A

NEW PLANNING APPLICATIONS

- (a) **Full Planning Permission for Change of Use from Agricultural Land to Travellers Site Suitable for 3 Pitches with Associated Works at Land adjacent to Smallburn, Clola, Mintlaw**
For: Mr Gordon Stewart, 10 Mooley Avenue, Ellon, AB41 9WR
Reference No: APP/2019/0105

Having heard from the Senior Planner that confirmation of the suitability of the quantity and quality of the water supply and acceptability of the drainage serving the site remain outstanding, the Committee unanimously **agreed**:-

- (1) that this application be deferred for two cycles of the Buchan Area Committee to allow –
- (a) Officers more time to confirm the suitability of the quantity and quality of the water supply and acceptability of the drainage serving the site, and that the findings be reported back to the Buchan Area Committee at their meeting on 8th October 2019, and
- (b) the Members of the Buchan Area Committee an opportunity to undertake a site visit to consider the proposal in context
- (2) that Officers confirm which Ward the actual site is within

- (b) **Full Planning Permission for Erection of Dwellinghouse at Site adjacent to The Laundry, Chapel Park, Pitfour Lake, Mintlaw**
For: Mr D Mackie, per Agent
Per: Baxter Design Company, 1 The Square, Mintlaw, Peterhead
Reference No: APP/2019/0155

In terms of Standing Order 6.5, the Area Manager had received a request to address the Committee in relation to this application from the Agent, Mr Ryan Urquhart of Baxter Design Company.

The Committee was asked if they wished to hear the representation. The Committee unanimously **agreed**.

Having heard from the Senior Planner, the Committee then heard from Mr Urquhart –

“In paragraph 3.1 of the report, representation has raised that ‘There is an ancient buried ice house beneath the proposed site of the new build’. To clarify, this is outwith the site but still within the curtilage.

In looking at reason 02 for refusal, I refer Members to paragraph 4.2 of the report where it is suggested that we could look at mitigating measures. There was a lack of communication, and I feel this could be addressed by either moving the house or providing mitigating measures.

In looking at reason 01 for refusal, there are houses being built to the south and there is the Game Larder. This house would have its own access, and could form part of a group.

The proposed house is small, suitable for someone retiring and would be an affordable house.”

Following a detailed discussion, the Committee **agreed** to Refuse Full Planning Permission for the following reasons:-

01. The principle of development on this site is not acceptable and is in conflict with the Aberdeenshire Local Development Plan 2017, in particular Policy R2 Housing and employment development elsewhere in the countryside as the proposal is not within an existing recognised cluster of 5 or more houses, due to its orientation, separation and physical relationship with other dwellings, and the topography, as such there is no cohesive relationship. Furthermore, the proposal is considered to be 'detached' from the existing cluster of houses due to the physical and visual barrier of the existing mature trees and the topography of the site
02. The proposal is in conflict with Scottish Planning Policy, Historic Environment Policy for Scotland and the Aberdeenshire Local Development Plan 2017, in particular Policy HE1 Protecting historic buildings, site and monuments, due to its close proximity to The Laundry which is a Category C Listed Building. The proposed dwellinghouse by virtue of its proximity to The Laundry would form the backdrop to the historic property and consequently have an adverse impact on its setting, contrary to both National and Local Planning Policies which seek to preserve the setting of listed buildings

The Committee further **agreed** that Officers assist the applicant in submitting a new application to comply with the Fees Regulations to achieve a 'free go' if possible.

- (c) **Planning Permission in Principle for Erection of Dwellinghouse at Site to the North East of Mains of Park, Lonmay, Fraserburgh**
For: Mr & Mrs Ewan Mowat, 1 Bards Way, Fraserburgh
Per: Buchan Design Ltd, 24 Buchan Road, Fraserburgh
Reference No: APP/2019/0786

In terms of Standing Order 6.5, the Area Manager had received a request to address the Committee in relation to this application from the Agent, Mr Jim Buchan of Buchan Design Services.

The Committee was asked if they wished to hear the representation. The Committee unanimously **agreed**.

Having heard from the Senior Planner, the Committee then heard from Mr Buchan –

“The applicants are the owners of Victoria Coaches based at Forehill, Peterhead, with an ancillary repair facility also located at Mains of Park, 256 metres to the west of the steading buildings which are the subject of this application.

They presently stay in a residential housing scheme in Fraserburgh, and Mr Mowat intends on retiring or at least semi-retiring this year, still having involvement in the business, but with his son taking over the general running of the coach firm.

He and his wife have always wanted to stay in the countryside, but they have led a very busy life running their business over the last 25 years with little opportunity to pursue the matter. So the chance has now arisen to perhaps build a house for themselves on the land that they own at Mains of Park.

Whilst the application doesn't fully comply with the policy, in that the new house won't be positioned directly on the footprint of the steading buildings which are to be demolished, it makes sense to locate the new building on the site applied for, for the following reasons:

(1) This site would protect the new house from any direct noise from the commercial unit which otherwise would only be some 30 metres away were the house to be located on the site of the steadings. It can be quite noisy in the commercial unit at times. (2) It would also afford the occupants a greater degree of privacy, and benefit from the existing mature trees which are located in the corner of the field and would give a better landscape environment for the new occupants, rather than the more commercial feel of the buildings surrounding the steadings, and (3) The site location would also of course be convenient for still being in close proximity for Mr Mowat to easily oversee operations at the business's commercial unit as and when required.

So the applicants haven't just chosen the site on a whim, there are very good reasons in their minds why the house should be positioned on this particular location.

The applicants would have been quite willing to move the house closer towards the steading, even perhaps halfway, but this would leave it in the middle of a field, which I must say would be worse than keeping it towards the backdrop of the existing mature trees, and I advised them that they may have a better chance of approval by locating the site near to this existing landscape feature, but they would quite happily carry out additional tree planting to the south and east of the new site, to further screen it from view of the A952.

The planning department are concerned about the site size, but Mr and Mrs Mowat are more than willing to reduce the area of the site to a size that would be suitable to the planners, by way of further compromise if necessary.

A flood risk assessment report is awaited and will be forwarded to the planning officer when available, and further discussions will be sought with planners regarding the associated water supply application which is also pending. However on speaking to the farmer who has farmed the land over the last 20 years or so, he has never seen any sign of flooding in that area, and it appears unlikely that an assessment report would conclude otherwise, particularly as there is a constant crossfall on the field which will naturally shed groundwater northwards down towards the Kilbirnie Burn. Nevertheless a Flood Risk Assessment will be forwarded to the case officer in due course.

I would hope that the members would agree that the reasons given would be sufficient to recommend that a departure from the policy in regard to the house location, would be acceptable in this instance.

I would be very pleased if the members overturn the recommendation to refuse and decide to approve this application today on the proviso that the outstanding matters are satisfactorily finalised with the planning department, but if the Committee are not minded to do so at the moment, might I suggest that a motion could be tabled for a site visit to be arranged, so that the members can see for themselves the sense in approving this particular application."

Having heard from the Agent, the Committee unanimously **agreed**:-

- (1) that authority to Grant Planning Permission in Principle be delegated to the Head of Planning and Environment Service subject to relevant planning conditions, including suspensive conditions to cover the following –
 - (a) a Flood Risk Assessment, and
 - (b) Private Water Supply

- (2) their reasons for departing from the Local Development Plan as follows –
- (a) the proposal complies with Policy R2 Housing and employment given that the applicant intends to retire in part only and therefore still requires to be close-by to the family business,
 - (b) given the nature of the business it is a reasonable choice of site and is not an excessive use of agricultural land; the proposal therefore complies with Policy P1 Layout, siting and design in that there are material considerations for approving the application, and
 - (c) the nearby tree cover will reduce the visual impact to allow the proposal to comply with Policy E2 Landscape
- (d) **Planning Permission in Principle for Erection of Dwellinghouse at Captains Cabin, Aulton Road, Cruden Bay**
For: Mr A Smith, c/o Agent
Per: Baxter Design Company, 1 The Square, Mintlaw, Peterhead
Reference No: APP/2019/0798

Councillor Fakley moved as a motion, seconded by Councillor Beagrie, that Planning Permission in Principle be Granted subject to the conditions detailed in the report.

As an amendment, Councillor Calder, seconded by Councillor Ingram, moved that the application be deferred to allow the Members to undertake a site visit.

The Members of the Committee voted:-

For the motion (6) Councillors N Smith, Beagrie, M Buchan, Fakley, Simpson and Sutherland

For the amendment (2) Councillors Calder and Ingram

The motion was therefore carried and the Committee **agreed**:-

- (1) to Grant Planning Permission in Principle subject to the following conditions –
01. Details of the specified matters listed below shall be submitted for consideration by the planning authority, in accordance with the timescales and other limitations in section 59 of the Town and Country Planning (Scotland) Act 1997 (as amended). No development shall begin on the site unless all of the details listed in this condition have been submitted to and approved in writing by the planning authority. The development shall be carried out in complete accordance with the details approved in relation to this condition.
- (a) full details of the siting, design, layout, external appearance and finishing materials of the proposed development including waste bin uplift area, driveway, vehicle parking and turning area;
 - (b) full details of the proposed means of access to the development
 - (c) a detailed levels survey of the site and cross sections showing proposed finished ground and floor levels relative to existing ground levels and a fixed ordnance datum point;

- (d) full details of the proposed means of disposal of foul and surface water from the development.

Reason: Permission for the development has been granted in principle only and subsequent approval is required for these matters in accordance with section 59 of the Town and Country Planning (Scotland) Act 1997 (as amended).

02. The dwellinghouse hereby approved shall not be occupied unless its driveway, parking and turning area have been provided and fully paved in accordance with details to be submitted to and approved in writing by the Planning Authority. 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 and in the interests of road safety.

03. No works in connection with the development hereby approved shall commence unless details of the refuse bin uplift store area has 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.

04. The dwellinghouse hereby approved shall not 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.

05. 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.

06. 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.

07. No works in connection with the dwellinghouse hereby approved unless full details of the surface water drainage system and maintenance report has been submitted to and approved in writing by the Planning Authority. Once approved the surface water drainage system installed in accordance with the approved plans and 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.

- (2) the reason for departing from the Aberdeenshire Local Development Plan as follows –

01. The proposed development for a single house to replace the existing cabin within the coastal zone is supported. While there has been no justification provided that demonstrates that the proposed house requires a coastal location, the proposed development is immediately adjacent to an existing settlement and would form part of that built up area. Thus the impacts to the coastal zone are not significant. In addition, the principle of development would not have a significant adverse impact on the qualifying interests for the overall nature conservation site and the wider landscape. The development complies with Policy P1: Layout, siting and design, Policy E1 Natural heritage, Policy E2 Landscape and Policy RD1 Providing suitable services, but is an acceptable departure from Policy R1 Special rural areas contained within the Aberdeenshire Local Development Plan 2017.

- (e) **Full Planning Permission for Erection of Electricity Substation Comprising Platform Area, Control Building, Associated Plant and Infrastructure, Ancillary Facilities, Landscape Works and Road Alterations and Improvement Works at Site to the South of Newton of Sanford, Boddam, Peterhead**
For: Scottish Hydro Electric Transmission Plc, 200 Ashgrove Road West, Aberdeen
Reference No: APP/2019/0982

In terms of Standing Order 6.5, the Area Manager had received a request to address the Committee in relation to this application from the Applicant, Tommy Hart, Town Planner for SSE Networks.

The Committee was asked if they wished to hear the representation. The Committee unanimously **agreed**.

Having heard from the Planner, the Committee then heard from Mr Hart –

“SHE Transmission is the transmission license holder in the north of Scotland and has a duty under the Electricity Act to “develop and maintain an efficient, co-ordinated and economical system of electricity transmission”. In doing so we must offer connection to the transmission system, both for new generation and for new sources of electric demand.

The planning application in front of you is for a new 400kV substation at Boddam, Peterhead, on the western side of the A90 immediately north of our existing substation.

The proposed development and its associated infrastructure form an integral part of the reinforcements to the transmission network in the north east of Scotland required to enable new energy generation to link to the main transmission system and centres of demand. The proposed development and associated infrastructure are required, but not limited to, to provide a connection into the transmission network for the 1.4 GW North Connect HVDC Interconnector, as well as to provide increased network capacity to accommodate an increase in the generation capability of Peterhead Power Station.

These upgrades to the north east network are acknowledged in the National Planning Framework 3 as part of the National Development 4 'High Voltage Electricity Transmission Network'. The NPF 3 states: "These classes of development are needed to support the delivery of an enhanced high voltage electricity transmission grid which is vital in meeting national targets for electricity generation, statutory climate change targets, and security of energy supplies.

The application site has an extensive planning history with 2 previous for similar development. The latest consent from 2014 lapsed back in June. This new planning application has been submitted to take account of design changes however the extent of the substation platform and the elevations remains similar to the previous schemes.

The proposed development includes a 400kV substation, two plant enclosures, a GIS control building and temporary construction compound. In addition to this there will be a new access track from the public road as well as extensive landscaping. The buildings have been designed and coloured so as to blend in with the immediate area and therefore not be imposing on the landscape further afield.

The substation will be capable of operating at 400kV, however will initially be operated at 275kV until such time as the capacity of the overhead line network has been increased.

It is worth noting that this will be an unmanned substation and I can confirm that access to the substation is restricted to authorised persons only.

A number of improvements are also proposed to the local road network to accommodate the access to the development, including at the junction with the A90 and on the minor road to Newton of Sandford. These form part of the application in front of you today.

We also require to undertake some overhead line diversions and grounding of cables, which were subject to a separate Section 37 application granted consent by Scottish Ministers in July.

As you'll note, we have received no representations from members of the public which is perhaps due to the site history and where the development sits. Likewise, we have received no objections from statutory consultees.

We have worked well with the statutory consultees both within and external to the Council to respond quickly to any comments received in order to ensure the programme doesn't slip. In particular, we have held positive discussions with the flood prevention unit whereby an agreement was reached on an additional outfall point for surface water. We are also undertaking a CCTV survey of the proposed outfall point to clarify the capacity. A full update shall be forthcoming at the Full Council meeting in September.

We are also working with the Roads Authority in order to secure a Section 56 agreement with regards to the PRI works. This agreement should be complete in early 2020 which will allow for the PRI works to commence in Spring in advance of the main substation works thereafter. Construction will take place on a 2 to 2 ½ year period based on 7 day working.

To conclude, what you have in front of you is a development which has raised no objections from internal or external consultees, nor has it raised any objections from members of the public. The previous consent has only just lapsed 23 months ago and that was the second consent for the site. Taking account of what you've read and heard, I trust that the Committee have sufficient information and comfort to be able to forward this application to Full Council for final consideration."

The Committee **agreed** to provide the following preliminary view to Full Council:-

The Buchan Area Committee welcome such a proposal which is of both local and national significance.

- (f) **Full Planning Permission for Erection of Dwellinghouse at Site to the West of Northview, High Street, St Combs**
For: Claymore Homes, c/o Agent
Per: Baxter Design Company, 1 The Square, Mintlaw, Peterhead
Reference No: APP/2019/1063

The Committee **agreed**:-

- (1) to Grant Full Planning Permission subject to the following conditions:-
01. Prior to the occupancy of the development hereby approved the following shall be provided:-
- (a) off street parking for three cars within the application site boundary, to be surfaced in hard standing materials and thereafter retained in perpetuity;
 - (b) the first 5 metres of the access road measured back from the public road shall not exceed a gradient of 1:20 and shall be surfaced in hardstanding materials;
 - (c) a vehicle turning area, measuring not less than 7.6 metres x 7.6 metres, as shown on the approved plans, to be formed within the site and thereafter retained in perpetuity.
- Reason: In the interests of road safety, to ensure vehicles can enter and exit the site in a forward gear, and to make sure that vehicles can be accommodated within the site with no overspill on to the public road.
02. 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 planning policy - Policy C1 Using resources in buildings.

The dwellinghouse 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 planning policy - Policy C1 Using resources in buildings.

03. 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.

04. The dwellinghouse hereby approved shall not be occupied unless the proposed surface water drainage system has been provided in accordance with the approved plans and the drainage proposal detailed in the Trial test pit report by Lachlan McDonald dated 24th November 2016. The surface water drainage system 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.

05. 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.

Reason for Decision

The proposed development can be considered as an acceptable departure from Policy R1 Special Rural Areas as in this case the principle of development is established against Policy R2 Housing and employment development elsewhere in the countryside. Under Policy R2 St Combs is an Appendix 4 listed settlement with scope for one more additional house (under this plan period), and any organic growth in the settlement would by default require a coastal location. The details of the design, siting, layout, access and servicing of the proposal otherwise comply with the relevant policies from the Aberdeenshire Local Development Plan 2017.

- (2) the reason for departing from the Aberdeenshire Local Development Plan 2017 as follows –

The principle of development is established against Policy R2 Housing and employment development elsewhere in the countryside as St Combs is an Appendix 4 listed settlement with scope for one more additional house under the current plan period. The proposed dwellinghouse is located within the Coastal Zone and does not fully comply with Policy R1 Special rural areas. The proposal can be supported as a departure from the Local Development Plan as St Combs has a need for additional housing in the area in order to support the school. The proposed house design is considered acceptable. All servicing and access arrangements are acceptable and

there are no significant concerns in relation to flooding. The application accords with the relevant policies from the Aberdeenshire Local Development Plan 2017 aside from Policy R1 and the application is considered to be a justified departure.

(g) **Full Planning Permission for Erection of Dwellinghouse at Land at 8B School Street, New Pitsligo**

For: Mr Martin Cheyne & Miss Nicole Cumming, 8B School Street, New Pitsligo
Per: Taylor Design Services, The Studio, New Inn Courtyard, Market Street, Ellon
Reference No: APP/2019/1380

In terms of Standing Order 6.5, the Area Manager had received a request to address the Committee in relation to this application from the Agent, Kevan Petrie of Taylor Design Services.

The Committee was asked if they wished to hear the representation. The Committee unanimously **agreed**.

Having heard from the Senior Planner, the Committee then heard from Mr Petrie –

“As you will be aware, during the standard consultation period for this application, no objections to the proposal were received nor any neighbour complaints against the proposal and it has also been noted that statutory consultees have no objections

Within the committee report, the design of the dwellinghouse was generally well received and the mixture of materials will add texture to the proposal as well as the cutting in of the building to the site will help reduce the impact on the surrounding neighbours.

There are three main elements that have been highlighted by the planners which have brought forward the recommendation for refusal.

1. **Overlooking/privacy**

Firstly it was suggested that the privacy to rear garden areas associated with 8A and 8B School Street would be compromised, I would note that current planning supplementary guidance suggests that a separation distance from house windows to a common property boundary (at right angles to the windows) should be at least 9m for ground floor windows and 12m for upper floor windows.

Given that our principle elevation to boundary is 13m and beyond this boundary is a single garage and substantial driveway area, the total distance from window to ‘private garden ground’ is actually 17m for 8A and 21m for 8B School Street. Even when taking into account the level difference across both sites (existing and proposed) and the boundary finish of retaining wall and vertical closed boarded fence, to a height of approx. 2.00m, the above distance should be looked upon favourably.

Also, we wish to highlight that the approved storey and a half dwellinghouse of APP/2007/3025 situated in the garden grounds of 9 School Street directly across mutual lane overlooks the current private garden area of 8B. The dwelling to boundary is less than the suggested good practise of 12m (11.50m) which is actually more onerous than our current proposal.

2. Amenity of proposed house

On review of siting and design, it was also acknowledged it will have little impact on any overshadowing to the surround sites given the proposal being partially recessed into to the landscape.

That said, during the design process it was acknowledged that by recessing the building into the landscape may create minor overshadowing issues to the rear lounge elevation, this has been countered by forming 2 no. large areas of glazing to the North West elevation which will flood the lounge with natural daylight.

3. Principal of development

Whilst we note the comments in regards to backland development, we would highlight that there are recent approvals in New Pitsligo, under delegated powers, for back land development, specifically I refer to application 2018/2659 and 2018/1835.

In the application APP/2018/2659, which has a shared access similar to our application, this backs onto further residential development and in our opinion is more onerous than our current application which backs onto agricultural land and thus has reduced privacy issues. Within the report of handling for APP/2018/2659 it stated "backland development is well established generally in the village of New Pitsligo.

When we also factor in the planning application 2007/3025 for the adjacent site at 9 School Street, which demonstrates a backland site accessed from the same lane of our application and again involves a storey and a half dwellinghouse, this clearly demonstrates a principal of development under equivalent conditions prior to Low Street application and we feel our application merits a full and considered review before the committee."

Having considered the detail, the Committee **agreed**:-

- (1) to Grant Full Planning Permission subject to relevant planning conditions, and
- (2) that the village of New Pitsligo continues to suffer from decline, therefore this application is welcomed as the general economy of the village needs growth. Policy P3 Infill and householder development within settlements and Policy P1 Layout siting and design corresponds with this need for expansion and growth

(h) **Advertisement Consent for Display of Signage
at 7 Marischal Street, Peterhead**

For: Mr Iain Sutherland, 7 Marischal Street, Peterhead
Reference No: APP/2019/1391

The Committee **agreed** to Grant Advertisement Consent

Reason for Decision

01. The proposal is acceptable in design terms and will not affect the character of the Conservation Area in a negative way. There are no concerns in terms of roads safety. The application accords with the relevant policies from the Aberdeenshire Local Development Plan 2017, particularly Policy HE2 Protecting historic and cultural areas. The proposal also conforms to The Town and Country Planning (Control of Advertisements) (Scotland) Regulations 1984 and is considered to be acceptable