

ABERDEENSHIRE COUNCIL**BUCHAN AREA COMMITTEE****BUCHAN HOUSE, PETERHEAD, 23RD JUNE 2015**

Present: Councillors S Pratt (Chair), A Allan (Vice Chair), A Buchan, E Chapman, A Gardiner, J Ingram (Items 1-12 only), F McRae, T Malone, L Pirie, N Smith and S Smith.

Officers: Chris White, Buchan Area Manager (Communities);, Lauren Cowie, Solicitor – Governance (Business Services); Colm McKee, Senior Planner (Infrastructure Services); Wendy Forbes, Team Manager (Infrastructure Services); Stuart Murison, Senior Planner (Infrastructure Services); Derek Murray, Roads Manager (Infrastructure Services); Suzanne Robertson, Business Development Executive (Infrastructure Services); and Theresa Wood, Area Committee Officer (Communities).

EX-COUNCILLOR JIM DAVIDSON (PETERHEAD)

The Chairman advised the Committee of the very recent death of ex-Councillor Jim Davidson.

Mr Davidson had first been elected as a local District Councillor back in 1988, before becoming a Regional Councillor, and finally serving as an Aberdeenshire Councillor up until 2007.

In addition to his Council duties, the Chairman advised that Mr Davidson had been heavily involved in Christian and Missionary work, and that he will be sorely missed by all those who knew him.

The Chairman asked that all those in attendance stand to observe a one minute silence in remembrance of ex-Councillor Jim Davidson.

1. DECLARATIONS OF MEMBERS' INTERESTS

In terms of the Councillors' Code of Conduct, the following Declarations of Interest were put forward –

- (1) Councillor J Ingram for Item 13 – Area Committee Budget: Area Initiatives Fund – given that he regularly attends MACBI's meetings. Councillor Ingram did not consider his interest to be clear and substantial and therefore took part in the discussion of this item,
- (2) Councillor N Smith for Item 13 – Area Committee Budget: Area Initiatives Fund – given that he is Chairperson for MACBI. Councillor Smith in having a clear interest left the Chamber throughout the discussion of this item,
- (3) Councillor L Pirie for Item 13 – Area Committee Budget: Area Initiatives Fund – given he was previously involved with Mormond Thistle Football Club. Councillor Pirie did not consider his interest to be clear and substantial and therefore took part in the discussion of this item, and

- (4) Councillor A Allan for Item 13 – Area Committee Budget: Area Initiatives Fund – given she is Chairperson for the Hatton Area Residents Association (Hatton Playpark). Councillor Allan in having a clear interest left the Chamber throughout the discussion of this item

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

3. MINUTE OF 2ND JUNE 2015

The Minute of the Meeting of 2nd June 2015 had been circulated and was **approved**.

4. DEFERRED PLANNING APPLICATIONS

With regard to the deferred 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/2015/0444 Full Planning Permission for Erection of 3 No Replacement Dwellinghouses at Site at Yonderton Farm, Hatton, Peterhead
- (b) APP/2015/0601 Full Planning Permission for Erection of Replacement Dwellinghouse at Jubilee Cottage, Auchleuchries

5. 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 B attached to this Minute.

- (a) APP/2015/1121 Full Planning Permission National for 1.4GW Interconnector Converter Station and High Voltage Alternating Current (HVAC) Cable Connection to Peterhead Power Station at Site at Four Fields, Boddam
- (b) APP/2015/0879 Planning Permission in Principle for Erection of Dwellinghouse at Site adjacent to East Ardmachron, Cruden Bay
- (c) APP/2015/0926 Planning Permission in Principle for Erection of Dwellinghouse at Site adjacent to Parkhouse (Plot 1), Maud

- (d) APP/2015/0927 Planning Permission in Principle for Erection of Dwellinghouse at Site adjacent to Parkhouse (Plot 2), Maud
- (e) APP/2015/1072 Planning Permission in Principle for Erection of Dwellinghouse at Site adjacent to Glendaveny Heights, Glendaveny, Peterhead
- (f) APP/2015/1078 Approval of Matters Specified in Conditions for Condition 1 (Layout, Siting, External Appearance, Materials and Landscaping) of Planning Permission in Principle APP/2013/2504 for Erection of Dwellinghouse at Land adjacent to Auchingail, Blackhills, Peterhead
- (g) APP/2015/1330 Full Planning Permission for Erection of Dwellinghouse, Detached Garage and Change of Use of Agricultural Land to Domestic Garden Ground at Site adjacent to Sunnybrae, Burnett Street, Stuartfield

**6. APPEAL DECISION NOTICE –
ESHCOL, MACKENZIE CRESCENT, PETERHEAD
(Reference APP/2014/3724)**

The Committee **noted** the Appeal Decision Notice, from The Scottish Government Directorate for Planning and Environmental Appeals, to allow the appeal and grant planning permission for a replacement house at Eshcol, Mackenzie Crescent, Peterhead.

7. DISABLED PERSONS PARKING PLACES

A report by the Director of Infrastructure Services had been circulated advising that The Disabled Persons' Parking Places (Scotland) Act 2009 allows qualifying persons to request a local authority to make a disabled street parking order in respect of a street parking place from which there is convenient access to the person's address.

The Roads Manager advised that where a suitable space can be identified, subject to considering the interests of traffic and owners and occupiers of any adjoining property, the authority must then start the statutory procedure for the making of an order. The Committee was asked to consider the appendix attached to the report, which listed the spaces proposed for inclusion in the new order and those spaces which were in the previous order but now proposed for removal.

Having noted the content of the report, the Committee **agreed**:-

- (1) to authorise the commencement of the statutory procedure for the making of the Aberdeenshire Council (Disabled Street Parking – Buchan) Order 2015,
- (2) to authorise the subsequent making of the Aberdeenshire Council (Disabled Street Parking – Buchan) Order 2015 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

**8. STATUTORY LIST OF PUBLIC ROADS –
MEETHILL ESTATE, PETERHEAD**

A report by the Director of Infrastructure Services had been circulated advising that a request from the Scottish Government had been made through Grampian Housing

Association to have various parking areas and footpaths in Peterhead adopted by the Council. Following remedial works to bring the areas up to an adoptable standard the Committee was advised that they were now being submitted for adoption.

The Committee **agreed** to approve the parking areas and remote footpaths, as listed in Appendix 1 attached to the report, for addition to the Statutory List of Public Roads.

9. STATUTORY LIST OF PUBLIC ROADS – WATERSIDE ROAD, PETERHEAD (PART)

A report by the Director of Infrastructure Services had been circulated advising that, as Roads Authority, Aberdeenshire Council is required to add roads and footways which have been completed to an acceptable standard to the Statutory List of Public Roads under the Roads (Scotland) Act 1984. The Committee was asked to consider the roads and footways, as detailed in the appendices attached to the report, for addition.

The Committee **agreed** to approve the roads and footways, as listed in Appendix 1 attached to the report, for addition to the Statutory List of Public Roads.

10. ECONOMIC ACTIVITY IN BUCHAN – APRIL 2014 TO MARCH 2015

A report by the Director of Infrastructure Services had been circulated providing the Committee with an annual update in respect of the Council's economic development activity relevant to the Buchan area.

The Committee, having considered the content of the report, **agreed:-**

- (1) to request that Buchan Area Committee Members be provided with updates as follows -
 - (a) Mintlaw - Site Servicing Aden Business Park (page 9), and
 - (b) Peterhead – Redevelopment of Former Terex Factory at Catto Drive (page 9)
- (2) to request that an opportunity be arranged for Officers to meet with the Buchan Area Committee informally to provide a full progress update in due course

11. DEVELOPING ABERDEENSHIRE'S COMMUNITY LEARNING & DEVELOPMENT (CLD) PLAN

A report by the Director of Education and Children's Services had been circulated advising that The Scottish Statutory Instrument "Requirements for Community Learning and Development (Scotland) Regulations 2013" specifically requires every Education Authority, in consultation with learning partners, to publish a 3-year Community Learning and Development Plan.

The Committee **agreed:-**

- (1) having read the report, to note the progress made in the formation of the Aberdeenshire Learning Communities Partnership and the roll-out of the local Learning Community Partnership model,
- (2) to note the process to submit the CLD Plan in line with the Requirements for Community Learning and Development (Scotland) Regulations 2013,
- (3) to welcome the content of the draft CLD Plan, and

- (4) to request that Officers note that Councillor McRae had indicated an interest in being kept informed and more involved around employability transition work

**12. EDUCATION, LEARNING AND LEISURE SERVICE
QUARTERLY PERFORMANCE EXCEPTION REPORTING
JANUARY-MARCH 2015, INCLUDING UPDATE ON SERVICE PLAN
(ABERDEENSHIRE PERFORMS)**

A report by the Director of Education and Children's Services had been circulated providing the Committee with the Services performance measures for January to March 2015.

Having noted the performance measures, the Committee **agreed**:-

- (1) to note their concerns in relation to –
- (a) PI 2.5a B - % of half day truancy/unexplained absences of Looked After Children (page 7) – in that this measure continues to deteriorate, and
 - (b) PI 4.1 - % calendar days lost to sickness per quarter (page 15) – in that this measure continues to deteriorate
- (2) with regard to PI 3.3 B – Number of visits to museums (page 11) – to request an update from the Friends of Aden Group

13. AREA COMMITTEE BUDGET: AREA INITIATIVES FUND

A report by the Director of Communities had been circulated advising that a total of 14 applications had been received seeking funds from the Area Initiatives Budget. The applications had been assessed, and the Committee was asked to consider approving the allocation of funds as detailed in the appendix attached to the report.

The Committee **agreed**:-

- (1) to approve the allocation of the Area Initiatives Budget as detailed in Appendix C attached to this Minute, and
- (2) to note that an unallocated balance of £4,602.24 remains available for a further round of applications

**14. COMMUNITIES SERVICE QUARTERLY PERFORMANCE
EXCEPTION REPORTING JANUARY TO MARCH 2015
(ABERDEENSHIRE PERFORMS)**

A report by the Director of Communities had been circulated providing the Committee with the Services performance measures for January to March 2015.

The Committee **agreed** to note the report.

APPENDIX A

DEFERRED PLANNING APPLICATIONS

(a) **Full Planning Permission for Erection of 3 No Replacement Dwellinghouses at Site at Yonderton Farm, Hatton, Peterhead**

For: Mr Henderson, Yonderton Farm, Hatton, Aberdeenshire, AB42 0QS

Per: Architec, 11 Buckie Crescent, Bridge of Don, Aberdeen, AB22 8DD

Reference No: APP/2015/0444

Having previously visited the site, the Committee unanimously **agreed**:-

(1) that authority to Grant Full Planning Permission be delegated to the Head of Planning and Building Standards subject to –

(a) the need to agree developer contributions, and

(b) relevant planning conditions

(2) their reason for departing from the Local Plan as follows –

(a) the location is appropriate for the type of developments proposed.

(b) **Full Planning Permission for Erection of Replacement Dwellinghouse at Jubilee Cottage, Auchleuchries, Hatton**

For: Mr Ron Wood, Jubilee Cottage, Auchleuchries, Hatton

Per: HRI Architects, 17 Queensgate, Inverness, IV1 1DF

Reference No: APP/2015/0601

Having noted that the visit to the site had been helpful, the Committee **agreed** to Refuse Full Planning Permission for the following reason:-

1. The proposed development is contrary to Policy 8 Layout, Siting and Design of New Development; SG LSD2 'Layout, siting and design of new development'. Overall, although the principle of the development is supported, the design does not represent a suitable addition to the countryside location and not to the standard required by Policy 8 for new developments.

APPENDIX B

NEW PLANNING APPLICATIONS

- (a) **Full Planning Permission National for 1.4GW Interconnector Converter Station and High Voltage Alternating Current (HVAC) Cable Connection to Peterhead Power Station at Site at Four Fields, Boddam, Peterhead**

For: Mr Richard Blanchfield, NorthConnect KS, Kjoita 18, 4630 Kristansand, Norway

Per: Ms Fiona Henderson, Affric Limited, Lochview Office, Loch Duntelchaig

Reference No: APP/2015/1121

In terms of Standing Order 11, the Area Manager had received a request to address Committee from the Applicant.

In response, the Council's Solicitor read from Standing Order 11 – Reception of Deputations –

“An applicant or anyone who has submitted a valid representation on a planning application, may, by themselves or through an agent, make a request to speak at the Council or Committee meeting which is to be deciding the application.”

therefore, given the Buchan Area Committee was being asked to provide a preliminary view to Full Council, the Council's Solicitor advised that any such requests to address Members would require to be submitted to Full Council in due course.

The Senior Planner presented the application to the Committee, highlighting that a Pre-Determination Hearing had taken place on Tuesday, 2nd June 2015. A note of the Hearing was attached to the report (see Appendix 1), and the Senior Planner advised that since the Hearing the Applicant had advised of two corrections in respect of the responses they had given (see page 31 of the report).

Having noted the various comments, the Committee **agreed**:-

- (1) to confirm, in principle, their support to Full Council for the approach taken regarding the application, and
- (2) that in the event of Full Council approving the application –
 - (a) to request that the Applicant works with the owner of the nearby trout pond to ensure that the water supply is not interrupted in any way, and
 - (b) to request that the Applicant continues to work with nearby residents prior to and following determination of the application to ensure that their concerns are fully considered and satisfactorily addressed where possible

- (b) **Planning Permission in Principle for Erection of Dwellinghouse at Site adjacent to East Ardmachron, Cruden Bay**

For: Mr D Smith, per Agent

Per: Baxter Design Ltd, Aden Hall, 9 Kirkgate, Old Deer, Peterhead

Reference No: APP/2015/0879

In terms of Standing Order 11, the Area Manager had received a request to address Committee from the Agent.

The Committee was asked, as a whole, if they wished to hear the representation. The Committee unanimously agreed.

The Committee first heard from the Senior Planner, then heard from Philip Baxter of Baxter Design Ltd, as follows –

“In paragraph 6.4 of the report, the Planners confirm that the site could be considered to reflect historical growth.

In paragraph 6.7 of the report, the Planners also consider that the site would cause little adverse impact to the surrounding area.

Paragraph 6.4 refers to the site not having access via a safe route and quotes planning advice 13/2012 saying that an ‘unpathed road is not adequate’, however, the planning advice actually states that an unpathed road is not ‘normally’ adequate – the word normally should allow discretion to be used in the interpretation of the policy. This is where I believe this site has a safe access using the existing road.

Although Cruden Bay has allocated land for development this has not come forward yet so providing this site would allow short term growth of the village. The site has a good location close to the village and the sports facilities, and the former railway line all giving good connectivity.

I believe this application complies with the spirit of the organic growth policy.”

Having noted the above comments, the Committee **agreed** to defer consideration of the application to allow Members an opportunity to visit the site and consider the proposed site access for themselves.

- (c) **Planning Permission in Principle for Erection of Dwellinghouse at Site adjacent to Parkhouse (Plot 1), Maud**
 For: Mr John Simpson Snr, per Agent
 Per: Baxter Design, Aden Hall, 9 Kirkgate, Old Deer, Peterhead
Reference No: APP/2015/0926

The Committee **agreed** to defer consideration of the application to allow Members an opportunity to visit the site and consider the proposal in context.

- (d) **Planning Permission in Principle for Erection of Dwellinghouse at Site adjacent to Parkhouse (Plot 2), Maud**
 For: Mr John Simpson Jnr, per Agent
 Per: Baxter Design, Aden Hall, 9 Kirkgate, Old Deer, Peterhead
Reference No: APP/2015/0927

The Committee **agreed** to defer consideration of the application to allow Members an opportunity to visit the site and consider the proposal in context.

- (e) **Planning Permission in Principle for Erection of Dwellinghouse at Site adjacent to Glendaveny Heights, Glendaveny, Peterhead**
 For: Mr N Davidson, per Agent
 Per: Baxter Design Ltd, Aden Hall, 9 Kirkgate, Old Deer, Peterhead
Reference No: APP/2015/1072

In terms of Standing Order 11, the Area Manager had received a request to address Committee from the Agent.

The Committee was asked, as a whole, if they wished to hear the representation. The Committee unanimously agreed.

The Committee first heard from the Senior Planner who referred Members to paragraph 6.7 of the report and advised that since finalising the report SEPA has reaffirmed that they have a holding objection in respect of this application. Therefore, should Committee be minded to grant planning permission the application will require to be notified to Scottish Ministers.

The Committee then heard from Philip Baxter of Baxter Design Ltd, as follows –

“In paragraph 6.5 of the report, the Planners confirm that the site would have little adverse impact on the surrounding area.

Referring to paragraph 6.7 of the report, although we had received consent in principle from SEPA prior to submitting the application, for some reason recently we have been receiving comments back from SEPA for various sites referring us to connect to nearby sewers. In this case, they have asked us to investigate connecting to a nearby plant some 630m from the site. I have no idea where this plant is situated but in any event for a single site this would not be feasible due to the distance away and not to mention passing through different land ownerships. I believe we can receive approval for the drainage as originally proposed and agreed with SEPA.

With regards policy, not only do I believe that Glendaveny is a natural cohesive group but as Members may be aware it was recently introduced into the new Local Plan as having settlement status, so reaffirming the need for development in the area. Members may also be aware of the recent developments of employment business starting up in the area which would benefit from additional local housing.”

Having noted the above comments, the Committee **agreed** to defer consideration of the application to allow Members an opportunity to visit the site and consider the proposal in context for themselves.

- (f) **Approval of Matters Specified in Conditions for Condition 1 (Layout, Siting, External Appearance, Materials and Landscaping) of Planning Permission in Principle APP/2013/2504 for Erection of Dwellinghouse at Land adjacent to Auchingail, Blackhills, Peterhead**
 For: Mr & Mrs Elphinstone, per Agent
 Per: Caledonia Homes, Castle Road Industrial Estate, Ellon
Reference No: APP/2015/1078

The Committee unanimously **agreed**:-

- (1) that authority to Grant Matters Specified in Conditions be delegated to the Head of Planning and Building Standards subject to –
 - (a) the need to agree developer contributions, and
 - (b) relevant planning conditions
- (2) their reason for departing from the Local Plan as follows –
 - (a) the proposed development is sustainable and in-keeping with the local area

- (g) **Full Planning Permission for Erection of Dwellinghouse, Detached Garage and Change of Use of Agricultural Land to Domestic Garden Ground at Site adjacent to Sunnybrae, Burnett Street, Stuartfield, Peterhead**
 For: Mr & Mrs A Mitchell
 Per: Baxter Design, Aden Hall, 9 Kirkgatge, Old Deer, Peterhead
Reference No: APP/2015/1330

The Committee **agreed:-**

- (1) to Grant Full Planning Permission subject to the following conditions –
1. The development shall be served in accordance with the approved drawings and the following details:
 - (a) Prior to occupancy of development, a drop kerb footway crossing must be formed at the new driveway.
 - (b) The maximum gradient of the first 5m of the access must not exceed 1 in 20.
 - (c) Prior to occupancy of development, first 5m of driveway (measured from edge of road or back of footway) to be fully paved.
 - (d) Prior to occupancy of development, Off-Street parking for 2 cars, surfaced in hard standing materials must be provided within the site.
 - (e) Prior to commencement of development, a 2.0m wide footway to be formed along frontage of the site -& the proposed vehicular access to be taken via this. Construction shall be in accordance with the Council's Specification and must be agreed in advance with Roads Development.
 - (f) Prior to commencement of development, visibility splays measuring 2.4m by 90m to be formed on either side of the junction of the vehicular access with the public road. The visibility splays so formed shall thereafter be kept free of all permanent obstructions above adjacent carriageway level.
 - (g) Prior to occupancy of development 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 order to ensure that the development is served by an appropriate standard of access and associated servicing in the interests of road safety.

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

The proposed development can be supported as a departure from Aberdeenshire Local Development Plan 2012 Policy 12: Landscape conservation on the grounds that the proposed change of use of the land is minimal and is unlikely to have a detrimental impact on Site P1 which serves to protect the setting of Stuartfield. Furthermore, the proposed development will not have a significant impact on the amenity of the residents of the neighbouring house or on the amenity of the wider area and therefore conforms to Aberdeenshire Local Development Plan Policy 8: Layout, siting and design of new development.

APPENDIX C**AREA COMMITTEE BUDGET: AREA INITIATIVES FUND**

No	Group Name	Project Aim	Total Award
1.	DAB Plus Driver Training	Older Driver Training Feasibility Project	£ 600.00
2.	Boddam & District Community Association	Upgrade of path on Stirlinghill and Sandfordhill, Peterhead	£ 4,000.00
3.	Peterhead OAP Club	New chairs for club	£ 862.56
4.	St Kanes Church, New Deer	Slabs outside Church door which is a public right of way	£ 500.00
5.	Peterhead & District Men Shed	Promotion of the project	£ 435.20
6.	Stuartfield Public Hall	Cost of planning application, building warrant, plans & fees	£ 3,000.00
7.	MACBI	Replacement of entrance door	£ 3,000.00
8.	Auchnagatt Village Hall	Floor coverings	£ 2,500.00
9.	BDI	Feasibility Study in preparation for Leader application	£ 2,500.00
10.	Mormond Thistle Football Club	Outdoor storage shed at community sports hub	£ 6,000.00
11.	Friends of Maud Railway Museum	Track for Prison Railway Carriage	£ 3,500.00
12.	Hatton Playpark	Upgrade of play park – development plan	£ 2,500.00
		TOTAL	£29,397.76