

ABERDEENSHIRE COUNCIL**BUCHAN AREA COMMITTEE****BUCHAN HOUSE, PETERHEAD, 8TH NOVEMBER 2016**

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

Officers: Chris White, Buchan Area Manager (Business Services); Lauren Cowie, Acting Principal Solicitor – Governance (Business Services); Colm McKee, Senior Planner (Infrastructure Services); David Naismith, Principal Engineer Roads (Infrastructure Services); Viki Cameron, Head Teacher, Port Erroll School (Education and Children’s Services); and Theresa Wood, Area Committee Officer (Business Services)

In Attendance: Chay Ewing, Station Manager, Scottish Fire & Rescue Service

1. DECLARATIONS OF MEMBERS’ INTERESTS

In terms of the Councillors’ Code of Conduct, the following Declarations of Interests were put forward –

- (1) Cllr A Buchan for Item 5b – Planning Application Reference No APP/2016/2614 – Full Planning Permission for Erection of 1 No Dwellinghouse at Richmondhill Road, Peterhead – given that the applicant is a customer of Councillor Buchan’s. In having no financial contract with the applicant, Councillor Buchan did not consider his interest to be substantial and therefore took part in the discussion of this item,
- (2) Councillor A Buchan for Item 6 – Masterplan for Northwoods, Mintlaw (Amended) at H1 Site, Land at Northwoods, Mintlaw (Reference No ENQ/2016/1880) - given that the applicant is a customer of Councillor Buchan’s. In having no financial contract with the applicant, Councillor Buchan did not consider his interest to be substantial and therefore took part in the discussion of this item, and
- (3) Councillor A Allan for Item 14 – Buchan Area: Hatton Housing Improvement Contract, Porch Demolitions and External Door Replacements, Contract 17554 – given that Councillor Allan lives in Hatton Farm Gardens. Although Councillor Allan knows some of the residents who live in the properties included within the contract, Councillor Allan’s property is not one of those included. Councillor Allan did not consider her interest to be substantial and therefore took part in 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.

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
13	9
14	10

3. MINUTE OF MEETING OF 4TH OCTOBER 2016

The Minute of the Meeting of 4th October 2016 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/2015/3237 Full Planning Permission for Erection of 26 No Dwellinghouses (Change of House Type and Plot Layout to Planning Permission Reference APP/2006/2149), Phase 5 Original Reference APP/2013/3544)
at Plots 632-657, Inverugie Meadows, Peterhead
- (b) APP/2016/1713 Full Planning Permission for Erection of Dwellinghouse at Site at Brucklay Estate, Maud

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/2016/2254 Full Planning Permission for Erection of Dwellinghouse and Garage at Site to the North of Canada House, New Deer
- (b) APP/2016/2614 Full Planning Permission for Erection of 1 No Dwellinghouse at Richmondhill Road, Peterhead

6. MASTERPLAN FOR NORTHWOODS, MINTLAW (AMENDED) AT H1 SITE, LAND AT NORTHWOODS, MINTLAW

A report by the Director of Infrastructure Services had been circulated asking that the Committee consider an amendment to the Northwoods Masterplan.

Phase 1 of the development, constituting 86 dwellinghouses, was previously approved and is under construction. In July 2016 an application for Phase B was submitted to the Planning Service solely for residential development. It specifically excluded the provision of a care home, which straddled the first phase and phase B. Therefore, the Planning Service has requested an update to the approved Masterplan which deletes all reference to the provision of a care home.

Having been advised that the Housing and Social Work Service has confirmed that there are no plans to build a care home on the site, the Committee **agreed** to the proposed amendment to the Northwoods Masterplan to delete all reference to the provision of a care home in order to enable planning applications on the site to reflect the prevailing conditions at the time of submission.

In having agreed to this amendment, the Committee further **agreed**:-

- (1) to request that the applicant considers providing either –
 - (a) an over-provision of affordable housing, in particular single-storey dwellings, or
 - (b) an area of serviced land
 to mitigate the loss of the care home, and
- (2) having noted that the final phase of this Masterplan is scheduled for 2023, to note that there will be a need for the Council and partner agencies to re-assess the requirement for facilities for the elderly during the lifetime of the Masterplan.

7. INFRASTRUCTURE SERVICES QUARTER 1 (APRIL-JUNE 2016) PERFORMANCE EXCEPTION REPORT (ABERDEENSHIRE PERFORMS)

A report by the Director of Infrastructure Services had been circulated to advise the Committee on the performance of Infrastructure Services (IS) during Quarter 1 (April to June) 2016 as assessed using the performance indicators set out in the IS Service Plan 2016-2019.

The Committee **agreed**:-

- (1) to note the performance measures as reported, and
- (2) to note the additional commentary, read out by the Area Manager, as provided by Building Standards in relation to Performance Measure 5.21B (page 11) –

“Building Standards are proactively trying to resolve a number of applications that have been pending, in some cases, for a number of years. This has led to a number of warrants from 2011 being approved in this quarter.”

8. INFRASTRUCTURE SERVICES (HOUSING) QUARTERLY PERFORMANCE EXCEPTION REPORTING APRIL TO JUNE 2016 (ABERDEENSHIRE PERFORMS)

A report by the Director of Infrastructure Services had been circulated to advise the Committee as to how the Service is performing against key performance measures and associated targets as set out in the Infrastructure Services Service Plan 2016/2017.

The Committee **agreed**:-

- (1) to note the performance measures as reported, and

- (2) to request that Officers provide Buchan Members with an update, by way of an informal presentation, covering repairs, rent arrears and Universal Credit.

9. EDUCATION SCOTLAND INSPECTION - PORT ERROLL SCHOOL AND EARLY LEARNING AND CHILD CARE CENTRE

A report by the Director of Education and Children's Services had been circulated advising that the HM Inspectors visited Port Erroll School in August 2016, and at the same time the Care Inspectorate inspected the Early Learning and Child Care Centre (ELCC).

Following a fairly lengthy discussion with the Head Teacher of Port Erroll School in attendance, the Committee **agreed**:-

- (1) whilst acknowledging the Service's continuing efforts in support of its schools in the Education Scotland inspection process and in the raising of standards of attainment and achievement in all aspects of school life, to ask why the Education Service did not intervene prior to the HMI visit and to ask what checks are in place to ensure any issues are picked-up by the Service,
- (2) to request that local Members be kept up-to-date with developments within Port Erroll School through School Newsletters etc, and
- (3) to receive further reports on Education Scotland school inspections.

10. EDUCATION AND CHILDREN'S SERVICE QUARTERLY PERFORMANCE EXCEPTION REPORTING, APRIL-JUNE 2016 (ABERDEENSHIRE PERFORMS

A report by the Director of Education and Children's Services had been circulated advising Committee of how the Service is performing against key performance measures and associated targets as set out in the Education and Children's Services Service Plan.

The Committee **agreed**:-

- (1) to note the performance measures as reported, and
- (2) in respect of Performance Measure 2.5A (page 8) to note with some concern the wide variation between the Target and Value.

11. SCOTTISH FIRE AND RESCUE SERVICE – PERFORMANCE REPORT FOR 1ST JULY 2016 TO 30TH SEPTEMBER 2016

A report by the SFRS Local Senior Officer for Aberdeenshire and Moray and Director of Business Services had been circulated informing the Committee how the Scottish Fire & Rescue Service is performing locally in Buchan against key performance measures and associated targets as set out in the Aberdeenshire Local Fire and Rescue Plan 2014-2017 and Buchan Multi-Member Ward Plan 2016-2017.

The local Station Manager went through the detail of the Update and Briefing with Members highlighting specific areas where relevant. Following a series of questions, the Committee **agreed** to note the content of the performance report relating to the period 1st July to 30th September 2016.

12. DEVELOPER OBLIGATIONS FUNDING – STUARTFIELD

A report by the Director of Business Services had been circulated asking that the Committee approve an allocation of Developer Obligations funding to Stuartfield Hall Committee.

Back in May 2016 Stuartfield Hall Committee had submitted a Developer Obligations Project assessment outlining their proposals to renovate the village hall at an estimated cost of £48,562.50. At that time, the Area Manager in tandem with the Developer Obligations team agreed to allocate £46,279 of Developer Obligations funding to the project.

Stuartfield Hall Committee has since revised their plans to add greater community benefits and have submitted an additional Project Assessment seeking additional funding from Developer Obligations. An additional sum of £6,161 has been agreed in principle by the Developer Obligations Team as meeting the necessary criteria.

Having considered the content of the report, the Committee **agreed** to approve the allocation of £52,440 of Developer Obligations funding to Stuartfield Hall Committee to undertake renovation works to improve community use of the hall.

13. PROPOSED GRASSUM LEASE OF SITE AT PLOT 1 DALES INDUSTRIAL ESTATE, PETERHEAD

A report by the Director of Business Services had been circulated asking that the Committee consider the offers received for an undeveloped serviced site on Dales Industrial Estate, Peterhead.

The Committee **agreed** to instruct Officers to accept the highest offer received at the closing date for the lease of Plot 1 Dales Industrial Estate, Peterhead, on the terms outlined in the report.

14. BUCHAN AREA: HATTON HOUSING IMPROVEMENT CONTRACT PORCH DEMOLITIONS AND EXTERNAL DOOR REPLACEMENTS CONTRACT 17554

A report by the Director of Business Services had been circulated asking that the Committee approve the project cost and authorise acceptance of a tender submitted in respect of works comprising the demolition of existing porches and their replacement at 11 properties within Hatton.

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 submitted by V G Willox as detailed in the report.

APPENDIX A

DEFERRED PLANNING APPLICATIONS

- (a) **Full Planning Permission for Erection of 26 No Dwellinghouses (Change of House Type and Plot Layout to Planning Permission Reference APP/2006/2149, Phase 5 Original Reference APP/2013/3544) at Plots 632-657, Inverugie Meadows, Peterhead**

For: Scotia Homes Ltd, Balmacassie, Ellon

Reference No: APP/2015/3237

In respect of this particular application, the Committee at their meeting on 4th October 2016 had “agreed to defer consideration of the application to allow the Councillors to undertake a visit to the site in light of the comments made by surrounding neighbours (as outlined in the letters of representation attached to the report), and to request that an indication of the height of the proposed houses be shown on-site.”

However, having been advised that no height indicator had been placed on-site on the day of the scheduled site visit, the Committee had decided not to undertake the site visit given that the visit would add nothing more to the detail they had already received.

With the application before them again, the Committee **agreed**, in light of the confusion regarding the requirement for a height indicator, to again defer the application to allow Members to undertake a site visit and to ask that the applicant ensures that height indicators are in-situ on the day of the site visit.

- (b) **Full Planning Permission for Erection of Dwellinghouse at Site at Brucklay Estate, Maud**

For: Miss J Buchan, Castle Park House, Brucklay, Maud, Peterhead

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

Reference No: APP/2016/1713

Having undertaken a site visit, Councillor N Smith moved as a motion, seconded by Councillor Ingram, that Full Planning Permission be Granted subject to relevant planning conditions including the need to seek developer obligations.

As an amendment, Councillor Pratt, seconded by Councillor Pirie, moved that Full Planning Permission be Refused for the reasons stated in the report.

The Members of the Committee voted:-

for the motion (7) Councillors Buchan, Chapman, Gardiner, Ingram, Malone, McRae and N Smith

for the amendment (4) Councillors Pratt, Pirie, Allan and S Smith

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

- (1) that authority to Grant Full Planning Permission be delegated to the Head of Planning and Building Standards subject to relevant planning conditions, including the need to seek developer obligations, and

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

Having visited the site, there were obvious remains of buildings having been previously on the site and therefore the proposal is for the replacement of a now redundant building

APPENDIX B**NEW PLANNING APPLICATIONS****(a) Full Planning Permission for Erection of Dwellinghouse and Garage at Site to the North of Canada House, New Deer**

For: Mr & Mrs W Robbie, 53 Main Street, New Deer, Turriff

Per: North East Plans, Inverden House, Lonmay, Fraserburgh

Reference No: APP/2016/2254

Following a brief discussion, the Committee **agreed** to defer consideration of this application to allow Members the opportunity to undertake a site visit. Further, the Committee requested that an indication of the proposed height of the house be shown on-site and that a plan be made available showing the current design and the earlier design proposal, as submitted, side-by-side.

(b) Full Planning Permission for Erection of 1 No Dwellinghouse at Richmondhill Road, Peterhead

For: ARD Properties Ltd, 2 St Andrew Street, Peterhead

Per: David Gauld Architect, 6 Whitehouse Way, Gorebridge

Reference No: APP/2016/2614

The Committee **agreed** to defer consideration of this application to allow Members the opportunity to undertake a site visit. Further, the Committee requested that the areas of open space already lost throughout the site be pointed out whilst on the site visit.