

ABERDEENSHIRE COUNCIL**BUCHAN AREA COMMITTEE****BUCHAN HOUSE, PETERHEAD, 29TH NOVEMBER 2016**

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

Apology: Councillor A Gardiner.

Officers: Chris White, Buchan Area Manager (Business Services); Lauren Cowie, Acting Principal Solicitor – Governance (Business Services); Colm McKee, Senior Planner (Infrastructure Services); James Welsh, Energetica Development Manager (Infrastructure Services); David Naismith, Principal Engineer Roads (Infrastructure Services); Suzanne Robertson, Business Development Executive (Infrastructure Services); Michael Paterson, Learning Estates Research and Analysis Project Officer (Education and Children's Services); Carole Sneddon, Project Officer (Education and Children's Services); and Theresa Wood, Area Committee Officer (Business Services).

1. DECLARATIONS OF MEMBERS' INTERESTS

In terms of the Councillors' Code of Conduct, the following Declaration of Interest was put forward –

- (1) Cllr A Buchan for Item 4c – 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(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
10	9
11	4

3. MINUTE OF MEETING OF 8TH NOVEMBER 2016

The Minute of the Meeting of 8th November 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/2016/2254 Full Planning Permission for Erection of Dwellinghouse and Garage at Site to the North of Canada House, New Deer
- (c) APP/2016/2614 Full Planning Permission for Erection of 1 No Dwellinghouse at Richmondhill Road, Peterhead

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/2016/2763 Full Planning Permission for Change of Use to Domestic Garden Ground at 64 Captain Gray Place, Coplandhill, Peterhead
- (b) APP/2016/2764 Full Planning Permission for Erection of Dwellinghouse at Site adjacent to Cartlehaugh, Mintlaw

6. POTENTIAL SIMPLIFIED PLANNING ZONE: PETERHEAD SOUTH

A report by the Director of Infrastructure Services had been circulated providing the Committee with an overview of Simplified Planning Zones (SPZs) and asking that the Committee provide comment on the creation of a SPZ for Peterhead.

The Committee **agreed** to provide the following comments to Infrastructure Services Committee:-

- (1) to recommend approval of the proposal to create a Simplified Planning Zone for industrial areas in South Peterhead to be delivered within the Energetica Corridor/Regeneration Priority Area,

- (2) to request that Officers provide evidence, within the report to Infrastructure Services Committee, of the “positive feedback” resulting from the implementation of SPZs elsewhere in Scotland, as referred to in the report, and
- (3) to highlight that the creation of an SPZ should not mean that large housing schemes are exempt from making developer contributions.

The Committee further agreed that, following consideration by the Infrastructure Services Committee, Officers consider including Peterhead town centre also, to include the area around the port, and that Officers report back to the Buchan Area Committee in due course with their findings.

7. 2016 BASED SCHOOL ROLL FORECASTS

A report by the Director of Education and Children’s Services had been circulated providing the Committee with the 2016 Based School Roll Forecasts for all Primary and Secondary Schools in Aberdeenshire. The Committee was asked to consider the detail in relation to the Buchan schools and provide comment for consideration by the Education, Learning and Leisure Committee.

The Committee **agreed** to provide the following comments to the Education, Learning and Leisure Committee:-

- (1) in light of proposed housing developments, to highlight the Committee’s concerns in terms of over-capacity within Central Buchan Schools, in particular Stuartfield School, Mintlaw Primary School and Pitfour Primary School, and to stress the need for the provision of new Schools to be put in-place within the Capital Plan with immediate effect, and
- (2) given the pressures within some of the small rural schools, to highlight the need for the Education Service and local developers to work together more closely in the future.

The Committee further **agreed** to request that Officers provide local Members with a breakdown in relation to their forecasted figures for Peterhead Central School, Dales Park School, Buchanhaven School and Burnhaven School.

8. PROPOSED TRAFFIC MANAGEMENT MEASURES IN HATTON – RESULTS OF CONSULTATIONS

In terms of Standing Order 11, the Area Manager had received a request to address Committee from a Mr Crisp, who had submitted an objection in relation to this proposal.

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

The Committee first heard from the Principal Engineer (Roads) who advised that a report by the Director of Business Services had been circulated advising that on 15th March 2016 the Buchan Area Committee had approved the promotion of traffic management measures in Hatton. The proposals had been promoted in terms of relevant legislation with no objections received at the statutory consultation stage. However, twenty-nine objections were received during the public consultation stage, and none have been withdrawn. The Committee was asked to consider the objections received and determine whether to overrule the outstanding objections received.

The Committee then heard from Mr Crisp as follows:-

“In terms of the volume of traffic on Rowan Terrace from the lane, it is not wide enough to cope with the movement of vehicles accessing in and out. The pavement between Main Street and Rowan Terrace is already damaged with lorries entering Rowan View. The contractor is already knocking on doors to ask people to move their cars so they can gain access. The level of traffic on Rowan Terrace is not suitable for wide and heavy loads going up and down. It would be difficult for emergency vehicles. Regarding the road at the bottom of Rowan Terrace in front of Rowan View and The Sheiling, is the road structure heavy enough to hold the weight of vehicles accessing the building site? On the temporary road there is a burn that runs under the road, and because of the heavy vehicles it is cracking and I am worried it is going to collapse and fall into the burn.”

Following some discussion the Committee **agreed**:-

- (1) to overrule the outstanding objections and to approve the implementation of “The Aberdeenshire Council (Hatton) (Traffic Management) Order, 2016”, as originally promoted, and
- (2) having considered the outstanding objections and having heard from one of the objectors, to request that Officers investigate the comments made in relation to the deterioration of the surrounding roads to Rowan Terrace and that consideration be given to a weight restriction being put in place.

9. COMMUNITY COUNCIL PROJECT GRANT APPLICATION - CRUDEN COMMUNITY COUNCIL

A report by the Director of Business Services had been circulated advising that Cruden Community Council have submitted a Community Council Project Grant Application on behalf of Hatton Public Hall Management Committee who had been approached by representatives of Cruden Parish Church to re-locate a memorial. The Hall Committee had agreed to the request and also accepted responsibility for organising the memorial repairs and refixing.

The Committee **agreed** to award up to £948 to Cruden Community Council, on behalf of Hatton Public Hall Management Committee, towards the cost of re-locating a memorial.

10. PROPOSED SALE OF ARBUTHNOT HOUSE AND 60 BROAD STREET, PETERHEAD

A report by the Director of Business Services had been circulated advising that on 21st April 2015 the Buchan Area Committee had approved the sale of Arbuthnot House and 60 Broad Street, Peterhead. Following approval, the buyer had arranged for a building survey of the properties which had identified a number of issues, and therefore, following negotiations with Council Officers, a revised offer had been submitted.

Having considered the content of the report, the Committee **agreed** to approve the sale of Arbuthnot House and 60 Broad Street, Peterhead, on the terms outlined within the report.

11. SUPPORT FOR ABERDEENSHIRE BUSINESS – SAB REF 116/0632

A report by the Director of Infrastructure Services had been circulated asking that the Committee consider awarding a Development Grant and Loan for a new proposal involving a start-up company in the Buchan area.

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

- (1) to approve a Development Grant of £8,050 (or 50% of the costs, whichever is the lesser) to Application SAB Reference 116/0632 towards the development of a website and promotional materials to help market the new company, and
- (2) to approve a £20,000 interest free plant and equipment loan, repayable over a 5-year period, with a 3-month repayment holiday.

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

The Committee **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 address the amenity concerns as raised at the site visit in that the following amendments be made to the proposals –
 - (i) that plots 650-657 be moved towards the west,
 - (ii) that plots 656-657 be moved towards the south, and
 - (iii) that the floor levels be reduced at plots 654-657
 - (b) the settlement of the Section 75;
 - (c) the following planning conditions –
 - (1) Prior to the construction of any dwellinghouse an Energy Statement applicable to that dwellinghouse must be submitted to and approved in writing by the Planning Authority, including the following items:
 - (i) Full details of the proposed energy efficiency measures and/or renewable technologies to be incorporated into the development.
 - (ii) 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 Supplementary Planning Guidance on Carbon Neutrality in New Developments. (In this case the development will achieve at least a Bronze Active rating under Section 7 of the Building Standards Technical Handbook).

The development shall not be occupied unless it has been carried out 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 Supplementary Planning Guidance - Carbon Neutrality in New Developments.
- (2) No dwellinghouse shall be occupied until the vehicular access to which the specific dwellinghouse relates has been constructed in accordance with the approved plan and as detailed below:

- (a) A drop kerb footway crossing is formed at the new driveway;
- (b) The first 5m of driveway (measured from edge of road or back of footway) is fully paved;
- (c) The off-street parking is provided as shown in the approved plan, surfaced in hard standing materials.

Once provided, all vehicular access shall thereafter be permanently retained as such.

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.

- (3) Prior to the occupancy of any dwellinghouse full details of the associated means of enclosure applicable to that dwellinghouse must be submitted to and approved in writing by the Planning Authority. The development shall not be occupied unless it has been carried out in full accordance with the approved details and thereafter maintained as such unless otherwise agreed in writing with this Council as Planning Authority.

Reason: In the interests of amenity of residential properties and the visual amenities of the area.

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

It is considered that the proposal accords with the relevant policies of the Aberdeenshire Local Development Plan 2012.

- (b) **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 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 for appropriate landscaping to be provided, and
 - (b) relevant planning conditions
- (2) their reasons for departing from the Local Plan as follows –
 - (a) the proposed design is in-keeping with the surrounding area, and
 - (b) given the dwellinghouse is to be set back from the road, with landscaping in-place the proposal will not have a negative impact on the existing landscape
- (c) **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

Councillor S Smith moved as a motion, seconded by Councillor S Pratt, that Full Planning Permission be Refused for the reasons stated in the report.

As an amendment, Councillor Buchan, seconded by Councillor McRae, moved that Full Planning Permission be Granted subject to relevant planning conditions.

The Members of the Committee voted:-

- | | | |
|-------------------|-----|--|
| for the motion | (4) | Councillors Pratt, Pirie, Allan and S Smith |
| for the amendment | (6) | Councillors Buchan, Chapman, Ingram, Malone, McRae and N Smith |

The amendment 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, and
- (2) their reason for departing from the Local Plan as follows –
 - (a) this particular area is not amenable to an area of open space, and to erect a dwellinghouse on this site will not erode the character and amenity of the area

Councillor Pratt entered his dissent.

APPENDIX B

NEW PLANNING APPLICATIONS

- (a) **Full Planning Permission for Change of Use to Domestic Garden Ground at 64 Captain Gray Place, Coplandhill, Peterhead**
 For: Ms Davina Penny, 64 Captain Gray Place, Peterhead
 Per: Baxter Design Company (Old Deer) Ltd, Adenhall, 9 Kirkgate, Old Deer
Reference No: APP/2016/2763

The Committee **agreed**:-

- (1) to Grant Full Planning Permission unconditionally, and
- (2) their reason for departing from the Local Development Plan as follows -

Due to mitigating circumstances, which would enable level access to the adjacent homeowner, and due to the fact that the area of open space lost represents less than 0.5% of the total area.

- (b) **Full Planning Permission for Erection of Dwellinghouse at Site adjacent to Cartlehaugh, Mintlaw**
 For: Mr N Lamb, Cartlehaugh, Mintlaw
 Per: Baxter Design Company (Old Deer) Ltd, Adenhall, 9 Kirkgate, Old Deer
Reference No: APP/2016/2764

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

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

The Committee first heard from the Senior Planner then from Mr Fyvie as follows:-

“We believe that we have designed a house with a high quality design and from reading the planning report, the planning officer would agree with us.

The house is traditional in design at the front to tie-in with the houses to the north of the site. The modern design to the rear ties-in with recently approved applications to the south that are innovative in design and are now in the construction phase. The house is befitting of the site.

The site lies within two policy zones. The site is within 400m of Old Deer and is also in the Mintlaw settlement area boundary. The land currently has no use and is distinctly separated from Aden Park by the old railway line. The old railway links the site back to Mintlaw.

The mature trees outwith the site form a natural backdrop to the house, whilst the tall hedging within the site screens the main road to the north. We wish to further enhance the landscape with additional tree planting within the site and would agree a formal landscaping plan as mentioned in the report.”

The Committee unanimously **agreed**:-

- (1) that authority to Grant Full Planning Permission be delegated to the Head of Planning and Building Control subject to:-
 - (a) the need for appropriate landscaping to be provided, and

- (b) relevant planning conditions, and
- (2) their reason for departing from the Local Plan as follows –
 - (a) the loss of land would not negatively impact on Aden Country Park