

ABERDEENSHIRE COUNCIL

BUCHAN AREA COMMITTEE

BUCHAN HOUSE, PETERHEAD, 6TH JUNE 2017

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

Officers: Chris White, Buchan Area Manager (Business Services); Lauren Cowie, Principal Solicitor – Governance (Business Services); James Hewitt, Planner (Infrastructure Services); Alex Bain, Business Support Officer (Education and Children’s Services); John Gahagan, Estates Manager (Infrastructure Services); and Theresa Wood, Area Committee Officer (Business Services)

**PRIDE OF BUCHAN AWARD –
‘YOUNG MINDS TEAM’, MINTLAW ACADEMY**

Councillor Ingram advised the Committee that Mintlaw Academy’s ‘Young Minds Team’ had participated in Shell’s National Schools Science Competition and had been successful.

The Committee **agreed** that the ‘Young Minds Team’ be presented with a Pride of Buchan Award for their outstanding achievement in having been 1 of 13 winners in Shell’s National Schools Science Competition, The Bright Ideas Challenge.

1. DECLARATIONS OF MEMBERS’ INTERESTS

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

- (1) Councillor N Smith for Item 10 – Annual Work Plan – given that he is a Director of MACBI in Mintlaw. Councillor N Smith in confirming that his interest was substantial left the Chamber throughout the discussion of this item,
- (2) Councillor I Sutherland for Item 12 – Peterhead, Clerkhill New Housing, Contract 18068 – given that one of the contractors is a close personal friend. Councillor Sutherland in confirming that his interest was substantial left the Chamber throughout the discussion of this item,
- (3) Councillor I Sutherland for Item 13 – Proposed Sale of Sites at Blackhouse Industrial Estate, Peterhead – given that he has a business relationship with the company concerned. Councillor Sutherland in confirming that his interest was substantial left the Chamber throughout the discussion of this item,
- (4) Councillor A Fakley for Item 14 – Proposed Surrender of Lease Over Crimond Health Centre – given that he knows the persons associated with the lease. Councillor Fakley in considering that his interest was remote and insignificant took part in the discussion of this item,

- (5) Councillor D Beagrie for Item 14 - Proposed Surrender of Lease Over Crimond Health Centre – given that she knows the persons associated with the lease. Councillor Beagrie in considering that her interest was remote and insignificant took part in the discussion of this item, and
- (6) Councillor A Allan for Item 6 – Nominations to Outside Bodies – given that she is a member of the Buchan Community Safety Group and Chair of the Fairtrade Steering Group. Councillor Allan in considering that her interest was remote 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
11	8
12	8 & 10
13	9
14	6 & 9

3. APPOINTMENT OF CHAIR AND VICE CHAIR

The Area Manager sought nominations for the position of Chair.

Councillor Norman Smith was nominated by Councillor Simpson and seconded by Councillor Sutherland.

There being no other nominations Councillor Norman Smith was duly elected as Chair.

Councillor N Smith took over the Chair and sought nominations for the position of Vice-Chair.

Councillor Diane Beagrie was nominated by Councillor Fakley and seconded by Councillor M Buchan.

There being no other nominations Councillor Diane Beagrie was duly elected as Vice-Chair.

4. MINUTE OF MEETING OF 18TH APRIL 2017

The Minute of the Meeting of 18th April 2017 had been circulated and was **approved**.

5. NEW PLANNING APPLICATION

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

- (a) APP/2017/0722 Planning Permission in Principle for Erection of Dwellinghouse at Site at Millbreck, Mintlaw

6. NOMINATIONS TO OUTSIDE BODIES

A report by the Director of Business Services had been circulated asking the Committee to nominate Members to the Outside Bodies as listed in the appendix attached to the report.

The Monitoring Solicitor noted that since finalising the report the Council had been advised that Peterhead Projects had gone into liquidation. Therefore it had been agreed that it would not be appropriate to put forward a nomination to Peterhead Projects.

The Committee **agreed**:-

- (1) to appoint Councillor Fakley to the Buchan Community Safety Group in an observer capacity, and
- (2) to appoint Councillor Fakley to the Fairtrade Steering Group (Peterhead and Buchan) in an observer capacity

7. APPOINTMENTS TO COMMITTEES, WORKING GROUPS AND PARTNERSHIPS

A report by the Director of Business Services had been circulated asking the Committee to make various appointments as detailed in the report.

The Committee **agreed**:-

- (1) to appoint Cllr Simpson and Cllr S Smith to serve on the School Placings and Exclusions Appeal Committee,
- (2) to nominate Mrs Fiona McRae, ex-Councillor, to serve as an external member of the School Placings and Exclusions Appeal Committee, and to note that further submissions can be submitted into Woodhill House at any time,

- (3) to appoint Cllr Sutherland to represent the Buchan Area Committee on the Buchan Area Community Planning Group,
- (4) to appoint Cllr Sutherland and Cllr S Calder – to alternate years with Cllr Allan – as Town Centre First Ambassadors, and
- (5) having been advised by the Monitoring Solicitor that the Infrastructure Services Committee had delegated to the Buchan Area Committee to appoint 5 Members to the Peterhead Development Partnership, to appoint Cllr Beagrie, Cllr Fakley, Cllr N Smith, Cllr S Smith and Cllr Allan – to alternative years with Cllr Calder

**8. CIVIC GOVERNMENT (SCOTLAND) ACT 1982
APPLICATION FOR GRANT OF TEMPORARY PUBLIC ENTERTAINMENT
LICENCE – REQUEST FOR EXTENSION OF OPERATING HOURS FOR
FUNFAIR AT DRUMMER’S CORNER, PETERHEAD – 15 JULY 2017**

A report by the Director of Business Services had been circulated asking that the Committee consider an application for the grant of a temporary public entertainment licence relating to the operation of a Funfair at Drummer’s Corner, Peterhead.

The Committee **agreed** that the extension of the hours of operation of the Funfair be granted as sought –

Saturday, 15th July 2017 – 1000 hours – 1700 hours

subject to a condition requiring the operator to leave the immediate vicinity and surrounding area in the manner in which it was found

**9. CIVIC GOVERNMENT (SCOTLAND) ACT 1982
APPLICATION FOR GRANT OF TEMPORARY PUBLIC ENTERTAINMENT
LICENCE – REQUEST FOR EXTENSION OF OPERATING HOURS FOR
FUNFAIR AT THE LIDO, PETERHEAD – 15-23 JULY 2017**

A report by the Director of Business Services had been circulated asking that the Committee consider an application for the grant of a temporary public entertainment licence relating to the operation of a Funfair at The Lido, Peterhead.

The Monitoring Solicitor noted that there was an error in paragraph 2.3 of the report in that Saturday, 15th July-Wednesday, 19th July, and Sunday, 23rd July should read 1300 hours-2200 hours.

The Committee **agreed** that the extension of the hours of operation of the Funfair be granted as sought –

Saturday, 15th July-Wednesday, 19th July 2017 – 1300 hours-2200 hours

Thursday, 20th July – 1300 hours – 2300 hours

Friday, 21st July – 1300 hours – 2200 hours

Saturday, 22nd July – 1200 hours – 2200 hours

Sunday, 23rd July – 1300 hours – 2200 hours

10. ANNUAL WORK PLAN

A report by the Director of Education and Children's Services had been circulated advising that the new Financial Regulations requires each Director to report to the relevant Committees with a proposed Work Plan for all procurements falling within the jurisdiction of the Committee with a contract value of £50,000 or more.

Having considered the Education and Children's Services Directorate Work Plan, the Committee **agreed:-**

- (1) to approve the items on the Work Plan identified as falling within the remit of the Committee, subject to having noted the revised Total Project Value figure for the Stuartfield School Extension, and
- (2) to request that Officers keep local Members up to date with works as they progress

11. BUSINESS SERVICES ANNUAL WORK PLAN 2017/2018

A report by the Director of Business Services had been circulated advising that the new Financial Regulations requires each Director to report to the relevant Committees with a proposed Work Plan for all procurements falling within the jurisdiction of the Committee with a contract value of £50,000 or more.

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, and
- (2) to request that local Members be kept up to date with progress in respect of the redevelopment of the former Terex factory in Peterhead

12. PETERHEAD – CLERKHILL NEW HOUSING CONTRACT 18068

A report by the Director of Business Services had been circulated advising of proposed works for the erection of 30 new build units at Clerkhill, Peterhead.

The Committee **agreed:-**

- (1) to note the project cost as detailed in the report, inclusive of associated costs, and
- (2) to authorise acceptance of the tender submitted as detailed in the report

13. PROPOSED SALE OF SITES AT BLACKHOUSE INDUSTRIAL ESTATE, PETERHEAD

A report by the Director of Business Services had been circulated advising that on 18th April 2017 the Buchan Area Committee had approved the sale of sites at Blackhouse Industrial Estate, Peterhead, to a firm. The purchaser had since approached the Council to ask that the sites now be sold to two named individuals, associated with the firm.

In terms of Section 7.2.1(b) of the Standing Orders under the Scheme of Governance, the Committee **agreed**:-

- (1) to approve the sale of sites at Blackhouse Industrial Estate in the terms as detailed in the report,
- (2) to instruct the Head of Legal and Governance to negotiate detailed terms for the sale of the sites and to conclude the sale if terms acceptable to the Council, in line with the terms as outlined within the report,
- (3) to instruct the Head of Legal and Governance to investigate if an additional small area of land can also potentially be sold and negotiate terms where possible, and
- (4) to instruct the Head of Legal and Governance to prepare any further documentation required to implement the terms of any deal

14. PROPOSED SURRENDER OF LEASE OVER CRIMOND HEALTH CENTRE

A report by the Director of Business Services had been circulated advising that the new Health Centre in Crimond is close to completion and The Trust is requesting of the Council that the lease of the existing premises be terminated as soon as occupation of the new facility is taken.

The Committee **agreed** that the Council accepts a surrender of leases over Crimond Health Centre on the terms set out within the report.

APPENDIX A

NEW PLANNING APPLICATION

(a) **Planning Permission in Principle for Erection of Dwellinghouse at Site at Millbreck, Mintlaw**

For: c/o Arcus Design Ltd

Per: Arcus Design Ltd, Mavisbank, Old Deer, Peterhead

Reference No: APP/2017/0722

In terms of Standing Order 6.5, the Area Manager had received a request to address Committee from Mr Philip Baxter of Arcus Design Ltd.

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

The Committee first heard from the Planner then from Mr Baxter as follows –

“The Planner had noted in item 6.3 and 6.4 of the report that the site complies with the cohesive group policy whereby we can add a house onto an existing group of houses, however, there appears to be an issue with the size of the site and the fact that the site is located on prime agricultural land.

With regards the first point in relation to the size of the site, as can be seen on the site plan we have located the site to the north of the existing group of houses but we have shown the indicative house moved back to follow the building line between the last cottage in the row and Derranbank house to the north.

We made the site large enough so that any proposed house would be a suitable distance from the public road to reduce vehicle noise and for occupant safety.

There is also an overhead electric line running east to west through the site which again has pushed the site further north to allow a house to be built away from this line and its safe corridor.

An adequate back garden has also been allowed for building a shed to service sheep, the surrounding field to house agricultural machinery and feed for the clients sheep.

Taking this into consideration we feel the site size is justified and is in proportion to some of the larger plots in the area as noted in my justification statement referred to in item 6.6.

With regards the second point, I was somewhat taken aback when the Planner contacted me to let me know he was recommending refusal on the basis of prime agricultural land, in the past local plans allowed houses to build on prime agricultural land if a suitable justification was proposed. This was a sensible approach as there were many instances and situations where it was appropriate to build on prime agricultural land and also where clearly the map defines the agricultural land was incorrect. I am not sure how these maps are produced but (as you can see from the map on the screen) it just shows colours shaded to define the areas but not following any clear boundary.

It also shows our site being in class 3.1, 3.1 being the least of the three prime classifications. The area of land just to the west of the site is in class 3.2 (non prime) which is about a third of the field area.

Due to the fact that the field is small and due to its odd shape with slopes and the odd mature tree growing on it we think it would not be a viable field to farm with modern machinery and therefore the field is most suited to grass grazing and not crop growing. With this in mind there would be no real loss of prime agricultural land.

It is unfortunate that although our proposals were submitted just before the new local plan was finally approved in April we now have to comply with these new policies, albeit I think the new policy would be better if it had scope for justification as did the old one for years before.

However, on reading the new policy it does say that development would be permitted on prime agricultural land if "there are no reasonable alternative sites" and in our case as the site comes under the cohesive group policy and as any proposed site should be connected to the existing group then I would say there are no reasonable alternative sites outwith the prime agricultural land.

Roads have no objections. Therefore, we would be pleased if Members support our application."

Having heard from the Planner and Agent, the Committee **agreed** to defer consideration of the application to allow Members to undertake a site visit to consider the proposal in context.