

ABERDEENSHIRE COUNCIL

BUCHAN AREA COMMITTEE

BUCHAN HOUSE, PETERHEAD, 29TH MAY 2018

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

Apologies: Councillors M Buchan and I Sutherland

Officers: Chris White, Buchan Area Manager (Business Services); Iain Meredith, Solicitor - Governance (Business Services); Sally Wood, Senior Planner (Infrastructure Services); Alan Davidson, Senior Planner (Infrastructure Services); David Naismith, Principal Engineer (Infrastructure Services); Tom Buchan, Facilities Manager (Business Services); and Theresa Wood, Area Committee Officer (Business Services)

1. DECLARATIONS OF MEMBERS' INTERESTS

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

Councillor A Simpson declared an interest in –

- (a) Item 4(a) by virtue of her knowing the applicant and advised that she would leave the meeting and take no part in this item; and
- (b) Item 7 by virtue of being acting Chair for Mintlaw Gala Committee and advised that she would leave the meeting and take no part in 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
12

Paragraph No of Schedule 7A
8

3. MINUTE OF MEETING OF 8TH MAY 2018

The Minute of the Meeting of 8th May 2018 had been circulated and was **approved**.

4. DEFERRED PLANNING APPLICATION

With regard to the deferred 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/2017/3097 Full Planning Permission for Erection of Ancillary Annex Accommodation at Ashyolds, Nethermuir, 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/2017/3235 Planning Permission in Principle for Erection of Dwellinghouse & Formation of Footpath at Plot 3, Auchreddie, New Deer
- (b) APP/2018/0042 Full Planning Permission for Erection of Petrol Filling Station, Drive Thru Café/Restaurant, Associated Landscaping and Works at Land at Buchan Gateway, Buchan Way, Invernettie, Peterhead
- (c) APP/2018/0577 Planning Permission in Principle for Erection of Dwellinghouse at Site adjacent to Dikeside, Skelmuir, Mintlaw

6. HOUSING SERVICE QUARTERLY PERFORMANCE EXCEPTION REPORTING OCTOBER-DECEMBER 2017 (ABERDEENSHIRE PERFORMS)

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

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

- (1) to request that Officers explain why the reporting periods are so late in being received by Committee, and
- (2) PI 2b B – Average re-let time in days – to request that fuller specific detail be provided in relation to this performance measure, including what steps Officers have put in-place to rectify this continuing problem

**7. CIVIC GOVERNMENT (SCOTLAND) ACT 1982
APPLICATION FOR GRANT OF TEMPORARY PUBLIC ENTERTAINMENT LICENCE –
REQUEST FOR EXTENSION OF OPERATING HOURS FOR
FAIRGROUND EQUIPMENT AT ADEN COUNTRY PARK, MINTLAW**

A report by the Director of Business Services had been circulated advising that an application had been rsubmitted for the grant of a temporary public entertainment licence relating to the operation of a funfair at a Gala at Aden Country Park, Mintlaw. The applicant wished to operate outwith the standard operating hours of Aberdeenshire Council's agreed policy in respect of Circuses and Fairgrounds.

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

Saturday, 23 rd June 2018	12.00-16.00
Sunday, 24 th June 2018	12.00-16.00

**8. CIVIC GOVERNMENT (SCOTLAND) ACT 1982
APPLICATION FOR GRANT OF TEMPORARY PUBLIC ENTERTAINMENT LICENCE –
REQUEST FOR EXTENSION OF OPERATING HOURS FOR
FAIRGROUND EQUIPMENT AT THE LIDO, PETERHEAD**

A report by the Director of Business Services had been circulated advising that an application had been rsubmitted for the grant of a temporary public entertainment licence relating to the operation of a funfair at The Lido, Peterhead. The applicant wished to operate outwith the standard operating hours of Aberdeenshire Council's agreed policy in respect of Circuses and Fairgrounds.

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

Saturday, 21 st July 2018-Wednesday, 25 th July 2018	14.00-22.00
Thursday, 26 th July 2018	13.00-23.00
Friday, 27 th July 2018-Sunday, 29 th July 2018	14.00-22.00

**9. CIVIC GOVERNMENT (SCOTLAND) ACT 1982
APPLICATION FOR GRANT OF TEMPORARY PUBLIC ENTERTAINMENT LICENCE –
REQUEST FOR EXTENSION OF OPERATING HOURS FOR
FAIRGROUND EQUIPMENT AT DRUMMER'S CORNER, PETERHEAD**

A report by the Director of Business Services had been circulated advising that an application had been rsubmitted for the grant of a temporary public entertainment licence relating to the operation of a funfair at Drummer's Corner, Peterhead. The applicant wished to operate outwith the standard operating hours of Aberdeenshire Council's agreed policy in respect of Circuses and Fairgrounds.

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

Saturday, 21st July 2018 10.00-17.00

Following a brief discussion, the Committee further **agreed** to request that Officers remind the applicant of the need to ensure that the area is suitably protected from any machinery spillages, and in the event of there being any spillage that the applicant is required to make good the area affected at their own cost.

10. LOCAL GOVERNMENT (SCOTLAND) ACT 1973, SECTIONS 201-203 RENEWAL OF THE ABERDEENSHIRE COUNCIL PROHIBITION OF CONSUMPTION OF ALCOHOL IN DESIGNATED PLACES (PETERHEAD) BYELAWS 2011

A report by the Director of Business Services had been circulated reminding Members that the Committee had implemented a Byelaw Prohibiting the Consumption of Alcohol in Peterhead in 2011. Officers have been working on reviewing the Byelaw for the past two years, and have updated the terms of the Byelaw in line with the Scottish Government Guidance and have worked with Police Scotland on wording that reconciles the offences section.

Having considered the terms of the report, the Committee **agreed**:-

- (1) to approve the terms of the revised Alcohol Byelaw, as outlined at Appendix 2 attached to the report,
- (2) to authorise Officers to submit the agreed Byelaw to the Scottish Government for approval and to complete the implementation of the renewed Byelaw thereafter, and
- (3) to note their disappointment in that the Buchan Community Safety Group were not advised or involved in the revised proposal

11. EDUCATION AND CHILDREN'S SERVICE QUARTERLY PERFORMANCE EXCEPTION REPORTING JANUARY-MARCH 2018 (ABERDEENSHIRE PERFORMS)

A report by the Interim Director of Education and Children's Services had been circulated advising the 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.

Having read through the detail within the report, the Committee **agreed** to acknowledge the good performance achieved.

12. PETERHEAD ACADEMY – MAINTENANCE WORKS

A report by the Director of Business Services had been circulated asking that the Committee consider a Supplementary Work Plan for works to be undertaken at Peterhead Academy.

The Committee **agreed**:-

- (1) to approve the addition of the item on the Supplementary Work Plan, as detailed in Appendix A attached to the report, to the Business Services Directorate's Annual Work Plan 2018/2019,

- (2) to approve the Business Case, attached as Appendix B to the report, for the item on the Supplementary Work Plan relating to the Peterhead Academy Maintenance Works Business Case,
- (3) to approve the total cost, as detailed in the report, inclusive of fees, and that Officers proceed to tender,
- (4) to note that the Chief Officer has authority to award the contract following any tender process involved, and
- (5) to highlight that there are ongoing issues with the heating system throughout the school and to request that Officers investigate this

APPENDIX A
DEFERRED PLANNING APPLICATION

(a) **Full Planning Permission for Erection of Ancillary Annex Accommodation at Ashyolds, Nethermuir, Maud**

For: Mr David Roberts, Ashyolds, Nethermuir, Maud

Per: George Hadden, Architectural Agent, Freemont, Little Newton, Old Rayne, Inch

Reference No: APP/2017/3097

With reference to Item 4 of the Minute, Councillor A Simpson declared an interest and left the meeting during this item.

Following a discussion, the Committee unanimously **agreed**:-

- (1) to Grant Full Planning Permission subject to relevant planning conditions, and
- (2) to depart from the Local Development Plan in this instance given the particular needs and personal circumstances of the proposed occupants

APPENDIX B
NEW PLANNING APPLICATIONS

(a) **Planning Permission in Principle for Erection of Dwellinghouse and Formation of Footpath at Plot 3, Auchreddie, New Deer**

For: Mr William Brown, Hilton of Culsh, New Deer

Per: Alasdair Ramsay, Unit A, Ladysbridge, Banff

Reference No: APP/2017/3235

The Committee unanimously **agreed**:-

- (1) to Grant Planning Permission in Principle subject to relevant planning conditions, and
- (2) to depart from the Local Development Plan in this instance given that Policy R2 (Housing and employment delivery elsewhere in the countryside) supports development within 200m of the settlement boundary and this site is only an additional 20m south of the New Deer settlement boundary. In addition, the proposed new footpath will provide safe access into New Deer

(b) **Full Planning Permission for Erection of Petrol Filling Station, Drive Thru Café/Restaurant, Associated Landscaping and Works at Land at Buchan Gateway, Buchan Way, Invernettie, Peterhead**

For: EG Group Ltd, Euro House, Beehive Trading Park, Haslingden Road, Blackburn

Per: Colliers International, 1C Exchange Crescent, Conference Square, Edinburgh

Reference No: APP/2018/0042

In terms of Standing Order 6.5, the Area Manager had received a request to address Committee in relation to this application from objectors, Mr Gary Haigh and Mr Alan Haigh.

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

The Committee first heard from the Senior Planner who reminded the Committee that Planning Permission in Principle was granted, subject to conditions, on the wider Buchan Gateway site for large format stores, restaurants, a hotel and a petrol station on 16th July 2015.

The Committee then heard from Mr Gary Haigh as follows -

“Our concern is road safety. The roundabout is already congested, in particular at peak times 8/9am in the morning, lunchtime, and a teatime due to McDonalds being there. There is a lot of congestion, which includes lorries.

Existing premises will be affected, and if agreed this proposal will be to the detriment of the town centre. Councillor Sutherland, through BID, is trying to rejuvenate the town centre, and by pushing premises to the outskirts will kill Peterhead.

The proposed users don't use local suppliers or builders, and won't be providing that many jobs.”

Mr Alan Haigh then addressed the Committee –

“We have been situated in Peterhead for 30 years, providing jobs and employment to the people of Peterhead. To situate another petrol station on this road will be to the detriment of the people working with us. There is no need for two 24-hour petrol stations.

There are a lot of people employed by SCORE, Lunar and Arnold Clark, and to add another petrol station means there will be a lot more traffic.

We are trying to improve Peterhead town centre. By putting an ALDI at one end of this road and a petrol station and café at the other will hurt the local shops and they are going to feel this.

There is already a problem with youngsters racing around the residential areas - Towerhill, and this will be a further attraction if it is to be open 24 hours. The Marsdens hotel and eatery has already affected the Travel Lodge in the town centre.

I'm asking you to please consider the local businesses – butchers, bakers – everything in the town centre.”

Following a lengthy discussion, the Committee **agreed** to defer consideration of the application for 2 cycles to allow –

- (1) the applicant to address the following concerns in relation to their Transport Study –
 - (a) it does not fully address the public transport issues in that the detail is not wholly accurate given that it refers to bus stops on the A90 that do not exist; further Transport Scotland has now installed bollards at these areas to prevent buses stopping informally,
 - (b) pedestrian access connectivity, and
 - (c) cycle access connectivity

given that neither are suitably addressed in terms of how pedestrians and cyclists will safely cross the A90 to access the development and that consideration should be given to installing a footpath link from the south-east corner of the site to the A90 south of Invernettie Roundabout, and
- (2) Transport Scotland to respond to the following –
 - (a) the Committee's concerns in relation to the congestion already being experienced at the roundabout and any additional impact this proposal may have, and
 - (b) the need for a bus bay to be sited south of the proposed development to be linked via a footpath

- (c) **Planning Permission in Principle for Erection of Dwellinghouse at Site adjacent to Dikeside, Skelmuir, Mintlaw**
For: Mr I Grubb, c/o 1 The Square, Mintlaw
Per: Baxter Design Company (Old Deer) Ltd, 1 The Square, Mintlaw
Reference No: APP/2018/0577

In terms of Standing Order 6.5, the Area Manager had received a request to address Committee in relation to this application from the Agent, Mr R Urquhart 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 heard from Mr Urquhart as follows –

“As detailed in the report we’d previously submitted an application Reference 2017/1468 for two houses on opposite sides of the road. We realise that this can be contrary to policy in certain cases but this was done for several reasons. Policy R2 reads “siting and design of any new development will be a primary consideration”. The land immediately east of the bothy is better in terms of layout and siting and I emailed a justification to the planner during consideration of the application for two houses, the key points are – the land to the west is restricted by other buildings that the applicant wishes to retain at present, which are unsightly and overbearing on the bothy, and leave very little room for adequate driveways, gardens and private drainage systems. The neighbouring property south-west is also elevated above the bothy and sheds so may cause privacy issues and overshadowing to houses on the west side of the road as well as overshadowing. The visibility onto the public road is far better from the east than from the west. The proposed site has better access to solar gains, is sheltered by a new tree belt, and far better outlooks making the sites far more desirable to live on.

The planner responded to this justification to say “I can understand your position and had this application been for a single house I may have considered a departure from policy based on the information that you have provided. However, the building itself is very small and you propose to replace this small building with two houses, there is no justification for that.”

The application was refused as it was issued to Central Buchan members for consideration on the planning portal. The reasons for refusal were – contamination testing of the site had not been done, replacing a bothy with two houses was not deemed acceptable, and moving the replacement building outwith the site of the existing building. Since then Phase 1 contamination testing has been completed and recommends a further Phase 2 investigation be carried out on the bothy area to identify under soil conditions, and any fuel spillages from the former smithy. This is another reason why the proposed house would be better located to the east. As suggested by the Planner, we have reduced the proposal to a single house but we still feel that it will be far better for any potential occupants to be across the road. I further note that the applicant only owns these two fields, which are not currently serving any agricultural purpose.

In summary, Policy R2 states Siting and Design of new development is a primary consideration of any application, therefore the replacement house will be better served by moving it 20m or so to the east to improve its siting, outlook, access and will reduce the likelihood of any effects of possible contamination, if there is found to be any.”

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