ABERDEENSHIRE COUNCIL
BUCHAN AREA COMMITTEE
BUCHAN HOUSE, PETERHEAD, 12TH NOVEMBER 2019

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

Officers: Chris White, Buchan Area Manager (Business Services); Amanda Roe, Interim Buchan Area Manager (Business Services); Amanda de Candia, Solicitor (Business Services); Sally Wood, Senior Planner (Infrastructure Services); Peter MacCallum, Roads Development Manager (Infrastructure Services) (via skype); Philip Leiper, Roads and Landscapes Services Manager (Infrastructure Services) (via skype); Graham Duthie, Principal Revenues Officer (Business Services); Maxine Booth, Quality Improvement Manager (Education and Children’s Services); Anna Zadka Labus, Learning Estates Officer (Education and Children’s Services); Paul Whalley, Early Years Estate Manager (Education and Children’s Services); Rachel Wood, Head Teacher (Education and Children's Services); and Theresa Wood, Area Committee Officer (Business Services)

In Attendance: Craig Shand, Scottish Fire and Rescue Service

CHRIS WHITE, BUCHAN AREA MANAGER

On behalf of the Committee, the Chairman thanked Chris White, Buchan Area Manager, for the many years of dedicated service he has given to the Buchan Area Committee and the Buchan area as a whole. The Committee joined with the Chairman in wishing the Area Manager a long and well-deserved retirement.

The Chairman concluded by welcoming Amanda Roe and wished her well in her new role as Interim Area Manager for Buchan.

1. DECLARATIONS OF MEMBERS’ INTERESTS

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

(1) Councillor I Sutherland declared an interest in Item 8 by virtue of being a business owner in Peterhead town centre. Having applied the objective test, Councillor Sutherland remained and participated 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.

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3. MINUTE OF MEETING OF 8TH OCTOBER 2019

The Minute of the Meeting of 8th October 2019 had been circulated and was approved subject to the following addition:-

Item 8 – Chapel Street, Peterhead – Member/Officer Working Group Interim Update – Recommendation (5) - to add “and prohibition of driving in pedestrian zone”, to read as follows –

(5) to request that the Group liaise closely with Police Scotland with regard to the need for enforcement of the law pertaining to on street parking and prohibition of driving in pedestrian zone,

4. 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 A attached to this Minute.

(a) APP/2019/1129 Full Planning Permission for Erection of 4 Self Catering Pods (Short Term Letting Accommodation) at Site adjacent to Nether Park Cottage, Lonmay, Fraserburgh

(b) APP/2019/1938 Planning Permission in Principle for Erection of Dwellinghouse at Site to the East of Daisyfield, Rora, Peterhead

5. CONSULTATION ON DRAFT COUNTER FRAUD STRATEGY

A report by the Director of Business Services had been circulated asking the Committee to provide comment on the Draft Counter Fraud Strategy aimed at preventing and mitigating the risk of fraud.
The Council’s current Anti-Fraud and Corruption Strategy had been in place since 1998, and the new Draft Counter Fraud Strategy has been significantly refreshed as a result of the recommendations from Internal Audit and is underpinned by CIPFA’s Code of Practice on managing the Risk of Fraud and Corruption and the Local Government Fraud Strategy – Fighting Fraud Locally 2016-2019.

Having considered the detail, the Committee agreed to provide the following comments to Audit Committee and Business Services Committee:-

1) to welcome the Draft Counter Fraud Strategy as detailed in the appendix to the report, in that it provides a good summary in respect of the Council’s commitment to prevent and mitigate the risk of fraud, in particular the proposals to safeguard the vulnerable and elderly

6. SCOTTISH FIRE AND RESCUE SERVICE – PERFORMANCE REPORT – FOR 1ST JULY TO 30TH SEPTEMBER 2019

A report by the Local Senior Officer, Aberdeenshire and Moray, SFRS, and Director of Business Services had been circulated providing the Committee with a briefing in terms of how the Scottish Fire & Rescue Service is performing locally in Buchan against key SFRS priorities and the Multi-Member Ward Plan.

Having heard from the representing Officer and following a series of questions, the Committee agreed to thank and commend Officers on the successful Fire Skills Course undertaken with pupils participating in the PeterDeen Project.

7. EDUCATION SCOTLAND INSPECTION, HATTON (CRUDEN) SCHOOL

A report by the Director of Education and Children’s Services had been circulated providing the Committee with detail following a visit from HM Inspectors, in March 2019, of Hatton (Cruden) School.

The Head Teacher highlighted the strengths and weaknesses as identified by HM Inspectors, and advised of the School Improvement Plan to address any areas requiring attention.

The Committee agreed to thank the Head Teacher and staff on a good report, and to wish the School a continually improving journey.

8. RELOCATION OF PETERHEAD ACADEMY

A report by the Director of Education and Children’s Services had been circulated advising that The Schools (Consultation) (Scotland) Act 2010 requires that Local Authorities undertake a formal consultation process whenever changes are proposed to the location or catchment area of a school; or when a school is being considered for closure. The new Peterhead Academy will be located on a different site to the current establishment, and there will be a requirement to close the old school in order to open the new one.

Following a full discussion, the Committee agreed:-

1) to welcome the report as a further step forward in the provision of a new Campus for Peterhead,

2) to note that a follow-up report will be submitted in Spring 2020 on the outcomes of the wider statutory consultation regarding the proposed relocation of Peterhead Academy,
when undertaking the town centre impact assessment, that Officers note the need to assess the economic impact upon the town centre as a whole,

when considering the impact on pupils travelling on foot to/from the new Campus, to request that the impact assessment cover the wider disadvantaged areas of the town and those pupils who live close-by the Academy at present,

to request that a timescale be identified for these assessments so as to ensure that any mitigating measures can be factored into the early stages of the process,

to request that there be early engagement with bus companies with regard to the transporting of pupils,

that consideration be given to ensuring that there are safe cycle routes to the new Campus combined with the possibility of providing e-bikes and charging stations throughout various points of the town,

to highlight the need for school transport to be considered in the early stages of the planning process and in conjunction with the ‘Safer Routes to Schools’ policy,

in having noted that the new Campus will be built with community and sport facilities, to note that these proposed resources still need to be fully considered and that a timescale should be identified by LLA to allow full consultation to take place with all those who will be affected,

in providing community facilities at the Campus, that consideration be given to public transport requirements, and

having considered the proposed capacity of the new Academy, to request that consideration be given to building the new Campus in such a manner that expansion can be easily accommodated in the longer term if required

9. SUPPLEMENTARY WORK PLAN FOR EDUCATION AND CHILDREN’S SERVICES DIRECTORATE – PROCUREMENT APPROVAL

A report by the Director of Education and Children’s Services had been circulated seeking the Committee’s approval of a Supplementary Work Plan including the procurement of works to relocate a Nursery to a new build provision.

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,

2. to approve the Business Case in Appendix 2 attached to the report, and

3. to note that the award of contract will be dealt with by the Head of Resources & Performance under delegated authority
10. SUPPLEMENTARY HOUSING WORK PLAN AND BUSINESS CASE – PROCUREMENT APPROVAL FOR STRUCTURAL REPAIR AND UPGRADE OF COUNCIL HOUSES

A report by the Director of Infrastructure Services had been circulated seeking the Committee’s approval to procure works to facilitate the extensive and specialist structural repair works that are required at five Council houses in Mintlaw and Boddam.

The Committee agreed:-

(1) to approve the item on the Supplementary Work Plan in Appendix 1 and note that it will be added to the Annual Housing Work Plan as previously approved by Communities Committee on 21st February 2019,

(2) to approve the Procurement Business Case in Appendix 3 for the procurement of structural repair and upgrade works of the Council houses in Mintlaw and Boddam, and

(3) to acknowledge that the Head of Housing has the delegated power to award the final contract

11. SUPPLEMENTARY DIRECTORATE WORK PLAN – PROCUREMENT APPROVAL – CRIMOND SCHOOL – REPLACEMENT BOILER AND HEATING CONTROLS

A report by the Director of Business Services had been circulated requesting that the Committee approve the procurement of a new boiler and controls at Crimond School following recent heavy rainfall which flooded the boiler house.

The Committee agreed:-

(1) to approve the item on the Directorate Supplementary Work Plan as detailed in Appendix 1 and note that it will be added to the Directorate Work Plan that was approved by Business Services Committee on 28th February 2019,

(2) to approve the Business Case in Appendix 2 for the procurement of works, goods or services relative to the replacement of boiler and controls at Crimond Primary, and

(3) to acknowledge that the Head of Property and Facilities Management has delegated authority to award the contract
APPENDIX A  

NEW PLANNING APPLICATIONS

(a) **Full Planning Permission for Erection of 4 Self Catering Pods (Short Term Letting Accommodation) at Site adjacent to Nether Park Cottage, Lonmay**
For: Mr P Stewart, The Studio, Blackhills, Lonmay
Per: Craig Mackay, CM Design, St Brendans, 69 South Guildry Street, Elgin
**Reference No: APP/2019/1129**

In terms of Standing Order 6.5, the Area Manager had received two requests to address the Committee in relation to this application from (1) Mr Philip Stewart, the Applicant, and (2) Mr Gavin Massie, an objector.

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

Having heard from the Senior Planner, the Committee then heard from Mr Stewart:-

"Thank you all for this opportunity to speak and thank you to the Planning Department for supporting our application and recognising that it falls within the parameters of the B3 policy.

We started this project a year and a half ago because we were looking to diversify as our current farming and photography businesses are quieter due to the current economic climate. The farming cattle is proving to be unprofitable so we thought by incorporating this project we could make all the businesses more viable.

We decided to apply to the Leader Grant Scheme through the Scottish Government. It was a rigorous process, in which we invested a lot of time, effort and money. We had to provide a full business plan and gather all the information required and were successful in securing the grant from the Scottish Government who are willing to provide a considerable sum of £60,000 towards the initial set up. We are also fully supported by the Tourist Information Service, Visit Aberdeenshire, the North East 250 and Business Gateway.

We are aware of other pod facilities in the area, however they are not providing the unique services we are looking to offer. We want to provide high quality rental accommodation pods, offering a touch of luxury by having all the conveniences under one roof. We want to give the home from home feel, making it hassle free and providing the comforts you would hope for, when travelling.

Our target market is people who want to get away to the countryside for peace and quiet. We are providing 15 acres of woodland, for leisurely walks, people will benefit from the fresh air and the healthy feel good factor from being outdoors. We intend to cater for guests with disabilities, we feel they are currently at a disadvantage when glamping due to the lack of facilities. We are aware that other pods may provide wheelchair access but we intend to provide at least 1 pod which will be fully accessible, so no-one is discriminated against.

Regarding the concerns of our neighbours, one of the points raised is traffic. I have ran a photography business in the neighbourhood for more than 15 years, having customers driving down the road visiting my studio without protest. The majority of the traffic on the road are other cars using it as a link between the villages, or other farming vehicles. We do not feel that guests visiting this new project will make an impact on the current traffic concerns."
Another point is noise and loss of privacy. We feel it is important to state that we want minimal impact on our neighbours and the area. The siting of the pods ensures that visitors are not overlooking any properties nearby however, we will be erecting a fence as a precautionary measure to ease their concerns. We also have plans passed to build a house at the back of the neighbour’s properties for us to live in ourselves. This will provide an additional barrier and visitors will be unable to venture through. Hopefully this will ease the concerns that there might be.

This is a development we feel passionately about, we have worked tirelessly to address any issues raised through the Planning process and have managed to meet all the requirements in respect of the Policy standards.

We will be able to create employment with the addition of 1½ full time posts. Tourism is a growth industry for the area which would bring additional benefits to the other local businesses which is all positive for the community.

The invaluable financial backing of £60,000 from the Scottish Government would be a great loss to the area and the economy should you choose not to support this project. Along with future assistance from Business Gateway and Visit Aberdeenshire there is no doubt in our minds that we will make this project a success and be an asset to the area.

Thank you for your time and I’m happy to answer any questions you may have.”

The Committee then heard from Mr Massie:–

“Thank you for allowing me to address the Committee. I am speaking on behalf of my wife, Amanda, who submitted our objection and myself.

I’m sure you’ve read the objections so I won’t take up time repeating what’s been said however I would like to look at a number of points. The report states the applicant’s house as The Studio but this is his business. His home is Oaklea House which is furthest away from the proposed pods. Oaklea will be shielded by The Studio which will minimise noise. The closest properties have all objected.

We’re concerned about the impact this will have on our local amenity - that it will affect our privacy and peace and we worry about continual strangers wandering around the area and the affect it will have on the road. Initially the site was deemed not well related to any settlement then changed to being well related to Crimond. We query the change and why Crimond as our nearest settlement would be New Leeds. Crimond is not our catchment area, there’s no direct bus route and it only has a shop. The net economic and social benefits that are required as part of Policy B3 are not detailed.

The report says that visitors would most likely drive across North Aberdeenshire most days to see tourist sites but then goes on to say that the trips would not have a significant impact upon local amenity. This is a contradiction. If 4+ vehicles are driving up and down behind our home, approximately 15 metres away, and on the single track road daily to visit varying tourist attractions then it will impact us. Our rear garden will no longer have the peace, tranquillity and privacy we currently enjoy. We appreciate that the pods may not overlook our properties but our privacy will be compromised when tourists travel to and from them.
It’s claimed that no similar accommodation is found within 10km however there is at Rathen, 5km away and St Combs, 7.4km and also 6 pods at Lonmay, 5km which were granted planning permission (APP/2014/3052, amendment 2016) and are the same luxury outdoor self-catering units which the applicant states there are none of within 10km. This would take the total of luxury pods in Lonmay to 10 should this application be passed; that’s not taking into account the 13+ pods sited 10-15km away (Mintlaw, Sandhaven, Rosehearty and New Aberdour). The report says there is a gap in this area, surely there can’t be a gap when permission has already been granted for 6 pods in Lonmay. This must challenge demand for existing tourist lets.

The road is under a lot of strain. It’s sinking at the sides in parts and regularly has potholes which up until now, have been patched by the Council. They were patched late Summer and already potholes are breaking out again (see attached photos). Who will be responsible for maintaining the road when the Council ceases to maintain un-named roads due to lack of budget as discussed at a local Community Council meeting? What about the heavy vehicles which will be used to transport 100s of tons of aggregate to the site and the pods themselves? No account appears to have been taken of usage of the road during construction.

Aberdeenshire Council has a plan to reduce carbon emissions over the next few years, this development will have a huge carbon footprint from getting the 100’s of tons of aggregate from quarry to site, then all the other construction that goes into developing the site, drainage, water, and electricity, etc, along with removal and replanting trees. As well as all the extra traffic as it says most people will be using cars as public transport is not convenient. In the report it says that the site is well related to Crimond 5km away and people can go there for supplies - is this not a bit irresponsible as this seems to be saying its ok to increase car journeys when they are supposed to be looking at ways of reducing carbon emissions not increasing them.

Compensatory planting has been recommended but the Scottish Government Policy on Control of Woodland Removal states that it only supports woodland removal where it would achieve significant and clearly defined public benefits. There’s no mention of what they are. Thank you for your time.”

Following a brief discussion, the Committee agreed to defer consideration of the application to allow Members the opportunity to visit the site to allow them to consider the impact of the proposal on surrounding neighbours.

(b) Planning Permission in Principle for Erection of Dwellinghouse at Site to the East of Daisyfield, Rora, Peterhead
For: Mr Alan Craig, Downiehills Farm, Blackhills, Peterhead
Per: Philip Baxter, Arcus Design Ltd, Mavisbank, Old Deer, Peterhead
Reference No: APP/2019/1938

In terms of Standing Order 6.5, the Area Manager had received a request to address the Committee in relation to this application from Mr Philip Baxter, Agent.

The Committee was asked if they wished to hear the representation. The Committee unanimously agreed.
Firstly, the Committee heard from the Senior Planner who advised that the concerns regarding sufficient visibility splays had been resolved, and therefore the second reason for refusal could now be deleted. In addition, the Senior Planner advised that should Committee be minded to grant permission, that the application would have to be referred to the Infrastructure Services Committee for determination with valid reasons for departing from the Local Development Plan.

The Committee then heard from Mr Baxter:-

“The referring slide is an extract from settlement plan. The Policy for this is 20%. So, we have counted 28 houses which equals 5.6, so we’ve rounded that up to 6. This was actually backed up by the Planners as all through the previous Local Plan and for most of the new Local Plan, Planners have noted in various previous planning applications that there were 6 sites available in Rora. However, I have been informed recently that policy section have downgraded this to 5, and I have asked why this is the case, and await a reply.

There’s a total of 5 sites approved in the 2017 Local Plan. A total of 12 houses could have in theory been approved/built over the two plan periods however I believe only 3 have been built with 5 approvals, so we are nowhere near our actual allocation limit. We have someone who wishes to proceed with the development now and it seems unfair to let them wait until 2022 when the next new plan comes into force and that is assuming the policy is still in place to do so.”

Following some questions and having received clarification from the Senior Planner, the Committee agreed to Refuse Planning Permission in Principle for the following reason:-

01 The proposed development is not acceptable in principle under Policy R2 Housing and employment development elsewhere in the countryside of the Aberdeenshire Local Development Plan 2017, in that there is no capacity left for further dwellinghouses under the organic growth criterion and the applications fails to meet any of the other exceptions cited in Policy R2.