

**ABERDEENSHIRE COUNCIL**

**BUCHAN AREA COMMITTEE**

**BUCHAN HOUSE, PETERHEAD, 4<sup>TH</sup> JUNE 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); Iain Meredith, Senior Solicitor - Governance (Business Services); Sally Wood, Senior Planner (Infrastructure Services); Wilma Mutch, Head Teacher (New Deer), Education and Children's Services; Derek Young, Asset Disposal Surveyor (Business Services); and Theresa Wood, Area Committee Officer (Business Services)

**IAIN MEREDITH, SOLICITOR**

Having been advised that this would be Iain's last meeting with the Buchan Area Committee, Members thanked him for his support and wished him well in his new job.

**SCOTTISH J ROCK FINALS**

Councillor Ingram advised the Committee that four Central Buchan Schools have made it into the Scottish J Rock Finals; there being only 10 places in total. Councillor Ingram said that all credit was due to the schools, youngsters and parents and wished them every success in the Finals.

**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 A Buchan declared an interest in Item 4(b) by virtue of the applicant being a customer of Councillor Buchan's. Having no financial contracts, Councillor Buchan concluded his interest to be remote and insignificant and advised he would remain and participate in the item,
- (2) Councillor A Buchan declared an interest in Item 4(d) by virtue of the applicant being a customer of Councillor Buchan's. Having no financial contracts, Councillor Buchan concluded his interest to be remote and insignificant and advised he would remain and participate in the item, and
- (3) Councillor I Sutherland declared an interest in Item 6 by virtue of his previous role as BID Manager, and advised that he would leave the meeting for this item and take no part in the discussion of this report

## 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

Councillor Calder moved as a motion, seconded by Councillor A Buchan, that Item 6 be taken in public session.

As an amendment, Councillor N Smith, seconded by Councillor Allan, moved that 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 Item 6 so as to avoid disclosure of exempt information of the class described in Paragraph 9 of Part 1 of Schedule 7A of the Act.

The Members of the Committee voted:-

For the motion (2) Councillors A Buchan and S Calder

For the amendment (9) Councillors N Smith, Beagrie, Allan, M Buchan, Fakley, Ingram, Simpson, S Smith and Sutherland

The amendment was therefore carried and the Committee **agreed** that 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 Item 6 so as to avoid disclosure of exempt information of the class described in Paragraph 9 of Part 1 of Schedule 7A of the Act.

It was further **agreed** that the Chairman would issue a press release in relation to Item 6, at the conclusion of the Committee meeting.

## 3. MINUTE OF MEETING OF 14<sup>TH</sup> MAY 2019

The Minute of the Meeting of 14<sup>th</sup> May 2019 had been circulated and was **approved**.

## 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/2018/3116 Planning Permission in Principle for Erection of Dwellinghouse at Site to the North of Fetterangus
- (b) APP/2019/0043 Full Planning Permission for Erection of Class 6 (Storage and Distribution) Building and Associated Infrastructure at Land at Sandford Business Park, Invernettie, Peterhead
- (c) APP/2019/0378 Planning Permission in Principle for Erection of Dwellinghouse at Land to the South of Wardhead, Lonmay, Fraserburgh
- (d) APP/2019/0418 Full Planning Permission for Erection of Dwellinghouse at Plot 2, Land at Richmond House, Kinmundy Road, Peterhead

## **5. EDUCATION SCOTLAND INSPECTION – NEW DEER PRIMARY SCHOOL AND NURSERY**

A report by the Director of Education and Children's Services had been circulated advising that New Deer School was inspected in February 2019 by HMIE Scotland and the Care Inspectorate.

Having heard from the Head Teacher, the Committee **agreed**:-

- (1) to welcome the report and congratulate the Head Teacher, staff and pupils on a good report,
- (2) to thank the Head Teacher for her tremendous enthusiasm over the last 40 years and for having been such an accomplished leader within New Deer School, and to wish her well in her impending retirement,
- (3) to endorse the Service's efforts in support of its school in the Education Scotland Inspection process and in the raising of standards of attainment and achievement in all aspects of school life, and
- (4) to further reports on Education Scotland school inspections being presented

## **6. RENEWED PROPOSAL FOR THE SALE OF GLENUGIE BUSINESS CENTRE AND 53 WINDMILL STREET, PETERHEAD**

A report by the Director of Business Services had been circulated providing the Committee with an update in relation to the proposed sale of Glenugie Business Centre and 53 Windmill Street, Peterhead.

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

- (1) to approve the proposed strategy for the disposal of Glenugie Business Centre and 53 Windmill Street, Peterhead including –
  - (a) the retention of the original buildings on site in whole or in part, and
  - (b) the marketing of the subjects as detailed within the report, and that this be done in conjunction with the work being undertaken by BID
- (2) to welcome monthly informal progress updates from Officers, to include detail in relation to other prominent vacant buildings within Peterhead,
- (3) that Officers explore the possibility of reducing utilities bills by disconnecting water and electricity,

- (4) that Officers report back to the Buchan Area Committee no later than 8<sup>th</sup> October 2019 with a definitive proposal for the buildings, and
- (5) that should the marketing of the properties be unsuccessful that Officers further explore the possibility of demolition with a view to creating a car park, whilst preserving some of the granite frontage if possible, and that a fully costed proposal be reported back to the Buchan Area Committee on 8<sup>th</sup> October 2019 also

## APPENDIX A

### NEW PLANNING APPLICATIONS

(a) **Planning Permission in Principle for Erection of Dwellinghouse at Site to the North of Fetterangus**

For: Mr B Croll, 64 Balmoor Terrace, Peterhead

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

**Reference No: APP/2018/3116**

In terms of Standing Order 6.5, the Area Manager had received a request to address the Committee in relation to this application from the Agent, 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 Senior Planner, who reminded Members that the proposed development is in the opinion of the Head of Planning and Building Standards in significant conflict with Policy R2 and if the Committee is minded to approve then the application will have to be referred to the Infrastructure Services Committee.

The Committee then heard from Mr Baxter as follows –

“Policy says: ‘The most sustainable pattern of development is to promote growth within and adjacent to existing settlements as noted in paragraph 40 of SPP, the principle of this is to direct the right development to the right place’.

In reference to Item 6.5 of the report - with regards the size of the site and as this application is for outline permission only, the position of the dwelling and layout are indicative, the whole area of ground was outlined in red to include the agricultural building and associated land and agricultural yard. We felt it important to include the adjacent building and land areas as they formed part of the reason for the application, we were not trying to rule out any agricultural use. By having the red line around the whole site gives the planning officer scope to add planning conditions on any part of the site on approval.

The report also mentions small scale residential plots being 350sqm but this size of plot is more commonly found in housing estates, as this equates to a plot approximately 19x19m which is extremely small and is not reflective of actual countryside plots. I think you would struggle to find a countryside plot of this size. To try and fit say a dwelling, garage, driveway, garden area and off street turning into this would be extremely challenging.

Item 6.8 of the report - the applicant will carry out small scale agricultural activities on site with the restoration of old agricultural machinery, including the keeping of ewes and lambs but he would not introduce the livestock element until he was able to stay on site for obvious animal welfare issues.

Item 6.10 of the report - whilst I acknowledge that policy allows up to 10 dwellings around a defined settlement like Fetterangus over a 5 year period I think this policy becomes restrictive especially when a settlement has a strong demand for this type of growth. I am not sure why the figure of 10 was introduced as previous Local Plans referred to 20% of the village numbers. When an application comes before planning that requires a rural site then there has to be some sort of allowance made to accommodate this type of development, as the applicant cannot conduct this type of agricultural business within a settlement, or be expected to wait

years till the next local plan comes into effect. There is also the potential issue of some approved sites not being developed which holds back others from development.

As noted in the justification statement planning was approved for three sites at this side of the village which expired in 2017 therefore it could be argued that by approving this application the village would not exceed its actual local plan allocation.

Item 6.12 of the report - with regards brownfield use it is my understanding that there was a building on site prior to the agricultural building being constructed and there obviously is an agricultural building there at present.

Item 10.5 of the report - I don't agree that this application should be referred to Infrastructure Services Committee as it is for a single site with an agricultural related use and would not be a significant departure to policy. Under the Scheme of Governance produced by Aberdeenshire Council I don't think that this development would, by reason of its scale or nature, or the location of the development, significantly prejudice the implementation of the development plan's policies and proposals so I would say is unlikely to be considered significant.

In brief, we believe that the erection of a dwellinghouse on a brownfield site adjacent to an existing agricultural enterprise with established landscaping would be appropriate to the countryside policy. Having the site close to the village supports both policy and also community facilities whilst introducing an agricultural related practice."

Following a discussion, the Committee **agreed** to Refuse Planning Permission in Principle for the following reasons:-

01. The proposed development is in conflict with the Aberdeenshire Local Development Plan 2017, in particular Policy R2 Housing and employment development elsewhere in the countryside, in that the proposed development fails to comply with any of the listed exceptions for development to be supported, including agricultural succession and growth of a settlement identified in Appendix 4 of the Local Development Plan.
02. Due to the size of the plot, which is 1.43 ha (14,300 square metres), the proposed development is contrary to the Aberdeenshire Local Development Plan 2017, in particular Policy P1 Layout, siting and design as the development would be out of keeping with the rural countryside, and E2 Landscape by introducing a large area of curtilage.

Furthermore, it is contrary to Policy R2 Housing and employment development in the countryside which defines small scale development as being appropriate under the exceptions criteria, and the Plan defines 'small scale' as a plot 350 square metres in size and therefore it is considered that plot of 14,300 square metres in area is grossly large compared with the expectation through the Development Plan.

Having refused permission, the Committee were advised that a future application may be permitted a free-go if it complies with the Scottish Government Fees for Applications Regulations.

- (b) **Full Planning Permission for Erection of Class 6 (Storage and Distribution) Building and Associated Infrastructure at Land at Sandford Business Park, Invernettie, Peterhead**  
For: Finnie 4x4, Sanford Business Park, Peterhead  
Per: Ashley Bartlam Partnership, Wards House, Wards Road, Elgin  
**Reference No: APP/2019/0043**

The Committee **agreed** to Grant Full Planning Permission subject to the following conditions:-

01. The development hereby approved shall not be brought into use unless the access, turning areas and parking areas have been provided and surfaced in accordance with the details shown on the approved plans. Once provided, the access, parking and turning areas shall thereafter be permanently retained as such.

Reason: To ensure the timely completion of the access to the development to an adequate standard to prevent the carriage of loose driveway material on to the public road in the interests of road safety.

02. No works in connection with the development hereby approved shall commence unless the proposed surface water drainage system has been provided in accordance with the approved plans, the Development Impact Assessment submitted March 2019 and the development approved under APP/2019/0134 has been provided in full. The surface water drainage system shall be permanently retained thereafter in accordance with the approved maintenance scheme.

Reason: In order to ensure that adequate drainage facilities are provided, and retained, in the interests of the amenity of the area.

03. Waste water from the proposed development shall be disposed of via the public sewer as indicated in the submitted application and shall not be disposed of via private means without the separate express grant of planning permission by the planning authority.

Reason: To ensure the long term sustainability of the development and the safety and welfare of the occupants and visitors to the site.

04. The proposed development shall be connected to the public water supply as indicated in the submitted application and shall not be connected to a private water supply without the separate express grant of planning permission by the planning authority.

Reason: To ensure the long term sustainability of the development and the safety and welfare of the occupants and visitors to the site.

Reason for departing from the Aberdeenshire Local Development Plan 2017 –

The peripheral nature of the site in relation to the wider reserved land, the immediate adjacent development, and the evidence that potential future key infrastructure projects would not be affected by the development.

(c) **Planning Permission in Principle for Erection of Dwellinghouse at Land to the South of Wardhead, Lonmay, Fraserburgh**

For: Mr C Radford, per Agent

Per: Baxter Design Company, 1 The Square, Mintlaw

**Reference No: APP/2019/0378**

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

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 Fyvie as follows –

“There are three main issues that have been brought up by the Planning Department and I would like to address each one briefly –

1. The drainage system was an existing drainage system and was in working order. We have since had an official check on the system by a local geotechnical company and this has been proven to be the case.
2. The well that provides the water for the existing bothy requires to be tested. We spoke with Adam Ritchie from the Environmental Health Team and were told that this could be conditioned and is standard practice on a PPP application. Only yesterday a member of the Environmental Health Team changed the recommendation to an objection. However, this same officer recommended no objection subject to standard conditions on the 19<sup>th</sup> March.
3. The well is outwith the red line site. To be clear, we are not changing the source point of the water, therefore we don't see how this can be an issue. We are moving the end point, ie from the bothy to the new site. I would note that we have received planning approvals for a number of different applications where the private water supply is significantly outwith the red line boundary. Some in the Formartine area, but also a very recent one in the Banff and Buchan area (APP/2019/0272) where the well was 460m from the site. This well serves this site only.

I'd also like to make mention that we were not offered the chance of a processing agreement to obtain the requested information.

Rather disappointingly, we were mid-way through discussions with the planning officer to challenge or resolve the issues mentioned when out of the blue we were told that the application was out to ward members with the recommendation of refusal.

It is our hope that members would be able to support the application as it is or be able to defer the application in order for us to address the issues that we were mid-way through addressing.”

Following a brief discussion, the Committee **agreed** to Refuse Planning Permission in Principle for the following reasons:-

01. The application has failed to demonstrate that the proposed dwellinghouse can be satisfactorily serviced in terms of water supply. The application fails to demonstrate compliance with the Aberdeenshire Local Development Plan 2017, in particular Policy RD1 Providing suitable services.

02. The application has failed to demonstrate that the proposed dwellinghouse can be satisfactorily serviced in terms of foul water drainage. The application fails to demonstrate compliance with the Aberdeenshire Local Development Plan 2017, in particular Policy RD1 Providing suitable services

Having refused permission, the Committee were advised that a future application may be permitted a free-go if it complies with the Scottish Government Fees for Applications Regulations.

- (d) **Full Planning Permission for Erection of Dwellinghouses at Plot 2, Land at Richmond House, Kinmundy Road, Peterhead**  
For: ARD Properties Ltd, 2 St Andrew Street, Peterhead  
Per: David Gauld Architect, 6 Whitehouse Way, Gorebridge  
**Reference No: APP/2019/0418**

Having considered the application, the Committee unanimously **agreed**:-

- (1) to Grant Full Planning Permission subject to relevant conditions, and
- (2) their reason for departing from the Local Development Plan as follows –
  - (a) the proposal will not undermine the character of the site and wider area