

ABERDEENSHIRE COUNCIL

BUCHAN AREA COMMITTEE

VIA SKYPE – 15TH SEPTEMBER 2020

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

Apology: Councillor A Buchan

Officers: Amanda Roe, Interim Area Manager (Business Services); Amanda de Candia, Solicitor (Business Services); Sally Wood, Senior Planner (Infrastructure Services); Kenn Clark, Principal Engineer (Infrastructure Services); Robert McGregor, Strategic Transport Officer (Infrastructure Services); Andrew McIntyre, Principal Landscape Officer (Infrastructure Services); Matthew Watt, Greenspace Projects Officer (Infrastructure Services); Hannah McSherry, Service Development Officer (Infrastructure Services); Clarke Dalziel, Affordable Housing Officer (Infrastructure Services); Anna Zadka-Labus, Learning Estates Officer (Education and Children's Services); Mark Mitchell, Estates Programme Manager (Education and Children's Services); Maureen Stephen, Area Committee Officer (Business Services); and Theresa Wood, Area Committee Officer (Business Services)

In Attendance: Richard Marsh of 4 Consulting (Item 10 only)

1. DECLARATIONS OF MEMBERS' INTEREST

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

- (1) Councillor N Smith declared an interest in Item 5 by virtue of having a connection with the applicant for the planning application concerned through his role as Chairman of MACBI. In having a clear interest, the Chairman left the meeting for the duration of this item,
- (2) Councillor D Beagrie advised that, in relation to Item 6, she had previously been a member of the Dual Peterhead Group, however, having applied the objective test, Councillor Beagrie confirmed that she now had no interest to declare,

- (3) Councillor I Sutherland declared an interest in Item 6 by virtue of being a member of the Dual Peterhead Group. Having applied the objective test, Councillor Sutherland considered his interest to be remote and remained in the meeting for the discussion of this item,
- (4) Councillor I Sutherland declared an interest in Item 10 by virtue of owning a town centre business and given his previous role as BID Manager. In having a clear interest, Councillor Sutherland left the meeting for the duration of this item, and
- (5) Councillor A Fakley declared an interest in Item 6 by virtue of being a member of the Dual Peterhead Group. Having applied the objective test, Councillor Fakley considered his interest to be remote and remained in the meeting for the discussion of this item

2. 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

3. DRAFT MINUTE OF MEETING OF 25TH AUGUST 2020

The Draft Minute of the Meeting of 25th August 2020 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/2020/1127 Planning Permission in Principle for Erection of Dwellinghouse at Site at Kirkhill, Kininmonth, Peterhead
- (b) APP/2020/1244 Full Planning Permission for Erection of 2 Dwellinghouses at Plot 4, Four Winds, Stuartfield

**5. SCOTTISH GOVERNMENT APPEAL –
PLANNING PERMISSION FOR THE ERECTION OF 100 DWELLINGHOUSES,
LAND SET ASIDE FOR AFFORDABLE HOUSING AND
ASSOCIATED INFRASTRUCTURE
AT PHASE B, NORTHWOODS HOUSING DEVELOPMENT, MINTLAW**

The Committee **noted** the Appeal Decision Notice, Reference PPA-110-2389, which advised that the Planning and Environmental Appeals Division had allowed the appeal to vary the terms of Planning Permission APP/2018/2929 (Phase B, Northwoods Housing Development, Mintlaw) by deleting Condition 20 and substituting with the following wording –

20. Notwithstanding the details submitted, no later than 31 August 2021 infrastructure for bus stops shall be erected and installed in full in accordance with details that shall first be submitted to and approved by the planning authority including a location plan to scale to show the location. For the avoidance of doubt the bus stop infrastructure shall comprise (i) two bus stops on the A952, one on the northbound and one on the southbound direction. Each stop shall contain a shelter and shall be placed in laybys designed in accordance with the Design Manual for Roads and Bridges Standard TD69/07, unless an alternative arrangement has been approved by the planning authority, in consultation with the roads authority; (ii) a formal crossing shall be provided on the A952 in the vicinity of the bus stops with the minimum provision of a refuge island; (iii) formal lit footpath connections between the residential development and the bus stops. Once provided the bus stops and associated infrastructure shall be retained in perpetuity thereafter.

**6. NESTRANS REGIONAL TRANSPORT STRATEGY CONSULTATION &
CITY REGION DEAL STRATEGIC TRANSPORT ASSESSMENT**

A report by the Director of Infrastructure Services had been circulated inviting the Committee to discuss and provide comments to the Infrastructure Services Committee on the proposed Nestrans Regional Transport Strategy and City Region Deal Strategic Transport Assessment STAG1 Report.

Following a full and detailed discussion, the Buchan Area Committee **agreed** to make the following comments to Infrastructure Services Committee:-

- (1) Regional Transport Strategy Actions, Appendix 1, Action 4, iii –

“Working with Transport Scotland to upgrade the A90 north of Aberdeen, including dualling between Ellon and the Toll of Birness, junction upgrades including roundabouts at Toll of Birness and Cortes as well as safety and reliability enhancements to Peterhead and Fraserburgh” –

whilst the Buchan Area Committee gives their wholehearted support to this action, to request that the wording reads in much stronger terms emphasising the need for road improvement, including a dual-carriageway and rail connections, to the Northern Ports, and that pressure be put on Nestrans and BEAR to progress this action,

- (2) to note that, in general terms, there is not enough emphasis within the Regional Transport Strategy in relation to the need to better the infrastructure North of Aberdeenshire, and that particular mention should be made of the need for improvement on the A952 Ellon to Peterhead road,
- (3) in acknowledging that at this time individuals are welcoming the opportunity to work and study from home, whilst this is welcomed in terms of reducing carbon emissions etc there is a requirement to recognise the need to tackle broadband and network issues and digital inclusion to make these available to all, and therefore this should feature more heavily within the Regional Transport Strategy, and
- (4) in terms of consultation, to recognise that the comments of our young people are an important element to this Strategy and to request that they are widely consulted

7. POTENTIAL TO INCREASE BIODIVERSITY THROUGH CHANGES TO EXISTING MAINTENANCE REGIMES

A report by the Director of Infrastructure Services had been circulated advising that The Greenspace Project was initiated to promote and investigate changes to greenspaces within Aberdeenshire Council's ownership, through engagement with communities and external groups. The aim of the project is to develop a long-term sustainable model to increase biodiversity and reduce carbon emissions. The Committee was asked to consider various potential sites throughout the Buchan area.

Having considered the proposals for potential biodiversity improvements, the Committee **agreed** that Landscape Services should continue to discuss proposals with all stakeholders, and that local Councillors advise Officers directly of community groups who may want to be involved.

8. HOUSING ALLOCATION POLICY REVIEW CONSULTATION

A report by the Director of Infrastructure Services had been circulated advising that the Housing Allocation Policy is currently being reviewed, and that Committee should comment on the draft policy produced by the Service following investigations into a Choice Based Lettings (CBL) approach. The report advised that this Policy is to be presented to Communities Committee on 5th November 2020 for approval.

The Buchan Area Committee **agreed** to make the following comments to Communities Committee:-

- (1) to request that Officers undertake a trial of the Choice Based Lettings approach, to include auto-bidding, and that the trial results be made available to the Communities Committee on 5th November 2020, and
- (2) to request that, in due course, a review of the new system be undertaken to include feedback from users who have used both the previous and new systems, and that this feedback be made available to Councillors for their information

9. STRATEGIC HOUSING INVESTMENT PLAN 2021-2026

A report by the Director of Infrastructure Services had been circulated seeking the Committee's comments on the draft Strategic Housing Investment Plan 2021-2026.

Strategic Housing Investment Plans and Strategic Local Programmes are part of the Local Housing Strategy process. They are the statements of affordable housing investment priorities in each local authority area which will guide the application of Scottish Government and other funding.

Having welcomed the report, the Buchan Area Committee **agreed** to make the following comments to Communities Committee:-

- (1) to note the Committee's disappointment in that the land associated with Phase 1, Nether Aden, Mintlaw, has still not transferred and to emphasise the local need for this project to be progressed as soon as possible, and
- (2) to acknowledge that there are likely to be knock-on effects from Covid-19 in relation to building work timescales etc

10. REPLACEMENT AND RELOCATION OF PETERHEAD ACADEMY

A report by the Director of Education and Children's Services had been circulated asking that the Committee consider the formal consultation report regarding the replacement and relocation of Peterhead Academy. 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. As the new school will be located on a different site to the current establishment, there will be a requirement to close the old school in order to open the new one, once the building work has been completed.

Following a detailed discussion, the Committee **agreed** to make the following comment to the Education & Children's Services Committee:-

That the Buchan Area Committee strongly endorses that the Council adopts the proposals for the replacement and relocation of Peterhead Academy.

11. LICENSING OF SEXUAL ENTERTAINMENT VENUES – DRAFT POLICY

A report by the Director of Business Services had been circulated seeking the Committee's comments on Aberdeenshire Council's draft Policy on the Licensing of Sexual Entertainment Venues (SEVs). The report advised that the Committee's comments are to be reported back to the Licensing Sub-Committee on 2nd October 2020 as part of a public consultation exercise.

The Buchan Area Committee **agreed** to provide the following comments to the Licensing Sub-Committee:-

- (1) having highlighted the Buchan Area Committee's concern in relation to such venues being associated with human trafficking, to note that whilst there are measures within the draft policy acknowledging such concerns, that the measures are mostly reactive and to request that the policy be strengthened to be more proactive to ensure that human trafficking is actively discouraged; further to note that the Scottish Government published guidance, in March 2019, on licensing of SEVs and the issue of human trafficking within such establishments, and to request that the Licensing Sub-Committee give consideration to this guidance and in particular how operators of SEVs can take steps to minimise and tackle the issue of human trafficking,
- (2) in terms of the following questions –
 - (a) what number of SEV's should the limit be set at for Aberdeenshire in total – 0; and per locality – 0,
 - (b) should relevant localities be the 6 administrative areas of Aberdeenshire – Yes,
 - (c) should there be a sensitive premises presumption – Yes to include hospitals, care homes, public halls etc; what should the distance between these places (and reported incidents) and SEVs be – 500 metres,
 - (d) should the duration of a SEV licence be no longer than 1 year – Yes,
 - (e) should the duration of a waiver be no longer than 1 year – Yes, and
 - (f) should there be any others added to the list of application consultees – Yes, the list should also include all households and businesses within 50 metres of the venue so as to ensure that all those who may be potentially impacted have been given the opportunity to comment

APPENDIX A

NEW PLANNING APPLICATIONS

- (a) **Planning Permission in Principle for
Erection of Dwellinghouse at Site at Kirkhill, Kininmonth, Peterhead**
For: Mr L Davidson, per Agent
Per: Baxter Design Company, 1 The Square, Mintlaw
Reference No: APP/2020/1127

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

- (1) as a Departure to the Local Development Plan, that authority to Grant Planning Permission in Principle be delegated to the Head of Planning and Environment Service subject to relevant planning conditions, to include a condition to ensure adequate space from the boundaries of the former church, and
- (2) to set-aside the requirements of Policy R2 Housing and employment development elsewhere in the countryside of the Aberdeenshire Local Development Plan, 2017 given the proposal will form a natural extension to the community
- (b) **Full Planning Permission for Erection of 2 Dwellinghouses
at Plot 4, Four Winds, Stuartfield, Peterhead**
For: Claymore Homes, Newlands Road, Mintlaw
Per: Forman Design Ltd, Fairdeen, Station Road, Mintlaw
Reference No: APP/2020/1244

The Committee heard from the Senior Planner, who concluded by advising that the proposed development is, in the opinion of the Head of Planning and Environment Service, in significant conflict with the Aberdeenshire Local Development Plan 2017 and therefore if the Committee is minded to approve then the application will have to be referred to Infrastructure Services Committee.

Councillor Ingram moved as a motion, seconded by Councillor Simpson, that being minded to Grant Full Planning Permission, subject to relevant planning conditions, that the application be referred to Infrastructure Services Committee given that the proposal is a departure to the Local Development Plan on the basis that the application accords with Policy P1 Layout, siting and design, particularly in relation to the setting and character and the development would complement the village

As an amendment, Councillor S Smith moved, seconded by Councillor Allan, that Full Planning Permission be Refused for the reasons stated in the report.

The Members of the Committee voted:-

For the motion (7) Councillors N Smith, Beagrie, M Buchan, Fakley, Ingram, Simpson and Sutherland

For the amendment (3) Councillors Allan, Calder and S Smith

The motion was therefore carried and the Committee **agreed** that being minded to Grant Full Planning Permission, subject to relevant planning conditions, that the application be referred to Infrastructure Services Committee given that the proposal is a departure to the Local Development Plan on the basis that the application accords with Policy P1 Layout, siting and design, particularly in relation to the setting and character and the development would complement the village.

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