

**ABERDEENSHIRE COUNCIL****BUCHAN AREA COMMITTEE****VIA SKYPE – 23<sup>RD</sup> FEBRUARY 2021**

**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:** Amanda Roe, Buchan Area Manager (Business Services); Amanda de Candia, Solicitor (Business Services); Sally Wood, Senior Planner (Infrastructure Services); Kenn Clark, Roads Development and Transportation Principal Engineer (Infrastructure Services); Nicola Caira, Engineer (Infrastructure Services); Shaun Norman, Environment Planner (Infrastructure Services); Derek Young, Asset Disposal Surveyor (Business Services); and Theresa Wood, Area Committee Officer (Business Services)

**1. DECLARATIONS OF MEMBERS' INTEREST**

The Chairman confirmed with Members that there were no interests to declare in terms of the Councillors Code of Conduct.

**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
6	9
7	6

### 3. DRAFT MINUTE OF 2<sup>ND</sup> FEBRUARY 2021

The Draft Minute of the Meeting of 2<sup>nd</sup> February 2021 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/2020/0286 Full Planning Permission for Erection of Dwellinghouse at Site adjacent to The Laundry, Chapel Park, Pitfour Lake, Mintlaw
- (b) APP/2020/1157 Planning Permission in Principle for Erection of 13 Dwellinghouses and Associated Infrastructure at Land at The Shieling, Hatton
- (c) APP/2020/2348 Listed Building Consent for Alterations to Dwellinghouse (Installation of Replacement Windows and Door) at Honeysuckle Cottage, 11 Abbey Street, Old Deer

### 5. AREA COMMITTEE BUDGET 2020/2021 – AREA COMMITTEE GRANT SCHEME DECOMMITTED FUNDS

A report by the Director of Business Services had been circulated asking the Committee to approve the allocation of uncommitted project funds, from the Area Committee Grant Scheme, to Maud Village Trust.

At the Buchan Area Committee on 23<sup>rd</sup> June 2020, Stuartfield Community Association was awarded £1,000 towards a project, however, due to the onset of Covid-19 restrictions, the group has been unable to deliver the project as planned and do not expect to be able to do so before 31<sup>st</sup> March. The representative for the group has agreed to forgo the funding at this time but will reapply once the group is able to deliver the project.

At the Buchan Area Committee on 6<sup>th</sup> October 2020, Shirley's Space was awarded £1,420, however, due to the Covid-19 restrictions tightening in late December, the group has been unable to undertake their project. Due to the unknown length of time the restrictions may last the representative from the group decided to relinquish the grant.

Therefore, a total of £2,420 is now available to allocate to another project. The funding must be used by 31<sup>st</sup> March, and therefore, it did not seem achievable for a new project to be delivered in such a short timescale. In consultation with Buchan Development Partnership, the schedule of projects that had been awarded grants in the previous two rounds was revisited, and it was decided that the additional award of £2,420 will assist Maud Village Trust to complete their project.

The Committee **agreed** to approve the allocation of the uncommitted project funds of the Area Committee Grant Scheme, totalling £2,420, to Maud Village Trust towards their project to deliver, in partnership with Dial-a-Community Bus, two electric charging points at the Maud Resource Centre.

## **6. PROPOSED SALE OF FORMER ARDALLIE PRIMARY SCHOOL, MINTLAW**

A report by the Director of Business Services had been circulated seeking the Committee's approval to dispose of the subjects comprising Ardallie Primary School, Mintlaw.

The former Ardallie Primary School had been identified as surplus, and the property has been advertised on the market since July 2019. Although the subjects had attracted regular interest, until recently no offers had been received. Due to a recent rise in the level of interest, a closing date for offers was set on 18<sup>th</sup> January 2021. The Committee was asked to consider the offers as detailed in the report.

Prior to making a decision, the Committee was reassured to hear from the representing Officer that due to a change in insurance arrangements, each building on the Council's asset register is now inspected fortnightly with any defects requiring essential maintenance 'flagged up'.

The Committee **agreed**:-

- (1) to instruct Officers to complete the sale of land and buildings comprising Ardallie Primary School, Mintlaw, at the highest price as detailed within the report, and
- (2) to delegate to the Head of Legal and Governance agreement of detailed terms following consultation with the Head of Property and Facilities Management

**7. USE OF DELEGATED POWERS BY BUCHAN AREA MANAGER  
BY REASON OF SPECIAL URGENCY –  
VACCINATION CENTRE – PALACE HOTEL, PETERHEAD**

A report by the Director of Business Services had been circulated to inform the Committee of the use of delegated powers by the Buchan Area Manager by reason of special urgency in respect of securing a venue within Peterhead as a Covid mass vaccination venue, by the Aberdeenshire Health and Social Care Partnership (HSCP), in order to comply with requirements of the Scottish Government.

The Committee **agreed**:-

- (1) to acknowledge the use by the Buchan Area Manager of Special Urgency Delegated Powers, as fully provided for in Appendix 1 as attached to the report, in order to secure the Palace Hotel, Peterhead, as a Covid mass vaccination venue, and
- (2) to thank the Officers who were involved for their efficient work in sourcing a vaccination centre

## APPENDIX A

### NEW PLANNING APPLICATIONS

- (a) **Full Planning Permission for Erection of Dwellinghouse at Site Adjacent to The Laundry, Chapel Park, Pitfour Lake, Mintlaw**  
For: Mr D Mackie, per Agent  
Per: Baxter Design Company, 1 The Square, Mintlaw  
**Reference No: APP/2020/0286**

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

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 –

“Thank you Chair and Members for allowing me to address you on behalf of my client Mr Mackie today. As mentioned, an application on this site had come before you in August 2019 and since then we have had lengthy but productive discussions, back and forth with Mr Norman the Built Heritage Officer and have amended the design several times to fall in line with his wishes and policy to eliminate impact on the Laundry building itself.

We have amended the design of the house layout, roof and position of the house within the site several times and have added a new landscaping scheme, utilising pre-grown transplants rather than planting from scratch - so that when planted on site they will immediately provide a level of screening and can be planted around the edges of the site at early stages of construction works so that they can continue to grow quickly and get the maximum length of time available during works to establish. This is shown in our visuals provided that illustrate that from anywhere south to west of the site where the Laundry building can be seen from footpaths of the field to the west that the new house would not be in direct view at the same time, so there is no visual impact on the Listed Building.

In terms of policy, we re-submitted this site as we still firmly believe that this forms part of the overall cohesive group or cluster of houses in line with policy R2. It shares an existing access road with existing properties in the grouping, and a minimal length of new private road splits off into the new site, which each existing house would have had to do when they were built too. In terms of topography, the design cleverly nestled into the hillside to utilise the sloping character of the site and this characteristic prevents it from having any detrimental visual impact on the Laundry building. That said, it does not impact on any neighbouring property in terms of privacy or over-shading, yet shares a boundary with existing properties and so that neighbourly feeling of the group is still achieved as neighbours can still communicate in their garden spaces, as each property in the grouping can do at

present. The shared boundary with Chapel Hill House is post and wire fencing with some shrubs and hedging on the neighbours side, new low level planting on the side of the site will provide a pleasant aesthetic but low enough that a visual link is still there allowing neighbours to communicate, as properties in the existing cluster already do.

Recent development south of the site has naturally extended the grouping – there are 7 occupied houses within the group including Chapel Hill House sharing the north boundary of the proposed site and the Game Larder that is immediately east of the proposed site, and there are 4 houses either under construction or recently occupied to the south and south-east. The proposed site is central to this overall area. There is a substantial mix of mature landscaping & young tree planting areas all around and within the houses currently occupied and those being built. All the properties benefit from some form of landscaping feature either adjacent to or surrounding them. This gives the whole group a similarity and cohesiveness linking them altogether.

And finally, we had submitted an application on behalf of Mr Mackie to remove the roof of the Laundry last year due to its very poor state, most of it has fallen in and the rest is beyond repair, which is currently a health and safety hazard. The aim of the application was to remove the roof and tidy up the site, putting protection of the wall heads in place, whilst in the meantime we had put a plan in place to then enable the wall heads to be repaired and tidied to accept a new roof to be the exact same as the old roof. The application ran its course through to refusal, but granting of this application today would allow funds to be apportioned directly to removal and replacement of the roof rather than a slower phased approach we had proposed previously."

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

01. The planning authority considers that the application is for a development that is not in accordance with the Aberdeenshire Local Development Plan 2017.

The principle of development on this site is in conflict with the Aberdeenshire Local Development Plan 2017, in particular Policy R2 Housing and employment development elsewhere in the countryside as the proposal is not within an existing recognised cluster of 5 or more houses, due to its orientation, separation and physical relationship with other dwellings, and the topography, as such there is no cohesive relationship. Furthermore, the proposal is considered to be 'detached' from the existing cluster of houses due to the physical and visual barrier of the existing mature trees and the topography of the site. No other criterion listed under Policy R2 applies.

(b) **Planning Permission in Principle for Erection of 13 Dwellinghouses and Associated Infrastructure at Land at The Sheiling, Hatton, Peterhead**

For: Sentinel Properties Limited, per Agent

Per: THE Architecture + Planning, 3 Bon Accord Crescent, Aberdeen

**Reference No: APP/2020/1157**

The Committee, having noted the objection from the Community Council, had a full discussion in relation to the concerns raised, including the lack of opportunity for a second access on Rowan Terrace.

Following a full and lengthy discussion, and having heard from both the Council's Monitoring Solicitor and Roads representative, the Committee **agreed** that authority to Grant Planning Permission in Principle be delegated to the Head of Planning and Environment Services subject to:-

- (a) the conclusion of a Section 75 Legal Agreement in order to secure Developer Contributions, and
- (b) the following conditions:-

01. Details of the specified matters listed below shall be submitted for consideration by the planning authority, in accordance with the timescales and other limitations in section 59 of the Town and Country Planning (Scotland) Act 1997 (as amended). No development shall begin on the site unless all of the details listed in this condition have been submitted to and approved in writing by the planning authority. The development shall be carried out in complete accordance with the details approved in relation to this condition.

Specified matters:

- (a) Full details of the siting, design, layout, external appearance and finishing materials of the proposed development including waste bin uplift area, roads, driveways, vehicle parking and turning area;
- (b) Full details of the proposed means of access to the development including visibility splays, vehicle lay-by at the junction with the public road;
- (c) A landscaping scheme for the development including details of the existing landscape features and vegetation to be retained; the locations of new trees, shrubs, hedges and grassed areas; a schedule of plants including species, plant sizes and proposed numbers and density; and a programme for the implementation, completion and subsequent management of the proposed landscaping;
- (d) A detailed levels survey of the site and cross sections showing proposed finished ground and floor levels relative to existing ground levels and a fixed ordnance datum point;
- (e) Full details of the proposed means of disposal of surface water from the development;

- (f) Full details of all proposed means of boundary enclosures for the development.

Reason: Permission for the development has been granted in principle only and subsequent approval is required for these matters in accordance with section 59 of the Town and Country Planning (Scotland) Act 1997 (as amended).

02. All landscaping proposals approved under details pursuant under Condition 1, approved under the Matters Specified in Conditions application(s), shall be carried out in accordance with the approved scheme and shall be completed during the planting season immediately following the first occupation of the development. Any plants which die, are removed, are seriously damaged or diseased, within a period of 5 years from the completion of the development, shall be replaced by plants of similar size and species to those originally required to be planted or as otherwise agreed by the Planning Authority.

Reason: To ensure the implementation of a satisfactory scheme of landscaping which will help to integrate the proposed development into the local landscape in the interests of the visual amenity of the area.

03. No individual dwellinghouse hereby approved shall be erected unless an Energy Statement applicable to that dwellinghouse has been submitted to and approved in writing by the planning authority. The Energy Statement shall include the following items:
- a) Full details of the proposed energy efficiency measures and/or renewable technologies to be incorporated into the development;
  - b) Calculations using the SAP or SBEM methods, which demonstrate that the reduction in carbon dioxide emissions rates for the development, arising from the measures proposed, will enable the development to comply with Policy C1 of the Aberdeenshire Local Development Plan 2017.

The development shall not be occupied unless it has been constructed in full accordance with the approved details in the Energy Statement. The carbon reduction measures shall be retained in place and fully operational thereafter.

Reason: To ensure this development complies with the on-site carbon reductions required in Scottish Planning Policy and Policy C1 of the Aberdeenshire Local Development Plan 2017.

04. 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.

05. 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.

06. No individual dwellinghouse hereby granted shall be occupied unless the driveway and parking areas pertaining to that dwellinghouse have been provided and surfaced in accordance with the details shown on the drawings approved under the Matters Specified in Conditions application(s) pursuant to Condition 1. For the avoidance of doubt, this must include the following:
- a) A drop kerb footway crossing must be formed at the new driveway.
  - b) The first 5m of access (measured from edge of road or back of footway) shall be fully paved.
  - c) The maximum gradient of the first 5m of the access must not exceed 1 in 20.
  - d) Parking spaces, surfaced in hard standing materials shall be provided within the site in accordance with the Council's Car Parking Standards.
  - e) Proposed garages must be set back at least 6m from the rear of the footway.

Once provided, all parking and turning areas shall thereafter be permanently retained as such.

Reason: In order to ensure that the development is served by an appropriate standard of access and associated servicing in the interests of road safety.

07. No residential unit in this development shall be occupied unless all roads, footpaths, parking and turning areas within and serving the development have been completed to the level of bottoming and binder course, including the access bellmouth and all turning heads in accordance with the Council's Standards for Road Construction Consent and Adoption.

Reason: To ensure the provision of a means of access and turning space to an adequate standard in the interests of road safety.

08. Prior to the commencement of development, full details of the surface water drainage systems shall be provided to, and approved in writing, by the Planning Authority. These will be in accordance with the approved Cameron and Ross Flood Risk Assessment and Appendix E, dated March 2015, and the Cameron and Ross Foul and Surface Water Drainage Strategy, dated December 2020.

The dwellinghouses shall not be occupied unless the approved drainage strategy has been implemented in this form, unless otherwise agreed in writing with the Planning Authority. Following provision of the drainage system it shall thereafter be maintained by the developers or their successors in accordance with the approved maintenance scheme.

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

09. For the avoidance of doubt, the block plan submitted is not hereby granted, and is for information purposes only. The exact layout and siting of the development shall be agreed and formally approved in the further Matters Specified in Condition(s) application as required by Condition 1.

Reason: Permission for the development has been granted in principle only and subsequent approval is required for the above matters in accordance with section 59 of the Town and Country Planning (Scotland) Act 1997 (as amended).

Reason for Decision

01. The planning authority considers that the application is for a development that is in accordance with the Aberdeenshire Local Development Plan 2017. The application is acceptable in principle under Policy H1 Housing land, in that it forms the residential development of a site allocated in the Local Development Plan 2017 for housing. The application meets the requirements of Policy RD1 Providing suitable services, in that the proposed drainage strategy is appropriate for the site. The application meets the requirements of all other relevant policies within the Aberdeenshire Local Development Plan 2017.

(c) **Listed Building Consent for Alterations to Dwellinghouse  
(Installation of Replacement Windows and Door)  
at Honeysuckle Cottage, 11 Abbey Street, Old Deer**

For: Mr and Mrs Chapman, Honeysuckle Cottage, 11 Abbey Street, Old Deer  
Per: Bon Accord Glass Limited, Bon Accord House, Riverside Drive,  
Aberdeen

**Reference No: APP/2020/2348**

The Committee **agreed** to Refuse Listed Building Consent for the following reasons:-

01. The planning authority considers that the application is for a development that is not in accordance with the Aberdeenshire Local Development Plan 2017.

The proposed development is unacceptable as it is in conflict with Historic Environment Policy for Scotland, Managing Change in the Historic Environment: Windows, and on Doorways, and the Aberdeenshire Local Development Plan 2017, in particular Policy HE1 Protecting important building given that it has not been demonstrated that the existing windows and door are beyond economical repair and therefore must be replaced.

02. The proposed installation of replacement windows and door fails to demonstrate sensitivity to the historical integrity and setting of Honeysuckle Cottage, a Category C Listed Building, due to their materials and design, including the method of opening. The proposed development is in conflict with Policy HE1 Protecting important buildings of the Aberdeenshire Local Development Plan 2017.