

ABERDEENSHIRE COUNCIL

BUCHAN AREA COMMITTEE

VIA SKYPE – 5TH OCTOBER 2021

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

Apologies: Councillors J Ingram and A Buchan

Officers: Amanda Roe, Buchan Area Manager (Business Services); Lauren Cowie, Principal Solicitor (Business Services); Sally Wood, Senior Planner (Infrastructure Services); Kenn Clark, Roads Development and Transportation Principal Engineer (Infrastructure Services); Lynne Gravener, Strategic Policy Lead (Business Services); Mhairi McCowan, Risk & Resilience Manager (Business Services); and Theresa Wood, Area Committee Officer (Business Services)

In Attendance: James Logan, Scottish Fire and Rescue Service

COUNCILLOR JIM INGRAM

Members had been made aware that fellow Councillor, Jim Ingram, had been taken into hospital; the Chairman extended the Committee's good wishes to Councillor Ingram and wished him a speedy recovery from his scheduled operation.

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 D Beagrie for Item 9 (Apex) by virtue of having supplied Apex with a letter of support in relation to a separate funding application. Councillor Beagrie considered her interest to be significant, and advised she would leave the meeting for the consideration of the Apex Application,
- (2) Councillor D Beagrie for Item 9 (Peterhead Menshed) by virtue of having undertaken a recent visit to the Menshed. In considering that her interest was insignificant, Councillor Beagrie advised she would remain in the meeting and take part,
- (3) Councillor I Sutherland for Item 9 (Apex) by virtue of the fact that Apex is in Councillor Sutherland's Register of Interests. In considering that his interest was significant, Councillor Sutherland advised he would leave the meeting for the consideration of the Apex Application,

- (4) Councillor S Smith for Item 9 (Apex) by virtue of Councillor Smith's wife attending one of the user groups at the Apex Building in Peterhead. In considering that his interest was not substantial, Councillor Smith advised he would remain in the meeting, and
- (5) Councillor N Smith for Item 9 (MACBI) by virtue of being Chairperson for MACBI. In considering that his interest was significant, Councillor Smith advised he would leave the meeting for the consideration of the MACBI Application

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
9

3. DRAFT MINUTE OF 14TH SEPTEMBER 2021

The Draft Minute of the Meeting of 14th September 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/2020/2400 Full Planning Permission for Change of Use at 53 Windmill Street, Roanheads, Peterhead
- (b) APP/2021/536 Planning Permission in Principle for Erection of Dwellinghouse at Site North West of Parkhouse, Maud

5. PLANNING APPEAL – SITE TO NORTH OF FETTERANGUS, MAINS OF GAVEL, MINTLAW

The Committee **noted** the Appeal Decision Notice, Reference PPA-110-2042, which advised that the Planning and Environmental Appeals Division had dismissed the appeal and refused planning permission for the erection of a dwellinghouse at a Site of North of Fetterangus, Mains of Gavel, Mintlaw.

6. DRAFT GAELIC LANGUAGE PLAN

A report by the Director of Business Services had been circulated advising that The Gaelic Language (Scotland) Act 2005 requires relevant public authorities to prepare a Gaelic Language Plan (GLP). Aberdeenshire Council's first Gaelic Language Plan was published in 2016. The next iteration is due with the Bord Na Gaidhlig (the principal Gaelic body in Scotland) by 7th December 2021. The Committee was asked to consider and comment on the draft Gaelic Language Plan 2022–2027.

The Committee **agreed** to put forward the following comments:-

- (1) in giving recognition to our culture and heritage, particularly in the Buchan area, to welcome the draft Gaelic Language Plan,
- (2) whilst welcoming the work being done on Doric, where reference is made to Doric to request that the wording be changed to read 'North East Scots' rather than Doric given that Doric is a dialect of Scots and to concentrate on Doric only excludes a large part of the Scots language, and
- (3) in noting that the Council now has a Gaelic Logo, to request that it features on the new Plan

7. CONSULTATION ON THE DRAFT RISK MANAGEMENT POLICY

A report by the Director of Business Services had been circulated providing the Committee with the draft Risk Management Policy following consultation with Strategic Leadership Team. The Committee was asked to consider, discuss and provide comment to Business Services Committee.

The Committee **agreed** to make the following comments to Business Services Committee:-

- (1) to welcome the new draft Risk Management Policy, and
- (2) to ask how the Council is going to measure it's appetite for risk and will Councillors be involved

8. AREA PERFORMANCE FRAMEWORK AND PERFORMANCE INDICATORS

A report by the Director of Business Services had been circulated asking that the Committee acknowledge the Area Performance Framework and agree the Area Performance Indicators and the schedule of performance reporting.

The Committee **agreed**:-

- (1) to acknowledge the Area Performance Framework,
- (2) the Area Performance Indicators as detailed in Appendix 1 attached to the report, and
- (3) the schedule of performance reporting as set-out in the report, and to note that the Buchan Area Committee will receive their next update and progress report on 30th November 2021

9. AREA COMMITTEE BUDGET 2021/2022 – AREA COMMITTEE GRANT SCHEME – DISBURSEMENT OF REMAINING FUNDS

A report by the Director of Business Services had been circulated asking that the Committee approve the allocation of the remaining funds within the Area Committee Grant Scheme 2021/2022.

On 22nd June 2021 (Item 10) the Committee received a report outlining a number of recommended awards. At that meeting, 12 awards were agreed committing a total spend of £42,545 and leaving a balance of £18,955. Since that meeting, two of the successful groups no longer require the funding awarded to them, resulting in the remaining balance increasing to £23,524.

The Committee **agreed** the following awards from the Area Committee Grant Scheme 2021/2022:-

(1)	Apex Church	£5,000
(2)	Aberdeenshire Sailing Trust	£2,467
(3)	New Deer Community Association	£5,000
(4)	Peterhead & District Menshed	£2,875
(5)	Fetterangus Community Trust	£1,160
(6)	Cruden Bay Community Association	£1,872
(7)	MACBI, Mintlaw	£4,273
(8)	Resource Centre, Maud	£ 0
(9)	Port Errol Hall	£ 877
	Total	£23,524

10. BUCHAN'S STATEMENT OF OUTSTANDING BUSINESS AS AT 24TH SEPTEMBER 2021

The Area Manager presented the Buchan Area Committee's Statement of Business, and sought comment.

The Committee **agreed**:-

- (1) Draft Gypsy/Traveller Site Provision Strategy 2021-2026 (1) – to note that the responsible Officer had confirmed that the proposed plans were previously made available to Buchan Members, and had recently provided clarification in relation to the number of private sites available; therefore that this action be deleted,
- (2) Proposed Additions of Land to Lease at Lido Caravan Park, Peterhead (2) – to note that the Area Manager will provide the briefing within the next week,
- (3) IS Works Programme 2021-2022 (3) – (3) to note that the responsible Officer wrote to Councillor Sutherland on 29/9/21 seeking detail on the concerns raised,
- (4) Buchan Area Plan 2021-2023 (5) – to note that the performance framework and indicators had been reported to Committee on 5th October and that the plan will now be updated and published; therefore that this action be deleted,
- (5) Kinmundy Rd, Peterhead (7) – Redetermination of Means of Exercise of Public Right of Passage Order 2021 – the plan having now been made available to Members, that this action be deleted,

- (6) Merger of Dales Park and Meethill Schools (8) – the Area Manager read out from the Statement - “As verbally advised at ECS, the potential for the statutory consultation processes to result in one or more of the proposed facilities being removed from the delivered project scope had previously been discussed with the Scottish Futures Trust (SFT). SFT advised that any situation would be looked at on a case specific basis once the consultation processes had been concluded and any particular issue had crystallised. This is not an uncommon project risk and was not a significant concern to SFT. The funding offer is based on pupil numbers and associated square metre allocations per pupil, so the reduction would almost certainly be on a pro-rata, based on the pupil number and associated area being removed. There was no suggestion that reduction to the overall Primary school provision would jeopardise the wider project funding offer”; therefore this action be deleted,
- (7) Buchan Area Plan (9) - (2) to note that a report went to the Buchan Area Committee on 5th October to confirm the performance framework and indicators, the plan will then be updated and published; therefore this action be deleted,
- (8) Aberdeenshire Council Built Heritage Strategy Review 2018-2021 and Built Heritage Strategy 2021-2024 (11) – to note that the Area Manager advised that work will be undertaken alongside the external funding team to develop bids for funding for Peterhead Town Centre and these are expected to be submitted in Spring 2022, and
- (9) Town Centre First Principle (12) – to note that the Area Manager advised that the following title ‘Long Term Plan for Peterhead Town Centre’ will be added to the Peterhead Development Partnership Agenda of 7/12/21

11. SFRS PERFORMANCE REPORT – QUARTER 1 – 1ST APRIL TO 30TH JUNE 2021

A report by the Director of Business Services and Local Senior Officer (SFRS) had been circulated to inform Members as to how the Scottish Fire and Rescue Service is performing locally in Buchan against key performance measures and associated targets, as set out in the Aberdeenshire Local Fire and Rescue Plan and Buchan Multi-Member Ward Plan.

The Committee **agreed**:-

- (1) to request that a SFRS representative visits the new youth facility at MACBI to engage with the youngsters, and
- (2) in highlighting their concerns in that there appears to be a lot of confusion in relation to new Government Regulations for Fire and Smoke Alarms in Homes in Scotland, as of February 2022, the SFRS Officer agreed to speak with the Prevention & Protection Team with a view to –
 - (a) providing the Buchan Area Committee with a briefing in terms of who is responsible for what, and
 - (b) inviting a representative to attend a future Community Planning Group Meeting to provide an update

12. PROPOSED LEASE VARIATION OF FACTORY PREMISES, BALMOOR INDUSTRIAL ESTATE, PETERHEAD

A report by the Director of Business Services had been circulated seeking approval from the Committee to grant a lease variation in respect of a property at Balmoor Industrial Estate, Peterhead.

The Committee **agreed** to approve the terms proposed for a lease variation of the property to the existing tenants on the terms outlined within the report.

APPENDIX A

NEW PLANNING APPLICATIONS

- (a) **Full Planning Permission for Change of Use from Class 4 (Business)/Class 10 (Music School) to Mixed Use to include Class 9 (Dwellinghouse)/Class 7 (Hotels and Hostel), Class 2 (Financial, Professional and other services), Class 3 (Food and Drink), Sui Generis (Public House) and Class 11/Sui Generis (Day Spa/Turkish Bath) at 53 Windmill Street, Roanheads, Peterhead, Aberdeenshire**
 For: Azeri Ecosse Ltd, 1 Coral Gardens, Peterhead
Reference No: APP/2020/2400

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

01. Notwithstanding the details submitted, no development shall commence on site until a loading bay has been provided in full on either (i) King Street or (2) Windmill Street in accordance with details that shall be first submitted to and approved in writing by the Planning Service. For the avoidance of doubt the loading bay shall be designed in accordance with Aberdeenshire Council's Standards for Road Construction Consent and Adoption (Section 25) and delivered in accordance with the Traffic Signs Regulations and Directions 2016. An application for a Traffic Regulation Order (TRO) to install the bay in accordance with the above standards should be made to Aberdeenshire Council. Once provided the loading bay shall be retained at all times.

Reason: In the interests of road safety. The site is constrained in order to provide sufficient car parking along with a loading bay which enables lorries to enter and exit in a forward gear. Therefore, the loading bay must be on-street in the interests of road safety.

02. Prior to the first occupation or use of the building hereby granted the car parking spaces and turning area shown on Drawing number 20091-Sk2 Amendment 2 received 20 July 2021 shall be provided in full, with the car parking spaces marked out. Once provided the car parking spaces and turning area shall be retained in perpetuity.

Reason: To ensure sufficient car parking to serve the development hereby granted in the interests of road safety.

03. Prior to the first use or occupation of the development hereby granted all the windows in the 'Function Suite' as shown on approved Drawing Number 20091-Sk2 Amendment 2 received 20 July 2021 shall be removed and infilled with brick or blockwork, with the external finish to match the external walls of the existing building, and once provided shall be retained thereafter.

Reason: In order to protect the residential amenity of neighbouring residents and the dwelling hereby granted, as outlined in the Noise Impact Assessment.

04. Prior to the first use or occupation of the development hereby granted the roof structure in the 'function suite' as shown on approved Drawing Number 20091-Sk2 Amendment 2 received 20 July 2021 shall be upgraded to include all new construction as detailed in Table 4.3 row 'roof altered' in the Noise Assessment and Management Plan dated 17 February 2021, and once provided shall be retained thereafter.

Reason: In order to protect the residential amenity of neighbouring residents and the dwelling hereby granted, as outlined in the Noise Impact Assessment.

05. Prior to the first use or occupation of the development hereby granted all fire doors in the 'function suite' as shown on the approved Drawing Number 20091-Sk2 Amendment 2 received 20 July 2021 shall be upgraded as per Table 4.3 row 'Door - altered' in the Noise Assessment and Management Plan dated 17 February 2021, and once provided shall be retained thereafter.

Reason: In order to protect the residential amenity of neighbouring residents and the dwelling hereby granted, as outlined in the Noise Impact Assessment.

06. Prior to the commencement of development full details of the Kitchen Extraction and any Air Conditioning Units shall be submitted to and approved in writing by the Planning Authority. For the avoidance of any doubt the Kitchen Extraction and any Air Conditioning Units shall be located on the building as per Figure 5.1 and shall not have sound power levels higher than Table 5.2 as per the Noise Assessment and Management Plan dated 17 February 2021. Thereafter the development shall be completed in accordance with the details approved in writing, and thereafter retained in perpetuity.

Reason: In order to protect the residential amenity of neighbouring residents and the dwelling hereby granted, as outlined in the Noise Impact Assessment.

07. Prior to the commencement of development full acoustic details of the silencer shall be submitted to and approved in writing by the Planning Authority. For the avoidance of any doubt the Kitchen Extraction system shall incorporate a silencer that will provide the equivalent insertion loss across octave band frequencies as that detailed in Table 5.3 as per the Noise Assessment and Management Plan dated 17 February 2021. Thereafter the development shall be completed in accordance with the details approved in writing, and thereafter retained in perpetuity.

Reason: In order to protect the residential amenity of neighbouring residents and the dwelling hereby granted, as outlined in the Noise Impact Assessment.

Reasons 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 principle of the proposed mixed use development is not in conflict with Policy P3 Infill and householder development within settlements (including home and work proposals), Policy B2 Town centres and office development (site is however located outwith town centre boundary), or Policy B3 Tourist facilities (relevant is proposed as holiday accommodation). Subject to conditions in-line with the Noise Impact Assessment there will be no significant adverse impact upon residential amenity. The proposed development is not in conflict with Policy RD1 Providing suitable services, subject to conditions, to ensure car parking and a loading bay is provided.

- (b) **Planning Permission in Principle for
Erection of Dwellinghouse at Site North West of Parkhouse, Maud**
For: Hearth Homes Limited, Backfield Farm, Drumlithie, Stonehaven
Per: New Look Home Improvement, Barry Business Centre, Main Street,
Barry, Carnoustie
Reference No: APP/2021/1536

The Committee **agreed** to Refuse Planning Permission in Principle 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 application is in conflict with 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, specifically:

- development appropriate in the greenbelt (Policy R1 Special rural areas); or
- involve the refurbishment or replacement, on the same site, of an existing house or disused building; or
- involve remediation of redundant brownfield land opportunities; or
- small-scale growth of identified settlements (as listed in appendix 4 of the LDP); or
- a single home for the retirement succession of a viable farm holding; or
- development proposals in the rural housing market area which involves a small-scale addition to an existing cluster or group of at least 5 houses.

There are no known material planning considerations which indicate that the proposed development should be supported as an acceptable departure from the Development Plan.