

ABERDEENSHIRE COUNCIL

BUCHAN AREA COMMITTEE

VIA SKYPE – 7TH DECEMBER 2021

Present: Councillors N Smith (Chair), D Beagrie (Vice Chair), A Allan, A Buchan (Items 1 – 4), M Buchan, S Calder, A Fakley, A Simpson, S Smith and I Sutherland.

Apologies: Councillor J Ingram.

Officers: Amanda Roe, Buchan Area Manager (Business Services); Lauren Cowie, Principal Solicitor (Business Services); Sally Wood, Senior Planner (Environment and Infrastructure Services); Stewart Ingram, Principal Roads Engineer (Environment and Infrastructure Services); Philip Leiper, Roads and Landscape Services Manager (Environment and Infrastructure Services); James Martin, Early Years Service Manager (Education and Children's Services); and Kirsty Macleod, Area Committee Officer (Environment and Infrastructure Services).

1. DECLARATIONS OF MEMBERS' INTERESTS

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

Councillor Sutherland declared an interest in Item 5 by virtue of owning a café on Marischal Street. He advised that he would leave the meeting and take no part in the 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 Integrated Impact Assessment was provided, to consider its contents and take those into account when reaching their decision

STORM ARWEN

The Chair acknowledged the impact of Storm Arwen on Buchan communities and thanked communities, staff, and partners for their work and resilience.

MINTLAW ACADEMY

The Chair highlighted the 40th anniversary of Mintlaw Academy on the 9th December and congratulated the staff and pupils, past and present.

3. DRAFT MINUTE OF 9TH NOVEMBER 2021

The Draft Minute of the Meeting of 9th November 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.

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|-----|---------------|--|
| (a) | APP/2021/0549 | Planning Permission in Principle for Erection of Dwellinghouse at Land to the South of Silverburn, Mintlaw |
| (b) | APP/2021/0705 | Full Planning Permission for Erection of Dwellinghouse at Land Adjacent to Stirlingbrae Cottage, Boddam |
| (c) | APP/2021/1285 | Planning Permission in Principle for Erection of Dwellinghouse at Site at The Spittal, Rora |
| (d) | APP/2021/1766 | Full Planning Permission for Erection of Dwellinghouse and Garage at Site Adjacent to Schoolhouse, Lonmay |

5. PETERHEAD TOWN CENTRE – MEMBER/OFFICER WORKING GROUP REVIEW OF TRAFFIC MANAGEMENT

A report by the Director of Environment and Infrastructure Services had been circulated advising on the discussions from the Member Officer Working Group (MOWG) and seeking feedback on recommendations in relation to the traffic management orders within Peterhead Town Centre, which included Chapel Street, Marischal Street and Queen Street.

The Committee **agreed:-**

- (1) to consider the closure to vehicular traffic of Marischal Street (Errol Street to Chapel Street) and Thistle Street, Peterhead;
- (2) to approve the process for an extension of the current road closure of Marischal Street (Errol Street to Chapel Street) and Thistle Street to all vehicular traffic;
- (3) to ask the service to report back to the Buchan Area Committee the final proposal to complete a permanent closure of Marischal Street and Thistle Street. This would include the engineering measures required to close these roads off to vehicular traffic and increase pedestrian only areas within these streets. This would also supersede the existing traffic orders if approved;

- (4) to ask the service to report back to the Buchan Area Committee on the final proposals for the installation of two taxi ranks in Prince Street and Queen Street. This would also include the possibility of a loading bay within Queen Street (St Peter Street to Chapel Street); and
- (5) to ask the service to investigate the possibility of installing Bike Storage in the Town Centre.

6. ABERDEENSHIRE COUNCIL EARLY LEARNING AND CHILDCARE ALLOCATIONS POLICY

A report by the Director of Education and Children's Services had been circulated on the new Early Learning and Childcare Admissions Policy which took account of Early Learning and Childcare Expansion and Aberdeenshire Council's commitment to support the best start in life for all those residing in Aberdeenshire. The Committee were asked to provide comments for consideration by the Education and Children's Services Committee.

The Committee **agreed** to provide the following comments on the proposed new Early Learning and Childcare Admissions (ELC) Policy, at Appendix 1 to the report, to Education and Children's Services Committee on 27th January 2022:-

- (1) to support the change to the admissions policy and simpler process for returners;
- (2) to request that consideration be given to allowing children to attend from the day after their third birthday; and
- (3) to query the cost per child difference between Council settings and private/third sector providers, and to note the importance of supporting the sustainability of private/third sector providers.

7. AREA PERFORMANCE CALENDAR

A report by the Director of Business Services had been circulated providing an update on the planned area performance reporting schedule and information on the scope of performance reporting that Committee could expect to see in the coming year.

The Committee **agreed**:-

- (1) to acknowledge the reporting schedule and scope of performance reporting;
- (2) to instruct the Area Manager (Buchan) to present a mid-year update (April 2021- September 2021) on progress made in relation to projects/actions within the Buchan Area Plan 2020-2022 on 11 January 2022;
- (3) to receive mid-year performance reports (April 2021- September 2021) relevant to the Buchan area between January and March 2022; and
- (4) that the calendar would be updated with dates of Health and Social Care Partnership performance reporting.

8. STATEMENT OF OUTSTANDING BUSINESS AS AT 19TH NOVEMBER 2021

Having heard from the Area Manager, the Committee **agreed**:-

- (1) Actions 1 and 7 – to note that the meeting had been postponed and would be rescheduled as soon as practicable, and to request that Storm Arwen issues be added to the agenda for the meeting with Scottish Water and SEPA;
- (2) Action 2 – remove as this was included in the area performance calendar;
- (3) Action 3 – remove and add a revised action to request an additional briefing from Live Life Aberdeenshire on libraries;
- (4) Action 6 – to note that the meeting had been postponed and would be rescheduled as soon as practicable;
- (5) Action 9 – remove.

9. ABERDEENSHIRE LICENSING BOARD REVIEW OF STATEMENT OF LICENSING PRINCIPLES 2022-2025

A report by the Clerk to the Aberdeenshire Licensing Board had been circulated on the Aberdeenshire Licensing Board's review of the Statement of Licensing Principles under the Gambling Act 2005, which required to be reviewed every three years. The Committee were invited to provide comments.

The Committee **agreed**:

- (1) to acknowledge that a review of the Aberdeenshire Licensing Board's Statement of Licensing Principles ("Statement") under the Gambling Act 2005 required to be completed every three years and that a public consultation was taking place between 24th November 2021 and 19th January 2022;
- (2) to note the proposed changes to the Statement as outlined in Appendix 1 to the report; and
- (3) to note the proposed Area Profile (in Appendix 2 to the report) which would accompany the Statement.

APPENDIX A

NEW PLANNING APPLICATIONS

- (a) **Planning Permission in Principle for Erection of Dwellinghouse at Land to The South of Silverburn, Mintlaw, Peterhead, Aberdeenshire, AB42 4HU**
 For: Mrs Alison Chalmers, Silverburn, Mintlaw, Peterhead, AB42 4HS
 Per: Arcus Design Ltd, Mavisbank, Old Deer, Peterhead, AB42 5JT
Reference: APP/2021/0549

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 Philip Baxter.

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 Baxter.

Mr Baxter made reference to there being in excess of 18 houses a relatively short distance from the proposed site, all taking access from the unclassified road, and a similar approved application at the Hythie cluster (APP/2017/1190) where the relationship to the road had been considered to define the cohesive group. It was believed a similar pattern existed in this case. The applicant wished to downsize but stay in the area where her father farmed the surrounding land, and she helped during busy times. Reference was also made to drawings having been sent to the planning department showing where connection would be made to the water mains. As the ground was not suitable for soakaway drainage, a treatment plant to a partial soakaway was proposed.

The Committee **agreed** to refuse 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 proposed development is in conflict with Policy R2 Housing and development elsewhere in the countryside, in that it does not form an appropriate addition to an existing group or cluster of at least 5 houses. It also fails to comply with any of the other relevant criteria under Policy R2 and therefore is in conflict with the Local Development Plan.
02. The proposal fails to fully comply with Policy P1 Layout, siting and Design and E2 Landscape, in that the location of the site is not in keeping with the pattern of development and will have a negative impact on the character of the landscape and visual amenity of the area.
03. The application fails to provide the necessary technical information and requirements to demonstrate that the proposed water supply is appropriate and viable for the site. This conflicts with the requirements of Policy RD1 Providing suitable services.

04. The application fails to provide the necessary technical information and requirements to demonstrate that the proposed foul water and surface water system is appropriate for the site. This conflicts with the requirements of Policy RD1 Providing suitable services.

- (b) **Full Planning Permission for Erection of Dwellinghouse at Land Adjacent to Stirlingbrae Cottage, Boddam, Aberdeenshire, AB42 3BF**
 For: Ms Marianne De Jongh, 3 Auld Byre, Gask, Longhaven, Peterhead, AB42 0PS
 Per: Stephen G Brown Architect Ltd, 22 Millwood Road, Ellon, AB41 9FA
Reference: APP/2021/0705

The Committee **agreed:**

(1) to grant full planning permission subject to the following conditions:

01. The development shall be served in accordance with the approved drawings and the following details, and will be maintained in perpetuity:
- a) Prior to occupancy of development, a suitable vehicle turning area, measuring not less than 7.6m x 7.6m, must be formed within the site to enable all vehicle movements onto or from the public road to be carried out in a forward gear. Once provided the turning area shall be retained in perpetuity.
 - b) Prior to occupancy of development, off-street parking for 2 cars, surfaced in hard standing materials must be provided within the site. Once provided the parking spaces for two cars shall be retained in perpetuity.
 - c) Prior to occupancy of development a refuse bin uplift store area shall be constructed (behind any visibility splay) so as to be accessible for bin uplift and shall be secure enough to prevent empty bins from being windblown. Details must be submitted to Roads Development for approval.

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.

02. The development hereby granted shall be served in accordance with the approved drawings, the conditions, and the following details:-
- i) There shall be no means of direct access to the trunk road either pedestrian or vehicular
 - ii) There shall be no drainage connections to the trunk road drainage system

Reasons: For the avoidance of doubt and to ensure that the movement of traffic and pedestrians is confined to the permitted means of access thereby lessening the danger to and interference with the free flow of traffic on the Trunk road, and to ensure that the efficiency of the existing drainage network is not affected.

03. The noise emission resulting from the operation of the air source heat pump shall not exceed a limit of 42 dB LAeq, 5 mins at a position assessed one metre perpendicular from the external centre point of any door or window, serving a habitable room of a neighbouring property, ignoring the effect of that facade.

Reason: To ensure that noise from the development does not result in undue loss of amenity for surrounding properties.

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.

05. The dwellinghouse hereby approved shall not be occupied unless the proposed foul and surface water drainage systems have been provided in accordance with the approved plans and the Site Investigation and Percolation Test Report and Certificates, dated 12 March 2021. The foul and surface water drainage systems 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.

06. 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.

07. No works in connection with the development hereby approved shall commence unless a scheme of hard and soft landscaping works has been submitted to and approved in writing by the planning authority.

Details of the scheme shall include:

- a) Existing landscape features and vegetation to be retained;
- b) Protection measures for the landscape features to be retained;
- c) Existing and proposed finished levels;
- d) The location of new trees, shrubs, hedges, grassed areas and water features, etc;
- e) A schedule of planting to comprise species, plant sizes and proposed numbers and density;
- f) The location, design and materials of all hard landscaping works including walls, fences, gates, street furniture and play equipment;
- g) An indication of existing trees, shrubs and hedges to be removed;
- h) A programme for the implementation, completion and subsequent management of the proposed landscaping.

All soft and hard landscaping proposals shall be carried out in accordance with the approved planting scheme and management programme. Any planting which, within a period of 5 years from the completion of the development, in the opinion of the planning authority is dying, being severely damaged or becoming seriously diseased, shall be replaced by plants of similar size and species to those originally required to be planted. Once provided, all hard landscaping works shall thereafter be permanently retained.

Reason: To ensure the implementation and management 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.

08. No works in connection with the development hereby granted shall commence unless details of the proposed means of enclosure to be erected on all boundaries of the site have been submitted to and approved in writing by the planning authority. The dwellinghouse hereby granted shall not be brought into use unless the means of enclosure have been erected in accordance with the approved details. Once erected, the means of enclosure shall thereafter be permanently retained in accordance with the approved details.

Reason: In the interests of the residential amenities of the neighbouring property and the visual amenities of the area, and in the interests of road safety.

- (2) the reason for the decision:-

The planning authority considers that the application is for a development that is in accordance with the Aberdeenshire Local Development Plan 2017. The proposed development is acceptable in principle under Policy R2 Housing and employment development elsewhere in the countryside, in that it involves the replacement of a derelict house with a new dwellinghouse. The proposed design, scale, siting and external finishes of the development will not erode the character or amenity of the site and wider area, which complies with Policy P1 Layout, siting and design and Policy E2 Landscape. All technical details of the proposal are in accordance with Policy RD1 Providing suitable

services. There are no aspects of the application which conflict with any other relevant policy of the Aberdeenshire Local Development Plan 2017.

(c) **Planning Permission in Principle for Erection of Dwellinghouse at Site at The Spittal, Rora, Aberdeenshire**

For: Mr & Mrs W Davidson, C/o Baxter Design Company

Per: Joan Harper, Baxter Design Company, 1 The Square, Mintlaw, Peterhead, AB42 5EH

Reference: APP/2021/1285

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 Craig Fyvie.

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.

Mr Fyvie referred to the list of approved applications at section 2.5 of the report and drew the Committee's attention to the site adjacent to Moss Croft and the site adjacent to Chrisamar which were approved as infill development. The application site would close the gap which had developed naturally through various applications over the years. The development would not look out of place and would follow the pattern of development along the Spittal. Referring to section 6.3 of the report, he commented on similar applications granted as infill development. The site was also considered to form a natural addition to a cluster of 5 houses along the Spittal. Referring to 6.4 of the report, he indicated that the development would not pose a risk to the viability of site OP1 as they were different sites with different clientele. He also highlighted the need to consider the application on its own merits. He concluded that the application did not conflict with Policy R2 as it was an infill development site and potentially a natural addition to a cluster; previous applications along the Spittal suggested it followed the pattern of development; and there would be no adverse impacts on the area.

The Committee **agreed** to refuse Planning Permission for the following reason:

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 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 the growth of a settlement identified in Appendix 4 of the Local Development Plan. Rora has met its permissible growth for dwellinghouses within 200 metres of the settlement, thus there is no remaining capacity. Furthermore, Policy R2 Housing and employment development elsewhere in the countryside does not allow for the use of the cluster policy criterion under where a site is within 200 metres of an identified settlement. Granting planning permission for houses in excess of the numbers permitted within each Plan period has the potential to undermine the viability of the allocated sites, include the nearby Rora OP1 site, which is in conflict with the spirit of the Rora Settlement Statement within the Aberdeenshire Local Development Plan 2017.

- (d) **Full Planning Permission for Erection of Dwellinghouse and Garage at Site Adjacent to Schoolhouse, Lonmay, Fraserburgh, Aberdeenshire**
For: Mr & Mrs R Davidson, C/O Ecotech Architecture
Per: Ecotech Architecture, Office 26, Fraserburgh Business Centre, South Harbour Road, Fraserburgh, AB43 9TN
Reference: APP/2021/1766

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 applicant, Mr Ross Davidson.

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 Davidson.

Mr Davidson addressed the Committee. He commented that he and his wife hoped to build their forever home at the location that was dear to their hearts due to personal and family reasons. With reference to 6.4 of the report, he stated that the adjacent dwellinghouse which the report indicated was under construction was actually complete and, that through APP/2016/1499 the Committee had decided there was a cohesive group to which Kirkview would be an appropriate addition; therefore, it was inconsistent to maintain it was not a cohesive group. With regards to ribbon development, he indicated that the area had a village/hamlet quality rather than a development along a road and the area had naturally defined boundaries preventing spread. On impacts on Lonmay Parish Church, he commented on the distance and that it was on the opposite side of a field which would remain arable land. The primary characteristic of the landscape would remain open and rural. He advised they would be happy to plant additional beech hedging. He contended the development would not suburbanise the area, referring to the large area of surrounding farming land, the beech hedge, and any additional planting ensuring the area would remain rural in character.

The Committee **agreed** to defer consideration of the application for a site visit to gain further understanding of whether there was an existing cluster of five houses and impacts on the historic built environment.