

ABERDEENSHIRE COUNCIL

BUCHAN AREA COMMITTEE

HYBRID MEETING – 28TH JUNE 2022

- Present:** Councillors D Beagrie (Chair), A Simpson (Vice Chair), A Buchan, G Crowson, M James, D Mair, L McWhinnie, H Powell, C Simpson and S Smith
- Apology:** Cllr G Hall
- Officers:** Amanda Roe, Buchan Area Manager (Business Services); Lauren Cowie, Principal Solicitor (Business Services); Sally Wood, Senior Planner, Planning (Environment & Infrastructure Services); Laurence Findlay, Director of Education and Children's Services; Kate Bond, Head of Customer and Digital Services (Business Services); and Theresa Wood, Area Committee Officer (Business Services)

1. DECLARATION OF MEMBERS' INTERESTS

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

- (1) Councillor L McWhinnie for Item 4a by virtue of having submitted a representation in relation to this particular planning application. Having concluded that her interest was significant, Councillor McWhinnie left the meeting for that particular item,
- (2) Councillor D Beagrie for Item 8 by virtue of being Chair of PACT. In determining that her interest was insignificant, Councillor Beagrie remained in the meeting for that particular item,
- (3) Councillor D Beagrie for Item 9 by virtue of being Chair of PACT and having an interest in the Boatshed application. In determining that her interest was significant, Councillor Beagrie left the meeting for that particular item, and
- (4) Councillor D Beagrie for Item 10 by virtue of her connection with Light Up Peterhead. In having concluded that she had no interest to declare, Councillor Beagrie remained in the meeting for that particular 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
- (1) where an Integrated Impact Assessment was provided, to consider its contents and take those into account when reaching its decision

3. DRAFT MINUTE OF 7TH JUNE 2022

The Draft Minute of 7th June 2022 had been circulated and was **approved**.

4. DEFERRED PLANNING APPLICATION

With regard to the deferred planning application, the Committee had before them a report by the Director of Environment & Infrastructure Services on a planning application for determination in terms of the Town and Country Planning (Scotland) Acts 1972 and 1997 and **agreed** to dispose of the application as detailed in Appendix A attached to this Minute.

- (a) APP/2021/1711 Full Planning Permission for Erection of Café at Land adjacent to Harbour House, Harbour Street, Port Erroll, Cruden Bay

5. NEW PLANNING APPLICATION

The Committee had before them a report by the Director of Environment & Infrastructure Services on a planning application for determination in terms of the Town and Country Planning (Scotland) Acts 1972 and 1997 and **agreed** to dispose of the application as detailed in Appendix B attached to this Minute.

- (a) APP/2021/1594 Approval of Matters Specified in Conditions for Condition 1 (Siting, Layout, Design, Landscaping, Drainage, Access, Parking and Boundary Enclosures) of Planning Permission in Principle Reference APP/2016/3352 for Erection of 73 Dwellinghouses and Associated Infrastructure at Netheraden, Mintlaw

6. EDUCATION AND CHILDREN'S SERVICES YEAR-END PERFORMANCE MONITORING REPORT – OCTOBER 2021 TO MARCH 2022 (COUNCIL PRIORITIES: AREA PLAN 2021-2023)

A report by the Director of Education and Children's Services had been circulated providing the Committee with an update on the progress with key council area outcome indicators identified, as provided by the Education & Children's Services Directorate, which help demonstrate how we are delivering on the Aberdeenshire Council Plan Priorities (2020-2022) framework linked to the Buchan Area Plan (2021-2023).

Having heard from the Director, the Committee **agreed**:-

- (1) to note that data related to Live Life Aberdeenshire is now being gathered and will be reported in due course,
- (2) to note that a report will go to a future Education & Children's Services Committee providing detail on funded providers, such as Nurseries, following on from some national work currently being undertaken, and
- (3) to extend the Committee's 'thanks' to Community Learning & Development - Adult Learning for the performance achieved

7. APPOINTMENTS TO PETERHEAD DEVELOPMENT PARTNERSHIP

A report by the Director of Business Services had been circulated advising that Area Committees are asked to nominate to partnerships and internal groups which are specific to the area and have previously been nominated to by the Council.

On 7th June 2022 (Item 11) the Buchan Area Committee, as requested, agreed to nominate Cllr Matthew James and Cllr Leeann McWhinnie to the Peterhead Development Partnership. The Infrastructure Services Committee on 8th June 2022 (Item 22, Appendix 1) was advised that the membership of the Peterhead Local Development Partnership should be three Infrastructure Services Committee nominees (two administration and one opposition), with the residual two nominations being delegated to the Buchan Area Committee to progress, as one administration and one opposition Member.

The Infrastructure Services Committee agreed, however, to delegate the appointment of the three nominees (two administration and one opposition) to the Buchan Area Committee.

Having been reminded of their previous appointments, the Committee **agreed** to appoint Councillors Colin Simpson, Dianne Beagrie and Stephen Smith.

8. BUCHAN AREA PLAN 2021-2023 – END YEAR PROGRESS ON PROJECTS/ACTIONS (OCTOBER 2021-MARCH 2022)

A report by the Director of Business Services had been circulated providing the Committee with a mid-year update on progress made in relation to projects/actions within the Buchan Area Plan.

The Committee heard from the Area Manager who provided verbal updates in relation to Peterhead Community Campus, Improved Provision at Catto Park, Arbuthnot House/Arbuthnot Museum Levelling Up Fund Application, Green Travel, Waste Services, Litter Prevention Action, Area Network, Drummers Corner, Clerkhill, and the Seafood Transformation.

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

- (1) to request an informal briefing in relation to Opportunity North East,
- (2) to note that the action related to 'Affordable Housing' (page 304) will have taken a step forward today with the approval of the planning application for the Netheraden Development and will therefore require to be updated,
- (3) to request an update in relation to Peterhead Museum and confirmation of when it will re-open,
- (4) to note that there is increased footfall at the Library relocated within MACBI, and to request that the Area Manager feed this back as a good example of partnership working, and
- (5) to welcome and acknowledge that progress is being made throughout Plan in general

9. AREA COMMITTEE GRANT SCHEME 2022-2023 – APPLICATIONS FOR FUNDING

Having declared an interest, the Chair left the meeting for this item. The Vice Chair took the Chair.

A report by the Director of Business Services had been circulated advising that the Committee on 19th April 2022 (Item 11) agreed to make available £61,500 of the Area Committee Budget to an Area Committee Grant Scheme, similar to that run in previous years. It was further agreed that the grant scheme would be publicised and developed in tandem with the Buchan Development Partnership.

Having met with representatives of the Buchan Development Partnership to consider the application received, the report requested Members' formal consideration of the applications for community project funding from the Area Committee Grant Scheme.

The Committee **agreed**:-

- (1) to make the following awards from the Area Committee Grant Scheme 2022-2023:-

(a)	New Pitsligo Community Council	£ 815
(b)	Strichen Community Park Company	£5,000
(c)	Hatton Hall	£5,000
(d)	Cruden Bay Community Association	£1,960
(e)	PACT	£4,500
(f)	Mintlaw & District Menshed SCIO	£3,888
(g)	The Sanctuary	£5,000
(h)	Buchanhaven Boatshed	£4,388
(i)	Mintlaw Public Hall	£5,000
	Total	£35,551
	Remaining Budget	£25,949

- (2) to make no award to –
- (a) Strichen Town House and
 - (b) Apex Church
- at this time and to defer both for further information,
- (3) that Officers make enquiries as to when the Apex Church will be advised about their application to SSEN, and
- (4) having noted that there is a remaining budget of £25,949, that applications come forward to the Area Committee at any time between now and the end of the financial year, or until the fund is fully disbursed

10. PETERHEAD COMMON GOOD FUND

A report by the Director of Business Services had been circulated asking that the Committee consider amending the process for disbursement of Peterhead Common Good Funds. This being to allow the discretion, in exceptional circumstances, for revenue funds to be allocated in support of achieving the criteria of the Common Good Policy.

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

- (1) not to revise the process for disbursement of the Peterhead Common Good Fund at this time, but
- (2) that Officers arrange a facilitated Workshop for Members which provides sufficient guidance and information to allow Members to put forward informed proposed changes should they so decide, and
- (3) to request that explanations be provided in relation to (a) the varying levels of interest received in more recent years and (b) the Buchan Area Committee's reasons for deviating from the Common Good Funds general criteria

11. FUTURE MEETING ARRANGEMENTS

A report by the Director of Business Services had been circulated advising that on 23rd September 2021 the Council agreed to introduce a Choice Based Blended Model of Fully Virtual and Hybrid Meetings, which incorporates the principle that meeting groups should be able to choose how they want to meet. Work is currently ongoing to develop an options appraisal for upgrading Council venues to provide a high quality hybrid experience. In the meantime the Committee was asked to provide a view on preferred arrangements for meetings for 2022/2023, having regard to existing limitations.

The Committee **agreed**:-

- (1) that the Buchan Area Committee Meetings will continue to offer a hybrid set-up for Members and Officers,
- (2) to note that the Area Manager will report back to the Committee if a hybrid option cannot continue to be facilitated within existing resources, and
- (3) to request that the Area Manager makes a request via the Council's IT Service for additional screens, as detailed in the report

12. BUSINESS SERVICES' AREA COMMITTEE PERFORMANCE INDICATOR REPORT YEAR-END PROGRESS UPDATE (APRIL 2021-MARCH 2022)

A report by the Director of Business Services had been circulated providing the Buchan Area Committee with an update on progress in relation to performance indicators which support the Council Plan Priorities 2020-22.

Having heard from the Head of Customer and Digital Services, the Committee **agreed:-**

- (1) to note that a Benefits Workshop, linked to Tackling Poverty, is being arranged for Members following on from the Summer recess, and
- (2) to welcome the proposal that all targets are to be reviewed in terms of being realistic and as to whether they could be more ambitious

13. STATEMENT OF OUTSTANDING BUSINESS AS AT 17TH JUNE 2022

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

- (1) to remove the Actions as recommended for removal on the Statement,
- (2) to note the verbal updates given by the Area Manager,
- (3) to welcome the addition of timelines,
- (4) to request that the Area Manager work with the Monitoring Solicitor and Area Committee Officer to reduce the number of Actions on the Statement given that some are ongoing within the Buchan Area Plan,
- (5) in relation to Action 5 – to note that the Early Years Board now meets on 4/7/22 therefore an update will be sought for the Buchan Area Committee of 6/9/22,
- (6) in relation to Action 11 – to request an update as to when the Feasibility Study on Longate will be undertaken, and
- (7) in relation to Action 13(a) – to request a progress update for the Layby at Cairntrodlie

APPENDIX A

DEFERRED PLANNING APPLICATION

- (a) **Full Planning Permission for Erection of Café at Land Adjacent to Harbour House, Harbour Street, Port Erroll, Cruden Bay**
 For: Mr Iain Buchan, Harbour Dunes Café, 22 Millwood Road, Ellon
 Per: Stephen G Brown, Architect Ltd, 22 Millwood Road, Ellon
Reference No: APP/2021/1711

The Senior Planner presented the application to Committee and advised that, following on from comments received from Environmental Health, the Planning Service's recommendation was also subject to –

- (1) Implementation of odour measurements, and
- (2) Development does not commence until the noise impact assessment is fully concluded

Having heard from the Senior Planner, Councillor Smith moved as a motion, seconded by Councillor Mair, that Full Planning Permission be Refused as the proposed Café would not preserve or enhance the character of an area of conservation and would not respect the individual characteristics for which the conservation area was designated.

The Monitoring Solicitor confirmed, with Councillor Smith, that his basis for Refusing the application was in terms of the principles of sustainable development, in that this development is not sustainable as it does not comply with Policy HE2.

As an amendment, Councillor James, seconded by Councillor Powell, moved that Full Planning Permission be Granted subject to the conditions outlined by the Senior Planner and as detailed in the report.

The Members of the Committee voted:-

- | | | |
|-------------------|-----|--|
| For the motion | (4) | Councillors A Simpson, Crowson, Mair and Smith |
| For the amendment | (4) | Councillors Beagrie, James, Powell and C Simpson |
| Declined to vote | (1) | Councillor A Buchan |

There being an equality of votes, the Chair exercised her casting vote in favour of the amendment and the Committee **agreed** that Full Planning Permission be Granted subject to the conditions as requested by Environmental Health –

- (1) Implementation of odour measurements, and

- (2) Development not commencing until the noise impact assessment is fully concluded

and the conditions as detailed in the report –

01. The development shall be served in accordance with the approved drawings and the following details:
- a) The maximum gradient of the first 5m of the new access must not exceed 1 in 20;
 - b) Prior to the commencement of the use of the proposed building as a cafe, Off-Street parking for 14 cars, surfaced in hard standing materials must be provided within the site, and once provided retained in perpetuity;
 - c) The junction that the proposed vehicular access forms with the public road to be kerbed to radii of 5.0m, the minimum width at the throat of the bell mouth & for a minimum distance of 5.0m from the public road carriageway, to be constructed in accordance with the Council's Specification appropriate to the type of traffic which will use the access & shall be surfaced with dense bitumen macadam or asphalt.

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 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.

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 building hereby approved shall not be brought into use unless the proposed surface water drainage system has been provided in accordance with the approved plans and the Surface Water Soakaway Design Calculation and Design. 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.

05. No works in connection with the development hereby granted shall commence unless the specification and colour of all the wall, window and door finishes to

be used in the external finish for the approved development have been submitted to and approved in writing by the planning authority. The development shall not be brought into use unless the external finish has been applied in accordance with the approved details.

Reason: In the interests of clarification, and to ensure that the development preserves or enhances the character and appearance of the Port Erroll Conservation Area

06. No individual building hereby approved shall be erected unless an Energy Statement applicable to that building 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.
 - c) 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.

Reason for Decision

The proposed development accords with the Scottish Planning Policy principles of sustainable development. This carries significant material weight lending itself to an approval. In assessing the proposed development there were no adverse impacts which would significantly and demonstrably outweigh the benefits of the proposal.

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 development is established under Policy B3 Tourist facilities and P1 Layout, siting and design, as outlined within the Aberdeenshire Local Development Plan 2017. The proposal involves the erection of a small-scale business within the settlement of Cruden Bay that would not have a detrimental impact on the residential amenity or visual amenity of the surrounding area. It would have a neutral impact on the characteristics of the Port Erroll Conservation Area due to its modest scale, and recessed location into the wider landscape. Subject to conditions, it is otherwise deemed to accord with all other relevant policies contained within the Plan.

APPENDIX B

NEW PLANNING APPLICATION

- (a) **Approval of Matters Specified in Conditions for Condition 1 (Siting, Layout, Design, Landscaping, Drainage, Access, Parking and Boundary Enclosures) of Planning Permission in Principle Reference APP/2016/3352 for Erection of 73 Dwellinghouses and Associated Infrastructure at Netheraden, Mintlaw**

For: Aberdeenshire Council, Woodhill House, Aberdeen

Per: Aberdeenshire Council, Property Service, Woodhill House, Aberdeen

Reference No: APP/2021/1594

Having heard from the Senior Planner, the Committee **agreed** to welcome the application and Grant Matters Specified in Conditions subject to the following conditions –

01. No works in connection with the development hereby approved shall commence unless the tree protection measures have been implemented in full in accordance with the approved tree protection plan. No materials, supplies, plant, machinery, soil heaps, changes in ground levels or construction activities shall be permitted within the protected areas without the written consent of the planning authority and no fire shall be lit in the position where the flames could extend to within 5 metres of foliage, branches or trunks. The approved tree protection measures shall be retained in situ until the development has been completed.

Reason: In order to ensure adequate protection for the trees and hedges on the site during the construction of development, and in the interests of the visual amenity of the area.

02. No dwellinghouse hereby approved shall be occupied unless the proposed surface water drainage system has been provided in accordance with the approved plans and the Drainage Assessment (18528-FAI-V1-XX-RP-93-01) Issue 3 dated June 2022 by Fairhurst . 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. No development in connection with the permission hereby granted shall commence and the access hereby approved shall not be brought into use unless visibility of 25 metres in both directions along the channel line of the public road has been provided from a point 2.4 metres measured at right angles from the existing edge of the carriageway surface along the centre line of each approved new access in accordance with the Council's Standards for Road Construction Consent and Adoption. The visibility splays shall be

physically formed on the ground and any existing fences, walls, hedges or other means of enclosure or obstructions within the splays shall be removed and relocated outwith the splays in accordance with the approved plans. Once formed, the visibility splays shall be permanently retained thereafter and no visual obstruction of any kind shall be permitted within the visibility splays so formed.

Reason: To enable drivers of vehicles using the access to have a clear view of other road users and pedestrians in the interests of road safety.

04. No dwellinghouse hereby approved shall be occupied unless the driveway, car parking for that dwellinghouse have been provided in full. The maximum gradient of each access over the first 5 metres measured back from the footpath shall not exceed 1:20 gradient; the first 5 metres of the access shall be fully paved; and a drop kerb footway crossing must be formed at each new driveway. A total of 134 car parking spaces and 18 visitors car parking spaces shall be provided on site prior to the occupation of the final house. Once provided, all parking and turning areas shall thereafter be permanently retained as such.

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

Reason for Decision

The presumption in favour of sustainable development is a significant material consideration, this must be balanced against any adverse impacts of the proposed development which would significantly and demonstrably outweigh the benefits.

The proposed development accords with the Scottish Planning Policy principles of sustainable development. This carries significant material weight lending itself to an approval.

In assessing the proposed development there were no adverse impacts which would significantly and demonstrably outweigh the benefits of the proposal.

The planning authority considers that the application is for a development that is in accordance with the Aberdeenshire Local Development Plan 2017. The development complies with Policies H1 Housing land, Policy H2 Affordable housing, P1 Layout siting, P2 Open space and access in new development and design and RD1 Providing suitable services contained in the Aberdeenshire Local Development Plan 2017 in that the development is on land which is allocated in the current local development plan for housing and the houses would not have a negative impact on the character, privacy or amenity of the site or wider area.