

ABERDEENSHIRE COUNCIL

BUCHAN AREA COMMITTEE

HYBRID MEETING – 1ST NOVEMBER 2022

- Present:** Councillors D Beagrie (Chair), A Simpson (Vice Chair), A Buchan, G Crowson, G Hall, M James, L McWhinnie, H Powell, C Simpson and S Smith
- Apologies:** Councillor D Mair
- Officers:** Amanda Roe, Buchan Area Manager (Business Services); Lauren Cowie, Principal Solicitor (Business Services); Ann Ramsay, Senior Planner, Planning (Environment & Infrastructure Services); and Theresa Wood, Area Committee Officer (Business Services)

EX-COUNCILLOR STUART PRATT

The Chair paid tribute to ex-Councillor Stuart Pratt –

“Before continuing, I would like to take a few minutes to remember former Buchan Councillor - Stuart Pratt, who served as Chair of the Buchan Area Committee for many years.

Sadly we learned of Stuart’s passing two weeks ago. Over an incredible 29 year period, Stuart served as a Councillor for Meethill-Glendaveny, Dales-Towerhill and finally Peterhead South and Cruden.

Very recently this Committee had the privilege of presenting Stuart with a Pride of Buchan Award in recognition of his outstanding 45 years service to the 1st New Pitsligo Boys Brigade, and of course his dedication to his local community. As some of the Councillors and Officers around this Chamber will know, it was Stuart’s idea to recognise those throughout Buchan who had made a special contribution in some way – and that was how the Pride of Buchan Awards came to be. It was particularly fitting, therefore, that Stuart himself was nominated for a Pride of Buchan Award.

Having read just some of the many tributes from fellow Councillors, Officers, business partners, representatives of community groups, general public, and of course friends, it is very clear that Stuart will be sorely missed by us all.

May I take this opportunity, on behalf of the Buchan Area Committee, to extend our sincere sympathy to Stuart’s family and friends.

EX-COUNCILLOR JIM TOWERS

The Chair then paid tribute to ex-Councillor Jim Towers –

“I would also like to take the opportunity to reflect on the sad passing of ex-Councillor Jim Towers, former Ugie, Cruden and Boddam Councillor.

Jim was also a member of the Buchan Area Committee for many years, and on behalf of the Committee, we extend our condolences to Jim’s family.”

1. DECLARATION OF MEMBERS’ INTERESTS

There were no Declarations of Members’ Interests.

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 27TH SEPTEMBER 2022

The Draft Minute of 27th September 2022 had been circulated and was **approved**.

4. NEW PLANNING APPLICATIONS

The Committee had before them reports by the Director of Environmental & 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/2022/0196 Planning Permission in Principle for Erection of Dwellinghouse at Land to the South East of North Craighead, Skelmuir, Mintlaw
- (b) APP/2022/0329 Planning Permission in Principle for Erection of Dwellinghouse at Site adjacent to Schoolhouse, Shannas, Clola, Mintlaw

**5. PETITION –
'20s PLENTY – REDUCE TRAFFIC SPEEDS – SOUTH STREET, MINTLAW'**

A report by the Director of Business Services had been circulated advising of a petition which had been received requesting that the Council reduce traffic speeds on South Street, Mintlaw.

The report explained that in terms of Standing Order 6.2.1, members of the public may submit a petition for an item not on a Meeting Agenda to a Committee. The Director of Business Services had received a petition with 112 signatures and had agreed that the petition complied with the criteria under Standing Order 6.2.2 and the Council's Petitions Guidance under Part 4H of the Scheme of Governance.

The Chair of the Buchan Area Committee had determined that the subject matter of the petition was competent and relevant in terms of the Committee's remit.

The Committee first heard from the Area Manager, then heard from Mr D Scroggie who had submitted the petition –

"I'd like to thank you for inviting me here today to hear my petition. This petition was taken up primarily for the speeding on South Street, Mintlaw. Sometimes the cars go down there well over 30mph, and it has also been brought to my attention since the petition that sometimes they don't even stop at the crossing when the lights are at red. A lot of people have complained to me about it, so that is why I've taken up the petition.

It has also been brought to my attention about the parking on South Street. I know lorries have to stop somewhere, but they park on the pavement, and it's also been brought to my attention that mothers with pushchairs, wheelchairs, etc have to either go onto the busy road or cross the road and cross back. Also the way they park across openings, blocking people into drives, can't get into drives, can't get out of their drives, etc. I know it's an ongoing problem. But as I say - South Street - it's the only street I can comment on.

Thank you very much."

Having considered the detail before them, the Committee **agreed:-**

- (1) to instruct a report from the Head of Roads and Infrastructure on the subject matter of the petition, in terms of Standing Order 6.4, and
- (2) to request that the Area Manager highlight to Police Scotland the concerns noted in relation to excessive speeding and dangerous parking throughout Mintlaw, particularly on South Street

6. PETERHEAD TOWN CENTRE TRAFFIC MANAGEMENT – MEMBER/OFFICER WORKING GROUP

A report by the Director of Business Services had been circulated asking that the Buchan Area Committee agree to the setting up of a new Member/Officer Working Group (MOWG) to consider traffic management arrangements within Peterhead Town Centre including vehicular access, use of loading and disabled bays and active travel.

The report further explained that at its meeting on 26th February 2019, the Buchan Area Committee approved the setting up of a MOWG to undertake a review of traffic management on Chapel Street, Peterhead, and that the MOWG would report its findings back to the Buchan Area Committee.

The Committee **agreed**:-

- (1) that that a Member/Officer Working Group be set-up to undertake a review of traffic management within Peterhead Town Centre and to nominate the following Councillors to the Member/Officer Working Group -

Cllr Dianne Beagrie, as Chair of the Buchan Area Committee
Cllr Leeann McWhinnie, for Ward 5 and
Cllr Colin Simpson, for Ward 6

- (2) that the remit of the Working Group include, but not be limited to, the following –

Appropriate mechanisms for delivery of the closure of Marischal Street to vehicular traffic;
Promotion of the use of loading and disabled parking bays in the Town Centre to alleviate parking problems on Chapel Street;
The re-introduction of the previous traffic order not allowing traffic on to Chapel Street;
The provision of active travel (cycling, wheeling, walking and public transport) on all routes within the Town Centre;
The provision of taxi ranks within the Town Centre; and
The potential for EV charging in the Town Centre.

- (3) to request an initial update from the Member/Officer Working Group no later than 30th April 2023

**7. SCRUTINY REPORT –
LOCAL MEMBERS ATTENDANCE AT AREA BUSINESS –
1st April 2021 to 31st March 2022 & 1st April 2022 to 30th September 2022**

A report by the Area Manager had been circulated advising that the Scrutiny and Improvement at Aberdeenshire Guidance in Part 4 of the Scheme of Governance requires each Committee to consider an Annual Scrutiny and Improvement Report. The report includes highlights of key scrutiny activity undertaken by the Committee over the past year and outlines areas for inclusion in the scrutiny programme for the coming year. The Buchan Area Committee considered their annual report on 6th September 2022 (Item 10).

At that time the Committee agreed (1) to request that the same report be taken back before the Buchan Area Committee to include detail of Members attendance, and (2) to request 6-monthly reports to the Buchan Area Committee, again including detail of Members attendance.

The Committee **agreed** to welcome the reports and requested that future reports indicate where Councillors have not been required to attend a meeting.

8. STATEMENT OF OUTSTANDING BUSINESS AS AT 21ST OCTOBER 2022

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

- (1) to note the verbal updates in relation to Actions 3, 4, 6(3) and 7,
- (2) to remove Actions 1, 2, 6, 9, 10 (1) (2) and 11, and
- (3) to request a Scrutiny Report in relation to the ongoing works at Drummers Corner, Peterhead

APPENDIX A

NEW PLANNING APPLICATIONS

- (a) **Planning Permission in Principle for Erection of Dwellinghouse at Land to the South East of North Craighead, Skelmuir, Mintlaw**
For: Mr Geoff Morrison, North Craighead, Skelmuir, Mintlaw
Per: Arcus Design Ltd, Mavisbank, Old Deer, Peterhead
Planning Application Reference No APP/2022/0196

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 Geoff Morrison.

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 Morrison –

“Good morning, and thank you Chair for allowing me to address Committee. As can be seen from the proposals, we wish to build a new replacement dwellinghouse on our land to replace an existing disused dwelling which currently exists. Policy allows for this if the new development is located within the curtilage of the house it intends to replace. However, we don't own any additional land around the house to allow us to carry this out, and there is no scope to obtain any additional land around the existing building due to its proximity at the front, to the forestry access track, and to the rear, the forest itself.

Therefore, our proposal is to relocate the new dwelling into the field in front of North Craighead, where I currently reside. This would keep any new dwellinghouse a reasonable distance away and maintain the privacy for North Craighead as acknowledged in item 6.4 of the report. The proposed site will be located in a natural hollow in the field, thus reducing any landscape impact it will have to the surrounding area again as acknowledged in item 6.6 for the report.

We do not think that it's appropriate to locate the proposed new dwelling too near the existing forest due to the possibility of trees being blown down, and in order to maximise solar gain. Particularly, during the winter months, when the sun is low in the sky, the height of the trees would mean very little solar gain was available.

Locating the new house at our proposed location would maximise solar gain throughout the year and therefore help reduce the carbon footprint of the proposed dwelling. Locating the dwelling closer to North Craighead as suggested in item 6.5 by the planners would carry the risk of the wind blowing trees, impacting the dwelling as well as reducing the opportunity to maximise any solar gain. We also do not wish to locate the new dwelling directly in front of North Craighead for view and privacy reasons.

We therefore feel that we have located the new dwelling in an appropriate location that considers the landscape and its surrounding neighbours, while benefiting from maximum solar gain to reduce carbon emissions. We would be pleased if Committee could support the application, and if there's any questions I'll be happy to answer. Thank you.”

Having considered the detail before them, the Committee **agreed**:-

- (1) to delegate to the Head of Planning & Environmental Services to Grant Planning Permission in Principle subject to –
 - (a) the disused cottage being removed prior to the start of any works,
 - (b) a requirement for satisfactory landscaping, and
 - (c) any other relevant planning conditions
- (2) their reasons for departing from the Local Development Plan as follows –

The site is sustainable given the disused site is not appropriate for development and there is no defined curtilage; therefore given there is no defined curtilage it is considered that the size of the curtilage does include the proposed site and therefore does comply with Policy P1 Layout, Siting and Design and Policy P2 Housing and Employment Development elsewhere in the Countryside. In addition, and in accordance with SPP, the proposed siting of the dwellinghouse would support climate change mitigation for its use of sustainable energy given the site would otherwise be disused.

- (b) **Planning Permission in Principle For Erection of Dwellinghouse at Site Adjacent to Schoolhouse, Shannas, Clola, Mintlaw, AB42 5AE**
For: Miss Melissa Cadger, Bankbrae, Clola, Mintlaw
Per: Arcus Design Ltd, Mavisbank, Old Deer, Peterhead
Planning Application Reference No APP/2022/0329

In terms of Standing Order 6.5, the Area Manager had received a request to address the Committee in relation to this application from the Applicant, Miss Cadger, and Agent, Mr Baxter.

The Committee was asked if they wished to hear the representation. The Committee unanimously **agreed**.

The Committee first heard from the Senior Planner, who advised that a letter had been received from an Agricultural Consultant advising that he did not consider the land, in question, to be prime agricultural land. However, it was unclear as to what inspections had been done, and that the Planning Service would expect confirmation of an indepth investigation having been carried out. For this reason, the Senior Planner concluded that the reason for refusal remains as detailed in the report.

The Committee then heard from Mr Baxter –

“Thank you Chair for allowing us to address the Committee.

It appears that the main issue with this application is whether or not the site forms part of a cohesive group. There is no actual detailed definition of what a cohesive group should be only that it should be within a group of 5 or more houses and show a connection with the other properties. With regards that connection the Schoolhouse is clearly connected to the former school as it forms part of the same building. To the north of the School sits Westwinds. These properties were first established around 1843. It wasn't until around the 1960's that the row of houses across the road being Shannas Cottages were built. By their design they appear to be former Council Houses and it can only be assumed that the primary reason to construct such a large group of 8 houses in this area was that they had close connectivity to the School and public road. Therefore not only are these houses very close there is a historic connection to the house on the other side of the road.

A road doesn't necessarily divide cohesive groups, in fact they can be the link that bonds them. This is true of many cohesive group approvals in the past which have houses located either side of a road, examples of these exist just up the road at Durie within a similar pattern of development. The Council also produced a reference guide some years back when the cohesive group policy first came into force showing that cohesive groups can be made up of houses either side of a road.

There is also a linear pattern of development here traversing the road with our site being an infill between both sides. The group has good connectivity with public transport being on a main bus link.

With regards the prime agricultural land designation - as the parcel of land is so small and due to the nature of the site it would not be a viable prime agricultural field as noted in the consultants email sent.

We would be pleased if the Committee can support our application.”

The Committee then heard from Miss Cadger –

“Thank you very much chair for giving me an opportunity to address the Committee. As you may be aware, my family are located in this area. My brother built a new house and my grandfather next to the Schoolhouse at Westwinds. I have lived here for 27 years, and my Mum and Dad for 49 years. My Grandad since 1974. We are a well-established family in the area and I wish to stay near to them. I have known the next-door neighbour at the Old School House all my life and we have a very good relationship. I think that the site very much does form part of the historic group of houses along with all the other houses in the area, as it represents a small community to myself. I therefore would be pleased if the Committee could support the application, so I, along with my young kids, can live near to my family and my friends.”

The Monitoring Solicitor, whilst understanding the Applicant's desire to stay near to her family and friends, reminded Committee that this is not a material consideration in the determination of this application.

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

- (1) that they did not have enough evidence to make a decision and to therefore defer the application and undertake a site visit to allow them to consider the detail of the application on-site for themselves, and
- (2) when the application comes back before Committee, to request more information in relation to –
 - (a) the drainage issues, and
 - (b) the prime agricultural land issue