

ABERDEENSHIRE COUNCIL

BUCHAN AREA COMMITTEE

BUCHAN HOUSE, PETERHEAD, 5TH FEBRUARY 2019

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

Apology: Councillor I Sutherland

Officers: Chris White, Buchan Area Manager (Business Services); Fiona Stewart, Senior Solicitor - Governance (Business Services); Sally Wood, Senior Planner (Infrastructure Services); David Naismith, Principal Engineer (Infrastructure Services); Linda Duthie, Head Teacher, Mintlaw Academy (Education and Children's Services); Shona Sellers, Head Teacher, Peterhead Academy (Education and Children's Services); and Theresa Wood, Area Committee Officer (Business Services)

FAIRTRADE ZONE STATUS – PETERHEAD AND BUCHAN

The Chairman, on behalf of Aberdeenshire Council, accepted the Fairtrade Zone Status Certificate, for Peterhead and Buchan, from Mick Tucker, a member of the local Fairtrade Steering Group.

Ms Tucker explained that Fairtrade Zone Status needs to be reapplied for every two years, with the Steering Group having to meet specific criteria before Zone Status is granted. Peterhead and Buchan was first awarded Fairtrade Zone Status in 2012, and the Steering Group has been successful in achieving the continuation of this project throughout that time.

The Chairman confirmed that the Certificate will be displayed within Buchan House in recognition of Aberdeenshire Council's support for Fairtrade locally and in the hope of reaching as many people as possible to support Fairtrade.

PRIDE OF BUCHAN AWARD – PETERHEAD CINEMA TEAM

Councillor Anne Allan proposed that the Peterhead Cinema Team receive a Pride of Buchan Award in recognition of the huge amount of work they do to ensure that the residents of Peterhead and the surrounding area have a local cinema experience available to them.

This project was first started in 2012 by the Council's Community Development Group. In 2017 the project went independent, and there is now a team of 24 volunteers who not only provide a fantastic service to the local area, but continue to improve the facilities available. This project allows individuals and families access to a cinema experience which might not otherwise be possible.

The Committee **agreed** that the Peterhead Cinema Team be presented with a Pride of Buchan Award.

1. DECLARATIONS OF MEMBERS' INTERESTS

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

- (1) Councillor A Simpson declared an interest in Item 8 (for the Mintlaw application only) by virtue of her husband being Chairperson of Mintlaw & District Community Council. The Chairman advised that this report would be considered in two parts, to allow Members to take a decision in respect of the application they had no interest in. With this in mind, Councillor Simpson advised she would leave the meeting and take no part in respect the application for Mintlaw & District Community Council,
- (2) Councillor D Beagrie declared an interest in Item 8 (for the Peterhead application only) by virtue of being a member of the 'Dual Peterhead' Sub-Committee. The Chairman advised that this report would be considered in two parts, to allow Members to take a decision in respect of the application they had no interest in. With this in mind, Councillor Beagrie advised that she would leave the meeting and take no part in respect the application for Peterhead Community Council,
- (3) Councillor A Fakley declared an interest in Item 8 (for the Peterhead application only) by virtue of being a member of the 'Dual Peterhead' Sub-Committee. The Chairman advised that this report would be considered in two parts, to allow Members to take a decision in respect of the application they had no interest in. With this in mind, Councillor Fakley advised that he would leave the meeting and take no part in respect the application for Peterhead Community Council,
- (4) Councillor A Allan declared an interest in Item 8 (for the Peterhead application only) by virtue of being a member of the 'Dual Peterhead' Sub-Committee. The Chairman advised that this report would be considered in two parts, to allow Members to take a decision in respect of the application they had no interest in. With this in mind, Councillor Allan advised that she would leave the meeting and take no part in respect the application for Peterhead Community Council,
- (5) Councillor S Smith declared an interest in Item 8 (for the Peterhead application only) by virtue of being a member of the 'Dual Peterhead' Sub-Committee. The Chairman advised that this report would be considered in two parts, to allow Members to take a decision in respect of the application they had no interest in. With this in mind, Councillor Smith advised that he would leave the meeting and take no part in respect the application for Peterhead Community Council, and
- (6) Councillor S Smith declared an interest in Item 4a given that the site landowner is an acquaintance of his, and advised that he would leave the meeting and take no part in this 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 Equality Impact Assessment was provided, to consider its contents and take those into account when reaching their decision

3. MINUTE OF MEETING OF 15TH JANUARY 2019

The Minute of the Meeting of 15th January 2019 had been circulated and was **approved**.

4. DEFERRED PLANNING APPLICATIONS

With regard to the deferred 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/2018/1427 Planning Permission in Principle for Erection of Dwellinghouse at Site adjacent to Wydeford House, Lendrum Terrace, Boddam
- (b) APP/2018/2528 Full Planning Permission for Alterations and Extension to Dwellinghouse at 27 Mowatshill Road, Clerkhill, Peterhead

5. 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 B attached to this Minute.

- (a) APP/2018/2278 Full Planning Permission for Erection of Fence (Retrospective) at 16 Hobshill Road, Hatton
- (b) APP/2018/2717 Full Planning Permission for Erection of Dwellinghouse at Site adjacent to Cartlehaugh, Mintlaw

6. LOCAL REVIEW BODY DECISION NOTICE

The Committee **noted** the Review Decision Notice, Reference LRB 430 APP/2018/0933, which advised that the LRB had agreed with the determination reviewed by it and had agreed to Refuse Full Planning Permission for the Formation of an Access at Kinloch Manor, St Fergus.

7. ANALYSIS OF ATTAINMENT AND ACHIEVEMENT OF YOUNG PEOPLE IN BUCHAN SECONDARY SCHOOLS IN ACCREDITED AWARDS, YEAR ENDING JUNE 2018

A report by the Director of Education and Children's Services had been circulated providing the attainment figures for Mintlaw Academy and Peterhead Academy for the year ending June 2018.

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

- (1) to congratulate both Head Teacher's and their staff, and thank them for their continuing hard work, and
- (2) in recognising that there are many extra-curricular activities that the pupils participate in, to request that local Members be provided with more detail in relation to Peterhead Academy's MCR Pathways Project once the project is more firmly established

8. COMMUNITY COUNCIL PROJECT GRANT APPLICATIONS – MINTLAW & DISTRICT COMMUNITY COUNCIL – FLOWER TUBS, AND PETERHEAD COMMUNITY COUNCIL – PROMOTIONAL MATERIALS FOR THE “DUAL PETERHEAD” CAMPAIGN

A report by the Director of Business Services had been circulated asking the Committee to consider two Community Council Project Grant applications. The first application was from Mintlaw & District Community Council for five self-watering flower planters, and the second was from Peterhead Community Council for promotional materials to help them raise awareness of the 'Dual Peterhead' campaign which it is leading.

The Committee first considered the application from Mintlaw & District Community Council, and **agreed** to award up to £177 towards the purchase of flower tubs.

The Committee then considered the application from Peterhead Community Council. Following a discussion, the Committee **agreed** to award up to £400 to Peterhead Community Council towards the purchase of promotional materials promoting the 'Dual Peterhead' campaign, subject to the Council's Legal Service being satisfied that it is appropriate for the Council to make an award towards such a campaign, and that in the event that the Legal Service deems the award to be inappropriate that the award of grant be withdrawn.

The Committee further **agreed** to request that Officers arrange for a NESTRANS representative to meet with Buchan Area Committee Members to discuss ongoing transportation issues within the Buchan area as a whole.

APPENDIX A

DEFERRED PLANNING APPLICATIONS

- (a) **Planning Permission in Principle for Erection of Dwellinghouse at Site adjacent to Wydeford House, Lendrum Terrace, Boddam**
For: Ms S Gonzalez, c/o Baxter Design Company, 1 The Square, Mintlaw
Per: Baxter Design Company, 1 The Square, Mintlaw
Reference No: APP/2018/1427

The Committee **agreed** to Grant Planning Permission in Principle subject to 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, driveway, 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 and proposed numbers and density; the layout, design and materials of all hard landscaping works including walls, fences and gates;
- (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.

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. No development shall commence upon or within the site unless the private access road serving the site is brought up to an adoptable standard in full in accordance with details that shall be first submitted to and approved in writing by the Planning Authority. Details to be submitted to the Planning Authority shall include drainage, passing places, a turning head and, if required in consultation with the Roads Development Team, an assessment of the current road condition.

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.

03. The 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. 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 water drainage system has been provided in accordance with the approved plans and the submitted certificate for proposed foul water sub-surface soakaway provided by Ferguson Geotechnical with the certificate dated 14th May 2018. The foul 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.

06. The development shall be served in accordance with the approved drawings and the following details:
- a) Prior to the occupancy of development, the car parking spaces as approved within the Matters Specified in Conditions application as required by Condition 1 above, shall be surfaced in hard standing materials and retained thereafter in perpetuity.
 - b) Prior to occupancy of the development the vehicle turning area, measuring not less than 7.6m x 7.6m, as approved within the Matters Specified in Conditions application as required by Condition 1 above, 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.

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. All soft and hard landscaping proposals shall be carried out in accordance with the planting scheme submitted and approved under Condition 1. 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.

Reason for Decision

The proposal is considered an acceptable addition to an existing cluster. The proposal, subject to conditions, therefore complies with Policy R2 (Housing and employment development elsewhere in the countryside) and other relevant policies contained within the Aberdeenshire Local Development Plan 2017.

(b) **Full Planning Permission for Alterations and Extension to Dwellinghouse at 27 Mowatshill Road, Clerkhill, Peterhead**

For: Mr Justin Robertson, 27 Mowatshill Road, Clerkhill, Peterhead

Per: All Design (Scotland) Limited, James Gregory Centre, Campus 2, Bridge of Don, Aberdeen

Reference No: APP/2018/2528

The Committee **agreed** to Grant Full Planning Permission.

Reason for Decision

The proposed development is acceptable in principle under Policy P3 Infill and householder developments within settlements (including home and work proposals) of the Aberdeenshire Local Development Plan 2017, in that its modest scale and character are unlikely to erode the character or amenity of the surrounding area.

APPENDIX B
NEW PLANNING APPLICATIONS

- (a) **Full Planning Permission for Erection of Fence (Retrospective)
at 16 Hobshill Road, Hatton, Peterhead**
For: Mr David Kelman, 16 Hobshill Road, Hatton, Peterhead
Reference No: APP/2018/2278

The Committee **agreed** to Grant Full Planning Permission.

Reason for Decision

The proposed fence would not detract from the character of the surrounding area or have an adverse impact on neighbouring residential amenity. It therefore meets the requirements of Policy P1 Layout, siting and design, and Policy P3 Infill and householder developments within settlements (including home and work proposals), as contained within the Aberdeenshire Local Development Plan 2017.

- (b) **Full Planning Permission for Erection of Dwellinghouse
at Site adjacent to Cartlehaugh, Mintlaw**
For: Mr N Lamb, c/o Agent
Per: Baxter Design Company, 1 The Square, Mintlaw
Reference No: APP/2018/2717

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 Agent, Mr Craig Fyvie of Baxter Design Company.

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 as follows –

“My client previously obtained planning approval (APP/2016/2107) for this site in September 2016. Since then my client has had another child and this is the reason for revising the proposals.

It is important to point out that the design that is before Members today evolved from the previously approved house design and maintains the same overall style, proportions and setting. The previous application was approved.

The main issue with the application appears to be the relationship of the proposed house to the existing house.

However, we believe that we have designed a house with a high quality design that fits in well with the surrounding environment. We feel that the proposed house design does not detract from the main house as it is set further back from the road, which we feel maintains the prominence of the existing house.

In the previously approved planning application report, the Planning Officer wrote “In terms of siting, the proposal has been situated in such a way so as to minimise any impact on the amenity of the existing property.” We have not changed the siting of the house.

The Officer goes on to say, "The siting and design of the dwellinghouse reflects the layout of Cartlehaugh, with the L shaped house mirroring the listed property. The scale of the dwellinghouse (one and a half storey) and siting to the rear of the plot would ensure the property remains subordinate to the listed building.

In terms of design, the dwellinghouse is considered to be of high quality and would relate to Cartlehaugh through the choice of materials. On balance it is considered that the proposal would have a neutral impact on the setting of the listed building."

Whilst every application is dealt with on its own merit, we feel that these points mentioned give context to basis of the design before Members today.

The proposed house frontage is set back 12.9m from the frontage of the existing house. It was our intention to push the proposed house as far back into the site as possible to maintain the prominence of the existing house and we feel that we have achieved this. This siting is as per the previously approved application.

The existing house is noted in the report as being a 2 storey house, however, it is in fact a 2 and a half storey house. It is approximately 9.8m in height to the eaves, 10.83m to the top of the chimney and 11.2m to the top of the chimney can. From these sizes it is clear that Cartlehaugh completely dwarfs the proposed house with the proposed house being approximately 7m at the highest point.

In conclusion, whilst the proposed house is slightly larger than previously approved, we feel that the design does not detract from the existing house. We used the originally approved design as the basis for the design in front of Members today, which was approved by the Planning Service with no issue and was regarded as a high quality design. We have retained the core design principles of the approved design and have sought to retain and promote the prominence of the existing house. We have also added in more granite to the design previously approved to further enhance the design and detailing."

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

- (1) to Grant Full Planning Permission subject to relevant planning conditions, and
- (2) their reasons for departing from the Local Development Plan as follows –
 - (a) the proposal is only a slight modification to the existing consent and therefore, in the opinion of the Committee, complies with Policy P1: Layout, Siting and Design,
 - (b) the proposal meets Policy HE1: Protecting historic buildings, sites and monuments given the proposal is of a suitable standard, in the opinion of the Committee, for a conservation area, and
 - (c) the proposal complies with Policy HE2: Protecting historic and cultural areas given it is an acceptable design which complements the surrounding area and is a good example, in the opinion of the Committee, of what should be built