

**ABERDEENSHIRE COUNCIL**

**BUCHAN AREA COMMITTEE**

**BUCHAN HOUSE, PETERHEAD, 17<sup>TH</sup> APRIL 2018**

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

**Officers:** Chris White, Buchan Area Manager (Business Services); Iain Meredith, Solicitor – Governance (Business Services); Sally Wood, Senior Planner (Infrastructure Services); Elizabeth Tully, Planner (Infrastructure Services); David Naismith, Principal Engineer (Infrastructure Services); Philip Leiper, Roads and Landscape Manager (Infrastructure Services); Stewart Ingram, Principal Roads Engineer (Infrastructure Services); Rafal Jasinski, Engineer/Technician (Infrastructure Services); David Gander, Civil Engineer/Technician (Infrastructure Services); John McMahon, Technician (Infrastructure Services); Robbie Wilkinson, Technician (Infrastructure Services); Elaine Reid, Team Leader (Infrastructure Services); John Gahagan, Estates Manager (Business Services); and Theresa Wood, Area Committee Officer (Business Services)

**PRIDE OF BUCHAN AWARD – MARK CAMPBELL**

Councillor Beagrie proposed that a Pride of Buchan Award be presented to Mark Campbell who qualified to represent Scotland at the 2018 Commonwealth Games. Councillor Beagrie advised the Committee that Mark is a local lad, from Peterhead, who started his swimming career with Peterhead Swimming Club.

The Committee unanimously **agreed** that this was an outstanding achievement and that Mark Campbell be presented with a Pride of Buchan Award.

**1. DECLARATIONS OF MEMBERS' INTERESTS**

In terms of the Councillors' Code of Conduct, the following Declarations of Interest were put forward –

- (1) Councillor J Ingram for Item 15 – Aden Country Park: Forester's Cottage Funding Applications – given he is a member of Aden Park Working Group. In confirming that his interest was not substantive, Councillor Ingram took part in the discussion of this item,
- (2) Councillor A Simpson for Item 15 – Aden Country Park: Forester's Cottage Funding Applications – given she is a member of Aden Park Working Group. In confirming that her interest was not substantive, Councillor Simpson took part in the discussion of this item,

- (3) Councillor M Buchan for Item 15 – Aden Country Park: Forester’s Cottage Funding Applications – given she is a member of Aden Park Working Group. In confirming that her interest was not substantive, Councillor Buchan took part in the discussion of this item,
- (4) Councillor N Smith for Item 4(a) - Planning Application No APP/2017/2801 – Full Planning Permission for Erection of Dwellinghouse at Site at Nether Auchechoch Caravan, Maud – given that he knows the partner of the applicant as an employee at MACBI. In confirming that his interest was not significant as Chairperson of MACBI, Councillor Smith took part in the discussion of this item,
- (5) Councillor N Smith for Item 15 – Aden Country Park: Forester’s Cottage Funding Applications – given he is a member of Aden Park Working Group. In confirming that his interest was not substantive, Councillor Smith took part in the discussion of this item,
- (6) Councillor Sutherland for Item 6 – Road Maintenance Programme 2018/2019 – by virtue of being BID Manager in Peterhead town centre and there being work proposed in the town centre. In confirming that his interest was not clear and substantial, Councillor Sutherland took part in the discussion of this item, and
- (7) Councillor I Sutherland for Item 17 – Buchan House – Police Office Extension and Lease - by virtue of being BID Manager in Peterhead town centre. The Police Station currently being located in Merchant Street is within the BID area and should it relocate to Buchan House it will continue to be within the BID area. In confirming that his interest was not clear and substantial, Councillor Sutherland took part in the discussion of this item

## 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.

### 3. MINUTE OF MEETING OF 13<sup>TH</sup> MARCH 2018

The Minute of the Meeting of 13<sup>th</sup> March 2018 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 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/2017/2801 Full Planning Permission for Erection of Dwellinghouse at Site at Nether Auchechoch Caravan, Maud

### 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/2017/2425 Full Planning Permission for Mineral Extraction (Sand and Gravel) and Associated Infrastructure at Muirtack, Ellon
- (b) APP/2017/2984 Planning Permission in Principle for Erection of Dwellinghouse and Business Workshop at Site at Little Slacks, New Deer
- (c) APP/2017/2745 Full Planning Permission for Erection of Dwellinghouse at Land at 45 High Street, New Deer

### 6. ROAD MAINTENANCE PROGRAMME 2018-2019

A report by the Director of Infrastructure Services had been circulated asking that the Committee consider the proposed annual works programme for the Buchan area, including a Reserve List.

Following a detailed discussion, the Committee **agreed** to welcome and approve the Area Road Maintenance Programme for 2018-2019, as detailed in the appendix attached to the report.

### 7. BUCHAN 2018/2019 BRIDGEWORKS (ROAD NETWORK)

A report by the Director of Infrastructure Services had been circulated explaining that the prioritisation of bridge works, within the 2018/2019 available budget, has been undertaken on an Aberdeenshire-wide basis. The Committee was asked to consider the programme as detailed.

The Committee **agreed**:-

- (1) to approve the Buchan area 2018/2019 Bridgeworks Programme (Road Network) as detailed in the appendix attached to the report, and
- (2) to note that approval for any Buchan area based procurements over £50,000 will be sought within the Infrastructure Service 2018/2019 Procurement Plan

## **8. FLOOD RISK AND COAST PROTECTION PROGRAMME OF MEASURES 2018/2019**

A report by the Director of Infrastructure Services had been circulated asking that the Committee consider the proposed programme as it relates to the Buchan area.

The Committee **agreed**:-

- (1) to approve the Flood Management and Coast Protection Programme of Measures for 2018/2019 as it relates to the Buchan area, as detailed in the appendix attached to the report,
- (2) to highlight the importance for the proposed works at Auchnagatt being completed in preparation for the winter,
- (3) to approve the schemes on the Reserve List of Measures within the Buchan area, as detailed in the appendix attached to the report,
- (4) to note that in addition to the works already listed for Buchanhaven, there is also a Well on Gadle Braes that is in need of some maintenance,
- (5) to request that local Members be kept up to date in respect of the proposed works at Inverugie Burn, and
- (6) that schemes can be brought forward from the Reserve List in the order of priority given in the event of slippage, provided that their inclusion does not result in the overall expenditure exceeding the allocated budget sum

## **9. ROANHEADS, PETERHEAD – PARKING & WAITING RESTRICTIONS**

A report by the Director of Infrastructure Services had been circulated advising the Committee that it is proposed to introduce a parking and waiting restriction between the hours of 8am and 6pm Monday to Friday at Roanheads, Peterhead.

The Committee **agreed**:-

- (1) to authorise the commencement of the statutory consultation for the making of the Roanheads, Peterhead, Parking & Waiting Restrictions Order 2018,
- (2) to authorise the subsequent making of the order in the event that no valid objections are received or any received are resolved and withdrawn, and
- (3) to instruct the submission of a further report to Committee in the event that any valid objections received are not resolved and not withdrawn, or the proposals are amended following consideration of valid objections

## **10. SCHOOL ROAD AND LANGLEY ROAD, ST FERGUS – PARKING & WAITING RESTRICTIONS**

A report by the Director of Infrastructure Services had been circulated advising the Committee that it is proposed to extend the existing 'School Keep Clear' markings on both sides of School Road, St Fergus, and to introduce parking and waiting restrictions on both sides of Langley Road, St Fergus.

The Committee **agreed**:-

- (1) to welcome and authorise the commencement of the statutory consultation for the making of the School Road and Langley Road, St Fergus, Parking & Waiting Restrictions Order 2018,
- (2) to authorise the subsequent making of the order in the event that no valid objections are received or any received are resolved and withdrawn, and
- (3) to instruct the submission of a further report to Committee in the event that any valid objections received are not resolved and not withdrawn, or the proposals are amended following consideration of valid objections

### **11. NETHERHILL ROAD AND KIRKTOWN, ST FERGUS – PARKING & WAITING RESTRICTIONS**

A report by the Director of Infrastructure Services had been circulated advising the Committee that it is proposed to introduce Parking and Waiting Restrictions around and across the junction of Netherhill Road/Kirktown, St Fergus.

The Committee **agreed**:-

- (1) to welcome and authorise the commencement of the statutory consultation for the making of the Netherhill Road and Kirktown, St Fergus, Parking & Waiting Restrictions Order 2018,
- (2) to authorise the subsequent making of the order in the event that no valid objections are received or any received are resolved and withdrawn, and
- (3) to instruct the submission of a further report to Committee in the event that any valid objections received are not resolved and not withdrawn, or the proposals are amended following consideration of valid objections

### **12. ASSET DISPOSAL AND REINVESTMENT**

A report by the Director of Infrastructure Services had been circulated asking the Committee to comment on the proposed strategy to dispose of poorly performing assets on the Housing Revenue Account. In addition, to comment on the proposal to reinvest the proceeds from any disposals to enable the delivery of affordable housing in the local area.

The Committee **agreed** to make the following comments to Communities Committee:-

- (1) in respect of the proposed strategy to dispose of poorly performing assets on the Housing Revenue Account -
  - (a) to request that the full list of properties proposed for disposal be provided to Area Committee's once it has been compiled,
  - (b) to request that each property proposed for disposal should be reported to the relevant Area Committee for comment, and
  - (c) in having highlighted the Committee's concerns in relation to the ever-growing waiting list for Council housing, to request careful control in relation to the disposal of properties so as to ensure that the number of Council houses does not decline

- (2) in respect of the proposal to reinvest the proceeds from any disposals to enable the delivery of affordable housing in the local area –
  - (a) to request that for each property sold another property be bought or built, as funding allows, and that due consideration be given to local demand and need, and
  - (b) to note the need for the Council to better manage their strategy for selling Council properties

### **13. INFRASTRUCTURE SERVICES QUARTER 3 2017-2018 PERFORMANCE REPORT AND SERVICE PLAN UPDATE (ABERDEENSHIRE PERFORMS)**

A report by the Director of Infrastructure Services had been circulated providing the Committee with a summary of performance for Quarter 3, October to December 2017, and a summary of progress with actions set out in the Infrastructure Service's Service Plan 2017-2020.

The Committee **agreed** to note the performance achieved as detailed in the report.

### **14. EDUCATION AND CHILDREN'S SERVICE QUARTERLY PERFORMANCE EXCEPTION REPORTING OCTOBER-DECEMBER 2017 (ABERDEENSHIRE PERFORMS)**

A report by the Director of Education and Children's Services had been circulated advising the Committee of how the Service is performing against key performance measures and associated targets as set out in the ECS Service Plan.

The Committee **agreed** to note the performance achieved as detailed in the report.

### **15. ADEN COUNTRY PARK: FORESTER'S COTTAGE FUNDING APPLICATIONS**

A report by the Director of Business Services had been circulated advising that the Aden Working Group has identified the restoration of Forester's Cottage as a key project for the park, and by bringing the cottage back into use could generate an income stream as well as restoring part of the built heritage. The Committee was asked to support the proposal to submit a LEADER funding application for this purpose.

The Committee **agreed**:-

- (1) to note the work undertaken to date to develop proposals for the renovation of Forester's Cottage in Aden Country Park as part of the Restoration and Development of Aden Country Park,
- (2) that Officers progress a LEADER application and match funding applications to other bodies to deliver the project including undertaking procurement for construction and all necessary pre-application activities,
- (3) that Officers progress discussions with Buchan Development Initiative as the key delivery partner for the operation of Forester's Cottage as a holiday let including any lease or other management agreement, and
- (4) in considering the security arrangements within Aden Country Park, to note that it would be advantageous to have a caretaker living on-site

## **16. SCOTTISH FIRE AND RESCUE SERVICE – PERFORMANCE REPORT FOR 1<sup>ST</sup> OCTOBER TO 31<sup>ST</sup> DECEMBER 2017**

A joint report by the Local Senior Officer for Aberdeenshire and Moray SFRS and Director of Business Services had been circulated informing the Committee how the Scottish Fire & Rescue Service is performing locally in Buchan against key SFRS priorities and the Multi-Member Ward Plan.

The Committee **agreed**:-

- (1) to note the detail within the report,
- (2) to note that the 'Your Service Your Voice' consultation is now open for comment, and
- (3) to request that in future performance figures be broken down into Wards

## **17. BUCHAN HOUSE – POLICE OFFICE EXTENSION AND LEASE**

A report by the Director of Business Services had been circulated advising the Committee of the proposal to locate a new Police office on land owned by the Council adjacent to Buchan House.

The Committee **agreed**:-

- (1) to approve the addition of the item on the Supplementary Work Plan, as detailed in the appendix attached to the report, to the Business Services Directorate's Annual Work Plan 2018/2019 in relation to the above project, along with guidance on what information should be in each column of the Work Plan,
- (2) to approve the Business Case, as attached to the report, for the item on the Supplementary Work Plan relating to the Buchan House Police Office Extension,
- (3) to approve the total cost as detailed, inclusive of fees and furniture all as detailed within the report and to proceed to tender,
- (4) to approve the lease of the proposed extension to The Scottish Police Authority on the terms set out in the report, noting that this will be subject to Scottish Police Authority Full Board approval,
- (5) notwithstanding Financial Regulations 5.3.15, to note the preferred bidder as approved by the Head of Commercial and Procurement,
- (6) to recommend to Business Services Committee approval of the construction of an extension to Buchan House, Peterhead, and for the design process to proceed with a target date for completion of May 2019, and
- (7) to request that fuller detailed plans be provided to Buchan Area Committee Members for information

**APPENDIX A**  
**DEFERRED PLANNING APPLICATION**

(a) **Full Planning Permission for Erection of Dwellinghouse  
at Site at Nether Auchechoch Caravan, Maud**

For: Mr J Stables, Nether Auchechoch Caravan, Maud

Per: RJM Architectural Design, Bottom Shed, North Road Industrial Estate,  
North Road, Inch

**Reference No: APP/2017/2801**

The Committee unanimously **agreed** to Refuse Full Planning Permission due to the size and scale of the site.

Having been advised that the planning fee process is governed by the Fees Circular, the Committee further **agreed** that the applicant be encouraged to come forward, within 12 months, with a new application indicating a reduced curtilage; given that the Fees Circular permits a new application to be submitted within 12 months of the original application without a fee.

## APPENDIX B

### NEW PLANNING APPLICATIONS

- (a) **Full Planning Permission for Mineral Extraction (Sand and Gravel) and Associated Infrastructure at Muirtack, Ellon**  
For: CHAP GROUP (ABERDEEN) LTD, per Agent  
Per: Halliday Fraser Munro Planning, Carden Church, 6 Carden Place, Aberdeen  
**Reference No: APP/2017/2425**

In terms of Standing Order 6.5, the Area Manager had received three requests to address Committee in relation to this application; one from the Applicant and two from separate Objectors.

The Chairman asked the Committee that in light of the level of objection received in relation to this planning application, did the Committee want to consider deferring this application to allow Members to undertake a site visit and hear the Applicant and Objectors at the next Committee meeting, on Tuesday, 8<sup>th</sup> May 2018, at which time the application will be determined.

The Committee unanimously **agreed** to defer consideration of the application to allow Members to undertake a site visit, given the level of objection received, and to hear the Applicant and Objectors at the next meeting on 8<sup>th</sup> May 2018.

- (b) **Planning Permission in Principle for Erection of Dwellinghouse and Business Workshop at Site at Little Slacks, New Deer**  
For: More Electrical Solutions Ltd, c/o Agent  
Per: Baxter Design Company (Old Deer) Ltd, 1 The Square, Mintlaw  
**Reference No: APP/2017/2984**

In terms of Standing Order 6.5, the Area Manager had received a request to address Committee in relation to this application from the Applicant, Mr Kenneth More.

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 More as follows –

“There are no objections to this application, but this is a unique situation and site, and so we felt it necessary to give you a brief background and a clearer picture of why we have submitted the application in its current format.

We approached Baxter Design with the intention of obtaining planning permission for a new house and business development on a family farm near New Deer, which is owned by my wife Keileigh’s grandfather Ronnie. Ronnie is aged 72 now and operates the 152 acre farm by himself. Keileigh’s mother also keeps some horses at the farm too. As they are becoming less able we find ourselves travelling down from Buckie, where we currently live, more frequently to help out around the farm, and this frequency will only increase as time goes on.

I currently carry out electrical maintenance and installation works offshore in the oil and gas industry. The ongoing lack of job security in this sector has led me to look for other opportunities, and given my background in the electrical trade and the need for us to be at the farm more regularly, we felt that this is the right time for us to relocate and ideally start up my own business.

The business plan we prepared and submitted with the application indicated how we have explored the opportunity of starting my own business. We have looked at the market area in terms of who and what we could serve, nearby competitors, initial investment and requirements, location in terms of access and serviceability, future investment and growth and adaption to future technologies. Key considerations in this were the number of enquiries we'd had through Ronnie's agricultural contacts for electrical work already, and the ever changing industry means I could branch off to specialise in one area such as agriculture or renewables, or keep a hand in all areas of electrical work. The business would also have room to expand and I could take on staff.

Having looked at the land available for us to develop on in this area to suit our needs, we identified several possible locations. The area chosen for this application best suits our needs, because we'd have space for the house and workshop with room for expansion, and good established access road, services, it's on the farm but far enough from the existing house for us to have privacy and not cause any harm to the amenity they currently enjoy, and it's on the site of a former farm unit as indicated on the old maps. Although no buildings stand there today, we thought it would be beneficial for us to emulate what was previously there. The site is quite high in level, but the land continues to rise up to the north so we don't feel it would be too exposed or prominent in the landscape, and with the right mix of tree and shrub planting along the north boundary we could mimic the pattern of development of nearby properties and give ourselves a bit of shelter. I would like to refer to a recently built house to the east which was approved for a worker in support of the nearby Keenan Recycling business, and we simply want to follow the pattern of recent development as the distances between our property to nearby farms are almost identical to the distance between that recently built house and its nearest neighbours, which is 200 to 300 metres.

As noted in the planner's report, the workshop and business itself could be supported, however, they feel that the house would not be justified as being essential. I understand that policies mostly allow for this in support of agriculture and other types of business, but in this instance the house is essential as the business would not work if I had to keep travelling down from Buckie every day. As mentioned previously, the additional benefit is that we will be able to keep the working farm unit in the family and run it ourselves should Ronnie and Keileigh's mother retire.

In summary, the unique situation we find ourselves in has led us to look at developing on the family farm, and we have selected the best spot we feel that would service our needs and let the current farm keep operating. The site was previously developed, follows the pattern of neighbouring development, and is required to help my new business establish."

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

- (1) to Grant Planning Permission in Principle subject to relevant planning conditions, and
- (2) their reasons for departing from the Local Development Plan as follows –

- (a) the proposal will allow farm succession in that the applicant will be able to assist with the operations of the farm, and
  - (b) Policy R2 permits expansion of development of a commercial nature thereby supporting the proposal for a workshop on-site
- (c) **Full Planning Permission for Erection of Dwellinghouse at Land at 45 High Street, New Deer**  
For: Mr & Mrs R Christie, 45 High Street, New Deer  
Per: Mantell Ritchie, 27A High Street, Banff  
**Reference No: APP/2017/2745**

In terms of Standing Order 6.5, the Area Manager had received a request to address Committee in relation to this application from the Agent, Mr M Ritchie of Mantell Ritchie.

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 Ritchie as follows –

“Mr and Mrs Christie built the house at 45 High Street and this was completed a couple of years ago.

The house is no longer sufficient for their needs with an expanding family, so they want to build a larger house. There is a large garden on the south-west side of the existing house, so they wish to build a house on the end of the garden.

The principle of building a house at the bottom of the garden is accepted as complying with planning policies; it is just a couple of elements of the design that are at issue.

The existing house will have 91m<sup>2</sup> of private usable garden ground - that is slightly less than the 100m<sup>2</sup> required. In addition to the 91m<sup>2</sup> of private usable garden ground, the existing house has 102m<sup>2</sup> of a car parking/turning area and on the north-west of the house there is a 28m<sup>2</sup> area of garden which in theory is private usable ground as it is behind the principal elevations.

When originally submitted the proposed house was 2 storeys but further to discussions with the planning officer this was reduced to a storey and a half which the planning officer thought could be supported.

The slope of the garden ground means that the proposed house is about 1.5m below High Street level so will have a minimal impact on the street scene and, in our opinion, will not have an overbearing effect on existing house.

To reduce the impact on the existing house we have designed the proposed house with a single storey garage next to the boundary between the properties, which also lessens any potential impact.”

Following a brief discussion, the Committee **agreed** to defer consideration of the application to allow Members to undertake a site visit, and to request that the applicant be asked to give an indication of the footprint and height of the proposed house on-site.