

ABERDEENSHIRE COUNCIL

BUCHAN AREA COMMITTEE

VIA SKYPE – 16TH MARCH 2021

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: Amanda Roe, Buchan Area Manager (Business Services); Amanda de Candia, Solicitor (Business Services); Sally Wood, Senior Planner (Infrastructure Services); Irina Birnie, Team Leader, Environmental Planning (Infrastructure Services); Katherine Low, Environment Planner (Infrastructure Services); Nicola Murray, Team Leader, Housing (Infrastructure Services); John MacLeod, Project Manager, Property (Business Services); Mark Mitchell, Estates Programme Manager (Education and Children's Services); Rab Eunson, Team Leader, Estates (Business Services); Susan Cochrane, Project Manager, Property (Business Services); Derek Murray, Roads and Landscape Services Manager (Infrastructure Services); Maureen Stephen, Area Committee Officer (Business Services); and Theresa Wood, Area Committee Officer (Business Services)

1. DECLARATIONS OF MEMBERS' INTEREST

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

- (1) Councillor S Calder for Item 6 by virtue of being a registered private landlord. In having applied the objective test, the interest was not substantial and Councillor Calder remained and participated in the discussion of this item, and
- (2) Councillor S Calder for Item 7 by virtue of being a registered private landlord. In having applied the objective test, the interest was not substantial and Councillor Calder remained and participated 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.

Item No	Paragraph No of Schedule 7A
9	8
10	6&9
11	8
12	8

3. DRAFT MINUTE OF 23RD FEBRUARY 2021

The Draft Minute of the Meeting of 23rd February 2021 had been circulated and was **approved**.

4. NEW 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/2020/2325 Full Planning Permission for Erection of Dwellinghouse at Land at Croft of Tillymaud, Longhaven

5. COAST ABERDEENSHIRE – PHASE 1 (NORTH) PROJECT UPDATE

A report by the Director of Infrastructure Services had been circulated to update Members on the progress of the Coast Aberdeenshire Project, which promotes and enhances awareness, wider use and better integration of the Aberdeenshire coastal path corridor resource, and to seek the Committee's agreement in relation to the preparation of a funding application for a Project Officer to take forward elements of the wider Coast Aberdeenshire project over an initial 2-3 year period.

The presenting Officer, in having introduced the report, also advised that the Banff and Buchan Area Committee at their meeting on 9th March 2021 had given their agreement for the preparation of a funding application for the Invercairn Path Project.

The Committee **agreed**:-

- (1) to note the progress of the Coast Aberdeenshire project and agree to the preparation of a funding application, to an appropriate funding body, for a Project Officer to take forward elements of the wider Coast Aberdeenshire project covering both the Buchan and the Banff and Buchan areas over an initial 2-3 year period, and
- (2) to note that the Banff and Buchan Area Committee, at their meeting on 9th March 2021, had agreed to the preparation of a funding application, to an appropriate funding body, for the Invercairn Path Project

6. BELOW TOLERABLE STANDARD POLICY

A report by the Director of Infrastructure Services had been circulated advising that the Below Tolerable Standard Policy has been reviewed to take account of the impending legislation changes and the relevant Local Housing Strategy 2018-2023 outcomes. The purpose of this report was to seek the views of the Area Committee before consideration by the Communities Committee.

Having considered the content of the Below Tolerable Standard Policy now that it has been reviewed, the Committee **agreed** to make the following comments to Communities Committee –

- (1) to request that Officers make it clear within the Policy that properties “should have a supply of electricity ...”,
- (2) to request that Officers clarify, within the Policy, what “satisfactory facilities for cooking of food” means, and
- (3) having noted that Section 9, Enforcement Powers, reads – “These powers will only be used as a last resort ...”, -
to request that this statement be reconsidered with the intention of providing a better basis for recourse

7. HOUSING RENEWAL AREA POLICY

A report by the Director of Infrastructure Services had been circulated advising that the Housing Renewal Area Policy has been reviewed to take account of the relevant Local Housing Strategy 2018-2023 outcomes. The purpose of this report was to seek the views of the Area Committee before consideration by the Communities Committee.

Having considered the content of the Housing Renewal Area Policy now that it has been reviewed, the Committee **agreed** to make the following comments to Communities Committee –

- (1) to request that Officers make it clearer within the Policy as to how many substandard houses qualifies as a 'designated housing renewal area', and
- (2) to request that the Policy includes the most up-to-date figures as provided by the Scottish Housing Conditions Survey, and, if possible, that statistics from comparator authorities, ie that are both urban and rural, be included also

The Committee further **agreed** that Officers consider the following streets within central Peterhead in terms of a designated housing renewal area – south of Broad Street to Rose Street, Narrow Lane, Maiden Street, St Andrew Street, James Street, Jamaica Street – being part of the Peterhead Conservation Area.

8. REVIEW OF THE SCHEME FOR THE ESTABLISHMENT OF COMMUNITY COUNCILS

A report by the Director of Education and Children's Services had been circulated advising that the review of the Scheme for the Establishment of Community Councils ('Scheme') has commenced. The report asked that the Area Committee consider and comment on the proposed changes to the Scheme, for consideration by the Officer Review Group, and reported to Full Council.

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

- (1) to welcome the draft amendments to the Scheme, in particular the proposal for a single election date, and
- (2) to provide the following comments to the Officer Review Group, for consideration when creating the final draft of the Scheme to be reported to Full Council –
 - (a) pages 156 and 181 – to note that there are nine protected characteristics which includes 'marriage and civil partnerships',
 - (b) page 178 – Nomination Form – there is no opportunity to allow for inputting detail relating to a second home,
 - (c) having highlighted the need for support for Community Council's in terms of keeping their websites up to date and legally accessible, and how they can control and respond to social media, to request that the guidance offered to Community Council's be clarified within the Scheme,
 - (d) having noted that, throughout the pandemic, the use of co-opting members has been relaxed, to welcome that the scheme continues to state that the majority of Community Council members must be full members,

- (e) to note with concern that an individual, if they so wished, could sit on three Community Council's – in terms of their home address, business address, and second home address, and that further consideration be given to this, and
- (f) that consideration be given to how young persons could be elected on to Community Council's, as opposed to being selected by Head Teachers; and, in recognising that generally young people only sit on Community Council's for short periods of time, that the guidance issued to Community Council's advising on how to attract young people include a proposal to allow for an overlap and continuity between those elected from year-to-year

The Chairman took the opportunity to thank Maureen (Stephen) and to extend the Committee's appreciation for all the help she has given to the Committee, Councillors, Community Council's and community groups, and wished Maureen all the best in her retirement.

9. 18025 – PETERHEAD COMMUNITY CAMPUS – GATEWAY 1 REPORT

A report by the Director of Business Services had been circulated relating to the proposed Peterhead Community Campus project and presenting the Gateway Stage 1 Report, including Outline Business Case. The Committee was asked to consider the Business Case, the proposed project scope, the resultant impact on both Capital and Revenue Budgets, and provide comment and recommendations to Full Council. The Peterhead Community Campus project is a key strand of the wider Peterhead Masterplan Programme.

Having welcomed and considered the detail of the report, and having heard from the Officers involved and thanked them for their input to date, the Committee **agreed** to make the following comments to Full Council –

- (1) to approve the Outline Business Case, attached as Appendix 10 to the report, with associated impact on Capital and Revenue Budgets,
- (2) to approve the increased Capital Plan allocation as detailed within the report, and a re-profiling of the project expenditure to achieve the schools being operational by August 2025,
- (3) to instruct Officers to proceed to Gateway Stage 2 and
- (4) to instruct Officers to report back in line with the Governance Route Map and Gateway Process, attached as Appendix 5 to the report

The Committee further **agreed** that future reports include the detail of the town centre socio-economic impact assessment, in particular the recognised impacts on the disadvantaged community and the mitigating actions.

10. PROPOSED ADDITIONS OF LAND TO LEASE AT LIDO CARAVAN PARK, PETERHEAD

A report by the Director of Business Services had been circulated seeking the Committee's approval to allow a lease variation at Lido Caravan Park, Peterhead.

Following a full discussion, the Committee **agreed** to defer consideration of the report, to be reported back to the next meeting of the Buchan Area Committee on 20th April 2021, and to request that Officers provide the following information to determine if a review of the rent, up to an open market value and not a nominal value, is necessary –

- (1) a copy of the original lease to be provided in terms of clarifying -
 - (a) the tenant's corporate status, and
 - (b) the terms and conditions attached to the lease, including permitted use of the current and proposed additional areas
- (2) a copy of the Company accounts to assess any community benefits, and
- (3) detail of the status of the Company, from 2012 to now, to include past and current personnel.

The Committee further **agreed**:-

- (1) that Officers consider if some signage is necessary to confirm the status of the path, which runs along the boundary of the caravan site, as a public right of way,
- (2) that Officers consider the level of traffic likely to be generated, as a result of the proposed extensions, given the caravan park is immediately next to a children's playpark, and
- (3) that Officers outline within the requested report any necessary consents required, including planning permission, to be attached to any landlord's consent in respect of the proposed additional areas

11. BUSINESS SERVICES DIRECTORATE ANNUAL PROCUREMENT PLAN 2021/2022

A report by the Director of Business Services had been circulated presenting the Business Services' Directorate Procurement Plan for 2021/22.

The Committee **agreed**:-

- (1) to approve the item on the Procurement Plan, as detailed in Appendix 1 attached to the report, and
- (2) to not reserve approval of the Procurement Approval Form, and
- (3) to acknowledge that the Head of Property and Facilities Management has delegated authority to award the final contract where the Committee has not reserved the right to award the final contract

12. INFRASTRUCTURE SERVICES DIRECTORATE PROCUREMENT PLAN 2021-2022

A report by the Director of Infrastructure Services had been circulated presenting the Infrastructure Services' Directorate Procurement Plan for 2021/22.

The Committee **agreed**:-

- (1) to approve the items on the Procurement Plan, attached as Appendix 1 to the report,
- (2) to not reserve approval of the Procurement Approval Forms, and
- (3) to acknowledge that should the Committee not reserve approval of the Procurement Approval Forms, that the Chief Officer has delegated authority to approve the Procurement Approval Forms and to award the final contracts for all the items in the Procurement Plan

APPENDIX A

NEW PLANNING APPLICATION

- (a) **Full Planning Permission for Erection of Dwellinghouse at Land at Croft of Tillymaud, Longhaven, Peterhead**
For: Mr Stephen Morgan, per Agent
Per: Forman Design Ltd, Fairdeen, Station Road, Mintlaw
Reference No: APP/2020/2325

The Committee **agreed** to Refuse Full Planning Permission for the following reasons:-

01. The planning authority considers that the application is for a development that is not in accordance with the Aberdeenshire Local Development Plan 2017.

The application is in conflict with the Aberdeenshire Local Development Plan 2017, in particular Policy R2 Housing and employment development elsewhere in the countryside, in that the proposed development fails to comply with any of the listed exceptions for development to be supported. It is not development which would be appropriate within the greenbelt, it does not involve the remediation of redundant brownfield land opportunities, there is no retirement succession of a farm holding, it lies outwith 200 metres of the nearest (Longhaven) settlement boundary as defined in Appendix 4 of the Local Development Plan and it would not represent a suitable small scale addition to an existing cluster of houses as it shows no sense of cohesiveness.

02. Furthermore, due to the location of the site, remote from the cluster, and the size of the plot, which is 0.1 ha (1,000 square metres), the proposed development is contrary to the Aberdeenshire Local Development Plan 2017, in particular Policy P1 Layout, siting and design as the development would be out of keeping within the rural countryside, and E2 Landscape by introducing a large area of domestic curtilage.