

**ABERDEENSHIRE COUNCIL**

**BUCHAN AREA COMMITTEE**

**VIA SKYPE – 20<sup>TH</sup> APRIL 2021**

**Present:** Councillors N Smith (Chair) (for Items 1-7 incl only), 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); Piers Blaxter, Team Leader, Planning (Infrastructure Services); Graham Lee, Principal Engineer (Infrastructure Services); Andrew Wilkinson, Principal Engineer (Infrastructure Services); Richard Bailie, Civil Engineer/Technician; Alexander MacLeod, Housing Manager (Infrastructure Services); Rab Eunson, Team Leader, Estates (Business Services); and Theresa Wood, Area Committee Officer (Business Services)

**In Attendance:** James Logan, Scottish Fire and Rescue Service

**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 A Simpson for Item 12 by virtue of her membership of Buchan Development Partnership. In having applied the objective test, Councillor Simpson had decided that the interest was substantial and decided to leave the meeting and take no part in this particular 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
13	6&9
14	9

### 3. DRAFT MINUTE OF 16<sup>TH</sup> MARCH 2021

The Draft Minute of the Meeting of 16<sup>th</sup> March 2021 had been circulated and was **approved**.

### 4. DRAFT MINUTE OF SPECIAL MEETING OF 16<sup>TH</sup> MARCH 2021

The Draft Minute of the Special Meeting of 16<sup>th</sup> March 2021 had been circulated and was **approved**.

### 5. 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/2020/1504 Full Planning Permission for Extension to Dwellinghouse at 15B Ferguson Street, Fetterangus

### 6. 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 B attached to this Minute.

- (a) APP/2020/0867 Planning Permission in Principle for Erection of Dwellinghouse at Site to the North East of Hardyards Bungalow, Fetterangus

## **7. ABERDEENSHIRE LOCAL DEVELOPMENT PLAN 2021 – DEVELOPMENT PLAN SCHEME 2021**

A report by the Director of Infrastructure Services had been circulated advising that the preparation of a Local Development Plan is a statutory process. The “Proposed Local Development Plan” was sent to Scottish Ministers for Examination on 12<sup>th</sup> March 2021; this represents the settled view of the Council as to the form and content of the Local Development Plan 2021, and was agreed by Aberdeenshire Council on 5<sup>th</sup> March 2020. The Committee was asked to consider the revised Development Plan Scheme prepared to support the preparation of the Aberdeenshire Local Development Plan 2021.

The Committee **agreed** to make the following comment to Infrastructure Services Committee –

That the Buchan Area Committee welcomes the revised Development Plan Scheme prepared to support the preparation of the Aberdeenshire Local Development Plan 2021.

At this point, the Chairman submitted his apologies for the remainder of the meeting and left. Councillor D Beagrie took the Chair.

## **8. PUBLIC ROAD NETWORK – BRIDGES WORK BANK PRIORITISATION – DRAFT POLICY AND PROCEDURE**

A report by the Director of Infrastructure Services had been circulated outlining the need for a formal Bridges Work Bank Prioritisation Policy and Procedure to ensure that the allocated resources are invested in the bridge network in the most beneficial manner. The report presented initial proposals for a new policy (and associated procedure) and invited the Committee to contribute to its development by commenting on the draft documents appended to the report.

The Committee **agreed** to welcome the report and make the following comments to Infrastructure Services Committee –

- (1) to highlight the importance of a sufficient budget being made available to allow our roads and bridges to be maintained and repaired given –
  - (a) the dependence on them, and
  - (b) the damage our climate can have on them
- (2) that bridges with an Alert Status of ‘Black’, and which are still used by the community, should be assessed as a high priority and repaired,
- (3) the cohesiveness of communities must be written into policies, both social and economic, as it is not acceptable if a small bridge fails and the community it serves can’t get to school or work for example, and

- (4) where we have an accumulation of faulty bridges due to an event this should be recorded as a single issue and prioritised as such, and not recorded as individual bridges

The Committee further **agreed** that Officers liaise directly with Councillor Calder in relation to outstanding repairs at Bishops Bridge, Cruden.

## 9. ROAD SAFETY AND ACTION PLAN

A report by the Director of Infrastructure Services had been circulated advising that Aberdeenshire Council's current Road Safety Plan was written to 2020 in-line with Scotland's Road Safety Framework to 2020. The Road Safety Framework to 2030 was recently published by Scottish Government and sets out a vision for Scotland to 2050, with interim casualty reduction targets to 2030. Aberdeenshire Council's proposed updated Road Safety Plan and Action Plan details how we aim to meet or exceed these new targets, and the Committee was asked to provide comment.

The Committee **agreed** to welcome the report and make the following comments to be reviewed and considered for inclusion or reference in the final report that will go before Infrastructure Services Committee –

- (1) we, the Council, need to be more radical in our approach and should consider reducing the speed limit within villages from 30mph to 20mph, and
- (2) having heard from the local Scottish Fire and Rescue Service representative, to welcome the proposal to take the 'Safe Drive Stay Alive Programme' back into schools, and that Head Teachers should be encouraged to invite pupils, who have left school over the course of the pandemic, to participate in the programme also

## 10. DRAFT GYPSY/TRAVELLER SITE PROVISION STRATEGY 2021-2026

A report by the Director of Infrastructure Services had been circulated asking the Committee to consider and comment on the draft Gypsy/Traveller Site Provision Strategy 2021-2026, and advised that the comments would be reported back to the Gypsy/Traveller Sub-Committee.

The Committee **agreed** to make the following comments to the Gypsy/Traveller Sub-Committee –

- (1) to welcome the proposal to upgrade the Aikey Brae stopover site as this will have a positive effect on unauthorised encampments in the local area, and to request that the proposed plans for the site be made available to the Buchan Area Members for their information, and
- (2) that Officers clarify, within the Strategy, the number of private provision sites available, and provide this detail to the Buchan Area Members for information also

## 11. SCOTTISH FIRE AND RESCUE SERVICE – PERFORMANCE REPORT FOR QUARTER 3 – 1<sup>ST</sup> OCTOBER-31<sup>ST</sup> DECEMBER 2020

A joint report by the Scottish Fire and Rescue Service (SFRS) and Director of Business Services had been circulated to inform Committee how the SFRS is performing locally in Buchan against key performance measures and associated targets, as set out in the Aberdeenshire Local Fire and Rescue Plan and Buchan Multi-Member Ward Plan.

Having acknowledged the performance report and following a brief discussion, the Committee **agreed** to welcome the report.

## 12. AREA COMMITTEE BUDGET 2021/2022

A report by the Director of Business Services had been circulated asking the Committee to agree the allocation process of the Area Committee budget for 2021/2022 amounting to £80,800.

The Committee **agreed**:-

- (1) to make available a Brighter Buchan Villages Initiative in 2021/2022 at a cost of £17,000,
- (2) that £61,500 is devoted to the Area Committee Grant Scheme to be publicised and developed in tandem with the Buchan Development Partnership,
- (3) that £1,000 be allocated to Buchan Development Partnership to deliver the “Buchan in Bloom” scheme, and
- (4) that the remaining £1,300 is retained as a contingency budget to cover hospitality and any unforeseen events

At this point in the meeting, the Committee **agreed** to Suspend Standing Order 2.1.2 to allow Members to continue beyond 1pm.

## 13. 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 the Lido Caravan Park, Peterhead.

Councillor Calder moved as a motion, seconded by Councillor A Buchan, that the variation to the existing lease at the Lido Caravan Park, Peterhead, be refused and that the land remain as public amenity land.

As an amendment, Councillor Fakley, seconded by Councillor S Smith, moved (1) to approve a variation to the existing lease at the Lido Caravan Park, Peterhead, by the addition of two areas of ground for use as a caravan site and car park, as detailed in the report, (2) to note that any approval is subject to the tenant obtaining all necessary statutory consents and (3) to delegate to the Head of Legal and People authority to formalise the variation of lease.

The Members of the Committee voted:-

For the motion	(4)	Councillors Allan, A Buchan, Calder and Ingram
For the amendment	(6)	Councillors Beagrie, M Buchan, Fakley, Simpson, S Smith and Sutherland

The amendment was therefore carried and the Committee **agreed**:-

- (1) to approve a variation to the existing lease at the Lido Caravan Park, Peterhead, by the addition of two areas of ground for use as a caravan site and car park, as detailed in the report,
- (2) to note that any approval is subject to the tenant obtaining all necessary statutory consents, and
- (3) to delegate to the Head of Legal and People authority to formalise the variation of lease

The Committee further **agreed** that the Area Manager provide Members with a briefing outlining the mains aspects of the lease and any variations.

#### **14. PROPOSED LEASE EXTENSION OF FACTORY PREMISES, BALMOOR INDUSTRIAL ESTATE, PETERHEAD**

A report by the Director of Business Services had been circulated seeking approval to grant a lease extension at Balmoor Industrial Estate, Peterhead.

The Committee **agreed**:-

- (1) to approve the terms proposed for a renewal of lease of a property at Balmoor Industrial Estate, Peterhead, to the existing tenant on the terms detailed within the report, and
- (2) to delegate powers to the Head of Legal and People to formalise the lease renewal

## APPENDIX A

### DEFERRED PLANNING APPLICATION

- (a) **Full Planning Permission for Extension to Dwellinghouse at 15B Ferguson Street, Fetterangus,**  
For: Mr and Mrs McDonald, 15B Ferguson Street, Fetterangus  
Per: F S Architecture, Willowbrook, Inch  
**Reference No: APP/2020/1504**

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 Agent, Ms Fiona Smith.

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 Ms Smith as follows –

“I think we have previously covered the reasons for the client wishing to alter their home and to continue living in Fetterangus. It’s clearly the affect that the proposal has on the neighbour’s daylight and sunlight both within their home and to their external amenity that is the issue here.

I think it’s important to use the tools and reports that are available and used by Planning to prove or disprove situations like daylight and sunlight. We used the BRE Handbook –‘site layout planning for daylight and sunlight’ and the Vertical Sky Component Method to prove that the 2 storey extension still allowed sufficient daylight into the neighbouring ground floor patio doors which is the only opening affected. Even if a single storey extension were proposed, then the increase is only 2% and is obviously still compliant. So, in short, adding the 3m 1<sup>st</sup> floor doesn’t have an adverse effect on daylight calculation-wise.

The BRE document also has a section of ‘Areas in permanent shadow’ for open spaces which means gardens in this instance. It gives guidance for calculating any areas of open space that may be in permanent shadow on 21<sup>st</sup> March. There is no criteria for the overshadowing of buildings.

In summary the BRE document states the following:-

“It is suggested that, for it to appear adequately sunlit throughout the year, no more than two-fifths and preferably no more than a quarter of any garden or amenity area should be prevented by buildings from receiving any sun at all on 21<sup>st</sup> March. If, as a result of new development, an existing garden or amenity area does not meet these guidelines then the loss of sunlight is likely to be noticeable”.

My client has been taking photos every couple of weeks of the back gardens, which unfortunately we've not been permitted to submit, but these show that on 21<sup>st</sup> March around midday the area of garden which is overshadowed by the existing buildings extends to around 9m from the back of the houses, so any extension would have no effect on this and would not make it any worse. This overshadowed area is less than a fifth of the rear garden, so it complies with BRE guidance in that respect.

From the photos – Slide 15 – you can see that the area which is affected daylight-wise is actually being used as bin storage. This is the area that you can see on my plans as being affected.

The photos show the sitting area used by their neighbours as being further away from the fence, as the fence itself will create some overshadowing, so it's a nicer area more in the sun away from the fence when they do get the sun in the evening. So, in summary, we really feel that the size and orientation of the existing house and garden means that there is still ample amenity area which would not be affected by the proposed extension.”

Following a lengthy discussion, Councillor N Smith moved as a motion, seconded by Councillor I Sutherland, to Grant Full Planning Permission subject to relevant planning conditions.

As an amendment, Councillor Ingram, seconded by Councillor Fakley, moved that the application be deferred and the decision delayed until site visits are permitted, and that this particular site visit preferably be scheduled for the afternoon.

For the motion	(4)	Councillors N Smith, Beagrie, M Buchan and Sutherland
For the amendment	(6)	Councillors Allan, Calder, Fakley, Ingram, Simpson and S Smith
Declined to Vote	(1)	Councillor A Buchan

The amendment was therefore carried and the Committee **agreed** that the application be deferred and the decision delayed until site visits are permitted, and that this particular site visit preferably be scheduled for the afternoon.

## APPENDIX B

### NEW PLANNING APPLICATION

- (a) **Planning Permission in Principle for Erection of Dwellinghouse at Site to the North East of Hardyards Bungalow, Fetterangus, Mintlaw**  
For: Mr N Junor, as per Agent  
Per: Baxter Design Company, 1 The Square, Mintlaw  
Reference No: **APP/2020/0867**

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 Agent, Mr Ryan Urquhart.

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 Urquhart as follows –

“I would like to draw your attention firstly to section 6.5 of the report that refers to the property across the public road from the site named Pen-y-bont, approved as a replacement dwelling house under reference APP/2006/2028. This is Mr Junor’s brothers house, he works in oil and gas related industries and works away from home for extended periods and does not have any involvement in the farming operations at all now. In 2002, Mr Junor senior passed away and it was decided that site would be given as inheritance, and Mr Neil Junor the applicant actively took over running of the farming operation in conjunction with his mother.

Section 6.6 and 6.7 of the report compares the labour calculations of the current and previous applications. The original was carried out by Buchan Agricultural Consultants who are ceased trading and the new report is by Buchan Farm Consultancy and carried out to the current agricultural college standards required. Basically, the new report is not realistic as in 2017 or thereby the college changed its system so that labour calculations were to take into account more modern methods and larger machinery being used generally across the country, however, the Junors operation is still very much manual, given that Neil does not live on-site he has not quite had the time and resource to invest in new machinery as much as other farms have. However giving him the chance to live on-site he would actively seek to expand the operations and invest in new machinery and methods to provide better welfare for the animals and increase the flock numbers. So the original report is far more realistic in terms of its figures on the labour requirements, the new report is more ‘red tape’ assuming that every farm has modern machinery and methods and not a clear representation of the situation. We submitted the original report with this application and was asked to provide an updated or revised report, even though the only change in operation is that Mrs Junor is less able to carry out as much work on the farm as what she had previously done, but the calculation shows less labour this time based on the college figures that are not realistic for this scenario.

In terms of animal welfare, he currently lives in Crimond and relies on his mother keeping an eye on proceedings from Hardyards Bungalow, adjoining the application house site, and calling Neil should matters arise requiring his attention, given that she is elderly and is very limited in the assistance that she can now provide to the farming operation.

In terms of the siting of the house, that area is next door to his mother's house allowing him to care for her and provide company for one another at times. From that area of land, they can see across pretty much all of the farmed land which is the best solution in terms of security and welfare of the animals; particularly in lambing season when quick actions can be decisive, hence at the moment he requires to live in a caravan on-site for 2 to 3 months a year for this purpose, but allowing him to reside there permanently would provide better welfare for the animals year round and allow him to increase the flock and land. For example, he has been given the chance to rent another 8 acres of adjoining land from a retiring farmer recently but would only do so if he was living on site. Siting the house across the road and on any side of the farm hub would then limit visibility from the house to certain parts of the fields, it would detach him from his mother's property too. Another reason for this siting is that it effectively squares off or smooths the north end boundary of that triangular field, making it a better shape to work with machinery should they choose to do so in future. And lastly, he could walk to Fetterangus from there without having to cross over the busy A952 road."

The Committee unanimously **agreed**:-

- (1) that authority to Grant Planning Permission in Principle be delegated to the Head of Planning and Environment subject to relevant planning conditions, and
- (2) that the proposal complies with the Local Development Plan in terms of Policy R2 Housing and Employment Development Elsewhere in the Countryside given –
  - (a) having been advised that Mrs Junor now needs assistance on the farm, there is a natural succession, and
  - (b) it has been demonstrated that the presence of a worker is essential to the operation of the enterprise at Hardyards, combined with the work that is undertaken for neighbouring farms