

**ABERDEENSHIRE COUNCIL****BUCHAN AREA COMMITTEE****VIA TEAMS – 15<sup>TH</sup> MARCH 2022**

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

**Apology:** Councillor A Simpson

**Officers:** Amanda Roe, Buchan Area Manager (Business Services); Lauren Cowie, Principal Solicitor (Business Services); Sally Wood, Senior Planner (Environment & Infrastructure Services); Elaine Reid, Team Leader (Environment & Infrastructure Services); Laurence Findlay, Director of Education & Children's Services; John Black, Head Teacher, Meethill School (Education & Children's Services); Fiona Massie, Team Leader (Business Services); Eleanor Morris, Area Project Officer (Business Services); and Theresa Wood, Area Committee Officer (Business Services)

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

At the start of the meeting, Councillor Norman Smith, Chairman, read the following statement:-

"We are proud of the wide range of nationalities that call Aberdeenshire their home. Our diversity makes us stronger and more aware of what unites us, rather than divides us.

We stand in support and solidarity with all families that have been forced to flee war and persecution from Syria, Afghanistan, Iraq, Ethiopia and now from Ukraine, and we will do everything in our power to provide them with the safety and sanctuary they need in time of crisis.

Our Buchan communities, community groups, partners and Council services are coming together to offer support, and on behalf of Buchan Area Committee I want to acknowledge this and offer our thanks."

## 1. DECLARATION 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 Allan for Item 10 by virtue of being Treasurer to ArtVenture. Having given her interest due consideration, Councillor Allan advised that she had 'no interest' and remained in the meeting

## 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. DRAFT MINUTE OF 22<sup>nd</sup> FEBRUARY 2022

The Draft Minute of 22<sup>nd</sup> February 2022 had been circulated and was **approved**.

## 4. NEW PLANNING APPLICATIONS

The Committee had before them reports by the Director of Environment & 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/2019/2851 Planning Permission in Principle for Erection of Dwellinghouse at Site at Pitfour, Chapel Park, Mintlaw
- (b) APP/2021/2349 Planning Permission in Principle for Erection of Dwellinghouse at Site to North West of The Meadows, Doghillock, Maud

## **5. ABERDEENSHIRE COUNCIL EMPTY HOMES ADVICE AND INFORMATION SERVICE**

A report by the Director of Environment & Infrastructure Services had been circulated following a request of Communities Committee to demonstrate how Aberdeenshire Council is encouraging and supporting empty homeowners to bring their empty homes back into use. The Committee was asked to comment on the work of the Empty Homes Service.

Having acknowledged the work of the Empty Homes Service, the Buchan Area Committee **agreed** to make the following comments to Communities Committee:-

- (1) to request that, when assessing the empty homes and determining which properties should be brought back into use, Officers consider the services available in the surrounding area and as to whether this was possibly a factor in the property lying empty in the first place,
- (2) to acknowledge the challenge in bringing some properties back into use, for example in particular those within conservation areas like Peterhead town centre given the requirements for better energy efficiency standards, and
- (3) to highlight the impact that Covid-19 and Brexit has had on Peterhead town centre area, which previously had a high number of Eastern European migrant workers and their families staying

## **6. EDUCATION AND CHILDREN'S SERVICES MID-YEAR PERFORMANCE MONITORING REPORT – APRIL TO SEPTEMBER 2021 (COUNCIL PRIORITIES: AREA PLAN 2021-2023)**

A report by the Director of Education and Children's Services had been circulated to provide an update on the progress with key council area outcome indicators identified as provided by the Education & Children's Services Directorate, which help demonstrate how the Service is delivering on the Aberdeenshire Council Plan Priorities (2020-2022) framework linked to the Buchan Area Plan (2021-2023). This detail allows the Committee to consider how the Service is progressing, evidenced through a reflection of the performance achieved during the first six months of the reporting year 2021/22 (April to September 2021), in order that Committee can acknowledge progress and fulfil their scrutiny and monitoring role.

Having considered the progress made, the Committee **agreed**:-

- (1) that it be noted that the Director and Heads of Service will meet with the Buchan Area Committee Members informally on 29<sup>th</sup> March 2022 to go through the performance report in more detail, and

- (2) that the Director of Education and Children's Services continue to present performance reports to the Area Committee on a 6-monthly basis, evidencing progress and performance with delivery of the Council Plan linked to the Buchan Area Plan

### **7. MEETHILL SCHOOL AND NURSERY REVISIT FROM EDUCATION SCOTLAND**

A report by the Director of Education and Children's Services had been circulated advising that Meethill School was revisited by Education Scotland on 9<sup>th</sup> November 2021. This was a follow-up visit after the original inspection in November 2019. The report of the visit acknowledged the effective and supportive contribution made by the staff team throughout the Covid pandemic and the progress that had been achieved in addressing the recommendations made following the 2019 inspection. However, Education Scotland did not feel sufficient progress has been made to allow for disengagement at this stage and will re-visit the school again in early 2023.

Having heard from the Head Teacher of Meethill School, the Committee **agreed**:-

- (1) to thank the Head Teacher, the teaching and non-teaching staff for all their hard work and the progress that has been achieved to date, and
- (2) to endorse the Service's continuing efforts in support of its schools in the Education Scotland Inspection process and securing positive outcomes for all children and young people beyond the process of inspection

### **8. SCOTTISH FIRE AND RESCUE SERVICE – PERFORMANCE REPORT FOR QUARTER 3 – 1<sup>ST</sup> OCTOBER-31<sup>ST</sup> DECEMBER 2021**

A report by the Director of Business Services had been circulated to inform members how Scottish Fire and Rescue Service 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 heard from the local Senior SFRS Officer and having discussed the performance report, the Committee **agreed** to suggest that the reporting of non-fire emergencies, to include those in conjunction with Police and Ambulance Services, be reported separately.

## 9. ABERDEENSHIRE CHARITIES TRUST (ACT2) – FINANCIAL MANAGEMENT

A report by the Director of Business Services had been circulated outlining the financial management required for Aberdeenshire Charities Trust (ACT2), and advising the Committee of the need to review current maximum and minimum thresholds for grant awards and the split between Revenue and Capital balances at Area Committee level.

The Committee **agreed**:-

- (1) having highlighted that the threshold figures are not reflective of what is actually available, to request that Officers, in conjunction with the Area Manager, consider what would be appropriate thresholds, and
- (2) in respect of the Ward balances – that Ward 4 remain as reported but that Ward 5's Revenue and Capital be amalgamated

## 10. COASTAL COMMUNITIES BUCHAN GRANT SCHEME – ALLOCATION OF RETURNED GRANT

A report by the Director of Business Services had been circulated advising that on 1st December 2020 the Area Committee approved, in principle, a grant of £5,838 to ArtVenture towards their Peterhead Mural project. Unfortunately, group representatives have recently been in touch with the Area Manager to advise that they are unable to move forward with their project in this financial year.

The Area Manager has spoken with Officers from the Environment Planning and Economic Development Teams, as well as representatives from Buchan Development Partnership, in relation to the returned grant. Collectively they are confident that the returned grant of £5,838 could be allocated to community projects within coastal Buchan or to the Coast Project which currently has active projects in the Buchan area.

Having heard from the Area Project Officer, the Committee **agreed** to delegate the amount of £5,838 for disbursement to the Area Manager in consultation with Chair and Vice Chair.

## **11. AREA COMMITTEE GRANT SCHEME 2021/2022 – ALLOCATION OF RETURNED GRANT**

A report by the Director of Business Services had been circulated advising that on 22<sup>nd</sup> June 2021 the Area Committee approved a grant of £5,000 to Kemp Hall Management Committee. Unfortunately, group representatives have recently been in touch to advise that they are unable to move forward with their project in this financial year.

The Area Manager then advised the Committee that unfortunately she had only very recently been advised that one of the Brighter Buchan villages has been unable to undertake any projects this year and won't be requiring their £1,000 grant.

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

- (1) to delegate the amount of £5,000 to the Area Manager, in consultation with Chair and Vice Chair of the Buchan Area Committee, to disburse appropriately before the end of the financial year, and
- (2) having been advised verbally that £1,000 has been returned from the Brighter Buchan Initiative grant scheme, to delegate the amount of £1,000 to the Area Manager in consultation with Chair and Vice Chair of the Buchan Area Committee, to disburse appropriately before the end of the financial year

## **12. STATEMENT OF OUTSTANDING BUSINESS**

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

- (1) 1-1 – to remove,
- (2) 1-3 – to remove,
- (3) 2 – to note that the Area Manager is awaiting an update from the Access Officer,
- (4) 5 – remove,
- (5) 6 – having heard from the local Fire Officer, to remove,
- (6) 11 – to note the verbal update as provided,
- (7) 15-3 – to remove,
- (8) 17-1 & 3 – to remove, and
- (9) 18-6 – to remove

## APPENDIX A

### NEW PLANNING APPLICATIONS

- (a) **Planning Permission in Principle  
for Erection of Dwellinghouse at Site at Pitfour, Chapel Park, Mintlaw**  
For: Mr Philip Baxter, Arcus Design Ltd, Mavisbank, Old Deer, Peterhead  
**Reference No: APP/2019/2851**

In terms of Standing Order 6.5, the Area Manager had received two requests to address the Committee in relation to this application from the Agent, Mr Philip Baxter and from an objector, Mr Stuart Buchan.

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

The Committee first heard from the Senior Planner, who advised that although the recommendation of the Planning Service remained at 'Refuse', that the reason for refusing was based on Reason 1 only, given that the drainage issue has now been resolved.

The Committee then heard from Mr Baxter as follows -

"As can be seen from the report there is some doubt from the planners as to whether this plot complies with policy. However, we know the proposed site does sit in amongst a group of houses at Chapel Park being far more than the 5 that is required by policy. We also know that Chapel Park consists of various houses sitting at different levels to each other, dotted with mature landscaping.

However, unlike some of the other new plots constructed or applied for in the area this plot is located at the end of a row of houses facing towards the Lake. All these houses sit on the same land contour with a shared access road connecting them and form a radial pattern to the Lake. All this supporting information was supplied to the planning department in the development statement when submitted. It is this connectivity and linear pattern that makes it an appropriate addition to the group. All these frontage houses have the same type of mature landscaping around them forming a frontage style development.

It has been noted in previous applications by planners that it is this type of relationship that defines a cohesive group.

The report also mentions other adjacent sites that were refused by the committee, but these were in different locations with different restrictions as they were within the sensitive curtilage of a listed building and so are not the same as this one.

Item 6.7 of the report notes that by approving this site would lead to pressure for future development in the upcoming Local Development Plans but as councillors are aware this policy has been removed from the new Local Plan in this area so no future Cohesive Group development will actually be possible.

Item 6.8 refers to decisions made on failed appeals for 2 sites at the Old Chapel some 365m NE of the application site, quoting that the reporter did not identify these sites as being part of the group which I agree they were not actually part of the overall group. However, on this basis I don't think that this statement is relevant to this application.

However, Item 6.14 of the report regarding landscaping does conclude that our dwelling could be accommodated without a fundamental alteration to the character of the area.

Items 6.16 & 6.17 under Built Heritage section also quotes that the proposed plot would be somewhat segregated from most of the listed buildings around the area and so would not have a detrimental impact on these and would broadly comply with policy HE1."

The Committee then heard from Mr Buchan –

"I would like to voice my objection, you'll see my objection was submitted almost 2 years ago, which I find strange it's taken so long. The site does not appear to follow the pattern of development in this area and appears to have little to no connection to the existing houses.

At the moment, there are two houses which haven't even been passed yet so they're not complete, there's only 1 house complete, and plot 2 hasn't started. Also, I'd like to add the question of is the application then an addition to the houses to the north group and I do not see how this can be the case as it does not follow the close knit pattern of this particular area.

I am aware that there are other examples of very spread out cohesive groups in the Buchan area, with some distance between plots, but in this particular area the house sites all have touching boundaries and should be followed to retain consistency.

Also, I see that there has been limited information on the tree protection but sadly the sites were cleared before the application was even put in and trees were taken down. If I had more time, I would have been able to provide photos of the site actually being cleared. And also, there's no information about bat roost potential, and I know myself, I walk that road every night in the Summer, and there's an abundance of bats.

Also, I can't see how any house could be built between those two rows of trees if you're going to be protecting the roots by a 5m boundary at either side that leaves little to zero plot to build on.



The other thing I would like to say is that when I bought my plot from Hamish Watson, I was told that the money was to enable development of Pitfour Lake and restore the Temple. No work has been carried out.

(Chair intervenes “I think we’re straying from the application”)

I believe it is completely to do with it. I mean, you’re trying to build houses in the same area when the last houses were only given planning permission because of a special circumstance, and it was to enable the restoration of the temple. Now, there’s a planning application in and it’s going to have no obligation.

What I would also like to say is the agent Philip Baxter, I would like to make it aware that it’s Hamish Watson who is the actual applicant.

(Chair intervenes “We have to go by what’s on the report”)

No but I think that should be recorded because I wouldn’t like there to be any conflict of interest.

I think everything else has been stated, I see it is up for refusal and it seems a wise choice, I agree with that, and I hope the councillors do also.”

The Committee, having heard from the Planner and having considered the two representations, **agreed** to Refuse Planning Permission in Principle for the following reason –

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 principle of development is in conflict with the Local Development Plan as the proposal does not constitute an addition to an existing cluster of five or more existing dwellings within the Rural Housing Market Area, and it does not meet any of the other acceptable criteria listed under Policy R2 Housing and employment development elsewhere in the countryside.

(b) **Planning Permission in Principle for Erection of Dwellinghouse at Site to North West of The Meadows, Doghillock, Maud**

For: Ms Z Wright, per Agent

Per: Baxter Design Company, 1 The Square, Mintlaw

**Reference No: APP/2021/2349**

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.

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 -

“Good morning Councillors, if I may I would like to go through the three points for refusal one by one.

For point one of the reasons for refusal, we would respond by referring to the supplementary guidance on cohesive groups where it asks three questions – is the site consistent with the pattern of the existing cohesive group, is the site appropriate in terms of landscape character and does the site have a natural boundary consisting with other properties. We believe we can answer yes to these three questions.

There is a visual connectivity to all the other houses in the area. When standing in the application site, it is possible to see the group. It is appreciated that the houses are spread out but the policy does not state a set distance a house should be from another and there are also various different examples of spread out cohesive groups in the Buchan area such as Hythie. Another example would be Inverugie prior to the recent development, where such sites linked to a spread out group of houses. The Hythie example was submitted as part of our justification statement. We believe we are following the established pattern of development in the area which we believe could be used to establish a principle of development.

In regards to the water testing, we submitted the water information last week. It took great difficulty getting a test as we happened to be 170 on the list of the recognised water testing company, Turriff Agri-Parts however we have submitted this information and this was emailed to the planner.

Policy R2 states that the maximum group size is 15. If members were minded to approve this site today, this would take the group up to 13.

In terms of siting, layout and design which is noted as the third reason for refusal in the report, the site is in keeping with the surrounding area and therefore we believe the size of the site could be considered acceptable. Members will be able to see that the site plan shows an outline of a 3 bedroom family home and associated soakaways, this all fits into the site comfortably.

It is rare that the 350 square metre rule is brought up as a reason for refusal. It is virtually impossible for a site to be this size if soakways are proposed, which they are, and nearly 100% of cohesive group and brownfield in countryside applications have them too.

For example, for a building warrant purpose, a soakway should be at least 5 metres away from the building and boundary and 10 metres from a public road. If the average house is 20-25metres wide and the soakway is 5 metres wide, the minimum width of the site needs to be at least 30-40 metres which is in line with the proposed application. With the soakaways also requiring to be 10 metres from the road, it shows why our site is a reasonable size. These sizes don't allow for garden area or safe open space for children to play safely away from a septic tank.

Most existing sites in the area do not have their soakway contained within their boundary but rather the adjacent land, and this was usually the case for most countryside applications. We have contained our drainage system within our site boundary hence it appears slightly larger than most sites in the area.

The application had received no objections from the public, the flood risk and coastal protection team or roads. The drainage report also concludes that the proposed drainage system is acceptable.

In conclusion, we fully believe that the application meets the criteria of the LDP 2017, Policy P1 and R2 and could possibly be supported under these policies and that a principle for development could be established.”

Having considered the detail before them, the Committee **agreed** to Refuse Planning Permission in Principle 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, including it is not an addition to a cluster of at least five existing dwellinghouses; and it is a greenfield site. The principle of development is therefore not acceptable.

02. The proposed dwellinghouse is to connect to a private water supply, but no details of this have been submitted in respect of quality and quantity of supply. The application is contrary to Policy RD1 Providing suitable services as the application fails to demonstrate satisfactorily a suitable water supply to the proposed development.
03. Due to the size of the plot, which is 0.2 ha (2,000 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 Policy E2 Landscape by introducing a large area of domestic curtilage, which conflicts with the rural agricultural use and surrounding area.

Furthermore, it is contrary to Policy R2 Housing and employment development in the countryside which defines small scale development as being appropriate under the exceptions criteria; and the Plan defines 'small scale' as a plot 350 square metres in size and therefore the plot at 2000 square metres in area is grossly large compared with the expectation through the Local Development Plan.