

ABERDEENSHIRE COUNCIL**BUCHAN AREA COMMITTEE****HYBRID MEETING – 27TH SEPTEMBER 2022**

Present: Councillors D Beagrie (Chair), A Buchan, G Crowson, G Hall, M James, D Mair, L McWhinnie, H Powell, and S Smith

Apologies: Councillors A Simpson (Vice Chair) and C Simpson

Officers: Amanda Roe, Buchan Area Manager (Business Services); Lauren Cowie, Principal Solicitor (Business Services); Sally Wood, Senior Planner, Planning (Environment & Infrastructure Services); Clarke Dalziel, Affordable Housing Officer (Environment & Infrastructure Services); Fiona Stewart, Senior Solicitor (Business Services); Graham Robertson, Team Manager (Environment & Infrastructure Services); Lucie Ho, Senior Environmental Health Officer (Environment & Infrastructure Services); Colleen Henderson, Business Change Manager (Business Services); Jack Rigby, Digital Stakeholder Lead Officer (Environment & Infrastructure Services); Tim Stephen, Service Manager (Education & Children's Services); and Theresa Wood, Area Committee Officer (Business Services)

THE PASSING OF HER MAJESTY, QUEEN ELIZABETH II

The Chair made the following statement –

“Although time has moved on, I would still like to take the opportunity to pay tribute to Her Majesty Queen Elizabeth II, our longest serving British Monarch, who passed away at Balmoral on Thursday 8th September.

The admiration and respect for Her Majesty was highlighted by the monumental outpouring of love, and affection, from the people of Aberdeenshire as the Royal cortege travelled through the region.

With the passing of The Queen we witness the end of an era, but welcome a new one, with the accession of King Charles III as our new Monarch. We can now look forward to his coronation, reign and a new chapter in our history. Thank you.”

PRIDE OF BUCHAN NOMINATION – NORMAN SMITH

The Chair invited Councillor Crowson to put forward the following Pride of Buchan Nomination on behalf of Longside Community Council –

“Dear Councillors,

Longside & District Community Council would like to nominate Mr Norman Smith, Norifer, Main Street, Longside for a “Pride of Buchan” Award.

Norman has been a resident and businessman in Longside for more years than we care to remember. For many years, he was a member of our Community Council.

Until very recently, he has been one of the primary organisers of the annual Longside Gala. He also organised the annual Guy Fawkes firework display and the Christmas streetlights.

Since he retired from his business, he has worked tirelessly to support local causes and has been a Director of Mintlaw and Central Buchan Initiative (MACBI) since 2005, and was one of the key players in getting the facility up and running.

He has been an Aberdeenshire Councillor for many years and during this time has provided much support to the Longside & District Community Council as well as the wider community.

Norman, who lives in the centre of Longside village, thought nothing of his doorbell ringing at all times of the day or evening to find someone who needed guidance or help on his doorstep.

Unfortunately, due to ill health, Norman has had to relinquish many of his tasks and hand them over to those with much less experience and wisdom than he.

We ask you to look favourably on this nomination.

Yours sincerely,

Veronica Cordiner
Chairperson, Longside & District Community Council”

The Chair thanked Councillor Crowson for relaying the nomination, and asked the Committee if they were happy to support the nomination.

The Committee unanimously **agreed** that Norman Smith be awarded a Pride of Buchan Certificate in recognition of his outstanding service to the community of Longside and surrounding area.

1. DECLARATION OF MEMBERS' INTERESTS

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

- (1) Councillor M James for Item 5 by virtue of being involved previously on behalf of a former client. However, having applied the objective test he concluded that he had no interest to declare and had received no personal gains. Councillor James stayed and took part in the discussion of this item, and
- (2) Councillor D Mair for Item 4a by virtue of having prejudiced his position in the decision making process. For this reason, Councillor Mair left the meeting and took no 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
- (1) where an Integrated Impact Assessment was provided, to consider its contents and take those into account when reaching its 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
10

Paragraph No of Schedule 7A
8

3. DRAFT MINUTE OF 6TH SEPTEMBER 2022

The Draft Minute of 6th September 2022 had been circulated and was **approved**.

4. NEW PLANNING APPLICATION

The Committee had before them a report by the Director of Environmental & 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/2022/0178 Planning Permission in Principle for
Erection of Dwellinghouse at Land
to the South West of Littlehill Farm, Kininmonth, Peterhead

5. STRATEGIC HOUSING INVESTMENT PLAN 2023-2028

A report by the Director of Environment & Infrastructure Services had been circulated providing the Committee with the draft Strategic Housing Investment Plan (SHIP) 2023-2028 which is required to be submitted to Scottish Government each year.

Strategic Housing Investment Plans (SHIP) and Strategic Local Programmes are part of the Local Housing Strategy (LHS) process. They are the statements of affordable housing investment priorities in each local authority area which will guide the application of Scottish Government and other funding.

In relation to the draft Strategic Housing Investment Plan 2023-2028, the Buchan Area Committee **agreed** to provide the following comments to Communities Committee:-

- (1) to welcome and commend Officers on the report,
- (2) to note significant pressure due to a lack of provision of 1 bedroom homes and larger homes,
- (3) to highlight the use of acronyms which, in particular, can be difficult for new Members to understand, and
- (4) to request that Officers provide Members with more information in relation to Low Cost Shared Equity

6. CIVIC GOVERNMENT (SCOTLAND) ACT 1982 – SECTION 44 AND SCHEDULE 1 CIVIC GOVERNMENT (SCOTLAND) ACT 1982 LICENSING OF SHORT-TERM LETS ORDER 2022 SHORT-TERM LETS – IMPLEMENTATION OF NEW STATUTORY LICENSING SCHEME

A report by the Director of Business Services had been circulated explaining that there is a requirement for the Council, as Licensing Authority, to develop a Short-Term Let Policy that is consistent with the Scottish Government's objectives.

Following consideration of a report at the Business Services' Licensing Sub-Committee at their Meeting on 2nd September 2022, Area Committees are being asked to consider and comment on the introduction of the new mandatory licensing scheme before the Licensing Sub-Committee takes a final decision on the implementation of the Licensing Scheme at their Meeting on 2nd December 2022.

Having noted that the implementation of a Short-Term Lets Licensing Scheme is a mandatory requirement the Buchan Area Committee, in considering the proposals for the implementation of the Scheme, **agreed** to provide the following comments to the Business Services Licensing Sub-Committee:-

- (1) to thank Officers on a well written report,
- (2) to welcome the partner approach taken in developing this Scheme, and to welcome the proposals to hold Webinars for training purposes to ensure that support and guidance is offered to those involved,
- (3) having noted that the proposed fees are based on what it costs to process a licence and that a benchmark exercise will be undertaken prior to finalising fee setting, to request that consideration be given to the fees being based on the number of properties a Landlord has, ie the more properties the higher the fee, and
- (4) to propose that applications which have attracted objections or adverse representations be retained and considered by the Licensing Sub-Committee

7. ABERDEENSHIRE'S DIGITAL STRATEGY – PROGRESS UPDATE

A report by the Director of Business Services had been circulated providing an update on the progress of Aberdeenshire's Digital Strategy. It explains the background to the holistic approach to digital inclusion across Aberdeenshire and sets out the key areas of progress across the suite of projects which received funding under the Digital Strategy package of support approved in January 2021.

The Buchan Area Committee **agreed** to provide the following comments to Business Services Committee:-

- (1) to highlight their concerns in relation to the lack of awareness and understanding, amongst Aberdeenshire's residents, in terms of what support is available to them,
- (2) to highlight that the rurality of Aberdeenshire further adds to the issues being experienced Scotland-wide, and
- (3) to highlight the importance of the work of the Digital Engagement Team and the need to raise awareness amongst Aberdeenshire residents in respect of what help is available, for example connectivity support schemes such as the Gigabit Broadband Voucher Scheme

8. AREA COMMITTEE GRANT SCHEME – APPLICATIONS FOR FUNDING

A report by the Director of Business Services had been circulated advising that on 19th April 2022 the Committee agreed to make available £61,500 of the Area Committee Budget to an Area Committee Grant Scheme. On 28th June 2022 (Item 9) the Committee committed grant funding totalling £35,551, leaving a balance of £25,949.

The Committee was asked to consider a further five separate applications for funding from the Area Committee Grant Scheme, which, if approved, would leave a remaining balance of £11,555.

(a) Peterhead Bowling Club

The Committee **agreed** to award £1,571 to Peterhead Bowling Club towards the cost of replacing their shed roof.

(b) Admiralty Gateway Charitable Trust

The Committee **agreed** to award £3,769 to Admiralty Gateway Charitable Trust towards the cost of installing a stair lift at Peterhead Prison Museum.

(c) Aden Community Allotment Association

The Committee **agreed** to award £2,488 to Aden Community Allotment Association towards repairing and adding box roofs to ten sheds, painting of community buildings and sheds, installation of a locker style shed and the cost of purchasing a sand bucket.

(d) Maud Village Trust

The Committee **agreed** to award £3,686 to Maud Village Trust towards removing and the refit of a kitchen, the purchase of a cooker and extractor hood and electrical works to allow them to deliver a variety of cooking workshops.

(e) Mintlaw Men's Shed

The Committee **agreed** to award £2,880 to Mintlaw Men's Shed towards fitting a wood burning stove in their new premises at Gardener's Cottage, Aden Country Park, Mintlaw.

9. STATEMENT OF OUTSTANDING BUSINESS AS AT 16TH SEPTEMBER 2022

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

- (1) to remove the actions as recommended in the Statement and as further advised by the Area Manager,

- (2) to note the verbal updates from the Area Manager in relation to Items 2, 3, 5, 8 and 9, and
- (3) that in relation to Item 3, to request an informal session with Officers to allow Members to explore this issue further

10. LIVE LIFE ABERDEENSHIRE PROCUREMENT PLAN – PROCUREMENT APPROVAL

A report by the Director of Education and Children's Services had been circulated asking the Committee to agree to the addition of a capital project to the 2022/23 Live Life Aberdeenshire Procurement Plan.

The Committee **agreed**:-

- (1) to approve the item on the Supplementary Procurement Plan, and
- (2) given the interest that the Buchan Area Committee has in this particular item, to reserve approval of the Procurement Approval Form for this item so that the detail of the proposals come to a Meeting of the Buchan Area Committee before going out to tender

APPENDIX A

NEW PLANNING APPLICATION

- (a) **Planning Permission in Principle for Erection of Dwellinghouse at Land to the South West of Littlehill Farm, Kininmonth, Peterhead**
For: Mrs Pauline Turnock, Littlehill Farm, Kininmonth, Peterhead
Per: Arcus Design Ltd, Mavisbank, Old Deer, Peterhead
Reference No: APP/2022/0178

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 Philip Baxter.

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 Baxter –

“Thank you Chair for giving myself and the applicant an opportunity to address the committee. It appears that the main reasons for refusal on this application are viability and location of the site. Contrary to Item 6.4 of the report a viability statement was submitted with this application in January. This was prepared by the applicant’s Agricultural Consultant prior to submission of the application and also included the labour requirements and succession for the farm along with the statement on the specialist breeding centre for her exotic cats and dogs. We have never received a request from the planner requiring further information on the viability during the application process.

The only correspondence I received from the planner was an email on the 15 August noting she was minded to refuse the application on siting reasons only. With regards the location of the site a sequential statement was submitted detailing why we chose the site. This was based on the desire of the applicant to be situated on the farm road leading to the main farm but not too close to the farm to offer her daughter and husband privacy. The site would be as near to the public road that would allow her accessibility in retirement to public services, but far enough away to any neighbours so she can continue to keep her exotic cats and dogs and not create any nuisance to her neighbours which she has known for many years. This will allow her animals to be kept in a relatively quiet and safe environment as required by her licence.

The close proximity to the public road would reduce car based journeys and be more sustainable. Being on the farm road she can also monitor farm traffic.

There were also partial restrictions in moving the site nearer the farm by a gas pipeline that runs through the farm and sterilises the middle part of the farm access road for house building. We do not wish to build next to the farm as this could restrict any future farm expansion and encroach on their privacy. Also the downside of being nearer the farm gives the applicant a longer access road.

We would propose a landscaping belt around the site to screen any development however the site is located almost 300m from the public road so would not be visually prominent.

There have been no objections from neighbours and roads department has no objection to the proposal. On balance we feel that the site chosen is appropriate and suits the needs best for the applicant and her successor for the farming activities. The applicant would therefore be pleased if the location she has chosen can be supported for obvious beneficial planning & farming reasons.”

Having considered the report and the representation, the Committee **agreed** to Refuse Planning Permission in Principle for the following reasons:-

01. The presumption in favour of sustainable development is a significant material consideration, this must be balanced against any adverse impacts of the proposed development which would significantly and demonstrably outweigh the benefits.

The proposed development was assessed against the Scottish Planning Policy principles of sustainable development. However, adverse impacts significantly and demonstrably outweigh the benefits of the proposal.

The proposed development is not acceptable in principle under the Aberdeenshire Local Development Plan 2017 in particular Policy R2 Housing and employment development elsewhere in the countryside, because it fails to demonstrate in full, via an appropriate sequential site assessment, the sustainability of the site in comparison with other opportunities that are available within the area, including all those within the farm holding, sites in and adjacent to New Leeds, brownfield land opportunities, and siting the development adjacent to an existing cluster of at least five houses, such as those at Longhill. As the application has failed to assess all sites available in the area, the application has failed to demonstrate that it is not in conflict with Scottish Planning Policy, and Policy R2.

02. The application fails to demonstrate that the existing farm holding is viable. The application is in conflict with Policy R2 Housing and employment development elsewhere in the countryside of the Aberdeenshire Local Development Plan 2017.
03. The proposed development conflicts with Policy R2 Housing and employment development elsewhere in the countryside of the Aberdeenshire Local Development Plan 2017, and Scottish Planning Policy, in that the identified site is more than 400 metres walkable distance from the hub of the farm, and therefore does not reduce dependence on unsustainable modes of travel. There are no public transport networks or footpaths connections adjacent to the site to provide an alternative to dependence on private modes of travel.

04. The development is contrary to Policy P1 Layout, siting and design and Policy E2 Landscape contained in the Aberdeenshire Local Development Plan 2017. The siting of the house does not reflect the built pattern or character of the surrounding area. The immediate area is open agricultural fields, with minimal mature landscape features and as a result, a development at this location would not sit well within this landscape and would be visually prominent. The visual impact will be more obvious due to the built pattern of the nearby houses at "Longhill", which is located along the roadside in a linear formation. The proposed development conflicts with this pattern of development. The applicant has more acceptable, alternative sites, within their ownership, that would be better suited for a new house and would have less impact of the character of the surrounding area.