

BUCHAN AREA COMMITTEE

TUESDAY, 27TH FEBRUARY, 2024

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

Officers: Amanda Roe, Buchan Area Manager; Barbara Alexander, Solicitor; Suzanne Ward, Solicitor; Laura Dingwall, Planner; Alan Davidson, Senior Planner; Fiona McCallum, Business Strategy Manager; and Theresa Wood, Area Committee Officer

In Attendance: Mike Cassie, Scottish Fire & Rescue Service

PRIDE OF BUCHAN NOMINATION

Before proceeding the Chair advised that she had received a Pride of Buchan Nomination and invited Councillor Anne Simpson to speak to her Nomination -

Councillor Anne Simpson –

“Alexander (Sandy) Ritchie B.E.M

I have known Sandy for many years and his knowledge of, and love for, the village of New Deer is second to none. Sandy is 94 and has dedicated his life to serving the people of New Deer. His long life has allowed him to acquire many stories of life in the village, as has his membership of so many community organisations including New Deer Public Hall, where he was a trustee for many years.

There have been many changes in village life in this corner of Aberdeenshire during Sandy’s lifetime. Many old ways of life, language and culture are being lost. Sandy has recorded his memories, traditions and myths and set them down before they are lost forever. His book - New Deer And Roon Aboot: A History - has recently been published and many copies sold. It features, amongst others, prominent North East personalities, including Flora Garry, Evelyn Glennie, Robbie Shepherd, and Jack Webster.

Sandy understands the importance of the past in creating a sense of place in the present. He was a founder member of The Book of Deer Project over 30 years ago and retains a keen interest in the work of the project. He was absolutely delighted to see the wee book in Aberdeen in July 2022. He was also a founder member of the Buchan Heritage Society.

He was recently awarded a BEM for Voluntary Services to Cultural Heritage and to the Community in North East Scotland (Peterhead, Aberdeenshire). I would like to propose that we follow up this national recognition with our local Pride of Buchan Award.”

The Committee **agreed** to Councillor Simpson’s Pride of Buchan Nomination.

BUCHAN ANNOUNCEMENT

The Chair advised – “Kirkburn Court Care Home recently underwent an unannounced inspection by the Care Inspectorate. They were delighted to have been graded as follows –

The home was assessed and graded on two key areas –

1. How well do we support people’s wellbeing – having been assessed under four separate categories they received – three Grade 6’s (Excellent) and one at Grade 5 (Very Good) and
2. How good is our leadership – for which they received a Grade 5 (Very Good)

Due to the way in which the Care Inspectorate collate the grades, they were awarded an overall ‘Very Good’.

On their Facebook page, the Care Home responded “We are absolutely delighted to achieve Grade 6’s (the highest possible) in three areas. These grades are certainly not being awarded around the country on any kind of regular occurrence so that makes this achievement all the greater for us.”

The Chair requested that a letter of congratulations be sent to the staff at Kirkburn Court Care Home.

1 DECLARATION OF MEMBERS' INTERESTS

In accordance with the Councillors’ Code of Conduct the following statements were made –

Councillor M James made a transparency statement in respect of Item 5 given a connection related to his employment; having concluded he had no interest, Councillor James stayed and took part in the discussion of this particular item, and

Councillor H Powell made a declaration in relation to Item 7 by virtue of her connection with the applicant being an acquaintance and friend through their respective children being in school together; Cllr Powell left the meeting for this particular item

2(A) PUBLIC SECTOR EQUALITY DUTY - GUIDANCE FOR MEMBERS

In taking decisions on the undernoted items of business, the Committee **agreed**, 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 and 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, and

- (2) to consider, where an Integrated Impact Assessment has been provided, its contents and to take those into consideration when reaching a decision.

3 DRAFT MINUTE OF MEETING OF 6TH FEBRUARY 2024

There had been circulated and was **approved** as a correct record the Minute of the Meeting of the Buchan Area Committee of 6th February 2024.

4 DRAFT MINUTE OF SPECIAL MEETING OF 6TH FEBRUARY 2024

There had been circulated and was **approved** as a correct record the Minute of the Special Meeting of the Buchan Area Committee of 6th February 2024.

5 PLANNING APPLICATION REF NO APP/2022/1858 – FULL PLANNING PERMISSION FOR CHANGE OF USE OF AGRICULTURAL LAND AND ERECTION OF BUILDING FOR CATTERY (SUI GENERIS), NORTH MAINS OF CULSH, NEW DEER, TURRIFF

The Committee **agreed**:-

- (1) to Grant Full Planning Permission subject to the following conditions -

01. In accordance with Section 58 of the Town and Country Planning (Scotland) Act 1997 (as amended) this planning permission will lapse on the expiration of a period of three years from the date of this decision notice, unless the development is begun within that period.

Reason: Pursuant to Section 58 of the Town and Country Planning (Scotland) Act 1997 (as amended).

02. The development hereby approved shall be erected unless a water safety and management plan and private water treatment system for the proposed private water supply has been submitted to and approved in writing by the planning authority.

The development shall not be brought into use unless the proposed private water treatment system (UV and pH filter) has been installed in accordance with the approved details and the approved measures specified within the water safety and management plan have been implemented in full. Once installed, the private water treatment system and any water safety and management measures shall thereafter be permanently retained unless otherwise agreed in writing by the planning authority.

Reason: To ensure the long-term sustainability of the development and the safety and welfare of the occupants and visitors to the site.

03. No development in connection with the permission hereby granted shall commence and the access hereby approved shall not be brought into use unless visibility of 90 metres in both directions along the channel line of the public road has been provided from a point 2.4 metres measured at right angles from the existing edge of the carriageway surface along the centre line of the approved access in accordance with the Council's Standards for Road Construction Consent and Adoption. The visibility splays shall be physically

formed on the ground and any existing fences, walls, hedges or other means of enclosure or obstructions within the splays shall be removed and relocated outwith the splays in accordance with the approved plans. Once formed, the visibility splays shall be permanently retained thereafter and no visual obstruction of any kind shall be permitted within the visibility splays so formed.

Reason: To enable drivers of vehicles using the access to have a clear view of other road users and pedestrians in the interests of road safety.

04. No works in connection with the development hereby approved shall commence unless details of the refuse bin uplift store area has been submitted to and approved in writing by the planning authority. The area shall be constructed behind any visibility splay and shall be designed so as to be accessible for refuse bin uplift and to prevent empty bins from being wind-blown. The building hereby approved shall not be brought into use unless the refuse bin uplift store area has been provided and surfaced in accordance with the approved details. Once provided, the refuse bin uplift store area shall thereafter be permanently retained as such.

Reason: To ensure the provision of an appropriate means of servicing in the interests of road safety.

05. The cattery building hereby approved shall not be brought into use unless its parking for 8 cars and turning area measuring 7.6 metres by 7.6 metres has been provided in full. The maximum gradient of the access shall not exceed 1:20 gradient and the first 5 metres of the access measured from the edge of the public road and covering the entire width of the access road shall be fully paved. Once provided, all parking and turning areas shall thereafter be permanently retained as such.

Reason: To ensure the timely completion of the access to an adequate standard to prevent the carriage of loose driveway material on to the public road in the interests of road safety.

06. The building hereby approved shall not be brought into use unless the proposed foul and surface water drainage systems have been provided in accordance with the approved plans. The foul and surface water drainage systems shall be permanently retained and maintained thereafter by the landowner

Reason: In order to ensure that adequate drainage facilities are provided, and retained, in the interests of the amenity of the area.

07. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (Scotland) Order 1992 or the Town and Country Planning (Use Classes) (Scotland) Order 1997 or any order amending, revoking or re-enacting these Orders the building hereby approved shall be used only for a purpose as a cattery for boarding cats (Sui Generis) and shall not be used for any other purpose without the express grant of planning permission from the planning authority.

Reason: To enable the planning authority to consider the implications of any subsequent change of use on the amenities of the area.

- (2) the reason for departing from the Aberdeenshire Local Development Plan 2023 as follows -

The proposed development is deemed an acceptable departure from Policy 15 Local living and 20 minute neighbourhoods of National Planning Framework 4 and Policy R2 Development Proposals Elsewhere in the Countryside and Policy P1 Layout Siting and Design of the Aberdeenshire Local Development Plan 2023 for the following reasons, due to the site's location and the nature of the development, the proposal will not have an adverse impact on the character or amenity of the surrounding area. The proposed development is an acceptable departure from policy as this type of business is suited to a countryside location, it is adjacent to an existing rural enterprise, the applicant already resides on the site to manage the development proposed, and as demonstrated in the supporting statement there is a lack of such facilities within the local area and there is a demand, and there are no brownfield redundant opportunities within the application site

**6 PLANNING APPLICATION REF NO APP/2023/1709 –
FULL PLANNING PERMISSION FOR CHANGE OF USE FROM BUSINESS
(CLASS 4) & GENERAL INDUSTRIAL (CLASS 5) TO CLASS 1A (RETAIL),
SUI GENERIS AND EXTERNAL AND INTERNAL ALTERATIONS AND
AMENDMENT TO SITE ACCESS AT GEORGE S FORMAN LTD,
25 BLACKHOUSE CIRCLE, BLACKHOUSE INDUSTRIAL ESTATE, PETERHEAD**

In terms of Standing Order 6.5, the Area Manager had received one request to address the Committee in relation to this application from Mr Bob Coats, Agent.

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

The Committee first heard from the Planner, then heard from Mr Coats –

“Good morning Members, I had originally made a request to speak prior to the planning department report being issued just in case there were any points of clarification necessary from their perspective but having read the report in front of you and listening to the oral summary this morning, I would like to thank Aberdeenshire Council’s planning department for its thorough document encapsulating all the salient planning issues.

I am grateful too for the recommendation to approve the application. I think one small point as back up to the earlier oral representation is that the applicant currently operates within the Blackhouse Industrial Estate so once, if granted, the existing operation would move to number 25 and therefore the current operation at number 4 would revert to class 4 as per terms of their planning arrangement; so it was just to re-iterate that in response to point 6.9 of the report. Beyond that I have no further material points to add. However I remain at the committee’s disposal if there are any aspects of the application that require further clarification.

The Committee **agreed** to GRANT Full Planning Permission subject to the following conditions:-

01. In accordance with Section 58 of the Town and Country Planning (Scotland) Act 1997 (as amended) this planning permission will lapse on the expiration of a period of three years from the date of this decision notice, unless the development is begun within that period.

Reason: Pursuant to Section 58 of the Town and Country Planning (Scotland) Act 1997 (as amended).

02. The occupancy and operation of the development hereby granted shall be limited to the Tempo Trading company which occupies and operates the site as of the date of this decision notice. Upon the cessation of this occupancy and operation, the use of the site shall be restored to Business (Class 4) and General Industrial (Class 5) exclusively.

Reason: To ensure that the approved use of the site is limited to the circumstances that make it acceptable as a departure to the statutory development plan. The Planning Service would not seek to grant an open Class 1A use which could operate within the town centre. It is the specific circumstances of the proposed occupant, and the associated benefit to the community which enables the Planning Service to depart in this instance.

Reason for Decision

The proposal for a members retail unit (Class 1A), comprising local scale retail use is in conflict with Policy B2 Employment/Business Land relating to the loss of business land. However, the proposal occupies an existing building in the industrial area, and there are demonstrated to be alternative business premises in Peterhead. Any impact it may have on the Town Centre would not be significant due to the unique characteristics of the proposal which includes significant elements of community benefit for the reasons cited in the supporting statement. There is a limited defined market of the development proposed and the sequential assessment demonstrates the consideration and exclusion of other sites within the town centre, which is in accordance with Aberdeenshire Local Development Plan 2023 Policy B1 Town Centre Development and National Planning Framework 4 Policy 28 Retail. The application is connected to local public transport networks and does not otherwise conflict with the qualities of place required under National Planning Framework 4 Policy 14 Design, quality and place and Aberdeenshire Local Development Plan 2023 Policy P1 Layout, Siting and Design. The parking and servicing provisions meets the requirements of Aberdeenshire Local Development Plan 2023 Policy RD1 Providing Suitable Services.

In considering the condition of the surrounding road, the Committee further **agreed** to request that Officers clarify to Members who owns the road.

**7 PLANNING APPLICATION REF NO APP/2023/2012 –
PLANNING PERMISSION IN PRINCIPLE FOR ERECTION OF DWELLINGHOUSE
AT LAND TO THE SOUTH OF THE OLD SCHOOL HOUSE, LOGIE, CRIMOND**

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 Applicant, Mr Peter Oosterhoff.

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

The Committee first heard from the Planner, then heard from Mr Oosterhoff –

“Good morning committee, I am Peter Oosterhof, I am a farmer and I am the applicant for this planning application. I’ll start by addressing some of the points in the planner’s report and then I will tell you a bit about my business. Looking at the report, the points of contention –

Section 4.1 is about contaminated land, that’s already been dealt with – we had missed the form at the time and we have now submitted it and there is no issues.

Section 6.5, we did engage with the planner about a lack of suitable housing for sale within the proximity of our farm and I regularly checked the ASPC website, and there aren’t any houses for sale within the farm area and certainly not of the correct size or quality. Talking about the brownfield issue, we also engaged with the planner and said that basically all of the farm buildings outlined on that map are all in use so I don’t think it’s right to be asking them all about a farm building in use and likewise all of those farms, we don’t own any of the houses either. We never owned them or they weren’t included when we bought the farms or they were sold long past by my father or previously. So we don’t own any spare farmhouses and all of the farm buildings which could be brownfield sites are in agricultural use.

Section 6.6 which seems to be the main point of contention about the location not being close enough to what the planners call the farm hub. Looking at the map, you can see that our farm has several hubs. We don’t feel it makes sense to describe a farming business of this size as having one hub. And you can see the plot we have chosen is right in the middle of the hubs and also public land holding and it’s actually to the northern boundary the land ownership beside St. Combs is 5.8km and to the south boundary towards Kininmonth School is 5.7km so it’s right in the middle. So this location, should we get planning, it allows an employee to easily reach the cattle, all the sheds, all the different farm locations but also in summer time when the cattle are grazing, any of that land spread around the farm, it allows us to check the cattle while they’re grazing all summer.

Section 6.8 is about the track but in the planning report it describes a dirt track, it’s actually a hard gravel road and could easily be graded or re-surfaced. And the reason we chose that field in particular is that it is a small grass field, the fields around about which are closer to the main trunk road are arable fields, so we have chosen the field that has the least loss of agricultural output so it is a small, shaded, relatively wet land field so it is the least loss of arable land.

The points that the planner agrees with us on are Section 6.3 – they agree that we meet the labour requirement for additional housing. I’m slightly confused – they mention where we have the need of 1-2 full time labour units but the report says 25 units. We currently have 4 full time staff who all live locally but we are looking to grow that number and last time we advertised we had several applicants who would have needed accommodation.

Section 6.7 landscape, the planner agrees the development does not have a negative impact and as he said, it’s well streamed and that’s some of the reasons why we

chose that location. Additionally it's very close to the main road which is serviced by a bus route should family members need to use buses.

A little bit about our business, we're a mixed livestock and arable farm. Since I took over the running of the farm from our parents in 2017, we've actually quadrupled our turnover and doubled our staff, we've invested £500,000 in renewable heating energy as we don't burn any heating oil on our farm. We get 50% of our electricity from solar panels and we have a lot of environmental schemes, working with RSPB, the Hutton Institute and Nature Scotland. We are a rapidly growing business and plan to keep growing and in order to do so we need to employ more people, and to provide comfortable energy-efficient accommodation in the correct location is essential to meeting that goal."

The Committee unanimously **agreed**:-

- (1) that the application be delegated to the Head of Planning & Environmental Services to Grant Planning Permission in Principle subject to relevant planning conditions, and
- (2) that the proposal is not in accordance with National Planning Framework 4 and Aberdeenshire Local Development Plan 2023 and therefore to accept a departure given -
 - (a) there is a lack of suitable housing in the vicinity of the farm of the size and quality required,
 - (b) that the farm buildings identified as being suitable are now in use, and
 - (c) that the proposal is to position the new house equidistant to both ends of the extend of the farm and also to livestock on the north and south side of the A90

8 DRAFT ABERDEENSHIRE BRITISH SIGN LANGUAGE PLAN 2024-30

A report by the Director of Business Services had been circulated advising that The Scottish Government published the National British Sign Language Plan 2023-2029 on 6th November 2023. It is a requirement of the British Sign Language (Scotland) Act 2015 that public bodies, including Aberdeenshire Council, produce and publish a local plan supporting the long-term goals in the national plan within six months of the publication of the national plan. The Committee was asked to consider the draft Aberdeenshire British Sign Language Plan and provide comment.

Having considered the draft Aberdeenshire British Sign Language Plan, the Committee **agreed** to make the following comment to Business Services Committee –

To welcome the draft Plan and to request that Aberdeenshire Council continues to explore the possibility of signing its Committee Meetings to make them more accessible to BSL users.

9 SCOTTISH FIRE AND RESCUE SERVICE - PERFORMANCE REPORT FOR QUARTER 3 - 1ST OCTOBER TO 31ST DECEMBER 2023

A joint report had been submitted from the Director of Business Services and Senior Officer for the Scottish Fire and Rescue Service, informing members how the 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 SFRS Officer, the Committee **agreed** to give the Committee's thanks to the SFRS Team in Peterhead for the extended work that they do with the local community by way of breakfast clubs, youth volunteer groups etc.

10 STATEMENT OF OUTSTANDING BUSINESS AS AT 16TH FEBRUARY 2024

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

- (1) Actions 1 & 11 – in relation to the pedestrian crossing at Balmoor Terrace, I have had an update from colleagues in our transportation unit that this will be assessed in April/May – there has been a new contract awarded for the surveys and that has delayed it slightly. I have no update unfortunately on the participatory budgeting in Landscape Services and I will continue to try and seek that from the Landscape Service Manager and Head of Transportation,
- (2) Action 2 – the Final report on the Peterhead Vision and Action Plan will be reported back to Buchan Area Committee on 19th March 2024,
- (3) Action 5 – the formal report in line with the Petitions Procedure will be considered by the Buchan Area Committee on 23rd April 2024, and
- (4) Action 12 – (4) should read Catto Drive (Terex Site) not McKenzie Crescent; we have requested via our Green Spaces Officers and Landscape Services that native hedging be planted and I will continue to progress that with colleagues