

ABERDEENSHIRE COUNCIL

GARIOCH AREA COMMITTEE

GORDON HOUSE, INVERURIE ON 28 AUGUST 2018

Present: Councillors F Hood (Chair), N Baillie, L Berry, M Ewenson, M Ford, V Harper, D Lonchay, R McKail, A McKelvie, G Reid (for items 1 to 11B), H Smith, I Walker and J Whyte.

Apologies: D Aitchison and S Leslie.

Officers: M J Cardno (Garioch Area Manager), A Overton, (Senior Solicitor), A Wood (H&SC Manager), J Matthew (Location Manager, H&SC), J Howie (H&SC), B Strachan (Senior Planner), A Sheridan (Waste Team Manager), J Grant (Team Manager, Protective Services and Waste Management), C Roberts (Environment Planner), D Rennie (Business Development Executive), F Stewart (Senior Solicitor), A Roe (Policy Performance and Improvement Manager), D Greig (Engagement and Consultation Officer), R McIntosh (Principal Solicitor), R Hutchison (Community Economic Development Co-ordinator), L Ho (Senior Environmental Health Officer), and A Cumming (Garioch Area Committee Officer).

In Attendance: Willie Chisholm, Scottish Fire and Rescue.

1. DECLARATIONS OF MEMBERS' INTERESTS

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

- Item 15 – Councillors Ewenson, Lonchay, Harper, Baillie and Hood declared interests as members of the Central Licensing Board, but indicated that having applied the objective test, they considered that the interest was remote and insignificant and would take part in the discussion;
- Item 17 – Councillor Baillie indicated that he knew a member of the Garioch Partnership Board well and would leave the Council Chamber whilst the item was discussed; and
- Item 18 – Councillor Reid indicated that he had represented residents of the caravan park in this matter and would leave the Council Chamber whilst the item was discussed.

2. RESOLUTION - EQUALITIES

In making decisions on the following 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 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.

2B. EXEMPT ITEMS

“That, under Sections 50A (4) and (5) of the Local Government (Scotland) Act 1973, as amended, the public and media representatives be excluded from the meeting for certain items of business on account of the likely disclosure of exempt information of the classes described in the relevant Paragraphs of Part 1 of Schedule 7A of the Act”.

Item No.	Paragraph No.
18	6

3. MINUTE OF MEETING OF 19 JUNE 2018

In accordance with Standing Order 7.1.1 the Committee **agreed** that the minute was a correct record of proceedings and it was duly signed by the Councillor presiding over the meeting.

4. INFRASTRUCTURE SERVICES QUARTER 4 2017-2018 PERFORMANCE REPORT (ABERDEENSHIRE PERFORMS)

A report by the Director of Infrastructure Services was circulated presenting the exceptional performance information for the period January to March 2018.

Committee **agreed** to:-

1. acknowledge the good performance particularly in relation to Planning and Building Standards achieved for the period January - March 2018 (Quarter 4) and pass on its thanks to officers for the continued good performance;
2. note the measures where performance is below expectations January - March 2018;
3. note the publication of the complete January – March 2018 Performance Report on Ward Pages and on the Council’s website;
4. advise the Director of Infrastructure Services to continue to report, by exception, to the Area Committee quarterly on performance measures against service objectives.
5. request that officers ensure that the full report is published on ward pages;
6. seek clarification as to whether the cases referred to in PI 1.4G are all new cases; and
7. request that the Service provide a clear and detailed update on why PI 5.8G is consistently not being met;

5. SCOTTISH FIRE AND RESCUE SERVICE – GARIOCH AREA PERFORMANCE REPORT FOR QUARTER 1 (1 APRIL – 30 JUNE 2018)

A report by the Director of Business Services was circulated detailing the performance information for the period 1 April to 30 June 2018.

The Committee **agreed** to:-

1. acknowledge and note the attached performance report relating to the period;

2. request that the Station Manager pass on the Committee's thanks for the work being done by Fire and Rescue Service officers;
3. acknowledge and note any local operational matters arising, together with key resource issues, as detailed within appendices attached to the report; and
4. welcome the new style of reporting.

6. ABERDEENSHIRE HSCP PERFORMANCE AND OUTCOMES FRAMEWORK QUARTER 4 REPORTING – JANUARY TO MARCH 2018

A report by the Partnership Manager, Central was circulated presenting the Health and Social Carer Partnership performance information for the period 1 January to 31 March 2018.

Members asked about services being provided to veterans and highlighted the need for these services to be provided. Officers confirmed that they would look to include this in the strategy.

The Committee **agreed** to:

1. note the content of the IJB Performance Q4 Report; and
2. request that information regarding numbers and types of consultations being done by Pharmacists be circulated to Councillors, if available.

7. PLANNING APPLICATIONS FOR DETERMINATION

The following planning applications were considered and were dealt with as recorded in **Appendix A** to this Minute.

A	APP/2014/2245	Demolition of abattoir and offices and erection of residential development at Scotbeef Inverurie Ltd, North Street, Inverurie	Delegated Grant
B.	APP/2018/0832	Change of use to class 6 storage and distribution at 1 Moss Belt, Dyce	Grant

8. WASTE MANAGEMENT – RECYCLING AND WASTE COLLECTIONS POLICY AND PROCEDURES

A report by the Director of Infrastructure Services was circulated seeking comments on the Proposed Recycling and Waste Collections Policy and Procedures.

Members welcomed the policy and procedures and discussed specific elements of these. They stressed the need for the information that is available to the public is clear, particularly in relation to the type of materials that, although not collected, can be taken to a recycling centre and whether any of these are only able to be accepted at certain licensed centres. They also stressed the need to ensure that everything possible is done to address equality issues.

The Committee **agreed** to:-

1. note the attached policy and procedures in relation to Recycling and Waste Collections; and

2. pass the following comments to Infrastructure Services Committee for consideration:-
 - a) Policy indicates that paint tins, empty or full will be accepted, but in practice this is not the case. Residents have reported that these have not been accepted at some centres. Also, some recycling centres have signs up that say that paint tins will not be accepted and these should be removed.
 - b) The list should indicate whether all items would be accepted at all centres and where it is specialised or licensed centres only this should be made clear and a link to where these are should be provided.
 - c) Equality issues need to be considered and lower height bins should be provided for disabled residents if practical and possible.
 - d) When undertaking publicity, greater emphasis should be put on food waste being separated and put in the food caddy as too large a percentage of food waste is being put in general waste.

9. CONSULTATION ON DOGS IN SCHOOL GROUNDS, COUNCIL PLAYPARKS, SPORTS PITCHES AND CEMETERIES AND BEACHES – MEMBER PROMOTED ISSUE

A report by the Director of Infrastructure Services was asking the Committee to consider and identify a preferred option to deal with the issue of dogs in Council premises.

Members welcomed the Member Promoted Issue being submitted and highlighted the significance of this problem in all of their communities.

Some Members indicated that they did not want to have an unfair impact on responsible dog owners who kept their dogs restrained and who tidied up behind them, but expressed concerns about the health impacts of dog faeces being brought into schools from the grounds. It was felt that there were plenty of alternative places for dogs to be exercised outwith schools and fenced off playparks.

Other Members felt that banning dogs from these areas went too far, but indicated that they would like to see a focus on problem areas with patrols and publicity increased.

However, there was general agreement that investigations should be undertaken to increase the enforcement opportunities through empowering more officers and to see if there is potential for penalties to be increased.

Councillor Ford, seconded by Councillor Ewenson, moved that the Committee:-

1. support a variation of option 5 that would see a ban on dogs within school grounds and fenced off play areas;
2. request that the Service explore the potential for extending the number of officers empowered to issue fixed notices for dog fouling; and
3. investigate the powers required to increase the level of fines that can be imposed for dog fouling.

As an amendment, Councillor Walker, seconded by Councillor Lonchay, moved that the Committee:-

1. support Option 1 to step up patrols and increase publicity.

2. request that the Service investigate the possibility of other officers assisting dog wardens; and
3. request that the Service cost options for the provision of dog only areas.

The Committee voted:-

For the motion (10) Councillors Hood, Berry, Ewenson, Ford, Harper, McKail, McKelvie, Reid, Smith and Whyte.

For the amendment (3) Councillors Baillie, Lonchay and Walker

Therefore the motion was carried and the Committee **agreed** to:-

1. support a variation of option 5 that would see a ban on dogs within school grounds and fenced off play areas;
2. request that the Service explore the potential for extending the number of officers empowered to issue fixed notices for dog fouling; and
3. investigate the powers required to increase the level of fines that can be imposed for dog fouling.

10. ABERDEENSHIRE COUNCIL BUILT HERITAGE STRATEGY 2018-2021

A report by the Director of Infrastructure Services was circulated presenting the Built Heritage Strategy and seeking comments from the Committee to Infrastructure Services Committee.

The Committee **agreed** to welcome the report and support the proposals.

11. LOCAL REVIEW BODY DECISION NOTICES

A. BURNHEAD, WESTHILL

A Local Review Body decision notice was circulated detailing the appeal decision relating to the change of use of existing dwellinghouse to office, refurbishment and demolition of various outbuildings and the erection of a dwellinghouse at Burnhead, Westhill.

The Committee **agreed** to note the decision of the Local Review Body to dismiss the appeal and refuse the application to change of use of existing dwellinghouse to office, refurbishment of existing buildings, and demolition of block outbuilding and the erection of a dwellinghouse at Burnhead, Westhill.

B. 17 HILLTOP GARDENS, WESTHILL

A Local Review Body decision notice was circulated detailing the appeal decision relating to the change of use of public open space to garden ground, alterations to dwellinghouse and erection of double garage/store at 17 Hilltop Gardens, Westhill.

The Committee **agreed** to note the decision of the Local Review Body to vary the decision reviewed and grant full planning permission subject to the conditions detailed in the notice for the change of use of public open space to garden ground, alterations to dwellinghouse and erection of double garage/store at 17 Hilltop Gardens, Westhill.

12. ECONOMIC ACTIVITY IN GARIOCH – APRIL 2017 TO MARCH 2018

A report by the Director of Infrastructure Services was circulated to present economic activity in the Garioch area for the previous financial year.

The Committee **agreed** to defer consideration of this report to its next meeting on 18 September 2018.

13. CIVIC GOVERNMENT (SCOTLAND) ACT 1982 APPLICATION FOR RENEWAL OF STREET TRADER'S LICENCE

A report by the Director of Business Services was circulated detailing an application for the renewal of a street trader's licence.

The Chair confirmed that the applicant was present, but that no representative from the objector was in attendance. Therefore, the Committee heard only from the applicant.

The Committee discussed the representation from the Roads Service and highlighted the fact that there was no current restriction on that road, and that it would take some time for this to go through the relevant procedures for a traffic order. They expressed concerns about the fact that the Roads Service was choosing to implement a long-standing policy, which had not been enforced for some time and considered that in the circumstances, the relevant Policy Committee should get the opportunity to consider whether this policy was still appropriate.

The Committee unanimously **agreed** to:-

1. grant the Street Trader's Licence; and
2. request that Infrastructure Services Committee gives due consideration to the proposed implementation of the GRC Traffic Note 29 – Trading from Lay-bys policy given that this policy has been in existence for a number of years, but has not been enforced, it is de facto the implementation of a new policy.

14. BRITISH SIGN LANGUAGE LOCAL PLAN 2018-2024

A report by the Director of Business Services was circulated to present the British Sign Language Local Plan 2018-2024 and seek comments on its content.

The Committee **agreed** to welcome the report and express its support for the proposals.

15. LICENSING (SCOTLAND) ACT 2005 SECTION 6 & SECTION 7 – REVIEW OF ABERDEENSHIRE NORTH, CENTRAL AND SOUTH DIVISIONAL LICENSING BOARDS' LICENSING POLICY STATEMENTS AND OVERPROVISION POLICY STATEMENTS

As previously indicated under item 1, Councillors Baillie, Ewenson, Harper, Hood and Lonchay declared interests, but continued to take a full part in considering the item.

A report by the Director of Business Services was circulated presenting draft policy statements and overprovision policy statement for comment.

The Committee **agreed** to welcome the report and expressed its support for the proposals.

16. AREA INITIATIVES FUND 2018/19

A report by the Director of Education and Children's Services was circulated presenting three applications to the fund for consideration.

The Committee **agreed** to grant up to:-

1. £1,750 to Gordon Art Exhibition towards a showcase event for local artists;
2. £1,500 to Strathburn Parent Council towards improvements to its garden area; and
3. £1,313 to Kemnay Community Bee Group towards setting up a base for the group to hold lectures and demonstrations.

17. ASSET TRANSFER REQUEST: THE GARIOCH PARTNERSHIP, FIRST FLOOR, WYNESS HALL, JACKSON STREET, INVERURIE, AB51 3QB (SCIO SC043548) IN RESPECT OF THE FORMER MARKET PLACE PRIMARY SCHOOL, MARKET PLACE, INVERURIE, AB51 3XN

As previously indicated under item 1, Councillor Baillie declared an interest and left the Council Chamber whilst the item was considered.

A report by the Director of Education and Children's Services was circulated to consider the request for an asset transfer with regard to the former Market Place Primary School, Inverurie.

The Chair indicated that a request to speak had been received for the item from the applicant. The Committee agreed to hear from the party concerned.

The Area Manager explained that the Council had been working with the Garioch Partnership for a number of months on the application and the group had been supported since December 2017 in taking forward a case. She confirmed that a valid asset transfer request had been received and the process was outlined within the report. She confirmed that the application had been considered by Officers across the Council and then by the Asset Transfer Steering Group. Further information was sought from The Garioch Partnership which went through the same consideration process. The Area Manager explained that Officers were unable to support the application for a large number of reasons that were set out in sections 4.3 and 5.11 of the report.

Members sought clarification as to whether value for money concerns were a reason for refusal in their own right. The Area Manager confirmed that best value had been taken into account and although legislation had a presumption of disposal there was no entitlement to discount. However, she pointed out to refuse on those grounds alone would not be in the spirit of the Act (Community Empowerment (Scotland) Act 2015). The Principal Solicitor confirmed that there was no requirement to give discount, but the 2010 regulations did allow for this to happen. He explained that each case was looked at on its own particular circumstances.

Members sought clarification as to the appropriate level of discount and how this was calculated. The Area Manager explained that there is a specific model for calculating the discount which is a formula based on the elements detailed in 2.3 of the report. However, she stressed that it was for the applicant to make the case for why the discount was appropriate. She also confirmed that Officers had been unable to apply the formula because of the lack of information provided in the business plan.

Members asked what community engagement would have been expected to be detailed within the business plan. The Area Manager explained that further depth was required, she said that

hands on community work and an evaluation of this would have been expected. She confirmed that there had been a significant number of comments as a result of the social media campaign, but that these did not add to the depth required for the business plan. The Area Manager also pointed out that further information about groups who were committing to use the building would have added some certainty to the proposals.

Members sought clarification about the appeals process. The Area Manager confirmed that if the application was refused by Committee, it would be open to an internal appeal in the first instance. If the appeal was dismissed, the applicant could then go to Scottish Ministers. She further explained that if the Committee was minded not to agree with the Officer recommendation, the application would require to be referred to Business Services Committee for further consideration. Members asked whether the Scottish Government could force the Council to sell. The Area Manager confirmed that this was possible, but that although there were two live appeal cases currently being considered by the Scottish Government, none had completed this process to date and it was therefore difficult to assess the likelihood of such an outcome. Members asked whether the appeal panels received the same materials as the Area Committee was considering. The Principal Solicitor explained that the appeal bodies can ask for further information to be provided.

Members noted that the Partnership could sell on the property for a profit in the future, but would require to pay the difference to the Council. The Principal Solicitor explained that there were a number of provisions that could be put on the title to protect the Council if it were to be sold at a discount and these would be considered against the benefits gained from empowering the community.

The Chair invited Dawn Brown from The Garioch Partnership to address the Committee. Ms Brown gave the background to the application and the process undertaken. She outlined the proposals and gave more detail about the potential uses and funding sources. She highlighted the opportunity to make Inverurie a centre of excellence through the project.

Members asked why the group had chosen Market Place School, but had discounted Wyness Hall. Ms Brown explained that they were trying to get a more accessible building as Wyness Hall has an upstairs. She also pointed out the lack of parking at Wyness Hall, but stated that they would use the playground area for parking at Market Place.

Members, having recently visited the property, expressed significant concerns about its current state and highlighted the considerable funds that would be required to get it up and running. They asked what plans were in place for this situation. Ms Brown said that the plans would be dependent on funding and it might only be able to open a small part on day one. She explained that she was not in a position to know what level of funding would be available from the Trusts approached because they did not have title to the building.

Members asked how the Partnership would attract groups from across Garioch to travel to the Hub. Ms Brown said that she did not expect them to travel to use the rooms, but hoped that the type of services available at the Hub would attract them to come.

Members asked, given the huge discount that was being requested, what level of community benefits the Partnership was expecting to be able to provide. Ms Brown said that she believed that the Partnership could justify the low price offered and saw the project as an investment in Garioch.

Members pointed out that the business plan had included predictions for day-to-day running costs, but had not allocated anything for capital costs. They asked what provision had been made to get the building up to usable standard. Ms Brown said that the discussions with the Robertson Trust were to seek funding for capital works.

There being no further questions, the Chair thanked Ms Brown and she returned to the public benches.

Members were generally supportive of the potential uses being put forward for the building and the aspirations of the Partnership, but expressed concerns about the viability and sustainability of these. They highlighted the damage that had been done to the building since it closed and the extra costs it would take to get it to a position where any part could be opened. They indicated that, having seen the building, the costs to bring it up to any kind of reasonable standard would be much greater than that indicated in the condition survey. They were concerned that some of the support for the project intimated was based on mis-information e.g. losing the community space from the community centre and that there were few confirmed users to guarantee an income stream. Members expressed disappointment that the business plan was weak and contained inaccuracies, little information and little evidence.

However, some Councillors, indicated that if there had been more guarantees, it would have been something that would have attracted support. They pointed out that experience of past projects could and should be taken into account to assess the potential for success. They were sceptical about the perceived lack of meeting space locally and indicated that if it was too difficult to gain a let for Council premises this would need to be reviewed, whilst acknowledging that not all of the proposed activities would be appropriate for Council properties. They indicated that if the true value of the building was being offered, then there would be no problem, but highlighted the huge hit to the public purse of releasing the building at such a discount. They highlighted the potential benefits and pointed out that these were numerous until you got to the impact on the Council. They stressed how much the Council could achieve with the capital receipt from the market value. However, they also pointed out the positive benefit that had come from community facilities in other settlements that wouldn't have happened without the Council investing and taking a leap of faith. They indicated that it would be better to have a higher income, but, on balance, felt that the project should be backed.

Councillor Berry, seconded by Councillor Lonchay, moved that the asset transfer request be refused for the reasons detailed in the report.

As an amendment, Councillor Ford, seconded by Councillor Harper, moved that the asset transfer request be referred to Business Services Committee for further consideration stating that the Garioch Area Committee supports the proposal as it outlines a number of community benefits that could be achieved if the project was successful.

The Committee voted:-

For the motion (9) Councillors Hood, Berry, Ewenson Lonchay, McKail, McKelvie, Smith, Walker and Whyte.

For the amendment (2) Councillors Ford and Harper.

Councillors Baillie and Reid were absent from the division.

Therefore the motion was carried and the Committee **agreed** to refuse the asset transfer request for the following reasons:-

(First Ground) Consideration of the benefits of the Request has demonstrated insufficient evidence of these being achievable:

The case for agreeing to The Request by the Applicant is substantially made in the Applicants Business Plan which was submitted to support The Request. Given the weakness and lack of evidence in the Business Plan, the Council consider there is insufficient evidence that the request will result in or is likely to succeed or promote or improve: (i) economic development; (ii) regeneration; (iii) public health; (iv) social wellbeing; (iv) environmental wellbeing or any other benefits. Accordingly, it is not unreasonable for the Council to refuse the request.

The consideration of the Business Plan by the Council and its proposed benefits are as set out as under noted, and underlines the Council's reasoning when reaching the conclusion to refuse:

Proposal

- a) Although great emphasis is placed on the requirement for a 'much needed' Third Sector Hub little evidence of need and demand has been provided to substantiate this assertion. The Request does not include a market need assessment.
- b) The ambition of reducing reliance on core grant funding support from Aberdeenshire Council is positive and one which the Council would support. However, the surplus figures calculated on page 24 of the Business Plan submitted by the Applicant are not factually accurate raising questions in terms of how this can be achieved.
- c) There is no evidence of additional activities generated because of this Request, other than those derived from the co-location of voluntary services e.g. synergy of space, collective working etc.

Overview and Structure

- d) The Council is content that the Board of Trustees have a strong skill set. However, given the high dependency on funding from Aberdeenshire it is unclear how the organisation itself will be sustained in the longer term should funding from the public-sector decrease.

Project Background

- e) The Council is supportive of the ambition set out in the Request. However, there is a general lack of information in terms of how the Partnership plans to deliver on key aspects of the project. Importantly there is a lack of evidence in terms of commitment and detailed usage from other voluntary organisations.
- f) Great emphasis has been placed on the perceived lack of affordable meeting space. The Partnership's proposed hourly charge can be found on page 23 of the Business Plan. Upon comparison with Aberdeenshire Council's charging policy in all cases the Council's hourly rate is significantly less.
- g) No additional evidence has been submitted to show that demand outstrips supply within the area. With respect to Inverurie Town Hall alone based on regular lets only, and not considering one off bookings, the hall is used on average 25.5 hours a week out of a possible 98 hours (based on availability between the hours of 8am to 10pm). High quality community space will also be available upon completion of the Inverurie Community Campus.
- h) Although there is no financial projection associated with the 'affordable nursey provision' the implication within this section is that this would be a subsidised facility. This would have implications for nursery providers throughout the area and no

evidence has been provided to demonstrate how this would align with the Councils 1140 implementation strategy.

Community Needs and Demands / Partnerships

- i) On initial reading the Council considered the community engagement element of the plan to be weak. In response to this feedback the Partnership launched an online petition, the outcome of which highlights a few issues which are factually incorrect, for example a perceived affirmation that the Inverurie Campus will not be accessible and affordable to all. Although the petition attracted several comments the Partnership has not undertaken any robust analysis of this feedback. The petition therefore adds very little in terms of the robustness of the Business Case. There is little information to demonstrate how the Partnership has adopted to engage with the wider community and there is little detail in terms of the outcome of this engagement.
- j) Although groups have stated general interest, other than perhaps the Food Bank there is no detail in terms of actual commitment nor levels of anticipated usage. No guaranteed user groups have been identified nor potential customers seeking a lease.
- k) The identified user groups themselves do not look like they would be financially strong and may well rely on donations etc for their own funding. Although there is an indication that business start-up is an area of interest there is no detail to support this demand, nor a clear indication as to how this could contribute to the sustainability of the project.

Asset

- l) There is no evidence to suggest that the Partnership has undertaken an independent condition survey of the building. There is no depth to this section of the plan in terms of how the Partnership plans to raise the funds required to upgrade the facility, nor is there any indication throughout the plan as to the extent of required capital investment or ongoing maintenance costs, although the Partnership clearly consider these costs to be minimal. The Council agreed that it would have been prudent for the Partnership to conduct a full survey of the building to ascertain repair and maintenance costs. As the business plan takes no account of these costs and given the surplus figures have been calculated incorrectly, the Council is of the view that even a small unexpected capital cost could jeopardise the viability of the project. This is borne out by the survey instructed by the Council which advises that costs of £146,682.50 (excluding VAT and professional fees) should be allowed before occupation.
- m) Given there is an expectation in the plan to attract office start-ups no consideration has been given as to the basic works required to upgrade the space to a lettable standard to attract potential high value leaseholders, for example; good quality refurbishment, wall and floor coverings, furniture, Wi-Fi, etc. Building Warrant costs are also not included.

Capital Cost

- n) There is also nothing within the section to indicate how the Partnership would meet the capital cost of purchasing the asset. Although the expectation is that it would be sold for £5,000, this asset has an independent market value of £560,000. Apart from the unexplored nursery provision, the Business Plan is heavily weighted towards the provision of a centralised location for users, rather than providing any new benefit or services to the community. Accordingly, due to the lack of evidence the projected benefits are ill defined and/or unrealistic and do not demonstrate value for money or Best Value characteristics which would competently justify any discount from the

market value. If the transfer were to proceed this would result in a loss of a capital receipt of £555,000 with the resulting impact on the capital plan.

- o) If the transfer was to proceed at such a discounted price, then it would be essential that the Council make it a condition of any sale that the Partnership be required to repay the difference in price if the benefits are not delivered or to return any increase in value to the Council if the use of the Asset is changed. This can be done by imposing conditions within the Contract to sell and or to seek securities over the title albeit due to the legislative complexities of these conditions there are risks in the absolute robustness of enforcing these in the future.

Project Plan

- p) The implementation of the Inverurie Town Hall element of the Aberdeenshire Office Strategy is heavily dependent on the provision of car parking at the Market Place site. Therefore, it would be inappropriate for the Partnership to assume that the Town Hall element of the strategy will be implemented should this site be disposed of through an Asset Transfer.
- q) Should the Council be able to implement the Town Hall element of the Office Strategy it would look to secure the use of assets within its existing control to reduce costs and to provide temporary accommodation to displaced users where possible.
- r) Aligned with previous comments, this section indicates that renovation will be in a planned manner. However, there is no clear asset management plan for the building and no indication that the applicant understands the requirements for capital investment and ongoing maintenance costs.

Management Plan

- s) The Council welcome the establishment of a user group but again there is little detail as to how the services would be delivered. A business start-up provision is suggested but there is no evidence of the demand for such a provision.
- t) There is some potential for duplication of effort with the existing Business Gateway service. The plan states "Start-up Business opportunities are often the first step into long term employment for the unemployed, this could be achieved working with another partner in sections of the MPPS facility." However, business start-up support is already catered for at Crichtonbank and Thainstone Business Centre.
- u) The plan includes a Disaster Resilience Centre and again there is no indication as to what this means in real terms, or how this would generate income. The Council utilises a hub and spoke model for Rest Centres during the response phase of emergencies, in the case of Inverurie the Academy being the "hub" and the primary schools the "spokes". This model is embedded in policy and works very well.

Project Costs

- v) The business plan is well structured. However, The Council is concerned about the lack of substance from a financial perspective. It is very unusual for a three-year financial forecast to contain so little detail and the Council would reflect that the income figures within the Financial Appraisal seem highly optimistic.
- w) The business plan does not recognise that a reduction in occupancy e.g. 20%, 30%, 40% does not equate with a comparable reduction in utility costs unless the opening

hours are greatly reduced and set as such. If this approach were to be taken the operation would not be beneficial to the overall community. Due to this lack of correlation the breakeven costs would be higher than stated in the business plan (£165).

- x) The running costs above have been calculated using current figures from Aberdeenshire Council. This does not include expenditure on items such as telephony, ICT, Broadband, administration, HR etc. An assumption has been made that as these are currently paid within the Council's revenue grant to the Partnership and that this would be sustained. The Partnership should not rely on this assumption. It appears that no calculation has been made regarding an increase in these costs as the organisation moves to a larger building. Therefore, they do not appear in the forecast.
- y) The Council does not consider these costs to be competent and given the lack of detail and evidence provided throughout do not consider this to be a competent Asset Transfer Request.

Capital Cost

- z) Apart from the unexplored nursery provision, the Business Plan is heavily weighted towards the provision of a centralised location for users, rather than providing any new services to the community. Due to the lack of evidence and detail within the Request, The Council is unable to competently apply the discount model. Given the Partnership are only prepared to pay £5,000 for the asset, the Council is of the view that this does not provide Best Value and agreed that this is not a viable way forward.

(Second Ground) Alternative Proposal:

- a) The benefits of the asset transfer request are judged to be less than the benefits of an alternative proposal, namely, there is insufficient evidence provided to demonstrate the benefits arising from the Request, as opposed to those benefits to be gained from the Council's decision of 26 April 2018 to progress the Aberdeenshire Council Workspace: Office Space Strategy, namely; an annual revenue saving of £676,000; a positive impact on the Inverurie town centre as demonstrated by Town Impact assessment and improved and more efficient office facilities for the whole Council.
- b) After considering multiple options over an extended period, on 26 April 2018 Aberdeenshire Council agreed the Council's Workspace: Office Space Strategy. This decision included, as a wider programme of works across Aberdeenshire, an agreement to release Gordon House, Inverurie and undertake the refurbishment of Inverurie Town Hall including the provision of an extension to that building to accommodate a Service Point, Civic and Community space and an extension for office space, with associated parking at the former Market Place School.
- c) It is important to emphasise that failure to provide a parking solution at Market Place is not only critical to the Inverurie Town Hall element of the Office Space Strategy, but to the strategy as a whole. The strategy incorporates significant changes to office provision at Stonehaven, Woodhill House, Aberdeen and Ellon, as well as Inverurie. The strategy, as approved, provides a cohesive solution to the Council's needs and jeopardising any element of it jeopardises the whole strategy.

(Third Ground) Statutory Compulsion:

The Council is under a statutory duty to obtain Best Value. Given the projected benefits as detailed in the request are ill defined and/or unrealistic the Council would be in breach of its

duty to obtain Best Value as it could not competently justify any discount or transfer in terms of the Disposal of Land by Local Authorities (Scotland) Regulations 2010 and accordingly the forgoing statutory duties prevent or restrict the Councils ability to agree to the request.

(Fourth Ground) Financial Loss:

If the transfer were to proceed this would result in a loss of a capital receipt of £555,000 with the resulting impact on the Council's Capital Plan which is not sustainable in the current financial climate.

**18. CARAVAN SITES AND CONTROL OF DEVELOPMENT ACT 1960 (AS AMENDED)
APPLICATION FOR GRANT OF MOBILE HOME SITE LICENCE**

As previously indicated under item 1, Councillor Reid declared an interest and left the Council Chamber whilst the application was considered.

A report by the Director of Infrastructure Services was circulated presenting an application for grant of a mobile home site licence for consideration.

The Committee heard from the applicant and representatives from Trading Standards. It also received information from Environmental Health Officers about the relevant legislation.

Committee **agreed** to refuse the application for a Mobile Home Site Licence on the grounds that the applicant is not a fit and proper person to hold such a licence,

19. KINGSEAT MEMBER OFFICER WORKING GROUP – MINUTE OF MEETING

The Committee **agreed** to note the minute of the Kingseat Member Officer Working Group.

Councillor Presiding over meeting

Print Name

Signature

Date

GARIOCH AREA COMMITTEE

28 AUGUST 2018

APPENDIX A

PLANNING APPLICATIONS FOR DETERMINATION

A. Reference No: APP/2014/2245

Planning Permission in Principle for demolition of abattoir and offices and erection of residential development at Scotbeef Inverurie Limited, North Street, Inverurie

Applicant: ANM Group Ltd
Agent: Halliday Fraser Munro

The Senior Planner explained that the report was an update on an application that had previously been at Committee and had been given a delegated grant. He explained that the legal agreement had been unable to be progressed in relation to contributions towards the Strategic Transport Fund and there had been other material changes in the interim period e.g. the new Local Development Plan coming into force. He explained that a transport assessment had been requested to identify any potential issues with the development. He confirmed that an indicative layout showing a mix of flats and house types had been provided, but that the proposals appeared short on the required level of open space. However, he pointed out the site's proximity to a large area of public open space. He confirmed that all relevant technical issues had been considered at this stage and appropriate conditions attached. He explained that the application was recommended as a delegated grant subject to the conclusion of a satisfactory legal agreement.

The Committee **agreed** that authority to grant Planning Permission in Principle be delegated to the Head of Planning and Building Standards subject to:

- (a) the satisfactory conclusion of a Section 75 legal agreement; and
- (b) the following conditions:
 - 1. Details of the specified matters listed below shall be submitted for consideration by the planning authority, in accordance with the timescales and other limitations in section 59 of the Town and Country Planning (Scotland) Act 1997 (as amended). No development shall begin on the site unless all of the details listed in this condition have been submitted to and approved in writing by the planning authority. The development shall be carried out in complete accordance with the details approved in relation to this condition.

Specified matters:

- (a) Full details of the layout and siting of the proposed development, to include provision for outdoor drying areas for all units;
- (b) Full details of the external appearance and finishing materials of the proposed development;
- (c) A landscaping scheme and tree protection plan including:
 - i. Existing landscape features and vegetation to be retained.
 - ii. The location of new trees/shrubs/hedges/grassed areas/water features.

- iii. A schedule of planting to comprise species, plant sizes and proposed numbers and density.
 - iv. The location, design and materials of all hard landscaping works including walls, fences, gates, street furniture and play equipment.
 - v. An indication of existing trees, shrubs and hedges to be removed.
 - vi. A programme for the completion and subsequent maintenance of the proposed landscaping.
- (d) A detailed levels survey of the site and cross sections showing proposed finished ground and floor levels relative to existing ground levels and a fixed datum point;
 - (e) Full details of the proposed means of disposal of foul and surface water from the development, including construction details for the in-line surface water filter trenches (2 no.) and Stormcell storage area arrangement;
 - (f) Full details of a Street Engineering Review (SER), and a Stage 2 Quality Audit;
 - (g) Full details of the proposed access to the development including visibility splays;
 - (h) Full details of the proposed car parking strategy (including visitor parking);
 - (i) Full details of the roads SUDS proposed and SUDS selection method demonstrating integration with site drainage impact assessment.
 - (j) Details of the bin store and waste management facilities within the site. The plan must include details for the storage and collection of refuse and recycling at the household level and a centrally located Neighbourhood Glass Recycling Point. A swept path analysis for refuse vehicles shall also be submitted.

Reason: Permission for the development has been granted in principle only and subsequent approval is required for these matters in accordance with Section 59 of the Town and Country Planning (Scotland) Act 1997 (as amended).

2. Prior to the commencement of any development or preparatory site works (other than the demolition of existing buildings) an investigation of the site shall be undertaken in accordance with BS 10175:2011 - "Investigation of Potentially Contaminated Sites - Code of Practice" and a report shall be submitted for the consideration and written approval of the planning authority.

Where it is determined by the site investigation report that remediation of the site is required an appropriate remedial scheme shall be submitted and approved in writing by the planning authority prior to the commencement of any development or preparatory site works (other than the demolition of existing buildings). The approved scheme of remediation shall be carried out, in its entirety, before the development is occupied. Any areas of hardstanding or clean cover within the application site boundary which are used as a part of the agreed remedial scheme shall be retained as such in perpetuity. No disturbance to such areas shall take place without the further written agreement of the planning authority in consultation with Environmental Health.

Reason: To ensure any potential contamination of the site is dealt with appropriately.

3. All soft and hard landscaping proposals approved under Condition 1 shall be carried out in accordance with the approved scheme and shall be completed during the planting season immediately following the commencement of the development or such other date as may be agreed in writing with the planning authority. Any planting which, within a period of 5 years from the completion of the development, in the opinion of the planning authority is dying, being severely damaged or becoming seriously diseased, shall be replaced by plants of similar size and species to those originally required to be planted.

In addition, prior to the commencement of the implementation of the approved scheme, detailed proposals for a programme for the long-term management and maintenance of all the approved landscaped and open space areas within the development shall be submitted for the further written approval of the planning authority. Thereafter, all management and maintenance of the landscaped and open space areas shall be implemented, in perpetuity, in accordance with the approved programme.

Reason: To ensure the implementation of a satisfactory scheme of landscaping which will help to integrate the proposed development into the local landscape in the interests of the visual amenity of the area and to ensure that the landscaping is managed and maintained in perpetuity.

4. That no works in connection with the development hereby approved shall take place unless a detailed site Ecological Management Statement has been submitted to and approved in writing by the planning authority. The scheme shall include details of proposed biodiversity enhancements to the site and be implemented in its entirety once agreed.

Reason: In the interests of enhancing biodiversity of the as part of this development.

5. Prior to the commencement of any demolition or development works on this site, a detailed site-specific Construction Method Statement (CMS) shall be submitted to and approved in writing by the planning authority in consultation with SEPA. The CMS shall include details of surface water management during construction details of all construction stage SUDS which will be employed on the site (the surface water drainage system in the immediate area discharges to the Strath Burn, and there is the potential from pollutants from the development site to enter the water environment via this route). The off-site drains should therefore be protected during all stages of the work. Once agreed, all construction works on the site shall be carried out in accordance with the approved construction method statement.

Reason: In the interests of ensuring that surface water is appropriately dealt with during construction and no contamination of the water environment results from the development.

6. Prior to the commencement of any demolition or development works on this site, a Site Waste Management Plan (SWMP) shall be submitted for the consideration of the planning authority in consultation with SEPA.

Reason: To manage the disposal of demolition and construction waste from the site.

7. No building hereby approved shall be brought into use unless a Travel Plan has been submitted to and approved in writing by the planning authority. The Travel Plan shall encourage more sustainable means of travel and shall include mode share targets. It shall identify measures to be implemented, the system of management monitoring review, reporting and duration of the incorporated measures designed to encourage modes other than the private car. No building shall be brought into use unless the measures set out in its approved Travel Plan have been implemented in full. This Travel Plan is to be included as part of the residents "move in pack".

Reason: In the interests of encouraging a more sustainable means of travel to and from the proposed development.

8. The development shall not be occupied until such time as a surface level informal crossing be created utilising appropriate materials, between the emergency access and the footpath adjacent to Strathburn School on the desire line.

Reason: To ensure the provision and retention of a Safe Route to School and provision of traffic calming in interests of road safety.

Reason for Decision

The proposed development accords with the development plan and there are no material considerations which indicate that permission should be refused.

B. Reference No: APP/2018/0832

Full Planning Permission for change of use to class 6 storage and distribution at 1 Moss Belt, Dyce, Aberdeenshire, AB21 7AS

Applicant: Mr Andrew Macfarlane
Agent: Lippe Architects & Planners Ltd

The Senior Planner indicated that the application was for the change of use of a piece of land that was part of a larger area of land used during the development of the AWPR. He confirmed that the site was located in the greenbelt, but also pointed out that there was evidence that the site had been used for class 6 use for a period in excess of ten years before being taken over for AWPR works.

Members sought clarification about the Certificate of Lawfulness. The Senior Planner confirmed that this had been refused and the appeal dismissed on the grounds that there had been an different intervening use (AWPR works), however, he confirmed that there had been long term class 6 use before that. He confirmed that the remainder of the site would be restored to its previous condition.

Members sought clarification about the proposed intensity of use on the site and likely traffic movements. The Senior Planner confirmed that this information had not been sought or provided.

Some Councillors were content with the proposals on the grounds that, given the size of the site, the activity would be relatively small scale. They pointed out that this same use had operated for a considerable period of time and hadn't caused problems for neighbouring properties.

Other Members, whilst accepting that there had previously been similar activity on site, highlighted the fact that this activity had never had any planning consent and that this type of activity would not be suitable or appropriate for the greenbelt location. They expressed concerns that the application, if approved, might create an undesirable precedent especially with a number of similar areas utilised during the works for the AWPR also due to be reinstated. They pointed out that there was a lack of information on the potential traffic movements and intensity of use and that the access arrangements were not suitable for lorries.

Councillor McKail, seconded by Councillor Berry, moved:-

1. to agree the reason for departing from the Local development Plan as detailed in the report; and
2. to grant Full Planning Permission subject to the conditions detailed in the report.

As an amendment, Councillor Ford, seconded by Councillor Reid, moved that the Full Planning Permission be refused on the grounds that the application doesn't comply with Policy R1 Special Rural Areas as the storage and distribution depot on greenbelt has no policy justification, no usage information has been provided and there is the potential to set an undesirable precedent for similar applications.

The Committee voted:-

- | | | |
|-------------------|-----|---|
| For the motion | (7) | Councillors Hood, Baillie, Berry, Lonchay, McKail, Smith and Whyte. |
| For the amendment | (6) | Councillors Ewenson, Ford, Harper, McKelvie, Reid and Walker |

Therefore the motion was carried and the Committee **agreed**:-

1. that the reason for departing from the Aberdeenshire Local Development Plan is that despite not complying with Policy R1 (Special rural areas), there are material planning considerations including the previous use of the site and the planning history that it is concluded justify the Planning Service supporting this application this particular instance. The granting of planning permission will allow the Planning Service to retain control of certain aspects of the development and the proposal complies with all other relevant policies of the Aberdeenshire Local Development Plan 2017.
2. to grant Full Planning Permission subject to the following conditions:-
 1. 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 buildings and land shall be used only for a purpose within Use Class 6 (storage and distribution) 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 site hereby approved shall not operate outwith the hours of 07:00 and 19:00 Monday to Friday, 07:00 and 12:00 on Saturdays and should not operate

at any time on Sundays, Bank and other public holidays without the prior written agreement of the Planning Service.

Reason: In order to ensure that the development would not result in undue loss of amenity for surrounding properties.

3. Any external storage shall not be stored to a height greater than 3 metres above the existing ground level of the site at any time.

Reason: In the interests of the appearance of the development and the visual amenities of the area.

4. No works in connection with the development hereby approved shall commence unless a scheme of hard and soft landscaping works has been submitted to and approved in writing by the planning authority.

Details of the scheme shall include:

- a) The location of new trees, shrubs, hedges etc.
- b) A schedule of planting to comprise species, plant sizes and proposed numbers and density.
- c) A programme for the implementation, completion and subsequent management of the proposed landscaping.

All soft and hard landscaping proposals shall be carried out in accordance with the approved planting scheme and management programme. Any planting which, within a period of 5 years from the completion of the development, in the opinion of the planning authority is dying, being severely damaged or becoming seriously diseased, shall be replaced by plants of similar size and species to those originally required to be planted. Once provided, all hard landscaping works shall thereafter be permanently retained.

Reason: To ensure the implementation and management of a satisfactory scheme of landscaping which will help to integrate the proposed development into the local landscape in the interests of the visual amenity of the area.