

GARIOCH AREA COMMITTEE

TUESDAY, 19TH MARCH, 2024

Present: Councillors M Ewenson (Chair), J Gifford (Vice-Chair), N Baillie, M Grant, F Joji, D Keating, D Lonchay, T Mason, R McKail, C Miller, S Payne, G Reid, H Smith, I Walker and J Whyte

In Attendance: Ann Overton (Area Manager (Garioch)), Jill Joss (Senior Solicitor), Helen Atkinson (Senior Planner), Elaine McCarron (Asset Disposal Surveyor), Joanna Stewart (Strategy Development Officer) and Alison Cumming (Area Committee Officer)

1 DECLARATION OF MEMBERS' INTERESTS

In accordance with the Councillors' Code of Conduct the following transparency statement was made:-

Item 5 - Cllr Gifford indicated that he was a former business associate of the objector to the application.

2A PUBLIC SECTOR EQUALITY DUTY

In line with the Council's legal duty under section 149 of the Equality Act 2010 the Committee **agreed**:-

1. in making decisions, that it shall have due regard to the need to:-
 - (i) eliminate discrimination, harassment and victimisation;
 - (ii) advance equality of opportunity between those who share a protected characteristic and persons who do not share it; and
 - (iii) foster good relations between those who share a protected characteristic and persons who do not share it.
2. where an Integrated Impact Assessment was provided, to consider its contents and take these into account when reaching a decision.

2B EXEMPT INFORMATION

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 classes described in the undernoted paragraphs of Part 1 of Schedule 7A of the Act.

Item No
7

Paragraph No. of Schedule 7A
9

3 MINUTE OF MEETING

In accordance with Standing Order 7.1.1, the Committee **agreed** that the minute was a correct record of proceedings.

4 STATEMENT OF OUTSTANDING BUSINESS

A report by the Director of Education and Children's Services was circulated detailing the items of outstanding business as at 19 March 2024.

The Committee **agreed** to note the items of outstanding business as at 19 March 2024.

5 ERECTION OF TEMPORARY MACHINERY AND EQUIPMENT STORAGE BUILDING (USE CLASS 6) (RETROSPECTIVE) AT TILLYCAIRN CASTLE, MILLBANK, SAUCHEN, AB51 7RX (APP/2023/1789)

The Senior Planner explained that the application was seeking a further temporary permission for a storage shed close to the category A listed Tillycairn Castle. She explained that the site was not a brownfield site and did not have a business allocation and was therefore not supported through relevant policies. She explained that the temporary nature of the proposals was considered to mean that there would not be a long-term adverse impact on the listed building and that the applicant had provided a supporting statement to evidence that other sites had been explored but had been outwith the finances of the business. She said that the Planning Service therefore considered that the application could be supported as an appropriate departure from policy.

Members sought clarification about the history of the site, the enforcement action taken and noted the fact that it was a second temporary permission. They clarified that the conditions attached to any permission would be successful in reinstating the site. Members asked for confirmation that the type of buildings being erected were appropriate for temporary use. The Senior Planner confirmed that it did not involve blockwork and was a frame and cladding with limited foundations.

Some members were concerned at the length of time the business had already been on site and pointed out that by the time a second temporary permission expired it would have been operating there for almost nine years. They expressed concerns that many of the issues currently stopping the business from operating from an appropriate location would be the same in three years time. They were concerned about the impact of the large shed and business operation on the setting and character of the listed building and considered that even though this was proposed as a temporary permission this was an unacceptable impact on the character and setting of the castle.

Other Members accepted that the temporary nature of the proposals would limit the impact on the listed building and, on balance, make the permission agreeable but wanted to make sure that any grant of planning permission would not compromise future decisions. There was a clear assertion that this period of permission would be the extent of time appropriate for this use on this site.

Councillor Lonchay, seconded by Councillor Ewenson, moved that Full Planning Permission be refused on the grounds that the siting of the proposed storage shed in close proximity to Tillycairn Castle will have an adverse impact on the setting of the Category A listed building. The proposal is therefore not in accordance with NPF4 Policy 7 Historical assets and places, NPF4 Policy 26 Business and industry and NPF4 Policy 29 Rural development alongside ALDP 2023 Policy P1 Layout, siting and design, Policy HE1 Protecting Listed Buildings, Scheduled Monuments and Archaeological Sites (including other historic buildings) and Policy R2 Development Proposals Elsewhere in the Countryside.

As an amendment, Councillor Joji, seconded by Councillor Walker moved to agree the reason for departure and grant Full Planning Permission subject to the conditions detailed in the report.

The Committee voted:-

For the motion (8) Councillors Ewenson, Gifford, Grant, Lonchay, Mason, Miller, Payne and Reid

For the amendment (6) Councillors Baillie, Joji, Keating, Smith, Walker and Whyte

Councillor McKail was absent from the division.

Therefore, the motion was carried, and the Committee **agreed** to refuse Full planning Permission on the grounds that the siting of the proposed storage shed in close proximity to Tillycairn Castle will have an adverse impact on the setting of the Category A listed building. The proposal is therefore not in accordance with NPF4 Policy 7 Historical assets and places, NPF4 Policy 26 Business and industry and NPF4 Policy 29 Rural development alongside ALDP 2023 Policy P1 Layout, siting and design, Policy HE1 Protecting Listed Buildings, Scheduled Monuments and Archaeological Sites (including other historic buildings) and Policy R2 Development Proposals Elsewhere in the Countryside.

6 AREA COMMITTEE BUDGET 2024/25

A report by the Director of Education and Children's Services was circulated providing information about awards made from the Area Committee Budget funds for the last financial year and seeking approval for allocations to the various funds for the 2024/25 financial year

The Area Manager presented the report and highlighted the range of projects funded in the previous financial year and the funding that had been levered in from other

sources to achieve these. She pointed out the feedback provided by the organisations involved and the fact that this was now embedded as part of the award process.

Members welcomed the report and in particular the feedback provided by groups. They considered the projects proposed for funding from the Strategic Budget and agreed to continue with the three strands of funding. Members asked about the potential for more flexibility around year end to allow projects to have more time to be realised and make the spend more achievable for community groups. The Area Manager indicated that she was in dialogue with Directors and Finance Officers to look at opportunities to make the funding more flexible. Members welcomed this and added their support to encourage this to be realised as soon as possible.

The committee **agreed**:

1. that the 2024-25, £71,200 budget be allocated as follows:-
 - a. £5,000 towards a Small Grants Fund;
 - b. £36,200 towards an Area Initiatives Fund; and
 - c. £30,000 towards a Strategic Budget.
2. that the general Small Grants Fund be set at a maximum grant of £500 per application and will be managed in accordance with the criteria in Appendix 1;
3. that authority to approve grants up to £500 from the Small Grants Fund be delegated to the Area Manager subject to an update of the awards being provided informally to Councillors on a quarterly basis;
4. that the Area Initiatives Fund:-
 - Has a maximum grant of £5,000 except for festive lights, which is £1,750;
 - Will fund up to 50% of the total project cost (up to the maximum grant) except for energy efficiency in community facilities projects where up to 75% will be funded;
 - Sets two dates for closure of applications (31st May and 31st October) with the opportunity for emergency applications to be brought outwith these dates if required; and
 - Be considered under the revised criteria detailed in Appendix 1.
5. that Strategic Budget applications should meet the following requirements:-
 1. Projects should advance or be aligned with the Council Priorities and Council Plan at the time of the application;
 2. Projects should be of significant benefit to the local area
 3. Projects should be identified through local community planning processes or demonstrate that relevant community consultation has taken place; and
 4. Not be used to provide budget to fund council service delivery that was removed by a Full Council or a Policy Committee decision or when a

service does not have enough budget availability to provide the same level of previous service delivery

6. to make the following allocations from the Strategic Budget:-
 - £6,000 towards Community Action Plans;
 - £3,000 towards Local Place Plans with specific delegation to the Area Manager to make awards in line with the criteria already published on the Council website;
 - £5,000 towards School Parking Buddies and to delegate to the Area Manager to progress Kemnay and Elrick schools as a pilot and to give consideration to appropriate safety measures at Kellands school; and
 - £5,000 towards the provision of a further football pitch in Kintore.
7. that every opportunity should be taken to promote and advertise the funds available;
8. to note the allocations for all three budgets for the 2023-24 financial year as detailed in Appendix 2;
9. to note the feedback received from some of the projects funded by Area Initiatives fund in 2023-24 as detailed in Appendix 4 and that the provision of feedback be included within the requirements of the award; and
10. to support the Area Manager to continue to seek flexibility to allow community projects to run over the end of the Council financial year.

7 DISPOSAL OF 9 SCOTSMILL COURT, BLACKBURN

A report by the Director of Business Services was circulated providing details of offers made for the property at 9 Scotsmill Court, Blackburn and recommendation approval of one of the offers received.

The committee **agreed** to:-

1. approve the sale of 9 Scotsmill Court, Blackburn to the preferred bidder and instruct Officers to conclude a sale for the price referred to in section 3.4 of the report; and
2. delegate to the Head of Property and Facilities to progress the sale with the other party should the preferred bidder be unable to complete the sale.