

ABERDEENSHIRE COUNCIL

FORMARTINE AREA COMMITTEE

THE KIRK CENTRE, STATION ROAD, ELLON, 17 JANUARY 2017

Present: Councillors R Merson (Chair), P Johnston (Vice-Chair), I Davidson, A Duncan, J Gifford, A Hendry, G Owen, E A Robertson, C Shand and R Thomson.

Apologies: Councillor A Norrie.

Officers: E Brown (Area Manager, Formartine), C Young (Committee Officer, Formartine), M Ingram (Senior Solicitor, Legal and Governance), A Davidson (Senior Planner, Infrastructure Services), E Tully (Planner, Infrastructure Services), S Bolderson (Senior Environmental Health Officer, Infrastructure Services), V Milne (Social Work Manager, Health & Social Care Partnership), J Eaton (Strategic Development Officer, Health & Social Care Partnership), R Mckenzie (Public Transport Manager, Infrastructure Services), A Wood (Health & Social Care Partnership Manager, Central), K Menzies (Location Manager, Health & Social Care Partnership) and A McGruther (Location Manager, Health & Social Care Partnership).

1. DECLARATION OF MEMBERS' INTERESTS

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

Councillor Davidson declared an interest in Item 4G as she received her water supply from the landowner. As she felt this interest was clear and substantial, she indicated that she would not take part in the debate of the item and would withdraw from the chamber during discussions.

Councillor Robertson declared an interest in Item 8 as a member of the Integrated Joint Board but, as she did not feel this interest was clear and substantial, she indicated that she would take part in the debate of the item.

2. RESOLUTIONS

a) 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.
- (2) where an Equality Impact Assessment was provided, to consider its contents and take those into account when reaching its decision.

3. MINUTE OF MEETING OF 6 DECEMBER 2016

The Committee had before them, and **approved** as a correct record, the minute of the meeting of 6 December, 2016.

4. PLANNING APPLICATIONS FOR DETERMINATION

The following planning applications were considered, along with any objections and representations received in each case, and were dealt with as recorded in **Appendix A.**

Reference	Description	Recommendation
A. APP/2016/2842	Full Planning Permission for Erection of Dwellinghouse at Land at Mains of Inverebrie, Ellon	Defer
B. APP/2016/0982	Planning Permission in Principle for Erection of Dwellinghouse at Site Adjacent to Coshelly, Rothienorman	Defer
C. APP/2016/1385	Planning Permission in Principle for Erection of Dwellinghouse and Garage at Clova, Manse Road, Potterton	Defer
D. APP/2016/2745	Full Planning Permission for Change of Use of Farm Yard to Form Storage for Plant Machinery (Retrospective) at Aikenshill, Newburgh	Refuse
E. APP/2016/2822	Full Planning Permission for Retention of 5 No. Modular Buildings for Use as Kennels and Associated Works (Previously Approved APP/2015/1266) at Site at East Mains of Ardlogie, Fyvie, Turriff	Defer
F. APP/2016/3069	Full Planning Permission for Demolition of Existing Rear Extension, Alterations and Erection of Rear Extension to	Defer

Dwellinghouse at Alma Cottage,
18 High Street, Cuminestown

- G.** APP/2015/3235 Planning Permission in Principle for Creation of New Business Park including Class 4 (Office), 5 (General Industrial), 6 (Storage & Distribution) and Ancillary uses such as Class 7 (Hotel) at Land at Balmacassie, North of the A948, Ellon Recommendation to Grant

5A. PLANNING APPEAL DECISION NOTICE AND CLAIM FOR AN AWARD OF EXPENSES DECISION NOTICE – APP/2016/0760 – LAND AT FORMER ABERDEEN EQUESTRIAN CENTRE, MIDDLEMUIR, WHITECAIRNS

There had been circulated, a Planning Appeal Decision Notice and a Claim for an Award of Expenses Decision Notice, both dated 6 December, 2016, advising that the reporter dismissed the appeal and refused planning permission. The reporter found that the Council had not acted in an unreasonable manner resulting in liability for expenses and, in exercise of the powers delegated, declined to make any award.

After consideration of the information provided, the members suggested that they would find it helpful to have better guidance in relation to Policy 3 Development in the countryside, SG Rural Development1: Housing and business development in the countryside.

Thereafter, the Committee **noted** the information provided.

5B. PLANNING APPEAL DECISION NOTICE – APP/2015/2658 – LAND AT HASSIEWELLS, ROTHENORMAN

There had been circulated, a Planning Appeal Decision Notice dated 29 December, 2016, advising that the reporter dismissed the appeal and refused planning permission.

After consideration of the information provided, the members suggested that it would be useful for the Environmental Health Service to provide an update in terms of monitoring and the ability to evidence information for submitting in respect of appeals.

Thereafter, the Committee **noted** the information provided.

6. STATUTORY LIST OF PUBLIC ROADS – ADDITIONS IN ELLON

Item withdrawn by Service.

7. SOCIAL WORK ASSISTED TRANSPORT POLICY

There had been circulated a report dated December, 2016 by the Chief Officer of the Aberdeenshire Health and Social Care Partnership which sought comments on the proposed Social Work Assisted Transport Policy.

During discussion, the members asked how many persons in Formartine would be affected by the new policy and asked about the appeals process.

Following consideration of all the information provided, the Committee:-

- (1) **Noted** the proposed Social Work Assisted Transport Policy,
- (2) **Requested** that officers develop monitoring systems,
- (3) **Requested** that officers report back the outcomes to Area Committees at an appropriate time, within the next 12 months, and
- (4) Provided the following **comments** to be forwarded to the Integration Joint Board:-
 - (a) It was not helpful to suggest that persons “choose” to live in rural areas as some have no choice. For example they may have had to move in with family members due to health reasons. Also some Council houses are in rural areas,
 - (b) It would be beneficial to develop a simplified process for service users if they wish to appeal,
 - (c) The policy appears to have been written in such a way that it is disguising a service cut,
 - (d) It is unfair if choices of activity are limited to the locations nearby to a service user’s residence,
 - (e) More work could be done in relation to integrating social work transport with social enterprises,
 - (f) The policy should be equitable to all service users,
 - (g) It would be helpful if service users could be given the option to pay for a seat on council run buses for service users, if there were spare seats available, and
 - (h) It would be beneficial to provide training and support for persons using community transport / council run buses for service users.

8. ABERDEENSHIRE HEALTH AND SOCIAL CARE PARTNERSHIP PERFORMANCE AND OUTCOMES FRAMEWORK, QUARTER 2 REPORTING – 2016/17

Councillor Robertson declared an interest as a member of the Integrated Joint Board but, as she did not feel this interest was clear and substantial, she indicated that she would take part in the debate of the item.

There had been circulated a report dated 21 December, 2016 by the Central Partnership Manager of the Aberdeenshire Health and Social Care Partnership which detailed the current performance outcomes framework and reporting arrangements for the partnership and sought approval of the proposed schedule for reporting to area and policy committees.

Following consideration of the information provided the Committee:-

- (1) **Noted** the current performance outcomes framework and reporting arrangements for HSCP,
- (2) **Noted** the continued development of reporting arrangements,
- (3) **Agreed** to the proposed schedule for reporting to area and policy committees to inform and note areas for progress for the IJB,
- (4) **Requested** that officers provide an explanation in relation the low percentage of carers who feel supported to continue in their caring role,
- (5) **Requested** that officers provide figures in future reports in addition to the percentages, to make the information more meaningful,
- (6) **Requested** that officers arrange a half-day session for members with the local HSCP team, to provide an understanding of what the team are delivering in Formartine and how this fits with the strategic plan, and
- (7) **Instructed** officers to provide members with email contacts for the local HSCP team.

9. EDUCATION AND CHILDREN'S SERVICE QUARTERLY PERFORMANCE EXCEPTION REPORTING, JULY – SEPTEMBER 2016, INCLUDING UPDATE ON SERVICE PLAN (ABERDEENSHIRE PERFORMS)

There had been circulated a report date 24 November, 2016 by the Director of Education and Children's Services which detailed exceptions in performance monitoring that were significantly above or below performance targets.

Following discussion, the Committee:-

- (1) **acknowledged** the performance achieved July to September 2016, as referred to in paragraphs 2.4 to 2.10 of the report,
- (2) **noted** those measures where performance was below expectations July to September 2016, as referred to in paragraphs 2.6 to 2.8 of the report,
- (3) **noted** the progress made with projects and actions within the 2016-19 Service Plan for the Education and Children's Services referred to in paragraphs 2.9 and 2.10 of the report,
- (4) **noted** the publication of the full July to September 2016 Performance Report on Ward Pages,
- (5) **instructed** the Director of Education and Children's Services to continue to report, by exception, to the Committee quarterly on performance measures against service objectives and on a six monthly basis on progress in delivering all aspects of the Service Plan,
- (6) made the following **comments** to be raised with the Service:
 - It would be helpful to have an explanation of why performance has fallen and what is being done to resolve this, in relation to:

percentage satisfaction with libraries; percentage satisfaction with museums and galleries; and percentage satisfaction with local schools,

- Could officers please provide an explanation of why the percentage of half day truancy / unexplained absences of Looked After Children is below target, when the percentage of half day truancy / unexplained absences of all pupils has improved,
- Could officers advise whether the satisfaction questionnaires being used can be improved and be consistent, to allow figures to be compared year on year, and

- (7) **Requested** that the Area Manager write to the Director of Education & Children's Services to highlight that the narrative being provided within these reports is insufficient to explain what is being done to improve matters when there is a downward trend; the service needs to provide figures as well as percentages in order for the information to be meaningful; and it would be useful to explore opportunities for separate sessions with both officers and Head Teachers, to discuss the issues being reported.

10. AREA COMMITTEE BUDGET 2016-2017

With reference to the Minute of Meeting of this Committee of 22 March, 2016 (Item 11), at which the broad allocation of the Area Committee Budget for 2016-17 was agreed, there was circulated a report dated 8 December, 2016 by the Director of Business Service which detailed requests for funding that had been received from local groups.

Newburgh Public Hall Trustees

An application was received which sought funding towards architectural fees to allow the project at the hall to progress. The overall project sought to renovate the hall with works including the upgrading and complete rewiring of the electrical system; the repair or replacement of the front annex roof; the upgrading of plumbing and sanitary wear; the installation of an airflow system to reduce or eliminate damp spores to surfaces; to increase equality access; to repair or replace flooring the main hall; and the replacement of external guttering and downpipes where had been erosion.

After consideration of the information provided, the Committee **agreed** to **award £5,000**.

Friends of Turriff Cemetery

An application was received which sought a contribution towards improvement works at Turriff Cemetery.

After consideration of the information provided, the Committee **agreed** to **award £3,799.69**.

Turriff & District Men's Shed

An application was received which sought a contribution towards start-up costs, including rent and equipment.

After consideration of the information provided, the Committee **agreed** to **award £4,022.25**.

Turriff Judo Club

An application was received which sought a contribution towards a local Judo competition that Turriff Judo Club were hosting.

After consideration of the information provided, the Committee **agreed** to **award £298**.

Further, the Committee **requested** that officers give consideration to a more frequent process for providing feedback to members, as well as possibly arranging press releases on a regular basis, to raise awareness of the projects happening within the Formartine Area.

11. STATEMENT OF OUTSTANDING BUSINESS

The Committee had before them and **noted** a report by the Formartine Area Manager, updating on matters that had previously been discussed by the Committee but remained to be resolved.

APPENDIX A

4A. Reference No: APP/2016/2842

Full Planning Permission for Erection of Dwellinghouse at Land at Mains of Inverebrie, Ellon, Aberdeenshire

Applicant: Mr Alyn Bridgeford
Agent: Taylor Design Services

The Senior Planner introduced the application which was recommended for refusal.

During discussion, members asked for clarification on the requirement for a new road to the proposed site.

Following consideration, the Committee **agreed to defer** consideration of the application, and an oral representation from the agent, pending a site visit to be held on Tuesday 31 January, to assess the application in the context of the site, to consider whether the application complies with Policy 8 Layout, siting and design of new development.

4B. Reference No: APP/2016/0982

Planning Permission in Principle for Erection of Dwellinghouse at Site Adjacent to Coshelly, Rothienorman

Applicant: Adam Duguid & Son
Agent: John Wink Design

The Senior Planner introduced the application which had previously been deferred for a site visit and thereafter further consultation with SEPA regarding potential flooding issues.

During discussion, the members asked about the potential cumulative impact on the surrounding area due to the loss of porosity of the field if the application was to be granted. It was noted that SEPA had advised that the water quantity aspects of surface water drainage was largely the remit of local authorities and Aberdeenshire Council's Flood Prevention Team was likely to have greater local knowledge of the site and therefore was better placed to provide more detailed advice. It was queried whether the proposed large area of handstanding and driveway would have drainage to the existing soakaways and whether there was any further mitigation. It was clarified that the driveway and handstanding was to be constructed of porous materials, as per the conditions stipulated within the report.

Following discussion, Councillor Duncan, seconded by Councillor Merson, **moved** that the application be approved in line with the recommendations contained within the report, with an additional

condition that Permitted Development Rights be removed for any buildings, decking, hardstanding or boundary treatments on the site.

As an **amendment**, Councillor Robertson, seconded by Councillor Gifford, **moved** that the application be deferred for further information in relation to the proposed SUDS or other drainage proposals for the development, to ensure that the development would not contribute to any flooding in the wider vicinity, which would impact on the amenity of the surrounding area.

The members voted as follows:

For the Motion: **4** Councillors Merson, Duncan, Hendry and Shand.

For the Amendment: **6** Councillors Davidson, Gifford, Johnston, Owen, Robertson and Thomson.

Therefore, **the amendment was carried** that the application be **deferred** for further information in relation to the proposed SUDS or other drainage proposals for the development, to ensure that the development would not contribute to any flooding in the wider vicinity, which would impact on the amenity of the surrounding area.

4C. Reference No: APP/2016/1385

Planning Permission in Principle for Erection of Dwellinghouse and Garage at Clova, Manse Road, Potterton, Aberdeenshire, AB23 8UB

Applicant: Mr D Alexander
Agent: Alan G Low

The Senior Planner introduced the application which was recommended for approval.

After consideration of the information provided, the Committee **agreed** to **defer** consideration of the application, and an oral representation from an objector, pending a site visit to be held on Tuesday 31 January, to assess the application in the context of the site, to consider whether the site is appropriate for the proposed development.

4D. Reference No: APP/2016/2745

Full Planning Permission for Change of Use of Farm Yard to For Storage for Plant Machinery (Retrospective) at Aikenshill, Newburgh, Aberdeenshire, AB41 6AT

Applicant: J & S Duthie
Agent: S G Brown

The Senior Planner introduced the application and the Committee then heard an oral representation from the applicant.

During discussion, the members asked how many businesses were currently using the site; for clarification that there was no justification that the area of hardstanding was redundant, which was required to satisfy the proposed change of use; for clarification that the applicant had failed to demonstrate that the viability of the farm had been affected by the loss of land due to the Aberdeen Western Peripheral Route works; and for detail of which route the vehicles using the site currently took.

The members asked the applicant whether he knew he required Planning Permission and he advised that he was made aware of this in October, 2016. The members also asked about the type of vehicles currently using the site and for clarification on the current use of the yard. Further, they sought more detail in relation to the storage of the vehicles using the site.

Following discussion, Councillor Owen, seconded by Councillor Thomson, **moved** that the application be refused in line with the recommendations contained within the report.

As an **amendment**, Councillor Johnston, seconded by Councillor Duncan, **moved** that the application be granted, subject to conditions to be stipulated by the Planning Services, on the grounds that the application was an appropriate change of use for the area of hardstanding, to allow for diversification following the loss of land due to the Aberdeen Western Peripheral Route works, and was therefore compliant with SG Safeguarding2: Protection and conservation of agricultural land.

The members voted as follows:

For the Motion: **7** Councillors Merson, Davidson, Gifford, Hendry, Owen, Robertson and Thomson.

For the Amendment: **3** Councillors Duncan, Johnston and Shand.

Therefore, **the motion was carried** that the application be **refused** for the following reason:-

This proposal fails to establish the principle of development and meet any of the criteria contained within 'Policy 3 Development in the countryside, and 'SG Rural Development1: Housing and business development in the countryside as part of the Aberdeenshire Local Development Plan 2012.

- it is for a development that would be permissible under greenbelt supplementary guidance; OR

- it is for the refurbishment or replacement of an existing or disused building, or is on a site that was previously developed and is now redundant; OR
- it is for development that contributes to the organic growth of a settlement identified in Appendix 1, of no more than 3 houses on a site within approximately 400m of the edge of the built up area; OR
- it is for a single dwellinghouse associated with the retirement succession of a viable farm holding.

4E. Reference No: APP/2016/2822

Full Planning Permission for Retention of 5 No. Modular Buildings for Use as Kennels and Associated Works (Previously Approved APP/2015/1266) at Site at East Mains of Ardlogie, Fyvie, Turriff, AB53 8PH

Applicant: Miss Michelle Wood
Agent: No Agent

The Senior Planner introduced the application which was recommended for approval.

Following consideration of the information provided, the Committee **agreed** to **defer** consideration of the application, pending a site visit to be held on Tuesday 31 January, to consider whether there have been improvements to: the amenity of the site; the condition of the cabins on the site; and the general character of the site, further to the site visit carried out by this Committee for the previous application (APP/2015/1266).

4F. Reference No: APP/2016/3069

Full Planning Permission for Demolition of Existing Rear Extension, Alterations and Erection of Rear Extension to Dwellinghouse at Alma Cottage, 18 High Street, Cuminestown, Aberdeenshire

Applicant: Mr G Cowie
Agent: Baxter Design Company (Old Deer) Ltd

The Senior Planner introduced the application and the Committee then heard an oral representation from the agent.

During discussion the members noted that the existing extension had already been demolished; sought clarification on the ridge height in comparison to the neighbouring buildings; asked which of the drawings provided as part of the report was correct as they differed; queried whether there would be loss of privacy or light for the neighbouring properties; and asked why the applicant had not sought any pre-application advice.

Following discussion, the Committee **agreed** to **defer** consideration of the application for up to two cycles to allow the applicant to enter into negotiations with the Planning Service on what type of development would be considered acceptable on this site.

4G. Reference No: APP/2015/3235

Councillor Davidson declared an interest as she received her water supply from the landowner. As she felt this interest was clear and substantial, she indicated that she would not take part in the debate of the item and she withdrew from the chamber during discussions.

Planning Permission in Principle for Creation of New Business Park including Class 4 (Office), 5 (General Industrial), 6 (Storage & Distribution) and Ancillary Uses such as Class 7 (Hotel) at Land at Balmacassie, North of the A948, Ellon

Applicant: Mrs Davidson
Agent: Knight Frank LLP

The Planner introduced the application which sought a recommendation from the Formartine Area Committee.

The members noted that the application had come before them in June 2016 and at that time a Gypsy / Traveller site had not been part of the proposal. It was explained that this was now included and was considered under the proposed Ancillary Uses for the site. Should this be approved, the Gypsy / Traveller site would be subject to a further application which would be subject to the necessary consultation process.

During discussion the members queried who had been included in the consultation process for this application; queried the land use proposed; asked whether consideration had been given to the impact the early draw down of the SR1 site could have on other areas such as Blackdog and Peterhead; and sought clarification on the proposed Gypsy / Traveller site in terms of costs for build and why it was subject to being moved around the wider site, as some members' interpretation of the intention of the Local Development Plan differed to others.

Following a full debate, the Committee **agreed by majority** to **recommend to Full Council that the application be granted**, subject to:

- (1) The signing of a S75 Legal Agreement,
- (2) Clarification from the Planning Service and Housing Service on the Local Development Plan in terms of whether the Gypsy / Traveller transit site should be located within the SR1 site in perpetuity and, if so, if a suitable site could be located at the outset to prevent the additional costs associated with moving it to

- alternative locations across the site as and when additional industrial units are secured, and
- (3) Appropriate Conditions:
1. That no development in connection with the Planning Permission in Principle hereby approved shall take place unless full details relating to the following matters have been submitted to and approved in writing by the Planning Authority as part of applications for Matters Specified in Conditions;
 - a) Full details of the layout and siting of the proposed development;
 - b) Full details of the external appearance and finishing materials of the proposed development;
 - c) 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;
 - d) Full details of the proposed hard and soft landscaping scheme for the site.

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

2. That notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (Scotland) Order 1992 (as amended) or the Town and Country Planning (Use Classes) (Scotland) Order 1997 (as amended) the premises/buildings/land shall be used only for a purpose within Use Class 4, 5, 6 and 7 and shall not be used for any other purpose without an 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.

3. Unless otherwise agreed in writing by the Planning Authority, after consultation with Transport Scotland, the development hereby permitted shall not exceed 17,926 sqm GFA of Class 4 (Business), 6,823 sqm GFA of Class 5 (General Industrial) 6,823 sqm GFA of Class 6 (Storage/Distribution) and a 50 bedroom hotel (2,500 sqm GFA).

Reason: To ensure the scale of the development does not exceed that assessed by the supporting Transport Assessment, and to ensure that the scale and operation of the proposed development does not adversely affect the safe and efficient operation of the trunk road network.

4. Prior to the commencement of the development hereby approved, details of the lighting within the site shall be submitted for the

approval of the Planning Authority, after consultation with Transport Scotland, as the Trunk Roads Authority. Thereafter, the approved details shall be implemented and retained in perpetuity.

Reason: To ensure there will be no distraction or dazzle to drivers on the trunk road and that the safety of the traffic on the trunk road will not be diminished.

5. Prior to the occupation of the first plot, details of any proposed barrier/boundary feature shall be submitted to and approved in writing by the Planning Authority in consultation with Transport Scotland. Thereafter, the approved details shall be implemented and retained in perpetuity.

Reason: To minimise the risk of pedestrians and animals gaining uncontrolled access to the trunk road with the consequential risk of accidents.

6. Prior to the occupation of each plot, a comprehensive Travel Plan for that part of the development setting out proposals for reducing dependency on the private car shall be submitted to and approved in writing by the Planning Authority in consultation with Transport Scotland. Each Travel Plan shall identify measures to be implemented, the system of management, monitoring, review and reporting as well as the duration of the Plan. The Travel Plan as approved shall thereafter be implemented in perpetuity.

Reason: To be consistent with the requirements of the Scottish Planning Policy (SPP) and PAN 75 Planning for Transport.

7. The development shall be served in accordance with the approved drawings and the following details:
 - a) The maximum gradient of the first 5m of each access from the public road must not exceed 1 in 20.
 - b) Prior to occupancy of development, parking spaces, surfaced in hard standing materials shall be provided within the site in accordance with the Councils Car Parking Standards.
 - c) Prior to commencement of development, visibility splays on the U91b Road, measuring 4.5m x 90m and 4.5m by 215m on the A948, to be formed on either side of the junctions of the vehicular access with the public road. The visibility splays so formed shall thereafter be kept free of all permanent obstructions above adjacent carriageway level.

Reason: In order to ensure that the development is served by an appropriate standard of access and associated servicing in the interests of road safety.

8. Prior to the occupation of the first plot, details of the A948/A920 roundabout, designed generally in accordance with Figure 4.2:

Proposed Primary Site Access in the Transport Assessment (dated 21/06/2016), shall be submitted to and approved in writing by the Planning Authority in consultation with Roads Development. The approved details shall thereafter be completed in full accordance with the agreed specification.

Reason: To ensure the development can be accessed by suitable means, in the interest of road safety.

9. Prior to the commencement of the development hereby approved, the existing U91B shall be widened to 7.3m where possible, in accordance with Fairhurst Drawing No. 114119 SK7003 Rev B. Details of the widening must be submitted to and approved in writing by the Planning Service in consultation with Roads Development. The details approved shall thereafter be implemented and retained in perpetuity. For the avoidance of doubt, no access to the development site from the U91B can be made until the road widening has taken place fully.

Reason: To ensure the development site can be satisfactorily accessed.

10. Prior to the occupation of the first plot, signalised Toucan crossings must be constructed and fully operational to the east of the A948/A920 Roundabout and the A948 east of the U91B Junction with the A948. Full details of the crossing, including the exact location, must be submitted to and approved in writing by the Planning Authority in consultation with the Roads Development Team and designed in accordance with Aberdeenshire Guidelines.

Reason: To ensure the development can be accessed safely by pedestrians, in the interests of road safety.

11. Prior to the occupation of the first plot, footways connecting the signalised crossing of the A948 to the east of the U91B junction with the main internal site footways must be constructed and fully operational. Full details of the footway, which shall be designed in accordance with Aberdeenshire guidelines, must be submitted to and approved in writing by the Planning Authority in consultation with Roads Development.

Reason: To ensure the development can be accessed safely by pedestrians, in the interests of road safety.

12. Prior to the occupation of the first plot, a footway/cycleway connecting the development to the proposed A948 signalised Toucan crossing to the east of the A920/A948 Roundabout; onwards to tie into the existing footway/cycleway to the south of the Ellon Park and Ride site, must be constructed and fully operational. Full details of the footway/cycleway shall be designed in accordance with Aberdeenshire guidelines and must be submitted to and approved in

writing by the Planning Authority in consultation with Roads Development.

Reason: To ensure the development can be accessed safely by pedestrians and cyclists, in the interests of road safety.

13. Prior to the occupation of the first plot, a footway/cycleway connecting the proposed A948 signalised Toucan crossing to the east of the U91B junction (south side) to the existing footway/cycleway to the west of the Tesco store must be constructed and fully operational. Full details of the footway/cycleway shall be designed in accordance with Aberdeenshire guidelines and must be submitted to and approved in writing by the Planning Authority in consultation with Roads Development.

Reason: To ensure the development can be accessed safely by pedestrians and cyclists, in the interests of road safety.

14. Prior to the construction of any building(s) an Energy Statement applicable to that building must be submitted to and approved in writing by the Planning Authority, including the following items:

- (i) Full details of the proposed energy efficiency measures and/or renewable technologies to be incorporated into the development.
- (ii) Calculations using the SAP or SBEM methods, which demonstrate that the reduction in carbon dioxide emissions rates for the development, arising from the measures proposed, will enable the development to comply with the Council's Supplementary Planning Guidance on Carbon Neutrality in New Developments. (In this case the development will achieve at least a Bronze Active rating under Section 7 of the Building Standards Technical Handbook).

The development shall not be occupied unless it has been carried out in full accordance with the approved details in the Energy Statement. The carbon reduction measures shall be retained in place and fully operational thereafter.

Reason: To ensure this development complies with the on-site carbon reductions required in Scottish Planning Policy and the Council's Supplementary Planning Guidance - Carbon Neutrality in New Developments.

15. No works shall take place within the development site until the developer has secured the implementation of a programme of archaeological works in accordance with a written scheme of investigation which has been submitted by the applicant, agreed by the Aberdeenshire Council Archaeology Service, and approved by the Planning Authority. Thereafter the developer shall ensure that the programme of archaeological works is fully implemented and that all recording and recovery of archaeological resources within the development site is undertaken to the satisfaction of the Planning

Authority in agreement with the Aberdeenshire Council Archaeology Service.

Reason: To safeguard and record the archaeological potential of the area.

16. Prior to the commencement of development, a scheme of hard and soft landscaping shall be submitted to and approved by the Planning Authority.

Details to be submitted shall include:

- 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.

All soft and hard landscaping proposals 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.

17. Prior to the commencement of the development hereby approved, full details of the tankering arrangements, including information on the tanker loading area with regard to the tanks, bunding and spill containment shall be submitted to and approved in writing by the Planning Authority in consultation with SEPA. The development shall not be brought into use unless the agreed tankering arrangements have been provided in their entirety and maintained thereafter throughout the lifetime of the development.

Reason: To ensure pollution prevention measures are achieved.

18. Prior to the commencement of the development hereby approved, full details of the proposed means of a foul drainage infrastructure system per plot and per Matters Specified in Conditions application shall be submitted to and approved in writing by the Planning Authority in consultation with SEPA. If approved, the foul drainage system should be implemented during the construction phase and a connection made to the public sewer within one month of it becoming available, unless otherwise agreed in writing. The development shall not be brought into use unless the agreed foul drainage system has been provided in its entirety and maintained thereafter throughout the lifetime of the development.

Reason: To ensure a connection to the public foul drainage system when available.

19. Prior to the commencement of the development hereby approved, full details of the proposed means of disposal of surface water, detailed drainage design and flood risks, from the development per plot and per Matters Specified in Conditions application shall be submitted to and approved in writing by the Planning Authority in consultation with SEPA. The development shall not be brought into use unless the agreed drainage system has been provided in its entirety and maintained thereafter throughout the lifetime of the development.

Reason: To ensure the provision of an acceptable drainage system in the interests of the amenity of the area and protection of water quality.

20. Prior to the commencement of the development hereby approved a scheme for the appropriate establishment of buffer strips for all watercourses within and adjacent to the site shall be submitted to and approved in writing by the Planning Authority in consultation with SEPA. The development shall not be brought into use unless the agreed buffer strip plan has been provided in its entirety and maintained thereafter throughout the lifetime of the development.

Reason: To ensure pollution prevention measures and protection of water quality are achieved.

21. Prior to the commencement of the development hereby approved, a detailed site-specific construction method statement and related site plan shall be submitted to and approved in writing by the Planning Authority in consultation with SEPA. The construction method statement shall include details of protection of water quality, including any abstractions, and the appropriate management of materials and waste on site, as recommended by SEPA.

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 protecting water quality, including any abstractions, and the appropriate management of materials and waste on site.

22. Prior to the commencement of the development hereby approved, waste management amenities proportionate for each plot and Matters Specified in Conditions application shall be submitted to and approved in writing by the Planning Authority in consultation with Waste Management. Thereafter, the agreed waste management infrastructure shall be installed and maintained in perpetuity.

Reason: To ensure appropriate waste management practices are upheld.

23. Prior to the commencement of development a Phasing Plan setting out the details of the phasing of the development including the servicing arrangements for the Gypsy/Traveller Transit site within the development has been submitted to, and approved in writing by, the Planning Authority.

Thereafter, the development shall be carried out in complete accordance with the approved Phasing Plan.

Reason: To ensure that build-out of the development is phased so as to avoid adverse impact on local services and infrastructure and in the interests of the visual amenity of the area.