

ABERDEENSHIRE COUNCIL

GARIOCH AREA COMMITTEE

GORDON HOUSE, INVERURIE ON 21 NOVEMBER 2017

Present: Councillors F Hood (Chair), D Aitchison (for items 1 to 10 and 12), N Baillie, L Berry, M Ewenson, M Ford (for items 1 to 6C and part of 6D), S Leslie, D Lonchay, R McKail, A McKelvie, G Reid (for items 1 to 10 and 12), H Smith, I Walker (for items 1 to 10 and 12) and J Whyte.

Apologies: Councillor V Harper.

Officers: M J Cardno (Garioch Area Manager), A Overton (Senior Solicitor), B Strachan (Senior Planner), H Wilkinson (Planner), G Steel (Principal Engineer), Ken Clark (Principal Engineer), A Anderson (Policy Planner), T O'Connor (Senior Engineer), A Wilkinson (Principal Road Safety Engineer), W McLaren (Senior Engineer), J Ferguson (Head Teacher, Old Rayne School) and A Cumming (Garioch Area Committee Officer).

In attendance: Chief Inspector M Main (Police Scotland),

1. DECLARATIONS OF MEMBERS' INTERESTS

In accordance with the Scheme of Governance, the following interests were declared:-

Items 6A and 6B Councillor Hood as he owns land adjacent to the site. Councillor Hood left the Council Chamber whilst the applications were determined.

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.

3. MINUTE OF MEETING OF 31 OCTOBER 2017

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. INTIMATION OF PUBLIC QUESTION TIME

There were no public questions intimated.

5. POLICE SCOTLAND – LOCAL AREA UPDATE

A report by the Director of Business Services was circulated detailing monitoring information for the Garioch Area and Multi-Member Wards.

The Chief Inspector gave the Committee detailed information about the trends and local policing initiatives that were being undertaken.

The Committee **agreed** to:-

1. note the content of the report; and
2. thank the police officers for the excellent work they are doing in Garioch.

6. PLANNING APPLICATIONS FOR CONSIDERATION

The following planning applications were considered along with any valid representations received and were dealt with as recorded in **Appendix A** to this Minute.

A.	APP/2017/1576	Conversion of steading to form 2 dwellinghouses with associated parking and gardens at The Blair, Fintray	Grant
B.	APP/2017/1822	Change of use and alterations to steading to form 2 dwellinghouses at The Blair, Fintray	Delegated Grant
C.	APP/2017/2581	Erection of banner sign at Unit 2, Kingshill Commercial Park East, Venture Drive, Arnhall Business Park, Westhill	Grant
D.	APP/2017/1398	Redevelopment of site and erection of buildings (use classes 4, 5 and 6) at Kirkwood Commercial Park, Inverurie	Grant

7. DIRECTORATE FOR PLANNING AND ENVIRONMENTAL APPEAL USE OF LAND FOR CLASS USE 6 (STORAGE AND DISTRIBUTION) AT YARD AT LOCHHILLS, MOSS BELT, DYCE

A notice of intention from the Planning and Environmental Appeals Division was circulated detailing the proposed decision relating to an appeal against refusal of Certificate of Lawful Use for use of land for class use 6 (storage and distribution) at yard at Lochhills, Moss Belt, Dyce.

The Committee **agreed** to note:-

1. the intention of the Planning and Environmental Appeals Division to refuse a Certificate of Lawful Use for use of land for class use 6 (storage and distribution) at yard at Lochhills, Moss Belt, Dyce; and
2. that the Reporter did not award expenses to the appellant.

8. DRAFT DEVELOPMENT PLAN SCHEME 2018

A report by the Director of Infrastructure Services was circulated asking the Committee to comment to Infrastructure Services Committee on the Draft Development Plan Scheme 2018.

The Police Planner explained that the Service was proceeding under the current legislation, but noted that they would require to be flexible to incorporate changes that may come through the Planning Bill. She confirmed community associations had been included under key stakeholders, but that further groups could be identified and added.

The Committee **agreed** to:-

1. note the draft Development Plan Scheme 2018; and
2. request that the Bailies of Bennachie be included as a stakeholder.

9. ROADS INSPECTION POLICY REPORT

A report by the Director of Infrastructure Services was circulated asking the Committee to consider, and comment on, and/or make recommendations to Infrastructure Services Committee on the draft Road Inspection Policy.

Members clarified a number of details relating to changes to categorisation of inspections, staffing, response times etc.

The Committee **agreed** to:-

1. welcome and note the policy and procedure; and
2. request that a further report be brought to Committee after 12 months to give an update on how the policy has been working.

10. PROPOSED TRAFFIC MANAGEMENT MEASURES IN GARIOCH – RESULTS OF CONSULTATIONS

A report by the Director of Business Services was circulated recommending the Committee consider the outstanding objections/responses received during the consultation process and approve the implementation of The Aberdeenshire Council (Garioch) (Traffic Management) Order, April 2017 as detailed within this report

The Committee **agreed** to:-

1. note the outstanding objections/responses received during the consultation process;
2. request that the warning signs at the Smiddy are repaired and retained; and
3. approve the implementation of “The Aberdeenshire Council (Garioch) (Traffic Management) Order, April 2017” as detailed within the report.

**11. CIVIC GOVERNMENT (SCOTLAND) ACT 1982
APPLICATION FOR GRANT OF A TEMPORARY PUBLIC ENTERTAINMENT LICENCE –
REQUEST FOR EXTENSION OF OPERATING HOURS FOR FAIRGROUND FOR
CHARLENE HERCHER, INVERURIE TOWN SQUARE, INVERURIE ON
2 AND 3 DECEMBER 2017**

A report by the Director of Business Services was circulated recommending the Committee consider the extension of the hours of operation of the funfair be granted as sought.

The Committee **agreed** to the extension of hours and that the funfair can operate for the following hours

10:00 – 22:00 on Saturday 2nd December 2017
10:00 – 18:00 on Sunday 3rd December 2017

12. EDUCATION SCOTLAND INSPECTION, OLD RAYNE SCHOOL

A report by the Director of Education and Children's Services was circulated recommending the Committee consider and comment on the contents of the report.

The Head Teacher, Old Rayne School gave the Committee an overview of the inspection and the work being undertaken to develop and improve the school.

The Committee **agreed** to

1. congratulate the staff and pupils on the positive inspection report;
2. endorse the Service's continuing efforts in support of its schools in the Education Scotland inspection process and in the raising of standards of attainment and achievement in all aspects of school life; and
3. agree to further reports of Education Scotland school inspections being presented.

13. LOCAL HOLIDAYS 2018

A report by the Director of Education and Children's Services was circulated recommending the Committee agree to set the local holiday dates for the Garioch Area for 2018.

The Committee **agreed** to set the local holidays for 2018 as follows:-

2 April; 4 June; 6 August and 1 October

Councillor Presiding over meeting

Print Name

Signature

Date

GARIOCH AREA COMMITTEE

21 NOVEMBER 2017

APPENDIX A

PLANNING APPLICATIONS FOR DETERMINATION

A. Reference No: APP/2017/1576

Full Planning Permission for conversion of steading to form 2 dwellinghouses with associated parking and gardens at The Blair, Fintray, Aberdeenshire, AB21 0JL

Applicant: Mr Andrew Rennie
Agent: MAC Architects

As previously indicated, Councillor Hood declared an interest and left the Council Chamber whilst the application was determined. Councillor Lonchay took the Chair.

The Planner explained that the application was for the redevelopment of half of the steading to provide 2 dwellinghouses. She explained that planning permission was approved for redevelopment of the steading in 2014 and a further application seeking demolition of the steading was withdrawn in 2017 at which point the steading was sold to different owners in two parts. She explained that the application to follow on the agenda was for the second half of the steading. She explained that the policy allowed for up to 3 dwellings and if both were to be approved it would be a departure from policy, but that the Planning Service considered that the retention and redevelopment of the steading had merit and supported the applications as a departure from policy.

Councillors welcomed the redevelopment of the steading and clarified that the first application for two dwellinghouses would not constitute a departure from policy, but the second application if approved would be a departure.

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

1. No development in connection with the permission hereby granted shall commence and the access hereby approved shall not be brought into use unless visibility of 2.4 metres by 60 metres is formed on either side of the junction of the vehicular access with the public road has been provided in accordance with the Council's Standards for Road Construction Consent and Adoption. The visibility splays shall be physically formed on the ground and any existing fences, walls, hedges or other means of enclosure or obstructions within the splays shall be removed and relocated outwith the splays in accordance with the approved plans. Once formed, the visibility splays shall be permanently retained thereafter and no visual obstruction of any kind shall be permitted within the visibility splays so formed.

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

2. No works in connection with the development hereby approved shall commence unless details of the refuse bin uplift store areas have been submitted to and approved in writing by the planning authority. The areas shall be constructed behind any visibility splay and shall be designed so as to be accessible for refuse bin uplift and to prevent empty bins from being wind-blown. *No dwellinghouse* shall be

occupied unless the refuse bin uplift store areas *have* been provided and surfaced in accordance with the approved details. Once provided, the refuse bin uplift store areas shall thereafter be permanently retained as such.

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

3. 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) Existing and proposed finished levels.
- b) The location of new *trees, shrubs, hedges and grassed areas*
- c) A schedule of planting to comprise species, plant sizes and proposed numbers and density.
- d) The location, design and materials of all hard landscaping works including *walls, fences and gates*
- e) 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.

4. The vehicular access and driveways hereby approved shall not be brought into use unless they have been provided and surfaced in accordance with the details shown on the approved plans. Prior to occupancy of each dwelling, 2 off street parking spaces surfaced in hard standing materials must be provided within each plot. The first 5 metres of the access measured from the edge of the road or back of the footway shall be fully paved and shall have a maximum gradient not exceeding 1:20. The access shall be internally drained and formed in such a way to prevent any flow of surface water either onto or from the public road. Once provided, the access, driveway and parking area shall thereafter be permanently retained as such.

Reason: To ensure the timely completion of the access and driveway to an adequate standard; to prevent the carriage of loose driveway material on to the public road and to ensure the retention of adequate off-street parking facilities, all in the interests of road safety.

5. The proposed development shall be connected to the public water supply as indicated in the submitted application and shall not be connected to a private water supply without the separate express grant of planning permission by the planning authority.

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

6. That the proposed foul water drainage system shall be carried out in accordance with the Drainage Recommendation Report dated 4 April 2014 and the approved plans and the dwellinghouses shall not be occupied unless the approved drainage system has been implemented in this form, unless otherwise agreed in writing with the Planning Authority. Following provision of the drainage system it shall thereafter be maintained by the developers or their successors in accordance with the approved maintenance scheme.

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

7. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (Scotland) Order 1992 or any order amending, revoking or re-enacting that Order no means of enclosure, other than that shown on the approved plans shall be erected on the site under the terms of Class 3E of Schedule 1 to that Order without an express grant of planning permission from the planning authority.

Reason: In the interests of the character and appearance of the development.

8. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (Scotland) Order 1992 or any order amending, revoking or re-enacting that Order the garage shown on the approved plans shall be permanently retained as such and shall not be altered in any way under the terms of Schedule 1 to that Order without an express grant of planning permission from the planning authority.

Reason: To ensure the retention of adequate off-street parking facilities within the site in the interests of road safety.

B. Reference No: APP/2017/1822

Full Planning Permission for change of use and alterations to steading to form 2 dwellinghouses at The Blair, Fintray, Aberdeenshire, AB21 0JL

Applicant: Mrs Jacqui King
Agent: Cameron Architectural Design Ltd

As previously indicated, Councillor Hood declared an interest and left the Council Chamber whilst the application was determined. Councillor Lonchay took the Chair.

The Planner explained that the application was to redevelop the remainder of the steading. She explained that there had been minor modifications to the previous design including decorative details. She confirmed that as the previous application was approved, this application would be a departure from policy as it would result in 4 dwellinghouses overall on the site.

Members were content with the development and pleased to see the retention and redevelopment of the steading, but indicated a wish to ensure that the two parts comprising the principal elevation, although not symmetrical, are harmonious in design. The Planner confirmed that it would be possible to check the plans and condition that the materials used are consistent if necessary.

The Committee **agreed:-**

1. that the reason for departing from the Aberdeenshire Local Development Plan 2017 is that the proposed development would ensure the reuse of the existing attractive vernacular steading building that was at one stage intended to be demolished. The additional unit requires a small modest extension to the existing steading and no previously undeveloped land is required to be utilised. The planning service therefore supports the proposed development as an acceptable departure to Policy R2 Housing and employment development elsewhere in the Countryside; and

2. That authority to grant Full Planning Permission be delegated to the Head of Planning and Building Standards subject to:-

- a) payment of agreed developer obligations;
- b) officers comparing plans with the other application at this site (APP/2017/1576) to ensure consistency of the materials used for both applications and condition this if necessary and
- c) the following conditions:

- 1. No development in connection with the permission hereby granted shall commence and the access hereby approved shall not be brought into use unless visibility of 2.4 metres by 59 metres is formed on either side of the junction of the vehicular access with the public road has been provided in accordance with the Council's Standards for Road Construction Consent and Adoption. The visibility splays shall be physically formed on the ground and any existing fences, walls, hedges or other means of enclosure or obstructions within the splays shall be removed and relocated outwith the splays in accordance with the approved plans. Once formed, the visibility splays shall be permanently retained thereafter and no visual obstruction of any kind shall be permitted within the visibility splays so formed.

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

- 2. No works in connection with the development hereby approved shall commence unless details of the refuse bin uplift store areas have been submitted to and approved in writing by the planning authority. The areas shall be constructed behind any visibility splay and shall be designed so as to be accessible for refuse bin uplift and to prevent empty bins from being wind-blown. No dwellinghouse shall be occupied unless the refuse bin uplift store areas have been provided and surfaced in accordance with the approved details. Once provided, the refuse bin uplift store areas shall thereafter be permanently retained as such.

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

- 3. 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) Existing and proposed finished levels.
- b) The location of new *trees, shrubs, hedges and grassed areas*
- c) A schedule of planting to comprise species, plant sizes and proposed numbers and density.
- d) The location, design and materials of all hard landscaping works including *walls, fences and gates*
- e) 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.

4. The vehicular access and driveways hereby approved shall not be brought into use unless they have been provided and surfaced in accordance with the details shown on the approved plans. Prior to occupancy of each dwelling, 2 off street parking spaces surfaced in hard standing materials must be provided. The first 5 metres of the access measured from the edge of the road or back of the footway shall be fully paved and shall have a maximum gradient not exceeding 1:20. The access shall be internally drained and formed in such a way to prevent any flow of surface water either onto or from the public road. Once provided, the access, driveway and parking area shall thereafter be permanently retained as such.

Reason: To ensure the timely completion of the access and driveway to an adequate standard; to prevent the carriage of loose driveway material on to the public road and to ensure the retention of adequate off-street parking facilities, all in the interests of road safety.

5. The proposed development shall be connected to the public water supply as indicated in the submitted application and shall not be connected to a private water supply without the separate express grant of planning permission by the planning authority.

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

6. That the proposed foul water drainage system shall be carried out in accordance with the Drainage Recommendation Report dated 4 April 2014 and the approved plans and the dwellinghouses shall not be occupied unless the approved drainage system has been implemented in this form, unless otherwise agreed in writing with the Planning Authority. Following provision of the drainage system it shall thereafter

be maintained by the developers or their successors in accordance with the approved maintenance scheme.

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

7. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (Scotland) Order 1992 or any order amending, revoking or re-enacting that Order no means of enclosure, other than that shown on the approved plans shall be erected on the site under the terms of Class 3E of Schedule 1 to that Order without an express grant of planning permission from the planning authority.

Reason: In the interests of the character and appearance of the development.

C. Reference No: APP/2017/2581

Advertisement Consent For erection of banner sign at Unit 2, Kingshill Commercial Park East, Venture Drive, Arnhall Business Park, Westhill, Aberdeenshire, AB32 6FQ

Applicant: Knight Property Group PLC

The Senior Planner explained that the application had been the subject of an unresolved objection from the Community Council and was retrospective. He said that the sign erected was 11 metres by 3 metres and was positioned 3 metres from ground level. He confirmed that the application sought permission for a temporary period of four years, but that the Planning Service determined that a period of no more than two years was considered to be more appropriate. He confirmed that Roads Development had raised no issues with regard to road and public safety and there was no considered to be any impact on the amenity of neighbours as the nearest property was 170 metres away.

The Committee **agreed** to grant Advertisement Consent subject to the following conditions:-

1. Advertisement consent is hereby granted for a temporary period only and shall cease to have effect on 21/11/2019 (the 'cessation date').

Reason: To ensure that the temporary development is timeously removed or an opportunity is given to reassess the need for the signage.

Reason for Decision

The proposal complies with The Town and Country Planning (Control of Advertisements) (Scotland) Regulations 1984 and Policy P1: Layout, siting and design in the Aberdeenshire Local Development Plan 2017.

D. Reference No: APP/2017/1398

Planning Permission in Principle for redevelopment of site and erection of buildings (use Classes 4, 5 and 6) at Kirkwood Commercial Park, Inverurie, Aberdeenshire, AB51 5NR

Applicant: Kirkwood Commercial Park Ltd
Agent: Ryden LLP

The Chair indicated that a request to address the Committee had been received. The Committee agreed to hear from parties who had requested to speak.

The Senior Planner explained that the application was a major development which had attracted 5 representations. He confirmed that the site had been used for industrial purposes for a number of years. He said that as the application was for Planning Permission in Principle only indicative plans were provided which showed 4 industrial buildings with access and landscaping arrangements.

The Senior Planner confirmed that the principle of the use on site was not an issue given the history on the site and indicated that a certificate of lawfulness was also highly relevant. He confirmed that the impact of noise on neighbouring properties would need to be assessed and that Flood Prevention Unit had highlighted a number of issues to be resolved. He confirmed that no issues had been raised as a result of the traffic impact assessment as the proposals would not generate more traffic than the agreed lawful use.

The Chair invited Dr Paul Davison, an objector to the application to address the Committee. Dr Davison raised concerns about the traffic implications, suggested alternative access arrangements and highlighted the loss of public access to walks along the canal.

There were no questions and Dr Davison returned to the public benches.

The Principal Engineer gave details of the proposed traffic movements and how this was assessed. Members sought information about what improvements to the roundabouts were scheduled in the near future. Members highlighted the traffic issues at the Thainstone roundabout and the impact that more traffic would have on the queues at peak times, but the majority accepted that, given the history of the site, there was nothing that could be done to resolve this through this particular application. They requested that a condition be attached to ensure there is a 10 metres buffer along the water side.

The Committee **agreed** to grant Planning Permission in Principle subject to:-

- (i) the conditions including a 10 metre buffer being provided along the water side; and
- (ii) 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 siting, design, layout, external appearance and finishing materials of the proposed development including waste bin uplift area, vehicle parking and turning area, finished floor levels and 10m buffer along the water side at the east of the site.
- (b) full details of the proposed means of access to the development.
- (c) a landscaping scheme for the development including details of the existing landscape features and vegetation to be retained; the locations of new trees,

shrubs, hedges and grassed areas; the buffer zone at the east of the site at the River Don; protection for Tree TN16 (as identified in the Extended Phase 1 and Protected Species Survey, RPS October 2017); a schedule of plants including species, plant sizes and proposed numbers and density; the layout, design and materials of all hard landscaping works including walls, fences and gates; and 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 ordnance datum point;
- (e) full details of the proposed means of disposal of foul water from the development.
- (f) full details of the proposed means of disposal of surface water from the development, including details for areas of car parking and yard areas must be provided. The design for these areas must provide interception and the required treatment as specified in the CIRIA SUDS Manual.
- (g) full details of the water supply serving the development.
- (h) a noise impact assessment.
- (j) details of footpath and cycle links to the site.

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. No works in connection with the development hereby approved (including demolition, ground works and vegetation clearance) shall commence unless a construction environmental management plan (CEMP) has been submitted to and approved in writing by the planning authority. The CEMP shall include the following.

- (a) Risk assessment of potentially damaging construction activities.
- (b) Identification of "biodiversity protection zones".
- (c) Practical measures (both physical measures and sensitive working practices) to avoid or reduce impacts during construction (may be provided as a set of method statements) for protected species, including otters, as detailed in the Ecological Survey (Extended Phase 1 and Protected Species Survey, RPS October 2017).
- (d) The location and timing of sensitive works to avoid harm to biodiversity features.
- (e) The times during construction when specialist ecologists need to be present on site to oversee works.
- (f) Responsible persons and lines of communication.
- (g) The role and responsibilities on site of an ecological clerk of works (ECoW) or similarly competent person.
- (h) Use of protective fences, exclusion barriers and warning signs including that for existing riparian vegetation.

All works carried out during the construction period shall be undertaken strictly in accordance with the approved CEMP.

Reason: In the interests of protecting the biodiversity of the environment.

3. No works in connection with the development hereby approved (other than the demolition of the existing buildings) shall commence unless an investigation of the site has been undertaken in accordance with BS 10175:2011+A1:2013 - 'Investigation of

Potentially Contaminated Sites – Code of Practice’ and a report of that investigation has been submitted to and approved in writing by the planning authority.

Where it is determined by the site investigation report that remediation of the site is required no works in connection with the development hereby approved (other than the demolition of the existing buildings) shall commence unless a remedial scheme has been submitted to and approved in writing by the planning authority. The development hereby approved shall not be brought into use unless the approved scheme of remediation has been carried out in its entirety and a validation report has been submitted to and approved in writing by the planning authority.

Any areas of hardstanding, clean cover or other such barriers within the application site boundary that are included within the approved scheme of remediation and are required to break one or more pollutant linkages shall be permanently retained as such and shall not be disturbed without the prior written approval of the planning authority.

Reason: In order to ensure any potential contamination of the site is dealt with appropriately in the interests of public and environmental safety.

4. No individual building hereby approved shall be erected unless an Energy Statement applicable to that building has been submitted to and approved in writing by the planning authority. The Energy Statement shall include the following items:
 - a) Full details of the proposed energy efficiency measures and/or renewable technologies to be incorporated into the development.
 - b) 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.

The development shall not be occupied unless it has been constructed 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.

5. No individual building hereby approved shall be erected unless an invasive non-native species protocol, including an associated management, maintenance and monitoring scheme, has been submitted to and approved in writing by the planning authority. The protocol shall detail the containment, control and removal of invasive species on the site. No other works in connection with the development hereby approved shall commence unless all the measures set out in the approved protocol have been carried out in accordance with the approved protocol.

Reason: To protect the natural environment and ensure that measures are put in place to prevent the spread of invasive non-native species.

6. No individual building hereby approved shall be occupied until a Lighting Design Strategy for Biodiversity for any lighting towards the River Don and Mill Land has been submitted to and approved in writing by the planning authority. The strategy shall:
 - (a) identify the areas or features on the site that are particularly sensitive for the river habitat and identify the aspects of the development that would be

- likely to cause disturbance in or around the breeding sites and resting places of any protected species or along important routes used to access key areas of their territory; and
- (b) show how and where all the proposed external lighting will be installed and demonstrate (through the provision of appropriate lighting contour plans and technical specifications) that those areas to be lit will not disturb or prevent the above species using their territory or gaining access to their breeding sites, resting places and foraging areas.

All external lighting shall be installed in accordance with the specifications and locations set out in the approved strategy, and no other external lighting shall be installed without prior express consent from the planning authority.

Reason: In the interests of protecting and enhancing the biodiversity of the environment.

7. No building hereby approved shall be brought into use unless the vehicular, cycleway and pedestrian access has been provided and surfaced in accordance with the details shown on the plans submitted and approved under condition 1. Once provided, the vehicular and pedestrian access shall thereafter be permanently retained as such.

Reason: To ensure the provision and retention of a means of access to an adequate standard in the interests of road safety.

8. No building hereby approved shall be brought into use unless the buffer along the water side to the east of the site has been provided in accordance with the details shown the plan(s) submitted and approved under condition 1. Once provided, the buffer shall thereafter be permanently retained and maintained as such.

Reason: To ensure protection of the natural environment.

9. No building hereby approved shall be brought into use unless the Kirkwood Commerical Park Travel Plan has been updated where relevant and 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 respective approved Travel Plan have been implemented in full.

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

10. No building hereby approved shall be brought into use unless any mitigation measures required by the Noise Impact Assessment approved under Condition 1 are undertaken prior to operation of each respective unit. These measures must be permanently retained thereafter, in accordance with the approved scheme.

Reason: In the interest of amenity of the neighbouring residential properties.

11. The development hereby approved shall not be brought in to use unless the proposed foul and surface water drainage systems have been provided in accordance with the plans submitted and approved under condition 1. The foul and surface water drainage systems shall be permanently retained thereafter in accordance with the approved maintenance scheme.

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

12. The surface water drainage scheme, approved under Condition 1 shall be carried out in accordance with the approved scheme and shall be permanently retained thereafter in accordance with the approved scheme.

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

13. All soft and hard landscaping proposals shall be carried out in accordance with the planting scheme and management programme submitted and approved under Condition 1. 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.

14. No built development, including any land raising or impermeable boundaries shall take place within the functional flood plain, as shown on drawing number 116/220/WS/001 by Fairhurst entitled '200yr flood envelope' (03/04/17) which is provided in the Appendix of the FRA by Fairhurst (April 2017).

Reason: To ensure that there is no increased risk of flooding as a result of the development.

15. The finished floor levels must be at least 600m higher than the design flood level for the site.

Reason: To ensure that there is no increased risk of flooding as a result of the development.

Reason for Decision

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

Councillor Lonchay entered his dissent from the decision taken.