

ABERDEENSHIRE COUNCIL

GARIOCH AREA COMMITTEE

**SKYPE MEETING AND LIVE STREAMED (RECORDING TO BE MADE
AVAILABLE TO GENERAL PUBLIC)**

ON 15 SEPTEMBER 2020

Present: Councillors F Hood (Chair), D Aitchison, N Baillie, L Berry, M Ewenson, M Ford, V Harper, D Lonchay (for items 1 to 7A and 8 to 13 inclusive), S Leslie (for items 1 to part of 8), R McKail (for items 1 to 7B inclusive, A McKelvie, G Reid (for items to part of 7A), H Smith, I Walker and J Whyte

Officers: A Overton (Interim Garioch Area Manager), J Joss (Senior Solicitor), B Strachan (Senior Planner), H Wilkinson (Planner), E Wallace (Head of Transportation), S Jamieson (Principal Officer - Transportation) K Mercer (Civil Engineer/Technician), I Welsh (Principal Officer – Roads, Landscape and Waste), T Telisman Sosis (Greenspace Projects Officer), H McSherry (Service Development Officer), R McGregor (Strategic Transport Officer) and A Cumming (Committee Officer)

In Attendance: Paul Berrisford (Scottish Fire and Rescue Service)

1. DECLARATIONS OF MEMBERS' INTERESTS

In accordance with the Councillors' Code of Conduct the following intimations were made:-

Item 7B – Councillor Walker as she lives close to the application site. Councillor Walker left the meeting whilst the item was discussed;

Item 11 – Councillor Ford intimated that he is a substitute member of NESTRANS (specific exclusion applies); and

Item 13 – Councillor Hood intimated a connection that he is Chair of the Licensing Sub-Committee but indicated he had no interest to declare.

2. RESOLUTIONS

2A. 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 25 AUGUST 2020

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

4. KINGSEAT SCHOOL BUS – SAFE WALK ROUTE TO SCHOOL

A report by the Director of Infrastructure Services was circulated following consideration of a petition regarding the withdrawal of the Kingseat School Bus.

The Chair indicated that a request to speak had been received. The Committee **agreed** to hear from Mrs Jade Todd, the petitioner for the case.

The Committee had before them a paper detailing a number of matters raised from the submission and consideration of a petition at its last meeting. Officers had also provided a video of the route that would be walked by pupils from Kingseat to Newmachar.

Members sought clarification on a number of matters including the potential for provision of further safety measures, the costs for provision of a service bus, the potential for the route to be considered by the Member Officer Working Group looking at a review of bus services.

The Chair invited Mrs Todd to address the Committee. Mrs Todd raised concerns about the gritting of the path in winter, the gradient of the path for cycling/scooters and the speed of traffic. She indicated that the Head Teacher had indicated that access would not be allowed for pupils to change clothes if they had got wet on the walk until after 9am.

Officers provided responses to the issues raised by Mrs Todd. They confirmed that as an adopted path, it would be gritted in line with Council policy and stressed that the driver awareness of pedestrians and pedestrian awareness of traffic were both important in the safety of pupils. The Area Manager confirmed that she had assurances that the school would allow access if a pupil had a need to change from wet clothes. It was also clarified that it is the responsibility of parents/carers to ensure that pupils are dressed appropriately for the weather, both for walking to school and for outside activity at school.

Members asked whether the route was used at weekends for cycling/scooters. Mrs Todd confirmed that it was and said that it was the potential for children to move away from parents at speed because of the gradient that she was concerned about. Members pointed out that access to the route would be required for Council vehicles for maintenance to the path and lighting. Mrs Todd said she was concerned that the report read as though there was only access to vehicles at the bottom when in fact the whole path was accessible to vehicles.

Members asked the legal position should something happen to children with access to buildings or ponds on route. The Head of Transportation indicated that the assessments were made on the basis of children being accompanied by a responsible adult and that as this had been the policy of the Council for some time it had been tested and retained as an appropriate policy. He stressed there was a responsibility on the Council to ensure that the path was assessed in line with legislation and a responsibility on parents to ensure that their children were accompanied by an appropriate adult.

There were no further questions to Mrs Todd and the Chair thanked her for her input.

Members discussed at some length the path, its safety and the responsibility of the different parties when travelling to school. Some Councillors were content with the assessment and considered the path to be a safe route for pupils to walk. They pointed out that it was lit and a good width and much safer than the routes being used by many other pupils walking to school. However other Councillors were not persuaded with this argument and said that the path remained unsafe and an exception to the school transport policy should be considered for residents in Kingseat.

Councillor Ewenson, seconded by Councillor McKelvie, moved that the Committee should note and endorse the withdrawal of the school transport service from Kingseat to New Machar School, in line with current Council policy.

As an amendment, Councillor Lonchay, seconded by Councillor Baillie, moved that the case for reinstatement of a school bus between Kingseat and Newmachar be referred to the Education and Children's Services Committee stating that it should be considered an exception from the current policy on the grounds of safety of pupils.

As a second amendment, Councillor Ford, seconded by Councillor Reid, moved that:-

The Committee:-

1. agrees that school transport policy must be applied consistently in fairness to residents across Aberdeenshire, and agrees officers have correctly applied policy at Kingseat;
2. refers the possibility of future provision of a public service bus to the member/officer transport working group for consideration as part of the clean sheet review; and
3. endorses suggested improvements to the foot/cycle path between Newmachar and Kingseat (as per the report) and requests officers give further consideration to a pedestrian crossing on Hillbrae Way.

In accordance with Standing Order 5.4.2, the Chair confirmed that the two amendments would be voted upon first with the successful amendment then being taken against the motion.

The Committee voted:-

- | | | |
|-----------------|------|--|
| For Amendment 1 | (2) | Councillors Baillie and Lonchay |
| For Amendment 2 | (13) | Councillors Hood, Aitchison, Berry, Ewenson, Ford, Harper, Leslie, McKail, McKelvie, Reid, Smith, Walker and Whyte |

Therefore amendment 2 was carried and put against the motion.

The Committee voted:-

- | | | |
|-----------------|-----|---|
| For the Motion | (8) | Councillors Berry, Ewenson, Leslie, McKail, McKelvie, Smith, Walker and Whyte |
| For Amendment 2 | (6) | Councillors Hood, Aitchison, Baillie, Ford, Harper and Reid |

Councillor Lonchay declined to vote.

Therefore the motion was carried and the Committee **agreed** to note and endorse the withdrawal of the school transport service from Kingseat to New Machar School, in line with current Council policy.

5. STATEMENT OF OUTSTANDING BUSINESS

A report by the Director of Education and Children's Services was circulated presenting the outstanding business for Garioch Area Committee as at 8 September 2020.

The Committee **agreed** to:-

1. discharge item 1 if no other actions are identified from the report on the agenda (Note: This item was deferred and will be retained on the Statement of Outstanding Business)
2. note the remaining items of outstanding business.

6. SCOTTISH FIRE AND RESCUE SERVICE – GARIOCH AREA COMMITTEE PERFORMANCE REPORT FOR Q1 1ST APRIL – 30TH JUNE 2020

A joint report by the Local Senior Officer of Scottish Fire and Rescue Service and Director of Business Services was circulated presenting to the Committee the performance information in Garioch against key performance measures and associated targets, as set out in the Aberdeenshire Local Fire and Rescue Plan and Garioch Multi-Member Ward Plan.

The Station Manager gave an overview of the performance information and responded to questions raised by the Committee.

The Committee **agreed** to note the performance report relating to the period and any local operational matters arising, together with key resource issues, as detailed within appendices attached to the report.

7. PLANNING APPLICATIONS FOR DETERMINATION

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

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|----|---------------|--|-----------------|
| A. | APP/2020/1014 | Change of Use from Use Class 4, 5 and 6 to Use Class 11 (Assembly and Leisure) at Unit 5, Burghmuir Circle, Blackhall Industrial Estate, Inverurie | Grant |
| B. | APP/2020/0684 | Erection of 6 dwellinghouses and a convenience store on site at Strawberryfield Road/Broadstraik Road, Skene, Westhill | Delegated Grant |

8. POTENTIAL TO INCREASE BIODIVERSITY THROUGH CHANGES TO EXISTING MAINTENANCE REGIMES

A report by the Director of Infrastructure Services was circulated presenting to the Committee the potential sites for increasing biodiversity by modifying current maintenance regimes and consideration of the suggested extension to stakeholder engagement.

The Committee discussed the proposals and sought clarification about the consultation process around this. They asked for a list of the projects that were likely to be progressed earlier as consultation had already taken place. They provided detailed local knowledge about ownership of the sites and local groups that should be included as Stakeholders.

The Committee **agreed**:-

1. to note the proposals for potential biodiversity improvements at sites identified in appendices 1 to 4,
2. that Landscape Services continue to discuss proposals with identified stakeholders and those noted by Garioch Area Committee during the remainder of 2020 and into 2021.
3. request a list of the projects that have already been consulted upon and are likely to go ahead in 2020/21;
4. the comments detailed below:-

Ref	Category	Comment
1	General	Consultation needs to identify any areas not owned by the Council and/or those that are currently used for recreation.
2	General	Yellow Rattle should be considered.

3	General	Require evidence-based approach. Knowing what we have now and comparing in the long term. We should be clear what success looks like. More plants, flowers species, insects and small mammals.
4	Ward 10	Looking for a variety of approached to the identified areas in Kemnay (all showing meadow grass)
5	Ward 10	Old Rayne – Activity on this field. Land does not belong to Council and hosts the Lourin Fair each August.
6	Ward 11	Page 193 – It is children’s play area. Query whether Community Council has been involved.
7	Ward 11	Page 185 – Kellands Park section for meadow area may have some resistance from community.
8	Ward 11	Page 191 – Inverurie Cemetery requires further definition/information before stakeholder event.
9	Ward 11	Page 181 – “Garioch Centre” should be “Burn Lane Car park”
10	Ward 11	Port Elphinstone recreational park could be an alternative site to the cemetery
11	Ward 12	Blackburn - Avero Park and Den View not under the control of Council. It is being maintained by a factor.
12	Ward 12	Hatton of Fintray War Memorial – Beech trees, acid soil densely shaded, not suitable for grassland.
13	Ward 12	Newmachar – Higher proportion of site should be tree planting.
14	Ward 12	Wider variety of species options should be considered and other habitat creation.
15	Ward 13	Would like to see more wildflower sites in Westhill. (A better balance between wildflower and grass)
16	Ward 13	Page 210 – Owned by Dunecht Estates and used by school as sports field. Parent Council and school would be stakeholder.
17	Ward 13	Page 211 – There is a Resident’s Association which would be stakeholder.
18	Ward 13	Page 212 – Owned by Dunecht Estate.
19	Ward 13	Page 213 - Church should be involved.
20	Ward 13	Page 215 – Community asked for wildflowers on small area.

21	Ward 13	Page 218 – Denman – would like to see as wildflower.
22	Ward 13	Page 219 – Residents and Community Council should be involved.
23	Ward 13	Page 223 – Would like to see wildflowers.
24	Ward 13	Westhill Academy – Area used for exercise and sledging in winter by pupils and alternative site might be at the front of the Academy next to the substation.

9. HOUSING ALLOCATION POLICY REVIEW CONSULTATION

A report by the Director of Infrastructure Services was circulated to seek Members' comments on the draft policy produced by the service following investigations into a Choice Based Lettings (CBL) approach and acknowledge that this policy will be presented to Communities Committee on 5th November 2020 for approval.

Members welcomed the new approach to allocation policy and provided comments for consideration by the Communities Committee.

The Committee **agreed** to:-

1. note the proposed Housing Allocation Policy; and
2. provide the following comments to the Communities Committee in November 2020 in respect of the policy and change to a Choice Based Letting approach:-
 - a) More empowering way to deal with applications. Commend new approach;
 - b) More user-friendly system.
 - c) On pages 239 and 244 remove "or gender"
 - d) Page 266 – remove reference to right to buy.
 - e) Page 268 – changes need to be made to the name of the new system.
 - f) Consideration should be given to moving Newmachar and Blackburn from the Westhill and surrounding area list. Suggested they be added to Inverurie and surrounding area.
 - g) Consideration should be given to the appropriateness of the Housing Manager being responsible for the determination of appeals.
 - h) Consideration needs to be given to the process for informing applicants without e-mail addresses.

10. STRATEGIC HOUSING INVESTMENT PLAN 2021 – 2026

A report by the Director of Infrastructure Services was circulated to seek Members' comments on the draft Strategic Housing Investment Plan 2021-2026 which is required to be submitted to Scottish Government.

The Committee **agreed** to defer consideration of this item until its next meeting in October 2020.

11. NESTRANS REGIONAL TRANSPORT STRATEGY CONSULTATION & CITY REGION DEAL STRATEGIC TRANSPORT ASSESSMENT

A report by the Director of Infrastructure Services was circulated to seek Members' comments on the Infrastructure Services Committee on the proposed Nestrans Regional Transport Strategy and City Region Deal Strategic Transport Assessment STAG1 Report.

Members discussed the content of the report and provided a range of comments for consideration by Infrastructure services Committee.

In accordance with Standing Order 5.2.4, Councillor Ford requested that the following unseconded motion be noted within the minute:-

Councillor Ford moved that the Committee agrees to put forward the comment that it does not support the dualling of the whole of the A96 because it conflicts with the aims of the Transport Strategy.

The Committee **agreed** to:-

1. note the issues raised in the Regional Transport Strategy and City-Region Deal Strategic Transport Assessment, set out in the appendices to the report; and
2. provide the following comments on the proposed Regional Strategy and the priorities identified in the Strategic Assessment for the Infrastructure Services Committee of 1st October 2020:-
 - a) Would welcome the inclusion of Inverurie Transport Interchange in the Local Transport Strategy..
 - b) It would be helpful to have projects detailed in short-term, medium-term and long-term categories.
 - c) The documents touch upon bus transportation, but it is not clear what is being looked at. The report misses the rural transport links which are really important to residents.
 - d) Page 335 – Climate change – would like to see more flood aversive designs.
 - e) Re Covid 19 – Need to consider carefully the changing patterns and adopt new approaches from this.
 - f) Need to look at ways to reduce the amount of movement being undertaken to meet the aims.

12. GARIOCH AREA INITIATIVES FUND 2020/21

A report by the Director of Education and Children's Services was circulated presenting the Committee with details of all of the applications received and asking it to consider which applications would be allocated funds.

The Committee **agreed** to:-

1. note the decision of the Area Committee at its meeting on 25 August to transfer £150 to the Strategic Budget and reduce the available funds to £24,850;
2. grant the following awards:-
 - £5,000 to SensationALL towards the cost of extending the car park provision;
 - £5,000 to St Lawrence Hall Committee towards the cost of repairing its roof;
 - £1,000 to Strathburn Primary Parent Council towards the provision of a breakfast cart;
 - £365 to Westhill Lawn Tennis Club towards cleaning and treating the tennis courts;
 - £5,000 to Westhill & Elrick Community Council towards Improvement/finishing touches to the Westhill Gateway Sculpture; and
 - £1,750 to Westhill & Elrick Community Council towards the replacement of Christmas Lights in Westhill.
 - £5,000 to Action Kintore SCIO towards the refurbishment of Kintore Town House

13. LICENSING OF SEXUAL ENTERTAINMENT VENUES – DRAFT POLICY

A report by the Director of Business Services was circulated seeking Members' comments on Aberdeenshire Council's draft Policy on the Licensing of Sexual Entertainment Venues (SEVs). These comments are to be reported back to the Licensing Sub-Committee on 2nd October, 2020 as part of a public consultation exercise.

Members noted that only some religious denominations were included in the list of consultees and stressed the need to ensure that all denominations were included.

The Committee **agreed**:-

1. to provide the following responses to the following questions:-

Question	Committee Response
(i) What number of SEVs should the limit be set at for Aberdeenshire in total and per locality?	Nil
(ii) Should "relevant localities" be the 6 administrative areas of Aberdeenshire?	Yes
(iii) Should there be a sensitive premises presumption? What should the distance between these places (and reported incidents) and SEVs be?	Yes and 250 metres (by a majority)

(iv) Should the duration of a SEV Licence be no longer than 1 year?	Yes
(v) Should the duration of a waiver be no longer than 1 year?	Yes
(vi) Should there be any others added to the list of application consultees?	All religious denominations should be included.

2. that the Licensing Sub-Committee should determine Sexual Entertainment Venue Licences.

Councillor Presiding over meeting

Print Name

Signature

Date

DRAFT

GARIOCH AREA COMMITTEE

15 SEPTEMBER 2020

APPENDIX A

PLANNING APPLICATIONS FOR DETERMINATION

A. Reference No: APP/2020/1014

Full Planning Permission for change of use from Use Class 4, 5 and 6 to Use Class 11 (Assembly and Leisure), Unit 5, Burghmuir Circle, Blackhall Industrial Estate, Inverurie, Aberdeenshire, AB51 4FS

Applicant: Mr Ross Crosbie
Agent: N/A

The Planner explained that the application was for the change of use of an industrial building to a gym. She confirmed that there were no structural changes being proposed to the building and the building could revert to its original use in the future. She explained that the class 11 use on the industrial estate would be a departure from the Local Development Plan, but it was considered that there were sufficient other employment land opportunities available locally. She confirmed that Roads, Transportation and Environmental Health were content with the proposals.

Members sought clarification whether any changes to the external; appearance would require separate planning permission. The Planner confirmed that there was very little permitted development rights on this type of development so it was likely that changes to the frontage would require a separate application. Members asked if there would be a need for a fan or extraction unit. The Planner confirmed that this was not detailed within the plans. Members pointed out that the area was often quite busy with traffic and asked for clarification about the proposed use. The Planner confirmed that the business model was one to one and small classes, with classes tending to be before or after normal working hours.

Members were content with the proposals and welcomed the use of an empty building.

The Committee **agreed:-**

1. that the reason for departing from the Aberdeenshire Local Development Plan is that the proposal is considered to be an acceptable departure to Policy B1 of the 2017 Local Development Plan. The proposal would constitute a minimal loss of employment land and utilises an existing vacant building. It is also considered the proposed gym provides a facility to the local community. The building is capable of being reverted into industrial use in the future and there are other employment land opportunities within the settlement. There are no material considerations that would warrant a recommendation of refusal in this case.
2. to grant Full Planning Permission.

B. Reference No: APP/2020/0684

Full Planning Permission for erection of 6 dwellinghouses and a convenience store at site at Strawberryfield Road/Broadstraik Road, Skene, Westhill

Applicant: Mr David Williamson
Agent: Jim Kerr

As indicated under item 1, Councillor Walker declared an interest and left the meeting whilst the application was determined.

The Chair indicated that a request to speak had been received. Committee agreed to hear from Mr Giancarlo Pia, an objector to the application.

The Senior Planner explained that the application site was allocated within the LDP for housing, but not for the provision of a convenience store. He indicated that pylons on the site had influenced the layout, but that the proposed development had been accommodated outwith the 14 metre exclusion zone identified by SSE. He confirmed that the materials of the convenience store would complement the housing and it was considered that the uses would be able to co-exist. He explained that landscaping would be used to soften the development and the open space proposed exceeded policy requirements. He highlighted that the impact of deliveries by refrigeration units required to be considered before the grant of planning permission and asked that this be included as a further delegated matter.

Members sought clarification regarding the electricity cables, access and pedestrian crossing.

The Chair invited Mr Pia to address the Committee. Mr Pia indicated that he had no issue with the housing, but that he did not consider that the convenience store was appropriate or complementary to this use. He expressed concerns about impact on the town centre, light pollution, traffic and impact on natural built heritage. The Committee had no questions and the Chair thanked Mr Pia for his presentation.

Members expressed surprise that an application for such a small amount of housing also proposed a retail unit, but indicated that they had to consider the application as applied for. It was pointed out that the use of the site for only housing could have resulted in a further affordable housing unit which is much needed in Westhill. Some members did not feel that the provision of a convenience store on this site was appropriate. Others welcomed this provision pointing out that this was something that had been sought in other developments, but had not been realised as there had not been a provider willing to develop

Councillor Ford, seconded by Councillor Aitchison, moved that the Committee agree the reason for departing from the Local Development Plan and delegate the grant of Planning Permission to the Head of Planning and Environmental Services subject to the conditions and delegated matters detailed in the report and a further delegated matter relating to the impact of delivery vehicles to the convenience store.

As an amendment, Councillor Ewenson, seconded by Councillor Berry, moved that Full Planning Permission be refused on the grounds that retail is not appropriate for this site and the application therefore does not comply with Policy H1.

The Committee voted:-

For the Motion (7) Councillors Aitchison, Baillie, Ford, Harper, Leslie, McKail and Whyte

For the Amendment (5) Councillors Hood, Berry, Ewenson, McKelvie and Smith.

Councillor Lonchay declined to vote. Councillors Reid and Walker were absent from the division.

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

1. that the reason for departing from the Aberdeenshire Local Development Plan 2017 is that the proposal is contrary to Policy H1 Housing land. However, this mixed use development would provide an opportunity to deliver the majority of the housing units allocated for the site along with a convenience store to serve the local community. These are considered to be compatible uses that are well designed, can be adequately serviced and result in no impact on the amenity of the area. In all other regards the proposed development accords with relevant policies of the Aberdeenshire Local Development Plan 2017.
2. to grant Full Planning Permission be delegated to the Head of Planning and Environment Service subject to:-
 - a) receipt of a satisfactory response from Infrastructure Services (Roads Development), any revisions or conditions resulting from this;
 - b) the conclusion and registration of a Section 75 legal agreement;
 - c) submission of an Addendum to the Noise Impact Assessment to investigate the impact of delivery vehicles at the retail unit, receipt of a satisfactory response from Infrastructure Services (Environmental Health) and any conditions resulting from this;
 - d) and the following conditions:
 1. No works in connection with the development hereby approved shall commence unless a tree protection plan has been submitted to and approved in writing by the planning authority. Tree protection measures shall be shown on a layout plan accompanied by descriptive text and shall include:
 - a) The location of the trees (including on adjacent land) to be retained and their root protection areas and canopy spreads (as defined in BS 5837: 2012 Trees in relation to design, demolition and construction);
 - b) The position and construction of protective fencing around the retained trees (to be in accordance with BS 5837: 2012 Trees in relation to design, demolition and construction);
 - c) The extent and type of ground protection, and any additional measures required to safeguard vulnerable trees and their root protection areas;
 - d) An arboricultural impact assessment which evaluates the direct and indirect impacts of the proposed development on the trees to be retained and proposed mitigation;

- e) An arboricultural method statement to demonstrate that operations can be carried out with minimal risk of adverse impact on trees to be retained;
- f) A method statement for any works proposed within the root protection areas of the trees shown to be retained.

No works in connection with the development hereby approved shall commence unless the tree protection measures have been implemented in full in accordance with the approved tree protection plan. No materials, supplies, plant, machinery, soil heaps, changes in ground levels or construction activities shall be permitted within the protected areas without the written consent of the planning authority and no fire shall be lit in the position where the flames could extend to within 5 metres of foliage, branches or trunks. The approved tree protection measures shall be retained in situ until the development has been completed.

Reason: In order to ensure adequate protection for the trees and hedges on the site during the construction of development, and in the interests of the visual amenity of the area.

- 2. The retail unit hereby approved shall not be brought into use unless its loading, offloading, turning and parking areas have been provided and surfaced in accordance with the details shown on the approved plans. Once provided, the loading, offloading, turning and parking areas shall thereafter be permanently retained as such.

Reason: To ensure the timely completion and retention of the on-site facilities to an adequate standard in the interests of road safety.

- 3. The retail unit hereby approved shall not commence trading unless all of its associated means of enclosure have been provided in accordance with the approved scheme as shown on the approved plans. Once erected the approved means of enclosure shall thereafter be permanently retained in accordance with the approved details.

Reason: In the interests of the visual amenities of the area.

- 4. Prior to completion of the retail unit hereby approved, a litter collection policy and plan for the development shall be submitted to and approved in writing by the Planning Authority. All the measures identified in the approved policy and plan shall be in place and fully operational before the premises is open to members of the public. Thereafter, the premises shall not operate other than in complete accordance with the approved litter collection policy and plan.

Reason: In the interests of the amenities of the surrounding area.

- 5. The retail unit hereby approved shall not operate out with the hours of 07:00 – 22:00.

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

6. Between the hours of 07:00 – 22:00, noise from the retail operation shall not exceed Noise Rating Curve 30 when measured within a habitable room of any noise sensitive dwelling. At all other times levels shall not exceed Noise Rating Curve 20 when measured within a habitable room of any noise sensitive dwelling.

Reason: To ensure that noise from the development does not result in undue loss of amenity for surrounding properties.

7. Prior to the erection of any dwellinghouse or the retail unit an Energy Statement applicable to that dwellinghouse or building shall be 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 Policy C1 of the Aberdeenshire Local Development Plan 2017.

No element of the development shall 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 Policy C1 of the Aberdeenshire Local Development Plan 2017.

8. 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.

9. All landscaped areas outwith the curtilages of the dwellinghouses and identified as 'public space' on the approved drawing number BL(0-) 003E shall be permanently retained as such and shall at no time be used as private garden ground nor incorporated within the curtilage of

any of the dwellinghouses hereby approved without the express grant of planning permission by the planning authority. 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 within the landscaped areas without an express grant of planning permission by the planning authority.

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

10. The dwellinghouses hereby approved shall not be occupied unless the refuse bin uplift store areas have been provided and surfaced in accordance with the details shown on the approved plan. 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.

11. 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.

12. No dwellinghouse nor the retail unit hereby approved shall be occupied unless the proposed surface water drainage system has been provided in accordance with the approved plans and the Drainage Statement prepared by Ramsay & Chalmers and submitted on 8 June 2020. The surface water drainage system 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.