

**Aberdeenshire**  
COUNCIL



**FORMARTINE AREA COMMITTEE**

**TUESDAY, 23 JANUARY 2024 at 9.45 am**

Your attendance is requested at a meeting of the **FORMARTINE AREA COMMITTEE** to be held via **TEAMS**, on **TUESDAY, 23 JANUARY 2024**, at **9.45 am**

This meeting will be live streamed and a recording of the public part of the meeting will be made publicly available at a later date.

Friday, 12 January 2024

Elaine Brown, Formartine Area Manager

To: Councillors I Taylor (Chair), A Hassan (Vice-Chair), J Crawley, I Davidson, A Forsyth, P Johnston, G Lang, L McAllister, J Nicol, G Owen, D Ritchie and A Stirling

Contact Person:- Claire Young  
**Tel:** 01467 538196  
**Email:** [claire.young@aberdeenshire.gov.uk](mailto:claire.young@aberdeenshire.gov.uk)

## B U S I N E S S

### Sederunt

- 1 Declaration of Members' Interests
- 2a Public Sector Equality Duty 4  
Consider, and if so desired, adopt the following resolution:-
- (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 Integrated Impact Assessment is provided, to consider its contents and take those into account when reaching a decision.
- 2b Exempt Information  
Consider, and if so decided, adopt the following resolution:- “That under Section 50A (4) and (5) of the Local Government (Scotland) Act 1973, as amended, the public and media representatives be excluded from the meeting for Item 9 of business below, on the grounds that it involves the likely disclosure of exempt information of the class described in paragraph 8 of Part 1 of Schedule 7A of the Act.”
- 3 Minute of Meeting of 12 December 2023 5 - 24

### Environment and Infrastructure Services

- 4 Full Planning Permission for Part Change of Use from Bank (Class 2 Financial, Professional & Other Services) and Alterations to form Office (Class 4) and Erection of Car Wash (Sui Generis) at 34 Bridge Street, Ellon (APP-2023-1237) 25 - 50
- 5 Full Planning Permission for Erection of 49 Dwellinghouses (Change of Housetypes and Plot Layout to APP/2022/1429 for Erection of 64 Dwellinghouses with Associated Infrastructure, Landscaping and Open Space Without Compliance with Condition 1 (Off-Site Road Improvement Works) of Planning Permission Reference APP/2019/0753) at OP2 Site, Bonnyton Farm, Pitmedden, Ellon (APP-2023-1641) 51 - 84

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| 6 | Full Planning Permission for Erection of Outbuildings and Change of Use of Agricultural Land to Formation of Forest School/Outdoor Learning Play Area and Associated Works at Land at Boudiestone, Oldmeldrum (APP-2023-0353) | 85 - 98  |
| 7 | Newburgh (Site OP3) Masterplan (ENQ-2023-1525)  | 99 - 134 |

### **Business Services**

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| 8 | Statement of Outstanding Business | 135 - 137 |
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### **Items which the Committee may wish to consider with the public and press excluded**

- |   |  |           |
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| 9 | Environment and Infrastructure Services 2024/2025 Procurement Plan<br><i>[Exempt under paragraph 8 / Confidential]</i> | 138 - 145 |
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Expenditure to be incurred by the Council under a contract for acquisition of property or supply of goods or services.

## **PUBLIC SECTOR EQUALITY DUTY – GUIDANCE FOR MEMBERS**

### **What is the duty?**

In making decisions on the attached reports, Members are reminded of their legal duty under section 149 of the Equality Act 2010 to have due regard to the need to:-

- (i) eliminate discrimination, harassment and victimisation;
- (ii) advance equality of opportunity between those who share a protected characteristic and persons who do not share it; and
- (iii) foster good relations between those who share a protected characteristic and persons who do not share it.

The “protected characteristics” under the legislation are: age; disability; gender reassignment; pregnancy and maternity; race; religion or belief; sex; sexual orientation; and (in relation to point (i) above only) marriage and civil partnership.

### **How can Members discharge the duty?**

To ‘have due regard’ means that in making decisions, Members must consciously consider the need to do the three things set out above. This requires a conscious approach and state of mind. The duty must influence the final decision.

However, it is not a duty to achieve a particular result (e.g. to eliminate unlawful racial discrimination or to promote good relations between persons of different racial groups). It is a duty to have due regard to the need to achieve these goals.

How much regard is ‘due’ will depend upon the circumstances and in particular on the relevance of the needs to the decision in question. The greater the relevance and potential impact that a decision may have on people with protected characteristics, the higher the regard required by the duty.

### **What does this mean for Committee/Full Council decisions?**

Members are directed to the section in reports headed ‘Council Priorities, Implications and Risk’. This will indicate whether or not an Integrated Impact Assessment (IIA) has been carried out as part of the development of the proposals and, if so, what the outcome of that assessment is.

An IIA will be appended to a report where it is likely, amongst other things, that the action recommended in the report could have a differential impact (either positive or negative) upon people from different protected groups. The report author will have assessed whether or not an IIA is required. If one is not required, the report author will explain why that is.

Where an IIA is provided, Members should consider its contents and take those into account when reaching their decision. Members should also be satisfied that the assessment is sufficiently robust and that they have enough of an understanding of the issues to be able to discharge their legal duty satisfactorily.

For more detailed guidance please refer to the following link:-

[https://view.officeapps.live.com/op/view.aspx?src=https%3A%2F%2Fwww.equalityhumanrights.com%2Fsites%2Fdefault%2Ffiles%2Ftechnical\\_guidance\\_psed\\_scotland.docx&wdOrigin=BROWSELINK](https://view.officeapps.live.com/op/view.aspx?src=https%3A%2F%2Fwww.equalityhumanrights.com%2Fsites%2Fdefault%2Ffiles%2Ftechnical_guidance_psed_scotland.docx&wdOrigin=BROWSELINK)



## **FORMARTINE AREA COMMITTEE**

**TUESDAY, 12TH DECEMBER, 2023**

Present: Councillors I Taylor (Chair), A Hassan (Vice-Chair), J Crawley, I Davidson, A Forsyth, P Johnston (Items 1 to 4), G Lang, L McAllister, J Nicol, G Owen, D Ritchie and A Stirling

Officers In Attendance:

Elaine Brown (Formartine Area Manager), Claire Young (Area Committee Officer), Fiona Stewart (Senior Solicitor), Kenneth Fraser (Roads Development and Transportation Principal Engineer), Ann Ramsay (Senior Planner), Gordon Buchanan (Service Manager for Environmental Health and Trading Standards), James Hewitt (Senior Planner), Stephanie McMillan (Planner), Fiona Chirside (Environment Planner), Irina Birnie (Team Leader for Historic Environment), Lynne Gravener (Interim Programme Manager), Alex Pirrie (Partnership Manager Central), Shona Campbell (Location Manager), Vicky Henderson (Mental Health & Learning Disability Manager) and Rob Simpson (Interim Director of Business Services).

### **1 DECLARATION OF MEMBERS' INTERESTS**

Councillor Johnston declared a Transparency Statement for Item 4, as he had made a previous Declaration of Interest in relation to previous applications at this site as a Director of a Community Wind Turbine Company. However as there was no longer any community interest in this site, having applied the objective test, he concluded that he had no interest to declare, and he would remain and take part in the determination of this item.

Councillor Nicol declared a Transparency Statement for Item 7, as the report referred to Belhelvie Church and her family is part of the congregation of the Belhelvie Church of Scotland. However, as the report referred to the old ruin, having applied the objective test, she concluded that she had no interest to declare, and she would remain and take part in the determination of this item.

### **2A PUBLIC SECTOR EQUALITY DUTY**

In taking decisions on the undernoted 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 and 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, and

to consider, where an Integrated Impact Assessment has been provided, its contents and to take those into consideration when reaching a decision.

## 2B EXEMPT INFORMATION

The Committee **agreed**, that under Section 50A (4) and (5) of the Local Government (Scotland) Act 1973, as amended, the public and media representatives be excluded from the meeting for Item 13 of business, on the grounds that it involved the likely disclosure of exempt information of the class described in the paragraph 8 of Part 1 of Schedule 7A of the Act.

### 3 MINUTE OF MEETING OF 21 NOVEMBER 2023

There had been circulated and was **approved** as a correct record the minute of the meeting of 21 November 2023.

#### 4 **FULL PLANNING PERMISSION FOR ERECTION OF 4 WIND TURBINES (HUB HEIGHT 50M, 76M TO BLADE TIP) AND ASSOCIATED WORKS (CHANGE OF TURBINES TO PLANNING PERMISSION REFERENCES APP/2015/2965, APP/2019/0922 AND APP/2019/2559) AT LAND AT MAINS OF CAIRNBROGIE FARM, OLDMELDRUM (APP/2022/2505)**

There had been circulated a report dated 29 November 2023 by the Director of Environment and Infrastructure Services, which sought consideration of the planning application outlined within.

The Senior Planner introduced the application, which was recommended for approval, highlighting an error in the report – the previous model of turbines being Enercon E53, not Enercon E63 as stated within the report.

During discussion, Members asked whether the conditions detailed on the 2015 application were taken cognisance of; sought clarification on the proposed location of the turbines; asked about mitigation for shadow flicker in the low winter sun; asked about the difference in noise levels between these models of turbine and those previously approved, being reassured that the turbines could be adjusted accordingly to ensure that the conditions were adhered to; sought clarity on the process for monitoring the noise levels; asked about the landscape impact assessment, noting that the single turbine approval was considered within the context of the larger group; and confirmed that the height of the proposed models was less than the original turbines agreed.

Following debate, the Committee agreed to **grant** Full Planning Permission, subject to the following conditions:

01. In accordance with Section 58 of the Town and Country Planning (Scotland) Act 1997 (as amended) this planning permission will lapse on the expiration of a period of three years from the date of this decision notice, unless the development is begun within that period.

Reason: Pursuant to Section 58 of the Town and Country Planning (Scotland) Act 1997 (as amended).

02. Unless otherwise agreed in writing with the Planning Authority; within two years of the commissioning of the wind turbines (when energy is produced and sold from the development), a fully detailed scheme for the ultimate reinstatement of the site shall be submitted to, and require the approval of, the Planning Authority. The site

shall be reinstated fully, in accordance with the approved scheme. Such plan shall be subject to review in the light of monitoring Reason: In the interests of visual amenity and landscape protection.

03. At wind speeds not exceeding 12m/s, (referenced to a height of 10m above ground level, at the location of the turbines), the wind turbine noise level from wind turbines marked T1, T2 and T3 at each noise sensitive property shall not exceed the levels in Tables 1, except where the level in the table exceeds the lower fixed limit (35dB LA90,10min. for daytime and quiet daytime hours, and 38dB LA90,10min. for night hours), and also exceeds the measured background noise level, LA90,10min by 5dB or more, in which case the permitted level will be the lower fixed limit or the background noise level plus 5 dB, whichever is the greater.

Location		Standardised Wind Speed at 10m height in m/s averaged over 10 minute periods, Sound Pressure Levels in dB, LA90 10min								
Property Name	Map Ref	4	5	6	7	8	9	10	11	12
Mains of Cairnbrogie	385006 828056	34	36	38	39	39	39	39	39	39
The Steading	384307 828873	34	36	38	39	39	39	39	39	39
East Cattie	384297 828901	33	36	38	39	39	39	39	39	39
Mains of Cairnbrogie a	385106 827954	31	34	36	37	37	37	37	37	37
Mains of Cairnbrogie b	385177 827931	31	33	35	36	36	36	36	36	36
Mains of Cairnbrogie c	385271 827911	30	32	34	35	35	35	35	35	35
Podrach	384158 828120	30	33	35	36	36	36	36	36	36
Note: for all properties not specified above the predicted noise from the turbine will be calculated using the propagation model in ISO 9613-Part 2 incorporating the recommendations contained in the Institute of Acoustics Good Practice Guide dated May 2013.										

Reason: In the interest of retaining a level of control over any changes in the noise from the wind turbine, or any difference in the actual noise from projected noise from the site.

04. At wind speeds not exceeding 12 metres per second, (referenced to a height of 10 metres above ground level, at the location of the turbine), the wind turbine noise level from wind turbine marked T4 at each noise sensitive property shall not exceed the levels in Table 2, except where the level in the table exceeds the lower fixed limit (35dB LA90, 10min, for daytime and quiet daytime house, and 38dB

LA90, 10min for night hours), and also exceeds the measured background noise level, LA90, 10min by 5dB or more, in which case the permitted level will be the lower fixed limit or the background noise level plus 5dB, whichever is the greater.

Location	Standardised wind speed at 10 metre height in m/s averaged over 10 minute periods, Sound Pressure Levels in dB, LA90 10 min									
Property Name	Map Ref	4	5	6	7	8	9	10	11	12
Podrach	384158 828120	32	35	37	38	38	38	38	38	38
The Steading	384307 828873	30	33	34	36	36	36	36	36	36
East Cattie	384297 828901	30	32	34	35	35	35	35	35	35
Damside Cottages	384834 828004	29	32	34	35	35	35	35	35	35
Mains of Cairnbrogie	385006 828056	29	32	33	34	35	35	35	35	35
<p>Note: For all properties not specified above the predicted noise from the turbine model will be calculated using the propagation model in ISO 9613-Part 2 incorporating the recommendations contained in the Institute of Acoustics Good Practice the recommendations contained in dated May 2013</p>										
Guide										

Reason: To ensure that noise limits are not exceeded and to enable prompt investigation of complaints in order to protect nearby residents from undue and noise disturbance from the development

05. The wind turbine operator shall log power production, wind speed and wind direction data continuously and shall retain the data which have been obtained for a period of no less than the previous 12 months. These data shall include the average wind speed in metres per second for each 10 minute period. The measuring periods shall be set to commence on the hour and in 10 minute increments thereafter. The wind speed data shall be made available to the planning authority within 14 days of receipt in writing of a request to do so. These data shall be provided on Microsoft Excel spreadsheet in electronic format or other format agreed with the planning authority. The wind speed shall also be normalised to a 10 metre reference height.

Reason: In the interests of the amenity of the area.

06. The Wind Turbine Operator shall employ an independent consultant, approved by the Planning Authority, to measure, at the operator's own expense, the level of noise emissions from the wind turbines within the first year of the operation of the turbines, and every two years thereafter, unless and until the Planning Authority extend the period or determine that continued compliance monitoring is no longer

required. The measurement procedures, which may include filtering data according to wind direction, shall be agreed with the Planning Authority prior to commencement, (see 'Informative' section below for further detail). The results of any measurement exercise shall be forwarded to the Planning Authority as soon as practicable after the completion of the monitoring exercise. Unless otherwise agreed with the Planning Authority the turbines shall be switched off during part of the monitoring period to permit reliable background noise level data to be determined at the range of wind speeds from 4 minutes per second to 12 minutes per second.

Reason: In the interest of the amenity of the area.

07. Within 21 days from receipt of a written request from the planning authority following a complaint to it from an occupant of a dwelling alleging noise disturbance at that dwelling, the wind turbine operator shall, at their expense, employ an independent consultant approved by the planning authority to investigate the complaint. The written request from the planning authority shall set out the dates, times and locations to which the complaint relates and any identified atmospheric conditions, including wind direction, and include a statement as to whether, in the opinion of the planning authority, the noise giving rise to the complaint contains or is likely to contain an amplitude modulation and/or tonal component. Where the property to which a complaint is related is not listed in Tables 1 or 2 attached to this condition, the consultant shall agree in writing with the planning authority the noise limits from those listed in the table that shall be adopted at the complainant's property for compliance checking purposes. The proposed noise limits shall be those limits specified for a listed location which is likely to experience the most similar background noise environment to that experienced at the complainant's property. The chosen noise limits for the complainant's property shall be submitted to and approved in writing by the planning authority before the noise emissions assessment is carried out. The assessment of the rating level of noise emissions and amplitude modulation, if required shall be undertaken in accordance with an assessment protocol that shall previously have been submitted to and approved in writing by the planning authority. The protocol shall include the proposed measurement locations where measurements for compliance checking purposes shall be undertaken and the range of meteorological and operational conditions (which shall include the range of wind speeds, wind directions, power generation and times of day) to determine the assessment of rating level of noise emissions. The proposed range of conditions shall be those which prevailed during times when the complainant alleges there was disturbance due to noise, having regard to the written request of the planning authority. Within 3 months of the date of the written request of the planning authority the wind turbine operator shall provide to the planning authority the independent consultant's assessment of the rating level of noise emissions. Certificates of calibration of the instrumentation used to undertake the measurements shall be submitted to the planning authority with the independent consultant's assessment of the rating level of noise emissions.

Reason: To ensure that noise limits are not exceeded and to enable prompt investigation of complaints in order to protect nearby residents from undue noise and disturbance from the development.

08. At the request of the planning authority, the Wind Turbine Operator will be required to carry out an assessment for tonal noise in accordance with the procedure

recommended in Section 6 of the document 'The Assessment & Rating of Noise from Wind Farms' (ETSU-R-97) i.e the Nordic Method. Where the tone level above audibility is greater than 2dB, a tonal penalty shall be applied to permitted noise levels, in accordance with Figure 16 of the document; so that permitted levels specified in these conditions will be reduced by the tonal penalty.

Reason: In the interest of the amenity of the area.

09. Development shall not be begun until a Construction Traffic Management Plan (CTMP) has been submitted to and approved in writing by the local Planning Authority in consultation with the Roads and Bridge Authority. The CTMP shall include:
- a) The routing of all traffic associated with the development on the local road network;
  - b) Measures to ensure that the specified routes are adhered to, including any monitoring procedures;
  - c) Details of any signage and lining arrangements to be put in place;
  - d) Provisions for emergency vehicle access if deemed necessary;
  - e) Identification of a nominated person to whom any road safety issues can be referred; and
  - f) A plan for access by vehicles carrying abnormal loads, including the number and timing of deliveries, the length, width and axle configuration of all extraordinary traffic accessing the site. The approved traffic management plan shall thereafter be implemented in full, unless otherwise agreed in advance in writing with the Planning Authority.

Reason: In the interests of road safety and to ensure that abnormal loads access the site in a safe manner

10. The development hereby approved shall be served in accordance with the approved drawings and shall not be brought into use unless:
- a) the maximum gradient of the first 5m of the access road must not exceed 1 in 20.
  - b) the first 5m of access (measured from edge of road or back of footway) to be fully paved and 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 shall remain in place for the operational life of the development.

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.

11. In the event that the wind turbine fails to produce electricity supplied to a local grid for a continuous period of 6 months, as demonstrated by the submission of operating records and accounts, it will be deemed to have ceased to be required and unless it has been demonstrated that such cessation is due to the wind turbine being under repair or otherwise agreed in writing by the Planning Authority, the wind turbine and its ancillary equipment including cables and foundations shall be dismantled and removed from the site, and the ground fully reinstated to the specification of the Planning Authority, all in accordance with the approved re-instatement plan as specified in condition 2.

Reason: In the interests of safety, amenity and environmental protection of the plant become redundant during or at the end of its lifespan.

12. Prior to the commencement of construction of any turbine foundation an Air Defence Radar Mitigation Scheme shall be submitted to and approved in writing by the Planning Authority in consultation with the Ministry of Defence. For the purposes of this condition, an ADRM scheme means a detailed scheme to mitigate the adverse impacts of the development on the air defence radar at Remote Radar head Buchan and the air surveillance and control operations of the MOD. The scheme will set out the appropriate measures to be implemented to that end. No turbine shall become operational until:
- a) The mitigation measures which the approved ADRM scheme which requires to be implemented prior to the operation of the turbine have been implemented; and
  - b) Any performance criteria specified in the approved ADRM scheme and which the approved ADRM scheme requires to have been satisfied prior to the operation of the turbine have been satisfied. The company shall thereafter comply with all other obligations contained within the approved ADRM scheme for the duration of the operation of the development.

Reason: to protect the operational effectiveness and safety of air surveillance and control.

13. The wind turbine shall be finished in a non-reflective pale grey semi[1]matt finish and should not display any advertising on any part of the turbine unless otherwise agreed in writing with the Planning Authority. Confirmation of the details of the finish and colour of all externally visible components of the associated ancillary aspects of the proposal shall be submitted in writing to and agreed by the Planning Authority prior to the construction of any wind turbine foundation or the ancillary substation.

Reason: In the interests of visual amenity.

14. Prior to the commencement of the operation of the wind turbines, all soil and materials stockpiles shall be removed and the construction area reinstated to the satisfaction of the Planning Authority.

Reason: In the interests of visual amenity and landscape protection.

15. Prior to the commencement of the construction of any turbine foundation a site specific construction method statement, including details of waste, surface water runoff, road construction, the timing of works and environmental management, shall be submitted for the approval in writing of the Planning Authority. The approved construction method statement shall be implemented in full during construction.

Reason: In the interest of landscape and environmental protection.

16. That no part of any concrete foundations and no construction activities shall be within 20 metres of any drain or water course. Prior to the commencement of development details of any new access track drainage shall be submitted to and

approved in writing by the Planning Authority. Track drainage should not discharge to a watercourse but to Sustainable Urban Drainage Systems (SUDS).

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

17. Prior to the construction of any turbine foundation details of the routes of all power cables and a ground reinstatement plan shall be submitted for the approval of the Planning Authority. All cables shall be located underground and the ground thereafter reinstated fully in accordance with details which have been approved, within 12 months of the commissioning of the wind turbine, unless otherwise agreed in writing by the Planning Authority.

Reason: In the interests of visual amenity and landscape protection.

18. Prior to the commencement of the development (unless the timing of the survey is otherwise agreed under the terms of the Construction Traffic Management Plan required under Condition 9) a dilapidation survey (condition of roads, bridges and retaining walls) of the approved route shall be carried out in consultation with the Roads Authority and the Bridge Authority. Once development is complete any remedial works required shall be completed in consultation with and to the satisfaction of the Roads Authority and Bridge.

Reason: In the interest of road and public safety.

19. No works which include the creation of trenches or culverts or the presence of pipes shall commence until measures to protect badgers and otters from being trapped in open excavations, pipe and culverts are submitted to and approved in writing by the local planning authority. The measures may include:
- a) creation of sloping escape ramps for badgers and otters, which may be achieved by edge profiling of trenches and excavations or by using planks placed into them at the end of each working day; and
  - b) open pipework greater than 150 mm outside diameter being blanked off at the end of each working day.

Reason: In the interest of safeguarding the habitat of a protected species.

20. Prior to the commencement of the construction of any turbine foundation, a TV and radio reception mitigation plan for a 20km radius from the boundary of the development site must be submitted to and approved in writing by the Planning Authority:-
- a) The plan shall provide for a baseline TV and radio reception survey to be carried out prior to commencement of the construction of wind turbines at the development site, the results of which shall be submitted to the Planning Authority.
  - b) Within 12 months of the commissioning of the development, any claim by any individual person regarding radio interference or TV picture loss or interference at their house, business premises or other building, shall be investigated by a suitably qualified engineer and the results submitted to the Planning Authority within one month of the conclusion of the investigation.
  - c) Should any impairment to the TV or radio signal be attributable to the wind turbine development, the developer shall remedy such impairment within an



agreed timescale so that the standard of reception at the affected property is equivalent to baseline TV or radio reception, to the satisfaction of the Planning Authority.

Reason: To ensure that any adverse effect on TV or radio reception is rectified.

21. No works in connection with the development hereby approved shall commence unless a written scheme has been submitted to and approved in writing by the planning authority setting out a protocol for the assessment and remediation of shadow flicker in the event of a complaint being received from the owner or occupier of a dwelling alleging shadow flicker. For the purposes of this condition "dwelling" means any dwelling which lawfully exists or had planning permission at the date of this permission. The turbines shall operate in accordance with the approved shadow flicker mitigation protocol and must be capable of being programmed to shut down during times and weather conditions when shadow flicker could occur.

Reason: To protect the amenities of nearby residents by reducing and mitigating the impact of shadow flicker.

22. The undertaker must notify the Ministry of Defence, at least 14 days prior to the commencement of the works, in writing of the following information:

- a) the date of the commencement of the erection of wind turbine generators;
- b) the maximum height of any construction equipment to be used in the erection of the wind turbines;
- c) the date any wind turbine generators are brought into use;
- d) the latitude and longitude and maximum heights of each wind turbine generator, and any anemometer mast(s).

The Ministry of Defence must be notified of any changes to the information supplied in accordance with these requirements and of the completion of the construction of the development.

Reason: To maintain aviation safety.

**5 NOTIFICATION UNDER ELECTRICITY ACT 1989 FOR CONSULTATION UNDER SECTION 36 OF THE ELECTRICITY ACT 1989 FOR THE INSTALLATION OF BATTERY ENERGY STORAGE SYSTEM (BESS) WITH AN INSTALLED CAPACITY OF 105MW AND SUBSTATION 275KV AND ASSOCIATED INFRASTRUCTURE AT LAND ADJACENT TO MILL OF KINMUCK FARM, 6KM NORTH OF ELLON, ABERDEENSHIRE (APP/2023/1758)**

There had been circulated a report dated 27 November 2023 by the Director of Environment and Infrastructure Services, which sought consideration of an application that had been submitted to the Scottish Government's Energy Consents Unit.

The Planner introduced the application, which was before the Formartine Area Committee, ahead of consideration by the Infrastructure Services Committee.

During discussion, Members raised concerns around road safety in the vicinity of the Toll of Birness junction and queried the distance from the junction to the proposed access; commented that the number of vehicles on the road would increase

significantly from the current one to two per day; highlighted that local residents had experienced technical difficulties in being able to submit their views on the proposals; queried whether the Energy Consents Unit had to take on the recommended conditions; queried the construction process for the new pylon required; and raised the issue of community benefits for these types of developments.

Following debate, the Committee:-

(1) provided the following **views** on the consultation to the Infrastructure Services Committee, for it to consider when determining how best to respond to the consultation:

- 1) Safety considerations should be paramount in relation to the access road onto the A90 and the stretch of road in the vicinity of the Toll of Birness junction,
- 2) It was noted that there had been technical difficulties for local residents lodging a submission, and it was hard to know how many representations had been made at this stage, and
- 3) Albeit not a material consideration, it was highlighted that there was desire for there to be community benefits in relation to these types of developments, and further discussion on this would be welcomed within the appropriate forum, and

(2) Confirmed their support for the application, **agreeing** that **no objection** be made to consultation and that the following Conditions be added:

1. The resolution of the Roads Development Objection, and
2. The following Conditions:

1. Time Period

The consent is for a period of 35 years from either the date of Final Commissioning or 12 months from the period of First Commissioning of energy storing equipment on site (the date shall be taken from the earlier of the two). Written confirmation of the date of First and Final Commissioning shall be provided to the Planning Authority no later than one calendar month after that date.

Reason: To define the duration of the consent.

2. Cessation

The developer shall notify the Planning Authority in writing of the Cessation of Operation of the site in the following circumstances:

- (i) In the event that the site does not store electricity or otherwise operate for a continuous period of more than 6 months. This notification must occur within 12 weeks of the expiry of the 6-month period; or
- (ii) Within 6 months of the end of the operational life of the development as per condition 1.

Reason: To define the cessation of operation and in order to give effect to the restoration of the development site.

3. Restoration

The development shall be restored in accordance with the following details:

- (i) The Development will cease to store electricity or otherwise operate by no later than the date falling 35 years from the Date of Commissioning (as per the stipulations of condition 2 of this permission). The total period for decommissioning and restoration of the site in accordance with this condition shall not exceed 18 months after the date of cessation of electricity generation by the Development without prior written approval of the Planning Authority.
- (ii) There shall be no Commencement of Development unless and until a decommissioning, restoration and aftercare strategy has been submitted to, and approved in writing by, the Planning Authority (unless otherwise agreed in writing with the Planning Authority). The strategy shall include measures for the decommissioning of the Development, restoration and aftercare of the site and will include, without limitation, proposals for the removal of the above ground elements of the Development, confirmation of the status of subterranean elements of the development (retention, removal or other such proposal), the treatment of ground surfaces, the management and timing of the works, and environmental management provisions.
- (iii) No later than twelve months prior to decommissioning of the Development or the expiration of this consent (whichever is the earlier) a detailed decommissioning, restoration, and aftercare plan, based upon the principles of the approved decommissioning, restoration and aftercare strategy (as agreed under ii above), shall be submitted to the Planning Authority for written approval. The detailed decommissioning, restoration, and aftercare plan will provide updated and detailed proposals for the removal of above ground elements of the Development, the treatment of ground surfaces, the management and timing of the works and environment management provisions. It should include (but shall not be limited to):
  - a) a site waste management plan (dealing with all aspects of waste produced during the decommissioning, restoration, and aftercare phases);
  - b) details of the formation of new features required to facilitate the decommissioning and restoration including but not limited to: the construction compound, welfare facilities, any areas of hardstanding, turning areas, internal access tracks, car parking, material stockpiles, oil storage, lighting columns, and any construction compound boundary fencing;
  - c) temporary site illumination;
  - d) the construction of any temporary access into the site and the creation and maintenance of associated visibility splays;

- e) the Development shall be decommissioned, site restored, and aftercare thereafter undertaken in accordance with the detailed decommissioning, restoration, and aftercare plan as approved, unless otherwise agreed in writing in advance with the Planning Authority.

Reason: To ensure the decommissioning and removal of the development in an appropriate and environmentally acceptable manner and the restoration and aftercare of the site, in the interests of safety, amenity and environmental protection.

4. Financial Guarantee

No works in connection with the development hereby approved shall commence unless the developer has provided to the Planning Authority written details of the guarantee or other financial provision that is proposed to be put in place to cover all site restoration liabilities at the end of the period of this permission (as per condition 1 of this notice).

The developer shall also provide an independent confirmation by a chartered surveyor or appropriately qualified individual (whose appointment for this task has been approved in writing by the Planning Authority) that the amount of the guarantee or financial provision so proposed is sufficient to meet the full estimated costs of dismantling, removal, disposal, site restoration, remediation aftercare liabilities and incidental work as well as associated professional costs. No works shall commence on site unless written confirmation has been given by the Planning Authority that the proposed guarantee is satisfactory, and the developer has confirmed in writing to the Planning Authority that the guarantee has been put in place. The guarantee or other financial provision must:

- a) be granted in favour of the Council as planning authority;
- b) be from a bank or other institution which is of sound financial standing and capable of fulfilling the obligations under the guarantee;
- c) be reviewable to ensure that the specified amount of the guarantee always covers the value of the site restoration and aftercare liabilities;
- d) come into effect on or before the date of commencement of development and expire no earlier than 12 months after the end of the restoration period.

In the event that the guarantee becomes invalid for any reason, no operations shall be carried out in connection with the development hereby approved unless a replacement guarantee, completed in accordance with the terms of this condition has been submitted to, and approved in writing by, the Planning Authority.

Reason: To ensure financial security for the cost of the site reinstatement and aftercare liabilities is in place in the interests of the visual amenity of the area and environmental protection.

5. Construction Environment Management Plan (CEMP)

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);
- (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/ environmental clerk of works (ECoW) or similarly competent person;
- (h) Use of protective fences, exclusion barriers and warning signs.
- (i) The location, detail and use of any proposed lighting during construction.

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

The CEMP must include or be informed by the use of Species Protection Plans (SpPP), which outline the measures to be taken in order to avoid and mitigate impacts upon identified protected species.

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

#### 6. Landscaping Scheme

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) A tree survey in accordance with BS 5837:2012;
- b) Existing landscape features and vegetation to be retained;
- c) Protection measures for the landscape features to be retained;
- d) Existing and proposed finished levels;
- e) The location of new trees, shrubs, hedges, grassed areas and water features;
- f) A schedule of planting to comprise species, plant sizes and proposed numbers and density, which are appropriate to the location;
- g) The location, design and materials of all hard landscaping works including any walls, fences or gates;
- h) An indication of existing trees, shrubs and hedges to be removed;
- i) A programme for the implementation, completion and subsequent management and monitoring of the proposed landscaping.

- j) The location of any landscaping or other measures which constitute part of the Biodiversity Net Gain / Enhancement measures as agreed under condition 7 (Biodiversity Enhancement).

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.

7. Biodiversity Enhancement

Prior to the commencement of development, the Outline Biodiversity and Landscape Strategy shall be submitted to the Planning Authority for finalisation and agreement. Thereafter, the development hereby approved shall not be brought into use unless all measures proposed within the strategy have been installed or constructed in accordance with approved details

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

8. Construction Traffic Management Plan

No works in connection with the permission hereby granted shall commence unless a Construction Traffic Management Plan (CTMP) has been submitted to and approved in writing by the planning authority. Thereafter, the development shall be carried out in accordance with the approved CTMP.

Reason: In the interests of road safety and to avoid degradation of the road and bridge network.

9. Construction Hours

Construction shall only occur within the following timeframes:

07:00-18:00 Mon-Fri;  
08:00-13:00 Sat.

No construction activity shall be undertaken out with the aforementioned timeframes, unless agreed in writing with the Planning Authority.

A request for out of hours working must be made in writing to the Planning Authority no less than 10 working days ahead of the proposed variation.

Reason: In the interests of protecting the amenity of the surrounding area.

10. Control Building

No works in connection with the development of the Control Building shall commence unless details of the colour and finish of the control building along with a detailed site layout and elevations of the buildings to be erected in the temporary construction compound has been submitted to and approved in writing by the planning authority.

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

11. Programme of archaeological works

No works in connection with the development hereby approved shall commence unless an archaeological written scheme of investigation (WSI) has been submitted to and approved in writing by the planning authority and a programme of archaeological works has been carried out in accordance with the approved WSI. The WSI shall include details of how the recording and recovery of archaeological resources found within the application site shall be undertaken, and how any updates, if required, to the written scheme of investigation will be provided throughout the implementation of the programme of archaeological works.

Should the archaeological works reveal the need for post excavation analysis the development hereby approved shall not be brought into use unless a post excavation research design (PERD) for the analysis, publication and dissemination of results and archive deposition has been submitted to and approved in writing by the planning authority. The PERD shall be carried out in complete accordance with the approved details.

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

12. Noise (Noise Limits)

Noise from the proposal and all associated buildings shall not exceed NR20 when measured over an Leq5min (dB) within any habitable room of any noise sensitive dwelling with an open window.

Reason: In the interests of protecting the amenity of noise sensitive receptors.

13. Noise (NIA Mitigation)

The development hereby approved shall not be brought into use unless the battery units are oriented with the noise sources facing away from the noise sensitive receptors as detailed within the NIA.

Reason: In the interests of protecting the amenity of noise sensitive receptors.

14. Noise (Sound Power Level Noise Data)

The development hereby approved shall not be brought into use until sound power level noise data is provided for Battery Units, Power Converter Units and Super Grid Transformers. The sound power level noise data shall not exceed

the sound power noise level data shown in NIA produced by ITP Energised. Once approved for Battery Units, Power Converter Units and Super Grid Transformers proposed in the information shall be implemented, installed, and shall be retained and maintained in perpetuity.

Reason: In the interests of protecting the amenity of the surrounding area.

15. Noise (Acoustic Enclosures)

The development hereby approved shall not be brought into use until information is submitted and approved on acoustic enclosures around the Super Grid Transformer which provides at least 18dB attenuation as described in the NIA. Once approved, the enclosures proposed in the information shall be implemented, installed, and shall be retained and maintained in perpetuity.

Reason: In the interests of protecting the amenity of the surrounding area.

Informatives:

Works by archaeological organisation

Any archaeological survey, watching brief or archaeological works required by a condition attached to this planning permission must be undertaken by a suitably qualified archaeological organisation.

Written Scheme of Investigation (WSI)

A written specification produced by the appointed Chartered Institute for Archaeologists (CIfA) member archaeological contractor on behalf of the applicant which outlines in detail the proposed scheme of archaeological investigation. It should detail what archaeological works will be carried out and how; how any encountered archaeological remains will be dealt with; how any updates to the WSI will be provided; the reporting process; and the potential for post-excavation requirement. The WSI must be submitted to the planning authority for approval before being implemented. The contents of the WSI must conform to the relevant national and CIfA standards and guidance.

Post-Excavation Research Design (PERD)

A written specification for the post-excavation analysis of artefacts and samples recovery during the excavation phase or archaeological works, prepared by the appointed Chartered Institute for Archaeologists (CIfA) member archaeological contractor on behalf of the applicant. This should include a project design for the post-excavation work, a costed assessment for this work, and costed proposals for the publication of results. The PERD must be submitted to the planning authority for approval. Once the PERD has been agreed, written confirmation must be provided to the planning authority demonstrating that an agreement is in place between the applicant and the appointed CIfA member archaeological contractor, committing the applicant to fund the post-excavation work and for said work to be completed by an agreed date.



## 6 ABERDEENSHIRE COUNCIL TREE PRESERVATION ORDER 138 (2023) BALNEDEN, OLDMELDRUM

There had been circulated a report dated 20 November 2023 by the Director of Environment and Infrastructure Services which sought the confirmation of a recently served Tree Preservation Order (TPO) which was the subject of an outstanding objection. A TPO required to be confirmed within six months of the making of it or it would lapse.

The Environment Planner introduced the report and provided a presentation, and the Committee heard an oral representation from Mr Brown, who had submitted the representation at Appendix 3 of the report.

During discussion, Members asked about the tree's significance in the visual amenity of the area, seeking clarification of its rarity and that there were few trees remaining in the conservation area; queried whether the tree was indigenous to Scotland; sought clarification on the process for maintaining the tree in a conservation area vs under a TPO; queried whether there had been any structural damage caused by the tree; asked who was liable for costs associated with the maintenance of the tree; noted that the neighbouring property was to the south, so the tree should not cause significant overshadowing; sought clarity on the time of year the presentation photographs were taken; and queried if the tree owner had only been maintaining the portion of tree within his own garden, noting that the photos appeared to indicate more pruning on that side.

Following debate, Councillor Hassan, seconded by Councillor Nicol, **moved** that the Committee confirm Tree Preservation Order No. 138 (2023) Balneden, Oldmeldrum, as per the recommendation within the report.

Councillor Ritchie, seconded by Councillor Crawley, **moved as an amendment** that the Committee did not confirm Tree Preservation Order No. 138 (2023) Balneden, Oldmeldrum, on the grounds that pruning works were required now due to structural implications and impact on natural light for the neighbouring property.

The Members voted as follows:

For the Motion	6	Councillors Davidson, Hassan, McAllister, Nicol, Stirling and Taylor
For the Amendment	5	Councillors Crawley, Forsyth, Lang, Owen and Ritchie

Therefore, the Committee **agreed** to confirm Tree Preservation Order No. 138 (2023) Balneden, Oldmeldrum without modification.

## 7 HISTORIC ASSET MANAGEMENT PROJECT UPDATE

There had been circulated a report dated November 2023 by the Director of Environment and Infrastructure Services which detailed projects planned to be undertaken by the Historic Asset Management Project (HAMP) in the financial year 2024/2025. It also provided a summary of progress made over the past year 2023/2024, with a list of completed projects, budget information and other relevant updates.

The Historic Environment Team Leader introduced the report, highlighting an error – the church referred to in the report as “Bethelnie” was in fact the old Belhelvie Church.

Following discussion, the Committee:

- (1) **noted** the contents of the report and provided the following **comments** to the Infrastructure Services Committee on the annual update on the Historic Asset Management Project:
  - a) Interpretation Boards were very important to inform visitors to the history and context of the assets they were visiting,
  - b) Aerial drone footage had been recorded in the Inverkeithny and Methlick areas which captured trees that were no longer there, should the Service wish these for posterity,
  - c) The works to be carried out in the Formartine area were very much welcomed,
  - d) It would be helpful for local members to be kept informed of the completion of any local works,
  - e) Noting that compensation had been granted for the damage to the Merkat Cross, it was highlighted that in due course the Service may need to consider removing any remaining finials due to their delicate condition, and
  - f) The external funding being drawn in was welcomed,
- (2) **endorsed** the approach taken by the Historic Asset Management Project in respect of Council owned historic assets, and
- (3) **approved** that future annual updates would be incorporated into the Historic Environment Strategy and Action Plan.

## 8 **ABERDEENSHIRE HEALTH AND SOCIAL CARE PARTNERSHIP - QUARTERLY PERFORMANCE REPORT ON STRATEGIC DELIVERY PLAN**

There had been circulated a report dated 9 November 2023 by the Chief Officer for the Aberdeenshire Health and Social Care Partnership. The report provided the Committee with information on the Health and Social Care Partnership (HSCP)’s performance in terms of progress against its Strategic Delivery Plan, and the Formartine HSCP Team update on local health and social care issues and priorities.

Following discussion, the Committee:

- (1) **noted** the content of the performance report provided, and
- (2) provided the following **comments** to the Aberdeenshire Integration Joint Board (IJB) for their consideration:
  - a) The committee welcomed the updates provided, in particular those relating to Formartine,
  - b) It would be helpful to know whether pharmacists were receiving training to be able to deal with any customers who are suffering from poor mental health,
  - c) It was queried whether anything was being done to alleviate the lack of staff at Westbank Care Home and the inability to admit to full occupancy,

- d) As regards the emergency closure of the Meadows Care Home in Huntly, with residents being admitted to Westbank Care Home, it was noted that feedback from the families was very positive and thanks was given to the staff,
- e) It was queried what support services could be put in place when it was a challenge to balance palliative care and other types of care, due to lack of staffing, and questioned whether there was care at home for those who required it,
- f) Cognisance was given to the challenging times being faced by the service, and
- g) Under key successes was listed the Ellon Day Opportunities and thanks and recognition was given to these staff.

## 9 BUSINESS SERVICES AREA COMMITTEE PERFORMANCE INDICATOR REPORT - MID-YEAR PROGRESS UPDATE (APRIL 2023 - SEPTEMBER 2023)

There had been circulated a report dated 30 November 2023 by the Interim Director of Business Services, which provided the Formartine Area Committee with an update on progress in relation to Business Services performance indicators which supported the Council Plan Priorities 2022-27.

Following discussion, the Committee **noted** the progress made in relation to Business Services performance indicators relating to the Formartine Area, and provided the following **comments**:

- a) It would be helpful to have details of the contact centre average call times, from the previous year, for comparison,
- b) It would be useful to know when the chatbot function was expected to have embedded fully, appreciating that the system learned as it progressed, and
- c) It would be helpful to understand whether the chatbot function would result in a saving to the taxpayer.

## 10 APPOINTMENT TO LOCAL REVIEW BODY

There had been circulated a report dated 22 November 2023 by the Interim Director of Business Services, which sought the appointment of a substantive member to the Local Review Body, following the resignation of Councillor Johnston from the role.

Councillor Taylor, seconded by Councillor Owen, nominated Councillor Davidson to the role of substantive member of the Local Review Body. Councillor Davidson accepted this nomination and was duly **appointed** as the substantive member of the Local Review Body.

As Councillor Davidson had previously been the substitute member, a nomination was then sought to fill this role.

Councillor Taylor, seconded by Councillor Stirling, nominated Councillor Lang to the role of substitute member of the Local Review Body. Council Lang accepted this nomination and was duly **appointed** as the substitute member of the Local Review Body.

## 11 AREA COMMITTEE BUDGET 2023-2024 - APPLICATION FOR FUNDING

With reference to the Minute of the Meeting of this Committee of 25 April and 2 May 2023 (Item 10), at which the broad allocation of the Area Committee Budget for 2023-

24 was agreed, there was circulated a report dated 24 November 2023 by the Interim Director of Business Services which outlined an application for funding that had been received for consideration by members.

After considering all of the information provided, the Committee **agreed to award up to £5,000** to the Ellon Chapter of Cycling without Age Scotland (CWAS), towards the purchase and operation of a Trishaw for the Ellon area. There only being £2,977.66 remaining in the budget, this would be made available in the first instance, with a further £2,022.34 being made available, should any funds already committed be returned to the budget.

## 12 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.

After noting the verbal updates provided, the Committee **agreed** that:

- 1) Item one could be discharged,
- 2) Item two be updated to reflect the session to be held in January,
- 3) The verbal update in relation to Item 3 was not satisfactory and this should be escalated by the Area Manager to the Director and Head of Service, to reiterate the importance of this matter progressing as soon as possible, as it had now been almost a year since the MPI was submitted, and
- 4) Any further updates in relation to Item 3 be circulated to the Committee members as soon as possible.

## 13 SUPPLEMENTARY PROCUREMENT PLAN FOR BUSINESS SERVICES - PROCUREMENT APPROVAL

There had been circulated an exempt report by the Director of Environment and Infrastructure Services which sought approval of a Supplementary Procurement Plan for the proposed procurement to be added to the Business Services Directorate Annual Procurement Plan that was approved by Infrastructure Services Committee at its meeting on 2 March 2023.

After considering all the information provided, the Committee:

- 1) **noted** the Directorate Supplementary Procurement Plan as detailed in Appendix 1 of the report,
- 2) **approved** the item on the Supplementary Procurement Plan identified as falling within the remit of the Committee,
- 3) **agreed** not to reserve approval of the Procurement Approval Form (PAF) for the item on the Procurement Plan, and
- 4) **noted** that as the Committee did not reserve approval of the Procurement Approval Forms then the relevant Chief Officer had the delegated authority to approve the Procurement Approval Forms and also to award the final contract for the item in the Supplementary Procurement Plan.



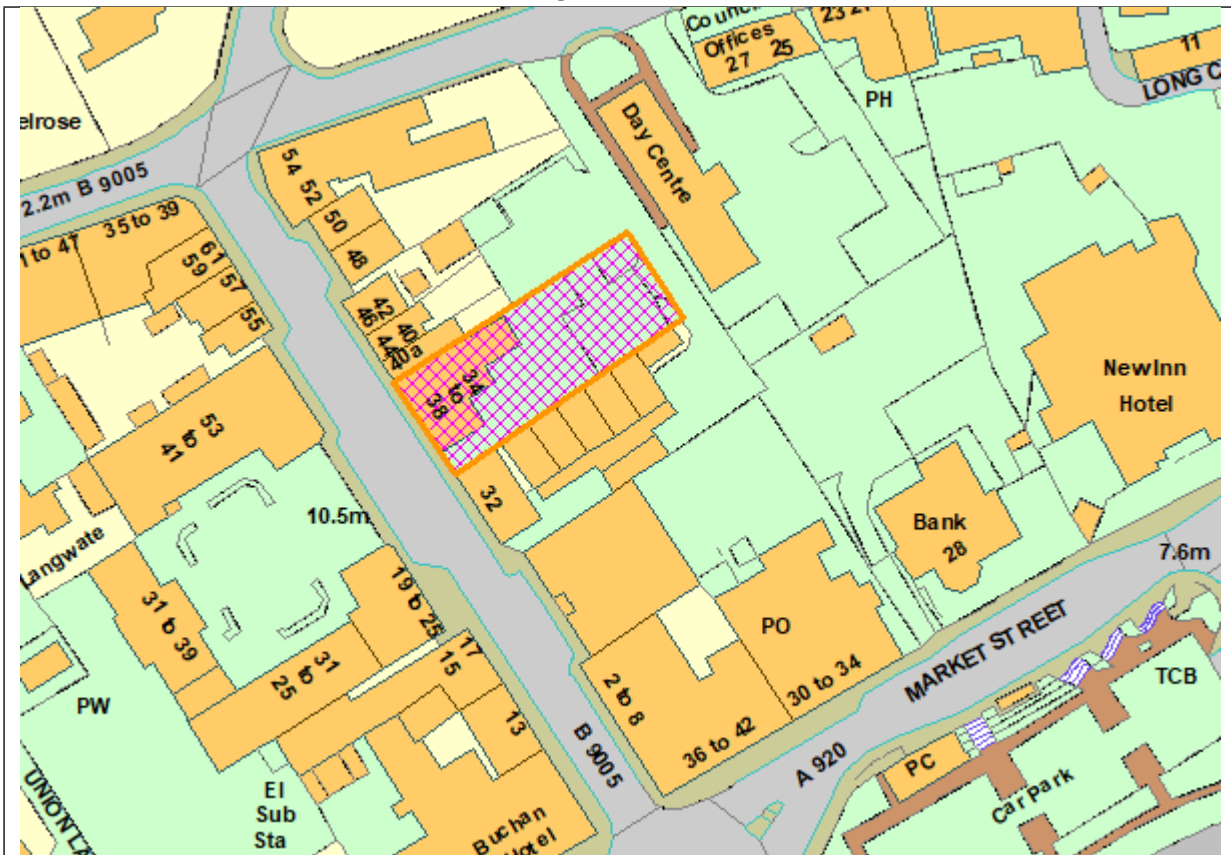
## Formartine Area Committee Report - 24 January 2024

Reference No: [APP/2023/1237](#)

**Full Planning Permission for Part Change of Use from Bank (Class 2 Financial, Professional & Other Services) and Alterations to form Office (Class 4) and Erection of Car Wash (Sui Generis) at 34 Bridge Street, Ellon, AB41 9AA**

**Applicant:** Mr Ahmet Dogan  
**Agent:** Michael Ritchie

Grid Ref:	E:395649 N:830467
Ward No. and Name:	W09 - Ellon And District
Application Type:	Full Planning Permission
Representations	5
Consultations	4
Relevant Proposals Map	Aberdeenshire Local Development Plan
Designations:	Accessible Rural Area
Complies with Development Plans:	Yes
Main Recommendation	Grant



**NOT TO SCALE**

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## 1. Reason for Report

- 1.1 The Committee is able to consider and take a decision on this item in terms of Section B.8.1 of Part 2A List of Committee Powers and Section C.3.1f of Part 2C Planning Delegations of the Scheme of Governance as there is an unresolved objection from a consultee.
- 1.2 The Head of Finance and Monitoring Officer within Business Services have been consulted in the preparation of this report their comments are incorporated within the report and are satisfied that the report complies with the Scheme of Governance and relevant legislation.

## 2. Background and Proposal

- 2.1 This application seeks full planning permission for the partial change of use of 34 Bridge Street, Ellon from a bank (Use Class 2 Financial, Professional & Other Services) to form an office and erect a car wash which falls within Class 4 (Business) and Sui Generis uses.
- 2.2 The site lies within the heart of Ellon town centre (as defined in the Aberdeenshire Local Development Plan 2023) and lies opposite Neil Ross Square. **Appendix 1 contains the Location Plan.** The site is in the centre of a row of businesses on Bridge Street and has residential homes on the first floor of the building. The rear of the site has a gravel car park which is accessible through a single-lane access road with entrances on Market Street and Station Road. The building is currently vacant.
- 2.3 The proposal seeks to change the use of part of the site from a bank to a car wash and adjacent office. The exterior area would be approximately be 23 metres by 6 metres. This space includes an extended tarmac area, and a covered car port. The proposed office would be in the single storey section of the building facing the car wash. It has a total area of 32.5sqm. The only change to the exterior of the building will be altering the rear window to form a door opening. Vehicular access to the site is only through the single-track access road to the east of the site. It will be inaccessible by car from Bridge Street. **Appendix 2 contains the Site Plan, Ground Floor Plan and Elevations.**
- 2.4 The car port measures approximately 7.8 metres (width) by 5 metres (depth) with a height of 3.3 metres. The materials to be used shall be black steel posts with a rubber roof. Exterior materials for the proposed office shall not be changed. **Appendix 3 contains the Ground Floor Plan and Elevation of the Car Port.**
- 2.5 The applicant proposes to connect to the public water and drainage network and make provision for the sustainable drainage of surface water.
- 2.6 The applicant has provided additional information on surface water soakaway and fuel/oil separators and grease separators. As a result, the site plan has been amended.

### 3. Representations

3.1 A total of 5 valid representations (5 objections) have been received as defined in the Scheme of Governance. All issues raised have been considered. The letters raise the following material issues:

- *The single track road is not suitable for the extra volume of traffic should the development be improved.*
- *How will vehicles leaving and arriving pass on the lane and do so safely.*
- *Potential traffic queueing up onto Station Road.*
- *No access onto Bridge Street.*
- *The proposal is not suitable for the town centre as car washing is very industrial.*
- *Better placed in a industrial estate.*
- *The single-track road also services a supported living facility on the lane. Pedestrian safety may be negatively impacted by the increased traffic.*

### 4. Consultations

4.1 **Environment and Infrastructure Services (Environmental Health)** has considered the application and have no objections.

4.2 **Environment and Infrastructure Services (Roads Development)** reviewed the proposal and comments that, while no additional spaces are provided as part of this application, the parking requirements can be accommodated by surrounding public car parks. Therefore, it has no opposition to the proposal.

4.3 **Scottish Water** has no objection to the proposal and confirmed that the proposed development will be fed from Invercannie Water Treatment Works and Ellon Waste Water Treatment Works, but it is unable to confirm capacity and suggests the applicant completes a Pre-Development Enquiry Form. It also notes that for reasons of sustainability, Scottish Water cannot accept any surface water connections into their combined sewer system unless significant justification is provided.

4.4 **Ythan Community Council** objects to the proposal as the existing lane is reportedly too congested and cannot cope with any further vehicular movements. Moreover, it does not consider the location to be suitable for this type of business.

**Appendix 4 contains the full response.**

### 5. Relevant Planning Policies

5.1 National Planning Framework 4 (NPF4)

Scotland's fourth National Planning Framework (NPF4) is a long term plan looking to 2045 that guides spatial development, sets out national planning policies, designates national developments and highlights regional spatial

priorities. It is part of the development plan, and so influences planning decisions across Scotland.

On 13 February 2023 (0900am) Scottish Ministers adopted and published National Planning Framework 4 (NPF4), meaning that it is in force and National Planning Framework 3 and Scottish Planning Policy are superseded from that date and time. This will also have the effect that all strategic development plans and any supplementary guidance issued in connection with them cease to have effect on that date. As such the Aberdeen City and Shire Strategic Development Plan 2020 has now ceased to have effect. The NPF4 now forms part of the development plan along with the Aberdeenshire Local Development Plan 2023.

Policy 9 Brownfield, vacant and derelict land and empty buildings  
Policy 22 Flood risk and water management  
Policy 27 City, Town, Local, and Commercial Centres

## 5.2 Aberdeenshire Local Development Plan 2023

On 13 January 2023 the Aberdeenshire Local Development Plan 2023 was adopted.

Policy B1 Town Centre Development  
Policy P1 Layout, Siting and Design  
Policy RD1 Providing Suitable Services

## 5.3 Other Material Considerations

Town Centre First Principle

Ellon Town Centre Health Check 2022

## 6. **Discussion**

- 6.1 The key material considerations for the proposed are whether the change of use of the existing building and parking area to an office and car wash is appropriate in this town centre location and the likely impacts on the character of the area and the environment.

### Principle of Development

- 6.2 The site is located within a vacant unit in the defined town centre, as such, the main consideration is whether this is an appropriate location for the proposed development.
- 6.3 Both NPF4 and ALDP 2023 seeks to encourage, promote and facilitate development in town centres. Typical uses would be retail and other frequently visited uses such as office developments, leisure uses, community, cultural facilities, public buildings.



- 6.4 Developments for non-retail uses would not be supported where the services will undermine the character and amenity of the area or the health and well-being of communities. The proposal is not a drive-through car wash with an automated system, but a manual car wash facility, with an associated office. Environmental Health have raised no concerns in respect of noise, therefore the Planning Service is content that the use will not negatively impact on the residential amenity or the health and well-being of the community.
- 6.5 Whilst both NPF4 and ALDP 2023 want development to encourage a range of sustainable transport modes, this is a type of business that relies on motor vehicle customers and, as such, the benefit with this type of business to the town centre is new employment opportunities and the potential for customers to visit other town centre facilities, increasing footfall.
- 6.6 The site is currently vacant, as the former TSB branch closed in April 2022 with no business taking over since its closure. This application seeks to utilise the rear car park and a small section of the building. NPF4 Policy 9 seeks to encourage, promote and facilitate the reuse of empty buildings, to help reduce the need for greenfield development. The applicant seeks to reuse a vacant site which holds no biodiversity value, and convert it to a new use which is in line with this policy.
- 6.7 Having cognisance of the Ellon Town Centre Health Check 2022, the application site is specifically noted in the vacant retails units section. There has been an increase in vacancy rates and the comments received through the 2021 surveys noted the desire to see less vacant units in the town. With regards to facilities and amenities, there were comments received noting the lack of variety of goods available in the town centre as well as things to do. Whilst a car wash falls outside those uses, it would provide work and local economy and may result in more consumer spend in other uses.
- 6.8 Overall, the principle of development is not in conflict with Policy 9 Brownfield, vacant and derelict land and empty buildings and Policy 27 City, Town, Local, and Commercial Centres of NPF4 and Policy B1 Town Centre Development of ALDP 2023.

#### Layout, Siting and Design

- 6.9 There is a minor change to the exterior of the existing building by forming a larger opening for a door which is acceptable as it would not change the overall character and appearance of the rear elevation of the building. The proposed car wash space is completely obscured from visibility on Bridge Street. The car port would provide a neutral impact to the surrounding area, as its black steel design is made of similar materials as the refuse bins stored in adjacent areas on the street. Overall, there are no concerns over the layout of the site and the design of the car port. The existing car park and building can be adapted to a new use. The development is not in conflict with Policy P1 of ALDP 2023 or Policy 14 of NPF4.

### Providing Suitable Services

- 6.10 The site is currently a car park, and would maintain some spaces for parking in the proposal. However, several comments object to the proposal. The overwhelming reason for objection is that Station Road and Bridge Street are notably congested at times, and the increased traffic from customers servicing the car wash can drastically increase traffic jams and potential pedestrian risk. The Community Council are also concerned by this. However through consultation, Roads Development have reviewed the proposal from the context of parking and access and have no objections. It should also be noted that the current use of the car park is to serve the former bank. Historically there have been constant comings and goings from the site as customers have visited the bank. It would be expected that the length of visit would be longer as a car wash, hence reducing the amount of vehicle movements to and from the site.
- 6.11 Whilst there have been no objections raised from Scottish Water on the proposals, there has been ongoing discussions regarding details of the drainage layout at the car wash areas and the requirement to include a suitable sized oil and silt separator to protect the public sewer system. The applicant has provided additional details on the site plan, showing the existing surface drains, gullies and a 3000l clearwater washdown and silt separator as well as manufacturers literature on fuel and oil separators and grease separators. The agent has also provided calculations for the surface water soakaway. The information provided is considered suitable and as such, the application is not in conflict with Policy RD1 of ALDP 2023.

### Representations

- 6.12 With regards to concerns raised through letters of representation, the principle of development has been assessed above and found this proposals to be acceptable in the town centre. The concerns regarding roads issues have been considered above, and to reiterate Roads Development has no objection to the application.

### Conclusion

- 6.13 The proposed development is not in conflict with Policy 9 Brownfield, vacant and derelict land and empty buildings and Policy 27 City, Town, Local, and Commercial Centres of NPF4 and Policy B1 Town Centre Development of ALDP 2023 as it would see the re-use of a vacant site within the town centre and introduce a new business to the town. The proposed use will not cause a significant negative impact on amenity and given the location to the rear of the building, as well as the scale of the development, the proposals will not have a significant impact on the character of the town centre. The applicant has provided sufficient information to ensure that any run off from the wash facilities can be controlled. As such, the application is recommended for approval.

## 7. Area Implications

- 7.1 In the specific circumstances of this application there is no direct connection with the currently specified objectives and identified actions of the Local Community Plan.

## 8. Implications and Risk

- 8.1 An integrated impact assessment (IIA) has been carried out as part of the development of the proposals set out above. An IIA screening was carried out following the receipt of a letter of representation that highlighted a concern in relation to the single-track road that also services a supported living facility on the lane. Through the screening process it was established that there would not be an impact on people and/or groups with protected characteristics. However, given the site is located within Ellon Town Centre, the proposal would cause an impact.
- 8.2 The IIA is included as **Appendix 5** and the following impact has been identified which cannot be fully mitigated as explained below.
- 8.3 With regard to parking, a number of spaces would be utilised for the car wash facility. They will still be delineated on the ground but whilst the car wash is in operation the spaces will be utilised for the business and not regular parking. The spaces are not lost, when the business is closed the spaces will be retained. As this is not a public car park, there is no loss of spaces to the general public and the building is vacant. The residential flats above do not have any dedicated parking in this area. Roads Development have confirmed that any parking requirements can be accommodated by surrounding public car parks.
- 8.4 In addition there are also positive impacts in that new business would re-use part of a vacant building and land and create additional footfall to the town centre and may result in multi trips to other town centre facilities as well as providing additional economy to the town.
- 8.5 There are no staffing and financial implications.
- 8.6 There are no risks identified in respect of this matter in terms of the Corporate and Directorate Risk Registers as the Committee is considering the application as the planning authority in a quasi-judicial role and must determine the application on its own merits in accordance with the Development Plan unless material considerations justify a departure.
- 8.7 No separate consideration of the current proposal's degree of sustainability is required as the concept is implicit to and wholly integral with the planning process against the policies of which it has been measured.

## 9. Departures, Notifications and Referrals

### 9.1 Development Plan Departures

None

9.2 The application is not a Departure from the valid Development Plan and no departure procedures apply.

9.3 The application does not fall within any of the categories contained in the Schedule of the Town and Country Planning (Notification of Applications) (Scotland) Direction 2009 and the application is not required to be notified to the Scottish Ministers prior to determination.

9.4 The application would not have to be referred to Infrastructure Services Committee in the event of the Area Committee wishing to grant permission for the application.

## 10. Recommendation

### 10.1 **GRANT subject to the following conditions:-**

01. In accordance with Section 58 of the Town and Country Planning (Scotland) Act 1997 (as amended) this planning permission will lapse on the expiration of a period of three years from the date of this decision notice, unless the development is begun within that period.

Reason: Pursuant to Section 58 of the Town and Country Planning (Scotland) Act 1997 (as amended).

02. The development hereby approved shall not be brought into use until the fuel and oil separator has been installed in accordance with the approved details. The system will be maintained in accordance with the manufacturers guidance and shall be retained on site in perpetuity.

Reason: To prevent excessive amounts of fuel and oils from the premises entering the public sewer system and thereby ensuring there is no adverse impact on the public sewer from the development.

### 10.2 **Reason for Decision**

The planning authority considers that the application is for a development that is in accordance with the Aberdeenshire Local Development Plan 2023 (ALDP23) and National Planning Framework 4 (NPF4).

The proposed development is not in conflict with Policy 9 Brownfield, vacant and derelict land and empty buildings and Policy 27 City, Town, Local, and Commercial Centres of NPF4 and Policy B1 Town Centre Development of ALDP 2023 as it would see the re-use of a vacant site within the town centre and introduce a new business to the town. The proposed use will not cause a

significant negative impact on amenity and given the location to the rear of the building, as well as the scale of the development, the proposals will not have a significant impact on the character of the town centre. The applicant has provided sufficient information to ensure that any run off from the wash facilities can be controlled.

**Alan Wood**  
**Director of Environment and Infrastructure Services**  
**Author of Report: Ann Ramsay**  
**Report Date: 9 January 2024**

APP/2023/1237

Appendix 1

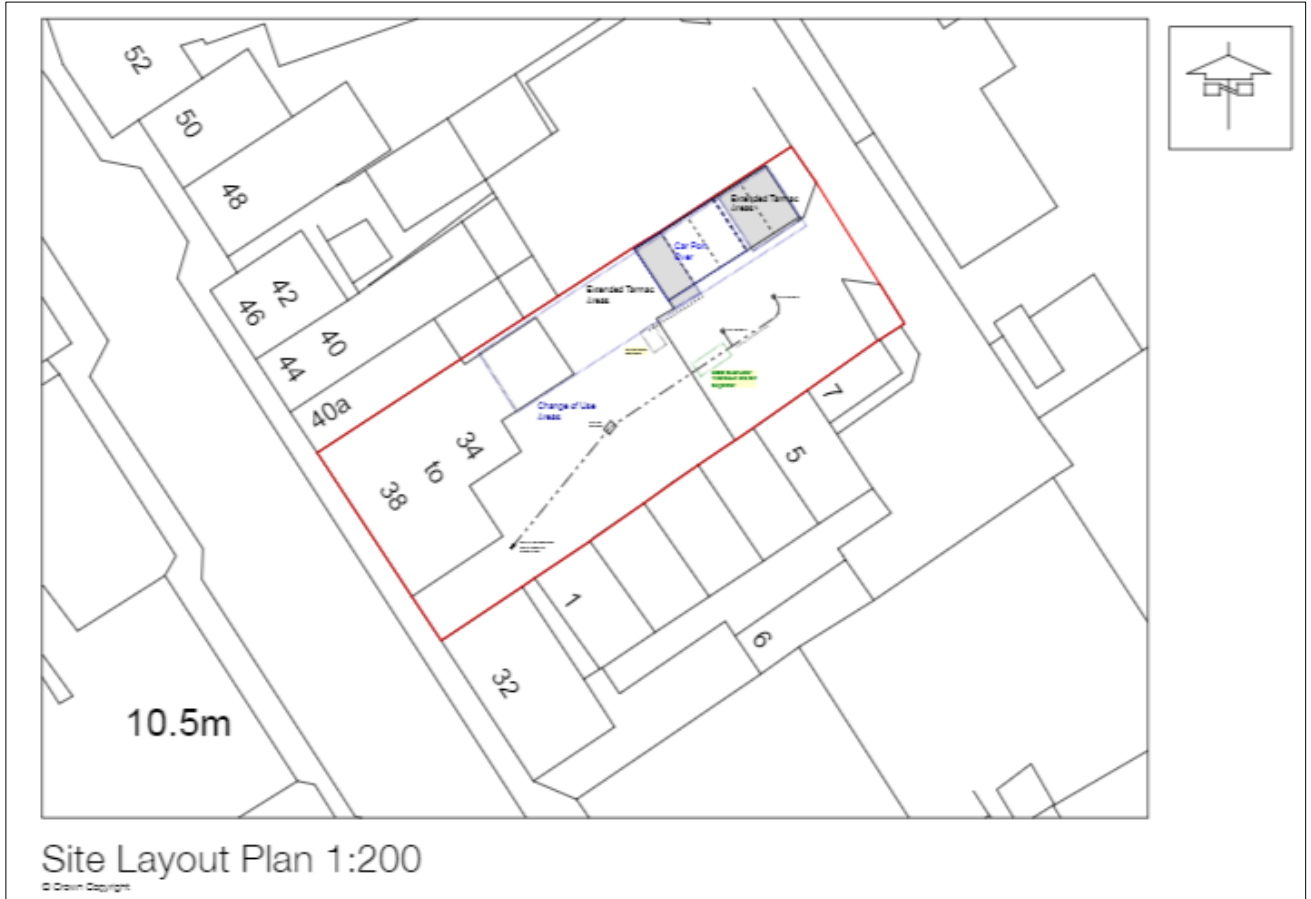
Location Plan

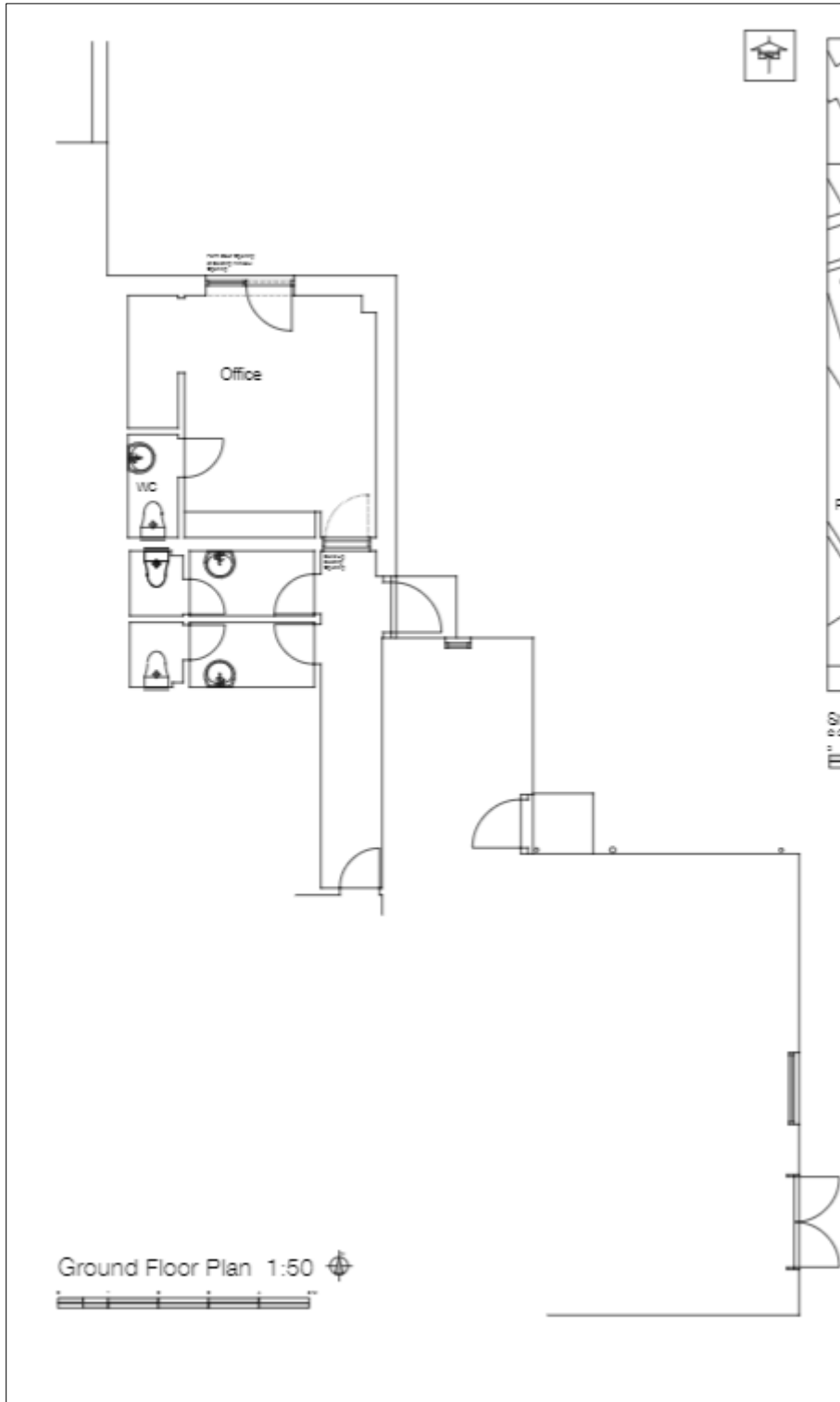


APP/2023/1237

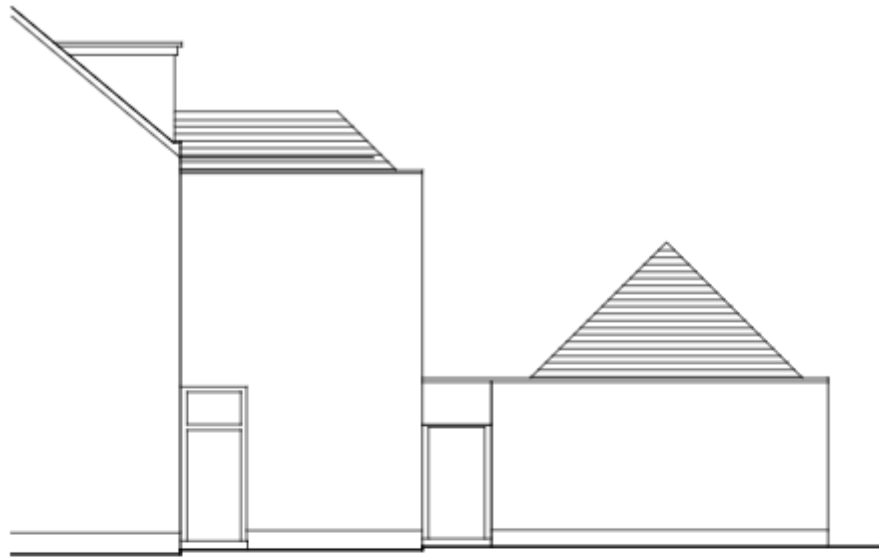
Appendix 2

Site Plan and Ground Floor Plan and Elevations









South-East Elevation 1:100

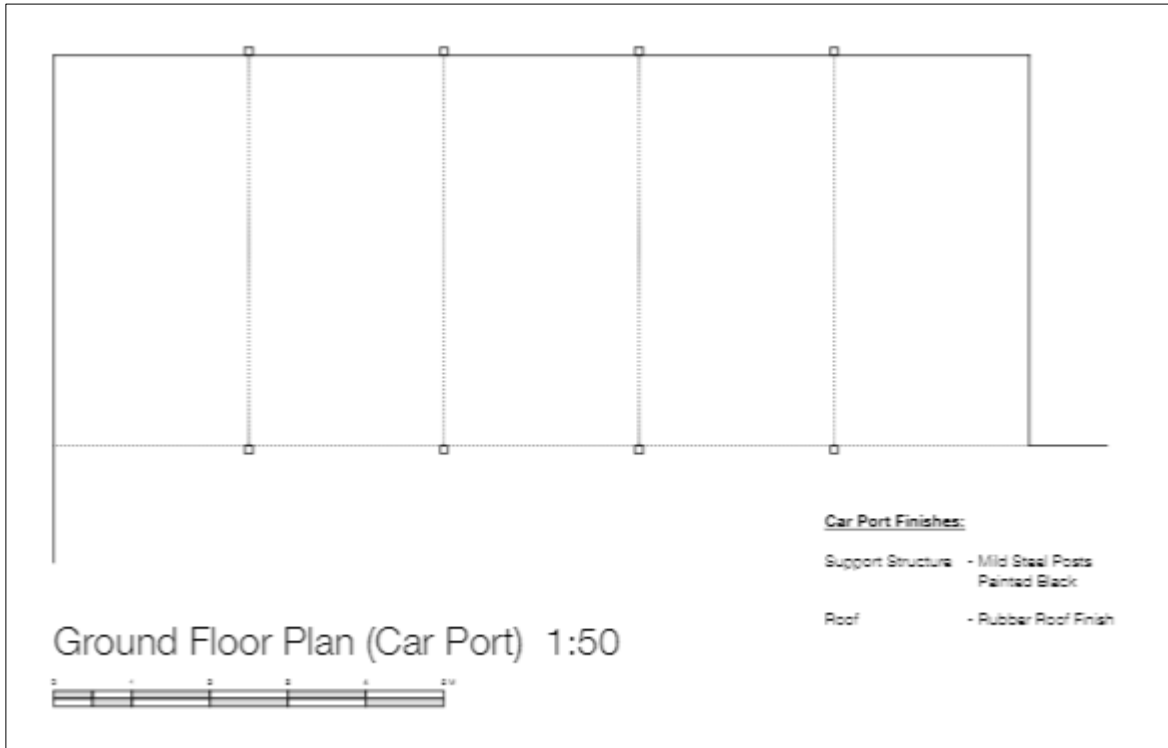


North-East Elevation 1:100

APP/2023/1237

Appendix 3

Ground Floor Plan and Elevation of the Car Port



**APP/2023/1237**

**Appendix 4**

Ythan Community Council comments

## **Comments for Planning Application APP/2023/1237**

### **Application Summary**

Application Number: APP/2023/1237

Address: 34 Bridge Street Ellon AB41 9AA

Proposal: Part Change of Use from Bank (Class 2 Financial, Professional & Other Services) and Alterations to form Office (Class 4) and Erection of Car Wash

Case Officer: Marissa Chizum

### **Customer Details**

Name: Mr Chris Hall

Address: c/o Community Campus Kellie Pearl Way Ellon

### **Comment Details**

Commenter Type: Community Council

Stance: Customer objects to the Planning Application

Comment Reasons:

Comment: Existing lane is already too congested and cannot cope with any further vehicular movements.

We do not consider the location suitable for this type of business. Needs to be situated in an industrial area, not retail

# Aberdeenshire Council

## Integrated Impact Assessment

### IIA in relation to planning application APP/2023/1237

Assessment ID	IIA-001857
Lead Author	Ann Ramsay
Additional Authors	Fiona Stewart
Service Reviewers	Darren Ross, Suzanne Rhind
Subject Matter Experts	Suzanne Rhind
Approved By	Mairi Stewart
Approved On	Thursday January 11, 2024
Publication Date	Thursday January 11, 2024

# 1. Overview

This document has been generated from information entered into the Integrated Impact Assessment system.

Done in relation to letter of representation highlighting supported living facility in close proximity to site.

During screening 1 of 10 questions indicated that detailed assessments were required, the screening questions and their answers are listed in the next section. This led to 1 out of 5 detailed impact assessments being completed. The assessments required are:

- Town Centres First

In total there are 3 positive impacts as part of this activity. There is 1 negative impact, of these negative impacts, 0 have been mitigated and 1 cannot be mitigated satisfactorily.

A detailed action plan with 1 points has been provided.

This assessment has been approved by [mairi.stewart@aberdeenshire.gov.uk](mailto:mairi.stewart@aberdeenshire.gov.uk).

The remainder of this document sets out the details of all completed impact assessments.

## 2. Screening

Could your activity / proposal / policy cause an impact in one (or more) of the identified town centres?	Yes
Would this activity / proposal / policy have consequences for the health and wellbeing of the population in the affected communities?	No
Does the activity / proposal / policy have the potential to affect greenhouse gas emissions (CO2e) in the Council or community and / or the procurement, use or disposal of physical resources?	No
Does the activity / proposal / policy have the potential to affect the resilience to extreme weather events and/or a changing climate of Aberdeenshire Council or community?	No
Does the activity / proposal / policy have the potential to affect the environment, wildlife or biodiversity?	No
Does the activity / proposal / policy have an impact on people and / or groups with protected characteristics?	No
Is this activity / proposal / policy of strategic importance for the council?	No
Does this activity / proposal / policy impact on inequality of outcome?	No
Does this activity / proposal / policy have an impact on children / young people's rights?	No
Does this activity / proposal / policy have an impact on children / young people's wellbeing?	No

## 3. Impact Assessments

Children's Rights and Wellbeing	Not Required
Climate Change and Sustainability	Not Required
Equalities and Fairer Scotland Duty	Not Required
Health Inequalities	Not Required
Town Centre's First	All Negative Impacts Can Be Mitigated

## 4. Town Centre's First Impact Assessment

### 4.1. Local Factors

Indicator	Positive	Neutral	Negative	Unknown
Town centre assets	Yes			
Footfall	Yes			
Changes to road layouts		Yes		
Parking			Yes	
Infrastructure changes		Yes		
Aesthetics of the town centre		Yes		
Tourism		Yes		
Public safety		Yes		
Town centre business	Yes			
Cultural heritage and identity		Yes		
Social and cultural aspects		Yes		

### 4.2. Positive Impacts

Impact Area	Impact
Footfall	The new business is likely to create additional footfall to the town centre and may result in multi trips to other town centre facilities
Town centre assets	The re-use of part of a vacant building and land with a new business in the town centre.
Town centre business	This activity would create a new business to the town centre, providing additional economy to the town and potentially to other businesses.

### 4.3. Negative Impacts and Mitigations

Impact Area	Details and Mitigation
Parking	<p>A number of car parking spaces for the building will be used for the car wash facility. They will still be delineated on the ground but whilst the car wash is in operation the spaces will be utilised for the business and not regular parking. The parking area however is not public.</p> <p>Can be mitigated                      No</p> <p>Justification                      The spaces are not lost, when the business is closed the spaces will be retained. As this is not a public car park, there is no loss of spaces to the general public and the building is vacant. The residential flats above do not have any dedicated parking in this area.</p>

#### 4.4. Evidence

Type	Source	It says?	It Means?
Internal Consultation	Roads Development	No adverse impact as other parking within town, as outlined within Roads response in committee report	Neutral impact in terms of planning policy
External Data	Agent	Email correspondence with agent which confirms no dedicated spaces for flats.	Neutral impact in terms of planning policy.

#### 4.5. Overall Outcome

All Negative Impacts Can Be Mitigated.

This application meets the requirements of planning policy in terms of Town Centre First principle requirements.



## 5. Action Plan

Planned Action	Details
<p>Parking: The spaces are not lost, when the business is closed the spaces will be retained. As this is not a public car park, there is no loss of spaces to the general public and the building is vacant. The residential flats above do not have any dedicated parking in this area.</p>	<p><b>Lead Officer</b> Ann Ramsay</p> <p><b>Repeating Activity</b> No</p> <p><b>Planned Start</b> Tuesday January 23, 2024</p> <p><b>Planned Finish</b> Tuesday January 23, 2024</p> <p><b>Expected Outcome</b> Planning application will be determined at Area Committee in line with Planning Policy</p> <p><b>Resource Implications</b> None as parking available elsewhere in town</p>

# Comments for Planning Application APP/2023/1237

## Application Summary

Application Number: APP/2023/1237

Address: 34 Bridge Street Ellon AB41 9AA

Proposal: Part Change of Use from Bank (Class 2 Financial, Professional & Other Services) and Alterations to form Office (Class 4) and Erection of Car Wash

Case Officer: Marissa Chizum

## Customer Details

Name: Mrs Rose Galbraith

Address: The old school Braeside Auchnagatt

## Comment Details

Commenter Type: Member of Public

Stance: Customer objects to the Planning Application

Comment Reasons:

Comment: I have concerns about the level of traffic using an already busy, and easily congested lane. The surface is poor and will only worsen with the potential for heavier use, how will vehicles leaving and arriving pass and do so safely? There are supported living individuals at a facility on the lane, and I would question whether pedestrians would be safe if congestion means confusion and distraction. This is not the place for a busy car wash. The lane leads to parking for the bank, chemist and post office which is busy with people collecting important medication etc, and who may not be able to walk far, this needs to be kept easily available for the Ellon public.

# Comments for Planning Application APP/2023/1237

## Application Summary

Application Number: APP/2023/1237

Address: 34 Bridge Street Ellon AB41 9AA

Proposal: Part Change of Use from Bank (Class 2 Financial, Professional & Other Services) and Alterations to form Office (Class 4) and Erection of Car Wash

Case Officer: Marissa Chizum

## Customer Details

Name: Mrs Purdie Viv

Address: 6 Craighall Crescent Ellon

## Comment Details

Commenter Type: Member of Public

Stance: Customer objects to the Planning Application

Comment Reasons:

Comment: Acces would cause problems to other road users.

# Comments for Planning Application APP/2023/1237

## Application Summary

Application Number: APP/2023/1237

Address: 34 Bridge Street Ellon AB41 9AA

Proposal: Part Change of Use from Bank (Class 2 Financial, Professional & Other Services) and Alterations to form Office (Class 4) and Erection of Car Wash

Case Officer: Marissa Chizum

## Customer Details

Name: Mrs Muriel Duncan

Address: Best Wishes 40 Bridge Street Ellon

## Comment Details

Commenter Type: Neighbour

Stance: Customer objects to the Planning Application

Comment Reasons:

Comment: We have a business neighbouring the proposed development (change of use from TSB Car Park to a Car Wash), and would like to strongly object to the proposal. The lane leading to our car park at the rear of our business, and onwards to the TSB car park, is really only a single track road and it would not be suitable for the extra volume of traffic coming and going on the lane if the development was approved. It would create a log jam of traffic queuing up onto Station Road and entering the lane. It is bad enough when the Recycling and Refuse lorries block the lane when emptying the bins.

Surely the proposed development would be better placed in the industrial estate and not in the town centre? We need to keep our town centre attractive to visitors!

If the TSB building is to be used as a restaurant/take away facility, parking at the rear of the building should be provided for customer use, instead of a Car Wash. Free parking is at a premium in Ellon - the car park at the rear of our business is constantly used by people who do not frequent the businesses it is meant for, which is very frustrating.

We hope that common sense prevails and this proposal is rejected.

# Comments for Planning Application APP/2023/1237

## Application Summary

Application Number: APP/2023/1237

Address: 34 Bridge Street Ellon AB41 9AA

Proposal: Part Change of Use from Bank (Class 2 Financial, Professional & Other Services) and Alterations to form Office (Class 4) and Erection of Car Wash

Case Officer: Marissa Chizum

## Customer Details

Name: Mrs karen duncan

Address: 40 bridge street Ellon

## Comment Details

Commenter Type: Neighbour

Stance: Customer objects to the Planning Application

Comment Reasons:

Comment: Being owners of adjoining property we have great concerns with volume of traffic generated from a car wash and causing problems in lane with extra car movement. Already single file and car parking overflowing as is with staff and customers using what little space we have . We feel this is not an appropriate space for a car wash and have grave concerns for pedestrians using lane. A site visit should be a must to allow assessments of movement on a daily basis.

# Comments for Planning Application APP/2023/1237

## Application Summary

Application Number: APP/2023/1237

Address: 34 Bridge Street Ellon AB41 9AA

Proposal: Part Change of Use from Bank (Class 2 Financial, Professional & Other Services) and Alterations to form Office (Class 4) and Erection of Car Wash

Case Officer: Marissa Chizum

## Customer Details

Name: Miss Natasha Law

Address: 44A Bridge Street Ellon

## Comment Details

Commenter Type: Neighbour

Stance: Customer objects to the Planning Application

Comment Reasons:

Comment: No issue with the building itself being changed of use to office space etc but the rear car park is already small and situated on arguably the busiest back lane in Ellon with very little movement area, extra traffic would worsen this as there is no access to the main Bridge Street.



## Formartine Area Committee Report – 24 January 2024

Reference No: [APP/2023/1641](#)

**Full Planning Permission for Erection of 49 Dwellinghouses (Change of Housetypes and Plot Layout to APP/2022/1429 for Erection of 64 Dwellinghouses with Associated Infrastructure, Landscaping and Open Space Without Compliance with Condition 1 (Off-Site Road Improvement Works) of Planning Permission Reference APP/2019/0753) at OP2 Site, Bonnyton Farm, Pitmedden, Ellon**

**Applicant:**

**Kirkwood Homes Ltd**

Grid Ref:

E:389420 N:827660

Ward No. and Name:

W08 - Mid-Formartine

Application Type:

Full Planning Permission

Representations

10

Consultations

2

Relevant Proposals Map

Aberdeenshire Local Development Plan

Designations:

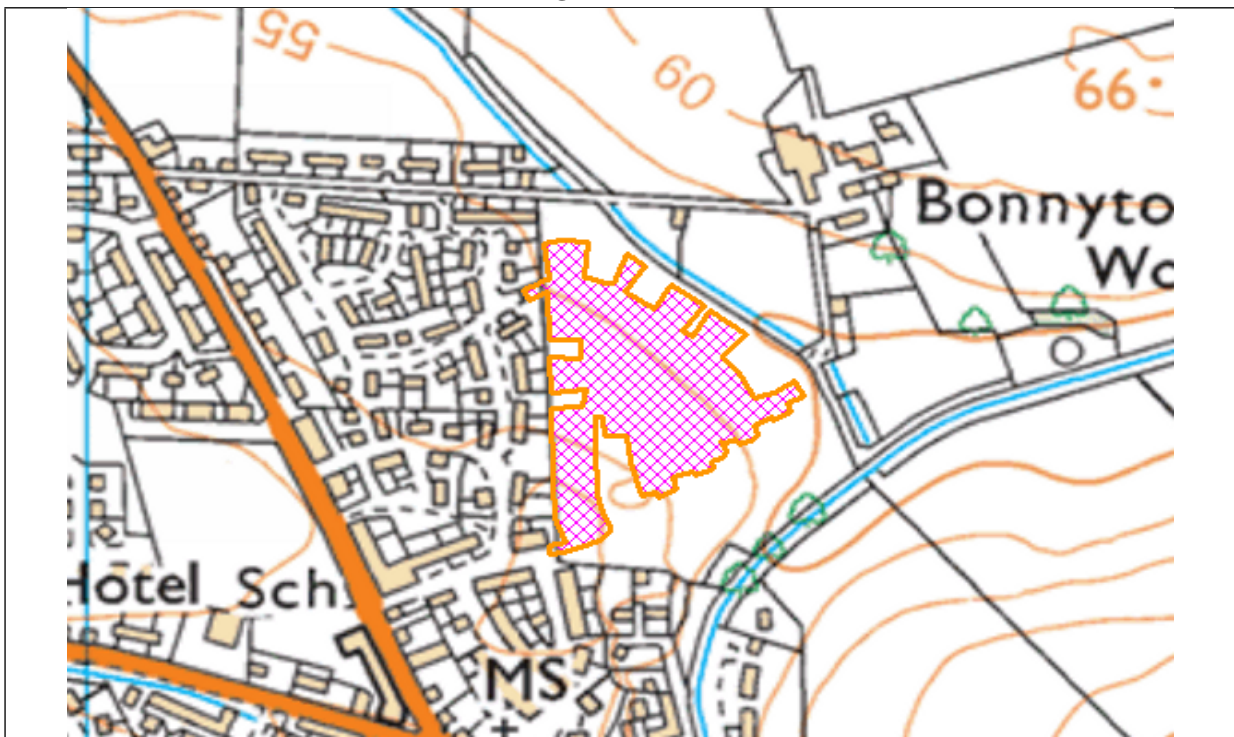
Accessible Rural Area

Complies with Development Plans:

Yes

Main Recommendation

Grant



**NOT TO SCALE**

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## 1. Reason for Report

- 1.1 The Committee is able to consider and take a decision on this item in terms of Section B.8.1 of Part 2A List of Committee Powers and Section C.3.1e of Part 2C Planning Delegations of the Scheme of Governance as the application is recommended for approval and there have been valid objections from third parties and 50% or a majority of responding Local Ward Members in the Ward in which the development is proposed have requested that the application be referred to the Area Committee.
- Cllr. Derek Ritchie - There seems to be some material changes to application, I believe it needs to go back to Area Committee
  - Cllr. Paul Johnston - Refer to Committee To further discuss the layout siting and design
- 1.2 The Head of Finance and Monitoring Officer within Business Services have been consulted in the preparation of this report and had no comments to make are satisfied that the report complies with the Scheme of Governance and relevant legislation.

## 2. Background and Proposal

- 2.1 This application seeks Full Planning Permission for the erection of 49 dwellinghouses (change of house types and plot layout of planning permission reference APP/2022/1429 for the erection of 64 dwellinghouses and associated infrastructure, landscaping and open space) on site OP2, at Bonnyton Farm, Pitmedden.
- 2.2 The site is located to the east of the village of Pitmedden. The site which forms a field arranged in a rough triangle which extends to approximately 2.3 hectare in total area. The tree lined Bronie burn flows past the southern boundary of the site. To the east / north east lies a drainage ditch beyond which are open paddocks leading to Bonnyton Farm steading beyond. To the north of the site beyond Bonnyton Road is an open field. To the west is a modern housing development which comprises a mix of detached dwellinghouses forming the current eastern extent of the settlement. The landform sweeps down from a high point at the south west of the site to the north and north east gradually and towards the burn and drainage ditch on the southern and eastern sides of the site. **See Appendix 1 - Location Plan.**
- 2.3 The site has approval for 64 dwellings, and subsequently a S42 application to vary the access proposal.
- 2.4 This proposal involves the change of house types to 49 units and alterations to the boundaries of four plots (Plots 34/35/50/51) within the previously approved development for 64 houses under application reference (APP/2022/1429). **See Appendix 2 for Site Layout.** The full list of changes are as follows:



Plot	House Type	Summary of Changes
Plot 1 & 4	FT44 Affordable to FT49 Affordable	Minor changes to door and windows
Plot 2 & 3	FT58 Affordable to FT65 Affordable	Minor changes to door and windows
Plot 5, 6, 8 & 9	HT72 Affordable to HT80 Affordable	Minor changes to door and windows
Plot 7	HT120 Affordable to HT118 Affordable	Minor changes to door and windows
Plot 10, 15, 17, 21, 26, 35, 37, 39, 46, 47, 48, 55	Craig /Buchan /Atholl /Lyon/Strathbeg/Cairnie to HT120 Tay	Tay is a new house type for Kirkwood. It is two storeys and is 8.4m to ridge, and 5 m to eaves.
Plot 11, 12, 14, 18, 23, 38, 42, 50, 56	HT113 Buchan/ HT118 Craig / HT148 Cairnie / HT136 Birse to new HT129 Affric	Affric is a new house type. It is two storeys and is 8.6m to ridge, and 5m to eaves.
Plot 19	HT125 Strathbeg to HT160 Katrine	Katrine is a new house type. It is over 2 storeys, in an L shape, with the rear projection sitting under the ridgeline of the front section of the house. Height to ridge is 8m and 7.6m, and height to eaves 5m and 4.2m.
Plot 20, 29, 30	HT Carnie /Buchan/ Tummel to HT155 Lomond	Lomond is a new house type. Height to ridge 8.7m and height to ridge 5m Height to ridge 8.7m and height to eaves 5m.
Plot 27, 28, 40, 41	HT133 Atholl / HT118 Craig to HT139 Tummel	Tummel is a housetype previously approved on the site.
Plot 33, 36, 44, 49, 51	HT125 Strathbeg to HT136 Birse	The amended Birse House type has 2 storey elements. It is in an L shape, with the rear projection sitting under the ridgeline of the front section of the house. Height to ridge is 8.3m and 7.5m, and height to eaves 5m and 4.2m.
Plot 45	HT118 Craig to HT176 Lyon	Lyon is a housetype previously approved on the site.
Plot 53, 54	HT113 Buchan to HT139 Tummel	Tummel is a housetype previously approved on the site.

2.5 The dwellings will be finished in 'nordic' dry dash render, grey roof tiles, white upvc doors and windows and black upvc rainwater goods. Boundary treatments are generally 1.8m high timber fence between plot boundaries, with a 0.9m high wall with 0.9m timber fence in specific locations, such as facing the road, or public open space. The proposed dwellings will be served by air source heating systems, replacing previously approved oil heating systems.

2.6 The relevant planning history includes:

- APP/2019/0753 Erection of 64 Dwellinghouses with Associated Infrastructure, Landscaping and Open Space Refused 27<sup>th</sup> September 2019 Appeal reference PPA-110-2384, upheld on 9 July 2020.
- APP/2020/0171 Erection of 64 Dwellinghouses with Associated Infrastructure, Landscaping and Open Space – Refused Thursday 2 July 2020.
- APP/2022/1429 Erection of 64 Dwellinghouses with Associated Infrastructure, Landscaping and Open Space Without Compliance with Condition 1 (Off-Site Road Improvement Works) of Planning Permission Reference APP/2019/0753. Granted 10 November 2022.
- APP/2023/2009 Removal of Planning Obligation (Sports and Recreation) of APP/2019/0753 for Erection of 64 Dwellinghouses with Associated Infrastructure, Landscaping and Open Space. Pending.

2.7 Information submitted in support of the application includes;

- Summary of Changes Document

2.8 Variations and amendments to the application include:

- Proposed car parking plan updated. Drawing reference 1958/P/000/XX/502 Rev B

### **3. Representations**

3.1 A total of 10 valid representations (10 objection) have been received as defined in the Scheme of Governance. All issues raised have been considered. The letters raise the following material issues:

- *Road safety – parking on the road causing blockages*
- *Privacy – (impact on dwellings on Breckview)*
- *Overshadowing*
- *Flooding – land raising on flood plain*

#### 4. Consultations

- 4.1 **Business Services (Developer Obligations)** advise that a legal agreement is in place for this site under APP/2019/0753, and that as there is no increase in the number of units proposed, no additional contributions are required.
- 4.2 **Environment and Infrastructure Services (Roads Development)** initially commented that there was insufficient parking for plots 1-4 and unit 118, and also noted the visitor parking at 23 Ingleside should be relocated. On receipt of a revised plan, the service confirm they have no objection subject to conditions.

#### 5. Relevant Planning Policies

##### 5.1 National Planning Framework 4 (NPF4)

Scotland's fourth National Planning Framework (NPF4) is a long term plan looking to 2045 that guides spatial development, sets out national planning policies, designates national developments and highlights regional spatial priorities. It is part of the development plan, and so influences planning decisions across Scotland.

On 13 February 2023 (0900am) Scottish Ministers adopted and published National Planning Framework 4 (NPF4), meaning that it is in force and National Planning Framework 3 and Scottish Planning Policy are superseded from that date and time. This will also have the effect that all strategic development plans and any supplementary guidance issued in connection with them cease to have effect on that date. As such the Aberdeen City and Shire Strategic Development Plan 2020 has now ceased to have effect. The NPF4 now forms part of the development plan along with the Aberdeenshire Local Development Plan 2023.

Policy 14 Design, quality and place  
Policy 16 Quality homes  
Policy 18 Infrastructure first

##### 5.2 Aberdeenshire Local Development Plan 2023

On 13 January 2023 the Aberdeenshire Local Development Plan 2023 was adopted.

Policy H1 Housing Land  
Policy P1 Layout, Siting and Design  
Policy C1 Using Resources in Buildings  
Policy RD1 Providing Suitable Services  
Policy RD2 Developer Obligations  
Pitmedden Settlement Statement

5.3 Other Material Considerations

None.

**6. Discussion**

- 6.1 The main issues for consideration with regard to this proposal are the principle of development; whether the proposed alternative house types and revised plot boundaries would respect the character and scale of the wider approved housing development; and whether there are any differing or new impacts on the residential amenity of the surrounding area.

Principle

- 6.2 The principle of development was previously established on the site for housing development due to being located on a site allocated for that purpose within the Aberdeenshire Local Development Plan. The site has permission for the development of 64 homes so the principle of development does not need to be re-established. Development has not yet commenced on the site but there is an extant permission. There is no change to the number of units proposed.

Layout Siting and Design

- 6.3 Most of the amendments relate to a change in house type, but there is a minor alteration to the plot boundary between plots 34/35/50/51. The gardens of these plots are aligned slightly differently, but with minimal change to the overall plot sizes.
- 6.4 The proposed house types are among a variety of suburban house types adopted by the developer for the whole development scheme. The proposed house types are 2 storey suburban detached or semi-detached houses with integral garage or detached garages which are similar to the originally approved house types, but reflect the developer's updated range of house types. The height and finished floor levels of the proposed houses would be similar to those previously approved. The proposed materials and colour scheme would be in line with other proposed houses. The proposed amendments are considered to be minor in the context of this proposed housing scheme, which is demonstrated in the street section drawing.
- 6.5 The proposed boundary treatment materials are as previously approved, with 1.8m timber vertical timber fence, or a 0.9m masonry wall with a 0.9m timber fence over. The Planning Service therefore is satisfied that the proposed houses would not significantly alter the streetscape and the overall character of this residential scheme.
- 6.6 In terms of amenity of neighbouring properties, the proposed houses would not affect any adjacent plots. The changes to house types along the western boundary, which has a shared boundary with existing residential dwellings at Breckview do not result in any substantial change in overlooking/privacy.

- 6.7 The use of air source heating systems in the properties instead of the previously approved oil heating system is welcomed, as this is a type of low-carbon heating which will help towards the progress to NetZero. The government is seeking to phase out oil boilers in future.

#### Access and Servicing

- 6.8 Minor amendments were made to relocate a visitor parking space so the parking provisions meet the requirements of the Roads Development Service. The Service has not raised any objection to the proposed layout or parking provision.
- 6.9 The proposal would be serviced by public water supply and public drainage as previously approved.
- 6.10 The proposal is considered compliant with Policy RD1 Providing Suitable Services.

#### Flooding

- 6.11 One representation raises concerns about land raising on the flood plain. There are no changes to the levels previously approved in this application.

#### Developer Obligations

- 6.12 Business Services (Developer Obligations) have confirmed that there is an existing S75 legal agreement in place for this site under APP/2019/0753. The current application proposes amended house types which will be covered by the existing legal agreement. Therefore, no further contribution is required. Therefore, the Planning Service is of the view that the proposed development would comply with Policy RD2 of the ALDP 2023.

#### Conclusion

- 6.13 In conclusion, the Planning Service is satisfied that the proposal complies with relevant policies of the Aberdeenshire Local Development Plan 2023 and National Planning Framework 4, in that the proposed layout and design amendments to the previously approved house types are acceptable; the layout, siting and design of the new houses would not have an adverse impact on the character of the locality and amenity of the proposed neighbouring new and existing dwellings. Therefore, the Planning Service is in a position to support this application.

## **7. Area Implications**

- 7.1 In the specific circumstances of this application there is no direct connection with the currently specified objectives and identified actions of the Local Community Plan.

## 8. Implications and Risk

- 8.1 An integrated impact assessment is not required because the granting or refusing of the application will not have a differential impact on the protected characteristics of the applicant or any third parties.
- 8.2 There are no staffing and financial implications.
- 8.3 There are no risks identified in respect of this matter in terms of the Corporate and Directorate Risk Registers as the Committee is considering the application as the planning authority in a quasi-judicial role and must determine the application on its own merits in accordance with the Development Plan unless material considerations justify a departure.
- 8.4 No separate consideration of the current proposal's degree of sustainability is required as the concept is implicit to and wholly integral with the planning process against the policies of which it has been measured.

## 9. Departures, Notifications and Referrals

### 9.1 Development Plan Departures

None

- 9.2 The application is not a Departure from the valid Development Plan and no departure procedures apply.
- 9.3 The application does not fall within any of the categories contained in the Schedule of the Town and Country Planning (Notification of Applications) (Scotland) Direction 2009 and the application is not required to be notified to the Scottish Ministers prior to determination.
- 9.4 The application would not have to be referred to Infrastructure Services Committee in the event of the Area Committee wishing to grant permission for the application.

## 10. Recommendation

### 10.1 **GRANT subject to the following conditions:-**

- 01. In accordance with Section 58 of the Town and Country Planning (Scotland) Act 1997 (as amended) this planning permission will lapse on the expiration of a period of three years from the date of this decision notice, unless the development is begun within that period.

Reason: Pursuant to Section 58 of the Town and Country Planning (Scotland) Act 1997 (as amended).

- 02. No works in connection with the development hereby approved shall commence until the off-site road improvement works required to provide

emergency access between the B999 and Ingleside have been completed and brought into public use. Details of all off-site works would require to be agreed with Aberdeenshire Council through the relevant Roads Construction Consent / Section 56 Consent process and thereafter fully implemented prior to any occupation of the development.

Reason: In the interests of road safety and preserving the amenity of the village and the occupants of the proposed development.

03. No works in connection with the development hereby approved shall commence unless an archaeological written scheme of investigation has been submitted to and approved in writing by the planning authority and a programme of archaeological works has been carried out in accordance with the approved written scheme of investigation. The written scheme of investigation shall include details of how the recording and recovery of archaeological resources found within the application site shall be undertaken, and how any updates, if required, to the written scheme of investigation will be provided throughout the implementation of the programme of archaeological works. Should the archaeological works reveal the need for post excavation analysis the development hereby approved shall not be occupied unless a post-excavation research design (PERD) for the analysis, publication and dissemination of results and archive deposition has been submitted to and approved in writing by the planning authority. The PERD shall be carried out in complete accordance with the approved details.

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

04. No individual dwellinghouse hereby approved shall be erected unless an Energy Statement applicable to that dwellinghouse 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 Policy C1 Using Resources in Buildings and 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 National Planning Framework 4, Policy C1 of Aberdeenshire Local Development Plan 2023 and the Council's Supplementary Planning Guidance - Carbon Neutrality in New Developments.

05. No works in connection with the development hereby approved shall commence unless a Phasing Plan setting out the details, including the delivery of the open space and footpath links 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.

06. Prior to occupation a Residential Travel Plan detailing sustainable travel options in line with the relevant information in the Transport Assessment and locally at the time be prepared and authorised by Transportation to be included in the move in pack for each dwelling unit.

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

07. No individual Dwellinghouse shall be occupied until such a time as a connection to the Public Water Supply and Sewer for that property has been secured and implemented. Thereafter said connections shall be retained in perpetuity

Reason: In the interests of public health and the amenity of the properties

08. No works in connection with the development hereby approved 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 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.

09. No works in connection with the dwellinghouses within the development hereby approved shall commence unless details of the finish proposed for the



'raised shared surfaces' marked on the site plan drawing 1958/P/000/XX/003 K of application APP/2022/1429 have been submitted and approved in writing by the planning authority. The dwellinghouses which utilise these surfaces for direct access shall not be occupied unless the external finish has been applied in accordance with the approved details.

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

10. The Areas of Public Open Space (identifiable from the approved Landscaped Proposal and Site Plan drawings) shall not form part of the Domestic Garden Ground of any individual property, or be otherwise developed or enclosed without an express grant of Planning Permission from the Planning Authority

Reason: In the interests of the visual amenity of the development and in order to ensure an adequate proportion of the development constitutes Public Open space.

11. 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.

12. No individual dwellinghouse shall be brought into use until such a time as adequate parking, within the parameters set forth in the 'Aberdeenshire Council Parking Standards' dated November 2001 has been provided for that property. Thereafter that level of parking shall be retained unless altered through an express grant of Planning Permission by the Planning Authority.

For the avoidance of doubt the relevant parking standards require residential parking to be provided at the following ratio:

Properties with 3 or less bedrooms - 2 spaces  
Properties with 4 or more bedrooms - 3 spaces

In order for a garage to effectively contribute to parking provision, it must measure at least 3.0m x 6.0m (internal).

Reason: In the interests of providing an adequate level of parking within the development, and in the interests of road safety.

13. Prior to the construction of any dwellinghouse, the following details must be submitted to and approved in writing by the Planning Authority:

- (a) location and details of the children's play equipment including surfacing materials of the play areas; and
- (b) details of the long-term management of the play equipment and surfacing.

The equipment shall be installed in the agreed location prior to the completion of the penultimate house on the site and maintained thereafter in complete accordance with the approved details.

Reason: In the interests of the ensuring the timeous provision of suitable play equipment in the areas of open space in the interests of the amenity of the area.

14. No works in connection with the development hereby approved shall commence unless a detailed site-specific construction method statement and related site plan has been submitted to and approved in writing by the planning authority. The construction method statement shall include details of dust and noise mitigation during the construction process. All construction works on the site shall be carried out in strict accordance with the approved construction method statement.

Reason: In the interests of protecting the local amenity.

15. No dwelling hereby approved shall not be occupied unless all roads, footpaths, parking and turning areas within the development and serving the dwelling have been completed to the level of bottoming and binder course, including the access bellmouth and all turning heads in accordance with the Council's Standards for Road Construction Consent and Adoption.

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

16. The following conditions must be adhered to:
- i) No land-raising or development shall be permitted to take place within the 0.5% AEP + climate change functional floodplain, as defined on drawing ref. 96596/2100 within the Flood Risk Assessment report.
  - ii) Finished floor levels for the proposed dwellinghouses shall be set at a minimum elevation of the 0.5% AEP + climate change flood level + 600mm freeboard, or as stated on drawing ref. 1958/P/000/xx/003/K, in the interests of protecting people and property from flood risk.
  - iii) Buffer strips adjacent to all watercourses and waterbodies shall be implemented and maintained, as a minimum in line with Aberdeenshire Council's guidance document.
  - iv) Fences and the alike shall not be constructed within the functional floodplain, or adjacent to any watercourse in such a way that they would impede flows or alter the conveyance of the watercourse/floodplain.

- v) The dwellinghouses shall not be occupied unless the proposed surface water drainage system has been provided in accordance with the approved plans (Fairhurst; Drainage Assessment; ref. 96596-DA). The surface water drainage system shall be permanently retained and maintained thereafter in accordance with the approved scheme , in order to ensure that adequate surface water drainage facilities are provided, and retained, in the interests of the amenity of the area.

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

17. No individual dwellinghouse hereby approved shall be occupied unless the driveway and parking area for that dwellinghouse have been provided in full. The maximum gradient of each access shall not exceed 1:20 gradient and the first 5 metres of the access shall be fully paved.

Once provided, all parking areas shall thereafter be permanently retained as such.

Reason: To ensure the timely completion of the driveway to an adequate standard to prevent the carriage of loose driveway material on to the public road in the interests of road safety.

18. No individual dwellinghouse hereby approved shall be occupied unless provision has been made for an electric vehicle charging point, unless otherwise agreed in writing with the Planning Authority.

Reason: In the interests of making provision for the use of electric vehicle to reduce carbon emissions in line with Policy C1 of the Aberdeenshire Local Development Plan and Policy 2 of NPF4.

## 10.2 Reasons for Decision

The planning authority considers that the application is for a development that is in accordance with the Aberdeenshire Local Development Plan 2023 and National Planning Framework 4.

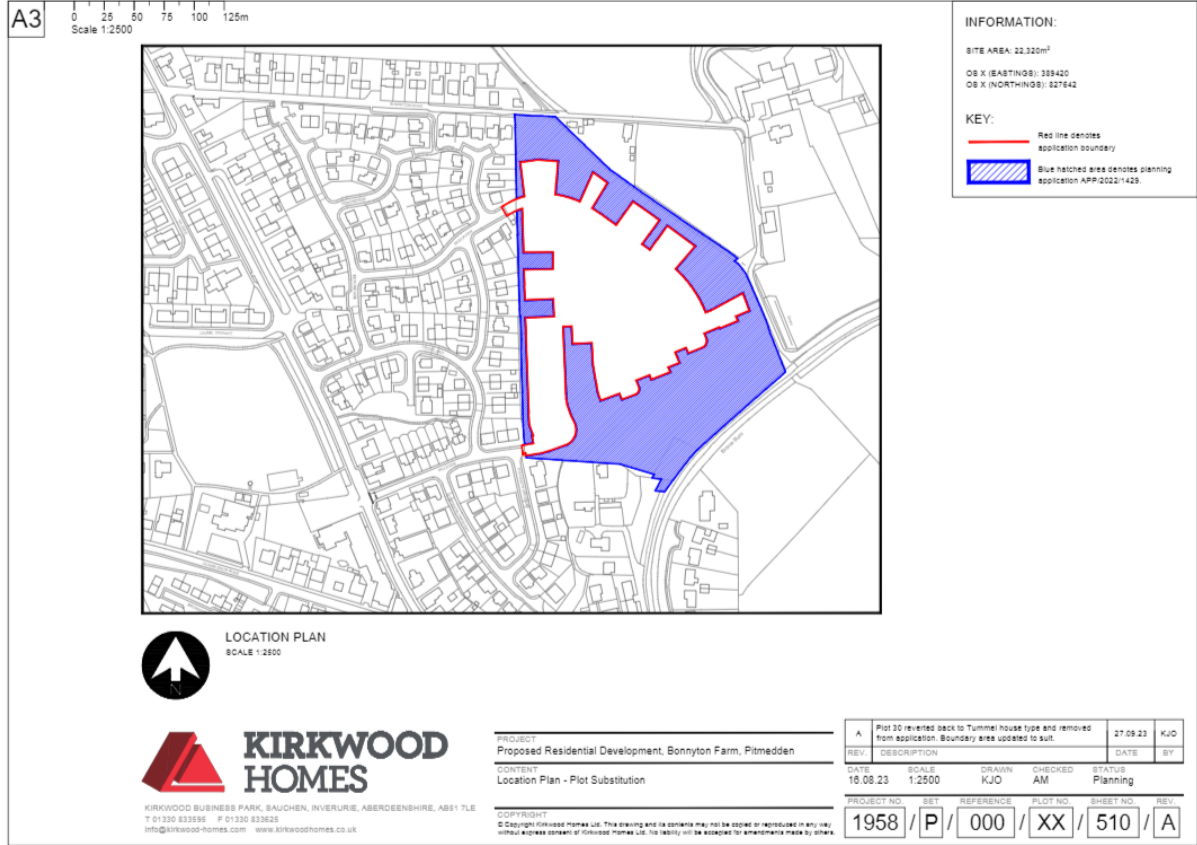
The proposal complies with relevant policies of the Aberdeenshire Local Development Plan 2023 and the NPF4, specifically Policy P1 Layout, Siting and Design of ALDP 2023 and Policy 14 Design, quality and place and Policy 16 Quality homes of NPF4, in that the proposed layout and design amendments to the previously approved house types are acceptable; the layout, siting and design of the new houses would not have an adverse impact on the character of the locality and amenity of the proposed neighbouring new and existing dwellings.

**Alan Wood**  
**Director of Environment and Infrastructure Services**  
**Author of Report: Sarah Graham**  
**Report Date: 21 December 2023**

APP/2023/1641

Appendix 1

Location Plan



APP/2023/1641

Appendix 2

Site Layout Plan



**From:** [REDACTED]  
**To:** [Planning Committee](#)  
**Subject:** APP/2023/1641.  
**Date:** 26 October 2023 16:42:04

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You don't often get email from [REDACTED]

From Mark McLaughlin, [REDACTED]  
23 Croftland  
Pitmedden  
AB41 7GN

To whom it may concern,

I am a resident of Pitmedden on Croftland and once again I have received a letter regarding the proposed development APP/2023/1641.

I wrote previously regarding my concerns regarding this plan with no response.

In my opinion I think public safety will be greatly reduced considering the increased traffic from this proposed development. Traffic around the co op shop, the school and the medical practice will greatly increase and it will only be a matter of time before there would be a major accident.

Considering environmental concerns of this day and age I feel if the field is not to be farmed then it should be re-wilded. This would ensure natural habitat for wild life and a greatly reduced carbon footprint that we are told is so important.

I feel this project is not well thought out and requires road access from elsewhere and not from the main road (B999) through Pitmedden so close to the school, shop and medical practice.

I feel this is the wrong location for this development.

Should you wish to discuss further please feel free to contact me again.

Yours faithfully  
Mark McLaughlin  
23 Croftland  
Pitmedden  
AB41 7GN

[Sent from Yahoo Mail on Android Android](#)

# Comments for Planning Application APP/2023/1641

## Application Summary

Application Number: APP/2023/1641

Address: OP2 Site Bonnyton Farm Pitmedden Ellon

Proposal: Erection of 49 Dwellinghouses (Change of Housetypes and Plot Layout to APP/2022/1429 for Erection of 64 Dwellinghouses with Associated Infrastructure, Landscaping and Open Space Without Compliance with Condition 1 (Off-Site Road Improvement Works) of Planning Permission Reference APP/2019/0753)

Case Officer: Sarah Graham

## Customer Details

Name: Mr Michael Paterson

Address: 19 Croftland Pitmedden Ellon

## Comment Details

Commenter Type: Member of Public

Stance: Customer objects to the Planning Application

Comment Reasons:

Comment: I strongly object to this application for the following reasons:

The Planning Application refers to a Summary of Changes document, this is not listed in the available documents. This document should be made available to the public so we can see the full details of the proposed changes before any decision on the application is made.

No information has been provided as to how construction vehicles will access the Bonnyton site. Rumours abound that the bollards next to the Coop on Tarves Road/Ingleside will be temporarily taken down to provide access. If this is the case where will Co-op customers park? Has a risk assessment taken place?

The community cannot support additional population unless the council insist developers provide additional resources for the community, e.g. retail units. We are sleepwalking towards another lopsided community in Aberdeenshire i.e. plenty of houses but no/limited resources for the community.

There are speeding issues on the Tarves Road that should be addressed before additional housing in Pitmedden is built. Additional vehicles on Tarves Road will only make the speeding issue worse and proportionally increase the risk of accidents. Councillors will be further putting lives at risk if this is approved and suitable traffic calming measures are not implemented.

One vehicular access point for the existing housing (Tarves Road/Croftland junction) on this side of Pitmedden is not acceptable. This should be addressed before further housing is allowed. The developer made the point, in their previous application, that one vehicular access for this number of houses (existing houses and proposed houses) would be setting a 'precedent' for a housing development. That should have alarm bells ringing for anyone interested in their community.

The Tarves Road/Croftland junction is not safe for the existing volume of traffic, this will only be

exacerbated due to the increase in traffic generated from new housing both in Pitmedden and Tarves. There are existing visibility issues when exiting the junction from Croftland onto Tarves Road with difficulty viewing north bound traffic from the junction. Visibility issues should be addressed with a 20mph zone enforced on this section of Tarves Road if Councillors/Roads dept are intent on making the population all use the one junction.

Finally, I would like to make the point that there is growing apathy with Aberdeenshire Council from the population of Pitmedden and Tarves who see developments rail roaded through by Councillors despite objections from the local community. I would argue that Councillors are complicit in putting development first before the needs of the people in its community. At time of writing (20 days after notification), I am the only member of public to comment on this application. This is not because I am the only person against this application but because my neighbours have lost faith in the planning application process.



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Case Officer: Sarah Graham

## Customer Details

Name: Mrs Emma Garvie

Address: 6 Croftland Pitmedden

## Comment Details

Commenter Type: Neighbour

Stance: Customer objects to the Planning Application

Comment Reasons:

Comment: This development should absolutely not be allowed to proceed with only Croftland as an access point.

As a resident who lives at the top of Croftland, this junction is very dangerous already due to lack of visibility to the north, parked residents cars and the speed at which people drive into the existing estate. We cannot manoeuvre our vehicles safely on and off our drive with the current volume of vehicles that turn in at speed from the B999.

I also would add that in previous applications, an apparently random number of vehicles use this junction - I'm not sure when this was counted but I can assure you the actual volume of vehicles is far higher than the study would suggest. Existing residents already have to cope with the noise, fumes and vibration of every vehicle accessing this estate - why should we bear the brunt of yet more? My security camera shows a vehicle passing my home (at peak times) approximately every 10 - 20 seconds or so. There is no way Croftland residents nor the junction itself can cope with any more traffic given the current rate of road usage. This is also further demonstrated by the frequency of road repairs on Croftland, particularly at the first speed bump. It's constantly crumbling due to the volume of cars and lorries that race over it daily.

I have no real issue with the houses being built (assuming local amenities are increased to match) but I do strongly object to overloading a junction that cannot cope as it is.

Opening Ingleside isn't a perfect solution either - an entirely new access route could and should be provided. For the profit in one or two houses, a road could be built to the south and avoid ruining the quality of life of those who bought Kirkwood homes in the past.

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Case Officer: Sarah Graham

## Customer Details

Name: Mr Mark Robson

Address: Bonnybrook Bonnyton Road Pitmedden, Ellon

## Comment Details

Commenter Type: Neighbour

Stance: Customer objects to the Planning Application

Comment Reasons:

Comment: Since the development borders properties that have suffered from flooding in the past it is important that the development does not build up any land that acts as a flood plain, however from the Proposed Sectional Elevations drawing 1958/P/000/XX/040 Rev C it shows that plot 33 increases the land elevation by 1.5m, the boundary of this plot is only 8.5m from the existing road so it is important to see details of how the land transitions from the new higher elevation at the plot boundary down to the existing road/level, even a steep 2:1 grading would impact the current flood plain so it is important that a guarantee from Kirkwood is received that no elevation build-up will take place between the stream edge and the nearest boundary to each plot. To confirm this I request that elevation drawings for all properties bordering the watercourse that runs along the north east of the development site are provided and submitted for review, and furthermore I request that these elevation details show not only the land build-up of each plot, but also show the transition in height from the plot boundary down to the edge of the stream, I require this for plots 23/26/27/28/29/33.

Will sewage lines from the development to the sewage works be via new or existing pipework?, if via new pipework how will the pipes cross the stream to the east of the site?, and will any crossing be sufficiently above the maximum elevation of the stream in flood conditions as to not further restrict flow?

During an earlier application by Kirkwood for this development a temporary haul road between the A920 and the site for construction traffic access was mentioned, however unsurprisingly this was quietly removed from subsequent revised applications, how therefore does Kirkwood plan to move

machinery and materials to the site and has this been assessed and approved by the planning or roads department since all connecting roads to the site are inadequate for the size and volume of lorries that will be using them?. It should be noted for reference that during exploratory site drilling works a contractor of Kirkwood was using Bonnyton Road for delivery of heavy plant to site, this involved reversing large plant transporter lorries down Bonnyton Road (without guidance), blocking access to all traffic on Bonnyton Road while unloading was taking place, and most shockingly unloading the heavy plant while school children and other pedestrians were walking past less than 2 feet from the lorry, all of which constitutes very substantial safety concerns. Can the planning department therefore guarantee that Kirkwood will not be permitted to use Bonnyton Road for delivery of plant or materials to site, and will the Council enforce any breaches?

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Case Officer: Sarah Graham

## Customer Details

Name: Miss Louise Milne

Address: 14 Breckview Pitmedden Ellon

## Comment Details

Commenter Type: Neighbour

Stance: Customer objects to the Planning Application

Comment Reasons:

Comment: I strongly object to the proposed planning permission for the housing development. There are many reasons as to why this development should not get granted. This would result in our privacy being taken away and it is a small stone wall at the end of garden as when building the development they must have not intended in building more, if granted would they be providing the houses that face onto it higher walls or fences. Not only will this have an impact on our privacy, but it will also have an impact to the people who have bought a house in the country, it will encroach into their privacy too. Looking at the plans for the development would mean that other houses are overshadowing our property, and this would also have an impact on the light we do get.

The main entrance which meets with B999 is busy and can be a fast road which makes it hard to get out the Croftland junction, there is no need to add more traffic. It is also hard to get see Northbound with bushes overgrown meaning that it can be hazardous. Adding more cars will mean entering and exiting the same area is not safe. The increased number of cars could cause accidents, especially with all junctions being on the narrow side. The road will become very easily worn with the speed bumps already been repaired. With the proposed entry to the new development would mean multiple cars will pass my house which is a quite street. It is also a cause for concern due to the limited space on the street. It makes it really hard for when you have visitors coming around, for example if houses on our side of the street and the other side have visitors at the same time, meaning that we have to park part of the car on the pavement which also isn't allowed but in cases this has to happen to ensure that there is space for other cars to pass as well as emergency vehicles. The Transport (Scotland) Act 2019 has Pavement parking prohibition which can be viewed online. It is therefore not a suitable road to be used for additional cars.

Unless they are going to make our street exempt from no pavement parking. In our street there is a few houses which have carers attended which adds volume to the street and me and my partner can struggle to reverse into our own drive. It will be much more dangerous adding more cars to the areas and it will more than likely cause an accident. Last time when traffic was reviewed it was reviewed at a quiet which meant that it was not a valid observation of the actual traffic. There has been times cars could not get down the street due to an emergency vehicle being parked on the street as well as other cars, where they have every entitlement to park. However most importantly the increased number of cars is also unsafe for the children who live here already. There is limited parking in the whole of Pitmedden as it, with the school car park being the main one, with it yet again having a narrow entrance to it. The proposed housing development which is getting built directly next to my house is a cause of concern to my family and neighbours' safety, I think it is a wrong move to build additional houses after years after completing this development. It is not the correct place to be building house.

There are little amenities in Pitmedden, and the shop is not big enough to cover the area of the village so it would mean the village needs to extend even more which will take it away from being a small village. The building of this development would have impact on the whole village, there would be a lot more changes needed other than just building the houses, the crossing wouldn't be suitable with potential of a crossing being needed near the school as well as the road layout to even to get to the houses, as with what we have at the moment is not viable. The school will not also be able to cope with the number of children that it may bring to the village meaning that the children who live here already or who move to here may have to go to a different school out with their catchment area as there is no capacity for children who live locally. This in turn will have an effect on Meldrum Academy's capacity of pupils which currently already has a large area of catchment area. It will have an effect on the doctor's surgery who are already overrun as they already cover a large area with the addition of Tarves already building a number of houses that will use it. There would be an increase in demand on the pharmacy in Tarves as Pitmedden does not have their own one.

Since the lockdown many people are working from home and the noise and disturbance could cause significant impact to their work with contracting work going on direction outside our home. Quality of life for current residents will be severely reduced during the constructions phase of this development

Most important is the safety of the local children, who live in this estate with construction traffic going around. It would not be safe for them to go out and play, thus taking away opportunities for them. I think it's absurd that you think this is the correct place to build these houses, it should have been done when the development was first built, not over 20 years later.

Therefore, I hope the planning permission does not get granted with there being far too many cons to the development than pros.

It is quite clear that the local community do not want this development time and time again but yet we don't get listened too, last year was a prime example. Our local councillors voted against the planning permission last time. I hope our views are listened too this time!

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Case Officer: Sarah Graham

## Customer Details

Name: Mr JOHN IRWIN

Address: 2 BRECKVIEW PITMEDDEN ABERDEENSHIRE

## Comment Details

Commenter Type: Member of Public

Stance: Customer objects to the Planning Application

Comment Reasons:

Comment: I strongly object to this application for the following reasons:

The Planning Application refers to a Summary of Changes document, this is not listed in the available documents. This document should be made available to the public so we can see the full details of the proposed changes before any decision on the application is made.

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The community cannot support additional population unless the council insist developers provide additional resources for the community, e.g. retail units. We are sleepwalking towards another lopsided community in Aberdeenshire i.e. plenty of houses but no/limited resources for the community.

There are speeding issues on the Tarves Road that should be addressed before additional housing in Pitmedden is built. Additional vehicles on Tarves Road will only make the speeding issue worse and proportionally increase the risk of accidents. Councillors will be further putting lives at risk if this is approved and suitable traffic calming measures are not implemented.

One vehicular access point for the existing housing (Tarves Road/Croftland junction) on this side of Pitmedden is not acceptable. This should be addressed before further housing is allowed. The developer made the point, in their previous application, that one vehicular access for this number of houses (existing houses and proposed houses) would be setting a 'precedent' for a housing development. That should have alarm bells ringing for anyone interested in their community.

The Tarves Road/Croftland junction is not safe for the existing volume of traffic, this will only be exacerbated due to the increase in traffic generated from new housing both in Pitmedden and Tarves. There are existing visibility issues when exiting the junction from Croftland onto Tarves Road with difficulty viewing north bound traffic from the junction. Visibility issues should be addressed with a 20mph zone enforced on this section of Tarves Road if Councillors/Roads dept are intent on making the population all use the one junction.

Finally, I would like to make the point that there is growing apathy with Aberdeenshire Council from the population of Pitmedden and Tarves who see developments rail roaded through by Councillors despite objections from the local community. I would argue that Councillors are complicit in putting development first before the needs of the people in its community. At time of writing (20 days after notification), I am the only member of public to comment on this application. This is not because I am the only person against this application but because my neighbours have lost faith in the planning application process slowing reasons:

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addressed with a 20mph zone enforced on this section of Tarves Road if Councillors/Roads dept are intent on making the population all use the one junction.

I have a personal concern also in that the dry stoned dyke in our back garden which was previously owned by the farmer is unsafe should any of the large stones be dislodged. I would like to ensure this issue is addressed with the both Council & housebuilders to avoid any future Risks to any child

Finally, I would like to make the point that there is growing apathy with Aberdeenshire Council from the population of Pitmedden and Tarves who see developments rail roaded through by Councillors despite objections from the local community. I would argue that Councillors are complicit in putting development first before the needs of the people in its community. on speaking with my neighbours sadly they have lost faith in the planning application process.

# Comments for Planning Application APP/2023/1641

## Application Summary

Application Number: APP/2023/1641

Address: OP2 Site Bonnyton Farm Pitmedden Ellon

Proposal: Erection of 49 Dwellinghouses (Change of Housetypes and Plot Layout to APP/2022/1429 for Erection of 64 Dwellinghouses with Associated Infrastructure, Landscaping and Open Space Without Compliance with Condition 1 (Off-Site Road Improvement Works) of Planning Permission Reference APP/2019/0753)

Case Officer: Sarah Graham

## Customer Details

Name: Mrs Kelly Anne Eccles

Address: 2 INGLESIDE PITMEDDEN ELLON

## Comment Details

Commenter Type: Neighbour

Stance: Customer objects to the Planning Application

Comment Reasons:

Comment: I object to the building of further houses at Bonnyton. The area of Pitmedden is getting larger and larger and is now losing its identity as a village. More houses equal more strain on public services such as the GP surgery of which it takes weeks to get an appointment anyway. How will the surgery cope with even more residents?

In addition there are limited facilities for families such as places at the local school and nursery provision.

I have also heard that the parking bollards by the Co-op at Ingleside would be temporarily removed? I STRONGLY OBJECT TO THIS, this would have a direct impact on us as the residents at number 1 Ingleside. At the moment there is very little parking with people using the shop and dropping/picking up kids from school who end up parking in Ingleside. If the bollards were to be removed, the situation would be worse. My husband is community based for the NHS and we fear we would not be able to get out of our driveway if the bollards are removed. Indeed, my neighbour is also a nurse for the NHS and may not be able to get out when she needs to.

Should the bollards be removed this will create further issues with parking, I can see the road being obstructed, further noise for residents (especially if loud works vehicles will be going by). In addition, there are safety fears for the children that go to the primary school. At the moment the road outside the school is dangerous enough anyway with many cars not observing the speed limit. I have been advised that two children have been previously knocked over on this junction. It seems madness to consider opening up these bollards when you will have a blockage of vehicles

for the shop, residents and school, in addition, children trying to cross the road to get to school, there will be accidents.

Regards,

Kelly Eccles

# Comments for Planning Application APP/2023/1641

## Application Summary

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Address: OP2 Site Bonnyton Farm Pitmedden Ellon

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Case Officer: Sarah Graham

## Customer Details

Name: Dr Richard Aspden

Address: Bonnyton Farm Bonnyton Road, Pitmedden Ellon

## Comment Details

Commenter Type: Neighbour

Stance: Customer objects to the Planning Application

Comment Reasons:

Comment: I appreciate that the original application for 64 houses has already been approved but I wish to register again that I feel continuous enlargement of the village is slowly destroying the nature of the village and turning it into a dormitory town. However, I am now highly suspicious that this proposal for a reduced number of dwellings is a cynical attempt to avoid commitments by the developer; such as planning gain or to reduce the number of affordable houses, or to dodge some other restriction that may come with a larger number of houses in order to maximise profits for the developer. In due course I fully expect an application to be made to fill in the gaps left by this proposal and those gaps to be filled by higher value houses! There is still an increased flooding risk to areas surrounding the proposed site due to more rapid run-off and still an increased volume of traffic exiting onto the B999, which is getting increasingly busy due to developments in Tarves and beyond. I know these objections have been over-ruled in the previous application but I wish to make them again and wonder at the motives underlying this change in the development.

# Comments for Planning Application APP/2023/1641

## Application Summary

Application Number: APP/2023/1641

Address: OP2 Site Bonnyton Farm Pitmedden Ellon

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Case Officer: Sarah Graham

## Customer Details

Name: Miss Fiona Mitchell

Address: 16 Breckview Pitmedden Aberdeenshire

## Comment Details

Commenter Type: Member of Public

Stance: Customer objects to the Planning Application

Comment Reasons:

Comment:

I strongly object to this application for the following reasons:

The Planning Application refers to a Summary of Changes document, this is not listed in the available documents. This document should be made available to the public so we can see the full details of the proposed changes before any decision on the application is made.

No information has been provided as to how construction vehicles will access the Bonnyton site. Rumours abound that the bollards next to the Coop on Tarves Road/Ingleside will be temporarily taken down to provide access. If this is the case where will Co-op customers park? Has a risk assessment taken place?

The community cannot support additional population unless the council insist developers provide additional resources for the community, e.g. retail units. We are sleepwalking towards another lopsided community in Aberdeenshire i.e. plenty of houses but no/limited resources for the community.

There are speeding issues on the Tarves Road that should be addressed before additional housing in Pitmedden is built. Additional vehicles on Tarves Road will only make the speeding issue worse and proportionally increase the risk of accidents. Councillors will be further putting lives at risk if this is approved and suitable traffic calming measures are not implemented.

One vehicular access point for the existing housing (Tarves Road/Croftland junction) on this side of Pitmedden is not acceptable. This should be addressed before further housing is allowed. The developer made the point, in their previous application, that one vehicular access for this number of houses (existing houses and proposed houses) would be setting a 'precedent' for a housing development. That should have alarm bells ringing for anyone interested in their community.

The Tarves Road/Croftland junction is not safe for the existing volume of traffic, this will only be exacerbated due to the increase in traffic generated from new housing both in Pitmedden and Tarves. There are existing visibility issues when exiting the junction from Croftland onto Tarves Road with difficulty viewing north bound traffic from the junction. Visibility issues should be addressed with a 20mph zone enforced on this section of Tarves Road if Councillors/Roads dept are intent on making the population all use the one junction.

Finally, I would like to make the point that there is growing apathy with Aberdeenshire Council from the population of Pitmedden and Tarves who see developments rail roaded through by Councillors despite objections from the local community. I would argue that Councillors are complicit in putting development first before the needs of the people in its community.

We live in an elevated site and the rear of our house will be on full view due to this this is losing our privacy as a family a 6 ft fence will not make any difference as we are above that level giving full view access into our home which we feel is violating our rights to privacy in our own home this should have been considered when our house was built for when they planned for the new houses!!

We are very against the planning of these houses and feel the plans make no sense and this application has been very poorly managed!!!

# Comments for Planning Application APP/2023/1641

## Application Summary

Application Number: APP/2023/1641

Address: OP2 Site Bonnyton Farm Pitmedden Ellon

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Case Officer: Sarah Graham

## Customer Details

Name: Mr James Beaton

Address: 16 Breckview Pitmedden Aberdeenshire

## Comment Details

Commenter Type: Member of Public

Stance: Customer objects to the Planning Application

Comment Reasons:

Comment: I strongly object to this application for the following reasons:

The Planning Application refers to a Summary of Changes document, this is not listed in the available documents. This document should be made available to the public so we can see the full details of the proposed changes before any decision on the application is made.

No information has been provided as to how construction vehicles will access the Bonnyton site. Rumours abound that the bollards next to the Coop on Tarves Road/Ingleside will be temporarily taken down to provide access. If this is the case where will Co-op customers park? Has a risk assessment taken place?

The community cannot support additional population unless the council insist developers provide additional resources for the community, e.g. retail units. We are sleepwalking towards another lopsided community in Aberdeenshire i.e. plenty of houses but no/limited resources for the community.

There are speeding issues on the Tarves Road that should be addressed before additional housing in Pitmedden is built. Additional vehicles on Tarves Road will only make the speeding issue worse and proportionally increase the risk of accidents. Councillors will be further putting lives at risk if this is approved and suitable traffic calming measures are not implemented.

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exacerbated due to the increase in traffic generated from new housing both in Pitmedden and Tarves. There are existing visibility issues when exiting the junction from Croftland onto Tarves Road with difficulty viewing north bound traffic from the junction. Visibility issues should be addressed with a 20mph zone enforced on this section of Tarves Road if Councillors/Roads dept are intent on making the population all use the one junction.

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We are very against the planning of these houses and feel the plans make no sense and this application has been very poorly managed!!!



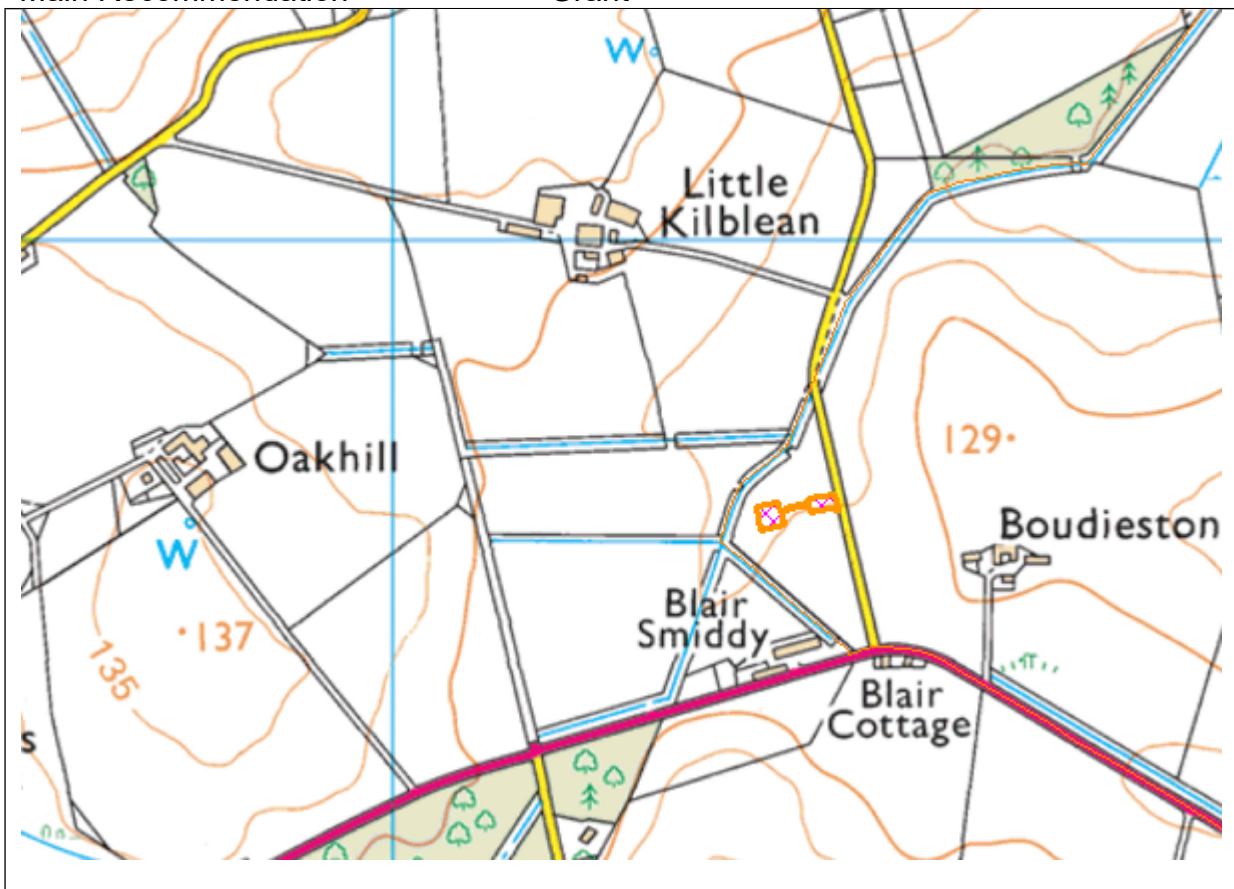


## Formartine Area Committee Report - 24 January 2024

Reference No: [APP/2023/0353](#)

### Full Planning Permission for Erection of Outbuildings and Change of Use of Agricultural Land to Formation of Forest School/Outdoor Learning Play Area and Associated Works at Land at Boudiestone, Oldmeldrum, AB51 0BP

<b>Applicant:</b>	<b>Mrs Lisa Knights</b>
Grid Ref:	E:383465 N:827688
Ward No. and Name:	W09 - Ellon And District
Application Type:	Full Planning Permission
Representations	0
Consultations	4
Relevant Proposals Map	Aberdeenshire Local Development Plan
Designations:	Accessible Rural Area
Complies with Development Plans:	Yes
Main Recommendation	Grant



**NOT TO SCALE**

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## 1. Reason for Report

- 1.1 The Committee is able to consider and take a decision on this item in terms of Section B.8.1 of Part 2A List of Committee Powers and Section C.3.1f of Part 2C Planning Delegations of the Scheme of Governance as the application is recommended for approval and there is an unresolved objection from a consultee.
- 1.2 The Head of Finance and Monitoring Officer within Business Services have been consulted in the preparation of this report and are satisfied that the report complies with the Scheme of Governance and relevant legislation.

## 2. Background and Proposal

- 2.1 Full planning permission is sought for a change of use from agricultural to education/recreation area for outdoor learning environment and the erection of outbuildings at Boudiestone Oldmeldrum AB51 0BP. **Appendix 1 contains the Location Plan.**
- 2.2 The proposed development would be sited within an agricultural field approximately 2 km east of Oldmeldrum. The development includes seven structures in total. The three main building structures on site would be the main shed (01), the fire pit (02) and the mud kitchens (03) as shown on **Appendix 2 Site Plan**. Alongside, the other structures include two wendy houses (04), two investigation and sand pit huts (05), a hexagonal hut (06) and a teepee/triangular hut (07).
- 2.3 Materials to be used for the units include timber slats and rails for the walls, featherboarding and felt roofs to all units other than clear polyurethane profile roofing for unit 05 and 06 and metal profiling for unit 01 with additional plastic to allow natural sunlight. There would be timber flooring to the sandpit and triangular teepee. All other units are to sit onto existing ground, levelled where necessary with bark. **Appendix 3 contains the elevation and floor plans.**
- 2.4 The applicant has envisaged a maximum number of 16 visitors per day staggered throughout the day from multiple sessions. There are 16 car parking spaces shown (including two disabled spaces). The site will provide two eco-toilets and hand basins for hand washing using mobile water bowsers using the public mains waters from the applicant's house.
- 2.5 The site can be accessed from the north of the development and by the south. The southern accessible route would use the main A920 road, meanwhile the northern entrance would use the unclassified C35c road.
- 2.6 There was a pre application enquiry submitted for this proposed development under reference ENQ/2023/0032. The Planning Service concluded that the proposal was likely to meet the requirements of the Aberdeenshire Local Development Plan 2023 and National Planning Framework 4.

- 2.7 The applicant provided a Supporting Statement which outlined how visitors could travel to the site.
- 2.8 With regards to amendments, two revised drawings were submitted for this application to address visibility splays.

### 3. Representations

- 3.1 No valid letters of representation have been received.

### 4. Consultations

#### Internal

- 4.1 **Environmental and Infrastructure Services (Contaminated land)** has advised that there is no indication of any past use which might have caused contamination and as such, has no further comments on this proposal.
- 4.2 **Environment and Infrastructure Services (Environmental Health)** initially requested additional information on hand washing provisions and type of water supply. Following discussions with the applicant, it has been confirmed that the eco-toilets will have wash hand basins located within the toilet cubicle with a reservoir under them containing mains water. On this basis, the Service has no objections to the proposal.
- 4.3 **Environment and Infrastructure Services (Roads Development)** initially requested additional detail on visibility splays and number of staff/attendees and anticipated number of vehicle movements. Following the submission of additional information, it has advised it does not object to the proposal on transportation grounds and has requested a number of conditions.

#### External

- 4.4 **Tarves Community Council** has no objections to the principle of the proposed development, but cannot support the application due to road safety issues and object on this basis. The main concerns relate to the width of the entrance, the number of spaces, access road needs additional passing places, junction with A920 should be widened and no safe place for a bus stop and access for pedestrians and cyclists.

**Appendix 4 contains two letters received.**

### 5. Relevant Planning Policies

- 5.1 National Planning Framework 4 (NPF4)

Scotland's fourth National Planning Framework (NPF4) is a long term plan looking to 2045 that guides spatial development, sets out national planning policies, designates national developments and highlights regional spatial

priorities. It is part of the development plan, and so influences planning decisions across Scotland.

On 13 February 2023 (0900am) Scottish Ministers adopted and published National Planning Framework 4 (NPF4), meaning that it is in force and National Planning Framework 3 and Scottish Planning Policy are superseded from that date and time. This will also have the effect that all strategic development plans and any supplementary guidance issued in connection with them cease to have effect on that date. As such the Aberdeen City and Shire Strategic Development Plan 2020 has now ceased to have effect. The NPF4 now forms part of the development plan along with the Aberdeenshire Local Development Plan 2023.

Policy 14 Design, quality and place  
Policy 21 Play, recreation and sport  
Policy 25 Community wealth building  
Policy 29 Rural development

## 5.2 Aberdeenshire Local Development Plan 2023

On 13 January 2023 the Aberdeenshire Local Development Plan 2023 was adopted.

Policy R2 Development Proposals Elsewhere in the Countryside  
Policy P1 Layout, Siting and Design  
Policy E2 Landscape  
Policy RD1 Providing Suitable Services

## 5.3 Other Material Considerations

None.

## 6. Discussion

6.1 The main planning considerations are the principle of development, siting and layout, impact on visual amenity, impact on residential amenity, and services.

### Principle

6.2 Under Policy R2 Development Proposals Elsewhere in the Countryside, the planning authority will permit small-scale development under 0.5 hectares in the accessible and remote rural areas outwith the green belt and coastal zone and small-scale employment proposals outside settlements. The policy also permits small-scale development that would be compatible with the location being in the green belt as listed under R1.2.

6.3 In this case, the proposal for an outdoor learning/recreational area necessitates a rural location that can provide a safe and secure space connected to nature and the environment to allow the recreational activities

proposed by the specific development targeting outdoor educational and play areas for children. Under linked Policy R1, the proposed development is a recreational use which is considered compatible with its agricultural and natural setting. As such, the principle of development is compliant with Policy R2 and linked R1.

- 6.4 Under Policy 29 and Policy 21 of the National Planning Framework 4, it states that development that contributes to the viability, sustainability and diversity of rural communities and where they are for play and recreation, while also supporting physical and mental health through the provision of, and access to, outdoor recreation, play and sport facilities will be supported. There are multiple beneficial factors to the proposal which would increase the availability for children educational and recreational areas for the town of Oldmeldrum and other residents in the countryside. Furthermore, the proposal can also be found to be in accordance with Policy 25 of the NPF4 on community wealth building as the purpose of the development will be to serve the local communities, focusing on community and place benefits as a primary consideration for these types of developments and will also support local employment.

#### Layout, Siting and Design

- 6.5 In terms of design and impact on the wider area, any proposal must comply with Policy P1 Layout, siting and design of the ALDP 2023 and Policy 14 of the NPF4, which requires proposals to demonstrate the six qualities of place; distinctive, safe and pleasant, welcoming, adaptable, efficient and well connected. The design of the structures to be erected do not pose any detrimental impacts on the character of the area. The height of the proposed structures would ensure that they are not altering the visual appearance of the wider landscape and will only be seen in close proximity to the site. The Planning Service considers that the siting, scale, design, and external appearance of the proposed structures on the site would not be out of character within the surrounding area as the development is situated amongst neighbouring fields that present agricultural style buildings with similar materials.
- 6.6 The introduction of car parking would alter the rural ambiance, becoming a notable feature in the area without sufficient screening, albeit this is at ground level. If the application is approved, a landscaping condition can be applied to help blend the car park into the site. The proposed siting, layout and design is compliant with Policy P1 and Policy E2 of the Aberdeenshire Local development Plan 2023 and Policy 14 of the National Planning Framework 4.

#### Servicing, Access and Parking

- 6.7 Policy RD1 Providing Suitable Services seeks new accesses to be designed to be safe and convenient for cyclists, pedestrians and public transport. The access can be designed to the satisfaction of the Roads Development Service and the site can accommodate sufficient parking requirements.

- 6.8 The site is only 2 km from the settlement of Oldmeldrum, thus not requiring a long travel distance for parents transporting their children to the site. Furthermore, the age ranges for the proposal are babies and children under 5 years old, which will be accompanied by an adult at all times, most likely not by cycling or footways due to the site being located purposely in the countryside and thus there would be no alternatives but to walk on the side of the road which could be unsafe for that age range. The main mode of transport would likely be via private car. The applicant has advised that there is a regular bus route (number 49) which passes the entrance to the site and there is a safer bicycle/walking route to the site via Old Meldrum Golf Course, past Kempwood and through Kilblean Farm.
- 6.9 The primary issue raised by Tarves Community Council concerning the development relates to the current road provisions around the site. The Infrastructure and Environment Service (Roads Development) do not object to this proposal on transportation grounds. Furthermore, the site is envisaged for 16 visitors per day (and 16 parking spaces have been provided on site), which is not a significant amount of additional roads users. There are other developments within the wider rural area subject to a higher volume of visitors per day on similar roads.
- 6.10 Environmental Health are satisfied with the provision of two eco-toilets and hand washing facilities.
- 6.11 As such, overall the proposal is not in conflict with Policy RD1.

### Conclusion

- 6.12 The proposed development for an educational and recreational area to serve the communities complies with the Aberdeenshire Local development Plan 2023 and National Planning Framework 4. In addition, the development can provide the required services. The application is therefore recommended for approval due to its compliance with Policy P1, Policy E2, Policy R2 and Policy RD1 of the Aberdeenshire Local Development Plan 2023 and Policy 14, Policy 21, Policy 25, and Policy 29 of the National Planning Framework 4.

## **7. Area Implications**

- 7.1 In the specific circumstances of this application there is no direct connection with the currently specified objectives and identified actions of the Local Community Plan.

## **8. Implications and Risk**

- 8.1 An integrated impact assessment is not required because the granting or refusing of the application will not have a differential impact on the protected characteristics of the applicant or any third parties.
- 8.2 There are no staffing and financial implications.

8.3 There are no risks identified in respect of this matter in terms of the Corporate and Directorate Risk Registers as the Committee is considering the application as the planning authority in a quasi-judicial role and must determine the application on its own merits in accordance with the Development Plan unless material considerations justify a departure.

8.4 No separate consideration of the current proposal's degree of sustainability is required as the concept is implicit to and wholly integral with the planning process against the policies of which it has been measured.

## 9. Departures, Notifications and Referrals

9.2 The application is not a Departure from the valid Development Plan and no departure procedures apply.

## 10. Recommendation

### 10.1 GRANT subject to the following conditions:-

01. In accordance with Section 58 of the Town and Country Planning (Scotland) Act 1997 (as amended) this planning permission will lapse on the expiration of a period of three years from the date of this decision notice, unless the development is begun within that period.

Reason: Pursuant to Section 58 of the Town and Country Planning (Scotland) Act 1997 (as amended).

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

Details of the scheme shall include:

- a) The location of new trees, shrubs, hedges, grassed areas and water features;
- b) A schedule of planting to comprise species, plant sizes and proposed numbers and density;
- c) The location, design and materials of all hard landscaping works including walls, fences, gates, street furniture and play equipment;
- d) 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.

03. 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 90 metres in a northerly direction and 120 metres in a southerly direction along the channel line of the public road has been provided from a point 2.4 metres measured at right angles from the existing edge of the carriageway surface along the centre line of the approved new access 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.

04. The development hereby approved shall not be brought into use unless its parking area for 16 cars has been provided and surfaced in accordance with the details shown on the approved plans. Once provided, all parking areas shall thereafter be permanently retained as such. In addition, the maximum gradient of the first 5 metres of the new access shall not exceed 1 in 20 and the first 5 metres shall be fully paved.

Reason: To ensure the timely completion of the driveway to an adequate standard to prevent the carriage of loose driveway material on to the public road in the interests of road safety.

## 10.2 Reason for Decision

The planning authority considers that the application is for a development that is in accordance with National Planning Framework 4 and Aberdeenshire Local Development Plan 2023.

The proposed development of an outdoor learning/recreational area is a recreational use which is considered compatible with its agricultural and natural setting in compliance with Policy R2 Development Proposals Elsewhere in the Countryside and linked R1 Special Rural Areas of ALDP 2023. The development necessitates a rural location that can provide a safe and secure space connected to nature and the environment to allow the recreational activities proposed by the specific development targeting outdoor educational and play areas for children. The development would contribute to the viability, sustainability and diversity of rural communities and supports



physical and mental health through the provision of, and access to, outdoor recreation, play and sport facilities in compliance with Policy 29 and Policy 21 of the National Planning Framework 4. In addition, the site can be suitably serviced in compliance with Policy RD1 Providing Suitable Services of ALDP 2023.

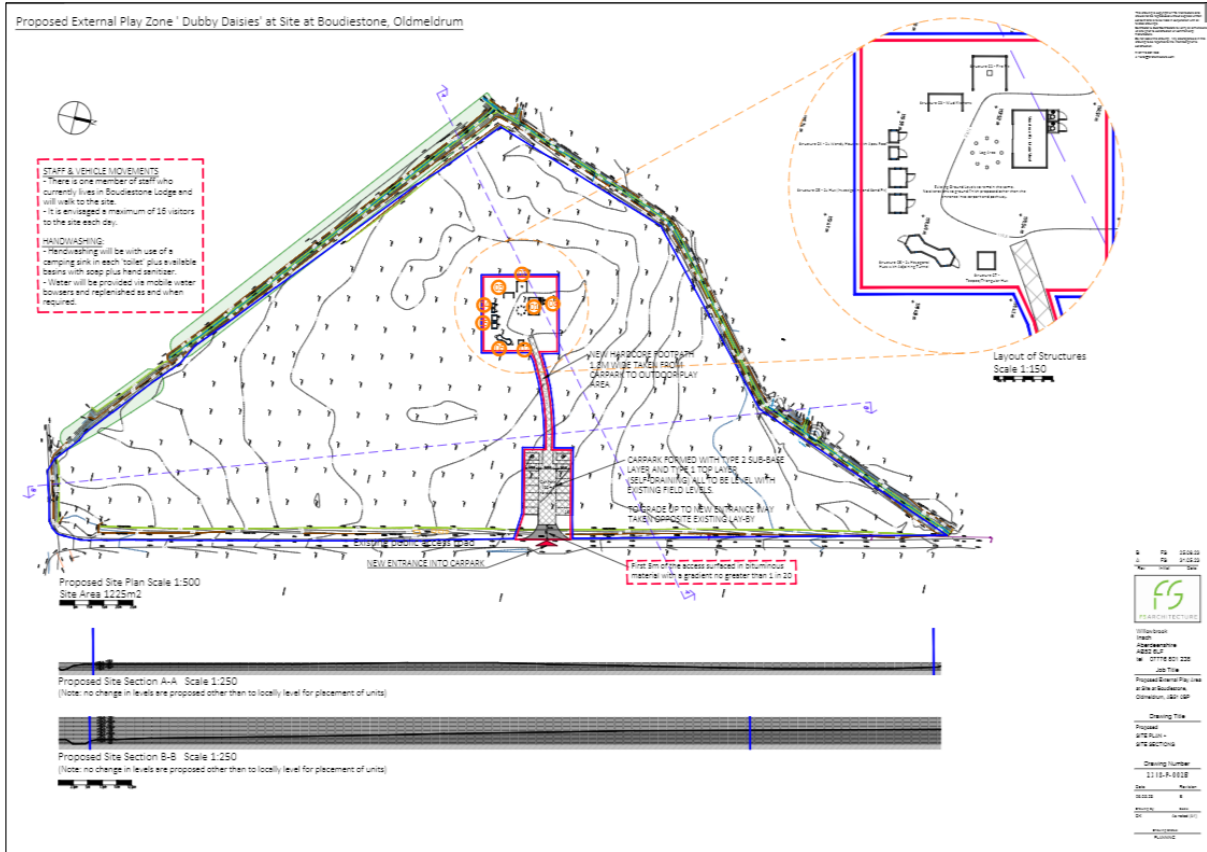
**Alan Wood**  
**Director of Environment and Infrastructure Services**  
**Author of Report: Rudy Cialucco**  
**Report Date: 8 December 2023**



APP/2023/0353

Appendix 2

Site Plan



APP/2023/0353

Appendix 3

Site Plan

Proposed External Play Zone 'Dubby Daisies' at Site at Bowdlestone, Oldmeldrum

Structure 01 - Main Shed / Plan and Elevations Scale 1:50

Structure 02 - Fire Pit / Plan and Elevations Scale 1:50

Structure 03 - Mud Kitchen - Plan and Elevations Scale 1:50

Structure 04 - 2x Wendy Houses with Apen Roof / Plan and Elevations Scale 1:50

Structure 05 - 2x Hut (Investigating and Sand Pit) with Pent Roof / Plan and Elevations Scale 1:50

Structure 06 - 2x Hexagonal Huts with Adjoining Tunnel / Plan and Elevations Scale 1:50

Structure 07 - Tepees/Triangular Hut / Plan and Elevations Scale 1:50

Structure 08 - 2x Eco Toilets / Plan and Elevations Scale 1:50

Materials for all units:  
 Walls: Timber Clad S. Walls  
 Roof: Featherboarding & felt (all units other than); metal profile sheeting (Unit 01) and clear polycarbonate profile roofing (Units 05 and 08)  
 Note: Timber flooring to sandpit and triangular tepees.  
 All other units to sit onto existing ground, leveled if necessary, with bark covering locally.

1	23	15/05/23
2	23	21/05/23
No.	Title	Date

**FS**  
F5 ARCHITECTURE

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 110000000

Job Title  
 Proposed External Play Zone  
 at Site at Bowdlestone  
 Oldmeldrum (APP) (APP)

Drawing Title  
 Proposal  
 Plans & Elevations  
 of Structures

Drawing Number  
 11-15-4-0102

Date  
 20.05.23

Author  
 JH

Approved  
 JH

APP/2023/0353

Appendix 4

Tarves Community Council comments

## Tarves Community Council

Community Council Postbox  
Tarves Post Office  
The Square  
Tarves  
AB41 7GX  
1<sup>st</sup> July 2023

Aberdeenshire Council P. & E, E. & I. S. Formartine Area  
by e mail.

Dear Sir/Madam

**APP/2023/0353; - FPP for] Erection of Outbuildings and Change of Use of Agricultural Land to Formation of Forest School/Outdoor Learning Play Area and Associated Works at Land at Boudiestone Oldmeldrum.**

Councillors have discussed this application and whilst we have no objections to the principle of the proposed development, road safety issues mean we cannot support it as it stands and as such object to what is currently proposed.

The entrance to the car park would be better if it was wider than proposed to allow safer access and egress, the number of spaces should be increased to ensure adequate capacity and better provision to ensure a turning area is available at all times even when spaces are all taken.

The access road needs additional passing places and the junction with the A920 should be widened to allow traffic to safely turn off this road onto the C class access road and wait if required by vehicles coming from the facility. The A920 is a busy A road and visibility from both sides is poor, in particular for traffic approaching from Oldmeldrum that can't see a vehicle on the C class road until they are at the junction itself.

If the aforementioned improvements could be agreed we would reconsider our objection.

Yours on behalf of the Community Council

Robert P. Davidson.

Chairman.

## Tarves Community Council

Community Council Postbox  
Tarves Post Office  
The Square  
Tarves  
AB41 7GX  
22<sup>nd</sup> November 2023

Aberdeenshire Council P. & E, E. & I. S. Formartine Area  
by e mail.

Dear Sir/Madam

**APP/2023/0353; - FPP for Erection of Outbuildings and Change of Use of Agricultural Land to Formation of Forest School/Outdoor Learning Play Area and Associated Works at Land at Boudiestone Oldmeldrum.**

Councillors have discussed this application and whilst we have no objections to the principle of the proposed development, road safety issues mean we cannot support it as it stands and as such object to what is currently proposed.

The entrance to the car park would be better if it was wider than proposed to allow safer access and egress, the number of spaces should be increased to ensure adequate capacity and better provision to ensure a turning area is available at all times even when spaces are all taken.

The access road needs additional passing place(s) and the junction with the A920 should be widened to allow traffic to safely turn off this road onto the C class access road and wait if required by vehicles coming from the facility. The A920 is a busy A road and visibility from both sides is poor, in particular for traffic approaching from Pitmedden that can't see a vehicle waiting to turn right and from Oldmeldrum that can't see a vehicle on the C class road until they are very close to the junction itself.

The recently submitted statement regarding safe access to the site suggests the use of the C35C for pedestrians and cyclists. Aberdeenshire Council's Roads Development Manager, in an email earlier this year described this road as; - **"a narrow rural road where the national speed limit applies over most of its length and the verges are in places steep and narrow giving limited opportunities for pedestrians to step off the road out of the way of passing traffic. This is not an environment where we would encourage vulnerable pedestrians to walk without creating a segregated pedestrian path".**

Our Ward 8 Councillors were also sent this by the Roads Manager. Although this was the most Easterly section of this road that was referred to, the description is correct for almost the entire length of the rural sections from Oldmeldrum to Tarves. The site is over 3.5km from Oldmeldrum using the proposed route.

Our members are of the view that there is not a safe place for a bus to stop on the A920 (in either direction) and for passengers to safely access to and from the C road and application site. These issues need to be fully investigated.

Yours on behalf of the Community Council

Robert P. Davidson.

Chairman.

## REPORT TO FORMARTINE AREA COMMITTEE – 23 JANUARY 2024

### ENQ/2023/1525 - NEWBURGH (SITE OP3) MASTERPLAN

#### 1 Executive Summary/Recommendations

1.1 The preparation of a Masterplan is a requirement under Policy P1 Layout, Siting and Design of the Aberdeenshire Local Development Plan 2023 (ALDP 2023). Policy P1 requires that all major housing developments (over 50 homes) are required to prepare a Masterplan, which has been subject to public consultation, and agreed by the Local Area Committee. The Masterplan requires to be agreed in advance of the submission of a planning application, which should then adhere to the agreed Masterplan. The aim of the masterplanning process is to promote good place-making, and ensure future developments are designed to the highest standard, encompassing social, environmental, and economic requirements to create the sustainable communities of the future. Once agreed a Masterplan shall remain valid for a period of 5 years, unless planning permission for the development has been granted and implemented.

#### 1.2 The Committee is recommended to:

**1.2.1 Agree the Masterplan for Site OP3 Newburgh as the context for the general layout and approach for subsequent planning applications, and**

**1.2.2 Agree the Masterplan for Site OP3 Newburgh to be used as a material consideration in the determination of any subsequent planning applications.**

#### 2 Decision Making Route

2.1 Masterplans are to be considered by the relevant Area Committee under terms of Section B.8.1 of Part 2A List of Committee Powers and Section C.5.3 of Part 2C Planning Delegations of the Scheme of Governance. The Masterplan is directly linked to the Aberdeenshire Local Development Plan 2023 (ALDP 2023) as a requirement stipulated through the Newburgh Settlement Statement contained within Appendix 7C Settlement Statements - Formartine.

#### 3 Discussion

##### Background

3.1 This report provides an overview of the Masterplan which has been prepared for site OP3 in Newburgh. The Masterplan site plan is appended to this report as **Appendix 1** and the whole document is appended to this report as **Appendix 2**. The purpose of the Masterplan document is to set out a clear idea for the future, and demonstrate an integrated approach to community

participation, site planning, transport, servicing, community facilities, design, ecology and landscaping. The exact content of a Masterplan will vary on a site by site basis, but broadly they are intended to be succinct documents to convey key principles that future development will need to incorporate. That is not to say they should not be supported by detailed supporting information, but that information should sit in the background and inform.

- 3.2 The proposed Masterplan includes a triangle of land to the north which is outwith site OP3 as allocated in the ALDP 2023. For the purposes of masterplanning, the Planning Service have agreed that it is suitable to include this area of land. Due to ground conditions, the triangle of land to the north is the most suitable for the suds basin, as discussed on page 21 of the document. It is considered that the masterplanning of the site can benefit from consideration of an extended site in this case. There is no uplift in the number of dwellinghouses proposed and no housing development is located in the northern triangle. It is however acknowledged that should an application come forward on this section of the site it would be a departure to the Aberdeenshire Local Development Plan 2023.
- 3.3 The requirement for a Masterplan for site OP3 is outlined within the settlement statement for Newburgh and Policy P1 Layout, Siting and Design of the Aberdeenshire Local Development Plan 2023 (ALDP 23). The form of the Masterplan is guided by Planning Advice PA2023-09 'Masterplanning'. Masterplans should also be developed in accordance with Planning Advice Note 83: Masterplanning and Designing Streets. NPF4 Policies 14 (Design, quality and place) and 15 (Local living and 20 minute neighbourhoods) are relevant to design, but do not specifically require masterplans to be prepared. Masterplans should be prepared in line with the principles of the six qualities of successful places, and 20 minute neighbourhoods.
- 3.4 Site OP3 is allocated in the ALDP 2023 for 160 homes. The allocated site statement for OP3 outlines requirements, including;
- A Masterplan, to include placemaking requirements and provision of a "primary street"
  - Sustainable drainage system
  - Investment in education facilities
  - Incorporate first section of a vehicular link between the B9000 and A975 - a 'primary street'
  - Connectivity to OP2
  - New footway provision on B9000
  - Flood Risk Assessment
  - Buffer strip along watercourse
  - Contribution towards affordable housing to be delivered in early phases.



### Process

- 3.5 In relation to the approach to the Masterplan, the applicant has followed the approach set out in Masterplanning Planning Advice. The applicant engaged early with the Planning Service, and discussion has taken place with consultees in relation to technical requirements. The applicant has also undertaken public engagement on the proposed Masterplan. This is covered in more detail in paragraphs 3.9-3.10 below.
- 3.6 The Masterplanning Advice outlines a suggested content masterplans should follow, which this Masterplan generally adheres to. The Masterplan document is split into four sections, 1 - Background, 2 - Site and Area Analysis; 3 - Proposed Development; and 4 - Summary of Commitments and Key Design Principles. Section 2 on Analysis covers community engagement.

### Site Context

- 3.7 Site OP3 is located to the west of Newburgh, bounded to the south by the B9000, to the east by housing development at St Clair and to the north and west by agricultural land. The ground is undulating, and currently in agricultural use. There is a watercourse to the north of the site (outwith the site boundary).
- 3.8 The Masterplan document covers 'Site Analysis' from pages 5-18. This is a comprehensive planning context which considers the existing context of the site, including consideration of the character and identity of the settlement, and technical matters and constraints. This section also includes community consultation, which is discussed below. In summary, this section demonstrates that the developer has fully considered the site context and how the site would relate to the existing settlement.

### Community Engagement

- 3.9 Policy P1 of the ALDP 2023 outlines that a Masterplan must be subject to public consultation. The responsibility to undertake public consultation lies with the applicant/developer. Section 2 of the document (pages 16-18) summarises the public consultation undertaken. The developer/applicant has held two public consultation events to discuss the Masterplan, and design evolution. The first event was held on 7 December 2022, and the second event on 22 February 2023. Events have been well attended, and pages 17-18 of the document provides commentary on the consultation. It is noted that some of the issues raised are outwith the remit of the Masterplan.
- 3.10 The service is of the view that through the Masterplan process, the views of the community have been sought, and taken on board. The public engagement carried out with the community on the Masterplan meets the requirements of Policy P1.

### Proposed Masterplan

- 3.11 The Masterplan site plan (enclosed as **Appendix 1** or also shown on page 28 of the Masterplan) illustrates the key principles of the site. These are primarily:
- New primary street route (the first section of a potential future link road to the A975;
  - A network of open space;
  - Buffer strip along watercourse
  - New suds feature with open space to the western side of site OP1;
  - Landscape buffer between existing development at St Clair and the proposed housing;
  - Pedestrian connectivity to existing settlement with new footway along B9000.
  - Potential for future pedestrian connectivity between the site OP2.
- 3.12 The document notes that the proposal is for around 160 new homes, but the site capacity is indicative at this stage. The report also notes that a mix of dwelling sizes and styles will be provided including detached, semi-detached and terraces. It is noted that 25% of the total number of homes will be affordable, and they will be integrated into the development.
- 3.13 In relation to landscape strategy and strategic greenspace, approximately 46% of the site is designated as green space, in line with policy requirements of the ALDP 23. This does include the additional triangle of land to the north. There are two main areas of open space proposed, to the north and west, supplemented, and linked through smaller areas. The suds basin to the north also provides opportunity for new habitats. The site will contribute to enhancement of biodiversity. The justification for the siting of the SuDs basin outwith the OP3 site is considered acceptable.
- 3.14 Turning to connectivity, there is a clear street hierarchy, in line with Designing Streets. Connectivity to the centre of Newburgh, bus stops, recreation areas and play parks is provided in line with Policy 15 (Local living and 20 minute neighbourhoods) of NPF4. There is enhanced pedestrian connectivity into the existing settlement with the provision of a 3m wide footpath/cycleway to the south of the site along the B9000. There is an indicative pedestrian route provided to the north of the site, but pedestrian connectivity to site OP2 is outwith the land control of the developer. The proposed primary street provides the potential for a future vehicular link around the west of the settlement.
- 3.15 The Masterplan notes that the development of the site will be over three phases, with forty to sixty dwellings delivered per phase (subject to sales rates). The phasing plan shows the build out over the site, with key infrastructure and Suds provided in phase 1.

Consultees

- 3.16 The Masterplan has been subject to discussion with internal Council services, and also external services such as SEPA and Scottish Water. The final draft Masterplan was circulated to consultees for comments, in the main consultees raised no substantive comments in relation to the proposed Masterplan. The Council’s Flood Risk and Coast Protection Team and SEPA have noted that additional detail will be required in a Flood Risk Assessment to support future planning application(s). Roads development noted some technical requirements relating to future planning application(s). As the development moves forward from the Masterplan to planning application stage, further discussions with consultees will continue to take place to shape the final design and layout as well as finalising Developer Obligations.
- 3.17 A Design Quality Audit has not been carried out at this stage, as it is considered that it would hold more value with a more detailed layout.

Summary

- 3.18 In conclusion, the Planning Service is satisfied with the structure, detail and content of the Masterplan. The Masterplan has followed due process, and the public engagement carried out meets the expectations of the Service. The Masterplan provides a suitable context for the progression of site OP3. Masterplans should set the overall context and not go into too much detail. As future planning application(s) come forward, they will be required to comply with the principles set out in the Masterplan, in order to accord with Policy P1 of the ALDP 2023.
- 3.19 As outlined in paragraph 3.2 above, the SUDS basin and associated open space on the land outwith OP3 would be a departure to the ALDP 2023, and would require to go through relevant departure procedures. However, it is the view of the service that suitable justification has been made for the Suds in this location.

**4 Council Priorities, Implications and Risk**

- 4.1 The Masterplan will help to deliver an allocated site in the Aberdeenshire Local Development Plan 2023, which will ultimately help to deliver the Strategic Priorities ‘Our Environment’ in contributing to resilient communities, and ‘Our Economy’ in contributing to Economic Growth.
- 4.2 The table below shows whether risks and implications apply if the recommendation is agreed.

<b>Subject</b>	<b>Yes</b>	<b>No</b>	<b>N/A</b>
Financial		X	
Staffing		X	
Equalities and Fairer Duty Scotland			X

Children and Young People's Rights and Wellbeing			X
Climate Change and Sustainability			X
Health and Wellbeing			X
Town Centre First			X

- 4.3 The financial and staffing implications in assessing masterplans are covered within the existing Planning and Economy budget. No risks or implications are anticipated as no exceptional cost are anticipated.
- 4.4 An Integrated Impact Assessment (IIA) is not required. The Masterplan is simply setting out the context for future development proposals on this site and will not itself have a differential impact on those with protected characteristics.
- 4.5 There are no risks identified in respect of this matter in terms of the Corporate and Directorate Risk Registers as the Committee is considering the Masterplan as the Planning Authority in a quasi-judicial role as the Masterplan has been identified as a requirement through the Aberdeenshire Local Development Plan 2023.

## 5 Scheme of Governance

- 5.1 The Head of Finance and Monitoring Officer within Business Services have been consulted in the preparation of this report and had no comments to make and are satisfied that the report complies with the Scheme of Governance and relevant legislation.
- 5.2 The Committee is able to consider this item in terms of Section B.8.1 of Part 2A List of Committee Powers and Section C.5.3 of Part 2C Planning Delegations of the Scheme of Governance.

**Alan Wood**  
**Director of Environment & Infrastructure Services**  
**Author of Report: Sarah Graham**  
**Report Date: 4 January 2024**

## List of Appendices

**Appendix 1 – Masterplan Site Plan**  
**Appendix 2 – Masterplan Report**

ENQ/20231525

Appendix 1

Site Plan Masterplan



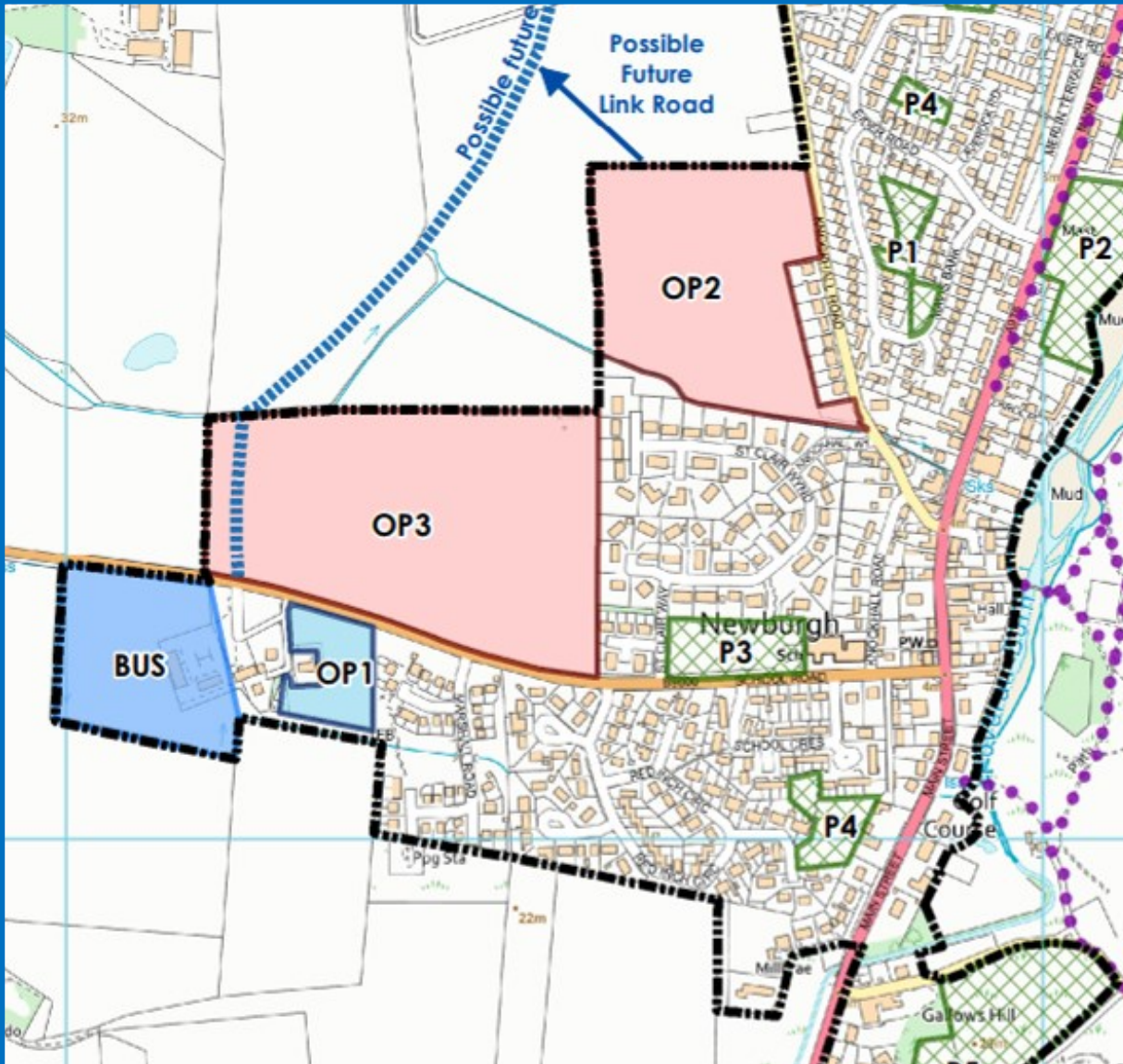


# Mill of Newburgh LDP Ref: OP3 Masterplan

# DRAFT

PREPARED BY  
RYDEN LLP  
ON BEHALF OF  
**STEWART MILNE HOMES**  
DECEMBER 2023





# 01

## BACKGROUND

- 1.1 SITE DETAILS
- 1.2 APPLICANT AND TEAM
- 1.3 SITE DESCRIPTION
- 1.4 PURPOSE OF MASTERPLAN

# 02

## SITE AND AREA ANALYSIS

- 2.1 VIABILITY
- 2.2 CONTEXT
- 2.3 IDENTITY
- 2.4 CONNECTION
- 2.5 COMMUNITY INVOLVEMENT AND CONSULTATION

# 03

## PROPOSED DEVELOPMENT

- 3.1 DESIGN CONCEPT
- 3.2 BUILT FORM
- 3.3 MOVEMENT
- 3.4 OPEN SPACE
- 3.5 PHASING DELIVERY

# 04

## SUMMARY OF COMMITMENTS AND KEY DESIGN PRINCIPLES



# 01 BACKGROUND

## 1.1 SITE DETAILS

This is a newly allocated site within the Aberdeenshire Local Development Plan 2023, identified as Opportunity Site OP3: Land to the North of School Road, Mill of Newburgh. It is allocated for 160 homes.

## 1.2 APPLICANT AND TEAM

This Masterplan has been prepared by Ryden LLP on behalf of the applicant, Stewart Milne Homes. The project team comprises:

- Planning Consultant: Ryden LLP
- Civils & Transport Consulting Engineer: Fairhurst
- Structural Engineer: Fairhurst
- Ecologist: Latimer Ecology
- Archaeologists: CFA Archaeology Ltd
- Acoustic Consultants: Robin Mackenzie Partnership
- Ground investigation: Johnson Poole & Bloomer Consultants
- Topographic Survey: L&M Surveys

## 1.3 SITE DESCRIPTION

The Masterplan site lies to the west of Newburgh, immediately adjacent to the existing built up area and within the boundary of the village as shown in Figure 1. It lies within close proximity to Newburgh Mathers Primary School, with the village centre lying a short walk along School Road to the east. The site enjoys long vistas towards the River Ythan and dunes beyond. The site extends to approximately 10.8 hectares

(26.9 acres) and is bound to east by a row of trees, beyond which lies housing accessed from St Clair Way. To the south lies the B9000, from which direct access can be taken. This road also provides access to the new housing development delivered

by Stewart Milne Homes at Sinclair Park opposite the site to the south.

A small watercourse contains the Masterplan site to the north, with open fields beyond and also to the west.

The Masterplan area is in the sole ownership of the landowner and under option to Stewart Milne Homes. It is currently in agricultural use and therefore has very few physical features or landscape character and little potential for contamination.

Figure 1 : Location Plan





#### 1.4 PURPOSE OF THE MASTERPLAN

The aim of the Masterplan is to promote good place-making and ensure the development is designed to the highest standard, encompassing social, environmental and economic requirements to create a sustainable community.

It will set a clear idea for the future and demonstrate an integrated approach to community participation, site planning, sustainable transport, servicing, community facilities, design, ecology and landscaping. It will seek to achieve a high quality design that incorporates the six qualities of a successful place.

This Masterplan will comprise plans/site layouts, images and text describing how the site will be developed having regard to all of these requirements. It will provide detailed guidance in relation to building heights, spaces, movement, landscape type and predominant uses.

Once agreed by Aberdeenshire Council it will become a material consideration in determining planning applications on the site and will be valid for a period of 5 years from the date of Committee Agreement.

Policies of the Development Plan (LDP) will be taken into consideration, which includes National Planning Framework (NPF) 4 and the Aberdeenshire Local Development Plan 2023 which was adopted on 13th January 2023. Relevant policies of the LDP include:

- Policy H1: Housing Land
- Policy H2: Affordable Housing
- Policy P1: Layout Siting and Design
- Policy P2: Open Space and Access in New Development
- Policy E1: Natural Heritage
- Policy HE1: Protecting Listed Buildings, Scheduled monuments and Archaeological Sites
- Policy C1: Using Resources in Buildings
- Policy C4: Flooding
- Policy RD1: Providing Suitable Services
- Policy RD2: Developer Obligations

NPF4 was adopted in February 2023 and takes precedence over the policies of the Aberdeenshire LDP where conflict exists. This Masterplan also takes due consideration of the following policies in NPF4:

- Policy 2: Climate mitigation and adaptation
- Policy 3: Biodiversity
- Policy 4: Natural places
- Policy 7: Historic assets and places
- Policy 12: Zero Waste
- Policy 13: Sustainable Transport
- Policy 14: Design, quality and place
- Policy 15: Local living and 20 minute neighbourhoods
- Policy 16: Quality homes
- Policy 18: Infrastructure First
- Policy 20: Blue and Green Infrastructure
- Policy 21: Play recreation and sport
- Policy 22: Flood Risk and Water Management

## 2.1 VIABILITY

Developer Obligations have confirmed the level of contributions required for the Masterplan area.

Investigations have determined that there are no insurmountable constraints that cannot be mitigated through the development of the site and Section 3 includes an indicative layout that proposes an appropriate solution for the site that meets policy requirements. The site is therefore considered to be deliverable in the form promoted.

## 2.2 CONTEXT

Newburgh is a coastal village within the Formartine area of Aberdeenshire, sitting midway between Aberdeen and Peterhead.

It lies within the Aberdeen Housing Market Area (AHMA), within the Energetica Corridor and therefore plays an important role in providing housing opportunities in line with the Energetica vision of transforming the area into a high quality lifestyle, leisure and global business location.

### Local Area

The village lies within the Beaches, Dunes and Links Landscape Character Type along the Collieston to Aberdeen coast (shown delineated in red in Figure 2). It is also designated within the North-east Aberdeenshire Coast Special Landscape Area (SLA) (shown hatched in green in Figure 2).

These designations recognise the ecological value of the area's dune system and other features that contribute to landscape character, as well as being recognised as being nationally and/or internationally important for nature conservation.

The Forvie National Nature Reserve covers extensive areas around the mouth of the River Ythan on the eastern edge of Newburgh. Other important sites in the area include the Ythan Estuary; Sands of Forvie and Meikle Loch Special Protection Areas (SPA), the Sands of Forvie Special Area of Conservation (SAC) and the Sands of Forvie and Ythan Estuary Site of Special Scientific Interest (SSSI).

Planning Advice states that built development along the coastline and expansion of settlements that is set back from the coastal edge will help conserve the dune character of this area. The location of the Masterplan site ensures the coastline is protected.



**Figure 2: Aberdeenshire Planning Advice PA2023-07a (extract); Coastal Landscape Character Types**

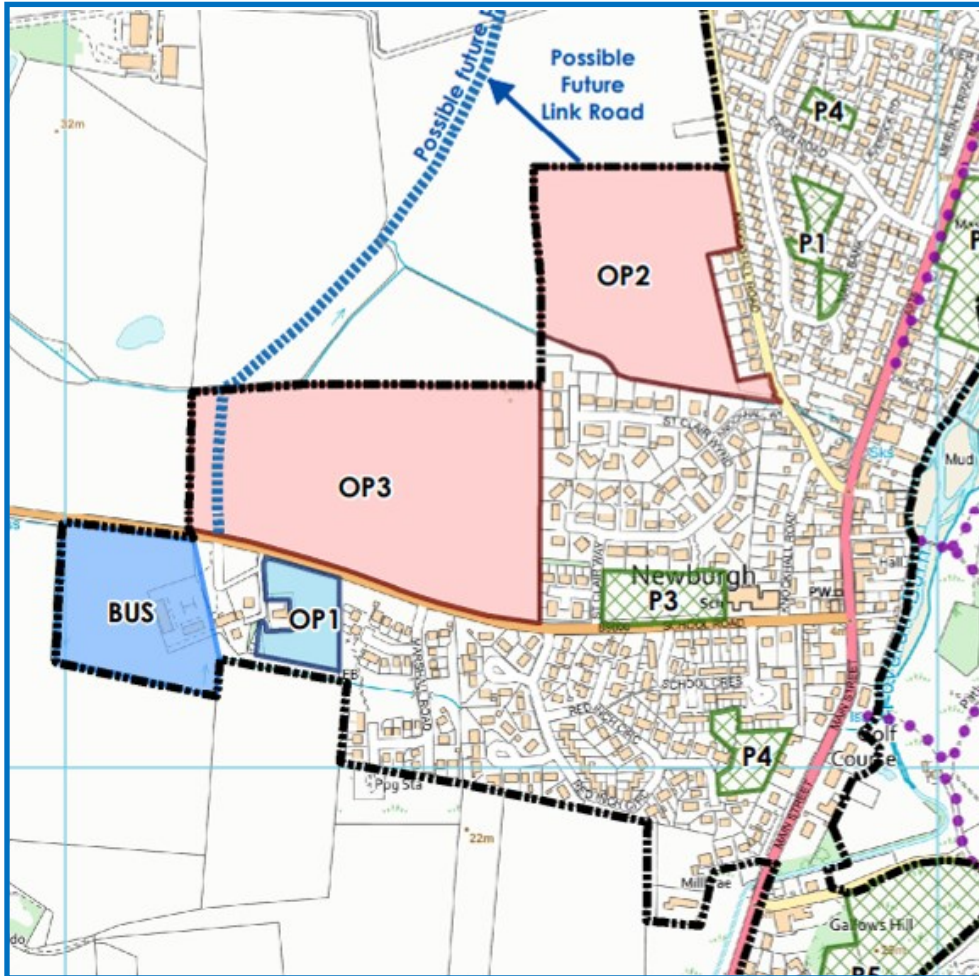


Figure 3: Aberdeenshire Local Development Plan 2023 (extract)

**Planning History**

The Masterplan area was promoted through the LDP process and part of the site has now been identified in the adopted Aberdeenshire Local Development Plan (2023) as site OP3 for 160 homes in order to meet the housing needs of the area (Figure 3).

The LDP allocation (extending to 8.7hectares/21.5 acres) excludes an area of land (2.1 hectares/5.4 acres) to the north of the site. However, it has been agreed with Aberdeenshire Council that it is appropriate to contain that land within the Masterplan process.

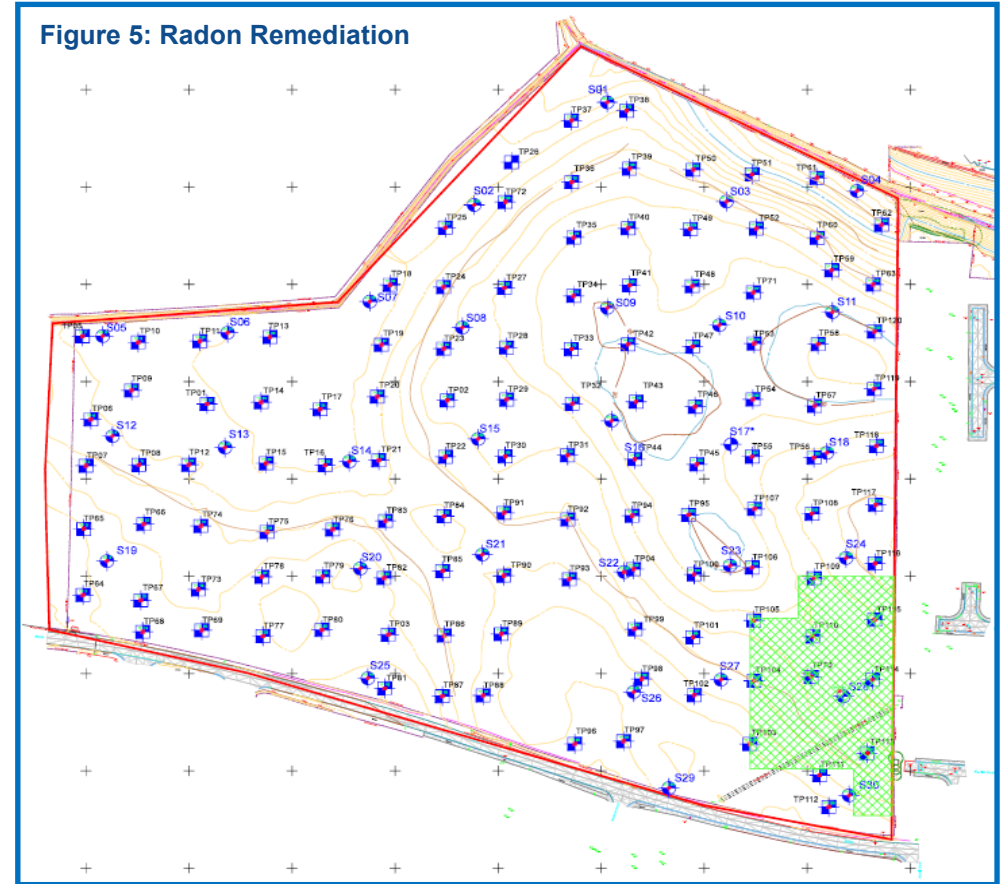
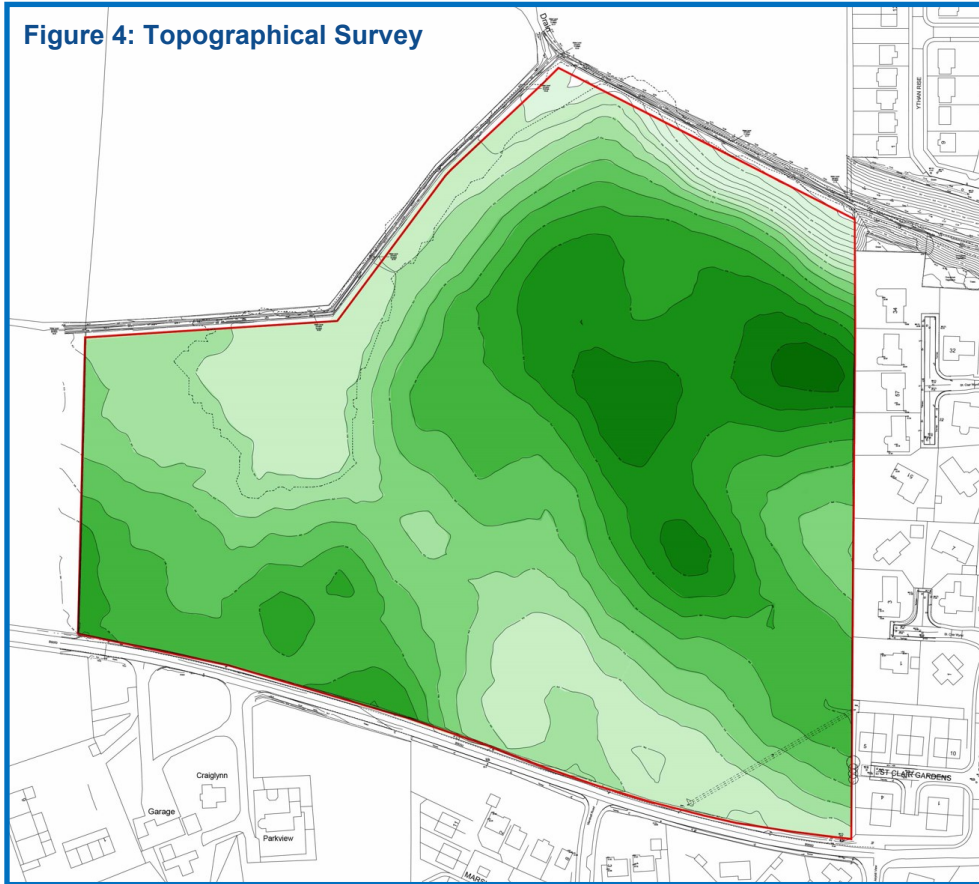
OP1: West of Airyhall View, to the south is identified for community facilities and 0.8ha of employment land, with OP2: Knockhall Road comprising an historic allocation of 60 homes, which has now been completed by Scotia Homes. There are no other significant residential developments in the village.

An existing industrial site (BUS) is located to the south west and a **Noise Impact Assessment** will be submitted to Aberdeenshire Council to consider its impact on development within the Masterplan area. The development will take into account any mitigation required.

The **LDP settlement statement** for Newburgh contains a number of specific requirements for the site, which will inform the layout This includes:

- Provision of a **“primary street”** on the western side of the site, the function of which is to serve housing areas and other local functions. This will support the first section of a vehicular link between the B9000 and the A975 to the north of Newburgh.
- Appraise development to determine if there is any impact on the **Newburgh junction** on the A90(T).
- Vehicle and pedestrian **connectivity** to **OP2** incorporated into the site layout with new footway provision required on the B9000 School Road.
- A **buffer strip** adjacent to the watercourse on the northern boundary should be positively integrated into the development. Enhancement of the watercourse through re-naturalisation and removal of any redundant features should be investigated.
- 25% **affordable housing** in line with Policy H2, delivered as part of the early phases of development and integrated into the design to provide a mix of house types and sizes.

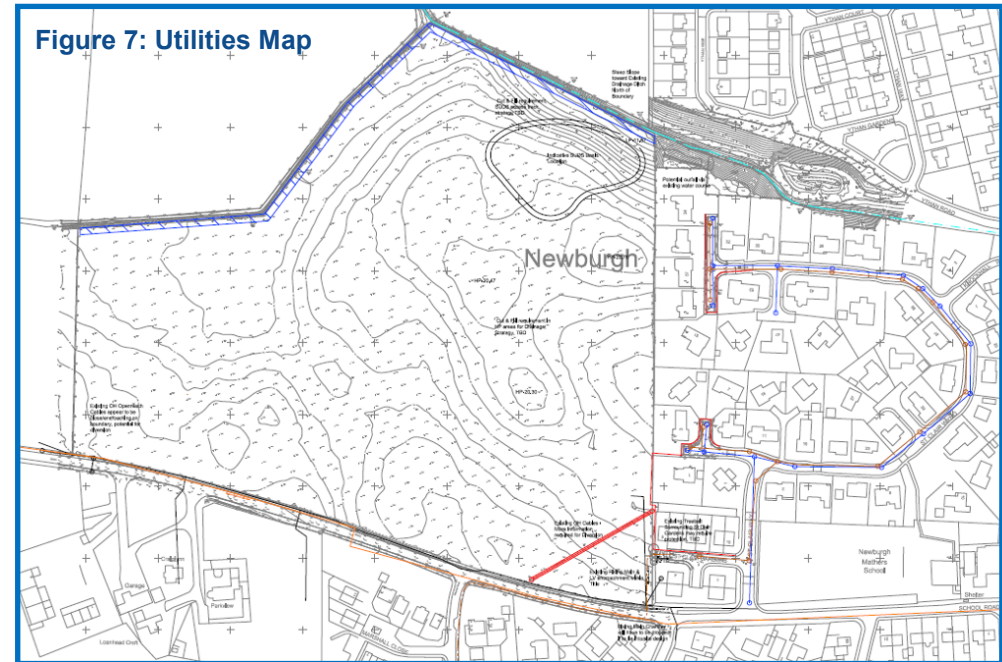
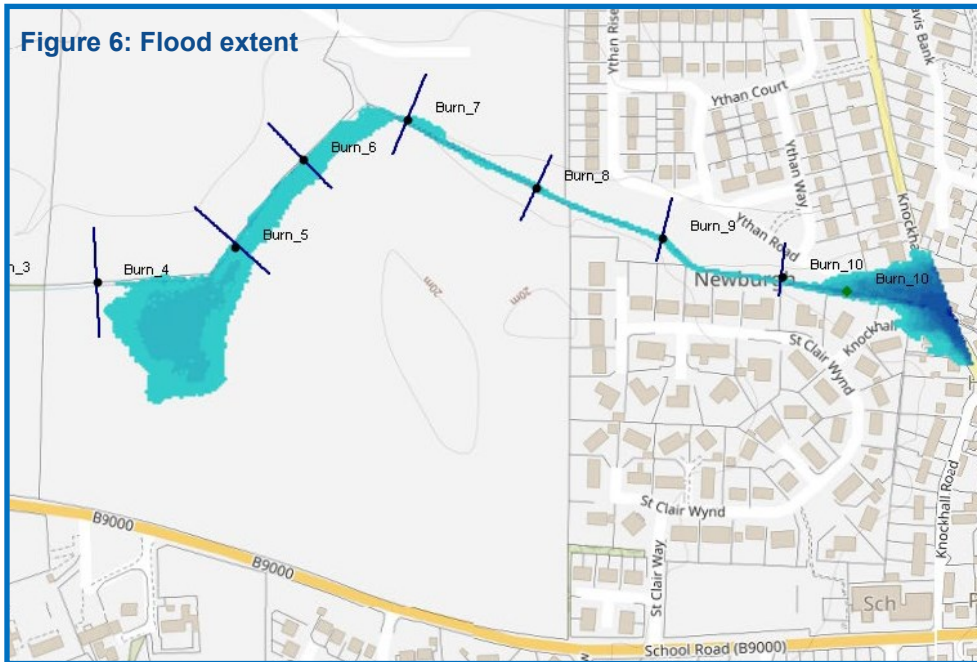




**Site Analysis**

A topographical survey (Figure 4) has been undertaken for the site which demonstrates that the site undulates from south-west to north-east, with a high point of 20.76 to the east of the site, before falling steeply in the north-east corner towards the watercourse, to a level of 14m.

The site has been tested for Radon, with the location of trial pits and boreholes identified in Figure 5. The green hatched area identifies the approximate extent of the area requiring remedial measures.



**Flood Risk**

Aberdeenshire Council’s Flood Risk and Coast Protection department confirmed that there could be flood risk issues in the area due to the proximity of the watercourse to the north.

This has been investigated further and Figure 6 Identifies the full extent of flood risk covering the site. The flood risk, including risk from the watercourse and run-off from adjoining land, will be addressed in a Flood Risk Assessment to be submitted with any planning application and any required mitigation will be provided as required by LDP Policy C4 and NPF Policy 22.

Areas of open space must be provided as buffers to the watercourses in line with policy requirements. This will address any risk of flooding and provide recreational and biodiversity opportunities which will benefit the local area.

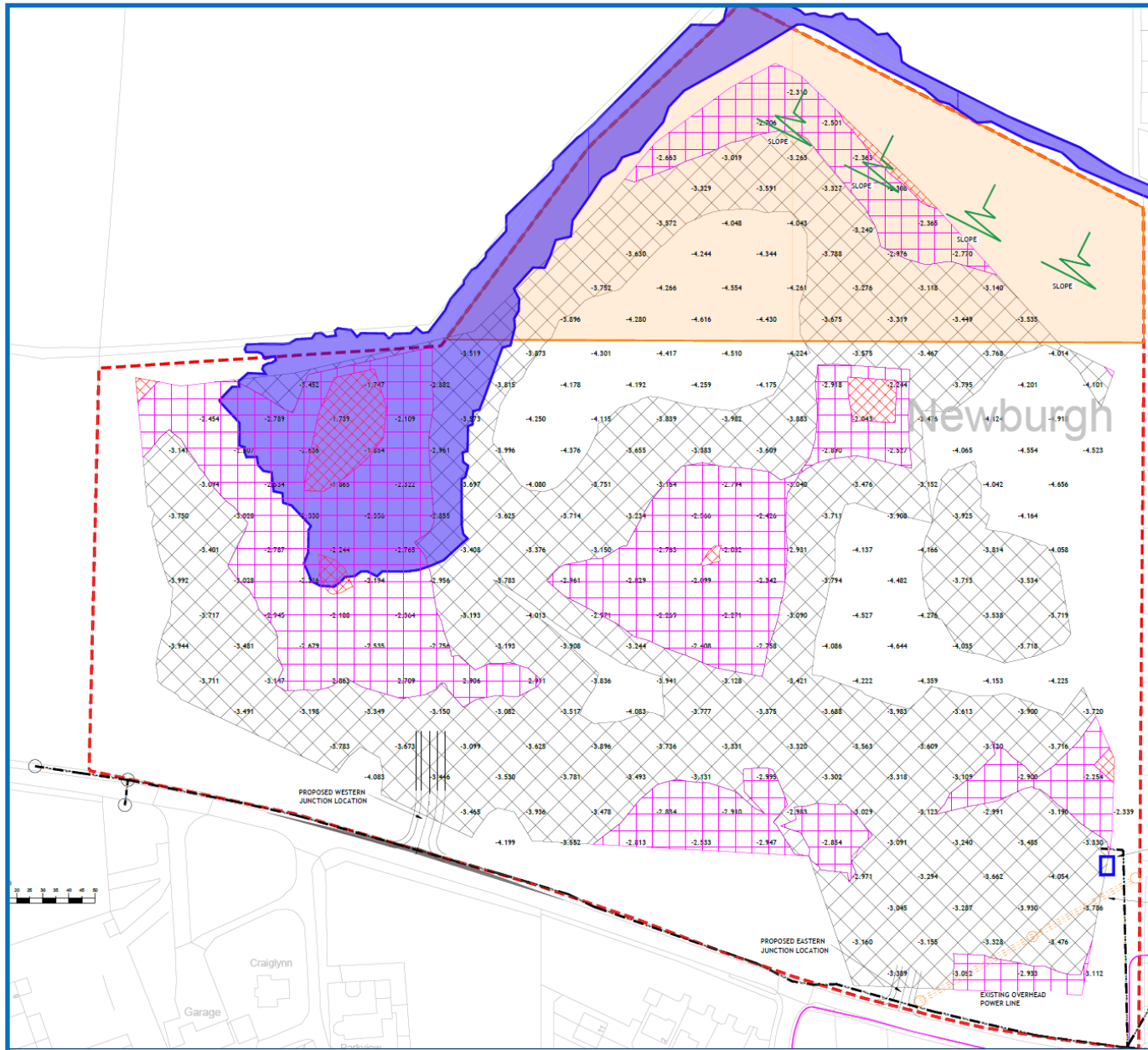
**Services and Utilities**

As a greenfield site, there is currently little existing infrastructure within the Masterplan area. Figure 7 identifies the location of utilities in the area, which are located to the south east of the site and within the existing residential development to the east.

A ground investigation (Figure 8) has determined the soil and rock profile of the site and a Drainage Impact Assessment will consider these conditions and provide drainage solutions for the site.

This will also assess the existing capacity within the local networks, however, Scottish Water have confirmed that the Balmedie WWTW has capacity for the next 12 years. Further investigations will be undertaken to determine if this remains the case since this is a new allocation.

Surface Water should be dealt with by sustainable means to ensure compliance with LDP Policy RD1.



LEGEND:

- DENOTES SITE BOUNDARY
- DENOTES AREA OUTWITH DEVELOPABLE AREA
- DENOTES 1 in 200 YEAR + CLIMATE CHANGE FLOODING EXTENTS FROM DITCH
- DENOTES APPROXIMATE 0-2m DEPTH TO TOP OF ROCK HEAD
- DENOTES APPROXIMATE 2-3m DEPTH TO TOP OF ROCK HEAD
- DENOTES APPROXIMATE 3-4m DEPTH TO TOP OF ROCK HEAD
- 3.000** DENOTES DEPTH TO CONJECTURED TOP OF ROCK
- DENOTES EXISTING RISING MAIN
- TELCM DENOTES EXISTING BT INFRASTRUCTURE
- DENOTES ROYAL OBSERVER CORPS POST

Figure 8: Constraints Plan



**Habitats and Natural Environment**

Given that the site is arable fields, there are no statutory sites present upon or adjacent to the site and has a negligible ecological value. This is supported by an Ecological Impact Assessment and Habitats Regulation Assessment which has been undertaken to inform the Masterplan, in line with LDP Policy E1 and NPF Policy 4.

Red squirrel is recorded within the woodland on the northern edge of Newburgh and badger and water vole from the land to the south. However, none of these species is found within a 0.5km radius of the Masterplan area. There is no evidence of any other protected species within the watercourse area. The site as a whole offers poor habitat for foraging bats and none of the trees along the eastern edge of the site showed any cavities that could be used by them. Two areas in the south of the field are prone to flooding in wet weather and these ephemeral pools are attractive to a small number of wetland and coastal bird.

Development of the site raises no ecological implications. The only feature of minor value is the burn to the north and it should be kept clear of development.

The proposed development may increase visitor pressures on nature conservation sites to the east of Newburgh. However, these areas are well managed by NatureScot and have capacity to absorb additional visitor pressures from the development.

**Built and Cultural Heritage**

Within the proposed development lies the site or remains of a Royal Observer Corps in use between 1961 and 1968 as shown in Figure 8.

Although no above ground remains survive, there is the potential for below ground features to survive. The site also lies in proximity to an area where evidence of prehistoric activity was recorded during investigations in 2014. A Programme of Archaeological Works will be undertaken at this site prior to development commencing to comply with LDP Policy HE1 and NPF Policy 7.

**Schools**

The 2022 based School Roll Forecasts indicate that Newburgh Mathers Primary School has a capacity of 217 pupils. It is currently operating at 73% of capacity (158 pupils), which is due to fluctuate until it reaches 76% of capacity (165 pupils) by 2027. The increase in pupils from the OP3 site can be accommodated in the current school roll.

Ellon Academy has a capacity of 1300 pupils and is currently operating at 86% of capacity (1124 pupils). It is also projected to have a fluctuating school roll and will reach 87% of capacity (1131 pupils) by 2027. Again, there is capacity in the existing school roll to absorb increased pupil numbers from the proposed development.







TYPICAL STREET



MODERN HOUSING



TRADITIONAL AND MODERN INFILL DEVELOPMENT

### 2.3 IDENTITY

The form of the existing village is similar to many planned villages in the North East, set along a main street, with sites for churches and other village uses. The buildings within the village centre are set close to the pavement, with the ridges of the roofs sitting parallel to the road.

Expansion of the village took place towards the end of the 20th Century, with modern housing developments taking place on the edge of the settlement. This comprises a range of building materials and building lines, none of which match the traditional village centre. There are some further examples of modern development within the village which have taken place on infill sites



HOLYROOD CHAPEL, NEWBURGH



**Existing Open Spaces**

Aberdeenshire Council's Open Space Audit confirms that Newburgh enjoys a high proportion of semi-natural areas due to its coastal location, including the golf course, wildlife area and play area at Udney Links, and riverside and estuary walks as shown in Figure 9. The community garden lying between the estuary and the pavilion, originally established with the help of 'The Beechgrove Garden' is maintained by the Local Authority.

The village has significant amounts of amenity greenspace, most of which lie within residential areas at its northern end. Sports facilities include a tennis court at the links, and an all weather pitch and football field in the vicinity of the golf club. However, green infrastructure links are poor, with many sites being 'landlocked'. Although private gardens have a role to play, it will be important to create and maintain linked public open spaces in the event of new development. Section 3 considers a hierarchy of open space within the new development to complement the existing network in accordance with NPF4 Policy 3 and 20, LDP Policy P1, P2 and the Council's Parks and Open Space Strategy.



Figure 9: Open Space Audit (source: Aberdeenshire Council Copyright license No. 0100020767)

2.4 CONNECTION

Core Paths

There are no core paths crossing the Masterplan site, or any records of any rights of way, on or adjacent the site.

Figure 10 identifies the location of existing and new core paths in the area, which are concentrated to the east of Newburgh. The coastal path runs through the village and to the north, where it links with the wider network and proposed Core Paths on the Forvie Nature Reserve.

The Core Paths Plan identifies further access opportunities around the village and linkages will be required from the Masterplan area, to these existing routes.

Cycle Network

Newburgh forms part of a cycle route and is designated by Sustrans as the 'Newburgh Ellon Circular' which has been designed to cater for all ages and abilities and where possible, off road, family and commuter routes have been selected. This route can be accessed approximately 360 metres to the east of the masterplan area and is shown in Figure 11.

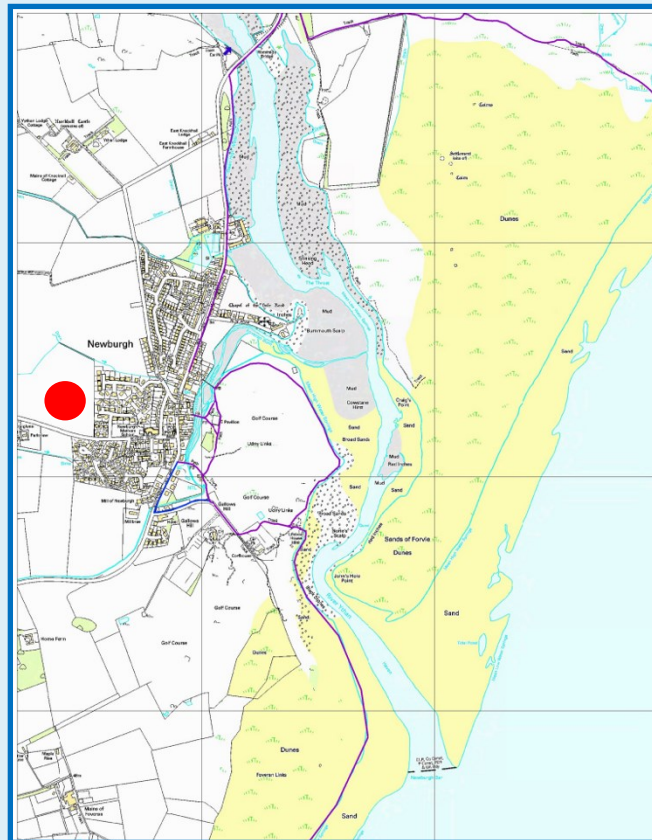


Figure 10: Core Paths Plan (Source: Aberdeenshire Council)



Figure 11: Formartine Cycle Route 3—Newburgh—Ellon Circular (Source: Aberdeenshire Council)



### Pedestrian access

All areas of the Masterplan site are generally within 5-10 minutes walking distance of the village centre where the majority of facilities and recreational activities can be found as demonstrated in Figures 12 and 13.

Existing on street footways on school Road and Main Street connect the village centre to footways on connecting residential streets throughout the village. Development of this site will therefore contribute to local living and 20 minute neighbourhoods, providing local access to sustainable transport, employment, shopping, childcare, and opportunities for play in line with NPF4 Policy 15 and LDP Policy RD1.

### Public Transport

Newburgh is served by the 50 (Aberdeen to Ellon) and 61/X63 (Aberdeen to Peterhead) bus services, operated by Stagecoach North East, providing access from Newburgh to:

- Aberdeen
- Balmedie
- Ellon
- Hatton
- Cruden Bay
- Boddam
- Stirling Village and
- Peterhead

The location of bus stops are shown in Figure 13 and new footpaths will be required to link the with the public transport provision in Newburgh.

Figure 12: Walking Distances







**Vehicular Access**

Access to Newburgh is obtained from the B9000 or the A975 which leads to the A90/AWPR to the west, where new junctions have been implemented as part of the Balmedie to Tipperty upgrading works.

The LDP advises that the development of the site will support the first section of a vehicular link between the B9000 and the A975 to the north of Newburgh. This route is envisaged as a “primary street”.

The purpose of a traditional distributor road is principally to facilitate the movement of motor traffic, the purpose of a primary street would also include serving housing areas and other local functions.

The LDP settlement statement also requires the following:

- Determine if there is an impact on the Newburgh junction on the A90(T).
- Vehicle and pedestrian connectivity to OP2
- New footway provision on the B9000 School Road linking to the existing network.

The following requirements have been identified by Aberdeenshire Council's Roads Development Department:

- Links with adjacent development
- Links to future development
- Relocation of speed limits and extension of street lighting network
- Traffic calming within the proposed site and on the existing road network
- RCC

**2.5 COMMUNITY INVOLVEMENT AND CONSULTATION**

A Proposal of Application Notice for the Masterplan area was submitted to Aberdeenshire Council on 3 November 2022. In conformity with the Town and Country Planning (Pre-Application Consultation) (Scotland) Amendment Regulations 2021, the public consultation involved two public drop-in exhibitions at an easily accessible public place close to the site.

Notice of each consultation was advertised in the Ellon Times and given to Foveran Community Council and Councillors for the Ellon and District Wards. Posters were displayed throughout Newburgh and a targeted mailshot was undertaken to residential properties falling within 50m of the site. The exhibition material was also contained on Stewart Milne Homes website. Aberdeenshire Council confirmed on 10 November 2022 that this strategy was acceptable.

Full details of the public consultation is contained in the Pre-Application Consultation (PAC) Report submitted with the planning application.

**First Consultation Event**

The first event was held on Wednesday 7th December 2022 between 3pm and 7pm at the Newburgh inn, Main Street, Newburgh.

Representatives from Stewart Milne Homes were in attendance, with feedback forms available to collect the views of those in attendance. A dedicated email address was also set up to collect comments after the event.

A total of 55 people signed the attendance register, with 9 responses returned at the event and a further 15 after the event. The following issues were highlighted:

ISSUE	RESPONSE
<b>LDP</b>	
The PAC event covered a larger area than the LDP allocation	Aberdeenshire Council have confirmed that the triangle of land to the north can be included for the purposes of the Masterplan.
Proposals for the land beyond the LDP allocation	The applicant has no plans to develop beyond the boundaries of the 2022 LDP at this time, other than for essential infrastructure. This land would be retained as open space.
<b>INCREASE IN HOUSING</b>	
Concerns regarding the number of houses and density.	The capacity of the site was increased to 160 by Aberdeenshire Council. This is indicative and the proposals will create a development that makes the most efficient use of the site when taking account of site constraints and infrastructure requirements.
Will alter the character of the village	The applicant is committed to creating an attractive residential environment which will maintain the desirability of Newburgh as a place to live. It will help sustain and encourage services in the village.
<b>TRAFFIC AND SAFETY</b>	
Volume of traffic, impact on safety, impact on the High Street	The Transport Assessment confirms that there is capacity in the transport network to accommodate the proposed development. The 30mph speed limit will be extended to the boundary of the application site.
Proposal will be incompatible with the Scottish Government's climate change target to reduce vehicle miles travelled by 20%.	This target considers options to reduce the use of the private car. The application site is within walking distance of the centre of Newburgh and close to public transport, walking and cycling routes. It is therefore not incompatible with climate change targets as it is well located to encourage options other than the private car.
Would welcome crossing points (islands) between the two developments.	If required, further discussions will be undertaken during the planning application process.
Lack of parking in the village	The site is within walking distance of the village and it is hoped that alternative means of access to the village will be utilised by any new occupants.



ISSUE	RESPONSE
<b>ACCESS/DISTRIBUTOR ROAD</b>	
The 'distributor road' will take some traffic away from the centre of the village and thus reduce impacts there.	Noted
The 'distributor road' will open up the floodgates for mass expansion to the west of Newburgh	Any additional development will have to be allocated in future LDP's, which will depend on housing land requirements at that time.
Pedestrian access down to school and high street.	All areas of the site are generally within 400m/5-10-minute walking distance of the village centre. New footways will be provided along the B9000 School Road and will link with the existing footpath network, providing foot access to the school and High Street.
<b>DRAINAGE/FLOODING</b>	
	Further studies have been undertaken which identified areas at risk of flooding. These areas will be kept free from development.
Concern regarding impacts of the development on flood risk	A Flood Risk Assessment and Drainage Assessment will be submitted with the planning application and will consider relevant issues.  A Sustainable Urban Drainage System will be delivered on the site which will naturally control levels of surface water on the site.
<b>AMENITIES/SERVICES</b>	
School is full and does not have capacity for any more children	The school roll forecasts confirm that there is capacity with both the primary and secondary schools to accommodate the level of housing proposed.
Lack of amenities in the village	Developer Obligations required to mitigate the impacts of this development will be agreed and the developer will be legally obligated to provide these.

ISSUE	RESPONSE
<b>WILDLIFE</b>	
	During the LDP process, Nature Scot did not consider that expansion would impact adversely on the coastal environment .
Disturbance to local wildlife and loss of natural habitat for wide range of birds	The site has been screened for an Environmental Impact Assessment. The Council have confirmed that it is not required.  A Habitat Impact Assessment has been undertaken as part of the application process to assess the site and any areas of significance nearby. Development is not considered to create an adverse impact.
<b>DESIGN/LAYOUT</b>	
Garages/parking provision for these new properties in the development.	Housing will include garages or parking in line with Aberdeenshire Council's Roads Standards.
Any new development in Newburgh ought to include allocated space for co-working and for new small retail outlets	The site is not suitable for retail use as this will pull trade away from the village which is not acceptable under LDP policy.
Provision for cycling	Footpaths on the site will provide opportunities for dual pedestrian and cycle use.
Develop footpath connections and footbridges to neighbouring estates.	The proposals consider and provide footpath connections to the wider area where possible.
Maximise green spaces in new development	A number of areas of open space is proposed. The layout will provide open space in line with LDP policy requirements.
A tree line between new build and existing houses on St Clair Wynd is necessary	An appropriately sized landscaped buffer will be provided between new and existing housing

ISSUE	RESPONSE
<b>DESIGN/LAYOUT</b>	
Welcome the landscape buffer between the development and the road	Noted
Concerns overlooking of our house by nearest line of new houses	The landscape buffer and garden ground will provide a significant distance between existing and proposed dwellings
The homes should be affordable	House prices will be dictated by the market. 25% affordable housing will be provided.
<b>NOISE POLLUTION</b>	
Increased building noise and pollution	A Construction Environment Management Plan will be a requirement of the application process and will ensure that noise and pollution is minimised as far as possible. This will require to be approved by Aberdeenshire Council prior to development.

ISSUE	RESPONSE
Opportunity to straighten/recourse the burn to the north to make it a feature of the site.	The straightening of the watercourse would render the development unviable owing to the costs and consents required to carry this out. It is argued that retaining the watercourse in its natural form is more appropriate.
SUDs provision should be a pond to allow children to gather and potentially look for tadpoles.	The Drainage Impact Assessment makes provides details of the SUDs provision on the site. This will take the form of a dry basin. Due to safety considerations, a wet pond would not be appropriate in this instance.
While I appreciate an EIA is not needed some habitat measures alongside the hedgerow would be welcome, and encouraging new home to protect the habitats/look after the site. The environment needs to be supported much more.	Habitat measures are considered within the Ecology Report and further details will be contained in the Landscaping proposals submitted with the application. The applicant is also required to ensure a biodiversity net gain is provided across the site which will ensure the environment is supported.
Landscaping along the burn important.	The layout makes provision for a landscaped buffer along the burn.
Western approach is important	An appropriate buffer will be provided to the west of the site.
Rear access to properties to keep cars from the front of properties and improve visual amenity.	Feedback from locations that provide rear access to housing determined that house buyers prefer to have front access to their property. Therefore, this type of layout, would be less marketable, thereby affecting viability considerations.
Increase in light pollution.	It is not anticipated that this would be excessive or have a significant impact on the surrounding area.
Disruption from construction site works	A Construction Environment Management Plan will be a requirement of the consent process. This will ensure that noise is minimised as far as possible.
Potential for solar park on the site rather an PV panels on each house.	The provision of a solar park would impact on the amount of open space available for public use and is not considered appropriate in this instance.

**Pre-Application Consultation with Aberdeenshire Council**

A Major Application meeting was held with Aberdeenshire Council on 14th December 2022 which discussed the requirements for the site and the Masterplan document. Feedback was received from the Council’s Roads, Developer Obligations, Archaeology, Contaminated Land, Natural Heritage, Flood Risk and Coast Protection and Housing Departments, in addition to feedback from SEPA, and Scottish Water. Comments have been addressed in the Masterplan.

**Second Public Consultation Event**

The second event was held at the Newburgh Inn on Wednesday 22nd February 2023. Again, representatives of Stewart Milne Homes were in attendance to discuss the indicative proposals. This event provided feedback from the first event as well as an indicative layout.

A total of 32 people signed the attendance register, with 9 feedback forms returned at the event and a further 5 received after the event. The following additional issues/comments were received:

# 03 PROPOSED DEVELOPMENT

Figure 14: Initial Design Concept

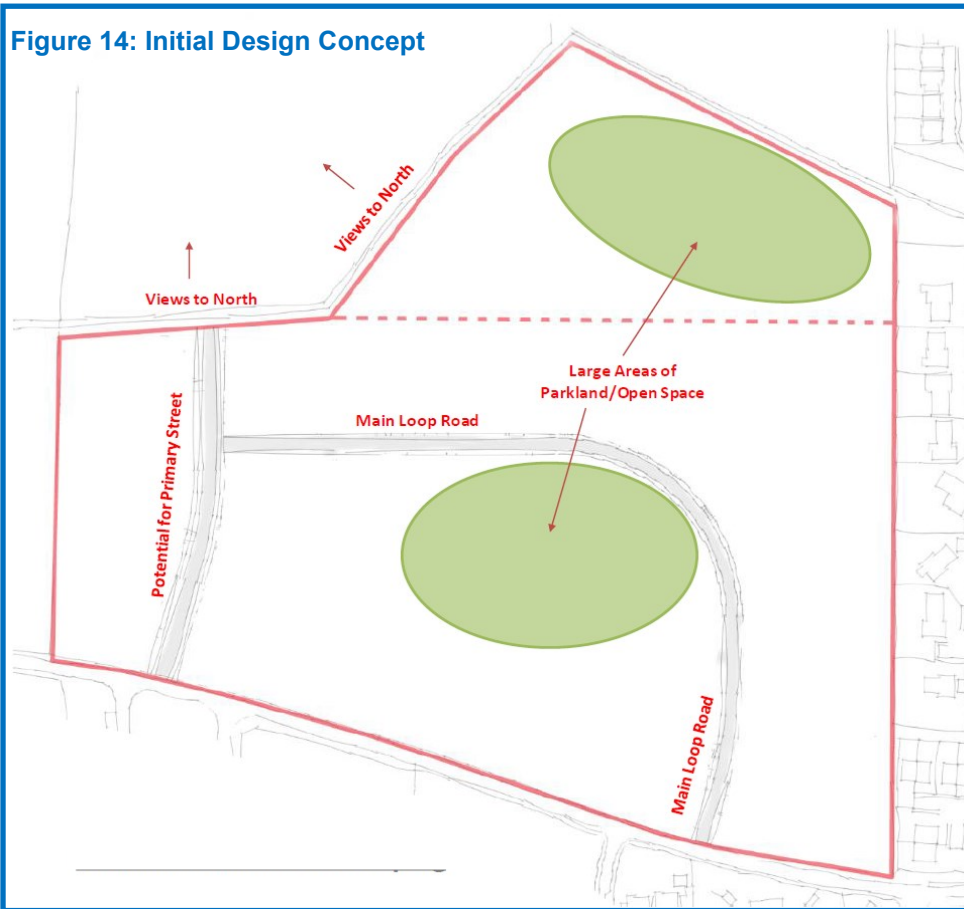
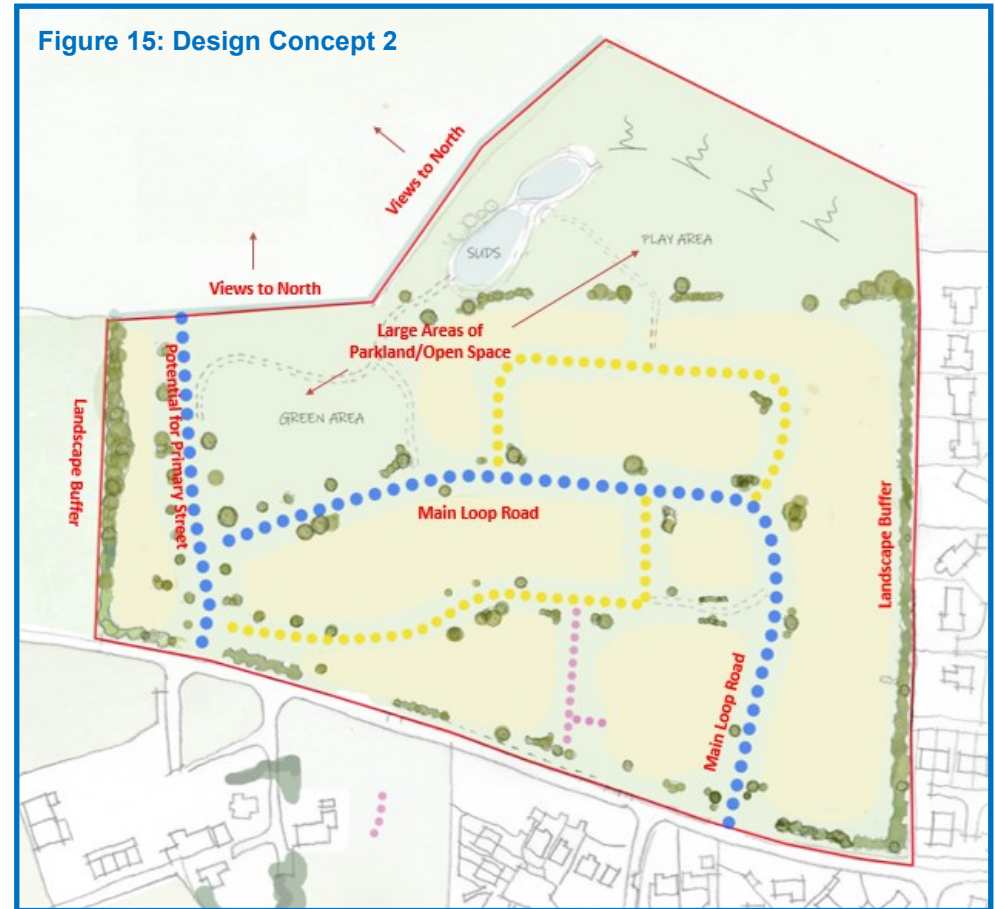


Figure 15: Design Concept 2



## 3.1 DESIGN CONCEPT

The design concept has evolved during the application process. Figure 14 shows the initial design concept that was shared at the first public event.

This identifies the indicative location for the Primary Street and areas of open space.

Figure 15 further expanded this concept and Identified an initial design and location of housing and areas of open space which has been influenced by the flooding report and other analysis.

Housing has been kept clear of the land outwith the OP3 designation. SuDS is located in this area and page 21 provides further justification.



Figure 16: Final Indicative Design Concept



Design concept 3 in Figure 16 presents the final indicative layout. This has been informed by the site analysis, supporting documents, background information and consultation feedback.

Specific elements incorporated into the layout include:

1. Ensuring visibility at exits onto School Road/B9000 (LDP Policy RD1).
2. The provision of open spaces throughout the site (NPF4 Policy 20 and LDP Policy P2) to ensure enhancement of biodiversity.
3. Location for play area within areas of open space (NPF4 Policy 21).
4. A buffer zone between the site and St Clair Gardens, Way and Wynd and a 5m stand off buffer zone adjacent to the watercourse to the north (LDP Policy E1).
5. The provision of a landscape buffer between the development and the B9000 similar to Sinclair Park opposite. Additional landscape buffer to the west to protect views into the site from that direction.
6. Footpath connections within the site to the wider area (NPF4 Policy 13 and 15 and LDP Policy P1, and P2).
7. Provision of cycle routes and a Safe Route to School (NPF4 Policy 13 and LDP Policy RD1).
8. Provision of SUDs in the most appropriate location (LDP Policy C4 and RD1) with further justification provided on page 21.

# 03 PROPOSED DEVELOPMENT



The Sustainable Urban Drainage System (SuDS) is identified to the north-west of the site on land outwith the OP3 designation. This is considered the most appropriate location for a number of reasons:

- The basin should ideally be sited where all development can drain to it by gravity, as well as the basin being capable of draining (by gravity) from its outfall to the receiving carrier drainage or watercourse. There is a significant hill in the north-east of the site, therefore the SuDS basin needs to be located at a low point in the western half of the site;
- SUDS needs to be located outwith the functional flood plain of the adjacent watercourse and must not increase the risk of flooding within the site. The Flood Risk Assessment (Figure 6) shows the flood extent for the northern watercourse extends into a significant low area of the western half of the site, ruling out this area as potential location for the SuDS basin;
- There are significant depths of a relatively hard metamorphic bedrock within the Masterplan area (Figure 8). To avoid excessive excavation, both in forming the SuDS basin and in laying the main carrier drainage that would serve the

basin, it is better to site the basin where the bedrock is relatively deep and lay the main carrier drainage pipes along the Scottish Water sewer on “valley”/ bottom of the undulation (see Figure 4) that bisects the OP3 development area in a line from the flood prone area south-east wards to the B9000. This “drainage corridor” would also have the benefit of providing a route within the same storm drainage wayleave for the main foul drainage serving the development to outfall to the existing Scottish Water sewer on School Road (B9000);

- Finally, locating the SUDS on the northern edge of the development in an elongated shape next to the existing watercourse enhances the amenity of the buffer strip, providing increased chances for wetland species from the buffer strip and watercourse to colonise the basin habitat. This integrates the SuDs into the open spaces, providing opportunities for enhanced biodiversity through the creation of new habitats in line with LDP Policy.



### 3.2 BUILT FORM

The development will deliver approximately 160 homes on an allocated site as supported by NPF4 Policy 16 and LDP Policy H1. LDP Policy H1 states that this capacity is indicative, and the final housing numbers will be influenced by achieving the most efficient layout of the site, when all other policies are taken into consideration.

Homes will consist of a mix of 1-5 bedroom properties, comprising detached, semi-detached and terraced homes, similar to that delivered by Stewart Milne Homes to the south. Building heights will comprise an appropriate mix of 1.5—2.5 storeys.

25% of the total number of homes will be delivered as Affordable Housing, integrated into the development in line with NPF4 Policy 16 and LDP Policy H2.

Final layouts will be designed to meet the six qualities of successful place as contained within NPF Policy 14 and LDP Policy P1.

A Statement of Community Benefit will be prepared and submitted with any application as required by NPF4 Policy 16.



Figure 17: Indicative elevations

**Sustainability**

The development has been designed to minimise lifecycle greenhouse gas emissions as well as future risks and climate change as required by NPF Policy 2.

An Energy Statement will be submitted with the planning application to demonstrate how the proposals will satisfy the requirements of LDP Policy C1 to reduce carbon dioxide emissions and reduce the use of energy.

A Site Waste Management Plan will also accompany the planning application to demonstrate that the proposals contribute to the Zero Waste Plan and Circular Economy Strategy through minimisation, reuse, recycling, composting as required by LDP Policy P1.

The generation of waste will be minimised, with reuse and recycling maximised in the construction and operation phases in line with NPF4 Policy 12m and LDP Policy P1 and RD1.

Adequate space on site will be provided for the separation, storage and collection of all waste from properties in line with LDP Policy RD1.

3

## Our Goals & Targets

# Environmental Impact

Reducing and eliminating environmental impacts from our operations is fundamental to our sustainability goals.

We will reduce waste generated from our supply chain, construction operations and office facilities, increasing recycling and reuse, whilst promoting biodegradable packaging

We will reduce CO2 emissions arising from our workforce, construction operations and office facilities, through increasing use of low carbon renewable solutions, and a longer-term shift away from fossil fuels.

We will safeguard our neighbours, ensuring zero environmental impact, from our developments to surrounding communities, neighbourhoods, and environments.

**KEY THEMES:**

- Achieve zero waste to landfill from all offices, sites, and developments
- Work with housing industry and supply chain, to reduce, recycle and reuse waste
- Transition towards biodegradable packaging
- Transition to EV company car fleet and office charging points
- Transition to low carbon renewable heat and power for offices
- Eliminate environmental impacts arising from construction of our developments

**LONG TERM OUTCOMES:**

- Low impact and resource efficient developments and offices
- 100% electric company car fleet and EV charging at all offices
- Low carbon renewable heat and electricity in all offices
- Zero waste and elimination of single use plastic
- Zero environmental harm to our neighbours



### Our 2045 Aspirations

- 100% of homes to be energy efficient net zero carbon homes.
- 100% of developments to deliver a net biodiversity gain.
- 100% of offices and site facilities to be net zero carbon.
- 100% homes to be built using advanced off-site construction methods.
- 100% of materials procured from sustainable and ethical sources.
- Zero waste to landfill from all office and developments.
- 100% of our workforce to be environmental aware, supporting a sustainable business culture and practises.



### 3.3 MOVEMENT

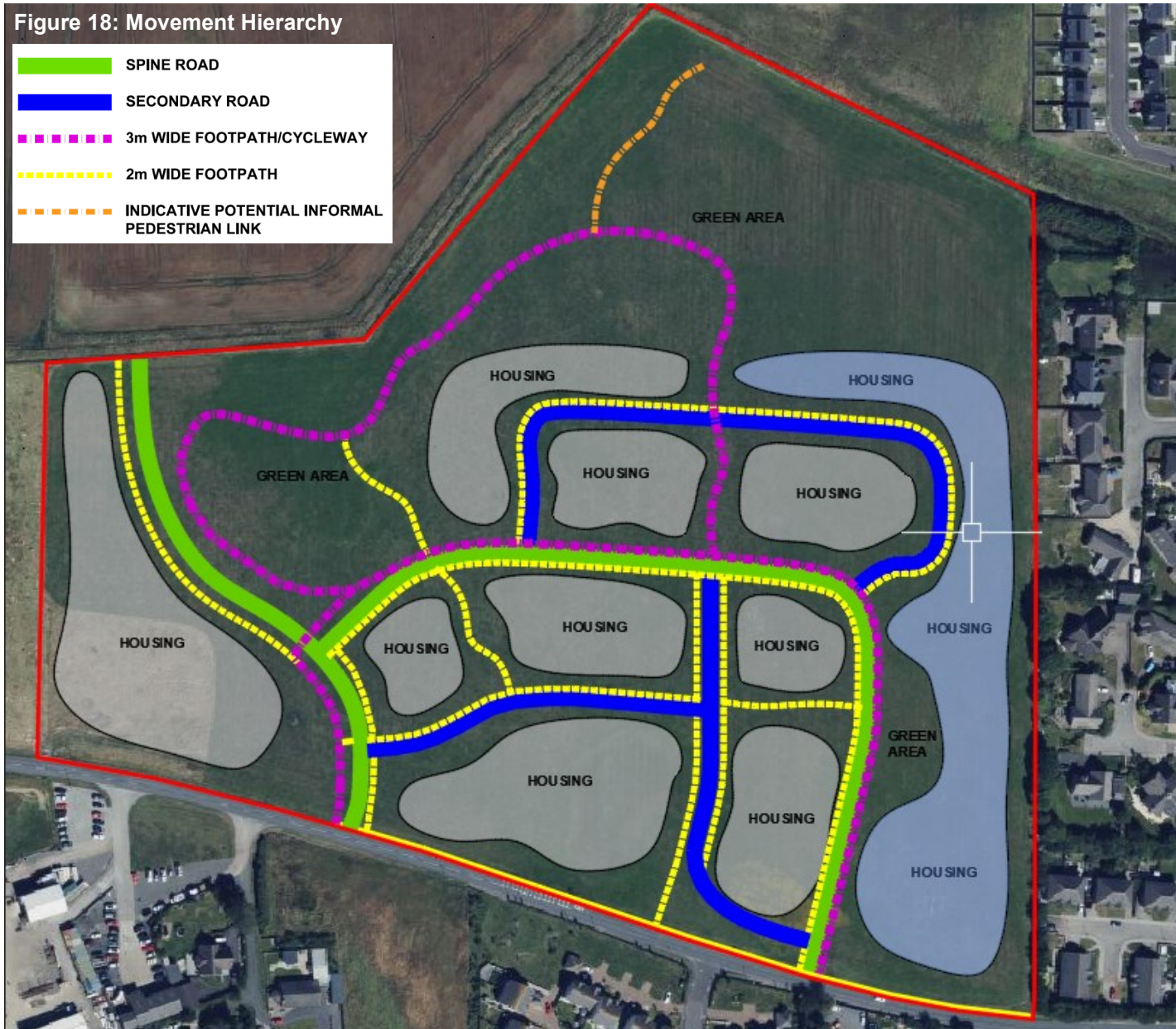
Good access to the site exists via the B9000 immediately to the south of the site, from which vehicular access will be taken. A Transport Assessment will be undertaken to determine the capacity of the existing network and the impact of the proposed development on it. Any mitigation will be provided.

The layout makes provision for the following, as required by the LDP:

- The first section of a vehicular link between the B9000 and A975;
- New footway provision on the B9000 School Road linking to the existing network. These will form a safe access to the village centre and the main serviced and facilities location; there as well as a Safe Route to School as required by LDP Policy RD1;
- Speed limits will be relocated and extensions will be made to the street lighting network.

The hierarchy of streets and routes identified in Figure 18 will help create character and a legible structure to the development, assisting way finding and orientation for pedestrians, cycles and vehicles. Due to site levels and the position of the watercourse to the north, it has not been possible to provide vehicle and pedestrian connectivity to OP2. However, land has been protected so this can be provided in future if required.

Traffic speeds will be reduced through careful design led initiatives.





### 3.4 OPEN SPACE

The Masterplan area provides a hierarchy of open space provision as shown in Figure 16 which meets the requirements of NPF4 Policy 20 and 21, LDP Policy P2 as well as standards shown in the Aberdeenshire Parks and Open Space Strategy.

Approximately 46% of the site is retained as open space in line with LDP Policy P2. The aim is to provide high quality multi-functional open space that is easily accessible by paths and active travel routes, safe, welcoming, rich in biodiversity and managed for the future.

Open space comprises two main areas, located to the north and west, supplemented by smaller areas throughout the site, ensuring each property is only a short distance from an area of recreation. This provides a linked network of open spaces.

Open spaces meet the requirements of NPF Policy 23 by having a positive effect on health and safety. This specifies the importance of opportunities for exercise, community food growing or allotments, which these proposals make provision. Within areas of open space will be well designed, good quality provision for play in line with NPF Policy 21. A community orchard will provide opportunities for local food growing in line with NPF4 Policy 23 and LDP Policy P2 which will encourage social interaction.

New streets are inclusive and enable children to plan and move safely and independently through the provision of

quieter, secondary roads and courtyards and shared surfaces, as well as a safe route to school, within the buffer strip along the B9000 to the south.

The site provides an opportunity to create an attractive gateway to the village from the B9000 as well as providing an opportunity to enhance the green space network along this road, both for the residents of this site and the wider area. Where possible, homes will front this generous corridor of landscaping which will be planted with local species of shrubs and trees.

Proposals contribute to the enhancement of biodiversity as required by NPF4 Policy 3 and LDP Policy P1 through the provision of new landscaped areas and garden space which will introduce plant species for new habitats. Landscaped areas will be planted with nectar rich and native species and the SUDS will provide further opportunities for new habitats. A statement in relation to biodiversity net gain will be submitted with the planning application.

Land adjacent to the watercourse to the north is kept free from development to create a buffer in line with the requirements of the LDP. This makes significant contributions to green-blue networks, with open space in this location comprising a more natural form, rich in biodiversity in line with NPF4 Policy 20. Further details will be included within Landscape proposals submitted with any planning application.



### 3.5 PHASING DELIVERY

Phasing delivery is identified in Figure 19.

Housing will be delivered at a rate of 40-60 houses per phase, subject to demand and rates of sales. Each phase will deliver the required roads, drainage infrastructure and landscaping to accompany it. Affordable housing will also be provided within each phase.

In addition to this, **Phase 1** will deliver the SUDs infrastructure, the start of the Primary Street to the west and the start of the site frontage.

**Phase 2** will deliver the buffer to the watercourse to the north and the play area and footpaths within that space, as well as the start of the buffer to the west and continuation of the buffer to the south.

Finally, the remainder of the open space and footpaths will be delivered in **Phase 3**. The buffer to the west and south will also be completed.



Figure 19: Phasing Plan



# 04 SUMMARY OF COMMITMENTS AND KEY DESIGN PRINCIPLES

## SUMMARY OF COMMITMENTS

The developer is committed to resolving any constraints on the site and addressing any impacts of development to create a high quality extension to Newburgh and provide housing to meet an identified need.

NPF4 Policy 18 requires an infrastructure first approach and supports proposals that provide or contribute to infrastructure in line with that identified as necessary in the LDP and development programmes.

The LDP requirements are set out on page 6 and the Masterplan proposals have incorporated these into the layout of the site including:

- Supporting the first section of a vehicular link between the B9000 and A975
- Ensure any impact on the B9000 is mitigated
- New footway provision on the B9000 linking to the existing network
- Flood Risk Assessment and SUDs
- Enhancement of the watercourse, with provision of a buffer strip
- Affordable Housing

Developer obligations have been discussed with Aberdeenshire and contributions towards Community Halls, Sports and Recreation, Healthcare and Recycling are required.

Both primary and secondary schools in the area are operating within capacity. Therefore, in line with the tests for applying conditions contained within Policy and Supplementary Guidance on Developer Obligations, no contributions are required, ensuring the proposals comply with LDP Policy RD2 as well as supplementary guidance on Developer Obligations.

The Masterplan proposals make the most of opportunities within the site, and encourages biodiversity gain through the provision of high quality, landscaped, open spaces within the site.

## KEY DESIGN PRINCIPLES

The proposals will uphold design aspirations while complying with the relevant policies of NPF4 and LDP. It will ensure the delivery of:

A **Healthy/Welcoming** development supporting the prioritisation of women's safety and improving physical and mental health. Visual appeal and style will create a welcoming environment.

A **safe and pleasant** residential development, supporting attractive natural and built spaces. Both activity and privacy will be encouraged, providing security and protecting amenity.

The proposals will create a **well connected** network of spaces that makes moving around easy to promote intermodal shifts and active travel to reduce car dependency.

A **distinctive** development that supports attention to detail of design features and elements as well as natural landscapes into the design to reinforce a sense of local identity.

The proposals will be **sustainable and resource efficient**: to allow people to live, play, work and stay in their area. It will be resource efficient in terms of waste, water, heating and electricity, with low embodied energy, responding to local climatic factors to ensure climate resilience while integrating nature positive, biodiversity solutions.

Finally, development will be **adaptable** to future needs through the balance of building types, densities, sizes, tenures and will have the flexibility to adapt to the changing circumstances of occupants. It will invest in the long term value of buildings, streets and spaces by allowing flexibility to accommodate different uses over time.

More detail on how the proposals will deliver this will be contained within the planning application submission.





STEWART  
**Milne**  
HOMES

**Ryden**

Figure 20: Design Concept Masterplan

STEWART  
**Milne**  
HOMES

**Ryden**

**Formartine Area Committee**  
**Statement of Outstanding Business 23 January 2024**

	Date and Item	Original Report Title	Action Agreed	Progress to Date	Responsible Officer	Date Expected/ Completed
1.	06/06/2023 (Item 8)	Aberdeenshire Health and Social Care Partnership – Quarterly Performance Report on Strategic Delivery Plan	<p>It would be helpful for the Formartine Area Committee to have a development session with the HSCP, to consider what services should and could look like.</p> <p>The Chair of Formartine Area Committee has written to NHSG to reinforce the importance of the bid for Ellon. A subsequent letter has been sent in reply to the response from NHSG. A copy of any</p>	<p>Update: an initial discussion has taken place between officers and a programme of development sessions will be sent out to members shortly.</p> <p>Update: at Committee on 05/09/2023 (Item 11), Councillors requested that the Area Manager and Area Committee Officer seek to arrange engagement for the Committee with local NHS personnel. Progress - to be discussed at development sessions with HSCP.</p> <p>Update: Response received and circulated to members. Members to discuss on 5 December.</p>	Area Manager (Elaine Brown)	Dates set for the year. Recommend discharge from SOB.

	<b>Date and Item</b>	<b>Original Report Title</b>	<b>Action Agreed</b>	<b>Progress to Date</b>	<b>Responsible Officer</b>	<b>Date Expected/ Completed</b>
			further reply to be shared with the members.	Update: Session to be held in the New Year with relevant officers.		Session arranged for 16 January. Recommend discharge from SOB
<b>2.</b>	26/09/23 (Item 5)	Committee Review Process Stage 1 – MPI Milton of Potterton	The Committee requested the delivery of a Stage 2 Workshop.	Update: Verbal update provided at Committee on 12 December 2023. Members agreed that this was not satisfactory and that this matter should be escalated by the Area Manager to the Director and Head of Service, to reiterate the importance of this matter progressing as soon as possible, as it has now been almost a year since the MPI was submitted. In addition, it was requested that any interim updates be shared with members as soon as possible.  11/01/2024 – progress update from service sent to members.	Roads Managers (Philip Leiper and Natalie Wood)	As soon as information required is available

	<b>Date and Item</b>	<b>Original Report Title</b>	<b>Action Agreed</b>	<b>Progress to Date</b>	<b>Responsible Officer</b>	<b>Date Expected/ Completed</b>
<b>3.</b>	21/11/23 (Item 4)	Education & Children's Services Mid-Year Performance Monitoring Report - April to September 2023 (Council Priorities)	The Committee requested a session, at the appropriate time, which invited the Head Teachers from the 3 Formartine Academies to discuss academic results as well as the wider picture for each school and their visions for each.		Director of Education and Children's Services (Laurence Findlay)	Spring 2024

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