



## 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:

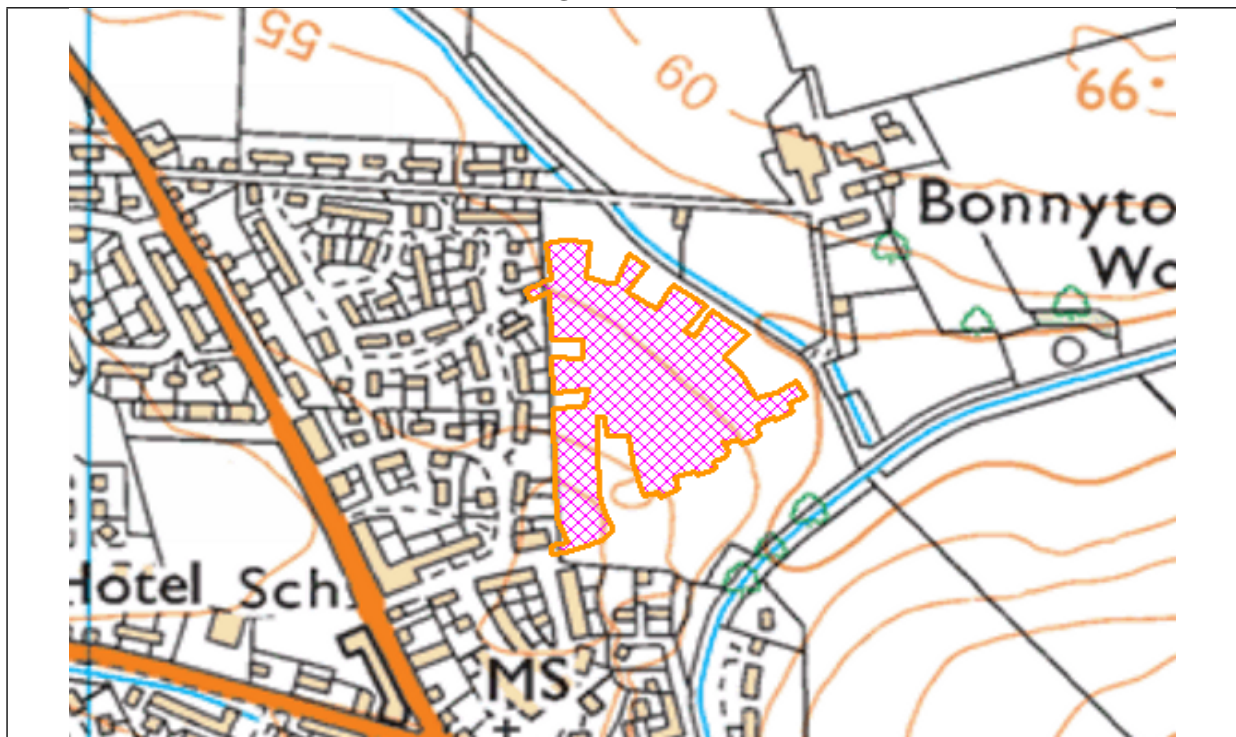
Accessible Rural Area

Complies with Development Plans:

Yes

Main Recommendation

Grant



**NOT TO SCALE**

Reproduced from Ordnance Survey mapping with the permission of the Controller of Her Majesty's Stationery Office © Crown copyright and database rights. Ordnance Survey Licence Number 0100020767.

## 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:

<b>Plot</b>	<b>House Type</b>	<b>Summary of Changes</b>
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**