

Planning Department  
Aberdeenshire Council

20 August 2017

Dear Mr McIntosh,

**Re: Planning Application APP/2017/1408 Proposed Erection of 123 Dwellinghouses and 8 Flats and Associated Infrastructure and Landscaping | Site OP1 Land Between Park Place and Cairnhill Drive, Newtonhill, Aberdeenshire.**

The Community Council has updated its previous response to cover the extended engagement period following additional information having been uploaded to the planning website. This document supersedes the previous response by the Community Council.

### **Summary**

At the heart of Scottish Planning Policy is the desire to build the right development in the right place in order to provide well-designed places to live and flourish. Application 2017/1408 does not meet these criteria. The physical location is wrong for a development of this type and historical planning decisions have made access to the site quite unsuitable for a development of this scale.

Given the negative responses from the Pre-Application Consultation and the unsuitability of the site, it is surprising that the developer chose to make an application.

Over 300 public comments have been submitted to the planning website, with more being posted each day. This is a very unpopular planning application that offers no benefit to Newtonhill.

Chapelton, just across the A90, provides the best location for development. Chapelton has an approved masterplan and provision for education, employment and health care are built into the development programme. It is counter-productive to approve a development that is in direct competition with Chapelton, but without any of the community benefits.

Application 2017/1408 must be refused.

### **Scottish Planning Policy**

The planning system has a vital role to play in delivering high-quality places for Scotland. Scottish Planning Policy (SPP) focuses plan making, planning decisions and development design on the Scottish Government's Purpose of creating a more successful country, with opportunities for all of Scotland to flourish, through increasing sustainable economic growth.

Planning should take a positive approach to enabling high-quality development and making efficient use of land to deliver long-term benefits for the public while protecting and enhancing natural and cultural resources.

The Scottish Government's, SPP 1 sets out national planning policies which reflect Scottish Ministers' priorities for operation of the planning system and for the development and use of land.

The National Planning Framework (NPF) sets the context for development planning in Scotland and provides a framework for the spatial development of Scotland as a whole.

Key Planning outcomes for Scotland are: -

- A successful sustainable place – supporting economic growth, regeneration and the creation of well-designed places
- A low carbon place – reducing our carbon emissions and adapting to climate change
- A natural resilient place – helping to protect and enhance our natural cultural assets and facilitating their sustainable use
- A connected place – supporting better transport and digital connectivity

The Scottish Government rightly expects high quality, sustainable developments to bring long-term benefits and to protect our natural heritage. This planning application does not meet those standards. It offers nothing of value to Newtonhill and takes away from the valued local amenities of the wildlife area and the rugged beauty of the moor between Newtonhill and Muchalls.

### **Strategic Development Plan**

Paragraph 2.2 of the Aberdeen City and Shire Strategic Development Plan, 2014 has a vision to contribute towards the Scottish Government's central purpose of increasing sustainable economic growth. Paragraph 3.3 goes on to say "We have developed a spatial strategy which promotes development in places that meet the needs of business and, at the same time, are sustainable and take on the challenges of climate change. The strategy also recognises the need to maintain and improve the area's communities and the services they depend on".

Newtonhill occupies part of the Aberdeen – Laurencekirk development corridor. The major new development of Chapelton, located directly across the A90 from Newtonhill has received planning permission to fulfil the housing allocation for the northern part of this corridor.

Chapelton must be the preferred site for development in the north of the Aberdeen – Laurencekirk development corridor. Chapelton needs to be allowed to grow and flourish if it is to become a hub for housing, education, retail and employment. Newtonhill needs access to local employment and this application does not provide any.

### **Local Development Plan**

The Local Development Plan (LDP) designates allocated site OP1, saying:

This site was previously allocated as site H1 in the 2012 LDP. Due to the scale of development this site requires a masterplan. Work on a masterplan is currently underway. The site is a sloping site situated to the south of the settlement and remains the most logical area for expansion for Newtonhill.

Future development should ensure that the site has two points of access due to the scale of the development and these can be taken from Cairnhill Drive and Park Place. This would then allow a link to be made connecting these two areas.

When developing this site, it is important that consideration is also given at the same time to ensuring that the P4 buffer is developed to ensure that there is screening between this development and Muchalls. A core path also runs along the boundary and through the site and connections should be made to link up with the network.

It is expected that 17 affordable houses will be provided onsite by the developer and these should be integrated into the design of the development to provide a mix of house types and sizes to meet local need.

The Community Council has asked for this site to be removed from the current and the previous LDP.

The LDP settlement statement for site OP1 gives an allocation of 70 homes. LDP Policy H1 **Housing land** states that this figure is indicative and higher densities would only be considered where any associated negative impacts on infrastructure, open space and residential amenity can be addressed and where justified through an approved masterplan or design statement that has been subject to appropriate public consultation. Our submission outlines many of the negative impacts and they have not been addressed and there has not been appropriate public consultation.

The need for a second point of access comes from Section 12.1 of Aberdeenshire Council's STANDARDS FOR ROAD CONSTRUCTION CONSENT AND ADOPTION says 'Where a CORE ROAD serves in excess of 100 houses it MUST have at least TWO points of access', but this is only a standard, it is not part of the LDP policy. Planning application 2009/2530 includes a document (APP\_2009\_2530-ROADS-6029751.pdf) from Aberdeenshire Council's Roads Department that dispenses with the requirement for a second point of access to the development in Cairnhill. Other parts of Newtonhill only have a single point of vehicular access, for example, Skateraw can only be accessed via the railway bridge. We submit that if OP1 has been included in the LDP purely to provide a second point of access for Cairnhill, then it is not required and the application should be refused.

### **Discrepancies between the Local Development Plan and the planning application**

The LDP requires a masterplan for site OP1. The Scottish Government defines the process for creating a masterplan in Planning Advice Note (PAN) 83 and promotes the use of master-planning to create better places. PAN 83 highlights the need for a masterplan for sensitive areas where significant or important environmental assets need to be protected; or where there are significant ecological and green network considerations, as is the case here.

Planning application 2017/1408 includes a Design and Access Statement that includes a Masterplan Vision, but we do not consider that the document meets the definition in PAN 83. The document fails to consider the impact on environmentally sensitive areas. It also fails to consider the whole of site OP1 as the area known as The Paddock appears to be for future development.

The area for development outlined in red on several maps in the planning application does not match the area defined as OP1 in the LDP. The access to Cairnhill Drive has been moved to Cairnhill Way and the area of parkland adjacent to the end of Cairnhill Way is not part of OP1. The access to Park Place goes through area P2 defined in the LDP as Protected Land - to conserve the area of open space and allotments as amenities for the village and forming part of the green network.

The area defined as P4 in the LDP to provide a landscape buffer in the Greenbelt, has become part of the land to be developed and the application shows houses in the buffer strip. This is an attempt to build in the Greenbelt and this application does not meet the conditions specified in LDP Policy R1 **Special rural areas** and Policy R1 **Housing and employment development elsewhere in the countryside** for building in the Greenbelt. Section 9.5 of the developer's Landscape and Visual Impact Assessment recommends that the buffer strip not be deployed. This appears to be a way of using extra land for housing and not providing a buffer strip. LDP Policy HE2 **Protecting historic and cultural areas** seeks to preserve the historical environment of a *conservation area*. This applies both to developments within the conservation area and proposals outwith that would affect its setting. This application is close to the conservation area at Muchalls and will have a negative impact upon its coastal setting.

## Access Roads

The required access to Cairnhill Road has been moved to Cairnhill Way. Cairnhill Way is a very narrow cul-de-sac and is unsuitable for two-way traffic. The ground at the end of Cairnhill Way is an area of parkland that falls away quite steeply and would be an unsuitable gradient for a road in a housing development. The parkland is an essential amenity for residents of Cairnhill and must be preserved, not used for a road. It was reported at the Pre-Application Consultation, that Cairnhill residents pay a factoring charge for the maintenance of this parkland.

The link to Park Place is a very contentious subject for residents of Newtonhill as it crosses an area of land gifted to the village for recreational use by residents and is also protected land within the terms of the LDP. The plot of land covered by P2 is partially allotments and partially a 'managed' wildlife garden, which is cherished by Newtonhill residents. Aberdeenshire Council has argued that it is entitled to sell off part of the land for development, but this is contrary to a burden placed on the deeds at the time of the original conveyance. The Community Council is yet to be convinced that any title restrictions ceased to be enforceable by virtue of s.49 & 50 of the Title Conditions (Scotland) Act 2003 as no notice was registered to preserve these by the original owner. We believe that Kincardine and Deeside District Council or its successors should have registered the plot of land under the provisions of Section 38 of the same Act. Aberdeenshire Council should act in a completely transparent manner and seek the approval of the Courts, by Judicial Review, to dismiss the burden placed on the deeds by Bremner King, if it plans to sell part of the land gifted to the community.

## Housing Market

The Aberdeen Solicitors Property Centre lists 23 properties for sale in the Newtonhill area (20<sup>th</sup> August 2017) and some have been on the register for many months, therefore a new development of this scale is not warranted in Newtonhill and is not needed in Newtonhill.

## Environment

LDP Policy HE2 **Protecting historic and cultural areas** seeks to preserve the historical environment of a *conservation area*. This applies both to developments within the conservation area and proposals outwith that would affect its setting. This application is close to the conservation area at Muchalls and will impact upon its coastal setting.

The proposed site is in a very prominent position on the summit of a hill and will dominate the unique coastal village of Muchalls with the appearance of urban sprawl, rather than the rugged coastal setting that is part of the landscape heritage of this part of North-East Scotland. This will be made even worse by the absence of the buffer strip, P4.

LDP Policy PR1 **Protecting important resources** says that developments will not be approved that have a negative effect on important environmental resources associated with open space, and important trees and woodland. In all cases development which impacts on any of these features will only be permitted when public, economic or social benefits clearly outweigh the value of the site to the local community, and there are no reasonable alternative sites.

There is no public, economic or social benefit from this development and the alternative accepted site is Chapelton.

## **Core Path**

The Scottish Executive's commitment (PAN 60) to protecting, enhancing and promoting enjoyment of Scotland's natural heritage is reflected in a wide range of policies and initiatives which includes the core path network. The core path crosses site OP1 and the planning application appears to consign the path to back alleys between rows of houses with a staggered connection where it crosses the road. This is far from satisfactory and a better solution must be found or the application be refused.

## **Pheppie Burn**

As a consequence of climate change, major flooding events are now more frequent than previously. LDP Policy PR1 **Protecting important resources** requires that new development, including aquatic engineering works, which will generate discharges or other impacts on existing water bodies, or which could affect the water quality, quantity, flow rate, ecological status, riparian habitat, protected species or flood plains of water bodies (including their catchment area) must not prejudice water quality or flow rates, or their ability to achieve or maintain good ecological status. Please ensure that this development does not have a detrimental effect on the Pheppie Burn.

## **Construction**

Will rock breaking or blasting be required for the development of the site and how will this be managed? What arrangements for construction access will be put in place that will not allow destruction of the wildlife garden in the protected area, P2 and allow continued access to the allotments?

## **Education**

The 131 additional homes will bring a significant burden to Newtonhill Primary School and will add to the major problems associated with school transport between Newtonhill and Portlethen Academy. Newtonhill Primary School is already accepting pupils from Chapelton until a new primary school is built by the occupation of the 489<sup>th</sup> dwelling.

## **Parking**

The updated planning application document states that there will be a total of only 57 parking spaces for the 131 homes in the development. Transport Assessment, Table 4 3: **Proposed Car Parking Provision** appears to offer more parking, but does not give a total. Garage parking should not be included in the total unless it can be shown that the proposed garages will be large enough to hold an average size car and allow the driver's door to be opened when inside.

## **Transport**

Transport Assessment paragraph 3.1 says the site of the proposed development is easily reachable by train. Portlethen has the nearest station, but the bus service from Newtonhill is very poor. The only public transport available from Newtonhill is the bus service.

## **Traffic**

The updated planning application finally provides a traffic flow analysis. However, the traffic flow surveys were undertaken during the last week of the school term and the first week of the school holidays. As such, the traffic flow analysis is not representative of normal traffic flow in Newtonhill and should be repeated at a more representative date. As a rule of thumb, the proposed development is about 10% of the current size of Newtonhill and it would be reasonable to expect a 10% increase in

traffic. Park Place, Cairnhill Way, Cairnhill Drive and Cairnhill Road will see considerably higher increases in traffic flow – probably well over 100%. Another exception to this rule would apply for traffic between the development and Newtonhill Primary School. Given the distance between the proposed development and the school, we would expect a much higher percentage of car journeys on this route, which has not been considered in the Transport Assessment. This will exacerbate an already chronic traffic problem.

Cairnhill Way, Cairnhill Drive and Park Place are quite narrow and the road width is often restricted by parked cars, making them unsuitable as core routes.

### **Health Centre**

The Portlethen Medical Centre already has a very large and increasing catchment. It has recently acknowledged this by extending its premises considerably to cope with new patients and projected new patients from Chapelton. It is unreasonable to place this extra demand on an already expanded Medical Centre.

### **Conclusion**

This planning application does not meet the aims and aspirations of the current Strategic Development Plan. The proposed development adds nothing of benefit to Newtonhill and will create problems for education and medical care. The community see this as an unnecessary and unwanted development that will rob us of much valued natural amenities.

The Community Council request that planning application 2017/1408 be refused.

Yours sincerely,



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