

Town and Country Planning (Scotland) Act 1997

**ABERDEENSHIRE COUNCIL
CAIRNGORMS NATIONAL PARK AUTHORITY**

**REPORT ON OBJECTIONS TO THE
FINALISED ABERDEENSHIRE LOCAL PLAN**

Volume 6 – Kincardine & Mearns Area Objections

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Dates of inquiry: 31 August 2004 – 4 February 2005

VOLUME 6 KINCARDINE & MEARNS AREA OBJECTIONS

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Your ref:M302
Our ref:IQD/2/100/4

July 2005

Dear Sirs

ABERDEENSHIRE LOCAL PLAN

We refer to the letters of appointment dated 27 June 2003 and 20 May 2004 and can confirm that we held a public local inquiry into objections to the finalised Aberdeenshire Local Plan at various locations in Aberdeen and Aberdeenshire between 31 August 2004 and 4 February 2005.

Recommendations are made in respect of all valid objections that have not been unconditionally withdrawn. In some instances, recommendations have consequential implications. For example, the recommendation under Issue 20 that, on the proposals maps for individual settlements, the settlement boundaries should be modified to include within them any land allocated for housing development for the period January 2006 to December 2010 will, if accepted, involve boundary adjustments to various settlements.

Please find enclosed 6 bound copies of our report (4 for the council and 2 for the national park authority). An electronic copy has also been supplied. Those objections relevant to the interests of the park authority are contained in Volume 1, Introduction and Policies, and Volume 7, Marr.

Yours sincerely

David A Russell
Principal Reporter

Richard G Dent
Reporter

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ISSUE 168

Kincardine & Mearns – Auchenblae

Objector	Reference
Mrs N B Hendry	251.2.1-9
Adam Ritchie	716.1.1
Mrs Carol Shea	727.1.1-6
Mrs Jenny Thomson	748.1.1-3
Jim Titmuss	752.1.1
Peter Murray	922.1.1-4
Mrs Wendy Greenstreet	934.1.1

Procedure	Reporter
Written submissions	Richard Dent

Provisions of the local plan

168.1 Auchenblae is a designated rural service centre in the rural housing market area. The finalised local plan proposes site A, suitable for 10 houses, to the south-west of the village. Site ch1, suitable for 15 houses, is shown to the east of the village.

Basis of the objections

168.2 The objections all concern site A and require deletion of the allocation. Reference is made to the questionable need for additional housing, access via a single track road with blind corners, which would be particularly dangerous for children, and the impact on the countryside character of the location.

The council's response

168.3 The objections are accepted. It is proposed to modify the local plan and delete site A as indicated in the finalised plan and relocate the site to the south of site ch1.

Conclusions

168.4 Site A as proposed in the finalised local plan is not well-related to the village and suffers from the physical deficiencies referred to by the objectors. The proposed alternative is a more suitable site. Although on sloping land facing across a small valley to the road to Fordoun, new houses would be seen against a backdrop of existing and proposed development. Any impact on the setting of the village would not be significant. There is easy pedestrian access to the centre of the village and the development would not impinge on the character of the proposed conservation area.

168.5 Overall, I conclude that the relocated site A is worthy of support.

Recommendation

168.6 I recommend the local plan is modified, as proposed by the council, whereby site A is deleted from the land to the south-west of the village and relocated on land to the south of site ch1.

ISSUE 170

Kincardine and Mearns – Blairs

Objector	Reference
Stewart Milne Group	47.34.1-3
The Green Wedge	936.1.3
Scottish Environment Protection Agency (SEPA)	969.7.7
Scottish Natural Heritage (SNH)	986.25.1
The Muir Group	1046.2.1
North Kincardine Rural Community Council	1086.2.1

Procedure	Reporter
Informal hearing (the Muir Group, the Green Wedge and North Kincardine Rural Community Council) and written submissions	Richard Dent

Provisions of the local plan

170.1 The finalised local plan designates Blairs as a rural service centre in the green belt. It is in the Aberdeen housing market area. No settlement boundary is shown and there is a star notation centred on the buildings of Blairs College. The key explains that the star represents an opportunity for enabling development. The text re-iterates that Blairs provides “an opportunity for enabling development including a future housing allocation fh1(70).”

Basis of the objections

170.2 **The Muir Group** explains that there is a continuing deterioration in the condition of the listed buildings at Blairs. It is necessary to include in the local plan a clearly defined “enabling” area to achieve a sustainable level of cross-subsidy to allow the restoration of the listed buildings. In this respect, the boundary proposed in the initial modifications to CALPs would be appropriate and provide certainty in terms of future development. If necessary, text could elaborate and explain that “it is envisaged” the boundary could take the form shown.

170.3 The boundary suggested is also included in an outline planning application submitted in 1999 but which has not yet been determined. In effect, the local plan preparation procedure and the consideration of the planning application represent a parallel process. A concept masterplan has been prepared in conjunction with the planning application. The former Blairs College buildings remain at the heart of the development with a range of facilities and accommodation including a high quality hotel and conference centre with leisure, tourist and recreational facilities. A golf and country club would extend over more than 70 hectares with some 281 houses designed to maintain the countryside character. These houses have always been regarded as a windfall contribution and were never thought to be part of the structure plan targets. A detailed viability statement has also been submitted showing this to be the minimum number of houses required to provide the finance to allow the restoration process.

This document has been audited by the council. A draft agreement under section 75 of the 1997 Act has also been prepared.

170.4 There is a need to take particular care in respect of drainage in view of the designation of the River Dee as a candidate Special Area of Conservation. Similarly, the potential landscape impact has required a sensitive approach. (1046.2.1)

170.5 **The Green Wedge and North Kincardine Rural Community Council** maintain that Blairs is not a rural service centre being neither a town nor village as required by the local plan. Equally, none of the three specified criteria applies. It is a fallacious argument to suggest that Blairs would become a rural service centre once development has taken place. All other rural service centres in Kincardine and Mearns have boundaries and there is no justification for Blairs to be an exception. Blairs is simply a rural estate and should therefore be removed from the rural service centres section of the local plan. Development at this location would be contrary to the historic pattern on Deeside where, historically, Aberdeen has expanded along North Deeside. Development as proposed would also conflict with green belt objectives.

170.6 The star notation in the local plan is neither clear nor precise. It is imposed on the College itself and may suggest an intention to convert the building, along with outbuildings, to provide 70 flats. This would be acceptable and there are several local examples where large listed buildings have been successfully converted into flats. In terms of the strict requirements of NPPG18, Planning and the Historic Environment, not all the buildings are in imminent danger. Only the Old Chapel, Menzies House and the Gardener's Cottage have deteriorated badly and justify protection under an enabling policy. However, if development is to take place, a rural service centre boundary - if one is to be drawn - should be limited to the College and its close environs. Lack of a defined boundary could lead to building across the Blairs estate, no matter how unsuitable the site may be in a green belt context.

170.7 The reference to an "opportunity for enabling development" confuses two separate policy issues. Policy Env\18, as modified, provides ample guidance and allows any proposed development to be considered on merit.

170.8 Various elements of development must be in doubt: several local hotels have closed and converted into flats; many local golf clubs are under-subscribed; the northerly aspect of the proposed course could preclude winter play. This could lead to pressure for more houses. In any event, NPPG18 requires enabling development to have the minimum impact on architectural interest, character and setting of the historic environment. Development on the scale proposed would lead to the loss of the medieval field pattern.

170.9 It is significant that there is opposition to the proposed form of development from Historic Scotland, the Royal Fine Art Commission for Scotland, the Garden History Society and SNH. Blairs is within a wildlife corridor along the River Dee which is itself a candidate Special Area of Conservation. Planning authorities must meet the requirements of the European Habitats and Species Directive. Surface water and foul drainage could have a detrimental impact on sensitive species including salmon and pearl mussels. There should be a reference to the importance of the EC directive within the local plan.

170.10 The B9077, South Deeside Road has been recognised by the council as having numerous shortcomings. The construction of 70 units would generate a significant amount of traffic although this may just be tolerable. However, the traffic generated by the number of houses proposed, a hotel, conference centre and golf course would be unacceptable.

170.11 It is a particular concern of the community council that, in the event of no houses being allocated at Blairs, the 70 units might be transferred to an alternative location in the Kincardine and Mearns area. (936.1.3 & 1086.2.1)

170.12 **Stewart Milne Group** draws attention to the structure plan and, in particular, to (a) the requirement to maintain at all times a minimum 5 year supply of effective housing land and (b) that development should focus on the edge of city communities and main service centres with good accessibility by a number of transport nodes. Housing allocations are set out in the structure plan and local plans are required, where possible, to indicate where the housing should be located, based on the capacity, function and role of settlements. In addition to allocations against specific settlements, allocations to “other Aberdeenshire settlements” are provided. Other settlements in Kincardine and Mearns are to be allocated 125 units in the period 2006-2010 and the local plan allocation of 70 units to Blairs must be considered in this context.

170.13 Blairs does not qualify as either a main settlement or a rural service centre. To qualify as a rural service centre the local plan requires a village to have services, facilities or work places, a very compact grouping of at least 6 houses, and opportunities for development which could meet both structure plan and local plan policies. The council has accepted that the criteria do not apply to Blairs although it has been suggested that the semi-regular use of the chapel could assist qualification. The suggestion that Blairs would become a rural service centre once the proposed development takes place could be applied to many other places.

170.14 The local plan does not set a specific allocation against brownfield development and any such development should therefore be regarded as augmenting the land supply, the approach previously taken in respect of Blairs.

170.15 Local plan Policy Env\18 recognises that some enabling development may be required to cross-subsidise refurbishment subject to a number of tests. Appendix 4 states that where housing in the green belt is involved, new groups of over 6 houses will be acceptable in exceptional cases only. It has not been demonstrated that these policy requirements have been met at Blairs: the allocation of 70 units is therefore contrary to the terms of the policy. Cross-funding may not even be necessary as the Chapel has been restored without recourse to enabling development.

170.16 Lack of a defined settlement boundary means the development is likely to spread and it is clear that the developers are seeking considerably more than the specified 70 units. Settlement status should therefore be withdrawn and any enabling development should be provided under the terms of Policy Env\18. In turn, the housing proposed for Blairs should be allocated to other settlements in the Kincardine and Mearns area such as Newtonhill and Drumoak. (47.34.1-3)

170.17 **SNH** is believes the housing allocation would be contrary to the terms of Policy Gen\1, Sustainability Principles, sub-section (e), which safeguards built and cultural heritage

resources against damage. Similarly, development would be contrary to Policy Env\20, Historic Gardens and Designed Landscapes. Although the grounds are not listed in the Inventory of Gardens and Designed Landscapes in Scotland, they contribute to the landscape of the wider area. Any development must be appropriate for the area and the maintenance and restoration of landscape features must be assured. (986.25.1)

170.18 **SEPA** requires a statement to the effect that foul drainage is to be public infrastructure adopted and maintained by Scottish Water with provision of a new, first time sewerage treatment system. (969.7.7)

The council's responses

170.19 Objection 1046.2.1: The objection is not accepted. The prime purpose of enabling development is to preserve and maintain a listed building. Each application is unique and best dealt with by means of a planning application. In the event of the development currently proposed not proceeding, it is likely that a dispersed rural service centre (of which there are already 17 in Aberdeenshire) would be designated.

170.20 Some additional text could be helpful to describe the type of development envisaged but it would not be possible to clearly define the boundary at this time. Hatching or a broad indication of the boundary would be acceptable. Although the text currently refers to 70 houses, this simply meets the structure plan requirements and the eventual figure is likely to be much higher. The final figure will depend on what is required to make the project viable; any houses in excess of 70 would be regarded as windfall development.

170.21 Objections 936.1.3 & 1086.2.1: The objections are not accepted. Whist Blairs is not a town or a village it meets the criteria for designation as a rural service centre. There is an existing complex of buildings, including the church, which is in regular use, and an important museum. Six businesses employ 15-20 people and there are 3 houses in the complex with approximately 17 other houses in relatively close proximity. Although a boundary is not shown, this is a special case and a final boundary will be provided once the final form of the opportunity development has been established.

170.22 The undefined boundaries allow the most sympathetic development proposal to come forward. Enabling development should be driven by what is necessary to achieve the restoration of the relevant listed buildings. The required details only become available through a planning application. In the interim, the local plan should provide the required flexibility and should not define the settlement envelope.

170.23 The value of the local landscape is recognised and every effort will be made to minimise impact and safeguard the setting and character of Blairs. The boundary will be drawn as tightly as possible and open spaces will be protected.

170.24 Objections 47.34.1-3: The objections are not accepted in terms of rural service centre designation for the reasons set out in respect of objections 936.1.3 and 1086.2.1.

170.25 Although the precise number of houses at Blairs remains to be established, initial calculations suggest that the number could be far in excess of 70. It is therefore reasonable

that the houses should contribute to meeting the structure plan strategic housing land requirements.

170.26 Objection 986.25.1: The comments are accepted. Enabling development should be appropriate and acceptable in landscape terms. Maintenance and restoration of the landscape will be a prime consideration.

170.27 Objection 969.7.7: The comments are accepted and clarify the issue of drainage infrastructure and a modification is proposed to the text to indicate that a connection to a first time sewerage system will be required.

Conclusions

Rural service centre status

170.28 The local plan states that rural services centres are towns and villages, other than the main settlements, with a) services, facilities or work-places, b) a very compact grouping of at least 6 houses and c) opportunities for development which could meet both structure and local plan policies.

170.29 The Green Wedge and North Kincardine Rural Community Council maintain that Blairs is neither a town nor a village and therefore, in terms of the local plan, a rural service centre cannot be designated at this location. Although the council does not dispute the suggestion that there is no town or village, it argues that the three criteria are met and therefore a rural services centre can be designated.

170.30 I consider that the requirement for a rural service centre to be a town or a village is fundamental insofar as towns and villages have a sense of place which, in turn provides a centre of public resort where the services, facilities or workplaces are utilised. Blairs is set back from the South Deeside road and, although it may be visited by members of the public, it is not a place of general public resort. The objectors describe Blairs as a rural estate but, the chapel, museum and college buildings provide an institutional dimension, albeit that the college is no longer operational. I do not believe that Blairs can be regarded as a village.

170.31 Even if this assessment is incorrect, the “very compact grouping of at least 6 houses” is not found at Blairs. The council accepts that there are only three houses in the complex but draws attention to other houses in the general proximity. I believe that nearby houses are simply part of the wider settlement pattern and do not relate particularly to the building complex at Blairs. Although the council explains that there are other rural service centres in the local plan which have a dispersed character, the very compact grouping of at least 6 houses is a fundamental requirement.

170.32 Any suggestion that new development would create a rural service centre is not a credible argument as the rural service centre must exist in the first instance to provide the basis for development.

170.33 I therefore conclude that Blairs cannot be properly regarded as a rural service centre and should not be designated as such in the local plan.

The residential allocation of 70 houses

170.34 The council has allocated 70 “future houses” as a contribution to the structure plan strategic land requirement. The local plan explains that “fh” sites are safeguarded to meet the indicative provision for the period January 2006 - December 2010. The glossary explains that fh allocations are shown outside the settlement envelopes but their extent is defined. This is not the case at Blairs where the reference to housing is limited to the supporting text. In any event, the council has stated that the number of houses anticipated is greatly in excess of 70. Indeed, the current planning application, although in outline, has indicated a figure of 281 houses.

170.35 The structure plan states that small-scale development (usually less than 15 houses) will be spread among rural service centres to support services, local housing needs and economic development. Even if Blairs could be regarded as a rural service centre, and despite the flexibility in the guidance of the usual maximum size of small-scale development, the local plan indication of 70 houses is not in accordance with the approach to development in rural service centres. The prospect of 281 houses bears no relationship whatsoever to the role and function of rural service centres.

170.36 I appreciate that the local plan must conform to the structure plan housing land allocations and, subject to review under Policy 9, provide for 125 houses in “other settlements” in Kincardine and Mearns for the period January 2006 - December 2010. However, in view of the council’s expectation that many more houses should be anticipated, it is a misleading and contrived approach to indicate 70 houses at Blairs simply to accord with strategic objectives.

170.37 Similarly, although it is recognised that the housing expectations are derived from the prospect of development including the listed buildings at Blairs, the figure of 70 is also inappropriately included as such a significantly higher total is expected by the council. I therefore agree with those objectors who are concerned that the housing land objectives and the provisions for enabling development are being linked in an inappropriate manner.

170.38 A consequence of not including the allocation of 70 houses will be that, contrary to the wishes of the community council, it is necessary to ensure that suitable compensating provision is made elsewhere in the “other settlements” of Kincardine and Mearns. Stewart Milne Homes has suggested that allocations should be made at Drumoak and Newtonhill but the determination of the location of alternative sites is not a matter for consideration under this issue. (see Issues 176 and 194)

The future of the listed buildings

170.39 Local plan Policy Env\18, Listed Buildings, as modified, generally reflects the guidance contained in NPPG18 in terms of enabling development. In particular, the policy indicates that where a building is seriously at risk of imminent collapse or of further decay, the merits of enabling development will be considered. Six further qualifications are included in the policy including exhausting the prospect of grant aid assistance, the essential nature of the development in terms of the preservation of the building, that the development is the minimum required to enable the restoration and would not undermine architectural character or the setting, that there are no other opportunities for enabling development under other

local plan policies and that funds raised are successfully channelled into the conservation of the building. (see Issue 15)

170.40 The Muir Group prepared a conservation report to support the current planning application. The report includes a survey of the condition of the various buildings within the Blairs complex including the Menzies Apartments, the walled garden and Gardener's Cottage and the New College. It is clear from the report and from observations on-site that the condition of the buildings varies from good to poor. A newspaper article provided by the Stewart Milne Group describes the recent "completion of restoration work" at St Mary's Chapel, Blairs.

170.41 It is for the council to assess any proposals - including the current application - relative to the future of the buildings, including any intended change of use. Policy Env\18 provides a firm basis for assessing such proposals. The proposals put forward in the planning application are not themselves a subject for consideration as part of the local plan preparation process. In turn, despite the certainty sought by the Muir Group, I believe it would be inappropriate to include a potential development boundary in the local plan to reflect the extent of the outstanding planning application. Similarly, a boundary reflecting that proposed following the CALPs inquiry would be inappropriate as the preparation of that plan and the subsequent inquiry took place in a different planning context. The concept of rural service centres was not current at that time and housing land was subject to the provisions of a structure plan that has since been superseded.

170.42 In the event of no suitable proposals coming forward, it may be that the listed buildings, or at least some of them, could be placed at risk. NPPG18 strongly encourages planning authorities to use their powers to enforce building preservation notices, listed building enforcement notices, urgent works notices, repairs notices and compulsory purchase procedures, as appropriate, where listed buildings are at risk from neglect and where all other means of conservation have been exhausted. Reference to these procedures is contained in the justification for Policy Env\18. I therefore conclude that Policy Env\18 provides an adequate basis for protecting the listed buildings at Blairs irrespective of any other provisions of the local plan.

Green belt

170.43 Notwithstanding the intention to designate Blairs as a rural service centre, the local plan shows the countryside around the complex of buildings as designated green belt. The location of the "opportunity star" and the reference to the related future housing allocation of 70 units in the supporting text gives no indication that there would be any loss of green belt. However, it is clear that the implementation of the development envisaged in the current outline planning application would involve a considerable area of green belt land. The Muir Group has provided supplementary information including an assessment of landscape character and visibility. However, as previously concluded, it is for the council to assess this aspect of this or any other proposal in the context of Policy Env\18 and any other relevant policies, particularly Policy Gen\13, Green Belt.

170.44 In terms of the objections under this local plan issue, I conclude that Blairs and the surrounding countryside are properly located within the green belt. This designation is correctly included in the local plan and therefore endorses my conclusion that a rural

settlement boundary should not be shown. Similarly, I conclude that no other indication of the potential extent of future development by hatching or any other means should be included.

Other matters

170.45 Reference has been made to various other matters including landscape and nature conservation in respect of the historic landscape in the vicinity and the candidate Special Area of Conservation status of the River Dee. The Green Wedge, the community council and SNH have expressed particular concern in these respects. The impact of any proposed development, including, especially, the current planning application, must clearly be assessed against these matters. However, as previously concluded, it is for the council to consider whether any particular proposal is acceptable.

170.46 Similarly, SEPA has made reference to the need to connect to a “first-time” sewerage system. The council has agreed to modify the local plan in this respect but, in view of my conclusion that a rural service centre should not be designated, such a modification is not necessary. It would, of course, be incumbent upon any developer to ensure all drainage requirements would be met.

170.47 The question of the adequacy of the local road network was raised by the Green Wedge and the community council. The council accepted shortcomings in the standard of the South Deeside road. The community council suggested a development of 70 residential units may be acceptable from a traffic point of view but that a larger development such as proposed in the planning application should not be permitted. The detailed basis of this argument was not substantiated. The evidence has not allowed me to draw a firm conclusion in this respect and this is a further matter which would require to be assessed against any particular development proposal.

Overall

170.48 All-in-all, I conclude that Blairs is not a rural service centre and a rural service centre boundary should not be included in the local plan.

170.49 The reference to 70 future houses is inappropriate, having no specific relationship to any envisaged development, and should not be included in the local plan simply as a component of the structure plan housing land requirements. Any requirement for alternative provision should be assessed through the overall strategic assessment and the consideration of particular issues relative to “other settlements” the Kincardine and Mearns area.

170.50 I further conclude that the star notation at Blairs is not necessary as policies contained in the local plan, particularly Policy Env\18, Listed Buildings, provide adequate guidance in the assessment of any particular development proposal. Any such assessment should include consideration of such matters as impact on the green belt, landscape character and nature conservation, traffic generation and drainage.

Recommendation

170.51 I recommend that the local plan is modified whereby Blairs is deleted from the Kincardine and Mearns list of rural service centres.

ISSUE 175

Kincardine & Mearns – Drumlithie

Objector	Reference
Mr & Mrs J G Milne Peterkin Homes Limited	566.4.1 1022.4.2 & 6.1

Procedure	Reporter
Informal hearing (Mr & Mrs Milne) and written submissions	Richard Dent

Provisions of the local plan

175.1 The finalised local plan designates Drumlithie as a rural service centre in the Aberdeen housing market area. There is one main opportunity for new development with site ch1 being identified as suitable for around 20 houses. The village lies within an area of landscape significance.

Basis of the objections

175.2 **Mr & Mrs Milne** explain that CALPs indicated a recently expanded sewage treatment works would allow further housing in the period 2001-2005. Accordingly, they propose that land to the north-east of the village should be allocated for 20 houses in the period to 2005 or, alternatively, in a subsequent period. Initially a range of 15-20 houses had been suggested.

175.3 The site is unproductive agricultural land, the remnant of a former croft, extending to about 1.2 hectares with natural, defensible boundaries to the north and east. The land slopes away from the village and development would fit well into the landscape. By comparison, site ch1 is open, useful arable land. The proposed site is close to the facilities in the centre of the village with a school and various employment opportunities in the vicinity. Scottish Water has given no indication that there is a drainage constraint. (566.4.1)

175.4 **Peterkin Homes Limited** believes site ch1 is constrained and ineffective. Alternative land is available for housing, including affordable housing. The site contains the land that is the subject of objection 566.4.1 above and includes a small extension to the north-west. Similar arguments are made in support of development. There is no flooding risk and the site could be integrated within the area of landscape significance without detriment. (1022.4.2 & 6.1)

The council's responses

175.5 Objections 566.4.1, 1022.4.2 & 6.1: The objections are not accepted. Drainage constraints make the development of the land an impractical proposition. The capacity of site

ch1 has been reduced from 24 to 20 because of this problem. In any event, structure plan housing land requirements have been met.

175.6 In other respects, it is accepted that the site would be suited to development. Should development proposals come forward in due course it would be necessary to take account of flooding potential. However, this is not a consideration that constrains the site at this time. Designation as an area of landscape significance does not preclude development.

Note: In commenting on the proposals for Drumlithie, SEPA indicated that the 20 houses allocated at site ch1 should connect to the existing Scottish Water sewerage system. Following the informal hearing, the council confirmed that mains sewerage would be available for the objection site.

Conclusions

175.7 The site is generally accepted as being suitable for development and the removal of the perceived drainage constraint leaves no reason why, in physical terms, the development of the site should not proceed. However, prior to allocation, two matters must be considered: the strategic housing land requirements and the ability of Drumlithie to absorb additional housing.

175.8 In terms of the structure plan requirements, I do not consider that, in itself, a small surplus in the local plan housing allocations could be regarded as being significantly contrary to strategic guidance. I therefore conclude that, notwithstanding structure plan targets, where a site commends itself for development, a further allocation is not necessarily inappropriate.

175.9 The structure plan accepts that small-scale development (usually less than 15 houses) will be spread among rural service centres. Similarly, the local plan recognises that rural service centres may provide opportunities to absorb small-scale local development needs. In Drumlithie, site ch1 is suitable for around 20 houses and this development therefore already exceeds the structure plan guidance of what will usually be acceptable. However, the objection site is close to the village services and could be developed without an adverse impact on the old core of Drumlithie. I therefore conclude that development of the site could be absorbed into the village without detriment to village character and identity.

175.10 In anticipation of the prospect of the development of site ch1, it would be appropriate to allocate the objection site for the period 2006-2010 under an fh designation. It would also be preferable to require a relatively low density of development and, in this respect, total of 15 houses should be specified, this being the figure at the lower end of the range originally suggested by Mr and Mrs Milne, although the site should extend over the larger area contained within the objection submitted by Peterkin Homes Ltd. The figure also takes account of the possibility of part of the site being subject to a flood risk.

Recommendation

175.11 I recommend that the local plan is modified whereby the land identified by Peterkin Homes Ltd (which includes the land included in the objection by Mr and Mrs Milne) is allocated for residential development under designation fh1. The text should be adjusted and include a reference to future housing land being shown as site fh1(15).

ISSUE 176

Kincardine & Mearns – Drumoak

Objector	Reference
Stewart Milne Group	47.30.1
Cordiners Securities Limited	47.14.1
Peter Caldwell	840.1.1
Crathes Drumoak and Durriss Community Council	1055.1.1
Brodie Countryfare Limited	1237.3.1
Messrs G & G Wright	1310.6.1 & 11.1

Procedure	Reporter
Informal hearing (Brodie Countryfare Ltd & G & G Wright) and written submissions	Richard Dent

Provisions of the local plan

176.1 The finalised local plan designates Drumoak as a rural service centre in the Aberdeen housing market area. Site A is shown to be suitable for around 30 houses, site Emp B is suitable for appropriate employment uses and site fh1(15) is identified for future housing.

Basis of the objections

176.2 **Crathes Drumoak and Durriss Community Council** requires the area west of the bowling club to be zoned for community facilities, especially a health centre and drop-in centre, and designated as a project area. A recycling centre should be identified in site A. A project area should also be designated to the north-west of the village for a variety of sporting and recreational facilities. A further project area should be applied to the school and land to the rear to allow new classrooms and an enlarged playground. The line of the old railway should be a protected area. (1055.1.1)

176.3 **Stewart Milne Group** supports the allocation of site A but believes that the capacity of the site is greater than suggested in the local plan. Site Emp B should be allocated for housing as recommended at the CALPs inquiry. As the preferred developer for both sites, the objector has agreed to provide the necessary drainage and road infrastructure thereby overcoming all constraints.

176.4 In the interim, the council has granted planning permission for site A and housing has been approved, on appeal, on site Emp B. The local plan should therefore reflect this situation and both sites should be allocated for housing for the period 2000-2005. (47.30.1)

176.5 **Messrs G & G Wright** also required an increased capacity for site A and objected to the identification of site Emp B for employment uses.

176.6 Drumoak has experienced significant growth in recent years but has retained a strong community identity with a range of amenities including primary school, church, public hall, shop, post office, public house and bowling green. However, there are no employment uses leading to a need to commute to Aberdeen or Banchory. Residential development on sites A and Emp B in terms of the planning permissions that have been granted will round-off the village and provide the opportunity to create a defensible boundary to the east.

176.7 The new housing will require an extension to the waste water treatment works and, to make best use of this investment, it would be appropriate to allow further future development. Similarly, it will be necessary to overcome constraints to educational provision. Developer contributions will be required and these will also provide a new playground for the school.

176.8 Sustainability would be improved by the provision of land for employment uses to replace site Emp B. The structure plan allows up to 5 hectares of land for employment use and, as an alternative, land to the south of the settlement, east of the sewage treatment plant, would provide a suitable location. It is anticipated that a range of start-up units and workshops would be provided.

176.9 Although the land proposed extends to about 6 hectares, the area could be reduced as required and part of the site used for strategic landscaping. The access to the site from the A93 already serves a number of commercial premises including a caravan dealership. The size of the site would also permit any required *cordon sanitaire* around the sewage works although a protected zone is normally only necessary for residential development. The area is relatively low-lying and would have minimal impact on the setting of the village and the surrounding area of landscape significance. Nature conservation considerations are not of relevance to the proposed site. In terms of visibility, site Emp B, immediately to the south of the A93, is significantly more exposed. Land to the east of the village, as suggested by the council, would have a severe impact on the approach to Drumoak from the east. (1310.6.1 & 11.1)

176.10 **Cordiners Securities Limited** objects to site fh1 and requires land to the south of the village to be allocated for mixed development comprising future housing, employment and community uses for the period 2006-2010, or earlier if required. Further land should be safeguarded for the subsequent 5 years. Additional houses would contribute to meeting the shortfall in the effective 5 year supply.

176.11 Drumoak is a rural service centre on a transport corridor close to Aberdeen and therefore justifies further housing. Indeed, the ability of Drumoak to absorb more development has been recognised by the council and reflected in the land use allocations in the finalised local plan. Previous expansion has been piecemeal and site fh1 represented further unplanned and ill-considered expansion simply to satisfy structure plan requirements.

176.12 The deletion of site fh1 and the granting of planning permission for housing on site Emp B emphasises that development to the south of the A93 would consolidate the settlement. The allocation of the land as proposed would also allow for developer contributions to upgrade existing facilities, such as the school, and provide a community facility. Furthermore, the southward extension would be consistent with the public use of the Glebe land, the desire to designate Keith's Muir as community woodland and the council's

wish to formalise parking in the area. Overall, an extension of the boundary to accommodate the proposed uses would allow the settlement to take a more planned form. (47.14.1)

176.13 **Mr Caldwell** objects to further housing allocations as the additional traffic would be dangerous. In view of the size of the school and lack of amenities no more building should be allowed. (840.1.1)

176.14 **Brodie Countryfare Limited** requires 10.8 hectares of land at Park Estate, 1.5 km. west of Drumoak and 6 km. east of Banchory, to be allocated for a major tourist-related development in accordance with structure plan objectives. A sequential investigation of the A93 corridor has concluded that there are no suitable alternative sites with similar potential. A transportation assessment has demonstrated that there are no traffic capacity problems.

176.15 An appeal was dismissed in January 2004 although the Reporter had been generally happy with matters of design, including landscaping, access, drainage and other service infrastructure. Only two outstanding issues remain for the local plan: whether a development such as that proposed would be detrimental to existing centres, including Banchory, and whether the allocation would be compatible with the tourism policies of the Scottish Executive, as promoted in the structure plan. A 15% boost in tourism by 2007 is the objective of the Aberdeen and Grampian Tourism Strategy.

176.16 The appeal Reporter concluded that the proposal would be unlikely to undermine the vitality and viability of other towns, in particular, Banchory. In this respect, the proposal aligns itself with the strategies and frameworks of national and local tourism. The reason for refusing permission was that the site is not allocated for this specific use in the finalised local plan and the Reporter considered it possible that better alternative sites within or on the edge of existing settlements might become available. At the time, the council promoted alternative sites in Ballater, Aboyne, Banchory and Drumoak. However, no other alternatives have been brought forward through the local plan process. This, in itself, could be regarded as contrary to the structure plan objective of supporting tourism through Policy 6 which requires the council to allocate sites for such purposes.

176.17 The proposal should not be regarded as a standard retail development such as would be appropriate in an urban setting. It would be a tourist development offering retail opportunities but requiring a countryside location. Neither should it be designated for employment uses. Two thirds of the site would be devoted to outdoor pursuits and recreation and, to this extent, the development would be promoting the countryside. "The House of Bruar" near Pitlochry in Perthshire and the operation at Brodie near Forres are similar to the type of development envisaged.

176.18 As the council has previously shown support for the proposal on the objection site, including at the CALPs inquiry, the land should now be allocated as required. (1237.3.1)

The council's responses

176.19 Objection 1055.1.1.1: The objection is not accepted. There are no plans for additional health facilities in the area. Recycling is addressed by Policy Gen 1\ Sustainability Principles. The facilities required would exceed the standard provision. Policy Env 22\ Public Access, protects the old railway line. Land to the rear of the primary school is protected for

educational purposes. Problems are not anticipated in making appropriate educational provision for any additional children.

176.20 Objection 47.30.1 1: The objection is not accepted. The suggestion that the village should expand to the south has not been substantiated and the A93 would represent a serious obstacle to those wishing to utilise existing community facilities.

176.21 Objections 1310.6.1 & 11.1: The objections are not accepted. There is no reason why business and employment development should contribute to the amenity of an area more or less than residential development. However, the proposed alternative employment land would have an unacceptable impact on local amenity. Keith's Muir is a much valued natural recreational resource, the loss of which would be unacceptable to Drumoak residents. Approximately half the Glebe site is within 100 metres of the sewage works. Access from the A93 is poor and the undulating land does not suit employment uses.

176.22 It is not accepted that there is a shortfall in the 5 year housing land supply. The future housing allocation is better met on sites in other settlements. The structure plan does not require every site to be developed at the greatest density possible. In any event, the figure provided is indicative.

176.23 Objection 47.14.1: The objection is not accepted. The required land allocation, coupled with the proposals in the finalised local plan, would effectively double the area of Drumoak. This would be unrealistic as there is considerable local feeling that the settlement is expanding too rapidly in terms of the available community facilities. It is proposed to delete site fh1 in recognition of this concern.

176.24 Site A is the best location for a housing land allocation in terms of proximity to the school and other facilities; it avoids the dangers of the A93. Any additional housing allocation would conflict with structure plan requirements.

176.25 Although site Emp B had been recommended for residential development through the CALPs inquiry (outline planning permission has subsequently been granted on appeal), that conclusion does not imply support for other development south of the A93.

176.26 Objection 840.1.1: The objection is accepted to the extent that site fh1 is proposed for deletion. The various service departments had no adverse comments in respect of site A.

176.27 Objection 1237.3.1: The CALPs tourism policy was site-specific and has been replaced by Policy Emp 9\Tourist Facilities and Accommodation, which is not site-specific. The local plan does not therefore allocate any sites for tourist attractions as this is not required by the structure plan. In turn, there is no reason to restore the designation required by the objector.

176.28 Structure plan Policy 6 does not require every tourist-related proposal to be encouraged regardless. In any event, the proposal is contrary to local plan Objectives 7 and 10 and structure plan Policies 15 and 31 (a) and (c) as it would draw business away from local settlements, detracting from vitality and viability. It would clutter the countryside. Nevertheless, the council is generally supportive of tourist-related development subject to taking account of all relevant local plan policies.

176.29 In dismissing the appeal in 2004, the Reporter noted that the structure plan “is not a tourist document prepared to support tourism over and above other concerns and the proposal would adversely affect NEST's strategy.” He further noted that the proposal “would be likely to be very reliant for custom on the large nearby population base (including Aberdeen), rather than on tourists or day visitors from elsewhere” and that “NPPG8 applies as ... the proposal is primarily a retail operation. Even if it is a tourist-related development, the guideline would still apply, and it indicates that tourist-related shopping should be located in or adjacent to a town centre.”

176.30 These concerns remain, and there is no reason for a development of the type proposed to be located in the countryside away from existing settlements. It therefore continues to be inappropriate to designate the site as required by the objector. The proposal does not compare with the “House of Bruar” where there has been a hotel for many years as well as the Bruar Falls, an established tourist attraction. A large, modern, commercial building is proposed that would not represent a natural development in a rural setting where local plan policy is intended to preserve character. It would not compare with nearby Crathes Castle which is of tourist interest in its own right and is not primarily a retail development.

176.31 The site is immediately adjacent to an area of landscape significance and is therefore sensitive to new development. Any possible impact on the River Dee candidate Special Area of Conservation must be taken into account.

Proposed modifications

176.32 It is proposed to delete reference to site fh1 and to adjust the southern boundary of the settlement to take account of a recent planning permission.

Objections to the proposed modifications

176.33 **Messrs G & G Wright** object to the proposed deletion of site fh1. Development would contribute to any strategic shortfall and help to ensure a minimum 5 year land supply (see Issue 20). Drumoak is a marketable community as is evident from the take-up of sites A and Emp B which will provide a total of 65 units. It is likely that both sites will be developed at the same time over a period of about two years. Further development would add to the range and choice of locations in the Aberdeen housing market area. It would also be sustainable as the village is well served by frequent bus services.

176.34 Insofar as site fh1 was allocated in the finalised local plan, its worth for housing purposes has been recognised by the council. Development would have minimal impact on residential amenity and the landscape setting of the village. There would be no visual impact on the A93. The upgraded infrastructure required to support the 65 houses that have been approved could also accommodate the development of site fh1.

The council's further response

176.35 Although, in due course, site fh1 might be considered for development, the allocation in the finalised local plan was deleted in response to local opinion that the settlement is already expanding too rapidly. Drumoak is an attractive village, but this should not be

prejudiced by overloading the facilities. In any event, the strategic housing land requirement has been fulfilled by allocations elsewhere.

Conclusions

Project areas for community facilities, sporting and recreational facilities, and new classrooms and enlarged play ground

176.36 Objection 1055.1.1: It is understandable that the community council should seek to secure a range of facilities to serve the village. However, local plans must maintain a sense of proportion and not simply include a “wish list” of items that cannot realistically be achieved. This approach often raises hopes but ultimately brings about frustration. As there is no indication that community, sporting or recreational facilities are likely to be provided, it would be inappropriate to make a land use allocation for these purposes. On the other hand, there is a real prospect of improvements to the school and playground through contributions from developers involved in house building. In this respect, the land to the rear of the primary school is shown as a protected area and there is nothing in the local plan that would inhibit the required upgrading. The possibility of developer contributions for this purpose is intimated in Appendix 8.

176.37 Overall, I conclude that there is no justification for the specific designation of any further project areas in Drumoak.

Recycling facility – site A

176.38 Objection 1055.1.1: Although the community council seeks the provision of a recycling centre within site A, planning permission has been granted for the development of the site and no indication has been given that a recycling facility is included in the layout. The council states that Policy Gen\1 will address this issue although details have not been provided. In other similar instances the council has drawn attention to Policy Inf\6, Waste Management Facilities, which deals more specifically with recycling. (see Issue 201, Woodlands of Durriss) In the conclusions to Issue 201, it is noted that justification to Policy Inf\6 indicates that supplementary guidance will be prepared to identify relevant sites or areas of search for these facilities. On the basis of the information available, I am unable to recommend a particular site for a recycling facility in Drumoak. However, in terms of Policy Inf\6 and the council’s commitment to supplementary guidance, the identification of the site required by the community council should follow in due course. Appendix 8, Developer Contributions, also intimates the possibility of a contribution for additional community recycling facilities. I therefore conclude that a modification to the local plan is not justified in this respect.

Protected area – former railway line

176.39 Objection 1055.1.1: The council states that Policy Env\22 protects the former railway line. In response to objections under Issue 195, Park, the council relies on Policy Env\7 to provide adequate safeguards. It is also indicated that the policy does not extend beyond settlement envelopes. As at Park, the former railway line extends beyond the defined boundary of the settlement at Drumoak and therefore is not totally protected under Policy Env\7. However, as pointed out in Issue 195, Policy Inf\12, Safeguarding Land for the

Modern Transport System, safeguards currently unused rail lines and other areas of former or otherwise unused railway land where such sites might contribute to the development and delivery of the modern transport system. As part of the evidence under Issue 249 (Railway), the hope is expressed that a railway connection will be restored between Banchory and Aberdeen. Accordingly, I conclude that the former line is protected under Policy Inf\12 and a modification of the local plan is not required in respect of this objection.

Site A capacity

176.40 Objections 47.30.1 & 1310.6.1: Although an increased capacity for site A was required, objections in this respect have been overtaken by the granting of planning permission. Insofar as the finalised local plan indicates that site A is suitable for “around” 30 houses, I conclude that, under the circumstances, a modification is not required.

Site Emp B

176.41 Objection 47.30.1: The objection to site Emp B has also been overtaken by the granting of planning permission, on appeal, for residential development. It would be appropriate to modify the local plan to reflect this situation by allocating the site for housing, providing the number of units approved and indicating the status in terms of structure plan period which would logically be within the period 2006-2010.

Site fh1

176.42 Objections 47.14.1, 840.1.1 & 1310.11.1: In terms of strategic considerations, the conclusions reached under Issue 20 do not support the further allocation of housing land.

176.43 Although the council accepts that the site has merit for residential development, it has been argued that there must be an element of restraint in the expansion of the village. Indeed, the rate of recent expansion was acknowledged in the initial submission of G & G Wright.

176.44 The structure plan indicates that development in rural service centres will usually be small scale (less than 15) and yet some 65 new houses have been approved at Drumoak on sites A and Emp B. Both sites are likely to progress at the same time over a period of about two years and, despite the need for developers’ contributions to be agreed, there is no reason to anticipate any significant delay in implementation.

176.45 Both sites A and Emp B will integrate well in physical terms and represent natural extensions to the village. However, I conclude that the council is correct in seeking to restrict any further development in the meantime thereby allowing new residents to assimilate. In any event, although site fh1 does not have a prominent visual profile, it does not relate particularly well to the rest of Drumoak. The site adjoins the rear of existing residential development although it is at a higher level. There is no direct link to site fh1 which is, in effect, isolated beyond the school, church and proposed cemetery extension.

176.46 Overall, I conclude that site fh1 should be deleted.

Expansion to the south of the village

176.47 Objection 47.14.1: Cordiners Securities argues for a significant extension of the village envelope to the south to accommodate a variety of land uses, including housing. However, as I concluded in respect of site fh1 above, there is no strategic justification for additional residential development and, notwithstanding the associated benefits to which reference is made by the objector, the community identity of the village should be protected from further significant growth.

176.48 Should there be a future need for village expansion it may be that land to the south would offer a suitable location. At the least, this option should be given careful consideration. However, respecting the rural service centre designation of Drumoak, I conclude that the extended settlement boundary required by the objector cannot be supported.

Deletion of all housing land allocations

176.49 Objection 840.1.1: Although Mr Caldwell seeks to prevent any further houses being built, the die is cast in respect of sites A and Emp B where planning permission has been granted for residential development. However, in terms of site fh1 and land to the south of the village, I have concluded that no further housing land should be allocated at Drumoak.

Additional employment land allocation

176.50 Objection 1310.11.1: Under structure plan Policy 2, Employment Land Distribution, marketable land requirements are set out for the main settlements in Aberdeenshire. Any other settlement may accommodate up to 5 hectares of marketable land at any one time. This includes Drumoak. The structure plan requires all allocations to be well-related to existing patterns of development, contribute towards reducing the need to travel and dependence on the car and take full account of the landscape setting and quality, flood risk, biodiversity, pollution, the amenity of neighbouring land uses and other environmental, infrastructural and community uses.

176.51 There is no strategic objection to the principle of providing employment land in Drumoak. Although the size of the site proposed is more than the area stipulated in the structure plan, the objector has said that the area could be reduced. The general location proposed meets many of the requirements set out in the structure plan. Although the council is concerned about the impact on Keith's Muir, there would be scope to provide employment land in the generally open area without the need to remove adjacent woodland.

176.52 The proximity of the existing sewage works is also of concern to the council and it is believed that a *cordon sanitaire* would be required. The objector is of the view that this requirement applies only to residential development but, in any event, there is scope for adjusting the layout as necessary. I cannot reach a firm conclusion in this respect but I accept that the sewage works would not preclude the provision of employment land and that a layout could be devised to meet any reasonable limitations.

176.53 Although the council believes the undulating land would not be conducive to laying out a site for employment uses, the topography is not so severe as to preclude development

and I conclude that the use proposed could be accommodated without a significant detrimental impact on local landform and visual amenity.

176.54 Despite the misgivings of the council, the objector believes the access from the A93 to be reasonable, particularly insofar as it already serves premises that operate a caravan business. No technical standards have been provided but I conclude that the standard of access to the site from the A93 is not of a good quality. Notwithstanding the use of the junction to serve existing premises, I further conclude that additional use - which could be not inconsiderable should 5 hectares of employment use be provided - would be unwise. The difficult traffic situation is likely to be exacerbated during the tourist season as the road past the proposed site is designated as part of the Victorian Heritage Trail. Overall, I conclude that there should not be a modification to the local plan in respect of this objection.

Development west of Park – Brodie Countryfare

176.55 Objection 1237.3.1: The proposal was the subject of an appeal decision in 2004. At that time the Reporter analysed the proposal against the terms of the structure plan and related matters.

176.56 In terms of Policy 6, he pointed out that this is a general policy and does not require any further action through local plans, other than encouragement and support. He therefore concluded that the omission of any specific tourist project in the local plan is not contrary to the provisions of the structure plan. Local plan Policy Emp\9 provides the required support for tourism

176.57 In finding that retailing underpins the proposal, the specialised nature of the development does not overcome the need to follow the sequential approach. The appeal Reporter considered the retail impact undertaken for the inquiry had to be treated with some caution. Although he concluded that the proposal would not fail the criterion requiring no detrimental impact on the vitality and viability of town centres, he did not consider that the criterion relating to the sequential approach had been satisfied.

176.58 In terms of policy 31, the proposal would not be well-related to any existing settlement and would not avoid a dispersed pattern of development. It would not be consistent with the underlying interests of sustainable transport or development and, overall, the requirements of Policy 31 are not met and, in turn, the proposal is contrary to Policy 15.

176.59 The Reporter found that the proposal conflicts with core objectives 1, 7 and 10 whilst support from other objectives does not overcome these concerns. He also found it difficult to conclude that the development would not be likely to have a significant effect on the River Dee candidate Special Area of Conservation.

176.60 All-in-all, he concluded that the proposal was inconsistent with the overall thrust of the structure plan. He was not satisfied that the benefits of the proposal or the guidance on tourism merited setting aside the planning policies. Other developments to which reference was made were not afforded great weight. He further found that the proposal was inconsistent with the provisions of the finalised local plan and conflicted with the underlying thrust of national guidance. The overall analysis is thorough and, for the purposes of this report, I adopt the appeal Reporter's conclusions.

176.61 Circumstances have not changed significantly between the appeal decision and the local plan inquiry. The objector's assessment of the appeal decision is not borne out by the findings of the Reporter which are unequivocal in his rejection of the proposal. Structure plan policies have remained unchanged in the intervening period.

176.62 I conclude that there should be no modification to the local plan in respect of this objection.

Recommendations

176.63 I recommend the local plan is modified, as proposed by the council, whereby site fh1 is deleted.

176.64 I also recommend the local plan is modified whereby reference to site Emp B is deleted and the planning permission granted on appeal is reflected insofar as the site is identified for residential development with site capacity and the status of the housing in structure plan terms. In this latter respect a future housing designation (fh) is recommended for the period 2006-2010.

176.65 I recommend no changes to the local plan in respect of all other objections.

ISSUE 177

Kincardine & Mearns – Edzell Woods

Objector	Reference
Scottish Environment Protection Agency (SEPA)	969.7.21
Procedure	Reporter
Written submissions	Richard Dent

Provisions of the local plan

177.1 The finalised local plan designates Edzell Woods as a rural service centre in the rural housing market area. A redevelopment area is shown for housing, appropriate employment and community uses.

Basis of the objection

177.2 **SEPA** requires an indication that development must connect to a first-time sewerage system adopted by Scottish Water.

The council's response

177.3 The council accepts the objections as clarifying the situation.

Conclusions

177.4 I conclude that a footnote should indicate the need for a first-time sewerage system.

Recommendation

177.5 I recommend the local plan is modified by adding the following footnote to the description of the redevelopment area:

Development must connect to a first-time sewerage system adopted by Scottish Water.

ISSUE 179

Kincardine & Mearns – Findon

Objector	Reference
Margaret Kennedy	36.2.1-4
Graeme Begg	273.2.1-5
Linda R Begg	274.2.1-5
Roddy Young	317.2.1
Nicky Gunson	407.2.1-8
Philip & Bernadette Ash	799.1.1-12
Marilyn Stuart-Chivers	843.1.1
Mrs A Anderson	1194.1.1
Ian Robertson	1195.1.1
Brenda Young	1196.1.1
J Shand & Sons	1310.4.1 & 12.1

Procedure	Reporter
Informal hearing (J Shand & Sons and Philip & Bernadette Ash) and written submissions	Richard Dent

Provisions of the local plan

179.1 The finalised local plan designates Findon as a rural service centre in the Aberdeen housing market area. A development opportunity is provided by site A, suitable for around 5 houses and future housing is shown as site fh1, again for 5 houses. A project area is designated for environmental improvements/play area. Land to the north of the village is designated green belt. The entire village is covered by the coastal planning policy.

Basis of the objections

179.2 **J Shand & Sons** supported the allocation of sites A and fh1 but the capacity should be indicative as detailed design would show the sites could accommodate a larger number of houses. The southern boundary of Findon should reflect the provisions of previous plans with open space allocated to the south thereby allowing the designated project area to be used for houses and an equipped play area. The boundary to the south-west should be extended to incorporate a proposed housing development.

179.3 **All the remaining objectors** considered the housing land allocations should be deleted. In summary, the following concerns are raised:

- development would spoil the historic character of Findon; a previous planning appeal was dismissed on this basis;
- there are no street lights, shops, post office or public transport to support housing;

- additional traffic would be unacceptable on the single track roads serving Findon which are especially unsuited to construction traffic and would pose a particular safety threat to children;
- there would be additional pressure on utilities, including drainage;
- development would lead to loss of agricultural land in the green belt and set a bad precedent;
- Findon is in a coastal protection area which is designated “undeveloped” with an adjacent Site of Special Scientific Interest;

179.4 Elaborating, **Mr Ash** pointed out that there had been no change in circumstances since 1996 to justify houses. The identity of Findon must be retained and additional houses, as proposed, would jeopardise the fragile environment of the adjacent SSSI.

The council’s responses

179.5 It is proposed to modify the local plan by deleting sites A and fh1. Additionally, it is proposed to extend the village boundary to the south-west and incorporate land at Findon Farm that has been granted planning permission for 5 detached houses.

Objections to the proposed modifications

179.6 **J Shand & Sons** object to the deletion of sites A and fh1 although it has been decided not to pursue the initial objection requiring the extension of the village to the south to provide open space. Similarly, the objection to the project area has been withdrawn.

179.7 It is understood that the Findon housing allocations have been transferred to Marywell, objections having also been submitted to that allocation (see Issue 191). Despite concerns that have been expressed, drainage can be provided through a connection to the main coastal drainage system. Insofar as development at Marywell is not effective because of the cost of drainage infrastructure, the housing land allocation should be returned to Findon.

179.8 The village is attractive although it has no historic core and does not merit conservation area status. Most houses date from the 1950s. There is public transport, albeit limited and new houses might lead to a service improvement.

179.9 The land required for housing is bounded on two sides by the existing village. Development would constitute rounding-off; it would not be conspicuous in landscape terms and have no green belt impact. Access could be taken from either an existing residential access road or the road through the village. The Roads Department has confirmed that only minor upgrading works would be required if the housing proposals should proceed. It would be intended to provide required passing places and comply with any other requirements. An indicative layout has been prepared showing 17 houses with detached main stream houses and semi-detached affordable houses and a play park in project area P. The land for the project area would be made available to the council and the improvement would be funded by the developer. Whilst there would be a period of construction, overall, village amenity would be significantly enhanced through the creation of a village green.

179.10 Findon has long been regarded as a settlement and recognised as such in both CALPs and the Kincardine and Deeside Local Plan. There are services and significant employment opportunities nearby and these would be serviced by the village. The rural service centre status should therefore be retained.

179.11 The initial housing allocations had been made in the knowledge of the SSSI and SNH did not object. Nature conservation had never been an issue in the past.

The council's further response

179.12 Although structure plan requirements have been met elsewhere, it is not the case that the Findon allocation was moved to Marywell as allocations are required to be made throughout the wider area.

179.13 There is a lack of community facilities in Findon and, although shown as a rural service centre, the village does not warrant this designation. The initial designation derived simply from the number of houses (about 40-50).

179.14 The roads in the vicinity are sub-standard single track with passing places. There is a need to conserve the coastline, particularly the SSSI. The public has access and heavier use would have a negative impact on the flora and fauna. Although the impact on the green belt would be minor, the principle is important.

179.15 The strong concern expressed by residents is important. The play area could become a focus of activity and this could be an issue. The character of Findon should remain unchanged.

Conclusions

179.16 Although the council states that Findon does not warrant rural service centre status, there has been neither an objection to the designation nor a modification to remove the village from this category of settlement. Accordingly, the status of rural service centre remains.

179.17 It has been claimed that the Findon housing allocations in the finalised local plan were transferred to Marywell. However, structure plan Table 4a simply requires allocations in that part of Kincardine and Mearns in the Aberdeen housing market area to be at Portlethen, Stonehaven or "other settlements" to meet the totals specified. I therefore accept that, as the council asserts, the allocations are not directed to a particular settlement but dispersed throughout the wider area.

179.18 The structure plan states that small-scale development (usually fewer than 15 houses) will be spread among rural service centres to support services, local housing needs and economic development. The local plan glossary indicates that rural service centres may provide opportunities to absorb small-scale local development needs.

179.19 J Shand & Sons draws attention to nearby employment opportunities and it is clear this might well be of advantage to residents of Findon, including those occupying any new houses. New houses in the village may also benefit public transport provision although the

bus service is so limited that any support is likely to be, at best, marginal. As indicated by the council and other objectors, there are virtually no other services in Findon that would benefit from additional houses.

179.20 The number of houses suggested is 17 and these must be considered along with the 5 houses that have been granted planning permission to the south-west of Findon and which are proposed for integration within the boundary. Altogether, the scale of development is significantly over the usual level referred to in the structure plan. In the context of the services available at Findon and the size of the settlement, I conclude that the number of houses proposed by J Shand & Sons would not be acceptable. The 5 houses granted planning permission represents development of a more appropriate scale.

179.21 It has further been suggested that the development of sites A and fh1 would not have a serious impact on the green belt and would constitute rounding-off. I do not accept this argument as new houses on the sites would remove a pleasing wedge of open land that contributes to the character of Findon when approaching from the north. Whilst I agree that the overall character of the settlement probably does not justify conservation area designation, Findon is not unattractive and its setting is worthy of protection. The open wedge of land justifies its green belt status both as a local feature and, in the wider context, as part of the Aberdeen green belt that should be protected from cumulative small-scale loss.

179.22 The road access to Findon is not regarded by the council as precluding new development subject to local improvements but, nevertheless, the network is largely single track with passing places and requires particular care to be exercised by drivers. The importance of the SSSI is clear although I note that this was not a matter originally raised by the council. Additional impact from new development is likely to be limited although a firm conclusion in this respect is not possible. I consider that, in itself, development of sites A and fh1 would have little impact on the coastal policy.

179.23 Overall, I conclude that sites A and fh1 should be deleted and that the settlement boundary should be extended to the south-west to include the land where planning permission has been granted for residential development.

Recommendation

179.24 I recommend that the local plan is modified, as recommended by the council, whereby sites A and fh1 are deleted and the land retained within the designated green belt. I also recommend that the settlement boundary to the south-west is extended, also as proposed by the council, to include the land granted planning permission for residential development.

ISSUE 182

Kincardine & Mearns – Inverbervie

Objector	Reference
B Colquhoun	448.50.1
Grant & Fiona Fuller	1199.1.1

Procedure	Reporter
Written submissions	Richard Dent

Provisions of the local plan

182.1 The finalised local plan designates Inverbervie as a rural service area in the rural housing market area. Sites fh1, with a capacity of 18 houses, and fh2* are shown adjacent to one another to the south-east of the settlement.

Basis of the initial objections

182.2 **Grant and Fiona Fuller** are concerned about access to site fh1, no route being shown on the local plan. An access close to their property would prejudice the existing level of amenity because of noise, disturbance and loss of privacy

The council's response

182.3 The proposals are the most appropriate in terms of proximity to the built-up area and fitting into the settlement form and wider landscape setting. The line of the access road to sites fh1 and fh2 has not been established but would not necessarily impact on the objectors' amenity.

182.4 It is proposed to modify the local plan whereby the existing site fh2* would become site fh3* with the allocation of an additional site, site fh2, with a capacity of 15 houses, to the west of the settlement.

182.5 **Mr Colquhoun** supports the principle of residential development at the new site fh2 but believes the allocation should be extended to the north-west to ensure that the site is able to accommodate 15 houses at a density which reflects the existing houses in the vicinity.

The council's further response

182.6 The suggested extension of site fh2 would lead to a site area of approximately 3.4 hectares, providing a density of 4/5 houses per hectare for 15 houses. This is not compatible with adjoining densities. Nonetheless, it is accepted that it might be difficult to construct 15 houses within the proposed boundary. It is therefore intended to extend the fh2 site by lengthening the southern boundary by 40 metres to the west, effectively doubling the site area. Strategic landscaping will be required.

Conclusions

182.7 In terms of the access to sites fh1 and, as modified, fh3*, it would have been preferable to ensure at the time of designation that a suitable access could be provided. However, Policy Gen\2, The Layout, Siting and Design of New Development, requires new development to be laid out to fit successfully into the site itself and respect the character and amenity of the surrounding area. The justification explains that the aim of the policy is to achieve high quality new development which respects the environment. On this basis, when detailed proposals come forward for sites fh1 and, in due course, fh3*, it will be necessary to ensure that the access arrangements comply with the requirements of Policy Gen\2. In turn, the amenity of the surrounding area, including the objectors' property, should suffer no adverse impact on amenity or environmental quality. On this basis, I conclude that the allocations should be retained as modified.

182.8 Insofar as the new site fh2 is concerned, the council has recognised that the proposed site may not comfortably accommodate the indicated capacity of 15 houses and has increased the size accordingly. Although this does not meet the full extent of the objector's suggested increase, it does enable the requisite number of houses to be provided along with an area of strategic landscaping. I therefore conclude that the increased size of the new site fh2 is appropriate along with a project area for strategic landscaping.

Recommendation

182.9 I recommend that the local plan is modified, as proposed by the council, in respect of the allocation of site fh2 and the re-designation of the original site fh2* to site fh3*, subject to a further modification whereby the southern boundary of new site fh2 is extended 40 metres to the west and a project area designation P1 is included for strategic landscaping.

ISSUE 184

Kincardine & Mearns – Kinneff

Objector	Reference
Scottish Environment Protection Agency (SEPA)	969.7.21
Procedure	Reporter
Written submissions	Richard Dent

Provisions of the local plan

184.1 The finalised local plan designates Kinneff as a rural service centre in the rural housing market area. Future housing land is shown as site fh1(17).

Basis of the objection

184.2 **SEPA** objects as there is no existing Scottish Water sewerage system and no potential for a new system. Individual private systems would have an adverse environmental impact.

The council's response

184.3 Site fh1(17) is proposed for deletion.

184.4 SEPA conditionally withdrew the objection in response to the proposed modification.

Conclusions

184.5 The proposed modification is a pragmatic response to the objection. There is no reason to dissent.

Recommendation

184.6 I recommend the local plan is modified, as proposed by the council, whereby site fh1(17) is deleted.

ISSUE 185

Kincardine & Mearns – Kirkton of Durris

Objector	Reference
Philip Dean	468.2.2
Andrew D F Lewis	811.1.1
A H Brockman	832.1.1
Mrs Sheila Duthie	871.1.1
Crathes, Drumoak & Durris Community Council	1055.3.1
D Hirst	1220.2.2
W H C Richmond	1241.1.1
Dunecht Estates	1310.1.4 & 3.3

Procedure	Reporter
Written submissions	Richard Dent

Provisions of the local plan

185.1 The finalised local plan designates Kirkton of Durris is designated as a rural service centre. The village is within the Aberdeen housing market area with one opportunity for development. Site A is suitable for around 5 houses with strategic landscaping shown adjacent to the northern boundary and in the eastern part of the site.

Basis of the objections

185.2 **W H C Richmond, Mr Dean, Mrs Duthie and Mr Brockman** object to site A. Road safety is a general concern particularly as residential development has previously been discounted because of safety reasons. Even the recent 50mph speed limit does not represent a significant improvement in the situation. Concern is also expressed about the possible impact on a nearby archaeological site and potential drainage problems. The site is prominent and would detract from the scenic quality of the area. Should houses be required there are alternative sites in more suitable locations. (1241.1.1, 468.2.2, 871.1.1 & 832.1.1)

185.3 **Mr Lewis**, in objecting to the proposed houses, does not consider Kirkton of Durris to be a village, there being no shops or post office, simply a small cluster of houses. Lack of public transport renders the proposal unsustainable. (811.1.1)

185.4 **Mr Hirst** believes that additional houses should be allocated to provide a more equitable balance with Woodlands of Durris where a much larger site is proposed. (1220.2.2) (see also Issue 201)

185.5 **Crathes, Drumoak & Durris Community Council** suggests that any required housing should be to the south-east of the village. A protected area should extend over Kirkton Wood, the Old Mill and the border of the Sheeoch to the Kirk Glebe and be

designated as community woodland. The old bridge at Kirkton should be a specified feature of historic value. A recycling centre should be identified in a central location. (1055.2.1)

The council's responses

185.6 All the objections to the allocation of site A are accepted. In particular, the council agrees that development would not accord with sustainable principles, there being no public transport, and that there would be an impact on scenic quality. Speed limits may be reduced in recognition of an existing traffic concern, but this is not a reason for exacerbating the problem through the generation of additional traffic. In any event, it is accepted that the access would be substandard. The structure plan strategic housing land requirement has now been met on more appropriate alternative sites. It is therefore proposed to delete site A and exclude the land from the settlement boundary.

185.7 Objection 1055.2.1: The community council's suggestion in respect of a protected area is also accepted and it is proposed to designate a protected area extending from the Old Mill to the northern boundary of the church. This area is to be within the settlement boundary.

Objections to the proposed modification

185.8 **Dunecht Estates** welcomed the initial allocation of site A on the basis that the site would round-off the settlement and lead to a balanced community. The speed limit could be lowered further as a consequence of development. There is a significant demand for housing in the area and the owner is prepared to make the land available. Individual septic tanks could be provided. Site A should therefore be re-instated. (1310.1.4 & 3.3)

Conclusions

Site A

185.9 The council has indicated that the access would be substandard and, in itself, this is a fundamental reason for not allocating the land for development. Housing on the site would create a somewhat contrived extension to Kirkton of Durriss that would not appear as an integral part of the settlement. In this respect, I do not agree that the development would constitute rounding-off. Dunecht Estates has indicated that development would lead to a balanced community but this claim has been neither explained nor substantiated. Despite the concerns expressed by some objectors it is to be anticipated that adequate drainage could be provided. Noting there is not a strategic requirement for the site, I conclude that site A should be deleted from the local plan.

Protected area

185.10 The proposed protected area is in accordance with the wishes of the community council and there is no reason to dissent. The council has not responded in respect of the historic value of the old bridge and so it is not possible to draw any firm conclusion. However, buildings and structures of historic or architectural merit are offered protection through formal "listing". Should the bridge be worthy of such protection the council will no

doubt bring the matter to the attention of the relevant authority. However, in terms of the local plan, there is no requirement for a further modification.

Recommendation

185.11 I recommend that the local plan is modified, as proposed by the council, whereby site A and the related project areas are deleted from the settlement map and supporting text.

185.13 I further recommend that the local plan is modified, as proposed by the council, whereby a protected area is shown on the settlement map extending from the old mill to the north of the church.

ISSUE 186

Kincardine & Mearns – Kirkton of Maryculter

Objector	Reference
Mr Austin Hand	775.1.1-12
Procedure	Reporter
Written submissions	Richard Dent

Provisions of the local plan

186.1 The finalised local plan designates Kirkton of Maryculter as a rural service centre in the Aberdeen housing market area. Site A is shown as being suitable for no more than 10 houses.

Basis of the objections

186.2 **Mr Hand** objects to the development of site A as being contrary to the structure plan and believes the proposal is not in accordance with various aims and policies of the local plan.

The council's response

186.3 The council does not accept the objections and points out that 6 houses are to be erected on the site.

Conclusions

186.4 The objections have been overtaken by events insofar as the site is under development. As a designated rural service centre, a small-scale residential development at Kirkton of Maryculter is in accordance with the provisions of both the structure plan and local plan. Insofar as less than 10 houses are proposed, the development is in accordance with the provisions of the finalised local plan. Indeed, I consider the 6 houses proposed are suited to the scale to the village. I conclude that no modification to the local plan is required.

Recommendation

186.5 I recommend that there is no change to the local plan in respect of these objections.

ISSUE 187

Kincardine & Mearns – Laurencekirk

Objector	Reference
Gordon Reid	252.12.1-2
Grampian Primary Care NHS Trust	568.60.14
Mr & Mrs E Scott	724.1.1
Peter Shaw & Rhona McArthur	725.1.1-2
Mr A Tennant	744.1.1-2
Jean D Howie	782.1.1
Mr & Mrs D Irvine	786.1.1
Mr & Mrs G Johnston	790.1.1
John A Barclay	809.1.1
Andrea McGhee	819.1.1
James Mackie	828.1.1
Irene MacPhail	831.1.1
Ian E Duncan	867.1.1
June Melvin	885.1.1-2
Pat Mulcahy	920.1.1-5
Mr & Mrs A Pearson	944.1.1
Scottish Natural Heritage (SNH)	986.34.1
Ian Whyte	1022.1.1
Edward Murray	1193.1.1 & 5
Mrs S MacDonald	1200.1.1
Mr & Mrs J P Main	1201.1.2

Procedure	Reporter
Informal hearing (June Melvin) and written submissions	Richard Dent

Provisions of the local plan

187.1 Laurencekirk is a main settlement in the rural housing market area. The main planning issues are stated to be the demand for new houses and the protection and enhancement of the role and attractiveness of the central area. Five existing housing sites are identified with a total of around 191 houses, three constrained housing sites are shown with around 99 houses and one site is designated constrained/existing with a capacity of about 30 houses. Site A is said to be suitable for around 40 houses and sites Emp B and Emp C are suitable for appropriate employment uses. There are two project areas including P2, possible re-opening of the railway station. Future housing is shown as site fh1 (150) and site fh2*. There are three protected areas.

Basis of the objections

187.2 **Jean Howie, Mr Tennant, Mrs Melvin, Mr & Mrs Scott, Mrs MacPhail, Mr Duncan and Mrs Macdonald** all object to the extent of allocation eh2. The site should not include the land adjacent to the A90 which was always intended to be landscaped. (782.1.1, 744.1.1-2, 724.1.1, 831.1.1, 867.1.1, 885.1.1 & 1200.1.1)

187.3 **Peter Shaw & Rhona McArthur, Ms McGhee, Mr & Mrs Irvine, Mr Barclay, Mr Mackie and Mr & Mrs Pearson** all object to housing allocation ch2. The houses would reduce the existing level of residential amenity, generate traffic and increase use at the sub-standard junction with High Street, put further pressure on school places, drainage and utilities and would be too close to existing houses thereby spoiling views and devaluing property prices. Should houses be built they should be restricted to single storey. Alternative uses suggested include a car park and school. (725.1.1, 819.1.1, 786.1.1, 809.1.1, 828.1.1 & 944.1.1)

187.4 **Mrs Melvin** also objects to the overall level of housing proposed in Laurencekirk. Congestion in the main street is already serious. It is narrow and provides access to all parts of the village. Lack of car parking exacerbates the problem. Green areas have been destroyed and there are few supporting and ancillary facilities to provide the required recreation. The recycling facility recently proposed will add to the level of congestion. The level of traffic generated by the new developments will inevitably lead to more use of the junctions with the A90. Grade-separated junctions are necessary and should be constructed at an early date in order to be complete ahead of all the new houses. (885.1.2)

187.5 **Mr Mulcahy** is concerned about the overall emphasis on housing with little reference to sustainability, environment and transport. He believes the main planning issues for Laurencekirk are public transport infrastructure (rail and bus), a site for a swimming pool, a town square, a recycling facility, public car parking, extended protected areas, expansion of Mearns Academy and inadequate play park facilities.

187.6 Sites eh5 and fh2 should not compromise the expansion of the academy, including the swimming pool, the layout of site Emp B should allow for the provision of a fly-over at the junction with the A90 and sites A and ch4 have no adequate road access. (920.1.1-5)

187.7 **Mr & Mrs Johnston** object to site A which will spoil their outlook across the countryside to the hills. (790.1.1)

187.8 **Grampian Primary Care NHS Trust** explains that Laurencekirk needs a new health centre. Although Appendix 8 refers to this requirement in respect of developer contributions, there should also be specific reference in the settlement statement. Preferably, a site should be identified, perhaps using part of site A. (568.60.14)

187.9 **Mr Murray** points out that the existing health centre is to undergo a major expansion and will encroach onto site A which, in turn should be expanded into site fh1 to retain housing capacity.

187.10 The re-opening of the station is a high priority and this should be reflected in the local plan. To assist in this objective part of site Emp C should be designated as a car park.

187.11 The housing site capacities are optimistic and sites may require to be enlarged to accommodate the required numbers.

187.12 Adequate provision must be made for the expansion of Mearns Academy. (1193.1.1 & 5)

187.13 **SNH** considers site Emp B has the potential for negative landscape and visual impact. Early strategic planting is required. (986.34.1)

187.14 **Mr Reid** supports the allocation of site Emp B for employment uses and believes that part of the site, which is midway between Aberdeen and Dundee, would be suitable for roadside facilities incorporating a hotel, restaurant and petrol filling station. This would create an impetus leading to further development of other business and industrial uses on the site. The structure plan recognises the A90 as a major communications and development corridor. (252.12.1)

187.15 **Mr Reid** also considers that land at Scraphead, bounded by the railway, residential property, the A937 through Laurencekirk and a track, should be allocated for housing purposes.

187.16 Additional land is required to meet structure plan targets and maintain a 5 year effective land supply. Various housing sites in Laurencekirk are historical and constrained including site A which should have provided 60 houses in the period 2000-2005. Clearly there will be a shortfall. Other sites are less appropriate such as site fh1 which is a greater distance from local facilities than Scraphead and will generate traffic through existing residential areas. Site fh* suggests future growth to the north of the town which would then become further elongated. Development to the south is more sustainable.

187.17 The objection site has strong physical and defensible boundaries which create a sense of enclosure and containment. It is effective and would provide a logical rounding-off. The land is conveniently adjacent to employment land at site Emp B. (objection 252.12.2)

187.18 **Mr Whyte** draws attention to the range of policy criteria against which proposed new rural housing is assessed and is concerned that depopulation in rural areas is threatening the survival of rural services and facilities. In this respect, national planning policy for housing and development in the countryside appears to recognise the benefits of sensible rural residential development. To this end, small-scale development is sought on three sites within the land holdings of The Bent farm. The sites are land adjoining the main steading to the west of The Bent, land adjoining the former Kilnhill Steading, having regard to the existing tree belt to screen and define new development, and land to the south of Easthill as a small extension to the existing cluster of buildings.

187.19 The proposals would continue a pattern of cohesive development adjoining existing development, involve minimum servicing costs on sites which are accessible to existing infrastructure and local facilities, have limited environmental and visual impact and maintain the viability of the agricultural unit by providing capital for investment.

187.20 The sites should be recognised as local housing allocations. Alternatively, policy should be amended or supplemented to provide for cross-subsidy by small-scale development for agricultural investment. (1022.1.1)

The council's responses

187.21 Objection 920.1.4: The objection is not accepted.

- Railway and bus provision are dependent on private initiatives;
- a new town square could not be achieved without demolishing existing buildings; besides, Kinnear Square fulfils this function;
- swimming pool location would be best determined when funding is available;
- Policy Gen\1 addresses the issue of recycling;
- car parking could not be provided in the central area without demolition and relocation of existing or approved land-uses;
- an area is protected because of a particular feature, such as public open space and playing fields;
- the expansion of the academy and the provision of school play areas are not local plan matters.

187.22 Objections 782.1.1, 744.1.1-2, 724.1.1, 831.1.1, 867.1.1, 885.1.1 & 1200.1.1: The objections are accepted. No further houses are intended and the land between the houses and the A90 is proposed as a project area for strategic landscaping.

187.23 Objections 725.1.1, 819.1.1, 786.1.1, 809.1.1, 828.1.1 & 944.1.1: The objections are not accepted. Any loss of amenity suffered by existing residents would be insufficient to justify deletion of the site. There is no indication that the land will be needed for school related activities in the foreseeable future, no requirement for open space and no reason to believe that development would be to the detriment of road safety. Appendix 1 provides advice on the design of new development and addresses the issue of privacy. Development would not take place until power and water services are available.

187.24 Objection 885.1.2: The objection is not accepted. Laurencekirk is a major service centre and its position flanking the main Dundee/Aberdeen/Inverness road and rail routes means it cannot be allowed to lie fallow. There must be strategic housing and employment allocations to reflect the status of the settlement. Whilst the main street is congested, it is hoped that sites A and fh1, to the west of the railway, and the site Emp B employment land allocation at the southern dual-carriageway junction will introduce an east/west axis of movement to counterbalance the present north/south flow. All development proposals are assessed in the light of traffic implications. The possibility of traffic management schemes and the re-opening of the railway station may also assist.

187.25 Objections 568.60.14 & 1193.1.1: The objections are accepted. The site for the extension to the health centre will be shown on the proposals map under the designation, P6. The map will be adjusted to compensate for the extension.

187.26 Objection 1193.1.5: The objection is accepted. The proposals map is to be amended to state that there is the opportunity for a car park to serve the railway station, should it be re-opened. P5 designation will be applied.

187.27 Objections 252.12.1, 920.1.2 & 986.34.1: In respect of the suggested use of site Emp B for a hotel, restaurant and petrol filling station, the council points out that Policy Emp\1, Allocated and Existing Employment Land, permits commercial development on designated employment land if relevant criteria are met.

187.28 The suggestion that the site should make provision for a flyover is not accepted. Laurencekirk has three accesses to the A90 and the location of any grade-separated junction is a matter for the Scottish Executive as the responsible authority for trunk roads.

187.29 It is agreed that the site would benefit from landscaping and it is proposed to amend the local plan and designate a project area, P3, strategic landscaping, in the south-west section of the site.

187.30 Objections 920.1.1 & 1.5, 1201.1.2 & 790.1.1 (sites A and ch4): The objections are not accepted. Planning permission has been granted for the development of site ch4 following confirmation that site access is viable. Satisfactory access can be provided for site A. The loss of a view as a consequence of the development of site A is not of such significance as to justify the deletion of the allocation.

187.31 Objections 920.1.1 & 1.5 & 1201.1.2 (sites eh5 and fh2*): The objections are not accepted. Planning permission has been granted for sheltered housing on site eh5. The * designation denotes a general area of search and does not commit development to the precise position shown on the map.

187.32 Objection 252.12.2: The objection is not accepted. Laurencekirk has become unduly extended over the years, with the result that foot/cycle distances between some houses (particularly at the southern end of the settlement) and the central area have become excessive. There may be very little difference between the objection site and site fh1, for example, but expansion to the north-west would rectify the anomaly and contribute to sustainability. In any event, the structure plan housing land requirement has now been fulfilled and residential designation of the objection site would conflict with strategic objectives.

187.33 Objection 1022.1.1: The objection is not accepted. Housing Policies Hou\4, Hou\5 and Hou\6 make adequate provision for houses in the countryside. The “merits” of the proposal could be applied to virtually any similar development proposal.

Conclusions

Main planning issues in Laurencekirk

187.34 The issues identified by Mr Mulcahy are all important although, as pointed out by the council, certain of the matters raised are not appropriate for inclusion in the local plan. The local plan approach to main planning issues is more general than Mr Mulcahy requires and relates simply to the demand for new housing and the central area in its broadest sense. This accords with other main settlements in the local plan and, without belittling the matters raised by Mr Mulcahy, I conclude that the broad identification of main issues is satisfactory.

The level of new development in terms of congestion and lack of facilities

187.35 Laurencekirk is a relatively small settlement (population 1,872 in 2001) and has been by-passed by the A90. Nevertheless, the linear form of the town emphasises the need to use or cross the main street for most journeys. New housing development in recent years and, no doubt, the location of Laurencekirk within a relatively wide rural hinterland along with a general growth in traffic has clearly placed additional pressure on the main street. The traditional form of the centre of the town leaves little scope for immediate improvements. Traffic management schemes may assist and no doubt the council will wish to consider this possibility in the light of the various development proposals contained in the local plan.

187.36 The structure plan provides strategic guidance and identifies Laurencekirk as one of a number of major centres in Aberdeenshire. The town lies on a major communications and development corridor. In 2000, there was an effective land supply capable of providing 192 houses. The structure plan requires an allocation of 60 houses for the period 2006-2010 and 150 houses in the following 5 years. The local plan must conform to the structure plan and therefore allocates site A (60 houses) for the first period and site fh1 (150 houses) for the second period. Clearly, building is set to continue for some time. Beyond 2010, site fh2* indicates an area of search to the north-east of the town.

187.37 In putting forward these development proposals, the council has stated that account has been taken of traffic matters. This being the case, whilst appreciating the objector's concern, I conclude that the local road network has the capacity to cope with the proposals. However, as previously indicated, the introduction of traffic management could provide local environmental benefits. The council has suggested that the development of site Emp B would assist by altering traffic flows. Without further substantiation this argument is not persuasive and it seems likely that the main street would continue to experience the major traffic flow. I agree that the re-opening of the railway station would be helpful.

187.38 Lack of facilities is a further concern although no details were provided to enable a firm conclusion to be drawn in this respect. It may be that additional development will act as an incentive for the provision of ancillary facilities. Notwithstanding the concerns expressed, I conclude that the local plan must provide for the general level of development required in Laurencekirk by the structure plan.

Site eh2

187.39 Development of site eh2 is now complete and an open level area remains between the most southerly houses and the A90. The council has explained that there is no intention to build on this land and it is clear that the site would be unsuited to residential development. Indeed, the council believes the site should be landscaped and, to this end, it is proposed to insert designation P2, strategic landscaping. I conclude that this is an appropriate course of action.

Site ch2

187.40 The level, unused areas of ground that comprise site ch2 are contained within the urban area and clearly provide the potential for appropriate sustainable development. Other uses have been suggested by objectors and considered by the council. I conclude that

residential use would be the most suited to the site and that the land should remain allocated for this purpose. Matters of detail will be assessed in due course but the council has considered the traffic implications and determined that the local road network is capable of accommodating the additional traffic generated. There will clearly be an impact on existing residential properties but, within an urban framework, housing is an acceptable land use and would provide totally compatible neighbouring development. Detailed design would be subject to the policies of the local plan and the development control process. Bearing in mind that there is no right to a view, there is no reason to expect that existing levels of residential amenity will not be retained.

Health centre

187.41 Although the Grampian Primary Health Care NHS Trust seeks the identification of a site for a new health centre, it appears that the major extension of the existing centre will suffice. In turn, the council intends to identify the site under the designation P6. I conclude that this is appropriate.

Site A

187.42 Mr Reid argues that site A is constrained and Mr Mulcahy believes there is not an adequate access. The Housing Land Audit 2004 indicates that the land is constrained because of infrastructure. However, the council has given no indication in the local plan that the site is constrained and maintains that access can be satisfactorily achieved. Indeed, to compensate for the loss of part of the site to the health centre expansion (designation P6), it is proposed to adjust the boundary of site A to the north-west as suggested by Mr Murray.

187.43 It appears that there is the prospect of providing an access in the proximity of the health centre extension or via site fh1. Although the situation is not entirely satisfactory, I conclude that there is a reasonable prospect of site A becoming fully effective and that the designation should remain.

Site ch4

187.44 There is no specific objection to the principle of the development of site ch4 which, in terms of the “ch” designation, is recognised as constrained. Mr Mulcahy maintains that the site has no suitable access. However, the council has explained that planning permission has been granted and that access was taken into account in determining the application. This being so, I conclude that the designation should remain in the anticipation that development could take place through the implementation of the planning permission.

Sites eh5 and fh2*

187.45 Mr Mulcahy is concerned about the impact of development on the provision of a swimming pool for Mearns Academy. Mr Reid believes that development in the vicinity of site fh2* will further elongate the town. The council points out that site eh5 has been granted planning permission for sheltered housing and the designation of a * represents a general area of search without a commitment to development at this time. Residential development is also proposed to the north-west of the town.

187.46 It is clear that the planning permission granted in respect of site eh5, if implemented, would preclude the use of this land for a swimming pool. However, the designation fh2* does not commit the land to residential development but, as the council explains, simply identifies an area of search. This search relates to development in the period after 2010 and, in terms of the structure plan, is open to review. On this basis there would not be a direct threat to the construction of a swimming pool in this vicinity but, whilst the fh2* remains, the possibility of future development will remain as a factor to be taken into account.

187.47 Laurencekirk is traditionally a linear town. It is self-apparent that development in the vicinity of fh2* resulting from a more detailed examination of the area of search would extend the town further north. However, in terms of the local plan provisions, such development would take place only following significant development to the west on sites A, fh1 and eh1. Although beyond the railway these sites are also in close proximity to the railway station, if re-opened (site eh1) and the health centre (sites A and fh1). Development in the vicinity of fh2 would be close to Mearns Academy and relatively near the railway station. I conclude that both the eh5 and fh2* designations are justified.

Site Emp C

187.48 The council has responded positively to the suggestion that site Emp C could accommodate a car park to serve the railway station, if re-opened. I agree that the proposed designation P5, “opportunity for a car park to serve the railway station should it be re-opened”, is appropriate.

Site Emp B

187.49 Mr Reid seeks uses of the site that relate to the adjacent A90 but the council indicates that such uses are permissible under Policy Emp\1, Allocated and Existing Employment Land. The policy states that new employment uses will be approved, in principle, on allocated employment land. The justification explains that this would normally involve classes 4, 5 and 6 of the Use Classes Order and other employment uses where appropriate. On this basis, I conclude that the uses suggested by Mr Reid are acceptable in principle and that there is no requirement to modify the local plan in this respect.

187.50 SNH believes that landscaping should be undertaken on the site and the council has responded positively by proposing designation P3, strategic landscaping. I agree that development of the site would be enhanced by landscaping and conclude that the proposed modification is justified. Clearly this should be taken into account in the preparation of a site layout.

187.51 Mr Mulcahy also suggests that development should take account of the potential for providing a flyover at the adjacent junction; Mrs Melvin also refers to this possibility in more general terms. The council points out that any trunk road improvements are the responsibility of the Scottish Executive.

187.52 It is not unreasonable to anticipate that the junction might be the subject of consideration for the future construction of a grade-separated junction. This represents a further dimension in the overall design and layout of site Emp B. I believe the basic employment land uses, including potential development associated with the A90, require to

be provided in conjunction with strategic landscaping and a possible junction improvement. Clearly there will be a need for consultation with the relevant authorities. However, in terms of the local plan, I conclude that the Emp B designation, along with the additional P3 notation, is adequate to provide a basis for future development.

Housing density

187.53 Mr Murray regards the housing densities as optimistic and indicates that sites might require to be enlarged. This claim has not been substantiated and therefore it is not possible to reach a firm conclusion. However, as it appears that site capacities have a degree of flexibility, there may well be scope for adjustment as detailed proposals come forward. In the meantime I am not persuaded that the local plan requires modification in this respect.

Proposed alternative housing land allocation

187.54 Mr Reid has proposed additional housing land to the south of Laurencekirk, adjacent to site Emp B. Clearly there would be a potential benefit from the proximity of the houses to the employment land. However, the other allocated housing sites have been considered and I have concluded that they are appropriately allocated. In turn, I conclude that the sites meet the structure plan strategic requirements. Although the proposed site would adjoin existing residential development, the boundary of Laurencekirk at this location is quite clearly formed and additional housing would not be a natural extension of the settlement. It has been suggested that the site would be self-contained and provide a defensible boundary. However, the boundary to the west – described as a track – is not strong and does not provide the degree of containment claimed. The site has little advantage in terms of proximity to services and facilities, the distance from the primary school offering the only significant benefit.

187.55 All-in-all, I conclude that the local plan should not be modified in respect of this objection.

New housing in the countryside

187.56 Policy relating to housing in the countryside is considered under Issue 22 and no recommendations have been made that would lead to the thrust of the policy being altered. On this basis, any development proposals for the objection sites will be required to be assessed against Policy Hou\4 (as modified).

187.57 There is no provision in the local plan for making specific local housing allocations in the countryside. I conclude that the local plan policies provide adequate, albeit strict guidance, and should not be modified in respect of this objection.

Recommendations

187.58 I recommend that the local plan is modified, as proposed by the council, whereby four additional project areas are designated as follows:

Site P2, strategic landscaping, between the A90 and the houses on site ch2;

Site P3, strategic landscaping, on site Emp B, close to the adjacent road junction;

Site P5, opportunity for a car park to serve the railway station should it be re-opened, on site Emp C;

Site P6, extension to health centre, in the north eastern corner of site A and consequent adjustment of the north-west boundary of site A to allow a similar capacity (60 houses).

The existing project areas should be retained and renumbered appropriately.

187.59 I recommend no further modifications to the local plan in respect of these objections.

ISSUE 188

Kincardine & Mearns – Luthermuir

Objector	Reference
Dr A J Black	823.1.1-4
Mr & Mrs R J Ellis	884.1.1
P J Murphy	924.1.1
Edward Murray	1193.1.2
Mr & Mrs J P Main	1201.1.1 & 1.3
Mr & Mrs Alan Parr	1205.1.1
Phil. Smith	1207.1.1 & 2.1
K J Hudson	1212.1.1
Keith Christie	1209.1.1
K S Fairweather	1213.1.1
Mr & Mrs A Duncan & Family	1246.1.1
David & Helen Ritchie	1248.1.1
Arbuthnott Parish Church	1262.1.1
Winnie Duncan	1263.1.1
Ewan Hill	1264.1.1

Procedure	Reporter
Written submissions	Richard Dent

Provisions of the local plan

188.1 The finalised local plan designates Luthermuir as a rural service area in the rural housing market area. Site A is stated to be suitable for around 5 houses and site fh1 is identified for 15 future houses. Site fh2* shows a search area for future housing. There is a protected area to the rear of School Road and Main Street.

Basis of the objections

188.2 For the most part, the objectors require the deletion of site A. Most also state that the residential allocation over site fh1 should also be removed. Development of the sites would involve the loss of agricultural land and have an unacceptable impact on the character and identity of the village. There is poor access and traffic and parking problems could be anticipated. Trees could be lost, flooding might occur and the school is already at capacity. All-in-all, development of the sites would be contrary to a number of guiding principles of both the structure plan and the local plan itself. Several objectors point out that planning permission has already been granted for residential development elsewhere in the village and that this should suffice. Others believe that development is to be preferred on site fh2*.

188.3 **Mr Murray** accepts that it might be possible to construct 5 houses on site A but considers that the access would be unsuitable for a larger development incorporating site fh1 thereby leaving a shortfall of 15 houses. He also points out that the protected area to the

north-west of houses on School Road has been granted planning permission for houses and the site is under construction. The plan should be amended to reflect this situation and the area extended to take account of the loss of 15 houses on site fh1. The site is located in maturing woodland which would lead to a muted impact on the village. (1193.1.2)

The council's responses

188.4 In response to objections to sites A and fh1 it is proposed to modify the plan by deleting the two sites shown in the finalised local plan. Replacement sites are proposed on land behind the buildings fronting the south side of Church Road. Site A fronts a narrow road; site fh1 is to the immediate east with a reduced capacity of 7 houses. New site fh2 with a capacity of 8 houses is proposed to the south of sites A and fh1. New site fh3* is proposed to the south of site fh2 and re-designates the previous site fh2*. Land to the east is proposed as a protected area.

188.5 As a consequence of the proposed modifications, the objections lodged by Dr Black, and Mr Murphy were conditionally withdrawn.

188.6 Objection 1193.1.2: No part of the protected area should be allocated for additional housing as alternative sites are proposed (as described in paragraph 188.4). Although the council indicates that the existing protected area will be amended to take account of the planning permission, the modification does not show any change in this respect.

188.7 **Further objections** were submitted in response to the proposed modification. **Ms Duncan** believes the access to the relocated sites is poor. **Arbuthnott Parish Church** believes sites A and fh1 should be designated for development as a single entity. **Mr Hill** suggests site fh3* should be re-designated site A as the area is partially developed.

Conclusions

188.8 Insofar as it is intended to delete sites A and fh1 in the locations shown in the finalised local plan, the majority of the objections have been met.

188.9 Although Mr Murray suggests an extension to the land granted planning permission for 5 houses, the alternative residential land allocations proposed by the council are more suitable in terms of consolidating the built form of the village. Nevertheless, the eastern section of the protected area shown in the finalised local plan should be deleted, as indicated by the council, to reflect the extent of the planning permission.

188.10 Access from Church Road to the relocated site A and, thereafter, sites fh1 and fh2 is restricted whereas there is more scope for access from the south via School Road. A reorganised phasing, as suggested by Mr Hill would be more practical and I conclude that the proposed modification should be further adjusted to allow progressive development starting with site A adjacent to School Road.

Recommendation

188.11 I recommend that the local plan is modified, as proposed by the council, subject to further modification as follows:

Sites A, fh1 (7), fh2 (8) and fh3* are allocated on land between Church Road and School Road with site A fronting School Road and the disposition of the remaining sites allowing a phased development from south to north.

188.12 I further recommend that the protected area to the rear of School Road and Main Street should be reduced to reflect the extant planning permission.

ISSUE 189

Kincardine & Mearns – Maryculter West

Objector	Reference
Churchill Homes (Aberdeen) Limited	566.12.1
Montgomerie Developments Limited	568.96.1
North Kincardine Rural Community Council	1086.6.4

Procedure	Reporter
Informal hearing	Richard Dent

Provisions of the local plan

189.1 The finalised local plan designates Maryculter West as a rural service centre in the Aberdeen housing market area. One development opportunity is identified: site eh1, suitable for around 10 houses.

Basis of the objections

189.2 **Churchill Homes (Aberdeen) Ltd** have completed site eh1 although only 6 houses were constructed. It had been proposed to build a further 21 houses to the south and east of site eh1 and 8 houses to the north of the road and the objection sought the allocation of the land for this purpose. However, the objection has been amended and it is now intended to seek only an allocation for 8 houses to the north. In total, this would involve 14 houses (including those built on site eh1), four more than indicated in the local plan. Development would not be visible in the wider landscape. Although there are trees on part of the site, it is likely that these would be felled in any event.

189.3 Should the school close, it could be converted to residential use. However, it would be preferable to create a small business centre and community facility to enhance sustainability and social well-being. The facility would include a pre-school nursery, small community shop, and serviced offices. The single track road to the east would also be improved with the provision of, perhaps, four passing places. (566.12.1)

189.4 **Montgomerie Developments Ltd** objects to the failure to allocate additional land for residential development. Houses would support the school and build on the infrastructure provided for site eh1, thereby off-setting costs. Development would accord with national and regional planning policy and, in this respect, the strategic arguments put under Issue 20 support additional housing land.

189.5 The site has public transport and development would support the service. Being next to the existing built-up area, there would be no detrimental visual impact. Although the site is large, no more than 15 houses are envisaged with ample open space and landscaping remaining. The terms of structure plan Policy 11, General Housing Considerations, would be

met and development would make a positive contribution to the community. Local services, including the school (the future of which is uncertain), would be supported and encouraged. (568.96.1)

The council's responses

189.6 Following the publication of the finalised local plan it was decided to locate a new primary school at Lairhillock to serve the general area. This would lead to the closure of the school at Maryculter West and, in turn, the rural service centre criteria would no longer be met. On this basis it was decided to withdraw the rural service centre designation. Accordingly, policy would not support any further houses and, in any event, there is no strategic justification for the allocation of additional housing land.

189.7 The consultation process in respect of the proposed new primary school has led to some uncertainty over the future of schools initially scheduled to close, including Maryculter West. As the new school could not now be anticipated within two years. it is proposed to revert to the provisions of the finalised local plan and retain the rural service centre designation. Should the school ultimately close and be quickly converted into a business centre it is likely that the rural service centre status would be continue.

189.8 Despite the retention of the rural service centre status, additional houses are not justified if only because of the lack of strategic need. Notwithstanding this wider argument, any new development should be in scale with the existing and not overwhelm the existing buildings.

189.9 **Montgomerie Developments** objected to the initial modification to remove the rural service centre designation but welcomes the subsequently proposed restoration of the designation.

189.10 **North Kincardine Rural Community Council** objected to the proposed removal of the rural service centre designation and required a statement in the local plan to the effect that no substitutes would be created through new designations or extensions of other existing rural service areas.

Note: this objection, which is repeated in respect of Stobhall and Netherley, is considered under Issue 202, Areas Outwith Settlements - Stobhall.

Conclusions

189.11 The council's current position is that the rural service centre designation should be retained and there are no objections to the local plan in this respect. The closure of the school may lead to the council reviewing the position. However, certain objectors have indicated that if the school should close, it would be intended to provide a business and community facility which would justify continued designation of the rural service centre status. Irrespective of the future use of the school buildings, Maryculter West is designated as a rural service centre in the local plan.

189.12 The development proposed by Churchill Home would have the advantage of being set at the same level as the school and existing houses and I accept that visual impact in the

countryside would be limited. Development to the north side of the road would involve loss of the trees. These are a pleasing, if not dominant, landscape feature although I note that felling is anticipated. The indicative drawing shows the access almost opposite the school at a point where cars park while setting-down and picking-up children. In terms of numbers, a total of 14 houses would result, being 40% more than anticipated through site eh1. In the wider context, a limited number of additional houses at this location would have only a marginal impact on strategic requirements.

189.13 All-in-all, I conclude that a small development would be justified to the north of the road under site fh1 designation. However, I consider that part of the site should be utilised to provide replacement trees and therefore the total number of houses should be limited to 6. This number would also be more in scale with the existing development at Maryculter West. Additionally, a project area should be designated “Site P1 (strategic landscaping)” and this should be shown close to the northern boundary of the site. Matters such as the precise position of the access and the provision of passing places could be considered at the time detailed proposals come forward.

189.14 Turning to the proposal by Montgomerie Developments, a maximum of 15 houses is intended over a large area between the school and the B979 to the east. This land does not relate well to the school and the houses on site eh1 which are set at a lower level. Even if located as close to the school as possible and accepting that landscaping is proposed, the houses would appear as an isolated and sporadic plateau development in the countryside. Fifteen houses would more than double the existing total and could not be regarded as being in scale. Although it was claimed that the development would make a contribution to the community, this was not substantiated. Overall, I conclude that the proposal does not merit support.

Recommendation

189.15 I recommend the local plan is modified whereby Maryculter West is recognised as having two main opportunities for new development. Site fh1 should be added as being suitable for around 6 houses. Project area P1, strategic landscaping should be included.

189.16 The proposals map should show site fh1 to the north of the road to accord generally with the site proposed by Churchill Homes and include the project area within the site, close to the northern boundary.

ISSUE 190

Kincardine & Mearns – Marykirk

Objector	Reference
Brian Leask	807.1.1
James Boyle, deceased	829.1.1
Mr & Mrs P Dawson	858.1.1
Mr & Mrs A Nelson	935.1.1
Edward Murray	1193.1.3

Procedure	Reporter
Written submissions	Richard Dent

Provisions of the local plan

190.1 The finalised local plan designates Marykirk as a rural service area in the Aberdeen housing market area. Site ch1 is shown to be suitable for around 19 houses, site ch2 for around 25 houses and site A for around 16 houses.

Note: although the finalised local plan settlement statement indicates that Marykirk is in the Aberdeen housing market area, it is, in fact, within the rural housing market area and is shown as such in Appendix 10.

Basis of the objections

190.2 **Mr & Mrs P Dawson** live adjacent to site A and, whilst not objecting to the principle of development, are concerned about the prospect of the loss of daylight to their north-facing rooms. (858.1.1)

190.3 **Brian Leask** objects to sites ch1 and ch2. The sites would reduce amenity being located on both sides of a quiet area. Traffic from site ch2 would be dangerous if the site takes access from the existing road past the school. In any event, the village lacks adequate amenities. (807.1.1) **Mr Boyle** objected on a similar basis. (829.1.1)

190.4 **Mr & Mrs A Nelson** believe that the amenity of the village setting will be destroyed. Outlook will be lost and their young children will be faced with the prospect of increasing levels of traffic. It was a conscious decision to live in a quiet location such as this. (935.1.1)

190.5 **Mr Murray** objects to the exclusion from the settlement of Marymill steading and house. The properties are within the 30 mph speed limit and village signs. They were accepted in the CALPs plan as being within the settlement. The site is a brownfield location and the boundary should be adjusted accordingly.

190.6 The capacities indicated for sites ch1 and ch2 (19 and 25) are notional: by comparison with site A the capacities should be 17 and 22. Indeed, because of the irregularity of the

boundaries, a maximum total capacity is likely to be about 30. The shortfall could be made good on land at Marymill. (1193.1.3)

The council's responses

190.7 Objection 858.1.1: The objection is not accepted. Appendix 1 addresses the issue.

190.8 Objections 807.1.1, 829.1.1 & 935.1.1: The objections are not accepted. The structure plan requires the local plan to maintain the viability of small settlements; providing additional housing is the best way of supporting local services such as shops. Marykirk has an adequate level of amenities in comparison with other settlements of a similar size in the area.

190.9 Loss of amenity in terms of view is not such as to justify withdrawal of allocation ch1 or ch2. The Transportation and Infrastructure Service has not commented adversely on the proposals.

190.10 Objection 1193.1.3 1: The objection is not accepted. Marymill Farm and steading are separated from the settlement by some 50 metres of arable land on each side of the road. The objection site does not appear to be part of the settlement.

190.11 Capacity figures are provided on the basis of 19 units per hectare; the density may be adjusted as required.

Conclusions

Site A

190.12 Objection 858.1.1: The council draws attention to Appendix 1 which provides guidance for the design of new development in Aberdeenshire. The appendix indicates that the location of new development should respect the existing pattern of development in the surrounding area. Similarly, site layout must ensure that development fits in with the existing pattern of development. In terms of neighbouring property, new development should respect existing character and scale, protect privacy, provide suitable window separation distances and should not unduly reduce sunlight or daylight into (or create an unreasonably overbearing effect on) either the windows or private garden of a neighbouring property, particularly a house.

190.13 Overall, the guidance is adequate to ensure that the development control process is able to provide the protection required by Mr and Mrs Dawson. I conclude that no modification to the local plan is required.

Sites ch1 and ch2

190.14 Objections 807.1.1, 829.1.1 & 935.1.1: The sites that are the subject of objections have ch (constrained) prefixes and therefore are of long-standing having been included in the Housing Land Audit at January 2000. The potential for the development of the site has therefore been recognised for some time. Nevertheless, the local plan preparation process provides the opportunity to review land use allocations.

190.15 Despite the concern expressed that Marykirk has very limited facilities, the council has pointed out that, in comparison, the village has a reasonable level of amenities. This is indeed the case and I conclude that, in general terms, Marykirk is able to accommodate new development at the level proposed.

190.16 Site ch1 lies within the settlement boundary with reasonable access and provides a good opportunity for infill development. Housing is an appropriate and compatible land use. Site ch2 forms a natural extension to Marykirk and again, residential use is suitable. A number of houses on the current edge of the settlement are likely to have new development to both the front and rear. However, the growth of Marykirk in the face of the need for housing land identified in the structure plan, renders this virtually inevitable. Views are not protected as a right and many houses in towns and villages are surrounded by residential property. However, when detailed proposals come forward, the guidance in the plan (see objection 858.1.1 above) is adequate to ensure that the protection of the amenity of existing property.

190.17 Traffic generation is also a concern and it is clear that the additional houses, when constructed, would add to the current level of traffic. The council has considered this aspect of the proposals and is of the opinion that the local road network is adequate. Detailed consideration of any particular proposal will be undertaken when submitted but in the meantime there is no reason to believe that potential traffic levels should preclude the allocation of the sites.

190.18 All-in-all, I conclude that the local plan should not be modified in respect of these objections.

Marymill Farm and steading

190.19 Objection 1193.1.3 1: In terms of Marymill Farm and steading, the objector refers to CALPs. However, the preparation of this local plan is a separate process and direct comparison is not necessarily appropriate. In this case the council has determined that the buildings are beyond the defined settlement boundary with intervening agricultural land. I accept this judgement and, accordingly, I conclude that a modification is not required. As a consequence, it would not be appropriate to make a housing land allocation to compensate for the claimed shortfall likely to result from sites ch1 and ch2.

190.20 In respect of site capacity, the council has explained that a standard calculation is used (19 houses per hectare). It is clear that this method could lead to a density that is not fully reflected in any future detailed design and that the final figure could be either higher or lower than indicated in the local plan. However, the method is consistent and provides general comparative guidance on site capacity. I conclude there is no requirement for a modification.

Recommendation

190.21 I recommend no changes to the local plan in respect of these objections.

ISSUE 191

Kincardine & Mearns – Marywell

Objector	Reference
Stewart Milne Group	47.44.3 & 47.1
DLD Associates	448.19.1
A & D Developments	448.34.2
Ridale Developments Limited	568.74.1 & 81.1
Mr & Mrs Duncan	568.93.1
Scottish Environmental Protection Agency (SEPA)	969.7.27
Portlethen & District Community Council	1103.1.1
J Shand & Sons	1310.5.1

Procedure	Reporter
Informal hearing (Ridale Developments & Mr & Mrs Duncan) and written submissions	Richard Dent

Provisions of the local plan

191.1 The finalised local plan designates Marywell as a rural service centre in the Aberdeen housing market area. Site A is shown to be suitable for around 10 houses and future housing land is shown as site fh1(15). A project area, P (strategic landscaping) is shown to the west of sites A and fh1. To the south of the settlement boundary, the notation FRJ indicates a future road junction between the A90 and the village access road. The boundary of Checkbar, also shown as a rural service centre in the local plan but designated entirely as employment land, adjoins the eastern boundary of Marywell.

Basis of the objections

191.2 **SEPA** objected to development allocations at Marywell, there being no Scottish Water sewerage system and no potential for a new system. No foul effluent discharges would be acceptable because of the sensitivity of the receiving watercourse. (969.7.27)

191.3 **Portlethen & District Community Council** objects to any housing allocations because of the dangerous junction with the A90. (1103.1.1)

191.4 **DLD Associates** objection concerns land which lies to the immediate south-west of the Marywell village envelope and to the east of the Checkbar envelope. The two envelopes should be combined and the objection site incorporated within the boundary. The southern part of the objection site is shown as a future road junction required to service the Mossie/Cairnrobin industrial site. The land will therefore be made available but it would be wasteful to leave the remainder of the site undeveloped. (448.19.1)

The council's responses

191.5 Objection 969.7.27: The objection is partly accepted. Drainage problems could be resolved by means of a connection to the Scottish Water system in Portlethen. Resolution of the drainage situation could involve several former landfill sites requiring consultation with the council. The following notes are therefore proposed as a modification to the Marywell settlement text:

New foul drains shall connect to the Scottish Water sewerage system.

Developers should consult the Council's Planning and Environmental Services regarding former landfill sites.

191.6 **SEPA** intimated conditional withdrawal of the objection.

191.7 Objection1103.1.2: The objection is not accepted. The future junction improvements will rectify the current junction situation.

191.8 Objection 448.19.1: The objection is not accepted. Checkbar and Marywell are already contiguous, and the objection site cannot be included in the existing composite development envelope because of the proposed grade-separated junction may require the land to allow construction.

Other proposed modifications

191.9 In addition to the proposed modification in respect of drainage, the council intends to amend the local plan as follows:

Text

Amend first bullet point to: Site A is suitable for around 20 houses;

Amend second paragraph to: Two project areas (strategic landscaping) are shown as Sites P1 & P2;

Amend last line to: Future housing land is shown as Site fh1(5) & fh2 (30).

Proposals map

Extend Site A to the north to include part of site fh1;

Relocate site fh1 to the north with a consequent adjustment of the settlement boundary;

Show a new site fh2 by extending the settlement boundary to the east.

Objections to the modifications

191.10 **Ridale Developments Limited and Mr & Mrs Duncan** object to site fh2 as it would provide a poor level of residential amenity due to the adjacent business and industrial activities. The neighbouring pipe storage yard is floodlit and could operate at any time of night or day. Planning permission has been granted for the business and industrial development and implementation is being pursued with significant financial commitment to infrastructure provision, including a new grade-separated junction with the A90. Although there are some existing houses in the vicinity these do not justify new residential development on site fh2.

191.11 As an alternative, sites A and fh1 should be extended westwards some 150 metres over land that has little agricultural value. A significant landscape buffer could be provided between the sites and the A90. Indeed, Mr and Mrs Duncan have applied for permission to build 8-10 houses on land to the south of site A between the neighbouring residential caravan site and the A90. The CALPs inquiry accepted the land no longer contributed to the green belt and the council has agreed that the principle of development is acceptable. Subsequently, all roads, drainage and flooding issues have been satisfactorily resolved. (568.74.1 & 81.1 and 568.93.1)

191.12 **Stewart Milne Group** objects to the increased capacity of site A from 10 to 20 units and the allocation of sites fh1 and fh2 for 5 and 30 units respectively. This increase in houses has been proposed despite SEPA opposition to any housing at Marywell. The provision of drainage would be costly and housing should be directed to where there is existing infrastructure. Coalescence with the Mosside\Cairnrobin industrial development would result from the development of site fh2. Although the council has suggested the provision of strategic landscaping, the shortcomings of development at Marywell would not be overcome.

191.13 In terms of the structure plan settlement hierarchy, Marywell should not be allocated additional housing. Of the 125 houses required in "other settlements" in Kincardine and Mearns for the period 2006-2010, 35 are proposed in Marywell following 20 units in the period from 2000-2005. New residential development should be located elsewhere in Kincardine and Mearns, for example at Newtonhill where there is infrastructure. (see Issue 194) In any event, site fh2 is environmentally inappropriate for housing. (47.44.3 & 47.1)

191.14 **J Shand & Sons** also objects to site fh2 on amenity grounds. Residential development could prejudice future operations on this land and site fh2 should be deleted. Indeed, the scale of residential development now proposed for Marywell is excessive and contrary to structure plan advice that small-scale development, usually less than 15 houses, should be spread among rural service centres.

191.15 There are no mains drainage facilities and the cost of remedial infrastructure is prohibitive, hence the lack of progress on sites A or fh1. Overall Marywell offers a poor residential environment and more suitable sites should be pursued, for example, at Findon. (see Issue 179) (1310.5.1)

191.16 **A & D Developments** objects to the proposed juxtaposition of sites A, fh1 and fh2 with the industrial development at Mosside\Cairnrobin. (448.34.2)

The council's further responses

191.17 The objections are not accepted. Although the housing allocation has been increased, the local plan will stipulate that sewerage must connect to the Portlethen public system.

191.18 It is acceptable for residential and industrial uses to share a common boundary subject to adherence to health and safety regulations and screen planting to provide a buffer. In this respect it is proposed to further amend the proposals map to stipulate that appropriate bunding and screen planting should be provided within site fh2. This would involve a 10 metre strip and still allow a capacity of 30 houses. Licensing requirements would ensure that the waste transfer station does not detract from the amenity of site fh2. Development of site fh2 would consolidate the settlement.

191.19 The area west of sites A and fh1 is less desirable than site fh2 due to the noise and noxious fumes generated by the A90. The green belt function also remains insofar as it ensures the A90 passes through an open, green corridor. At the most, the boundary could be moved halfway across the intervening land. Should site fh2 be considered unsuitable, alternative land should be found elsewhere.

Conclusions

Drainage

191.20 Certain objectors claim that the provision of drainage for any new residential development in Marywell would be prohibitively expensive. These claims have not been substantiated by any financial or technical details. To the contrary, Mr and Mrs Duncan state that drainage matters in respect of an application for residential development have been resolved. SEPA is prepared to accept a modification requiring development to provide a connection to the Scottish Water sewerage system. It is clear that drainage is an issue but, as the Agency is the recognised authority for providing guidance on environmental aspects of drainage matters, it is not unreasonable to assume that the requirements of the proposed modification would not be impossible to implement. Accordingly, I conclude that the proposed modification is justified.

Settlement envelopes

191.21 DLD Associates suggests that the settlement envelopes of Marywell and Checkbar should be combined. There have been no objections to the identification of Checkbar as a rural service centre although, as an expanse of employment land, the area does not comply with the fundamental requirements to justify its designation being neither a town nor a village. As the two settlement envelopes adjoin one another, I conclude that Marywell and Checkbar should be combined to form a single rural service centre. Although currently the smaller area, Marywell has more features to justify rural service centre designation in its own right and should give its name to the enlarged, single designation.

Land adjacent to the proposed interchange

191.22 DLD Associates requires the inclusion of land to the south of Marywell within the combined area of the larger rural service centre. As recognised by both the objectors and the

council, part of this area will be required to allow the construction of a grade-separated junction. However, although the objectors argue that it would be wasteful to leave the remaining area undeveloped, it seems likely from plans submitted by Ridale Developments Ltd that the residual area would be small and awkward in shape. Development of the site would be very limited in extent and I conclude that the remaining area would be best left open, possibly landscaped as part of the overall junction design, and not included within the settlement envelope.

Junction with the A90

191.23 The community council is concerned about the access to the A90 and seeks the deletion of housing land allocations. The council points to the proposed junction improvement.

191.24 The construction of a grade-separated junction would clearly improve the access to the A90 to a significant extent. Although there has been some progress towards the provision of the new junction, a precise timetable has not been provided and it is possible that, if allocated, housing sites could be developed prior to the completion of the junction. Nevertheless, although the existing junction at Marywell is far from ideal, no evidence has been provided that the road authorities seek to preclude any of the proposed development on safety grounds. In any event, an alternative existing grade-separated junction to the north of Marywell can be used to provide access. I therefore conclude that the concern about the access to the A90 does not justify the deletion of housing land allocations.

Site fh2

191.25 Severe reservations have been expressed in respect of the relationship between site fh2 and the adjacent existing and proposed employment land uses. Objectors claim that this proximity could impact adversely on the residential environment of site fh2 and also unfairly prejudice the scope for development on the employment land site. The council believes that the two uses could co-exist and that earth-mounding and planting could ameliorate any potential loss of amenity. Furthermore, housing development at this location could consolidate the wider settlement.

191.26 As the council indicates, there are many examples of residential and employment land uses successfully occupying land close to one another. Modern industrial processes and business concerns often have little or no impact on the surrounding environment. However, the nature of the existing industrial activity close to site fh2, particularly the pipe storage yard, is such that the impact on any new houses could be significant. SPP1, The Planning System, states that a primary objective of the planning system is to maintain and enhance the quality of the built environment. In my opinion, the building of houses on site fh2 would not meet this objective. SPP3, Planning for Housing, indicates that not all sites will be capable of providing good residential environments. Sites adjacent to noisy or polluting activities are unlikely to be appropriate. PAN56, Planning and Noise, points out that, due to its variable character, industrial noise is difficult to assess. Although there are some existing houses in the vicinity, I conclude that, notwithstanding mitigating measures such as mounding and planting, the development of site fh2 for residential purposes would not be appropriate. The likelihood of detrimental impact from the adjacent employment land justifies the deletion of

the fh2 designation. I do not believe the prospect of consolidating the settlement through the development of the site outweighs the amenity considerations.

Sites A and fh1

191.27 The proximity of sites A and fh1 to nearby industrial and business land is also a concern of A & D Developments whilst J Shand and Sons considers that, generally, Marywell does not provide a good residential environment and housing land should be designated elsewhere. On the other hand, Ridale Developments and Mr & Mrs Duncan believe there is potential for increasing the size of sites A and fh1 by including land between the proposed western boundary and the A90.

191.28 As a rural service centre, there is an expectation that additional housing land will be provided at Marywell although there are some centres in the local plan where no allocations are proposed. I have concluded that site fh2 should be deleted because of poor residential amenity, but further conclude that the detrimental impact of the employment land would not extend to sites A and fh1 so as to also warrant the deletion of these sites.

191.29 The council is concerned about an extension to the west because of the impact of the A90. However, there is a strip of land some 150 metres in width between the proposed boundary and the road. The council has not contested the claim that this land is of limited agricultural value and, indeed, the finalised local plan identifies a project area for strategic landscaping. I conclude that there is scope for increasing the housing land allocations to the west provided a project area for strategic landscaping and planting is retained and included within the sites. I believe that a landscaping strip of some 50 metres would provide adequate protection of residential amenity and, at the same time, retain the perception of a “green” corridor alongside the A90. Detailed assessment of an appropriate width and form of landscaping should be undertaken at the time layout proposals are being considered.

191.30 Inevitably, the scale of development would be significantly greater than the level envisaged for rural service centres in the structure plan (usually less than 15 houses). However, Marywell has little established character in terms of built form and I conclude that the potential level of additional development would not cause any damage to wider amenity. Furthermore, the implementation of proposals to develop the designated employment land would inevitably provide a significant level of local employment opportunities.

Recommendation

191.31 I recommend that the local plan is modified, as proposed by the council, subject to further modifications:

Proposals map

Extend Site A westwards to the east side of the A90 and include a project area, P1 (strategic landscaping and planting) in the western part of the site;

Extend site fh1 westwards to the east side of the A90 and include a project area, P2 (strategic landscaping and planting) in the western part of the site;

Delete site fh2.

Sites A and fh1 should be included in the settlement envelope. The land comprising the deleted site fh2 should not be included in the settlement envelope.

Text

Insert:

“New foul drains shall connect to the Scottish Water sewerage system.

Developers should consult the Council's Planning and Environmental Services regarding former landfill sites.”

Amend first bullet point to provide a capacity for site A related to the extended site area and taking account of project area P1;

Amend second paragraph to include: Two project areas (strategic landscaping and planting) are shown as Sites P1 & P2;

Amend last line to indicate that future housing land is shown as site fh1 and provide a capacity related to the extended site area and taking account of project area P2.

191.32 Additionally, I recommend that the rural service centres of Marywell and Checkbar should be combined in a single centre under “Marywell”.

ISSUE 192

Kincardine & Mearns – Muchalls

Objector	Reference
Michelle Reid	712.1.1
James Hay	776.1.1
Linda Duncan	868.1.1
Aberdeen Endowments Trust	942.2.1

Procedure	Reporter
Written submissions	Richard Dent

Provisions of the local plan

192.1 The finalised local plan designates Muchalls as a rural service centre in the Aberdeen housing market area. Site ch1 is shown to be suitable for around 10 houses. The entire rural service area and surrounding land is a designated conservation area.

Basis of the objections

192.2 **Aberdeen Endowments Trust** believes an allocation of 25 houses should be provided at Muchalls to reflect the findings of the Reporter at the CALPs inquiry and the subsequent acceptance by the council. The previous site to the west of the village and bounded on three sides by residential development is an ideal location. The land is not suited to farming and would provide a more natural village edge. The site is not within the conservation area and development would enhance the appearance, character and environment of the village, and benefit community atmosphere. Houses would contribute to the wider demand and utilise existing infrastructure. (942.2.1)

192.3 **Michelle Reid, James Hay and Linda Duncan** are concerned about any new houses as there are no amenities in Muchalls and the junction with the A90 is dangerous. (712.1.1, 776.1.1 and 868.1.1)

The council's responses

192.4 Objection 942.2.1: The objection is not accepted. The strategic housing land requirement has been met elsewhere, and any additional allocation would conflict with the structure plan.

192.5 The poor junction with the A90 precludes development in Muchalls, infill and gap sites apart, for the foreseeable future. This situation outweighs any merits further housing might have in terms of the local plan objectives and general policies.

192.6 The site is within the conservation area.

192.7 Objections 712.1.1, 776.1.1 and 868.1.1: The objections are not accepted insofar as site ch1 has been granted planning permission.

Conclusions

192.8 Objection 942.2.1: Although the objector refers to the previous local plan preparation programme, the current local plan evolved in the light of current circumstances, particularly the approval of a replacement structure plan. Accordingly, the council is not bound by the findings of the CALPs inquiry and must consider matters afresh. Even if the structure plan housing land allocations had not been met at other locations, the junction with the A90 is such that further development at Muchalls would be ill-advised. The objector's arguments have not been substantiated in any detail and therefore do not outweigh the junction problem. Although the council has indicated that the proposed site is within the conservation area, contrary to the opinion of the objector, this does not, in itself, preclude development. Overall I conclude that the land should not be allocated for residential development as required by the objector.

192.9 Objections 712.1.1, 776.1.1 and 868.1.1: Although the concerns of the objectors are appreciated, especially in respect of the junction with the A90, planning permission has been granted and the deletion of the site ch1 designation would therefore not be appropriate. I conclude that the local plan should not be modified in respect of these objections.

Recommendation

192.10 I recommend no change to the local plan in respect of these objections.

ISSUE 193

Kincardine & Mearns – Netherley

Objector	Reference
Mr Alan Forbes	1256.2.1
North Kincardine Rural Community Council	1086.6.3

Procedure	Reporter
Written submissions	Richard Dent

Provisions of the local plan

193.1 The finalised local plan designates Netherley as a rural service centre in the Aberdeen housing market area but a modification was proposed to remove this status.

Basis of the objections to the modification

193.2 **Mr Forbes** believes the rural service centre status of Netherley should be restored to allow some low density housing on infill land especially as the area has no housing provision. This would also benefit the new school intake.

193.3 **North Kincardine Rural Community Council** notes the withdrawal of the rural service centre status and requires a statement to the effect that no other substitutes should be created or other rural service centres extended within the area of the community council.

Note 1: this objection, which is repeated in respect of Stobhall and Maryculter West, is considered under Issue 202, Areas Outwith Settlements – Stobhall.

Note 2: objections under Issue 202, Areas Outwith Settlements – Westside Farm, Sunnyside, seek the removal of the rural service centre designation for Netherley.

The council's response

193.4 The council points out that the closure of the primary school is dependent on a replacement at Lairhillock. This is not now anticipated for at least two years. However, in anticipation of the closure of the school, Mr Forbes' objection was not accepted on the basis that rural service centre criteria are not met and there could be no certainty that new low density housing would be of benefit. Housing allocations are better met on sites elsewhere. In view of the possibility of the school remaining open longer than originally anticipated, the question of the rural service centre designation should be reconsidered. In assessing whether the designation is justified it is significant to note that the school is some 300 metres from the hamlet.

Conclusions

193.5 The general settlement pattern at Netherley is similar to that in the wider area - dispersed houses with a few more-concentrated groups. Netherley itself differs insofar as the school is located relatively close to what the council describes as the hamlet. However, the school is not particularly associated with any specific group of houses. Notwithstanding the school, which may close in due course, Netherley does not have the characteristics of a town or village - as required by the local plan - and so does not qualify for consideration as a rural service centre. I therefore conclude that the proposed modification to delete the rural service centre status attributed to Netherley in the finalised local plan should be endorsed.

Recommendation

193.6 I recommend that the local plan is modified, as proposed by the council, whereby the rural service centre status of Netherley is removed.

ISSUE 194

Kincardine and Mearns – Newtonhill

Objector	Reference
Stewart Milne Group	47.33.1
Barratt Construction Limited	252.13.1
D Donald, G Scott & S Shepherd	448.15.1
D Donald & the Elswick Estate	448.21.1
Scottish Natural Heritage (SNH)	986.37.1
Newtonhill, Muchalls & Cammachmore Community Council	1083.1.1

Procedure	Reporter
Informal hearing (D Donald, G Scott & S Shepherd and D Donald & the Elswick Estate) & written submissions	Richard Dent

Provisions of the local plan

194.1 The finalised local plan designates Newtonhill as a rural service centre in the Aberdeen housing market area. There are no housing land allocations. One main opportunity for new development is designated site Emp A as being suitable for new employment uses. A protected area is shown in the extreme south-eastern part of the settlement between the railway line and the coast. Land to the north of the settlement is designated green belt. Land to the east of the railway line is covered by the coastal planning policy.

Basis of the objections

194.2 **Newtonhill, Muchalls & Cammachmore Community Council** believes all the coastal park should be a protected area. (1083.1.1)

194.3 **Barratt Construction Ltd** seeks the residential allocation of agricultural land extending to 13.3 hectares to the south of Newtonhill. The land adjoins the built-up area to the north and the A90 to the west, sloping away from Newtonhill to provide a generally southerly aspect. Access would be taken through existing housing. An indicative masterplan shows a large, central area of open space, perimeter planting and a SUDS attenuation pond. The planting would soften the existing prominent housing development which breaches the skyline and has a major impact on the surrounding landscape, particularly views from the south. A tree belt and bund along the A90 would provide acoustic screening. A footpath and cycle network would link to existing roads.

194.4 Although Newtonhill is not identified as a main or key settlement in the structure plan, it lies within a defined major communications and development corridor. Development of the site – which meets all “effective” criteria in PAN38 - would contribute towards the

potential shortfall in housing land in the Aberdeen housing market area. Newtonhill is a rural service centre and, as such, is regarded as a focal point for development although no sites have been identified for residential development. The designation of the site would provide an element of affordable housing.

194.5 There are no known ground problems, water and drainage capacity exists, the current road network could serve a further 200 houses although the need for a transport assessment would be anticipated and a noise survey would be undertaken to confirm precise requirements. A range of community and social facilities exists in Newtonhill and, although the primary school is at capacity, the roll is likely to fall by 2006. Additional accommodation could nevertheless be required as a result of the proposed development. The secondary school roll at Portlethen Academy is well in excess of capacity and development at Newtonhill would require a contribution towards additional accommodation.

194.6 The council has argued for many years that the provision of facilities in Newtonhill has not kept pace with recent house-building. This argument was not accepted in a 1995 planning appeal when the Reporter concluded that the community was not so deprived as to suffer great harm by the addition of some extra residents. At that time it was also acknowledged that any expansion of Newtonhill would logically take place in a southerly direction, an opinion subsequently endorsed by the council in its Choices for Growth Interim Policy Guidance. (252.13.1)

194.7 **The Stewart Milne Group** argues that land to the south-east of Newtonhill should be allocated for development under either Policy Hou\1 or Hou\2. Allocation under Policy Hou\1 would comply with structure plan Policy 8, particularly as the local plan indicates a shortage of 20 units in Kincardine and Mearns. Allocation of the balance under Hou\2 would provide land in lieu of the proposed 70 units at Blairs for the period 2006-2010. (see Issue 170) Similarly, objections have been lodged in respect of 55 houses proposed at Marywell. (see Issue 191).

194.8 Strategic support for residential designation of the site is found in Issue 20. Structure plan Policies 11 and 31 also point to the development of the land.

194.9 The settlement profile of Newtonhill identifies a significant number of amenities including primary school, library, post office, shops, public houses, halls, sporting facilities, bus services and a transport interchange at Portlethen. The roll of the primary school is falling with 94% capacity in 2004 and a further reduction forecast.

194.10 Newtonhill is well-placed to accommodate housing which would relate to a transport corridor and provide a more integrated and sustainable transport system. It could also take advantage of the western peripheral road.

194.11 The council's longstanding argument that facilities have not kept pace with development was not supported by a Reporter in 1995. Since then 33 houses were approved and built on the site of the former primary school. No other houses have been constructed since those granted on appeal in 1995.

194.12 The objection site had been considered at the time of the CALPs inquiry when it was concluded that the question of site access was not sufficiently clear but that, should the issue

be resolved, the site was the appropriate direction for Newtonhill to expand, if required. A masterplan has been prepared showing access taken from existing roads to either the west or the north, or both. Landscaping would help to achieve a defensible boundary. The larger, south and south-eastern, part of the objection site should be identified for development with the smaller, north-western section retained as white land for future development. (47.33.1)

194.13 **D Donald, G Scott and S Shepherd** own land to the north of Newtonhill (Mr Shepherd's land having subsequently been purchased by Mr Donald) which they consider should be allocated for residential development. The original objection related to a larger site than subsequently pursued and also indicated a new grade-separated junction with the A90 to the immediate north of Newtonhill.

194.14 As argued under Issue 20, the local plan does not allocate an adequate supply of housing land to meet the strategic requirements of the structure plan. In particular, in the Aberdeen housing market area, there is no specific allocation for Newtonhill and yet only 65 units are identified out of 85 required in "other settlements" in Kincardine and Mearns for the period 2000-2005. No land is safeguarded in Kincardine and Mearns for the period 2011-2015. Newtonhill has already had a period of rest and further development is now justified. This should take place to the north of the village as development to the south would impinge on the setting of Muchalls.

194.15 Both Newtonhill and Cammachmore, to the immediate north, are designated as rural service centres but neither settlement contains a site to be safeguarded for future housing development. Newtonhill is a growing, sustainable community with a relatively new primary school, land allocated for business use and a range of local services. There are good transport links and there have been discussions involving NESTRANS on the possible re-opening of the railway station. Although the council is concerned about lack of shopping facilities, an application for a shop in the loop of the village access interchange was refused planning permission. It is likely that additional houses would attract more shops to the village. In terms of primary school capacity, a new school is proposed for Netherley, some 5 miles to the north-west of Newtonhill. This will reduce pressure on the school at Newtonhill.

194.16 The objection site extends to both sides of the A90 and would be linked by an underpass. The land to the west is relatively flat but slopes down to the underpass. Cammachmore would retain its identity to the west of the A90. To the east, the land slopes southwards from East Cammachmore to the northern fringes of Newtonhill. The site is set in a dip in the land and would be shielded from the main road. Development to the east of the A90, as proposed, would retain sufficient separation from Portlethen to avoid any impression of ribbon development. Some 250 houses could be accommodated with commercial, business and open space provision. A second access for Newtonhill could be provided to the A90 eliminating several right turns and allowing the closure of 4 gaps in the central reservation. The site could be connected to the village road network providing both good vehicular access and cycle and pedestrian links. Residents of both East and West Cammachmore would be able to drive to Newtonhill, particularly to the school, avoiding the A90. This solution could save the expense of providing a flyover across the A90 into Newtonhill.

194.17 The land should be allocated for future housing development under an fh designation for the period 2006-2010 being the most suitable site in Newtonhill. Failing this, the land should be designated fh* and safeguarded for the period 2011-2015 (448.15.1)

194.18 **D Donald & the Elsick Estate** welcome the designation of site Emp A but believe the area should be increased to provide land for employment up to 2011. In particular, land to the north should be allocated for employment purposes, especially, as there appear to have been difficulties in delivering business park proposals at Portlethen. Whilst planning permission has recently been granted for business use at Hillside, Portlethen, there has been little progress on allocated land at Moss-side\Cairnrobin.

194.19 Planning permission has been granted for site Emp A (Classes 4, 5 and 6) although further consideration of the access has led to a revised application indicating site access taken directly from the flyover link to the A90. In turn, the new access would encompass an additional area of land which, in view of demand in locations close to the A90, should logically become part of site Emp A.

194.20 Structure plan policies support the allocation with Policy 2 stating that 10-30 hectares of marketable employment land should be provided in the Portlethen corridor - within which the site lies - and that any other settlement may accommodate up to 5 hectares of marketable employment land at any one time. There is also provision for a specialist business park of around 20 hectares in the Portlethen corridor. Local plan Appendix 11 indicates 37.1 hectares of marketable land have been provided in the corridor to contribute to structure plan Policy 2 against a total requirement of between 40-50 hectares. Some 6.5 hectares is said to be provided at Newtonhill. This is the gross area of site Emp A although the net marketable area is 4.4 hectares. On this basis there is a shortage in both the Portlethen corridor and Newtonhill itself where a further 1.6 hectares is justified. An additional release to the north of site Emp A would be possible to meet the further employment land requirement.

194.21 Site Emp A and the proposed extension are well-related to the existing pattern of development and would reduce the need for travel to work with good pedestrian, cycle and public transport links with Newtonhill. Significant landscaping, as proposed, would ensure the site is not conspicuous within the wider landscape, particularly as the development would be sited on a plateau. Newtonhill is only some 4-5 miles beyond Portlethen and demand for employment land exists as far as Stonehaven. (448.21.1)

194.22 **SNH** objects to site EmpA which, being on the opposite side of the A90 to the settlement, would be highly visible and adversely affect the setting of Newtonhill. (986.37.1)

The council's responses

194.23 Objection 1083.1.1: The objection is accepted. The settlement boundary will be extended to enclose the whole of the coastal park and the protected area designation will be likewise extended to cover the entire park.

194.24 Objections 47.33.1 and 252.13.1: The objections are not accepted. The new Netherley primary school will be at Lairhillock, and the 20 unit housing shortfall will be absorbed in the Marywell allocation. Blairs fulfils the criteria for a rural service centre. Overall, strategic housing land requirements have been met.

194.25 Despite the approval of 6 hectares of employment land, there is unlikely to be a significant impact on travel to work patterns, particularly as there is no rail link at Newtonhill.

194.26 Although a Reporter has expressed an opinion on the appropriate direction for Newtonhill to expand, this would contribute towards coalescence to the south. More development would also conflict with the structure plan as the housing requirement has been fulfilled. Expansion is therefore unnecessary at this juncture.

194.27 Facilities at Newtonhill have not kept pace with new housing. Comparison with the shopping provision in Mintlaw, which is a similar size, shows Newtonhill, population: 2872 and 3 shops, and Mintlaw, population 2662 and 10 shops. Laurencekirk has a population of 1872 and 25 shops. Respite is necessary at Newtonhill to allow facilities to catch up.

194.28 Objection 448.15.1: The objection is not accepted. The responses in respect of the foregoing objections apply insofar as strategic housing land requirements and the lack of local facilities are concerned.

194.29 Although the local plan is required to provide a choice of housing land, not every rural service centre has a housing allocation.

194.30 The primary education situation is complex and requires to be considered in the context of a number of schools in the area. There is capacity in the Newtonhill primary school but even a new school to replace the primary school at Netherley would not necessarily provide the required places. There is also continuing concern about the provision of other community facilities. Shops are a particular problem and even an additional 200 houses would be unlikely to attract more retail development.

194.31 Improvements to the local road network would be welcomed but not at the expense of a development of the size proposed. Development to the north of Newtonhill would be less intrusive than to the south. However, development in this direction would still lead to a degree of urban coalescence contrary to green belt objectives, particularly the aim of protecting the rural setting of Aberdeen.

194.32 Objection 448.21.1: The objection is not accepted. Objections based on hearsay cannot be entertained. Site Emp D at Portlethen has been designated to fulfil the structure plan requirement for a business park. In any event, Newtonhill is not within the Portlethen corridor and, despite high demand, spare capacity remains within existing allocated employment land.

194.33 The structure plan requirements are expressed in gross terms and, on this basis, there is no scope for additional allocation of land at Newtonhill. However, in the event that planning permission is granted for an amended layout at site Emp A it would be logical to include the extra land enclosed by the access road. No further extension would be justified for a rural service centre, especially in view of the much larger development at Hillside, Portlethen that has recently been granted planning permission. That site is superior to site Emp A at Newtonhill as it will have a grade-separated junction and much better access to Aberdeen and the western peripheral route. Newtonhill is also a significant additional distance from Aberdeen.

194.34 Further extension of site Emp A would have a visual impact on the west side of the A90.

194.35 Objection 986.37.1: The objection is not accepted as planning permission has been granted for the development of site Emp A.

Conclusions

The coastal park

194.36 The council accepts the objection by the community council to extend the protected area to include the entire coastal park. The modification also involves an extension of the settlement boundary. This change is reasonable and meets the terms of the objection. There is no reason to dissent.

Site Emp A

194.37 The land designated as site Emp A is the subject of an extant planning permission and there is no reason to expect that the approved development will not follow in due course. On this basis, whilst SNH is concerned about the prospect of development to the west of the A90, the development envisaged by the local plan allocation is moving towards implementation. Events have therefore overtaken the objection.

194.38 The amended planning application alters the access arrangements and I accept that a spur from a roundabout is preferable to the junction closer to the slip road from the A90. If granted planning permission and constructed, the amended access would enclose an area of land that would have the potential for an additional 1.51 hectares of employment land. This would represent efficient use of the land and would have little wider visual impact than the area of site Emp A as already allocated.

194.39 Structure plan Policy 2 indicates that settlements other than those specified “may accommodate up to 5 hectares of marketable land at any one time”. Extended site Emp A would exceed the strategic limit in gross terms and the net marketable area would be about 5.9 hectares. Even if Newtonhill is regarded as a settlement in its own right, rather than part of the Portlethen corridor, I conclude that, taking into account the access arrangements and the efficient use of land, the size of the allocation is acceptable and does not compromise the structure plan guidance. The council accepts the logic of the situation and I further conclude that site Emp A should be extended as required by the objectors to include the land enclosed by the loop of the revised access road.

194.40 Turning to the larger extension of the site to the north, the structure plan makes provision for a business park of around 20 hectares in the Portlethen corridor. The “corridor” includes Portlethen, Badentoy, and Moss-side\Cairnrobin. I conclude that the council is correct in the view that Newtonhill is not part of the corridor. Although the description of the corridor does not exclude other settlements, it is not unreasonable to believe that Newtonhill would have been specified if the village was intended to be included. On this basis, there is no structure plan support for a business park site at Newtonhill.

194.41 It has been suggested that there have been difficulties in delivering a business park land in the vicinity of Portlethen. However, there is no substantive evidence in this respect and the recent granting of planning permission for a business park at Hillside, Portlethen,

suggests that there is some progress. Notwithstanding the conclusion that Newtonhill is not within the Portlethen corridor, I conclude that it would not be appropriate to make provision for a business park through the further extension of site Emp A.

Housing land allocations

194.42 All three housing objectors include a strategic thread to their arguments but, in view of the conclusions under Issue 20 that there is no requirement for additional large-scale housing land allocations to meet structure plan targets, this particular aspect cannot be supported. On the other hand, the objectors point out that the local plan allocation for “other settlements: Kincardine and Mearns” falls 20 short of the target of 85 shown in structure plan Table 4a for the period 2000-2005. Additionally, the Stewart Milne Group makes reference to Blairs where, under Issue 170, the recommendations effectively reduce by 70 the “other settlements: Kincardine and Mearns” contribution to the Table 4a target of 125 for the period 2006-2010. On this basis, it is appropriate to consider whether Newtonhill could make a contribution towards making good these shortfalls.

194.43 The council argues against any further development at Newtonhill on the basis that the village requires a “rest” from development in order to allow the level of services and facilities to adjust to meet the expansion that took place some time ago. The objectors point out that a similar argument has been put forward for some 10 years and that a Reporter had concluded that the community was not so deprived as to preclude some additional residents. The Schedule of Settlement Profiles, August 2002, indicates a range of amenities. The library is identified as being inadequate, health facilities are under pressure and there is an unmet demand for additional tennis courts. These shortcomings are identified in the local plan at Appendix 8, Developer Contributions. The schedule indicates that the primary school roll is falling and the 2002 forecast confirms this with 92% capacity in 2005 reducing to 80% capacity in 2011. Appendix 8 identifies the possibility of primary school provision as a developer contribution requirement. There are three shops in Newtonhill which the council compares with other settlements of a similar size, including Laurencekirk.

194.44 No detailed assessment of the impact of new residential development on Newtonhill has been undertaken by the council and therefore any continued moratorium on additional housing is, to a large extent, a subjective judgement. It is evident that the village has experienced significant growth as many of the houses are relatively modern. However, the most recent developments are maturing and have an established appearance. There is clearly a reasonable range of amenities in Newtonhill although, from the evidence provided, it is impossible to judge the adequacy of each. Whilst the council points to there being only three shops, comparison with villages that have wider catchment areas, such as Laurencekirk, is perhaps somewhat misleading. The primary school situation is said by the council to be “complex” but, on the face of the matter, the school roll is forecast to fall significantly and a new primary school is proposed in the rural area to the north-east. In any event, the possibility of developer contributions is set out in Appendix 10 and, as a designated rural service centre, it is not unreasonable for the village to anticipate the prospect of new development. Indeed, insofar as the council has opposed further development “at this juncture”, there is the implication that development is not ruled out at some time in the future.

194.45 All-in-all, I conclude that the case for a continuing period of rest in respect of housing development at Newtonhill has not been established and that the settlement should be considered as a potential location to meet the targets contained in structure plan Table 4a. In reaching this conclusion I also took account of the public transport situation although the possibility of a reopened railway station was not a persuasive factor as no substantive evidence was provided in this respect. I also believe that the character of Newtonhill is unlike many of the smaller rural service centres and compares in some respects with the character of the edge-of-city communities identified in the structure plan albeit, smaller in size.

194.46 Opposing opinions have been expressed in respect of the preferred location for any new housing. Messrs Donald and Scott support development to the north believing there would be adequate separation from Portlethen and the impact of development to the east of the A90 would be reduced by the local topography. Impact on Muchals would be an important consideration if development were to take place southwards from Newtonhill. This view is supported by the council.

194.47 Stewart Milne and Barratt consider that development to the south-east and south is more appropriate and point out that this was endorsed by a Reporter. Barratt accepts that the south facing site would be prominent but believes that the existing adjacent development has breached the skyline and that planting would not only screen new development but would also lessen the impact of what has already been built. Stewart Milne refers to the CALPs inquiry and the support for the site that was only qualified by lack of clarity in respect of access arrangements.

194.48 I note that the land to the north of Newtonhill forms the southern extremity to designated green belt around Aberdeen whereas to the south the land is countryside and not within the green belt. As explained by the council, the purpose of the green belt is to protect the landscape setting of the city and to prevent coalescence. Whilst development of land to the north of Newtonhill would not bring about physical coalescence, it would have a visual impact on both sides of the A90. The northern edge of the village currently makes little impact in the landscape, ending on low ground adjacent to a burn. The proposed houses would be constructed on the rising ground of the slope beyond and would detract from the setting of Newtonhill, impinge on the wider landscape setting which the green belt protects and represent a significant incursion in the direction of Portlethen. Development to the west of the A90, even though less extensive than originally intended, would also have a significant impact in an area that is currently generally open.

194.49 The proposed road network would allow the closure of gaps in the central reservation of the A90 and, notwithstanding the indicative layout, the objectors state that a link could be formed with the existing northern part of Newtonhill. Despite any benefits that might derive, I conclude that the impact on the green belt and landscape setting is such that development should not be allocated to the north of Newtonhill on either the east or west of the A90. Furthermore, although the objectors indicate that a link could be formed with the existing built-up area, it is not clear how this would be possible. The existing development naturally terminates close to the stream and does not offer an easy opportunity construct a road to the north. Indeed, the proposed development appears as a somewhat contrived extension to the village and therefore would be contrary to the guidance in SPP3.

194.50 Turning to the south of the village, development would bring Newtonhill closer to Muchalls but this is a lesser consideration in view of the lack of green belt designation. Two potential sites have been brought forward by the objectors. The Stewart Milne site to the south-east has the benefit of being less visually intrusive in the landscape setting and, as concluded following the CALPs inquiry, the threat of coalescence and impact on Muchalls is not such as to discount the site. At the time of that previous inquiry, there was doubt about the provision of an access. The objectors state that the masterplan shows access being taken from the west or from the track to the north, or both. However, there is no confirmation that either of these two solutions is readily available. The objector has indicated that access to the land in the north-western part of the site would require to be taken from the south through the larger part of the site. It is suggested that this smaller area should be retained as white land. It is not clear why this land should remain undeveloped in the meantime and not form part of an overall layout. In view of the remaining uncertainties about access and the status and future of the land to the north-west of the site, I conclude that a residential designation would not be appropriate.

194.51 It has not been disputed that the Barratt land is visually prominent on a generally south-facing slope and adjacent to the A90. I concur with this assessment. However, as has also been pointed out, the existing development has breached the skyline and already impacts significantly on the landscape. The masterplan shows significant peripheral and internal planting to soften both the existing and proposed development. Although only in schematic form, the tree belt and acoustic barrier adjacent to the A90 appear to be substantial. The site is effective in terms of PAN38, a claim that the council has not disputed. I therefore conclude that a residential allocation would be appropriate in this location to accommodate 90 houses comprising 20 in the period 2000-2005 and 70 in the period 2006-2011. The objector has not indicated the anticipated capacity of the site although the gross area is 13.3 hectares. The net developable area would be somewhat reduced by the provision of landscaping in the form suggested in the masterplan but nevertheless may be over the required total. If so, the boundary should be adjusted to allow a site capacity of 90 houses taking into account the need for extensive planting and landscaping. Project areas for strategic landscaping should be shown along the southern and western boundaries.

Recommendations

194.52 I recommend that the local plan is modified, as proposed by the council, whereby the protected area designation is extended, along with the settlement boundary, to include the entire coastal park. This is as illustrated in the amended settlement maps, 26 May 2003.

194.53 I further recommend that site Emp A is extended to include the proposed amended access road and the land enclosed by the access and the loop of the interchange.

194.54 I further recommend that land within the boundary of objection 252.13.1, bounded by the A90 to the west and existing development to the north, should be allocated for residential development within the settlement boundary. The land immediately adjacent to the existing housing should be designated site A, suitable for around 20 houses and land to the south designated fh1, suitable for around 70 houses. Project areas for strategic landscaping should be shown along the western and southern boundaries. The size of the site should be adjusted to accommodate the identified number of houses taking into account the required landscaping. The settlement text should be modified to reflect these land use designations.

ISSUE 195

Kincardine & Mearns – Park

Objector	Reference
Park Estate	942.1.1
Crathes Drumoak & Durriss Community Council	1055.4.1

Procedure	Reporter
Written submissions	Richard Dent

Provisions of the local plan

195.1 The finalised local plan designates Park as a rural service centre in the Aberdeen housing market area. No development opportunities are identified.

Basis of the objections

195.2 **Crathes Drumoak & Durriss Community Council** requires the line of the old railway to be designated as a protected area (leisure facility). The designation should extend beyond the settlement boundary. (1055.4.1)

195.3 **Park Estate** requires land to the north of the village envelope to be designated for immediate housing development and future housing, as in the draft plan. Alternatively, land to the west of the village should be allocated for housing in the short to medium term. Access to both sites would be from the A93 via a minor road. Design and density could enhance the village environment and community atmosphere.

195.4 Development at Park could provide an alternative to that proposed at nearby Drumoak and also contribute to the identified shortfall of 20 houses in Kincardine and Mearns for the period up to 2005. Housing would also help to meet the overwhelming demand in the vicinity and meet local plan objectives through supporting local businesses, particularly the village shop. All settlements require a degree of change for the long term well-being of the community. (942.1.1)

The council's responses

195.5 Objection 1055.4.1: The objection is not accepted. Policy Env\7, Protected and Other Open Areas in Settlements, provides adequate safeguards for all open areas in addition to those specifically identified. The policy does not apply beyond settlement envelopes.

195.6 Objection 942.1.1 1: The objection is not accepted. The value of change is recognised but neither site has good access to the A93 with no prospect of improvement. Moreover, the structure plan housing land requirement has been met with any shortfall made good elsewhere.

Conclusions

Protection of the railway line

195.7 Objection 1055.4.1: The council does not accept the objection on the basis that Policy Env\7 provides adequate safeguards. However, it is also indicated that the policy does not extend beyond settlement envelopes. The former railway line is to the south of the A93, beyond the defined boundary of Park and therefore is not protected under Policy Env\7. Nevertheless, Policy Inf\12, Safeguarding Land for the Modern Transport System, safeguards currently unused rail lines and other areas of former or otherwise unused railway land where such sites might contribute to the development and delivery of the modern transport system. As part of the evidence under Issue 249 (Railway) the hope is expressed that a railway connection will be restored between Banchory and Aberdeen. Accordingly, I conclude that the former line is protected under Policy Inf\12 and a modification of the local plan is not required in respect of this objection.

Housing land allocations

195.8 Objection 942.1.1 1: In terms of the local plan glossary, rural service centres may provide opportunities to absorb small-scale local development needs. In so doing, any new residential development also contributes to strategic housing land requirements. There is no absolute requirement for every rural service centre to accommodate new development and the council has pointed out that structure plan requirements have been met elsewhere.

195.9 Park is a small, compact rural service centre with clearly defined boundaries. The council accepts the argument that new development can stimulate the community although, in my opinion, Park does not show any signs of becoming moribund. Any new development must necessarily be small-scale so as not to overwhelm the physical and community character of the settlement. Houses would undoubtedly be marketable and likely to benefit local businesses, including the shop. However, the benefit in this latter respect would be very limited. Although Park Estate has claimed that new development would enhance the village environment and community atmosphere, no details have been provided to substantiate this opinion.

195.10 The council has expressed concern about the access from the A93 although specific design shortcomings have not been provided.

195.11 All-in-all, taking into account the size and character of Park, the self-contained nature of the settlement and the lack of a strategic need for additional housing land allocations, I conclude that the village should remain as a rural service centre without an additional development land allocation. In turn, there is no requirement to modify the local plan in respect of this objection.

Recommendation

195.12 I recommend no change to the local plan in respect of these objections.

ISSUE 196

Kincardine and Mearns – Portlethen

Objector	Reference
Bruce McEwan	47.19.1
Stewart Milne Group	445.2.4 & 5
McIntosh Donald & John Rhind Farms	568.62.1-3 & 91.1
Helen Smith	732.1.1-7
Linda C Smith	734.1.1-3
Barbara & Alan Tait	741.1.1-9
H R Yeoman	770.1.1-12
Brian & Carol Hay	774.1.1-7
Ian & Isobel Henderson	780.1.1-10
Alan & Irene Knight	798.1.1
Andrew McKessick	825.1.1
Portlethen Primary School Board	947.1.1-3
Mr Shand	958.3.1-3, 4.1-2*, 5.1* & 6.1*
Scottish Natural Heritage (SNH)	986.39.1 & 2
Portlethen & District Community Council	1103.1.1
Ramco Oil Services	1216.1.1

* subsequently adopted by Barratt Construction Limited

Procedure	Reporter
Formal inquiry (Barratt Construction Ltd) and written submissions	Richard Dent

Provisions of the local plan

196.1 Portlethen is identified in the structure plan as an edge-of-city community. The finalised local plan settlement statement defines Portlethen as a main service and employment centre and a commuter town. Five development sites are listed including site A, suitable for around 400 houses and site Emp D, suitable for appropriate employment uses. Both sites are west of the A90. Five project areas are shown including sites P3 and P4, playing fields, which, in the proposals map, are located to the east of the railway. Future housing is shown as site fh1(400). The population forecast shows a small decrease between 2001 and 2006.

196.2 Designated green belt lies to the north of Portlethen with a further pocket to the south, west of the railway line.

196.3 A district distributor road is shown forming a loop from the A90 and passing through sites A and fh1 and close to the north-western boundary of site Emp D with “X” and “Y” designations. The settlement statement explains that the west boundary of the new district distributor will define the green belt boundary from point X to point Y. The district

distributor meets the A90 to the north of Portlethen at a point identified as a future road junction.

196.4 Designated coast (undeveloped) extends to the east of the railway line.

196.5 Portlethen is shown on two proposals maps: Portlethen East covers the residential area of the town and Portlethen West which covers a detached part of the settlement comprising the Badentoy Industrial Estate, including site Emp C for expansion, and the western extremity of site fh1.

Basis of the objections

196.6 **Stewart Milne Group** refers to the strategic housing objections (Issue 20) and the need to release more land for housing. In this respect Portlethen is a main service and employment centre and a commuter town. The local plan should therefore designate previously committed housing allocations at Schoolhill in the period up to December 2010.

196.7 In terms of development between 2011-2015, the structure plan places emphasis on edge-of-city communities such as Portlethen. Accordingly, the local plan should identify Portlethen for development in terms of structure plan Policy 10 with the prospect of earlier phasing depending on review of the structure plan. In this respect, land to the south of Portlethen, previously identified by the council as a preferred choice for growth, and land to the north of Schoolhill should be removed from the green belt and identified for future housing under Policy Hou\2. (445.2.4 & 5)

196.8 **Portlethen Primary School Board** requires a policy in respect of the funding bid to extend Portlethen Academy to ensure that the provision of a range of ancillary facilities benefit the town as a whole.

196.9 The development at Hillside should not be in two phases (sites A and fh1) but, in order to secure the highest level of planning gain, the entire 800 houses should progress as soon as possible.

196.10 Roads to Portlethen from surrounding villages such as Findon, Old Portlethen and Downies are narrow and busy. To provide safe routes to school for children these roads should be designated "Safe Routes" with a 30 or 40mph speed limit and cycling and pedestrian priority. (947.1.1-3)

196.11 **McIntosh Donald & John Rhind Farms** also seek the release of the entire site at Schoolhill in accordance with the masterplan. This would ensure the development and all related infrastructure provision could proceed with confidence. In any event, site fh1 should be brought forward to meet structure plan housing land requirements. Phasing could be controlled through planning conditions. The finalised local plan is unsatisfactory as the distributor road is shown beyond the settlement boundary. The proposed modification is welcomed insofar as the line of the distributor road is indicative and does not define the green belt boundary. (568.62.1-3 & 91.1)

196.12 **Mr Shand** objects to the allocation of sites P3 and P4 solely for playing fields and to the lack of residential allocation on the intervening land. The area is unused agricultural land

that is unlikely to be utilised in the future. Two options are proposed: retain P4 with residential development on P3 and intervening land along with an upgraded road and structural planting (this is the preferred option); retain half of P3 and half of P4 with residential development on the remainder and on the intervening land. The development area, including the playing fields, extends to about 31 hectares. The playing fields would be handed over to the council.

196.13 The extent of the local plan allocations for playing fields will lead to unrealistic expectations and there is already over-provision with a good range of facilities. The land has good access to the town centre, primary school, railway station and other amenities and residential development would accord with sustainable principles. Bridge, road and footpath improvements would augment these benefits.

196.14 The health centre sets a precedent for development to the east of the railway and sites P3 and P3 effectively bring the land within the Portlethen urban envelope as a logical extension of the built-up area. The location has the capacity to absorb development into the landscape while protecting the wider views into Portlethen from coastal villages and beyond. Accordingly, development in this direction is preferable to linear expansion southwards where the visual impact would be greater. The land to the east of the railway is identified as part of an area of landscape significance but the objection sites have little landscape value and the designation should be deleted at this point.

196.15 The boundary of the coastal zone, which is shown to follow the railway, should also be changed to reflect the situation.

196.16 The western section of site fh1 is an isolated finger and would result in ribbon development inappropriately located adjacent to industrial use. This part of site fh1 should be deleted and alternative residential land should be allocated to the north. Other parts of the site are located on prominent slopes and should also be deleted. Development to the north would make better use of the proposed distributor road. Site Emp D should also be expanded to both sides of the distributor road. The green belt designation in the vicinity of Causeyport should also be deleted as there is no danger of coalescence of Portlethen and Patterton.

196.17 The deletion of unsuitable areas would reduce the capacity of site fh1 by at least 100 houses. Land to the east of the railway line could provide an alternative. (958.3.1-3)

196.18 **Barratt Construction** endorses the objections of Mr Shand in terms of site fh1, site Emp D, the green belt designation in the vicinity of these sites and the required allocation of additional housing and business land at Causeyport. It is acknowledged that conditional planning permission has been granted for sites fh1, A and Emp D and that a section 75 agreement has also been concluded in respect of the land at Schoolhill. The development derives from the Choices for Growth exercise and accounts for the structure plan allocations in Portlethen for both 2000-2005 and 2006-2011. The masterplan prepared by Barratt Construction in respect of the land at Causeyport has been adapted to take account of the most recent proposals for the allocated land. As a consequence, the objections are now as follows:

the site at Causeyport is a natural extension to the land now released and should be designated fh* in accordance with structure plan Policy 10 which relates to phase 3 of the housing land programme for the period 2100-2015;

the long term green belt and settlement boundary for Portlethen should incorporate Causeyport.

196.19 Future expansion of Portlethen is naturally to the west, especially as the railway line restricts development to the east and development to the south and north has previously been rejected.

196.20 The Causeyport site is an open area, with few significant landscape features, rising gently from Portlethen. There are limited views into the site. A mixed use development is proposed and the land uses would complement those approved on adjacent land. In particular, there would be further employment land next to site Emp D therefore using both sides of the distributor road. The proposal is long-term and, in the meantime, the area would remain undeveloped although early planting would provide a mature landscape for incoming investment and reinforce the edge of Portlethen. Two phases of housing would extend from south to north through a series of open spaces and landscaped and planted buffer zones. A reservation for community uses would provide a school site preferable to that proposed by Stewart Milne being in a more central location. Other community uses could include local shops, community hall and a sports facility. In total the proposal would provide a logical development and involve:

Residential – phase 1	13.1 hectares	262 units
Residential – phase 2	12.3 hectares	246 units
Employment uses	7.6 hectares	
Community uses	2.0 hectares	
Leisure/open space/planting	22.0 hectares	
Total	57.0 hectares	

196.21 A total of some 1300 houses would be provided on the land already released and the proposed extension. The long-term nature of the development would ensure there would be no threat of future green belt incursion.

196.22 Concern had been expressed initially about the impact of the development of site fh1 on ridge lines but the indicative masterplan avoids development in most of these sensitive areas. Similarly, the masterplan for the objection site proposes significant landscaping and, where appropriate, screen planting. A boulevard of trees along the distributor road would provide definition in a currently featureless landscape. New housing development would make a positive contribution to both the built and rural environment. Masterplanning will define cycle, pedestrian and public transport facilities. Overall, the development would be well-contained and sustainable. Designation under fh* is therefore justified. In terms of structure plan Policy 10, the land is an obvious site that should be identified in the local plan. There is no need for a capacity study to establish the suitability of the site. As an alternative, the settlement boundary could be extended to encompass the site.

196.23 The expansion of Portlethen as proposed would not offend the three basic purposes of the green belt. Indeed, the added definition to the boundary would be beneficial. There would not be coalescence with Aberdeen either physically or visually. The additional development required would approach no nearer to the city than the approved land release and would have no significant impact as the direction of development would be west, not north. At present the land does not have a green belt character and is simply open, unremarkable countryside. Good development would be beneficial in such a featureless area. Recreational use would be improved and increased. Similarly, in terms of the structure plan, the designation of the objection site would allow the definition of a sustainable long term green belt edge. There is no requirement to postpone the required fh* allocation on the pretext of the need for a comprehensive review as the green belt in the vicinity has been the subject of scrutiny through the Choices for Growth exercise and the CALPs inquiry. (4.1-2, 5.1 & 6.1)

196.24 **Bruce McEwan** seeks the inclusion of a field within site fh1. The land lies between the Fire Training Centre and a site with planning permission for a builder's yard and does not perform any recognised green belt function. It should be removed from the green belt and identified for development as part of the larger allocated area. (47.19.1)

196.25 **SNH** objects to sites A, Emp C, Emp D and fh1 which would lead to coalescence along with negative visual and landscape impacts. The location is unsustainable and would have an adverse impact on the setting of settlements. The projected fall in population does not accord with the additional houses proposed. (986.39.1 & 2)

196.26 **Portlethen & District Community Council, Helen Smith, Linda C Smith, Barbara and Alan Tait, H R Yeoman, Brian and Carol Hay, Ian and Isobel Henderson, Alan and Irene Knight and Andrew McKessick** object to sites A and fh1. The demand for 800 houses is questioned and concern is expressed about the prospect of building on open fields in the green belt, especially as development has previously been rejected to safeguard agricultural land. It is claimed that the area is of value in terms of nature conservation. Building to the west of the A90 will create a divided community. A precedent would be created and more development will inevitably follow.

196.27 Additional business land, if required, should be located at the Badentoy Industrial Estate.

196.28 Traffic conditions are already difficult and the additional houses would cause further problems, especially for those requiring to cross the A90. Pedestrian and traffic links in the new development do not appear to be provided or are incorrectly located. The development is too far from the station to make use of trains.

196.29 There is inadequate infrastructure and the new development requires a school, shops, medical facilities, park and play areas, a fire station, additional police and amenities in general. If not provided, it is inevitable that the services in Portlethen - which are already under severe pressure - will be faced with intolerable additional strain. (1103.1.1, 732.1.1-7, 734.1.1-3, 741.1.1-9, 770.1.1-12, 774.1.1-7, 780.1.1-10, 798.1.1, and 825.1.1)

196.30 **Ramco Oil Services** draws attention to an error in the south-western boundary of the Badentoy Industrial Estate. (1216.1.1)

The council's responses

196.31 Objection 47.19.1: The objection is accepted. It is proposed to extend the boundary of site fh1 to include the objection land.

196.32 Objections 445.2.4 and 2.5: The objections are not accepted. Development is already focused on the area to the north-west with housing allocations on sites A and fh1 to minimise infrastructure costs. There is no need for a site to the south of Portlethen as the structure plan housing land requirement has been fulfilled.

196.33 The structure plan stipulates the total number of houses required in the period 2011-2016 (phase 3) and explains that "local plans may where possible indicate where this housing should be accommodated." Accordingly, it is not necessary for the local plan to identify potential phase 3 sites. A preferred area (or areas) of search will be identified on the basis of a strategic investigation early in the life of the local plan. This process must be undertaken prior to any commitment to long-term sites. No indication has been given in terms of phase 3 housing and therefore no land has been discounted as an area of search. In any event, structure plan Policy 10 states that allocations will be subject to review.

196.34 Objections 568.62.1 and 3 & 91.1: Although the objections were not initially accepted insofar as a strict interpretation of the structure plan would not allow the early release of site fh1, planning permission has now been granted for both sites A and fh1 in recognition of the exceptional infrastructure cost associated with the development.

196.35 Objection 568.62.2: The objection is accepted and the local plan will be amended.

196.36 Objection 958.3.1 1: The objection is not accepted. Ease of access for the greatest number of people was instrumental in the health centre location. Because this was a particular operational requirement, the location to the east of the railway did not create a precedent for other development.

196.37 The proposed playing fields are an easily reversed land-use and not comparable with more permanent development. Claim of over-provision of playing fields is unsubstantiated.

196.38 Views into Portlethen are not at issue whereas the outward views from the village and its coastal zone are of importance. The landscape in this vicinity could not absorb further development without detracting from the scenic qualities.

196.39 Objection 958.3.2-3: The objections are not accepted. The health centre has need for local accessibility. Playing fields do not have the impact of built development and are an acceptable land use in an area of landscape significance, the boundary of which should remain unchanged. The area is already punctuated with houses and steadings, but the extent of development the objector proposes would destroy the purpose of the area of landscape significance. Similarly, the coastal zone should not be amended.

196.40 Objection 958.4.1: The objection is not accepted. Ribbon development would not be created by the western section of site fh1 where development in depth is proposed. The

“finger” is about a kilometre in length and narrows from 400 metres to 230 metres at its extremity.

196.41 A contiguous boundary with employment land is not an impediment to residential development and offers the opportunity for reducing journeys to work - a contribution to sustainability. In any event, strategic planting is proposed for the northern boundary of the employment land.

196.42 Objection 958.4.2, 5.1 & 6.1: The objections are not accepted. The district distributor will provide a clear, defensible settlement boundary. The housing allocations are necessary to conform to the structure plan. The question of development in the period 2011-2015 has still to be fully addressed. In the meantime, the local plan is not obliged to identify housing land for this period. In any event, only “areas of search” should be indicated, as has been the case in other local plan areas, such as Inverurie, where fh* allocations have been included. Even then, the designation does not guarantee future development. The structure plan requirement for employment land has already been exceeded by 3 hectares of marketable land and 40 hectares of constrained land. It has not been shown that there is a demand to support additional employment land allocations.

196.43 Structure plan Policy 27, Green Belt, states that the boundaries of the Aberdeen green belt and strategic reserve land will be subject to review with the aim of protecting and enhancing prime ecological, landscape and recreational assets, meeting the aims of sustainable transport and identifying land for long term development needs of Aberdeen and surrounding settlements. This general review of the green belt will be a comprehensive exercise and will allow assessment of the objection site in a wide context. Although the green belt function in the vicinity has been the subject of past scrutiny, it is important to assess the situation afresh in the light of current circumstances. In the meantime, the green belt boundary, as shown on the statutory local plan, should be maintained. Approval of development on the objection site would effectively set a precedent for other developers to identify housing sites in the current green belt, thereby undermining the integrity of the designation.

196.44 The local plan policies are intended to maintain the identity of the city by establishing a clear physical boundary, providing countryside for informal recreation purposes and to protecting the character of the area from inappropriate development. Housing development in the green belt is specifically addressed and existing policy indicates that the Aberdeen green belt needs to be protected from new housing that would be inconsistent with its functions. Accordingly, it is important that the green belt is maintained to protect and enhance the landscape, encourage recreation and prevent coalescence of settlements. Northwards extension of development at Causeyport would contribute to urban coalescence.

196.45 Development on the objection site would affect the setting of Portlethen, and the predominately rural landscape character of this part of the green belt would be permanently altered. Whilst development would not immediately compromise the setting of the city - although the built-up area of Portlethen would be extended some 500 metres in the direction of Aberdeen - it is necessary to take account of incremental loss of the green belt. In this respect, although the objection site is relatively self-contained, the landscape context of the city would lose part of the overall setting at a location where the green belt is at its narrowest and most fragmented. Even although the site may not have the highest landscape or ecological value it is no less valuable in terms of retaining openness and providing a defined

boundary along the northern and western perimeters of the approved development. Lack of recreational use at present does not mean that such a use could not be encouraged and enhanced in the future.

196.46 Objection 986.39.1: The objection is not accepted. Sites A and fh1 housing allocations and sites Emp C and D employment land allocations were recommended by the CALPs inquiry Reporter. The housing allocation is necessary to conform to the structure plan.

196.47 Objection 986.39.2: The objection is accepted. Notwithstanding the relevance of the population figures to the base date of January, 2000, it is accepted that, as the base date recedes, the value diminishes and could, perhaps, mislead. It is proposed to omit items (b) and (c) from Section 1 of each settlement statement.

196.48 Objection 947.1.1: The objection is partly accepted. Site identification must await firm commitments, but a project area for urban enhancement will be defined on the proposals map and the text amended accordingly.

196.49 Objection 947.1.2: Although not accepted the objection has been overtaken by events insofar as planning permission has been granted for sites A and fh1.

196.50 Objection 947.1.3: The objection is not accepted. These are not matters for the local plan.

196.51 Objections 732.1.1-7, 734.1.1-3, 741.1.1-9, 770.1.1-12, 774.1.1-8, 780.1.1-10, 825.1.1 and 1103.1.1: Although not accepted, these objections have also been overtaken by events through the granting of planning permission for sites A and fh1. Nevertheless, the objections were considered and led to the following responses:

- Sites A and fh1 have no specific scenic designations with no special environmental or landscape features; the land is not prime agricultural quality;
- A grade-separated junction will be constructed along with a district distributor road to the overall benefit of the local road network with improved safety in respect of A90 crossings;
- Vehicular and pedestrian links are proposed between sites A and fh1 and community facilities in Portlethen; the text will be amended and the proposals map altered in this respect;
- Much of the development will be within easy walking distance of community facilities once the underpass is constructed to provide the required links;
- The level odiferous nuisance does not justify the deletion of the local plan allocations;
- Problems are not anticipated in making appropriate school provision for the additional children;
- Although health facilities are at capacity, but they can be upgraded through developer contributions;
- Grampian Police have stated that staff levels in Portlethen are adequate;
- The employment land is intended to function as a business park and is directly related to the proposed new interchange with the A90;

- Benefits to the environment in terms of sustainability achieved by concentrating development wherever possible on public transport corridors outweigh the acknowledged shortfall in community facilities;
- The emergency services have stated that they will be able to cope with the proposals and, in particular, Grampian Fire Brigade has confirmed that it will be able to meet its standard of fire cover obligations in terms response times.

196.52 Objection 1216.1.1: The objection is accepted. The proposals map will be amended.

196.53 In addition to the modifications proposed following consideration of objections, it is proposed that the settlement statement should make reference to a park-and-ride facility in the vicinity of Portlethen.

Conclusions

South-west boundary of the Badentoy Industrial Estate

196.54 The council intends to adjust the settlement boundary to reflect the terms of the objection, thereby correcting the error. There is no reason to dissent.

Population statistics

196.55 The council has indicated the intention to amend the settlement statement by deleting the reference to population. Whilst the 2006 forecast is likely to be misleading, the 2001 population is a useful statistic which would be worthy of retention. Accordingly, I conclude that the 2001 population should be retained and the 2006 estimate should be deleted.

196.56 It is also intended to delete the list of major services and facilities but this is not the subject of any objections.

Sites A & fh1 and the proposed distributor road

196.57 The objections to the release of sites A and fh1, in part or totally, do not require to be considered in any detail as the granting of outline planning permission for both land allocations has effectively taken forward the provisions of the finalised local plan. Whilst the granting of outline planning permission does not guarantee implementation, the conditional approval and the related section 75 agreement are clearly significant steps in this direction.

196.58 The council has nevertheless considered the objections to the proposed development and is proposing two modifications.

196.59 Firstly, it has been agreed that the line of the distributor road should be regarded as indicative. It is appropriate to specify this as, despite the generalised route shown for the distributor road, confirmation of the indicative status, provides an element of flexibility in the overall design process. Points X and Y are also proposed for deletion and, as a consequence, the note in the settlement statement should also be deleted.

196.60 Secondly, the council intends to amend the text and the proposals map to indicate links between sites A and fh1 and the community facilities in the village. This proposal is worthy of support if only to show an endeavour to integrate the new development to the west of the A90 with the existing community facilities by means of both vehicular and pedestrian links. No details have been provided but these should be shown as fully and clearly as possible.

Extension of site fh1

196.61 The council has indicated the intention to amend the proposals map to include the field adjacent to the Fire Training Centre within site fh1 as required by Bruce McEwan. This minor adjustment is reasonable and meets the terms of the objection. There is no reason to dissent.

Land at Causeyport

196.62 The objector argues that, in terms of structure plan policy, land should be identified for housing for phase 3, that is, the period between 2011 and 2015. Causeyport is the obvious choice as development would be designed to relate to sites A and fh1 which have recently been granted outline planning permission. It is argued that impact on the green belt would be negligible and, in fact, built development would bring about an improvement in the local landscape. Conversely, the council believes that phase 3 housing should not be brought forward until a comprehensive study of the options has been undertaken. This would take place early in the life of the local plan. In any event, development at Causeyport would have an adverse impact on the green belt.

196.63 Structure plan Policy 10 states that local plans may, where possible, indicate where housing in phase 3 should be accommodated, based on the capacity of settlements and in accordance with their function. Any indicative allocations will be the subject of review through the development plan process as part of a commitment to continuous plan-making. In terms of Policy 10 it is clear that there is no obligation for local plans to indicate phase 3 housing should be accommodated.

196.64 In general terms, Portlethen must be regarded as a potential contributor to housing land requirements in phase 3 as the settlement is defined as one of three edge-of-city communities which are “suburban centres ... that accommodate strategic growth of the city.” Indeed, it is clear from the extent of the outline planning permission for sites A and fh1 that this role is being fulfilled. However, I support the council’s belief that a new capacity study should be undertaken as this would enable an assessment under current circumstances - the CALPs inquiry took place in the context of a structure plan that has since been superseded. Whilst the land at Causeyport might have some claim for a future housing land allocation there are also other contenders including sites which are also the subject of objections. I therefore conclude that, insofar as the council has given an undertaking to prepare a capacity study in the early part of the life of the local plan, it would not be appropriate at this time to allocate land for housing in phase 3, 2011-2015.

196.65 In the light of the foregoing conclusion, consideration of further matters becomes secondary. However, although the objectors dismissed the value of the site in the context of the Aberdeen green belt, the land is designated and is therefore an integral, if peripheral, part

of this strategic allocation. Green belt land should not be released for development lightly and this will doubtless be a further factor to be taken into account in any capacity study. The council pointed out that the cumulative impact of the loss of individual green belt sites must be assessed and I endorse this opinion. Indeed, in view of the likely pressure to release land in edge-of-city communities for phase 3 housing, the case for a full review, as required by structure plan Policy 27, is strengthened. Whilst I accept that, in landscape terms, the land at Causeyport has no outstanding characteristics, the council points out correctly that the very openness of the land makes a positive contribution to the green belt. The open nature of the land also contributes to the wider setting of Portlethen and this is a further factor that the capacity study will no doubt consider.

196.66 As with any land release of the size required, a masterplan is essential and, in this case, it would be necessary, as the objector states, to take full account of the development to the south on sites A and fh1. This process would not be prejudiced by any phase 3 allocation that may be made following the completion of the capacity study.

196.67 All-in-all, I conclude that the land at Causeyport should not be designated fh* and that the green belt designation should be maintained.

Note: These conclusions also apply to the objection by the Stewart Milne Group in respect of “land north of Schoolside”.

Land to the east of the railway

196.68 Land for housing to meet structure plan requirements for the periods 2000-2005 and 2006-2010 has been allocated under sites A and fh1. Outline planning permission for both sites has been granted and further release is not required at Portlethen. As concluded in respect of the required release of land at Causeyport, no phase 3 (fh*) allocations should be made pending the capacity study to be undertaken by the council. Accordingly, I conclude that additional housing allocations should not replace any part of land use allocations P3 and P4 or be applied to the intervening land.

196.69 Again, in the light of the foregoing conclusion, consideration of other matters is secondary. However, although the health centre is to the east of the railway line, this does not set a precedent to the extent claimed by the objector. The health centre complex is limited in extent and visual impact in contrast to the scale of development proposed. Indeed, in supporting Mr Shand’s case for a housing allocation at Causeyport, Barratt Construction refers to the railway line as defining the eastern edge of Portlethen. Although reference is made to improving the railway crossing, no details are provided about how this would be achieved. It is clear that this would be a major undertaking and the existing bridge must be regarded as a potential constraint for the residential development required. It is also suggested by the objector that the proposed playing fields would lead to an over-provision but, as pointed out by the council, this claim has not been substantiated.

196.70 Insofar as it has been concluded that the objection sites should not be allocated for housing, I also conclude that the land should remain designated as part of the area of landscape significance and that the boundary of the designated coast should remain unchanged.

Land to the south of Portlethen

196.71 As indicated in respect of land at Causeyport and to the east of the railway line, land for housing to meet structure plan requirements for the periods 2000-2005 and 2006-2010 has been allocated under sites A and fh1. Outline planning permission has been granted for both sites and further release is not required at Portlethen. As concluded in respect of the required release of land at Causeyport, no phase 3 (fh*) allocations should be made pending the capacity study to be undertaken by the council. Accordingly, I again conclude that additional housing allocations under Policy Hou\2 should not be made on land to the south of Portlethen.

196.72 The land is designated green belt which, in terms of structure plan Policy 27 is to be the subject of review. In the meantime, the designation should remain. Although previously considered in the Choices for Growth exercise, it would be preferable for the potential of the land also to be assessed in the light of current circumstances as part of the wider capacity study to be undertaken by the council.

School funding

196.73 Although the council does not intend to introduce a specific policy relating to the use of school facilities by the wider community, it is proposed to identify a Project Area for urban enhancement in the central part of Portlethen under the designation, P6. The precise nature of the project is not explained although it is not unreasonable to assume that the objectives are related to some extent to the objection of the Portlethen Primary School Board. Although there is no reason not to support the P6 designation, it would be appropriate to add a brief description in the text of the settlement statement.

Safe routes

196.74 It is clear that there are many minor roads in the vicinity of Portlethen that provide difficult routes for children walking or cycling to school. The concern of the Portlethen Primary School Board is therefore understandable but, as indicated by the council, this is not a matter for the local plan. On this basis, I conclude that the plan should not be modified.

Recommendations

196.75 I recommend that the local plan is modified as follows:

Settlement Statement:

as partly proposed by the council, delete “, expected to be 6432 (2006)” from Key Facts, b) Population;

as partly proposed by the council, insert a further project area, P6, Urban Enhancement Area, and include descriptive text;

delete the note that indicates the west boundary of the new district distributor will define the green belt boundary from point X to point Y;

as proposed by the council, insert additional text to explain the links between sites A and fh1 and community facilities in the village;

Portlethen East proposals map:

as proposed by the council, describe the line of the new district distributor road as an “indicative line” and delete “X” and “Y”.

as proposed by the council, show links between sites A and fh1 and community facilities in the village;

as proposed by the council, indicate boundary of project area P6, Urban Enhancement Area and insert a separate, more detailed map showing the extent of P6.

Portlethen West proposals map:

as proposed by the council, adjust the settlement boundary to the south-west of the Badentoy Industrial Estate;

as proposed by the council, adjust the boundary of the western extremity of site fh1 to include the field adjacent to the Fire Training Centre.

196.76 No other modifications to the local plan are recommended in respect of the foregoing objections.

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Kincardine and Mearns – Stonehaven

Objector	Reference
The Church of Scotland General Trustees	252.18.3
Barratt Construction Limited	252.21.1
Stewart Milne Group	445.2.6 & 3.1
F M Developments	448.23.1 & 38.1
Sluie Estate & F M Developments	448.28.1
Bancon Developments Limited	448.16.1 & 35.1
Tesco Stores Limited	450.3.7
Labinski Limited	566.3.1
Churchill Homes (Aberdeen) Limited	566.8.1, 11.1, 20.1 & 21.1
Labinski Ltd & McBain	566.9.1
British Telecommunications plc	980.1.2
Scottish Natural Heritage (SNH)	986.40.1
Stonehaven & District Community Council	1108.2.4-6
Dunecht Estates	1310.1.7 & 3.1

Procedure	Reporter
Formal inquiry (Bancon Developments Limited), informal hearing (Labinski Limited, Labinski Ltd & McBain, Churchill Homes (Aberdeen) Limited) and written submissions	Richard Dent

Provisions of the local plan

199.1 Stonehaven is described as the main service and employment centre in the north of Kincardine and Mearns. Planning issues include the demand for new housing, protection and enhancement of the role and attractiveness for new employment opportunities and the protection and enhancement of the landscape setting of the town. There are a number of existing housing sites providing a total of around 560 houses and a constrained site, site ch1 for around 44 houses. Site Emp B is suitable for appropriate employment uses.

199.2 The settlement statement explains that no particular areas of search are indicated, but consistent with its main service centre role, Stonehaven is expected to accommodate a share, proportionate to its size, of the future housing for the period 2011-2016. A preferred area (or areas) of search will be identified, on the basis of a strategic investigation, early in the life of the plan. Stonehaven is within the Aberdeen housing market area.

199.3 Other land use allocations include a conservation area, a defined town centre and countryside.

199.4 The coastal planning policy covers Stonehaven which is shown to be within the “designated coast: undeveloped”. The boundary of the coastal zone, as shown in the Stonehaven East and Stonehaven South proposals maps passes through the town centre and follows the road from the centre to the junction with the A90 south of the town. The proposals map for Kincardine and Mearns defines “designated coast” and shows a boundary that appears to follow the line of the old A92 southwards from Stonehaven. That part of the designated coast within the town is shown to be “developed” with “undeveloped” coast to the north and south.

199.5 Land to the south of Stonehaven is also shown as an area of landscape significance, the boundary extending marginally further inland than the designated coast. There is a more limited area of landscape significance to the north of the town.

199.6 Modifications to the plan include, firstly, the enlargement of site A and, secondly, the relocation of site A to land to the north of the town centre which had previously been allocated site ch1. South of the town, it is intended to extend the coastal zone westwards to the A90 thereby including Dunnottar Woods.

199.7 The structure plan does not allocate any houses for Stonehaven for the period 2006-2011 and explains that this is one of two exceptions among the main service centres due to particularly sensitive landscape and other constraints.

Basis of the objections

199.8 **The Church of Scotland General Trustees** believes that Policy Hou\4, New Housing in the Countryside, is too inflexible, specifically where traditional building groups below the threshold and beyond the defined urban area could contain and absorb additional development without detriment to the landscape or the surrounding area.

199.9 Land around the manse and church at Dunnottar is in designated countryside immediately south of the built-up area. There are several houses in the vicinity. A modification to the local plan incorporates the land within an area of designated coast (undeveloped) and therefore subject to Policy Env\6. The land is an appropriate sustainable location to consolidate an existing building group centred on a community building. Paddocks to the immediate south of the existing buildings could absorb a small, low density housing development, complementing the existing building group with no impact on the surrounding Dunnottar Wood and a strong sense of enclosure. A layout showing 7 houses has been prepared.

199.10 The land is effective in terms of PAN38 and could provide an early release of units. Housing on the site would accord with the provisions of SPP1 and SPP3, contributing to maintaining a 5 year supply and adding to choice in the town by offering an alternative to large housing developments. Despite designation as a key service centre very little additional housing land has been allocated in Stonehaven. (252.18.3)

199.11 **Barratt Construction** believes two areas at Mains of Cowie Farm to the north-east of Stonehaven should be designated for housing purposes to meet structure plan requirements. The larger area lies east of the B979, between the railway and the A90 slip road. The smaller area is between the railway and the A90.

199.12 In support of the required allocation it is stated that:

- Stonehaven is a key service centre and benefits from a range of services and facilities including road and rail connections to Aberdeen;
- Stonehaven is a highly marketable location and more choice would be provided;
- Mains of Cowie has existing links to the town centre;
- residential allocation offers a potential solution for a long-term planned and programmed extension of Stonehaven being the most logical direction for extension. (252.21.1)

199.13 **Bancon Developments** and **Dunecht Estates** draw attention to structure plan Policies 7, 8, 9 and 10 which are considered in strategic terms under Issue 20. In this respect, the evidence of Homes for Scotland is adopted. In terms of Policy 8, the revised site A on the land formerly occupied by the Commodore Hotel should remain constrained until the owner's intentions are clear. Development on the site would represent an additional windfall contribution. The original site A has various disadvantages in respect of noise, flooding and visual impact. On this basis, an allocation of 25 houses is required to fulfil the structure plan requirements. The allocation should be at East Newtonleys.

199.14 Despite the recognised importance of Stonehaven as a potential key growth area, no sites are identified under Policy 9. Insofar as it may be agreed that there is a strategic shortfall and lack of a 5 year effective supply, land at East Newtonleys should also be brought forward for the period 2006-2010 as has been the case at Portlethen. Additionally, land should be designated under fh* for development at East Newtonleys for the period 2011-2015 under Policy 10.

199.15 East Newtonleys was supported for development by Kincardine and Deeside District Council in a document published in 1995 and a planning application was submitted in 1997. Following an appeal, planning permission was granted for part of the site at Braehead. Infrastructure provision was required to take account of long term foreseeable developments. This clearly suggested the preferred direction of future development, concentrating in one area in order to minimise disruption and environmental impact and to maximise planning gain and value for investment - a sustainable solution. This premise is still valid and has been confirmed through the recent draft Stonehaven Capacity Study.

199.16 At the CALPs inquiry the Reporter concluded that the scale of development then envisaged could adversely affect the setting of the older parts of Stonehaven. Heeding this opinion, revised proposals have been prepared with a much reduced area whereby, in particular, development would be held back from the northern ridge overlooking the older part of the town. The capacity study again proposes development at East Newtonleys for housing and suggests that much of the land could be released as the first part of a future planned expansion of Stonehaven. The study has been carefully undertaken, is well argued and provides a clear indication of the council's opinion on future development. This should be reflected in the local plan.

199.17 Development in the area has therefore been contemplated for some 10 years and commenced with the construction of 100 houses at Braehead - now complete - and the servicing of the business park. It is logical to continue this process before the development of other areas around the town.

199.18 East Newtonleys would be a rounded, sustainable community with good road, cycle and pedestrian links to the existing town and would meet the guidance of SPP3, PAN38 and adhere to NPPG17. The land is in the control of a developer and the various uses would include business (12 hectares), housing (6 phases totalling 38 hectares), commerce (4 hectares), education (2 hectares) and recreation/open space (12 hectares). Some 750 houses could be provided over the next 15 years. Residential development would commence to the west of the business park in the least conspicuous location. This would also assist in offsetting high servicing costs for the business site and allow site Emp B to be brought forward. It is anticipated that the existing public bus service passing the site would travel through the site in due course.

199.19 Development on the scale envisaged will inevitably alter the character of the approaches to Stonehaven although this process has already commenced with the existing houses at Braehead. However, because of the undulating landform, the capacity of the site to absorb development is increased. Skylines and shelterbelts will be important landscape considerations. Views to the war memorial should be protected and so fields to the west would remain undeveloped. The overall development could not be hidden but careful planting would soften views and provide wildlife habitats.

199.20 The coastal zone shown in the local plan has been extended to include the entire East Newtonleys area and Dunnottar Woods. This is illogical as much of the area has no physical or visual link with the coast. It does not fall within the Kincardine Links Coastal Strip defined in the SNH landscape character assessment. The capacity study has drawn back the boundary from the woodland and Braehead housing. It would be preferable to limit the coastal zone to the seaward side of the old A92 from Dunnottar Castle to the war memorial. It should also be made clear where the coastline is “developed”. (448.16.1 & 35.1 and 1310.1.7 & 3.1)

199.21 **Stewart Milne Group** also refers to the strategic objections under Issue 20 and emphasises the role of Stonehaven as a main centre. A moratorium could lead to stagnation and decline. To prevent this situation occurring land at Braehead should be identified for residential growth under structure plan Policy 10. If necessary, the land could be brought forward at an earlier date. (445.2.6 & 3.1)

199.22 **F M Developments** considers that the local plan should recognise the proposal to restore Ury House along with a mix of residential and sporting enabling developments. A star symbol should indicate prospective enabling development (448.23.1)

199.23 There should be no extension of the initial site A towards Carron Den and Dunnottar Woods. Account should be taken of the proximity to the flood plain of the River Carron, noise from the A90 and railway and visual impact. The escarpment to the west of Mill of Forest Road forms a natural edge to the town.

199.24 An alternative site should be allocated at field 52, Glen Ury. (the “viaduct site”). The site is not susceptible to flooding, noise attenuation could be provided by the formation of bunds and visual impact would be less than at site A. (448.38.1)

199.25 **Sluie Estate & F M Developments** also propose the land at field 52 (viaduct site) in preference to site A or the former Commodore Hotel site which is already shown in the local

plan as being constrained and remains ineffective. Field 52 has a capacity of approximately 25 houses and should be allocated for development in the period 2000-2005. Development would contribute to structure plan Policy 7 and meet the requirements of Policy 8. If not accepted under Policy 8, and it is determined that additional housing is required for the period 2006-2010, the land at field 52 should be allocated as safeguarded land under structure plan Policy 9.

199.26 The site was refused planning permission in 2003 and a subsequent appeal was dismissed, the Reporter expressing concerns about noise and the links between the site and facilities in the town. An amended application has been lodged with the houses relocated away from the railway to overcome any noise concerns. Pedestrian and cycle links with the town are also proposed.

199.27 The council's capacity study for Stonehaven has identified the site for future employment land. As the principle of development has been accepted it is only the specific use that is at issue. (448.28.1)

199.28 **Labinski Limited** believes that land extending to 3.24 hectares within the loop of the interchange adjacent to Fetteresso Cemetery should be allocated for retail development. Land beyond the loop to the west and north of the junction should be designated for employment purposes.

199.29 A planning application for a food superstore of about 4,180 sq. metres has been submitted but has not been determined. A transport assessment and sequential assessment have been prepared and lodged and a retail impact assessment is in preparation.

199.30 The proposed retail unit would not impinge visually on the cemetery and it would be possible to make provision for a long-term cemetery expansion. Indeed, landscaping would improve the amenity of the cemetery and regrading would reduce visual impact.

199.31 The transport assessment shows no material detriment to the local road network or the A90. The site is close to a main transport corridor and can be accessed by public and private transport from both the town and outlying areas. A bridge across the A90 for pedestrians and cyclists would provide links to the town centre and railway station. Sequential assessment shows there is no suitable alternative site in Stonehaven.

199.32 The town is recognised as a main settlement in the local plan and a main service centre in the structure plan. Although structure plan Policy 15 provides the opportunity to identify appropriate retail opportunities, no such opportunities are included in the local plan. Policy 15 does not simply relate to town centre opportunities and the lack of an allocated site for retail purposes is a failure of the local plan to conform to the structure plan. The council's 2004 retail study identifies a retail shortfall in convenience goods in Stonehaven.

199.33 The recent capacity study also refers to the need for more retail outlets as existing leakage is detrimental to the economic health and growth of the town, to social well-being and sustainability in terms of Stonehaven's key service centre status. The retail leakage also reduces job opportunities. A retail development on the objection site would comply with structure plan core objectives 1, 2, 3 and 4.

199.34 NPPG8, Town Centres and Retailing, supports town centres as a first choice but advocates flexibility and realism. The guidance also emphasises the benefits of retailing in the wider sense. Having regard to all the circumstances in Stonehaven, including the inability of the town centre to expand, realism should be applied and the site supported.

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199.35 The land required for employment purposes might be appropriate for a recycling centre or business use. Access would be taken from the loop road which itself was constructed to provide access to employment land, in particular the nearby Spurryhillock Industrial Estate. More land could be provided to ensure that access standards could be achieved. (566.3.1)

199.36 **Churchill Homes** requires the deletion of the former Commodore Hotel site as site A and the designation re-applied to the land at Carron Den to the extent recommended following the CALPs inquiry - since when conditions have not changed - and as reflected in a recent planning application for 25 houses.

199.37 Mill of Forest Farm became an uneconomic as a result of housing development and the construction of the Stonehaven by-pass. The land within the by-pass is unproductive and does not qualify for arable payments. This situation was recognised in the Kincardine Suburban Area Local Plan in 1983. Mill Forest Road does not form a natural boundary as has been demonstrated by the previous general acceptance of the site for development purposes.

199.38 The site is effective and the lack of constraint has been recognised on appeal. The site is not part of the functional flood plain as it does not provide land for water storage. Whilst there is some seasonal flooding, this is limited to the south-east corner of the site and standing water in the centre is due to precipitation and lack of percolation. The current planning application includes a flood risk assessment which shows the council's requirement can be met in terms of planning for a 1:200 year event with a 20% additional allowance. That part of the site that floods would not be developed. Accordingly, there is no requirement for any mitigation works. Although a detention basin has been shown in the planning application, this has been proposed on a goodwill basis to assist in overcoming problems downstream.

199.39 Noise from the trunk road would be overcome by the formation of an embankment at the site boundary and a mound to the north. Fencing could provide further mitigation if required by the council. Development would be at least 100 metres from the railway line, having previously been proposed somewhat closer.

199.40 The former Commodore Hotel site was initially designated ch1 and was intended to be included in the local plan along with site A. Site ch1 is brownfield in character and can be the subject of residential development irrespective of the allocations brought forward under structure plan Policy 8. Site ch1 is the subject of an extant planning permission for 40-45 flats and it is irrational to regard that potential development as fulfilling the structure plan requirement for 25 houses under Policy 8. To designate the land as an alternative site A is simply a device to prevent any further development on the original site A at Carron Den. (566.11.1 & 21.1)

199.41 Land at Mill of Forest on the opposite bank of the River Carron, although at a higher level than the Carron Den site, should be allocated for development in the period 2006-2010. A layout has been prepared showing some 75 houses but the capacity is considerably greater than this, perhaps 200-250 units. Vehicular access would be taken via the Carron Den site with a network of footpaths linking to Dunnottar Church. A field adjacent to the river would be available for recreation or green space. The site lies within the topographical bowl of Stonehaven and could be screened from the A90.

199.42 Although no housing allocations have been made in Stonehaven for the periods beyond 2005, a comprehensive investigation is to be undertaken early in the life of the local plan in respect of structure plan Policy 10. Future housing allocations are inevitable and it is logical that the Mill of Forest land should be included in the first phase of any such development. (566.8.1 & 20.1)

199.43 **Labinski Ltd & McBain** require land at Cheyne and Nether Cheyne farms to be included in the preferred areas of search for future housing land in the period 2011-2016. The land should be preferred over extensions beyond the natural topographical boundaries to the north and south of Stonehaven.

199.44 Historically, Stonehaven has expanded westwards and during the mid 1980s the land in question was considered for industrial purposes. Subsequently, when considering “Choices for Growth”, the land was precluded from consideration because of pipelines, especially the BP pipeline which is closest to the A90, and the opposition of the Health and Safety Executive to any large-scale housing within the safeguarding zones. The zones were increased in 1994.

199.45 The possibility of a housing allocation was considered at the CALPs inquiry when it was concluded that, for the most part, the land is contained within the natural topographic “horseshoe” bowl of Stonehaven. Built development on the flatter land would not be highly visible. The situation has not changed and the site remains the obvious first choice for future growth, preserving the natural setting of the town with the least adverse impact.

199.46 The recent Stonehaven Capacity Study has again precluded the land, apparently because of the absolute constraints of the pipeline safeguarding zones which are alleged to be so difficult to overcome that consideration for housing was not even thought to be worthwhile. In the past, it has been recognised that the diversion of the pipelines would be one method of allowing development.

199.47 The capacity study acknowledges the importance of the setting of Stonehaven but nevertheless identifies areas of search that extend beyond the bowl. The identified skyline extends beyond the scope of the previously agreed natural bowl that provides a sense of place for the town. The objectors’ land could provide some 140-160 hectares for future development within the bowl thereby retaining the sense of place and avoiding the sprawl that would result from development at other locations. (566.9.1)

199.48 **Tesco Stores Limited** believes the town centre is too tightly drawn and should be extended to the north. The settlement statement should acknowledge the importance of enhancing the central area by means of a new anchor store. This would only be possible through redevelopment of land to the north of the centre which should be identified as an area

of search where town centre uses could be appropriate subject to environmental safeguards. (450.3.7)

199.49 **British Telecommunications plc** requires the Stonehaven CRS (a former radio station) to be designated as employment land and not as countryside. (980.1.2)

199.50 **SNH** objects to sites eh6 and Emp B which are divorced from the main settlement and would be visible from a wide area with adverse impacts on the setting of Stonehaven. (986.40.1)

199.51 **Stonehaven & District Community Council** is concerned that site A (the initial allocation) is designated for housing despite all previous objections. (1108.2.4)

199.52 Proposals for site Emp B should include the possibility of a large supermarket. (1108.2.5)

199.53 The area between the River Cowie, Mary Street and the promenade should be included in the Stonehaven Central Conservation Area. (1108.2.6)

The council's responses

199.54 In response to the various objections seeking an allocation of housing land the council explains that the structure plan has placed a moratorium on development for the period 2006-2010. However, consistent with its role as a main service centre, Stonehaven is expected to accommodate a share, proportionate to its size, of the future housing for the period 2011-2016. No future housing sites or areas of search have been identified. However, a preferred area (or areas) of search will be identified early in the life of the plan. In this respect, the Stonehaven Capacity Study has been prepared. The study remains in draft form and is still involved in a consultation exercise. To ensure that the work is not wasted, it is not yet appropriate to allocate land at Stonehaven under an fh* designation, at least until the capacity study process is complete. The study has involved a consideration of all land in the proximity of Stonehaven.

199.55 Objection 252.18.3: The objection is not accepted. The policy is intentionally restrictive to protect the countryside and to support a long term sustainable pattern of development, which conforms to structure plan Policy 12.

199.56 Objection 450.3.7: The objection is not accepted. The sequential requirement in Policy Emp 6 would ensure that an “anchor store” and other town centre uses deemed necessary for Stonehaven would be located as near to the centre as possible wherever the boundary is drawn.

199.57 Objection 980.1.2: The objection is not accepted. Mains drainage connection would be costly, and in view of the prominence of the site, reversion to a natural state would be preferable. The structure plan employment land requirement for Stonehaven has been met and formal employment designation would therefore be in conflict with strategic requirements. Nonetheless, Policy Emp 3 allows employment related development in the countryside.

199.58 Objection 986.40.1: The objection is not accepted. Site eh6 is under construction. Site Emp B has been allocated in terms of structure plan strategic requirements. This included an addition of 2.34 hectares to land previously granted planning permission on appeal. The land is the least visually and environmentally disruptive option.

199.59 Objection 1108.2.4: The objection is accepted. Site A has been deleted and re-allocated at the former Commodore Hotel site.

199.60 Objection 1108.2.5: The objection is not accepted. Policy Emp 1 permits retail use in the absence of employment-related take-up.

199.61 Objection 1108.2.6: The objection is not accepted. There are no special features which merit the inclusion of this part of the town within the conservation area.

199.62 Objection 252.21.1: The objection is not accepted. The requirements of structure plan Policies 8, 9 and 10 have been met.

199.63 Objection 448.23.1: The objection is not accepted. Policy Env\18, Listed Buildings, permits developments of the type proposed, subject to other relevant local plan policies. The scale of enabling proposals at Ury House would not be sufficiently large-scale to warrant specific mention. In any event, pipelines in the vicinity might preclude the possibility of enabling development.

199.64 Objection 448.38.1: The objection is not accepted. Site A is to be deleted and a more appropriate site than that suggested will fulfill the structure plan allocation.

199.65 Objection 448.28.1: The objection is not accepted. The proposed alternative site would have noise and visibility problems and is particularly unsuited to residential development. Site A has been deleted because of noise problems. The allocation has been relocated to the former Commodore Hotel site which is a brownfield site located within the existing urban fabric, closer to the central shopping area and recreational facilities. It does not impact on the setting of the town.

199.66 Objection 566.9.1: The objection is not accepted. Discussions have taken place with the Health and Safety Executive and Transco. No date has been indicated when the pipelines will come to the end of their life although it will not be before 2015. The cost of re-routing would involve millions of pounds. Accordingly, the possibility of constructing houses in the area is not regarded as a reasonable proposition. A statement in the local plan to say that pipeline safeguarding corridors would preclude the possibility of house-building in certain areas would be too negative but the matter could be listed as an issue in Stonehaven. However, if the pipeline constraint were to be removed, this does not necessarily imply that development would be permitted.

199.67 Objection 566.3.1: The objection is not accepted. There is sufficient employment land designated at site Emp D in accordance with the structure plan which suggests Stonehaven could accommodate 5-15 hectares. The current marketable land is 9.5 hectares with a further 2 hectares of land allocated in the local plan. Longer term considerations are being assessed in the Stonehaven Capacity Study.

199.68 The site adjacent to Kirkton of Fetteresso is a highly visible area of land and would need careful attention if development were appropriate.

199.69 The reasons for opposing development on the site are:

- inadequate access to the A90 (which it is impossible to improve at a reasonable cost);
- satisfactory vehicular access would not be achievable as the junction could not sustain the volume of traffic generated; employment development should be situated on the main north-south public transport route through the town;
- development should be well-integrated with existing public transport, walking and cycling networks but the site would be solely accessed by car as no footpath or cycle route is available over the A90;
- there are problems with the distance from the major public transport corridor; pipeline and archaeological constraints related to nearby scheduled ancient monuments; and the desirability of retaining at least some of the site for a cemetery expansion;
- the site is a highly visible pocket of land and inappropriate development would have a negative impact on the area as a whole; there is currently a clearly defined settlement boundary in this location and the site would be seen in isolation against a swathe of agricultural land in conflict with the aim of protecting the setting of Stonehaven;
- development would not contribute towards the dignified ambience of the cemetery.

199.70 Objections 566.11.1 & 21.1: The objections are not accepted. Site A at Carron Den was reassessed and considered not to be suitable for development. In this respect, account was taken of the refusal of a planning application and dismissal of a subsequent appeal. The main concerns involve flood risk and unacceptable noise attenuation measures. The site is very close to the A90 and railway and it would be difficult to ensure the appropriate and acceptable levels of noise reduction. The erection of fences on top of mounds would be a concern.

199.71 Structure plan Policy 22 states that “Functional flood plains should be allowed to flood naturally where appropriate.” The limited information available, subject to acceptable detailed design calculations, drawings and maintenance arrangements, suggests that flood risk on the site could be mitigated. However, there is a significant lack of technical detail to allow comprehensive assessment. Parts of the site are demonstrably part of the functional flood plain of the Carron Water and liable to flooding. In light of statutory policy and guidance, the site would have to be regarded as of “exceptional importance” for it to be considered suitable for future development.

199.72 Development of the site would breach the natural boundary of the town and encourage further development into what is currently a green area. Indeed, the site has important landscape value and development would impinge on the amenity of Dunnottar Woods. The capacity study indicates that the area has the potential to provide a green corridor to link Stonehaven to areas of longer term development.

199.73 Overall, even accepting the technical difficulties of Carron Den could be overcome, the former Commodore Hotel site provides a more suitable allocation and does not have the potential problems of the land at the original site A.

199.74 In 2000, the former Commodore Hotel site had permission for 44 flats but was constrained as Tesco hoped to build a supermarket on the site. The site was removed from the

housing land audit and no longer regarded as part of the established land supply. In the event, retail development has not transpired and there is now an extant planning permission for 40 flats. Accordingly, there is no longer a constraint and the land was re-designated site A for 25 units with an additional 15 windfall units.

199.75 Objections 566.8.1 & 20.1: The objections are not accepted. Stonehaven has experienced significant growth recently and therefore a pause in development is justified. This has provided the opportunity to undertake the capacity study and, in due course, determine the best available sites for future development without pre-empting any possibilities.

199.76 Objections 445.2.6 & 3.1, 448.16.1 & 35.1 and 1310.1.7 & 3.1: The objections are not accepted. The matter will be taken forward through the capacity study.

199.77 In respect of the coastal zone, the proposals map for Kincardine and Mearns is inaccurate. The undeveloped coastal zone recognises increased sensitivity to development and reflects a need to protect and enhance the special nature of the coast. The coastal zone is a very important part of the landscape around Stonehaven and the protection provided will ensure no negative development will take place pending analysis of future potential areas of development. The area includes site Emp B, which remains undeveloped meantime, and site eh6 which is relatively insignificant within the wider context of the zone. Overall it is correct to regard the zone as “undeveloped”. The capacity study refers to a “coastal safeguarding zone”.

199.78 The Bancon objection does not explain why the boundary should be moved further east. The alternative does not appear to have any defensible boundaries.

Conclusions

Development in the period January 2000-December 2005 - Site A

199.79 To accord with structure plan Policy 8 and Table 4a, the local plan is required to allocate land for 25 houses for the period January 2000 to December 2005. The contenders are the original site A (as extended by modification) at Carron Den, the relocated site A on the site of the former Commodore Hotel, land at East Newtonleys and land at field 52, Glen Ury (known by the council as the “viaduct site”).

199.80 Turning firstly to the Commodore Hotel site, I note that this land was originally designated ch1 as a constrained housing site with potential for 44 units. The site was included in the housing land audit at January 2000, and identified in structure plan table 4a which shows a total of 44 units on constrained sites in Stonehaven at January 2000. The site was subsequently removed from the housing land audit in the expectation of retail development and the site was no longer part of the established land supply. Although it has been suggested that the site remains constrained, there is every indication that the land has moved into the effective capacity as there is an extant planning permission for 40 units and the owners are marketing the development.

199.81 The council has regarded the land as a new development opportunity that could provide the required allocation of 25 for the period 2000-2005. I believe that designation as

site A is contrived and does not recognise that, notwithstanding a temporary absence from the housing land audit, the land was part of the base supply in 2000 and, in terms of the development periods described in Chapter 8 of the local plan, should be designated either ch1 or eh1. It is not a new allocation in terms of structure plan Policy 8 and should not be set against the required total of 25 houses for the period 2000-2005. Accordingly, I conclude that the site of the former Commodore Hotel should not be allocated site A but should retain the ch designation as having been constrained housing land at January 2000. That designation does not preclude development once the constraint is removed.

199.82 Field 52, the viaduct site, was the subject of an appeal relatively recently. In his decision letter the Reporter concluded that the difficulties of integrating the proposed development with the town and avoiding car dependency were, if anything, understated by the council. Although he accepted that the noise assessment had been done in a fair and professionally expert manner, he drew attention to circumstances when trains could produce very intrusive noise. Despite the objector's contention that there have been revisions to take account of the Reporter's concerns, I conclude that the residential use of this land is not appropriate and that it would not provide a suitable alternative for site A. In reaching this conclusion, I note that the draft capacity study identifies the site within a larger area of employment land: this land use should not be equated with housing use.

199.83 Insofar as the land at Carron Den is concerned, the site under consideration is shown by the objector to be capable of providing a development of 25 houses. The land extends to the loop in the River Carron beyond Mill O' Forest Cottage. Three concerns have been expressed by the council: flooding, noise, and visual impact insofar as the development would extend beyond what is regarded as the natural settlement boundary.

199.84 In terms of flooding, there is some dispute as to whether or not the lower part of the site lies within the functional flood plain of the River Carron. Without the expert observations of SEPA it is not possible to draw a firm conclusion on this matter although, visually, the proximity of the site to the river gives me cause for concern, especially as it is generally accepted that part of the site regularly floods. Nevertheless, the objector states that a survey has been undertaken and that development would not extend beyond a line taking account of a 1:200 year event plus a climate change allowance of 20%. It is claimed that as the development would be beyond the threat of flooding, mitigation measures would not be required. Although this is said to be shown on the indicative layout, the 20% allowance is not illustrated. A detention basin is shown, ostensibly to reduce the prospect of flooding downstream. At the very least, this proposal implies that the River Carron does have a propensity to flood in this general vicinity. The council accepts that a technical solution might well be possible but lack of detail precludes a clear assessment.

199.85 Overall, the flooding situation is not at all clear in respect of the functional floodplain, the possible need for mitigation factors and the precise extent of the climate change allowance. Observations from SEPA are crucial and, lacking such expert comment, it is not possible to conclude that the site is appropriate for residential land use. As indicated in NPPG7, Planning and Flooding, I believe it is necessary to apply the precautionary principle.

199.86 A noise impact assessment has been undertaken and recommends that a noise-attenuating barrier should be constructed with a top edge 6 metres above the level of the A90, the centre line of the barrier to be 5 metres from the edge of the south bound carriageway.

The strip of land between the access road and the site boundary adjacent to the A90 is shown indicatively to be approximately 3 metres. The land is shown to be planted and it would be difficult to achieve the required height. There may be methods of overcoming the noise problem but, without further details, it is not possible to conclude that a layout could be achieved that would allow the required capacity of 25 units.

199.87 The site falls rapidly from Mill of Forest Road and breaches the escarpment which the council maintains forms a clear settlement edge. I accept this argument and conclude that the development of the Carron Den site would not be well-related to the existing built-up area and, in basic land use terms, a residential allocation is not appropriate.

199.88 In reaching this conclusion, the comments of Stonehaven and District Community have been taken into account.

199.89 Bancon Developments suggest land for site A at East Newtonleys although a particular area is not specified. Phase 3 of the proposed larger development lies to the east of the Braehead development of 100 houses and extends to approximately 2.8 hectares with a stated capacity of 57 houses. A development of 25 houses could be accommodated in this area, designed to use the existing access road to Braehead and utilising other infrastructure which has previously been provided. Careful design could ensure that the development would appear as a natural extension of the 100 house development at Braehead and that the wider visual impact of an additional 25 houses would be acceptable.

199.90 Overall, on the basis of the foregoing findings, I conclude that land adjacent to the south-east corner of the Braehead development, within Phase 3 as shown on Master Plan Revision E, should be allocated as Site A, suitable for around 25 houses.

Development in the period January 2006 – December 2010

199.91 It is concluded under Issue 20 that the land allocated for housing development in the settlement plans and listed in Appendix 10, closely accords with the requirements of the structure plan. Accordingly, there is not a general need for further housing land allocations in the local plan.

199.92 Although it has been suggested that, as a main service centre, houses should be allocated in Stonehaven in the period 2006-2010, the council has explained that there is a moratorium. The structure plan is quite clear in this respect and requires no allocations during this period. The supporting text states that, with two exceptions, indicative housing allocations are made to all the main service centres. Stonehaven is one of the exceptions where there are particularly sensitive landscape issues and other constraints. The council points out that over 600 houses have been built in the town recently that a pause in the rate of development is justified.

199.93 No matter the reasons, the structure plan is clear in making an exception of Stonehaven and, despite the status of the town as a main service centre, there are to be no housing allocations in the period 2006-2010. I therefore conclude that there should be no modifications to the local plan in respect of any housing land allocations in this period.

Development in the period 2011 – 2015

199.94 Notwithstanding the lack of development in the previous 5 years, several objectors seek indicative housing allocations for the third structure plan period, 2011-2015. Designation under fh* is sought at Mains of Cowie, East Netherleys, Braehead, Mill of Forest (opposite Carron Den) and Cheyne and Nether Cheyne.

199.95 Structure plan Policy 11 states that local plans may, where possible, indicate where housing for this period should be accommodated, based on the capacity of settlements, and in accordance with their function and roles and in the same broad proportions as set out in Policy 9. These indicative locations will be subject to review.

199.96 Insofar as Policy 9 makes no allocation for Stonehaven, it could be argued that, adopting “the same broad proportions”, there would be no housing land allocations for the following period. This could be justified if the particularly sensitive landscape issues referred to in the structure plan, and endorsed in the local plan settlement statement, were, at the end of the day, deemed to outweigh the need for more houses in the town.

199.97 On the foregoing basis, although some fh* allocations are made in other settlements in the local plan, it is entirely understandable that the council decided that such allocations should not be provided at Stonehaven.

199.98 Notwithstanding any argument that future development in Stonehaven should be severely curtailed because of the sensitive landscape issues, the council has explained in the settlement statement that the town is expected to accommodate a share, proportionate to its size, of future housing in the period 2011-2016. A preferred area or areas of search will be identified on the basis of a strategic investigation. That investigation is underway and published in draft form as the Stonehaven Capacity Study. The study “effectively” suggests East Newtonleys, Dunnottar (including Mill of Forest), Mains of Cowie and Touks (west of the A90 to the south-west of the town) as sites for housing. Phasing is suggested as follows: Mains of Cowie, East Newtonleys/Dunnottar and, only when a major expansion of the town is required, Touks.

199.99 It has been suggested by objectors that the capacity study has progressed to the extent that an informed decision could be made on fh* allocations in the local plan. The council does not accept this opinion and believes that the comprehensive consultation exercise should be completed.

199.100 No matter the quality and credibility of the draft document, I conclude that it would be inappropriate to reflect the contents of the draft capacity study in the local plan prior to consultation having been fully undertaken and any further required analysis completed. The landscape setting of Stonehaven is of crucial importance and decisions on future development require account to be taken of the opinions of all concerned. It is appreciated that landowners and developers seek clear guidance in local plans but, under the circumstances, and taking account of the timescale involved, I believe the omission of fh* designations is the preferred course of action. In any event, fh* does not guarantee development but, according to the local plan, denotes an area of search or sites safeguarded to contribute to the indicative structure plan housing allocation.

Designation of former radio station

199.101 The former radio station lies close to but detached from the large employment land allocation under site Emp B. The council states that site Emp B meets the structure plan requirements but I consider the size of the objection site is such that inclusion for employment use would not prejudice the strategic allocation. The council also believes the site is prominent but the land is well-screened from the west by mature trees and, from the east, it lies beyond a low crest and is therefore not visible from the lower-lying line of the old A92 or from the car park for Dunnottar Castle.

199.102 In respect of the foregoing, there is an argument for a specific employment land allocation but, as pointed out by the council, Policy Emp\3, Employment Development in the Countryside, is also relevant. This policy indicates that new employment development and the conversion of an existing building for employment use in the countryside will be approved in principle. A number of qualifications apply, including the consideration of other local plan policies but, overall, the concept of employment use on the site is supported by Policy Emp\3 and I therefore conclude that a specific employment land designation is not required.

199.103 The site is also shown allocated for residential development in the masterplan supporting the objections lodged by Bancon Developments Limited and Dunecht Estates in respect of land at East Newtonleys. These have been considered above and I concluded that the land should not be allocated for development or identified as an area of search in the local plan.

199.104 Overall, I conclude that there should be no modification to the local plan in respect of this objection.

The coastal zone

199.105 Objections to the coastal zone relate to the content of the finalised local plan and the proposed modification and claim that the extent of the designated area is too great. A more appropriate limit to the coastal zone would be the line of the old A92 south of Stonehaven. The council believes the designation is justified to provide added environmental protection pending the consideration of development proposals including those involving East Newtonleys.

199.106 NPPG7, Coastal Planning, acknowledges that the landward limit of the coast is difficult to define. It can be determined by the geographical effects of coastal processes and coastal-related activity and is therefore a zone of variable width. The structure plan shows a length of “developed coast” at Stonehaven with “undeveloped coast” to the south. Policy 29 indicates that the zones will be shown in detail in local plans. Local plan Policy Env\6 states that development on the undeveloped coast will be refused subject to certain qualifications. The policy justification states that the aim of the policy is to protect and enhance the special nature of the Aberdeenshire coast by directing development to the least environmentally sensitive areas.

199.107 At the end of the day, the landward extent of the zone should be defined on the basis of an objective assessment taking into account such factors as topography - for instance, a

landscape of dunes and cliffs - and micro climate - such as the extent of the marine influence in terms of vegetation, and nature conservation - noting the inland incursion and dependency of marine animals and birds. Similarly, human activity, such as fishing, provides helpful guidance.

199.108 The objectors maintain that the landward part of the zone does not fall within a coastal landscape as defined by SNH. The council provided little credible evidence to substantiate the inclusion of land at East Newtonleys and Braehead and, still less, for the extended area to the west including Dunnottar Woods. Certainly, it should not be the role of Policy Env\6 to seek to control development in any of these areas insofar as such development would not pose a threat to the special nature of the coast. There are various other policies in the local plan that would adequately guide the development control process for proposals in these areas.

199.109 All-in-all, I conclude that the landward boundary of the coastal zone to the south of Stonehaven is not justified in either the finalised local plan or the proposed modification. A more appropriate line should be substituted related to the line of the old A92 from Stonehaven southwards to the vicinity of Dunnottar Castle and beyond.

Note: the Stonehaven settlement statement refers only to the boundary of the “designated coast – undeveloped” whereas both the structure plan and the Kincardine and Mearns proposals map show the coast at Stonehaven to be developed. The council may care to ensure consistency in the various documents.

Land at Dunnottar Church

199.110 Policy Hou\4, New Housing in the Countryside, as modified, strictly limits the scope for residential development in countryside areas, particularly in the Aberdeen housing market area within which the objection site is located. Objections to the policy are considered under Issue 22 but no recommendations have been made which alter the general thrust of the policy in the countryside of the Aberdeen housing market area. Indeed, although the policy in the finalised local plan refers to the erection of a single house, it is proposed that the plan is modified to relate to “new housing” in the countryside. Accordingly, there is no reason to anticipate that the policy context against which the objection should be considered would offer any support for the proposal.

199.111 Reference is made by the objector to the role of Stonehaven as a main service centre but the matter of additional housing allocations in the town has been considered above and I concluded that further land should not be designated for residential purposes. Notwithstanding the effectiveness of the land in terms of PAN38, there is neither a strategic requirement for the land nor an over-riding need for additional choice.

199.112 Although the objector believes the proposed development would consolidate and complement the existing buildings I conclude that the impact would overwhelm the pleasing character of the existing group and the open setting within the wider background of Dunnottar Woods.

199.113 All-in-all, there is neither policy support nor individual justification for the proposal and I conclude that the local plan should not be modified in respect of this objection.

Enabling development at Ury House

199.114 Policy Env\18, Listed Buildings, as modified, provides guidance for those promoting enabling development to secure the restoration of a listed building (see Issue 15). The policy states that where a listed building is seriously at risk of imminent collapse or of further decay, then the merits of some enabling development will be considered. There are several qualifications including requiring the owner to exhaust all possibilities of grant aid assistance, demonstrating satisfactorily that the proposed development is essential to secure preservation and is the minimum required to enable the restoration.

199.115 Although the council has related the requested “star” designation to the scale of enabling development, there are no details to indicate the level of sporting and residential development proposed. Nevertheless, irrespective of scale and the application of a star, where the terms of Policy Env\18 can be met, the principle of enabling development to restore a listed building is supported by the local plan. Other relevant policies of the local plan would also apply but, on the foregoing basis, I conclude that a star designation is not essential to secure the restoration of Ury House and therefore a modification to the local plan is not required.

Extent of designated town centre

199.116 In effect, Tesco requires the extension of the town centre to allow the provision of a supermarket whereas the council believes that Policy Emp\6, Retail Development in the Main Settlements, provides adequate guidance irrespective of the location of the defined boundary.

199.117 It is clear that the policy is supportive of retail development and the justification states that the aim is to protect and enhance the vitality and viability of *defined town centres*. Nevertheless, the sequential test, although giving first preference to town centre sites, allows a progressive consideration to sites on the edge of the centre and edge-of town sites.

199.118 The defined town centre in Stonehaven provides a boundary that encompasses recognised town centre uses. The extension to the north required by the objectors, although not clearly specified, would include areas beyond the recognised centre - in terms of land use - and incorporate areas that are predominantly residential in character. This could have implications in terms of future development and disturb established amenity. An additional consideration is the conservation area status of most of the land surrounding the defined town centre.

199.119 All-in-all, I conclude that the extension of the defined town centre to facilitate the construction of an anchor store would represent a contrived measure to secure development to the potential detriment of the structure and character of the town. This should not be contemplated without a comprehensive study of all the implications. In turn, I conclude that Policy Emp\6 (as recommended for modification – see Issue 31) provides adequate guidance and modification of the local plan is not required in respect of this objection.

Supermarket adjacent to Fetteresso Cemetery

199.120 There is a general recognition that additional retail floorspace is required in Stonehaven. Most recently, perhaps, the draft Stonehaven Capacity Study has indicated a requirement of 1 hectare for convenience shopping. This would involve floorspace of 4,100 sq. metres, virtually the size suggested by the objector. The structure plan recognises the scope for improved convenience and comparison shopping and Policy 15 endorses the sequential approach stating that local plans shall identify appropriate opportunities for retail and other town centre uses. Proposals for retail development must demonstrate the sequential approach.

199.121 The objector maintains that the local plan does not conform to the structure plan as, despite the known need in Stonehaven, there is not a proposal for retail development. The council is of the opinion that the structure plan simply requires opportunities to be identified in town centres. Policy Emp\6, Retail Development in the Main Settlements - The Sequential Test, provides the necessary guidance and allows proposals to come forward from potential developers.

199.122 The structure plan is clear in directing retail development in the first instance to town centres and, only if town centre sites are not available, should edge-of-centre and then out-of-centre sites be considered. Any retail opportunities in town centres must clearly be identified in local plans. It is not clear that sites beyond the centre require to be identified, only that proposals must demonstrate the sequential approach along with no detrimental impact on the vitality and viability of the town centre and good access to the public transport network.

199.123 It is apparent that there is not an opportunity for locating a new supermarket in the defined town centre and yet the need for additional retail space in the town is generally accepted. Moreover, this need has been quantified in the capacity statement. Notwithstanding the council's interpretation of the structure plan, it would have been helpful for the plan to have gone beyond Policy Emp\6 which, for the most part, simply reflects structure plan Policy 15. The system is plan led and identification of a site would have given the certainty provided by inclusion in a local plan.

199.124 The objection itself is supported by a sequential assessment in which 6 other potential sites are also considered. The document takes account of suitability, viability and availability. However, the various sites are considered in the utmost brevity and, whilst I note that the objection site is recommended as the only, suitable, viable and available site, a more comprehensive study would have been more persuasive.

199.125 Similarly, a transport assessment has been prepared and concludes that junctions could cope with additional traffic with minimal queuing and delay, and that the site would be accessible to pedestrians and cyclists. In this latter respect, it is proposed to construct a bridge across the A90. The council does not accept that the junction capacity would be adequate. Additionally, the council regards the major public transport route to pass through the Stonehaven and, in this respect, the site meets neither structure plan nor local plan requirements. It would have been helpful to have received the comments of the trunk road authority in view of the conflicting opinions provided in respect of junction capacity. Similarly, although a bridge across the A90 is proposed, the council is not convinced that this would be suited to pedestrians and cyclists. Whilst there is a bus route past the site, the

frequency is hourly. Overall, the traffic and transport evidence is such that I cannot conclude the site is worthy of support.

199.126 A retail impact study has not been provided and, although the need for additional retail floor space is widely accepted, no evidence has been provided in respect of impact on the viability and vitality of Stonehaven town centre. Clearly, no conclusions can be drawn in this respect.

199.127 The council expressed concern about archaeological features, proximity to oil pipelines and the need to leave space for a possible cemetery expansion. These matters appear to have been resolved or to be irrelevant. There is also concern about the proximity of the development to the existing cemetery. The indicative layout shows substantial intervening landscaping and a fall in level. Visual separation should be achievable but I note that the service yard is close to the boundary with the cemetery and it may be the noise of heavy goods vehicles manoeuvring in low gear could cause disturbance. Once more, I find it is not possible to conclude that the juxtaposition of the development and the cemetery would be satisfactory in all respects.

199.128 Visual impact is a further concern of the council as the development would cross the A90 which the council considers to be a clear settlement boundary. On the other hand, the objector believes that site contouring and landscaping would minimise any impact to acceptable levels. There is little doubt that a clear view of the development would be presented to those travelling south along the A90. Careful site design and landscaping could reduce the impact but, in the absence of conclusive locational guidance in respect of the sequential test, retail impact and transport assessment, I conclude that retail development in the loop to the west of the A90 should not be supported.

199.129 In turn, I conclude that the local plan should not be modified in respect of this objection.

Supermarket at site Emp B

199.130 Although the community council has suggested the allocation of a supermarket at site Emp B, this requirement has not been substantiated in terms of the sequential test. The council has indicated that such a use is permissible in the absence of other employment uses but it is not possible to endorse the retail proposal in the lack of any supporting information. In fact, the justification of Policy Emp\1, Allocated and Existing Employment Land, explains that the policy is intended to provide a marketable supply of land for industrial, business and *other employment uses*. The glossary definition of employment land refers specifically to retailing. On this basis I conclude that retail use of site Emp B is not precluded and therefore the local plan should not be modified in respect of this objection. Clearly, any proposal involving retail use would be required to satisfy Policy Emp\6 (as recommended for modification – see Issue 31).

Extent of the town centre conservation area

199.131 The community council requires the extension of the conservation area but the council believes the additional area has little merit. Many conservation areas contain some buildings that, in themselves contribute little to overall character. However, as argued by the

council, the built form of the area between the River Cowie, Mary Street and the promenade is notable for its lack of buildings of architectural merit. Inclusion in the conservation area would detract from the character of the designated area. Accordingly, I conclude that the conservation should not be extended as required by the community council.

Impact of sites eh6 and Emp B

199.132 Although SNH is concerned about site eh6, the designation was included in the local plan on the basis that planning permission had been granted. The development is now complete and the objection has therefore been overtaken by events.

199.133 The land designated Emp B fulfils strategic land supply requirements. Some 12 hectares were granted planning permission on appeal by the Scottish Ministers to which the council proposes to add some 2.34 hectares thereby meeting the strategic target. In view of the planning history of the majority of the land, I again conclude that the objection has been overtaken by events.

199.134 Overall, I conclude that there should be no modifications in respect of these objections.

Additional employment land at A90/Kirktown of Fetteresso junction

199.135 Although the council opposes the allocation of additional employment land as the structure plan requirement has been met, the scale of the two proposed areas is such that any impact strategically would be negligible.

199.136 The site to the south-west is so narrow as to virtually preclude any meaningful development. It has been indicated that access would be taken from the loop road but it is difficult to understand how the necessary standards could be achieved. The site to the north-east would also take access from the loop road but this would be between the junction with the A90 and a minor road to the west. It has not been shown that the separation distances could be achieved to the satisfaction of the council. Although it was pointed out that the objector owns additional land that would allow flexibility, no details were made available and, in any event, my consideration of the objection is related to the sites identified.

199.137 The north-east site is adjacent to the A90 and a recycling centre or business uses were suggested as possible uses for the land. No matter the use, the site would be prominent and incongruous.

199.138 Notwithstanding the strategic argument of the council, I conclude that both sites are inappropriate for employment designation and there should be no modification to the local plan in respect of this objection.

Recommendations

199.139 I recommend that the local plan is modified as follows:

Site A should be re-allocated to the immediate south-east of site eh6 (Braehead) and the settlement boundary should be re-drawn around an area of land capable of accommodating 25 houses;

Site A (as modified) should be deleted and site ch1 re-applied as in the finalised local plan;

The boundary of the area covered by the coastal planning policy should be re-located on the Stonehaven East and Stonehaven South maps and, as required, on the Kincardine and Mearns Proposals Map, to follow the line of the old A92 to the vicinity of Dunnottar Castle.

199.140 No other modifications to the local plan are recommended in respect of the foregoing objections.

ISSUE 201

Kincardine & Mearns – Woodlands of Durris

Objector	Reference
Philip Dean	468.2.1
Crathes, Drumoak & Durris Community Council	1055.2.1
Mr D Hirst	1220.1.1
Dunecht Estates	1310.1.5 & 3.2

Procedure	Reporter
Informal hearing (Mr D Hirst) and written submissions	Richard Dent

Provisions of the local plan

201.1 Woodlands of Durris is designated in the finalised local plan as a rural service centre in the Aberdeen housing market area. Site, eh1 is shown to be suitable for around 4 houses and site A for around 5 houses. Future housing is shown under site fh1(20). Two project areas are shown with P1 for playing fields and public open space and P2 for strategic landscaping in site fh1.

Basis of the objections

201.2 **Mr Dean** states that two houses have been constructed on site A and, because of lack of space, reference to any further houses should be deleted. Site eh1 should also be deleted as development would extend the strip of development, contrary to the objectives of the plan. Any houses required should be sited to the south of the road. (468.2.1)

201.3 **Crathes, Drumoak & Durris Community Council** prefers a cluster of development rather than the ribbon proposed under site fh1. Site eh1 should be deleted as it would also constitute ribbon development. A recycling centre should be identified in a central location and project area P1 should be for recreation and future nursery development. (1055.2.1)

201.4 **Mr Hirst** objects to the concentration of development at site fh1. The number of houses proposed would double the existing number and change the character of the village. Traffic generated would cause problems in the vicinity of the primary school. It would be an additional concern if the shortfall on site A were to be transferred to site fh1. The need for the houses is questionable as there are no local employment opportunities and the occupants would therefore be car-using commuters. The scale of development would lead to a loss of visual amenity and create light pollution at night. Inadequate drainage could cause a problem for houses to the south of the site although it is recognised that a connection could be made to the existing drainage system. Overall, the scale of development is not environmentally sensitive and it would be preferable to transfer part of the allocation to Kirkton of Durris where housing has been deleted for reasons that could equally be applied to Woodlands of Durris.

201.5 Access to the playing fields and recreation area is not shown. These facilities could also lead to additional traffic in the vicinity of the primary school. (1220.1.1)

210.6 **Dunecht Estates** explains that two houses have been built on site A which is designated for 4 units. The shortfall of 2 units should be transferred to site fh1 to which access could be gained through site A. Development of site fh1 would allow the provision of land for open space and playing fields. (1310.1.5 & 3.2)

The council's responses

201.7 Objection 1220.1.1: The objection is not accepted. In itself, change in character is not necessarily detrimental; in this case, change would be minimal. Indeed, the development could be beneficial if designed around a new village green. Although there is no public transport and a small amount of additional traffic would be generated in the vicinity of the school, the likely preferred route to Aberdeen would be to the north. The new development would support local facilities, help to meet structure plan requirements, and provide variety in development opportunities in the countryside.

201.8 Although the finalised plan indicates that site A is suitable for around 5 houses, the precise figure was determined through the detailed planning application.

201.9 Despite there being no increase in employment opportunities at Woodlands of Durris, designated rural service centres generally provide a variety of employment opportunities. The structure plan housing land requirements must be fulfilled and distributed throughout Aberdeenshire as equitably as possible.

201.10 Whilst several properties would suffer some loss of amenity in terms of view, and experience an increase in light pollution, the impact would be relatively minor. Access details would be determined through a detailed planning application. An access could be formed from the minor road to the east subject to meeting the necessary standards. Appropriate improvements to the road northwards would be sought, including work at the junction with the South Deeside road, through developer contributions. Drains would be connected to the existing Scottish Water sewerage system.

201.11 The residential allocations would have a similar effect on the environment wherever they are located. The countryside could absorb the development without undue loss of rural ambience. Transferring part of the Woodland of Durris allocation to Kirkton of Durris would be impractical, it having been decided that even the 5 houses initially allocated to Kirkton are inappropriate because of the lack of community facilities, infrastructure constraints, and the adverse impact on the Dee valley.

201.12 Objection 468.2.1: The objection is not accepted. Development of site eh1 would not constitute ribbon development as not all the houses would have accesses, or even a boundary, fronting the road. Re-allocation would not be appropriate.

201.13 Objection 1055.2.1: The objection is not accepted in respect of site eh1. (see response to objection 468.2.1)

210.14 Policy Inf\6, Waste Management Facilities addresses the issue of providing a recycling facility.

210.15 The objection is accepted in respect of site P1 and it is proposed to indicate that the site will be used for recreational purposes.

210.16 Objection 1310.1.5: The objection is accepted as a sensible compromise.

201.17 The following modifications are proposed:

increase the capacity of the future housing land from fh1(20) to fh1 (22)

amend entry for project areas to: Two project area are shown as Site P1 (playing fields/public open space - for general recreational use) and Site P2 (strategic landscaping).

Conclusions

Housing land allocations

201.18 The local plan is obliged to meet the housing land requirements of the structure plan which, for settlements other than Stonehaven and Portlethen in the Kincardine and Mearns area, are shown as 85 houses from 2000-2005 and 125 from 2006-2010.

201.19 In physical terms, the character of Woodlands of Durriss derives largely from the curved, one-sided south-facing frontage. Although ribbon development is generally resisted, the frontage provides a pleasing aspect, particularly when approaching from the south. Development of site eh1, which contributes 4 houses to the effective housing supply, would extend the length of the built frontage but, as the council points out, the depth of the site would ensure that not all the houses would front the road. I conclude that the development of the site would not harm the existing character of the village and, indeed, careful design could enhance the appearance of the frontage. In turn, I conclude that site eh1 should not be deleted.

201.20 The council has endeavoured to distribute the housing allocations throughout Aberdeenshire and, in this respect has designated rural service centres which are towns and villages, other than the main settlements, with opportunities for development. The local plan glossary adds that the rural service centres may provide opportunities to absorb small-scale local development needs. The structure plan also indicates that small-scale development (usually less than 15 houses) will be spread among rural service centres to support services, local housing needs and economic development.

201.21 The principle of development at Woodlands of Durriss is clearly supported through the rural service centre designation. However, allocations on sites eh1, A and fh1 total 29 houses. Even accepting that only 2 houses have been built on site A, the potential is significantly higher than the figure generally anticipated in the structure plan and, in terms of the local plan, cannot be considered as small-scale by comparison with the existing size of Woodlands of Durriss. Taking account of the two houses constructed on site A, the likelihood of 4 houses on site eh1 and the structure plan indication that growth will generally be less

than 15 houses, I conclude that it would be more appropriate to limit the capacity of site fh1 to 8 houses. Notwithstanding the support of Dunnecht Estates for a larger development, I believe that 8 houses could be absorbed without detriment to the character of the village.

201.22 Access arrangements dictate the precise location of the site. Should access be via site A, it would be appropriate to locate fh1 to the immediate west of P1. This would have the advantage of having reduced impact on the outlook of existing houses but would generate additional traffic past the school. Alternatively, access could be taken from the minor road to the east. Development at this location would impinge on the visual outlook of various existing houses but, in my opinion, not to an overwhelming extent. An element of additional lighting would be created in either location but I conclude that the level of illumination should not preclude development. It has been accepted that the development could be linked to the existing drainage system. The strategic landscaping designation would not be required for a development of 8 houses in either location. Appropriate landscaping arrangements could be considered at the time of a detailed planning application.

Project area P1

201.23 The proposed modification to the description of P1 meets the terms of the concern of the community council and is worthy of support.

Recycling facility

201.24 The community council also requires the identification of a site for a recycling centre. In response the council points to Policy Inf\6. I note that the policy justification indicates that supplementary guidance will be prepared to identify relevant sites or areas of search for these facilities. On the basis of the information available, it is not possible to recommend a particular site for a recycling facility. However, in terms of Policy Inf\6 and the council's commitment to supplementary guidance, the identification of the site required by the community council should follow in due course.

Recommendation

201.25 I recommend that the local plan is modified as follows:

decrease the capacity of the future housing land from fh1(20) to fh1 (8) and show the site on the settlement map within the existing fh1 allocation depending on the proposed access;

amend entry for project areas to: One project area is shown as Site P1 (playing fields/public open space - for general recreational use).

ISSUE 202

Kincardine & Mearns – Areas Outwith Settlements - Ardoe

Objector	Reference
David Lawtie	568.56.1
Procedure	Reporter
Written submissions	Richard Dent

Provisions of the local plan

202.1 Ardoe is located in the green belt in the finalised local plan. It is not designated as a rural service centre.

Basis of the objections

202.2 **David Lawtie** objects to Ardoe not being identified as a settlement. The properties in the area, including the Ardoe House Hotel, a major employer, should be encompassed within a settlement envelope thereby allowing development on infill and gap sites in terms of Policy Gen\4, Infill Development. In turn this would relieve development pressure in the area and prevent sporadic development in the countryside.

202.3 Ardoe is, in effect, a village where much haphazard development has taken place in recent years. The opportunity should be taken to round-off development within the existing mature landscape. In so doing, a contribution would be made to providing a variety of sites in a choice of locations.

202.4 Settlement designation would be in accordance with the approach adopted in CALPs.

The council's response

202.5 The hotel does not qualify as a compact grouping of at least 6 houses, and the surrounding properties also are not compact. In turn, Ardoe does not meet rural service centre criteria, and Policy Gen\4 is not applicable. The local plan already provides a variety of sites for housing in areas where potential house-buyers would want to live. The objection site is on a north-facing slope where development would impact on views from the north bank of the Dee. In any event, the strategic housing land requirement has been fulfilled, and any further housing allocations would conflict with the structure plan.

Conclusions

202.6 Ardoe is not a village or town as required to qualify as a rural service centre. It is, in effect, a hotel complex with a number of unrelated and random residential properties in the general vicinity. Indeed, the objector has described the situation as haphazard. Even if this arrangement were to be regarded as a settlement, the council has pointed out that the criteria

are not met as required. Any contribution to the range of choice of housing does not overcome the need to meet rural service centre criteria.

202.7 Although it has been suggested that rounding-off might be of benefit, no indication has been provided of the envisaged scale and extent of this process. The council believes that development could lead to conflict with the structure plan and have a wider visual impact. Despite the lack of details, I consider it is unlikely that the scale of development could lead to problems in either respect. Nevertheless, this does not override the need to meet the criteria and I conclude that the designation of Ardoe as a rural service centre is not justified.

Recommendation

202.8 I recommend no change to the local plan in respect of this objection.

ISSUE 202

Kincardine & Mearns – Areas Outwith Settlements – Banchory Devenick

Objector	Reference	
Banchory and Leggart Estates Mr M Bibby	1095.2.1	568.58.3
Procedure	Reporter	
Informal hearing (Banchory & Leggart Estates) and written submissions	Richard Dent	

Provisions of the local plan

202.9 The finalised local plan places Banchory Devenick in the designated green belt in the Aberdeen housing market area..

Basis of the objections

202.10 **Mr Bibby** supports the retention of the school and young families living in the area. The local plan should provide for up to 10 houses in the vicinity of the crossroads or the school. The hamlet should be given “village” status with a speed limit and street lights.

202.11 **Banchory and Leggart Estates** also requires the well-defined group of buildings at the crossroads to be designated as a settlement as has been the case in earlier plans. This group lies on an historic route south from Aberdeen with a well-established sense of place, and clear identity and character despite recently change and recently built houses.

202.12 The school was faced with possible closure, the roll falling from 69 in 2001 to a projected 36 in 2011, although it now appears likely to remain open. New housing would address the problem of attendance in the manner taken by the council in other locations. Some 25-30 houses are intended in the natural bowl close to the crossroads although, if necessary, a maximum of 15 would be acceptable. Landscaping would be provided although the details have not yet been determined. Ten or 12 houses are proposed in the vicinity of the school. This is about one kilometre from the crossroads. Ground opposite the school is the preferred location for the smaller development. Up to 40% could be affordable houses. Again there would be some planting and some of the school facilities would be improved. Development would be phased at a rate of 10 a year to prevent too great an impact.

The council’s responses

202.13 In response to both objections the council states that there would be grounds for considering Banchory Devenick as a small settlement if the new primary school was to be sited at this location rather than at Lairhillock. It now appears that the new school will not be ready for occupation for at least two years but the existing primary school cannot be

considered as integral to the hamlet at the crossroads being a kilometre distant and, accordingly, Banchory-Devenick does not fulfill rural service centre criteria.

202.14 SEPA has been consulted, and has stated that there is no watercourse to accept the discharge of foul effluent within the vicinity of the crossroads or the school. In any event, whilst the land at the crossroads does form a bowl, no more than 15 new houses should be provided in any small settlement.

Conclusions

202.15 Banchory Devenick is typical of a historic crossroads although Banchory and Leggart Estates somewhat confusingly describe the character as both traditional and modern. Nevertheless, the crossroads does have a distinct character although this is not that of a village that meets the criteria required for designation as a rural service centre.

202.16 At one time it was anticipated that the school would close when a replacement was provided at Lairhillock. However, the situation is now less certain and it appears that the Banchory Devenick primary school may remain open, albeit with a declining roll. The council believes that the distance between the crossroads and the school is too great to justify rural service centre status. I conclude that this is correct as the journey undertaken by children who travel from the crossroads to the school is essentially no different to the journeys of pupils who live elsewhere. There is therefore no particular symbiosis between the crossroads and the school.

202.17 Strategic demand does not dictate an over-riding need to allocate houses at this location and, in any event, structure plan guidance points to a scale of development commensurate with the size of the settlement in order that new houses can be easily absorbed. Initially, Banchory and Leggart Estates suggested 25-30 houses close to the crossroads but it was later indicated that 15 would be acceptable. The impact of even 15 houses in the bowl adjacent to the crossroads would have a significant visual impact and destroy the traditional form of development at countryside crossroads locations. Although it has been stated that landscaping would be provided, no great thought has been given to the detailed form of the proposals and therefore the benefit of planting cannot be clearly assessed. Even if the crossroads vicinity were to be designated as a rural service centre and the problems raised by SEPA could be overcome, the number of additional houses that would be acceptable would be very severely limited.

202.18 The suggested housing site at the school had originally been on the same side of the road as the school buildings. At a very late stage in the proceedings this was changed to the opposite side of the road, an alteration accepted by the council. There is little merit in this location as it does not relate to any existing buildings and would simply represent a group of houses in the designated green belt. Again there are no over-riding reasons why housing should be allocated at this point. Although it has been indicated that some of the school facilities would be improved, no further details have been provided. Affordable houses are intended but, in itself, this contribution does not overcome the disadvantages of the site.

202.19 Overall, I conclude that rural service centre designation should not be applied to either the crossroads vicinity at Banchory Devenick or around the primary school, individually or as a twin-centred designation.

Recommendation

202.20 I recommend no change to the local plan in respect of these objections.

ISSUE 202

Kincardine & Mearns – Areas Outwith Settlements – Black Knapps Farm, Auchenblae

Objector	Reference
Dunbar Farmers	1012.1.1
Procedure	Reporter
Written submissions	Richard Dent

Provisions of the local plan

202.21 The site lies in the countryside within an area of landscape significance.

Basis of the objection

202.22 **Dunbar Farmers** requires land south of Auchenblae to be allocated for mineral development. There are significant sand and gravel deposits in the vicinity.

The council's response

202.23 The objection is not accepted. The local plan provides for a sequential approach to site selection rather than designating sites.

Conclusions

202.24 Policy Env\12, Mineral Resources, aims to ensure that mineral resources are not unnecessarily sterilised or made impractical to work where they contribute to a landbank of mineral resources. Policy Env\13, Mineral Extraction, promotes mineral workings whilst ensuring that the environment is protected as best possible through a sequential approach to site selection. The policy defines four tiers which set out the parameters for the approval of mineral development. More details are provided in Appendix 12. The objection site is in an area of landscape significance and therefore falls within Tier 3.

202.25 Policy Env\13 includes a presumption in favour of mineral extraction subject to qualifications and provides reasonable guidance to prospective developers. On this basis, there is no requirement to allocate particular sites for mineral extraction. In turn, I conclude that there is no requirement to modify the local plan.

Recommendation

202.26 I recommend no change to the local plan in respect of this objection.

ISSUE 202

Kincardine & Mearns – Areas Outwith Settlements – Cookney

Objector	Reference
Mr R Winmill	766.2.2
Mr Tom Shanks	568.98.1
North Kincardine Rural Community Council	1086.2.2 & 6.1
Country Life Estates Limited	1310.2.2 & 17.3 (previously 568.67.3)

Procedure	Reporter
Informal hearing (NKRCC, Mr Winmill & Country Life Estates) and written submissions	Richard Dent

Provisions of the local plan

202.27 The finalised local plan places Cookney in the countryside within the Aberdeen housing market area.

Basis of the objections

202.28 **The community council and Mr Winmill** believed that Cookney should be designated as a rural service centre with the prospect of providing 8-10 houses. (766.2.2 & 1086.2.2)

202.29 **Country Life Estates** similarly required rural service centre status, the settlement boundary to include an infill site to the south which would be capable of accommodating 4 or 5 detached houses. (1310.2.2 & 17.3)

The council's response

202.30 The objections were accepted to the extent that the council proposed a modification designating Cookney as a rural service centre. Site A, north of the former church is identified for around 10 houses. Woodland on the north-west boundary of the settlement is shown as a protected area. The site put forward by Country Life Estates is excluded from the envelope.

Objections to the modification

202.31 **The community council and Mr Winmill** require the local plan to indicate that the tightly drawn boundary will be maintained in the future to ensure the planned development on site A is effectively concealed. No further development should be permitted as expansion would be inappropriate at this prominent location. Cookney is a small hilltop settlement with views in all directions. It is isolated from the surrounding countryside and the slopes around

the village form an important part of the approaches. The character can only be retained if the foreground views of the village are kept open. (1086.6.1 & 766.2.2)

202.32 **Country Life Estates** supports the settlement envelope but objects to the omission of land extending to 0.9 hectares to the south of Cookney. This land should be allocated for housing in place of site A. Four houses could be built in a cohesive manner rather than the sporadic ribbon development that has often occurred in the past. The site is set behind a row of trees which would screen development from the north and provide a backdrop when viewed from the south. Additional planting could be provided and the access would be improved. There is residential property to the north and south and, in effect, the site would represent infill development.

202.33 The SEPA position is unclear and unhelpful. Although the council initially argued that development was constrained through lack of mains drainage, planning permission has been granted for 10 houses on site A. The development has not commenced and it is understood that the owner is not prepared to release the land as it lies within part of an operational farm. The site should therefore remain as “white land”. On the other hand, the objection site is available and could be serviced by individual septic tanks. Development would add to the range of housing choice. Insofar as Cookney has been identified as a settlement as a consequence of the village hall, new residential development could assist with funding restoration work that the hall requires. (1310.2.2 & 17.3)

202.34 **Mr Shanks** also welcomes the settlement envelope but believes it should be extended. Inclusion of his property at Cookney Stables would result in the full and appropriate use of the land and the site would link easily to existing infrastructure and services. Access would be safe and convenient for walking and cycling. It would fulfil all the requirements of structure plan Policy 11 and overall there would be no adverse impact on the character, environment or amenity of the surrounding area. Any resultant development would contribute to any shortfall in the five year land supply.

202.35 The structure plan defines a settlement as any built-up area with a community function with at least some viable services. Cookney Stables meets these criteria and should be identified as a settlement. (568.98.1)

The council’s further responses

202.36 Objections 1310.2.2 & 17.3 and 568.98.1: The objections are not accepted. Although it is proposed to designate Cookney as a rural service centre, the settlement envelope has not been extended to enclose the objection sites:

- the plan already provides a variety of sites for housing, and Cookney has been allocated its fair share as the planning permission for site A - which may be implemented at any time - has trebled the potential number of houses in the settlement;
- the existing development has mains water, but SEPA has stated that it would oppose any further development;
- the settlement envelope has been extended to enclose a shelter belt of trees to the north of site A which has been designated as a protected area in view of the contribution to the special character and amenity of Cookney;

- houses on the Country Life Estates site would show against the skyline and impact on the landscape;
- structure plan housing land requirements have been fulfilled.

Conclusions

The future of Cookney

202.37 Objections 1086.6.1 & 766.2.2: The community council and Mr Winmill generally support the modification. Although a definitive statement about future intent is required, this would not be appropriate. The local plan sets out the council's policies against which development proposals must be assessed in the first instance. However, on occasion, other material considerations may be of relevance and the council must not fetter its discretion or its ability to take account of such considerations.

Land to the south

202.38 Objections 1310.2.2 & 17.3: Although Country Life Estates expresses doubt about the prospect of the implementation of the planning permission on site A, this evidence has not been substantiated. As the council indicates, the situation may change and the development could progress in terms of the permission notwithstanding the unclear drainage situation. On the other hand, the objection site would require individual private systems, which SEPA and local plan Policy Inf4, Drainage Standards, (as modified under Policy Inf4a) do not accept. The council draws attention to the relative scale of the prospective development on site A and explains that, when built, this would treble to number of houses in Cookney.

202.39 Despite the concerns expressed in respect of site A, it would be unwise to disregard the planning permission. Implementation could provide a significant development compared with the size of Cookney and, in terms of structure plan guidance, it would be difficult to justify further development.

202.40 Even if the construction of 4 or 5 houses on the objection site did not break the skyline or impact on longer inward views of Cookney, they would represent an outward spread of the small, compact hill top settlement. I do not regard the site as an infill opportunity and conclude that development would detrimentally affect character and identity. Even if site A is not brought forward for implementation, I believe the development of the objection site would not be justified.

Cookney Stables

202.41 Objection 568.98.1: In terms of Cookney Stables, the site lies on an approach road to Cookney but at a significantly lower level. It is physically separated from the compact settlement on the hill top and cannot be regarded as part of Cookney or as a settlement in its own right. I conclude that incorporation of this land within the settlement should not be contemplated. Neither should Cookney Stables be defined as a settlement in its own right.

Recommendations

202.42 I recommend that the local plan is modified, as proposed by the council, whereby Cookney is designated as a rural service centre with the boundary as shown in the Proposed Modifications, 2 July 2003. Site A should be included to the north of the former church along with the protected area of trees.

ISSUE 202

Kincardine & Mearns – Areas Outwith Settlements - Duffhill

Objector	Reference
A & M Smith	566.5.1
Procedure	Reporter
Informal hearing	Richard Dent

Provisions of the local plan

202.43 The finalised local plan includes the site within the designated green belt.

Basis of the objections

202.44 **A & M Smith** explains that Blackhill Farm lies to the west of the A90 just to the north of Marywell. The farm is small and is not viable, lying at the edge of a relatively unimportant part of the green belt. Some 7 hectares are used for landfill (which has an estimated life of 12 years), skip hire and as a waste transfer station and there are two adjacent fields extending to about 6 hectares. There are 11 full time employees and one part-time. To the east is a disused brownfield site previously used for pipeline storage.

202.45 The structure plan identifies a need for a business park of about 20 hectares in the Portlethen corridor. There are also allocations for a total of 800 houses at Portlethen, immediately south of the objection site, and these will generate a need for more employment land than currently exists.

202.46 The objection site could contribute to this requirement and, in particular, could be used for a recycling plant. Formal designation would overcome the uncertainty that currently exists over the long-term future of the site which, in effect, has been employment land for over 20 years. The use of the site would be preferable to the loss of greenfield land. The green belt at this location does not fulfill any significant role and its loss would not threaten any green belt functions in terms of coalescence, the setting of the city or recreation. The site is well-located in terms of both the growth of Portlethen and Aberdeen. The junction with the A90 has operated efficiently and safely and served the former adjacent pipeline storage yard. That sometimes involved up to 200 articulated vehicle movements in a day. If required, improvements would be possible. It is anticipated that the western peripheral route will cross the north-west corner of the land bringing the site within the city envelope.

The council's response

202.47 The objection is not accepted. Structure plan Policy 2, Employment Land Distribution, requires between 10 and 30 hectares in the Portlethen corridor (defined as including Portlethen, Badentoy and Moss-side/Cairnrobin) together with a business park of

around 20 hectares. These requirements have been met in full by better sites elsewhere in the corridor. Indeed, there is an oversupply of 3.2 hectares of employment land.

202.48 The 2003 Employment Land Audit shows that the average take-up rate for employment land in the Portlethen area from 1993 to 2002 was 3.9 hectares per annum. On this basis there is sufficient marketable employment land in the Portlethen corridor for 8 years. If the site at Cairnrobin is included, there is an adequate supply for the next 18 years.

202.49 Land at Badentoy and Cairnrobin is already operational, but the Emp D business park north of Portlethen (see the Portlethen East settlement map) is no more than a proposal at this time.

202.50 The Emp D allocation is preferable to Duffshill in several respects:

- Emp D land is part of an integrated proposal to implement the structure plan housing land requirement and provide a grade-separated junction at Marywell, which would also serve employment land at Checkbar. Duffshill is not part of a similar larger plan.
- Emp D land is contiguous with the urban fabric of Portlethen and shows more respect for the character and amenity of the area than Duffshill, which occupies an isolated location, with more impact on the countryside, thereby contributing to urban coalescence.
- Emp D land is located on a public transport corridor to which it has immediate access, and is better located to offer green transport opportunities to employees drawn from Portlethen. Duffshill is over 2.5kms from Portlethen railway station.

202.51 Whilst 7 hectares of the Duffshill site have been used for landfill purposes, the land is not a brownfield site. In any event, a condition of the approval for the Duffshill landfill development requires site restoration. In due course, therefore the character and amenity of the green belt will be recovered. The objection states that the remaining part of the site is poor quality agricultural land, but this land has nevertheless been used for agricultural purposes in the past, and may still be.

Conclusions

202.52 The local plan allocates employment land at the existing large industrial and business area at Badentoy. This is a modern facility with a direct link to Portlethen and a grade-separated junction with the A90. To the north of Portlethen, site Emp D has been granted planning permission along with land for housing development, as referred to by the objector. A new district distributor road will form part of the wider development and lead to a new grade-separated junction at Marywell. As explained by the council, that junction will also serve the Mosside\Cairnrobin development at Checkbar which has also been granted planning permission. Overall, the structure plan requirements have been met and the allocated sites appear to be progressing towards implementation. These sites are well-located and there is no reason to believe that development will not take place realising the creation of employment opportunities.

202.53 In contrast, the land at Duffshill is relatively small and, whilst it clearly serves an important function in terms of landfill, skip hire and waste transfer, it is not suited to modern business and industry requirements. The site fronts a relatively minor road although there is

an access to the A90 nearby. That access is said to have operated safely, but it is at grade and, although there was no detailed reference to the required standards, the junction is not of good quality. It was indicated that improvements could be achieved but again no details have been provided.

202.54 The site is in the green belt which, although not of great character locally, serves the wider purpose of retaining an open area around Aberdeen. Although the site has operated for many years, it should not be regarded as permanent employment land, the landfill operation having an estimated life of 12 years. Although the objector is concerned about the lack of certainty, the site operates under the terms of a planning permission which should be clear in its terms. In particular, there is a restoration condition which will require compliance in due course.

202.55 It may be that additional employment land will be needed in the future but, in the meantime, I conclude that the local plan makes adequate provision in terms of the strategic requirement and the allocation of the objection site for employment purposes is not justified.

Recommendation

202.56 I recommend no change to the local plan in respect of this objection.

ISSUE 202

Kincardine & Mearns – Areas Outwith Settlements – Dunnottar Square, Stonehaven

Objector	Reference
Churchill Homes (Aberdeen) Limited	566.15.1
Procedure	Reporter
Informal hearing	Richard Dent

Provisions of the local plan

202.57 The finalised local plan places Dunnottar Square in the countryside. It lies within the Aberdeen housing market area.

Basis of the objections

202.58 Planning permission was granted to convert the former Dunnottar House stables into 10 houses. The conversion is now complete although only 8 units were provided. The initial objection proposed four additional houses on ground to the west of the stable block. A subsequent indicative drawing reduced the size of the site and shows two houses which, it is argued, would fit well into the site without affecting the existing development or the surrounding area. The houses would provide a choice of house and plot size and contribute to housing numbers in respect of the shortage claimed under Issue 20.

202.59 The site is infill in character bounded by the stables conversion and trees. There is scope for further enclosure through additional planting. The principle of 10 houses had previously been accepted by the council and the two houses now required represent the rounding-off of a cohesive group. If no development is allowed the land could well become derelict.

202.60 It would be appropriate to identify the land in the local plan as a minor opportunity site.

The council's response

202.61 The objection is not accepted. The proposed designation would conflict with Policies Env\8, Trees and Woodlands and Hou\4, New Housing in the Countryside. There are numerous areas which lack infrastructural constraints and have defensible boundaries, but other factors such as the need to conserve the rural environment and compliance with the structure plan take priority.

202.62 As the site is not within the rural housing market area, the policy relating to cohesive groups of 5 houses does not apply. The site cannot be defined as a gap site which is more properly regarded as vacant land of a similar size to two adjacent plots.

202.63 In terms of the original application, the 10 houses approved no longer have relevance as the decision to provide 8 units superseded the initial permission.

Conclusions

202.64 The planning permission for the provision of 10 units involved the conversion of the stable block. At the end of the day it was decided to provide 8 residential units, a scheme that has been implemented. There can be no question that the original permission implies that two further new-build units are acceptable in principle as there is no relationship between the conversion project and building beyond the footprint of the stables.

202.65 The objection land adjacent to the stables is neither an infill site nor a gap site. These are concepts that apply to built-up areas - cities, towns and villages. Even if this interpretation is not correct, the site is not fully enclosed being generally open to the north. Indeed, the further planting that has been suggested appears to recognise the lack of enclosure.

202.66 The site lies within the countryside and this has not been disputed. It is within the Aberdeen housing market area and therefore the possibility of providing development where the site is part of a cohesive group of 5 houses is precluded. Although it has been suggested that the land could be identified as a minor opportunity site, this would be anathema in terms of national, regional and local guidance in respect of building in the countryside.

202.67 It has been intimated that, should development not be permitted, the land might well fall derelict. This is not a persuasive argument and the council has powers to remedy problems of this nature.

202.68 All-in-all, there is no case for the local plan to designate the objection site for residential development either as originally indicated or at the subsequently reduced level.

Recommendation

202.69 I recommend no change to the local plan in respect of this objection.

ISSUE 202

Kincardine & Mearns – Areas Outwith Settlements – Durriss Stables

Objector	Reference
Mr Robert Kennedy	1030.1.2

Procedure	Reporter
Written submissions	Richard Dent

Provisions of the local plan

202.70 The finalised local plan places Durriss Stables in the countryside in the Aberdeen housing market area.

Basis of the objection

202.71 **Mr Kennedy** requires land south of Durriss Stables to be identified for a small-scale housing development of some 5 houses. The stables are a listed building and have been converted into residential use. However, the scale and design of the proposed development would not have an adverse impact on the setting of the listed building. The site is a clearing, self-contained within a landscape of mature trees, and not visible from nearby roads. Development would offer the opportunity to sustain and enhance the woodland and secure its long-term management. Drainage constraints could be overcome by new technology. The houses would help satisfy high demand in the area.

The council's response

202.72 The objection is not accepted. The site does not meet the rural service centre criteria. There is no strategic requirement for the houses.

Conclusions

202.73 The objection site is located within an area subject to Policy Hou\4, New Housing in the Countryside (as modified). There are no policy provisions in the local plan for exceptions to the application of this policy in the manner proposed. Such development would be contrary to national and structure plan guidance. I conclude a modification to the local plan would be inappropriate.

Recommendation

200.74 I recommend no change to the local plan in respect of this objection.

ISSUE 202

Kincardine & Mearns – Areas Outwith Settlements – Kirktown of Fetteresso

Objector	Reference
Edward Murray	1193.1.4
Kincardineshire Investment Company Limited	1002.1.1-2
Stonehaven and District Community Council	1108.2.8
Dr Keith N Stewart	1132.2.2-3

Procedure	Reporter
Written submissions	Richard Dent

Provisions of the local plan

202.75 The finalised local plan places Kirktown of Fetteresso in the countryside within the Aberdeen housing market area.

Basis of the objections

202.76 **The community council and Dr Stewart** require Kirktown of Fetteresso to be identified as a conservation area in the local plan. (1108.2.8 & 1132.2.3)

202.77 **Dr Stewart** also requires sites of interest to natural science, particularly that relating to the Carron Water at Kirktown of Fetteresso, to be illustrated on the proposals maps. (1132.2.2)

202.78 **Kincardineshire Investment Company** requires the designation of Kirktown of Fetteresso as a rural service centre. The settlement forms a cohesive cluster of buildings including approximately 13 houses, church and garden centre and is clearly of a scale to be recognised as a village. Although the church is not in use, there are numerous other rural service areas without a church, some of which are larger than Kirktown of Fetteresso. The garden centre cannot be regarded as part of Stonehaven. (1002.1.1)

202.79 On the basis that Kirktown of Fetteresso is defined as a settlement, infill development of 2-4 houses should be permitted on land to the south-west of the built-up area. Part of the site was to be contained within a public park but that proposal has not progressed. The council has previously agreed that the land should be included in the settlement boundary as part of the CALPs inquiry. (1002.1.2)

202.80 **Mr Murray** considers that Kirktown of Fetteresso should be allocated a development opportunity. In particular, he believes the land between the village and the railway embankment should be included in the settlement boundary and allocated for a mixed development including recreational and housing use. (1193.1.4)

The council's responses

202.81 Objections 1108.2.8 1132.2.3: The objections are accepted. The Stonehaven proposals map will be amended to show the Kirktown of Fetteresso Conservation Area.

202.82 Objection 1132.2.2: The objection is not accepted. The contents of the proposals maps are limited in the interests of clarity.

202.83 Objection 1002.1.1: The objection is not accepted. The rural service centre criteria are not met. The church should be in regular use (not roofless ruin) to qualify as a service or facility. The garden centre is part of the retail provision of Stonehaven.

202.84 Objection 1002.1.2: The objection is not accepted. Although there were discussions in respect of the creation of a park, these are no longer continuing. Large-scale development would destroy the appearance of a rural hamlet which Kirktown of Fetteresso still enjoys. In any event, the proposal is contrary to the structure plan as the strategic housing land requirement has been fulfilled.

202.85 Objection 1193.1.1: The objection is not accepted. Notwithstanding the lack of meeting rural service centre criteria, the proposed recreation area would not be well-located. Residential development would detract from those qualities which justify status as a conservation area.

Conclusions

Kirktown of Fetteresso conservation area

202.86 Those objections requiring the identification of a conservation area have been met as Kirktown of Fetteresso is included as a "proposed conservation area" in schedule 7 of Appendix 4, Listed Buildings and Conservation Areas, (as modified). The precise area will be shown on the proposals map and, in due course, it will be for the council to take forward the proposal and formally designate the conservation area. Kirktown of Fetteresso appears worthy of designation although, no doubt, the council will undertake a conservation area appraisal as an adjunct to the designation process. In the meantime, I conclude that the proposed modification is worthy of support.

Sites of Interest to Natural Science

202.87 Although there are advantages in showing all nature conservation sites in local plan proposals maps, there is also a need for a balanced approach to ensure that the maps are clear and easy to interpret. The council has explained that not all sites have been shown. I note that Policy Env\3, Other Recognised Nature Conservation Sites, is intended to give sites of local importance adequate protection from damaging development. The justification confirms that the Sites of Interest to Natural Science (SINS) panel will need to be consulted when relevant sites are affected. As the glossary explains, SINS are sites identified by the council and I therefore believe it is not unreasonable to assume that a register of such sites is maintained and available for public inspection. On this basis, I conclude that Policy Env\3 offers adequate protection and there is not a requirement for SINS to be shown on the proposals map, in particular the Carron Water SINS at Kirkton of Fetteresso.

Status of Kirktown of Fetteresso

202.88 The council does not believe that Kirktown of Fetteresso should be designated as a rural service centre but I note the statement of participation indicates that the village will be shown on the proposals map for Stonehaven “although it is outwith the settlement envelope”. Although there is reference to a new map, a modified proposals map has not been provided and it is not entirely clear what the council intends. However, insofar as rural service centre status is not proposed, it is not unreasonable to assume that it is intended to extend the settlement boundary of Stonehaven to include Kirktown of Fetteresso. The council has argued elsewhere (see Issue 199) that the A90 provides a clear edge to the town. This is the case for most of the boundary but I believe it would be acceptable to incorporate Kirktown of Fetteresso. The village retains a clear identity and is separated from the town by the dual carriageway but the bridge across the road and the garden centre are unifying features. I therefore conclude that the incorporation of Kirktown of Fetteresso within the settlement boundary shown on the Stonehaven proposals map is appropriate.

202.89 In terms of Policy Gen\4, Infill Development, development on sites within a settlement boundary which have no specific notation on the settlement proposals maps will be approved in principle, if the nature of the development does not erode the character or amenity of the surrounding area. The designation of a conservation area is significant in terms of assessing potential erosion of character or amenity but, in terms of the objections by the Kincardineshire Investment Company and Mr Murray, the first important consideration is whether or not the sites should lie within the proposed settlement boundary. The detailed intentions of the council have not been made known but, in general terms, I believe it would be appropriate to draw the boundary as tightly as practical around the built-up area. The Carron Water forms a clear physical and visual boundary between the Bridge of Fetteresso and the bridge under the railway line and would provide a suitable boundary in the vicinity of the objection sites. That being the case, both objection sites would be outwith the settlement boundary and would remain subject to Policy Hou\4, New Housing in the Countryside.

202.90 In terms of the proposed recreational use, the location is not especially convenient or suited to general public access and I conclude that this use of the vicinity should not be supported.

Recommendations

202.91 I recommend that the local plan is modified, as proposed by the council, and Kirkton of Fetteresso should be identified as a proposed conservation area, the extent of which should be identified on the Stonehaven proposals map.

202.92 I further recommend that the local plan is modified, as proposed by the council, whereby Kirkton of Fetteresso is incorporated within the Stonehaven settlement boundary. The settlement boundary around the village should be tightly drawn and, in particular, should follow the Carron Water from the Bridge of Fetteresso downstream to the railway bridge.

ISSUE 202

Kincardine & Mearns – Areas Outwith Settlements – Maryculter East

Objector	Reference
James R Irvine-Fortesque	900.1.1
Procedure	Reporter
Written submissions	Richard Dent

Provisions of the local plan

202.93 The finalised local plan places Maryculter East in the countryside in the Aberdeen housing market area.

Basis of the objection

202.94 **Mr Irvine-Fortesque** requires the designation of Maryculter East as a rural service centre, as in the draft local plan, with an allocation for “around 2 houses”.

The council’s response

202.95 The objection is not accepted. Maryculter East does not meet the criteria for rural service centre designation because the school is no longer in use. Any housing allocation would conflict with the structure plan requirement which has been met.

Conclusions

202.96 The allocation of a site for around 2 houses is not significant in the context of the overall strategic requirement. However, the closure of the school at Maryculter East was a significant event and deprived the settlement of its basis as a rural service centre. As indicated by the council, the criteria for designation are not met and the few houses that constitute Maryculter East are not even announced by a place name sign. I therefore conclude that Maryculter East should not be identified as a rural service centre.

Recommendation

202.97 I recommend no change to the local plan in respect of this objection.

ISSUE 202

Kincardine & Mearns – Areas Outwith Settlements - Stobhall

Objector	Reference
Churchill Homes (Aberdeen) Limited	566.14.1
C & R Fraser	448.39.1
R Winmill	766.2.1-2
North Kincardine Rural Community Council	1086.2.3 & 6.2

Procedure	Reporter
Informal hearing	Richard Dent

Provisions of the local plan

202.98 The finalised local plan shows Stobhall as lying in the countryside in the Aberdeen housing market area.

Basis of the objections

202.99 **North Kincardine Rural Community Council, Mr Winmill and Churchill Homes (Aberdeen) Limited** objected to Stobhall not being identified as a rural service centre.

202.100 The community council and Mr Winmill suggested that the western boundary should be the minor road running south from South Deeside Road and the eastern boundary should follow a line of trees planted some years ago. Land to the north of South Deeside Road should be excluded. (766.2.1 & 1086.2.3)

202.101 Churchill Homes required the field to the south-west to be included to allow the construction of around 20 houses and the provision of community facilities. (566.14.1)

The council's response

202.102 The objections were accepted to the extent that it was proposed to modify the local plan by the designation of a rural service centre at Stobhall, the boundaries of which follow those suggested by the community council and Mr Winmill to the south of South Deeside Road but also include several residential properties to the north.

Objections to the proposed modification

202.103 The **community council** is generally concerned about changes to rural service centre designations being made at a late stage in the plan-making process. In an area of high development pressure it is feared that this process could lead to the identification of further centres or extended boundaries in existing centres. In turn, this could be used to attempt to justify more houses. In particular, at Stobhall, the community council is seeking a statement to the effect that the village envelope will not be further extended as local services and

facilities are very limited. The boundary proposed is compact and would retain the character of this small settlement which even a few extra houses would threaten. More houses should not be regarded as the price to pay for additional facilities. Although it has been suggested that a village hall might be provided, there is a nearby modern hall, the Corby Hall, Oldmill, with full facilities and football pitches. This serves adequately as a village hall and there is no known demand for a building in Stobhall itself. (1086.6.2)

202.104 **Churchill Homes** explains that there has recently been some new building at Stobhall, with the construction of 3 “executive” houses; the rationale for the increase in numbers has not altered and, arguably, the justification for further houses has increased. In this respect, an indicative layout has been prepared showing 22 houses to the north and south of the minor road leading west from the village. There is public transport, including a school bus, but no other community facilities. Additional houses would support existing local services and enable the provision of a community centre or such other facility as might be required. The land and building would be provided along with car parking. The overall layout is flexible and would take account of local opinion. (566.14.1)

202.105 **C & R Fraser** objects to the failure of the rural service centre to include Maryculter Lodge. The envelope should include all the houses in Stobhall including the Maryculter House Hotel, the social heart of the village. Extending the envelope eastwards on the north side of South Deeside Road would create a visual link with the new houses on the opposite side. Inclusion of this land would allow the possibility of building a very limited number of houses - one, or preferably two – in the grounds of Maryculter Lodge. These could assist the falling school roll. The site is well- contained and there would be virtually no visual impact in contrast to the recently built houses opposite. The 30 mph speed limited could be extended eastwards beyond the site and this would also provide a sense of approaching a village. (448.39.1)

The council’s further responses

202.106 Objection 1086.6.2: The objection is not accepted. The council has endeavoured to portray an up-to-date situation and any proposed modifications are intended to reflect current circumstances. All changes must follow a defined procedure and be the subject of formal modifications to the local plan. These must be advertised and are open to objection. Despite the community council’s concern about ever-increasing numbers of houses, there is no intention to make further allocations and the local plan must abide by the strategic guidance provided in the structure plan.

202.107 Because of the size of the hamlet, including existing houses and business premises, and, especially, because of the recently completed suite of small offices, Stobhall can be reasonably regarded as a rural service centre. The group of 5 houses across South Deeside Road is an integral part of Stobhall and it would be illogical not to include these properties in the envelope. A further modification is proposed whereby a project area for strategic planting is to be indicated in the field beyond the western boundary.

202.108 Objection 566.14.1: The objection is not accepted. A field with defensible boundaries does not justify extending a logical settlement boundary. The proposed layout would represent an elongated extension of the village. In any event, the strategic housing land requirement has been met. Furthermore, taking into account the new houses recently built,

any further development would overwhelm Stobhall. Although there might be advantages in a new hall, providing a central focus, it is necessary to strike a balance. Indeed, a petition had been submitted expressing the view that rural service centre designation should not be applied.

202.109 Objection 448.39: The objection is not accepted. Maryculter Lodge is over 100 metres beyond proposed settlement envelope, separated by a gulley, and is not part of the village fabric. Visually there is no connection. It has been suggested that the main focus for community congregation is the Corby Hall at Oldmill. Potential impact on the school role would be minimal.

Conclusions

Status of Stobhall as a rural service centre

202.110 Despite the council's reference to a petition, there are no formal objections to the modification proposing Stobhall as a rural service centre.

202.111 The community council has a general concern about the timing of the proposed modification, along with similar modifications elsewhere, but the council has explained why these have been made. I accept that as local plans progress through the preparation procedure it is often appropriate to introduce modifications. However, as the council points out, there is a formal process to be followed and this is set out in statutory regulations. Whilst modifications to a local plan might not involve the level of publicity afforded to draft plans they often represent changes made to satisfy objections. I conclude that provided the council undertakes the statutory procedure, modification of the local plan is entirely permissible.

Note This conclusion also applies to similar objections by the community council in respect of Maryculter West (Issue 189) and Netherley (Issue 193)

Extension to the west

202.112 The community council originally required the South Deeside road to form the northern boundary of the settlement but the council included several houses to the north. The matter was not pursued by the community council and I conclude that the land to the north of the road, as proposed by the council, is properly included in the settlement envelope.

202.113 Churchill Homes requires an extension of the boundary to the west to enclose land that should be allocated for housing and support the construction of a community facility. The council believes extended area is inappropriate and the scale of development to be too great.

202.114 Stobhall is a small, compact settlement notwithstanding the recently constructed houses in the village. The proposed extension is significant in size and would alter the nature of the settlement through its westward protrusion along two roads. The council is correct in questioning the value of the defensible boundary beyond the field proposed for inclusion in the settlement. The minor road itself provides an acceptable boundary. The structure plan is quite clear on the role of rural service centres and the small-scale level of development that is acceptable (usually less than 15 houses). I conclude the size and character of Stobhall is such

that an exception to structure plan guidance is not appropriate. The recently constructed houses should be given the opportunity to assimilate and the additional 22 houses should not be contemplated.

202.115 Churchill Homes offers the prospect of a community facility but there are mixed signals about whether or not this is required. The objector has received an indication from a number of residents that the facility would be welcomed. On the other hand, the community council points out that there is a hall relatively close to hand and this offers a range of facilities that are well used by the village. It has also been indicated that the Maryculter House Hotel is the “heart” of the community. There is little doubt that a new facility in or very close to the village would provide a central focus for the community. However, lack of total enthusiasm and the availability of other relatively convenient facilities, leads me to the conclusion that the offer should not take precedence over the objections to a settlement extension. On the basis of this finding, I further conclude that the western boundary of Stobhall should remain, as proposed by the council, along the minor road leading south from the South Deeside Road. This is a clear boundary and there is no requirement for additional planting as suggested by the council.

Extension to the north-east

202.116 The extension of the envelope to include Maryculter Lodge would, as the council indicates, involve a property that is remote from the compact form of Stobhall. There is no visual link and a pronounced gully adds to the physical separation. It was further suggested that the adjacent hotel should be included as being the “heart” of the community. This claim was not substantiated and other evidence was given to indicate that many community activities take place at the Corby Hall. An extension of the envelope as required would not relate to the new houses on the opposite side of South Deeside Road as these are further west and are clearly part of Stobhall. Whilst the grounds of Maryculter Lodge could probably accommodate two additional houses without wide visual impact, this very attribute emphasises that the site is not an integral part of the village. I conclude that the settlement envelope should not be extended in response to this objection.

Recommendation

202.117 I recommend that the local plan is modified, as proposed by the council, whereby Stobhall is designated as a rural service centre, the boundary and text as shown in the Schedule of Proposed Modifications dated 26 May 2003.

202.118 I further recommend that the project area proposed in the field beyond the western boundary of Stobhall should not be pursued.

ISSUE 202

Kincardine & Mearns – Areas Outwith Settlements – The Setting of Stonehaven

Objector	Reference
Cllr G Swapp OBE DL	355.6.2
Procedure	Reporter
Written submissions	Richard Dent

Provisions of the local plan

202.119 Land close to the coast to the north and south of Stonehaven is designated as an area of landscape significance and lies within the designated coastal zone.

Basis of the objection

202.120 **Cllr Swapp** objects to the limited designation of the countryside around Stonehaven as an area of landscape significance. Although a modification to the finalised local plan has been proposed, this only provides a small increase to the coastal zone to the south of the town.

202.121 Stonehaven is special because of its landscape setting with a relatively unspoilt skyline embracing the town. A proliferation of housing, mast and windfarm applications has brought the vulnerability of the situation into focus and highlighted the need to protect the scenic ridges overlooking the town.

202.122 By comparison with Marr, Kincardine and Mearns has a very small extent of designated areas of landscape significance which suggests that different standards may have been applied. Similarly, there are significant designated areas around Inverurie in Garioch.

The council's response

202.123 The objection is accepted. The area of landscape significance in the finalised local plan is shown in error and should reflect the extent indicated in CALPs. A modification to this effect is proposed.

Conclusions

202.124 The structure plan makes indicative housing allocations for all the main service centres with the exception of Stonehaven “where there are particularly sensitive landscape and other constraints.” The draft Stonehaven Capacity Study also recognises the need to conserve features which create the sense of place of the town including the setting within the “bowl” of hills. The environmental constraints map identifies extensive areas of landscape sensitive slopes. The council therefore is correct in accepting the objection as it is generally recognised that the setting of the town is, indeed, an area of landscape significance.

202.125 The extent of the proposed modification is not known to me but it is clear that the designated area of landscape significance should encompass the wider setting of Stonehaven.

Recommendation

202.126 I recommend that the local plan is modified, as proposed by the council, whereby the setting of Stonehaven is designated as an area of landscape significance.

ISSUE 202

Kincardine & Mearns – Areas Outwith Settlements – Westside Farm, Sunnyside

Objector	Reference
Dr P M Hook	48.2.1-2
Mr L Chong & others	448.30.1-2

Procedure	Reporter
Written submissions	Richard Dent

Provisions of the local plan

202.127 The finalised local plan places Westside Farm in the countryside within the Aberdeen housing market area. To the south, Netherley is designated as a rural service centre.

Basis of the objections

202.128 **The objectors** maintain that Netherley should not have been designated as a settlement nor should a site have been identified for public open space/educational use, not being well-related to the communities proposed to be served by the new school. The Westside Farm site is to be preferred for new development, a planning application proposing 10 houses having been submitted. That application was refused as being premature in respect of the local plan preparation process and a decision on the location of a new primary school for the area.

202.129 The land at Westside Farm is within the existing settlement at Sunnyside and extends over 10 hectares to provide for around 50 houses (of which 25 would be affordable), community facilities and a school. This would form an extension to the established settlement and should be defined within a settlement envelope.

The council's response

202.130 The objections are not accepted although it is agreed that Netherley does not meet rural service centre criteria. The designation was proposed for deletion from the local plan although subsequent consideration was given to the possible retention of rural service centre status. The new primary school for the Netherley area is to be sited at Lairhillock but is unlikely to be completed for some time. In any event, Westside Farm cannot be regarded as a rural service centre and land should not be allocated for housing. Structure plan requirements have been met elsewhere.

Conclusions

202.131 The council decided to delete Netherley as a rural service centre although subsequently considered the possibility of retention. This matter is considered under Issue

193 in which I conclude that the rural service centre status should be removed. However, that does not form the central thrust of the objection which is to include Westside Farm within a settlement envelope.

202.132 It is suggested by the objectors that Sunnyside is an existing settlement and that Westside Farm and the proposed development area should be included within a defined settlement boundary. However, although there is a considerable scatter of houses in the vicinity, this dispersed form of development is essentially rural in character and does not constitute a village or hamlet with a recognised centre. There are no apparent services or facilities.

202.133 Even if a rural service centre could be justified, the proposed building of 50 houses, albeit that 25 would fall within the “affordable” category, would be quite out of scale and inappropriate. Indeed, the sketch that has been provided showing 10 houses indicates a development more akin to a suburban street. This form of development would be totally out of character. The structure plan indicates that rural service centres could be expected to support small-scale development of usually less than 15 houses. There is no strategic requirement to justify setting aside these considerations. The council has also explained that a site for a replacement school has been identified elsewhere. The objectors have not substantiated the claim that Westside Farm is a preferable location and it is therefore not possible to conclude that this would be the case.

202.134 All-in-all, I conclude that Sunnyside does not merit a settlement boundary for designation as a rural service centre and that Westside Farm is not a suitable location for development of the type proposed. Consequently, there is no justification for a local plan modification.

Recommendation

202.135 I recommend no change to the local plan in respect of these objections.