

# KEMNAY COMMUNITY COUNCIL

Chair: Dr Sheila A Simpson FRCP

Sunnyvale  
Kemnay  
Inverurie  
AB515PE

Cc: Garioch Area Committee

29 June 2015

Mr Bruce Strachan  
Planning Officer  
Infrastructure Services  
Planning & Building Standards  
Gordon House  
Blackhall Road  
INVERURIE  
AB51 3WA

Dear Mr Strachan

## **Planning Application APP/2015/1107**

### **Erect 66 Houses at Bogbeth Road (Land East Of Greystone Road), Kemnay.**

At our meeting on 25<sup>th</sup> June 2015, Kemnay Community Council agreed to object to the above planning application for the following reasons:

#### **1. The proposed development would be contrary to Housing Land Supply policy SG Housing 2**

##### **Justification 1.**

On the grounds that the site is allocated for development during the period 2017 - 2023 and there is no shortage in the housing land supply to justify its early release. The Policy Observations Report intimates that it is a material consideration that Kemnay Academy now has sufficient capacity to accommodate pupils from the proposed development but it is also a material consideration that there is presently no shortage in housing land supply to justify early release. Should the houses be built purely on the basis that there is sufficient educational capacity at a certain school i.e. does spare school capacity dictate that houses should be built?"

**2. The proposals are contrary to SG LSD 2 (a) (ii) in that the proposed development does not respect its setting and relationship to the existing neighbouring features, in particular Bogbeth Road, which is a single track road with no footpath. The purpose of this policy is to improve the standard of layout, siting and design of developments in Aberdeenshire, in order to achieve the highest standards of urban and rural design. The most immediately obvious impact that development has on the environment is in the way it looks, its permeability and connectivity – how easy it is to get around.**

##### **Justification 2.**

The Design Access Statement (DAS), 2015 Revision A, 2.2 Connectivity suggests that the main access to the site will be from Bogbeth Rise which will involve taking a meandering road, negotiating three traffic calming speed bumps and many parked cars through the existing development to the north. Paragraph 3 goes on to describe the access on to Bogbeth Road as "limited". DAS Fig. 8 describes the access on to

Bogbeth Road as “Restricted” and DAS Fig. 9 describes the same access as “Secondary”. However, 4.5 Layout and Design para. 4 states that the secondary access is Bogbeth Rise to the north through the existing development and that the main access is to the south west which connects the development to Bogbeth Road and the town centre.

Clearly, both Barratt and Halliday Fraser Munro are somewhat confused about which access will be the main access and will probably submit a Design Access Statement Revision B. It is merely a fanciful and speculative suggestion that the main access will be from Bogbeth Rise whereas a main access from Bogbeth Road will in reality be the natural chosen desire line for all vehicular and pedestrian access. Bogbeth Road is the straight direct route and will be the chosen route for any delivery vehicles using satellite navigation equipment. Furthermore, during winter months the sloping internal road will be prone to icy conditions and heavy snow falls and in all probability will not be treated or cleared of snow; in consequence, any vehicular movement will be downhill to Bogbeth Road. See Appendix KCC Fig. 4. to see the two different accesses. We concur with Aberdeenshire Council that Bogbeth Road will be the main access Road and therefore road widening and a pedestrian footpath / cycle path is required along Bogbeth Road, the footpath should link to the existing footpath which presently ends at the public car park opposite the Skatepark. There is also an opportunity to link to the path on the opposite side of the road which follows the western boundary of Bogbeth park and emerges on to Victoria Terrace, next to Kemnay Primary School and opposite the High Street, see Appendix KCC Fig. 5 .

### 3. The application is contrary to SG LSD2 c) ii)

#### **Justification 3**

The applicant has not indicated that any sustainability support systems such as solar panels will be utilised in the house roofs and in particular there are no proposals for water saving technology such as using rainwater for domestic purposes. This would not only conserve water but also relieve pressure on the SUDS basin which, because of the nature of the steep sloping site, may be prone to flooding during prolonged heavy rainfall.

4. The proposals are contrary to SG LSD 2 (c) iii) connectivity, practicality and environment-friendliness of its access and servicing arrangements; and (iv) flexibility to adapt to the changing circumstances of its occupants and (iv) visual appeal.

#### **Justification 4.**

For reasons outlined in Reasoning 2. above, the site does not connect well with the existing environment and pedestrian / vehicular infrastructure. The proposed access on to Bogbeth Road (which we and Aberdeenshire Council Roads Dept. agree will by desire be the main access), is not practical or environmentally friendly because it does not feature any road widening or connecting footpaths. The changing circumstances of occupants are not catered for in that when families have children or people become older or visually impaired they will require the provision of a safe footpath along Bogbeth Road for prams, pushchairs, disability motorised scooters and wheelchairs. The visual appeal of the development would be greatly enhanced by providing road widening and linking footpaths, which would create a sense of security.

### 5. The proposals are contrary to SG LSD 2 (d)

#### **Justification 5**

The house designs generally do not display any innovative architectural merit worthy of the site location, environment and setting and certainly do not reflect the cultural design and heritage of a rural North East village. Structure Plan Sustainable Mixed Communities 4.32 states that development must be of the highest quality and this is sadly lacking in this proposal, which is more suited to an urban inner city site. Furthermore, the proposals do not incorporate any art or craftwork projects in accordance with the Council’s Adopted Public Art Strategy.

## 6. The proposals are contrary to SG LSD6 Public Access

### **Justification 6.**

Access provision is not designed to accommodate all appropriate users harmoniously. Since 2004, the Disability Discrimination Act 1995 applies to path networks as well Public access. There is a need to make reasonable provision for the disabled, including the visually impaired, within the constraints of practicability is certainly not impractical to provide a connecting footpath along Bogbeth Road. Construction of a footpath along Bogbeth Road will provide an alternative and more scenic public access route to footpaths through the Wilderness Woodlands (opposite), help to benefit health and well-being, promote enjoyment and awareness of the natural and historic environment, contribute to the local infrastructure and provide a safe alternative to the use of the private car. SG LSD6 A 2 ii) particularly states that alternative access provision must be safe and convenient for public use. Regardless of whether Bogbeth Road is the main or secondary access, it cannot be disputed that, given the increase in traffic (possibly 150 cars), Bogbeth Road will not be safe and convenient for public use without road widening and the provision of a footpath.

Safe routes to school and social equity concerns in linking settlements and local services to the needs of residents also need to be considered. The proposals do not take advantage of an opportunity to provide a footpath along Bogbeth Road to link with the existing footpath and also with the footpath that runs along the western boundary of Bogbeth Park and emerges onto Victoria Terrace next to Kemnay Primary School. There is a safe Zebra Crossing to High Street at this point, which enables safe crossing to the village centre where the shopping centre, Post Office, Pharmacy and Medical Centre are located. See Appendix KCC Fig. 5 to view the location of nearby woodland walks and footpaths that could be linked to.

A favourite and popular village walk is along Bogbeth Road to Leschangie Woods and the development makes no attempt whatsoever to improve and enhance this pedestrian recreational route. Failure to provide, enhance and link to these paths does not conform to Aberdeenshire Outdoor Access Strategy and the Aberdeenshire Core Paths Plan, which encourages enhancement of existing paths. The existing core path to Bogbeth Park and Leschangie Wood should be incorporated into the development proposals. Impact of additional traffic on the core path should be considered and addressed.

The proposals do not accord with Planning Advice 10/2015 Outdoor Access & Development which advises:

*Where appropriate the access plan should also consider: Public safety, Links outwith the site including - Safer routes to school - Links to leisure and community facilities - Links to the wider countryside, Consultation with local community and user groups.* In particular there has been no consideration or consultation with regard to “practical” safe routes to schools or with local community and user groups.

Lack of linking footpaths at local network and also strategic levels, is also not in accord with Scottish Government publication Green Infrastructure Design and Placemaking 2011, which builds on *Designing Places* and *Designing Streets* to give practical tips on incorporating green infrastructure in masterplans.

## 7. The application is contrary to SG LSD8: Flooding and erosion

### **Justification 7.**

We are concerned about the drainage issues highlighted in the SEPA Report dated 11 June 2015, in particular the SUDS issues.

Aberdeenshire Council Consultee Flood Prevention Unit has commented:

*6/ We would require confirmation that Transportation - Roads Development will accept even an attenuated discharge from this development into the existing road side ditch (U213C). It would also be worth checking*

*with the Principal Roads Engineer if there has been any previous issues with the roads drainage in this area, or downstream. By copy of this email, can Transportation - Roads Development please note this issue*

There have been numerous occasions in winter months that flood water emerges from the manhole cover opposite the road Kirklands, close to Victoria Terrace along Bogbeth Road. Kemnay Community Council had occasion to report the matter to Aberdeenshire Council on 05-01-2013.

Additionally, the Flood Prevention Consultation document also comments on insufficient information regarding these existing ditches/culverts' capacity to cope with the additional surface water run-off. Considering the total hard surface areas proposed in this application including all roof areas, roads, drives, pavements, etc. it is clear that hard surfaces cover a large proportion of the site area and our concerns are that in severe wet weather the SUDS holding basin could soon be filled to capacity. Any additional run-off, given the steeply sloping site, would add directly to these existing ditches or any new culverts which might be provided if the lower section of road was to be widened with an adequate pavement. The 'public open space' offered by the SUDS basin, would in reality not be a safe area for children during wet/marshy conditions - and indeed would probably need to be fenced adequately to prevent access for safety reasons.

#### **8. The development is contrary to SG Developer Contributions1: Developer Contributions**

The development does not make provision for additional public car parking to alleviate parking problems at Bogbeth Park (see **Appendix KCC Fig. 1 and Fig. 2**), contrary to SG Developer Contributions1

#### **Justification 8.**

When the applicant's previous development was at the planning application stage Kemnay Community Council requested the construction of a layby running the length of Bogbeth Road, where it was conterminous with the playing fields, in order to alleviate parking problems during sporting events in particular football matches. The applicant did not provide the layby but did provide a small but inadequate car park opposite the Skatepark. As a result the parking problem still exists and this is an ideal opportunity for the applicant to make amends for previous development inadequacies by widening Bogbeth Road and providing an additional public car park within the new development. The new development will only exacerbate the existing problem as a result of increased traffic flow regardless of which access road is used because both egress on to Bogbeth Road. Additional road widening and car parking would help in mitigating the parking problems, which relate fairly and reasonably to the proposed development.

An extension is also required to Bogbeth Park Pavilion to provide public toilets for the community and given the close proximity of the proposed development to Bogbeth Park it is logical to assume that the additional 150+ residents will be making use of the Park, in which case it would be fair and reasonable to request that the Developer should make a contribution towards the extension or consider it a public spirited gesture to design and construct a toilet extension.

#### **9. The development is contrary to SG Housing 1: Housing Land Allocations 2007-2016**

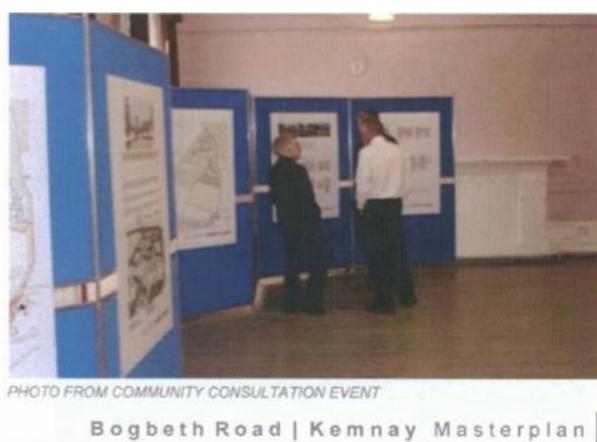
Paragraph 2 states that only in exceptional cases, such as where there is an overriding public benefit to be derived from additional development, will approval be given for a number of units more than the site allocation shown in the settlement proposals maps. All such applications will have to be justified by an approved masterplan or design statement, which has been through a robust process of public consultation.

#### **Justification 9.**

Firstly, the application is for 66 houses, which is in excess of the LDP site allocation and there is no overriding benefit to be gained from additional development.

Secondly, the approved Masterplan has NOT been through a robust process of public consultation for reasons as follows:

As reported to Robert Gray, Head of Planning on 18 May 2015, it is regrettable that Halliday Fraser Munro (HFM) / Barratt North Scotland Ltd. failed to provide adequate publicity for the “Public Consultation” event at the Village Hall on 18 February 2014. As stated in the Masterplan, “the turnout for the event was low” and actual numbers are not revealed. HFM only advertised the event in one weekly newspaper which was published approximately one week prior to the event; they did not reveal the reason for hiring the room at the Village Hall which might have alerted the Village Hall Committee and the Community Council; they did not publicise the event in the Kemnay Newsletter (which is free and delivered to every house in Kemnay) and they did not notify Kemnay Community Council about the event. The booking by HFM was 4 ½ hours in the late afternoon and early evening during a time of year when there is limited daylight. In addition, it appears they only wrote to some but not all of the householders of the current Bogbeth Estate that borders their proposed development. Confirmation of inadequate consultation process is evident from the numerous letters of comment / objection that make reference to such. Below is a photograph that appears in the Masterplan and which is described as a “photo of community consultation event, Bogbeth Road Masterplan” (which was apparently held in Friendship Room, Kemnay Public Hall). **However, the photograph is NOT a photograph of The Friendship Room and in fact not a photograph of any room in Kemnay Village Hall.** This reflects poorly on the overall authenticity of the Masterplan and the other information therein.



This was NOT a “Public Consultation” in the spirit of the requirement and we consider it to be a breach of faith in our community. The Masterplan dated August 2014 does not reflect the views of the community and should be amended accordingly with an acknowledgement and an apology to our community of Kemnay. Failing such an amendment, it is essential that members of the Garioch Area Committee be made aware of the inadequacies of the said Masterplan.

Community Councils are Statutory Consultees for planning applications and there was no ongoing consultation. Aberdeenshire Council Planning Advice 7/2012 IMPLEMENTATION OF POLICY SG LSD 1: MASTERPLANNING 3. Para. 3 states: *There are a number of key stages in the masterplan process and it is essential that there is on-going engagement between the developer/landowner, local communities, planning service and consultees throughout its development.*

SG Housing 1. States: *The detail of this should come through a masterplan or design statement (prepared under the terms of policy detailed elsewhere), which has been through a process of public consultation and has received the support of the community*

SG LSD1: Masterplanning 2 b) states: *within the process of generating the appropriate development framework, masterplan and/or design statement adequate steps must have been taken explicitly to consider the relationship with the existing village or town, and to engage the local community in a manner that is in proportion to the scale and type of development proposed.*

SG LSD 2 Reasoned Justification para. 6 states: *Finally, the importance of engagement between developers and the community must not be underestimated and we expect developers to involve communities from the outset*

Clearly, the “Public Consultation” requirement is open to interpretation but it is also clear and evident from our representations and also that of the majority of other objectors, that Kemnay community was not consulted in the terms implied in the Local Development Plan as outlined above.

However, lessons can be learned and we appeal to Aberdeenshire Council to close this loophole and thereby improve support for communities by insisting that Developers have an obligation to formally consult the Community Council at all stages of the Pre-application and Public Consultation processes.

After what they describe as their Public Consultation, HFM produced a Masterplan which was dated August 2014 and apparently discussed at the Garioch Area Committee during the following September. This Masterplan was then uploaded to Aberdeenshire Council website. There are two issues here:

i) Firstly, surely it would be transparent and democratic if a copy of the Masterplan was made available to the Community Council so that they can concur with or dispute any Masterplan statements?

ii) Secondly, no one in Kemnay was aware of the Masterplan being available for viewing on the Aberdeenshire Council website; it was discovered by pure chance in May 2015. What forms of protocol are employed to advise communities / Community Councils, that the Masterplan is available for public viewing on the website? The point we make here is that it is waste of time uploading the Masterplan if no one knows it is there or where to locate it. Surely some system could be devised to notify Community Councils of Masterplans just as they are notified about planning applications?

## **10. General Comments**

### **a) Design & Access Statement (DAS) Revision A**

#### **i) 2.2 Connectivity**

This suggests that the main access to the site will be from Bogbeth Rise which will involve taking a meandering road, negotiating traffic calming measures and many parked cars through the existing development to the north. Paragraph 3 goes on to describe the access on to Bogbeth Road as “limited “. DAS Fig. 8 describes the access on to Bogbeth Road as “Restricted” and DAS Fig. 9 describes the same access as “Secondary”. However, 4.5 Layout and Design para. 4 directly contradicts the former statements by stating that the secondary access is Bogbeth Rise to the north through the existing development and that the main access is to the south west which connects the development to Bogbeth Road and the town centre. As stated previously we disagree that Bogbeth Rise will be the main access, the natural access by choice and desire will be via Bogbeth Road.

Although comment is made in the DAS about encouraging walking and cycling to reduce private car use, there is scant detail of how this has been addressed seriously in this proposal. Links to existing footpath networks are hinted at but not indicated as a firm proposal, the sloping site makes access more of an issue for infirm residents and young families. Indeed for most of the development there is only a pavement on one side of the road, forcing pedestrians to make multiple crossings to reach the foot of the site. The convoluted meandering road design may be intended to force vehicles to drive at a slower speed, but it will also reduce forward visibility for pedestrians and drivers alike. This is a major safety issue for pedestrians and children playing outside their homes.

#### **ii) 2.5 Transportation, Access and Roads.**

Paragraph 3 states that *there will be an “attempt” to minimise the use of private cars and maximise the use of public transport systems, walking and cycling.* The majority of residents in this new development will be in employment. There are no major employers in Kemnay; therefore the majority of people will commute to Aberdeen and a lesser number to Inverurie. No one will walk to either Inverurie or Aberdeen, one or two may cycle to Inverurie but it is highly unlikely that anyone will cycle to Aberdeen. There are only three

buses leaving Kemnay in the morning that will arrive in Aberdeen before 9.00 am. Despite any fanciful assertions by the Developer, the fact remains that Kemnay is a rural commuter settlement included in the Aberdeen Housing Market Area. The majority of people commute to Aberdeen by car, evidence is confirmed by observing the morning traffic flow from 6.00 to 9.00 am, which resembles a conveyor belt of cars travelling in the Aberdeen direction. Everyone in this new development will inevitably own at least one car, probably two and in some cases three. Please see **Appendix KCC Fig. 3 Census 2011 for Kemnay**, which confirms that in age group 16-74, 1,533 people travel to work by car or van compared to 110 that travel by train or bus. There is no railway station in Kemnay, which results in further car use to access the railway station in Inverurie. In conclusion, when considering the absence of major employers, combined with an inadequate bus service, the Developers aspirations of minimising the use of private cars are unrealistic and undeliverable.

Furthermore, the lack of parking and the proposed narrow meandering internal estate road will restrict on street parking and will result in residents and visitors parking inappropriately and blocking footpaths (see **Appendix KCC Fig. 2 Bogbeth Road Parking 02**), or parking in either the adjacent existing Parklands development (which will cause neighbourly disputes), or on the narrow Bogbeth Road or in the Public Car Park opposite the Skatepark, which was provided to ease congestion at the park during sporting events.

Paragraph 5 states that provision of additional passing places adjacent to the site frontage will enhance the movement along the unclassified road to Bogbeth Road. By making this statement the Developer obviously acknowledges the existing traffic flow problems along Bogbeth Road and that such problems will be exacerbated by the new development. The proposed solution to provide additional passing places is naïvely inadequate and obviously proposed in order to minimise development costs to the detriment of good and ethical design practice. The only way to truly enhance and resolve what will indeed be increased traffic flow along Bogbeth Road is to widen the road along the entire length of the road from the proposed new access to the bend in the road at the Skatepark. Bogbeth Road was widened to accommodate the needs of the last adjacent Parklands estate so it is logical and prudent to expect the same road widening to accommodate this second development. It is also noted from the plans that a future further development is envisaged further south so it is even more imperative that Bogbeth Road should be brought up to standard and widened. The Developer should act responsibly and widen and upgrade Bogbeth Road so that it is fit for the purpose of accommodating all the additional traffic.

#### **(b) 4.4 Disabled Access**

Paragraph 1 refers to the main route meandering through the site from Bogbeth Rise down to the unclassified Bogbeth Road. It is clear that the disabled and those that use wheelchairs will not attempt to travel uphill towards Bogbeth Rise but will take the logical easier routes downhill to Bogbeth Road. Upon reaching Bogbeth Road, wheelchair users will reach the end of the footpath and emerge onto the road where they face the dangers of cars, vans, lorries and farm machinery. If they encounter such vehicles the only option is to attempt to mount the grass verge and if they should lose control while attempting to do so they could quite easily fall into the unfenced deep ditch along which the burn flows.

#### **(c) Kemnay Primary School Capacity issues**

The Consultee submission by Aberdeenshire Council Education and Children's Services (ACECS), indicates that there is sufficient capacity but this conflicts with the opinions of William Elrick, Chair of Kemnay Primary School Parent Council and various other "Objectors" who all state that there is insufficient capacity. This could be due to the fact that the development was scheduled for the period 2017-2023 when there may be a projected sufficient capacity but if the development proceeds ahead of schedule then there will be insufficient capacity. The fact is that the school is presently full with only a few places available which are required for pupils who move in to the school zone during the school year. ACECS should therefore provide more detailed information to clarify the position because their comments appear to be incorrect.

**(d) Kemnay Medical Centre**

Funding for General Practice in Scotland has, in practice, been cut, and the local medical services are struggling to meet the demands of the village because of an acknowledged lack of space, and lack of medical staff. There is a lack of suitably trained general practitioners to fill the many empty posts in Scotland currently, 300 posts were advertised this year and 85 remain unfilled.

**CONCLUSION**

There can surely be no doubt that Bogbeth Road will be the main entrance to this proposed development. It is clear that Bogbeth Road is being proposed as a limited secondary access in order to avoid additional development costs involved in widening the road and providing a linking footpath. The Developer should widen Bogbeth Road and provide a footpath from the proposed development access road to link with the existing footpaths that end at the car park opposite the Skatepark and also link to the footpath to Kemnay Primary School. If Bogbeth Road is not widened and a linking footpath is not provided, it will inevitably result in future pressure from the community for such to be provided by Aberdeenshire Council. It is disappointing that Halliday Fraser Munro did not effectively and adequately consult with the community on this application, had they done so the issue of road widening and footpath provision along Bogbeth Road could have been incorporated into the development plan and as a result this application may not have attracted so many objections.

Yours sincerely

**Chair: Dr Sheila A Simpson FRCP**

**David Evans**

# Appendix

**KCC Fig. 1. Bogbeth Road Parking 01**



**KCC Fig. 2 Bogbeth Road Parking 02**



### KCC Fig. 3 Census 2011

Table LC7101SC - Method of travel to work by age

All people aged 16 to 74 in employment (excluding full-time students)

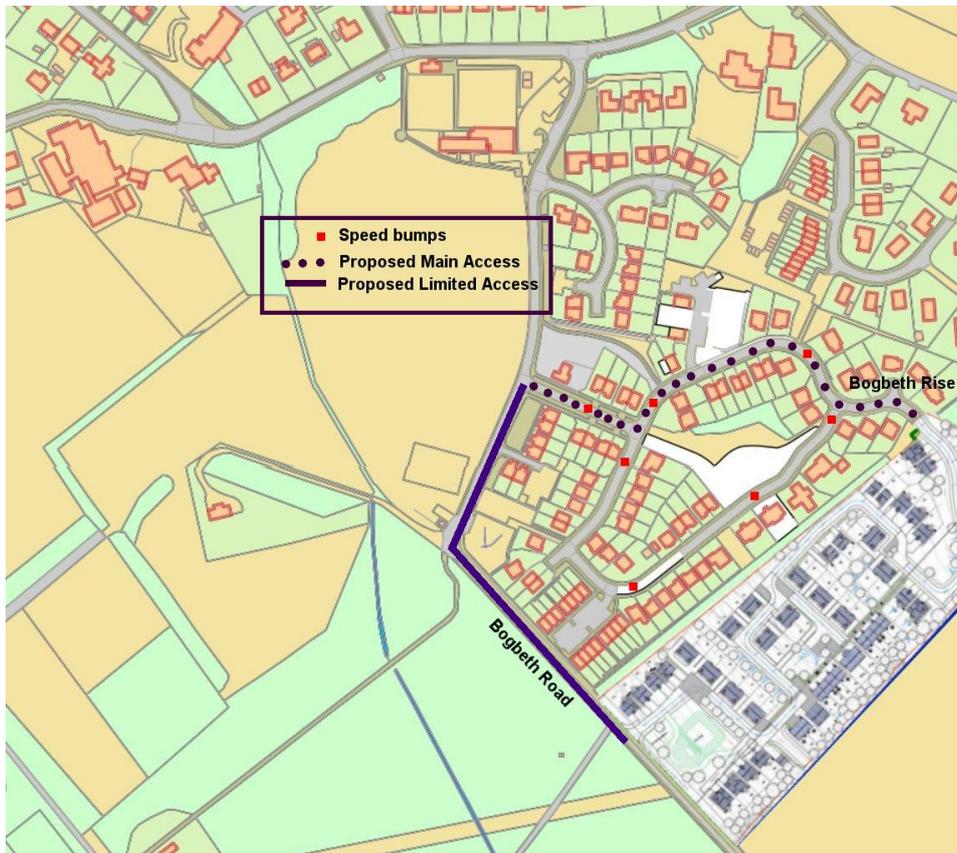
		All people	Work from home	Train or bus	Car or Van	Other
Kemnay	All people 16-74 employed	2,264	217	110	1,533	404
Kemnay	16 to 24	210	18	33	100	59
Kemnay	25 to 34	433	28	24	304	77
Kemnay	35 to 49	790	69	22	569	130
Kemnay	50 to 64	750	79	25	516	130
Kemnay	65 to 74	81	23	6	44	8

Table LC7102SC - Distance travelled to work by age

All people aged 16 to 74 in employment the week before the census (excluding full-time students)

		All 16-74	Wk home	- 2km	2-5km	5-10km	10-20k	20-30k	30km+	Other
Kemnay	All 16 - 74	2,264	217	212	84	350	556	522	47	276
Kemnay	16 to 24	210	18	22	14	58	40	38	4	16
Kemnay	25 to 49	1,223	97	92	36	168	340	311	28	151
Kemnay	50 to 64	750	79	90	28	113	166	161	13	100
Kemnay	65 to 74	81	23	8	6	11	10	12	2	9

**KCC Fig. 4. Proposed Main Access and Limited Access**



**KCC Fig. 5. Existing Path on Western Boundary of Bogbeth Park**

