

Supporting Statement –

Section 42 Application for Removal of proposed footpath for Plots 1 and 2 (7 & 9) Kingswells View, Westhill.

Introduction

The applicant is seeking permission to remove the requirement for a footpath between plots 1 and 2 of the above development. The applicant has been approached by both Westhill golf club and the purchasers of the housing plots who are concerned about the safety implications and general undesirability of the proposed path.

Planning History

The original planning approval (APP 2014/3211) for this site included condition '10'

“(10) Prior to the commencement of development on either plots 1, 2 or 3 (whichever is due to be started first) details of the footpath shown between plots 1 and 2 which travels between Kingswells View and Westhill Golf Course as shown on approved drawing no. L(00)02 J Site Layout (Lower) shall be submitted to and agreed in writing by the Planning Authority. The details shall include the construction materials to be used and how the footpath is to be maintained thereafter, and who will be responsible for the said maintenance of it. Prior to the occupation of plots 1, 2 or 3 (whichever is due to be occupied first) as shown on approved drawing no. L(00)02 J Site Layout (Lower) the footpath shall be fully provided and maintained thereafter in accordance with the approved details. Reason: To ensure the adequate provision of the previous informal path through the site which links Kingswells View and Blacklaws Brae.”

This condition was then replicated on the recently amended planning approvals for Plots 1 and 2

“(6) No works in connection with the development hereby approved shall commence unless details of the footpath shown between plots 1 and 2 which travels between Kingswells View and Westhill Golf Course as shown on approved drawing no 1848-MRT-XX-XX-LD-A-90150 Proposed Change of House Type Plot 1 shall be submitted to and approved in writing by the Planning Authority. The details shall include the construction materials to be used and how the footpath is to be maintained thereafter, and who will be responsible for the said maintenance of it. The dwellinghouse hereby approved shall not be occupied unless the footpath has been fully provided and is open for public use. Reason: To ensure the adequate provision of the previous informal path through the site which links Kingswells View and Blacklaws Brae” – APP 2022/532 – Plot 1(7 Kingswells View)

“(6) No works in connection with the development hereby approved shall commence unless details of the footpath adjacent to Plot 2 which travels between Kingswells View and Westhill Golf Course as shown on approved drawing no L(00)121 C Site Layout have been submitted to and approved in writing by the Planning Authority. The details shall include the construction materials to be used and how the footpath is to be maintained thereafter, and who will be responsible for said maintenance. The dwellinghouse hereby approved shall not be occupied unless the footpath has been fully provided in accordance with the approved details. The footpath from the edge of the pavement to the edge of the Westhill Golf Course shall be maintained in perpetuity in accordance with the approved details. Reason: To ensure the adequate provision of the footpath to replace the current informal route which links Kingswells View and Westhill Golf Course.” – APP 2021/2914 – Plot 2 (9 Kingswells View)

Configuration of Proposed Path

The proposed path formalised the route of an existing maintenance track that the golf club used as a short cut from the part of the Golf Course to the south of Westhill Heights to the part to the North. (pink line below) It was accepted by the Golf Course when they sold the land to the applicant that use of the maintenance track would cease when the development was built out. The proposed path (purple line below) takes a slightly different alignment to the existing track as marked below on figure 1, and as a consequence has a number of steps along its length making it unsuitable for use as a maintenance access. The proposed path ends at the boundary to the golf course in an area of overgrown scrubland just short of the second green.

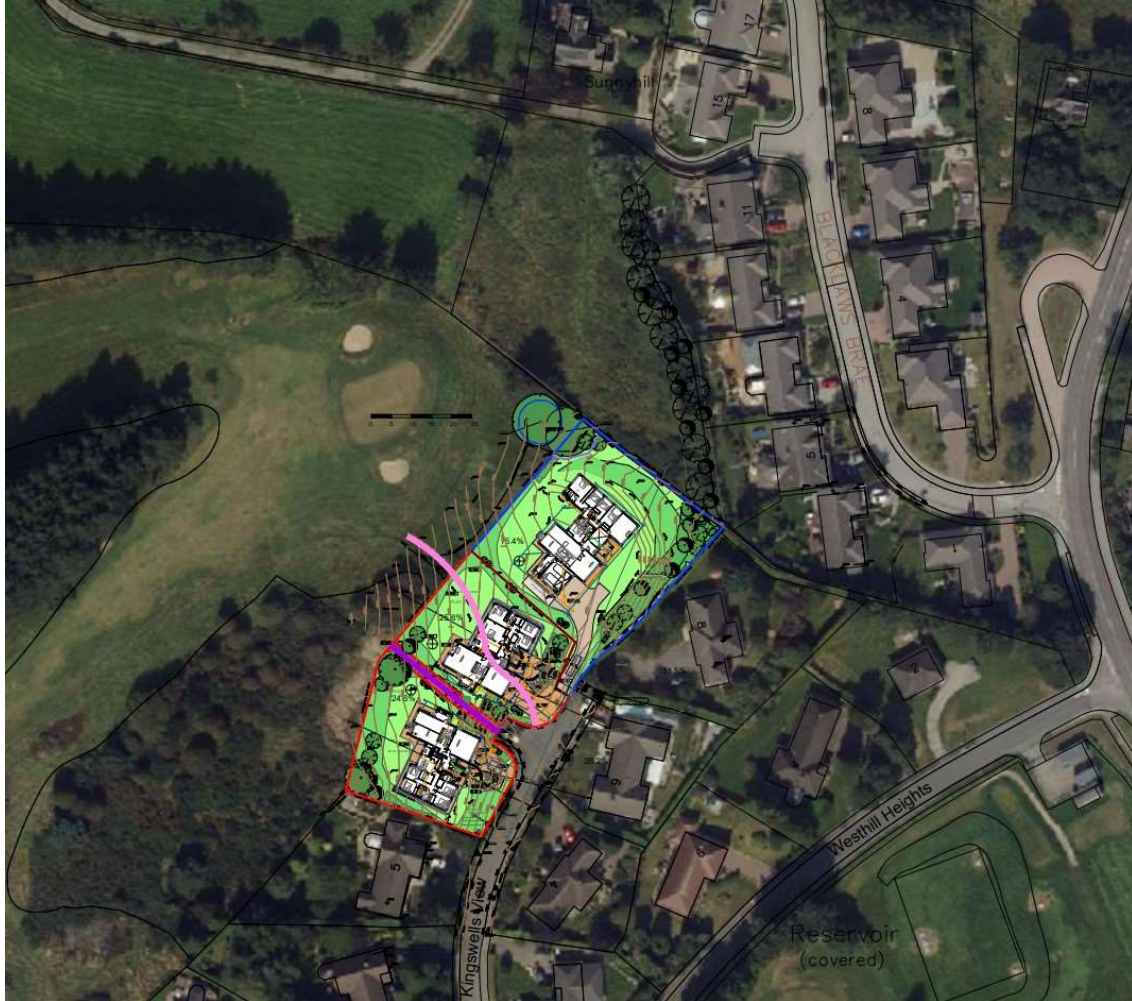


Figure 1 – Existing Maintenance Track and Proposed Path

Justification for removal from proposals

Justification for removal of the track is provided as follows:-

- The proposed path is a path to nowhere. - there are no onward path links short of cutting through overgrown scrub.
- The use of the path could be dangerous as concealed pedestrians could be struck by golf-balls.
- The four adjacent landowners – Plot 1, Plot 2, Plot 3 and the Golf Club are deeply concerned about the implications of the proposed path as noted in their letters in Appendices 1,2,3 and 4.
- It provides a point for undesirables to congregate and cause trouble.
- Original reasoning for providing a link to BlackLaws Brae not achieved, with a farmer's field, barbed wire fence and wall between the golf course land and the recognized foot path and farm access to the North East of Blacklaws Brae.

Conclusion

This statement describes the planning history of the proposed path and justifies the path's removal from the proposals, highlighting the concerns about the safety implications and general undesirability of the proposed path as restated in the letters below.

Mackie Ramsay Taylor Architects 10.08.22

APPENDIX 1 – LETTER FROM WESTHILL GOLF CLUB

WESTHILL GOLF CLUB
Westhill Heights
Westhill
Aberdeenshire
AB32 6RY



Tel: 01224-743361 E-Mail: office@westhillgolfclub.co.uk
www.westhillgolfclub.co.uk

Housing development in Kingswell View, Westhill

19/3/22

To whom it concerns,

I write this letter in support of the removal of the public path intended to be created as part of the planning application for the building of 3 houses on land adjacent to and formerly part of the Westhill Golf Course in Kingswells View, Westhill.

From the site layout drawing it is noted this includes a new public path to run from the hammerhead turning on Kingswells view, between plots 1 and 2 and ends up finishing at the mid-point of the 2nd hole on Westhill Golf course. After discussion, we (the Golf Club) are not in support of this path for the following reasons:

- The stepped path serves no purpose to the golf club personnel in terms of access for maintenance activities.
- The path (as drawn) is due to emerge from the new houses into a region of scrub land. It therefore does not create a path that our playing members or general community would especially benefit from.
- We also have reservations about the safety of anyone choosing to exit the path onto the golf course. The path emerges into the playing line of one of our holes and given the nature of the scrub land, golfers may not easily see walkers. This creates a health and safety risk as walkers may unwittingly walk into the path of stray golf balls.

If you wish to discuss any of this further, I would of course be happy to do so.

Yours Sincerely,



Dr Alan McCue

Club Captain

Westhill Golf Club

APPENDIX 2 – LETTER FROM MR AND MRS BAVIDGE (7 KINGSWELLS VIEW)

14 Keirhill Avenue
Westhill
Aberdeenshire
AB32 6AY

22nd of March 2022

Ref. Path adjacent to Building Plots at Kingswells View

Dear Sir/Madam,

We are in the process of purchasing a building plot via Claymore Homes. Our intention is to then build a Dwellinghouse, subject to planning approval.

The plot (1) is situated at Kingswells View in Westhill and is one of three plots in the development. All are situated on the North (Golf Course) side of the dead end road. The site plans are based around the existing landscape which has a rough grass track access that leads onto the second hole of Westhill Golf Course. This track would lie between Plots 1 & 2 if retained or reinstated.

We would like to request that the track removed as part of the planning application process and have highlighted this to Claymore Homes. We appreciate that the path may have provided convenient access for public use but believe that it serves no purpose for Westhill Golf Club.

Our concerns relate to a replacement path becoming a more obvious thoroughfare when it appears to be unnecessary. It would introduce potential exposure and responsibility for the residents in this development to ensure that maintenance, liabilities, safety, landscaping, etc were addressed appropriately.

Another issue is the location itself in relation to the Golf Course layout. The second green is very close to the existing trail and the hole itself runs parallel to the site. The green is the target for Golfers playing from an elevated and exposed tee approximately 150 metres away. No doubt the odd ball will end up astray but a pathway between the plots will create a localised funnel with an exit in a potentially hazardous location. We believe that human traffic would also create a distraction both to residents & Golfers. It may also provide a convenient means of access for Golfers to locate and recover Golf balls.

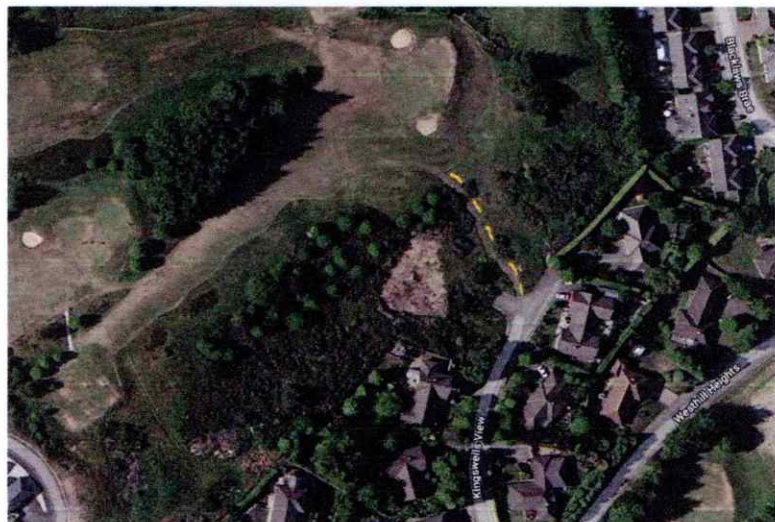
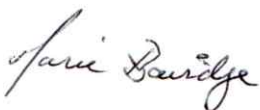
I have included an overhead photograph of the location with the existing path shown in yellow.

We hope you will consider our request along with the wishes of other parties and consider the removal of an access path as part of the planning application process.

Yours sincerely



Bill & Marie Bavidge



APPENDIX 3 – LETTER FROM MR & MRS BLACKWOOD – 9 KINGSWELLS VIEW

21/3/2022

Housing development in Kingswell View, Westhill

To whom it concerns,

I have purchased the home to be built on plot 2 at the new housing development at Kingswells View and write this letter to request removal of the requirement to build a public path between plots 1 and 2 from the planning application.

The major concern around the path is fundamentally that it serves no access purpose to the golf course or general public as it terminates in the middle of scrubland in the rough at the side of the second hole. This will lead to safety concerns for anyone who ventures up the path where they will end up in an area where they may be struck by a golf ball being hit from the 2nd tee.

Another concern I have is around the maintenance burden which will fall upon ourselves and neighbors. Over time, even if left alone, the path will require regular cleaning to remove growth from moss and mold. Additionally, it is quite normal to find dog mess and litter in these areas particularly if there is no access to bins.

There is also a security risk associated with the path as there is no intention to install lighting. The potential exists that this area could attract congregating youths or even potential break-ins due to the access it provides to quiet land at the rear of these houses

The reason stated for the inclusion of this path on the original planning application was to maintain a link to Blacklaws Brae. As can be seen from the attached google image of where the path would be installed it is quite some distance from Blacklaws Brae and no design of a path in this area could ever connect the 2 streets.

Therefore, I believe this original reasoning is flawed in terms of the intention which further supports our request for the path to be removed from the planning application.

I have attached a letter from the golf club supporting my request, please consider all of the information presented and advise if the path may be removed from the application

Yours Sincerely

Stuart Blackwood



APPENDIX 4 - LETTER FROM 11 KINGSWELLS VIEW (PLOT 3) – MR ROSS SLATER

Ross Slater
76 Carnie Avenue
Elrick
Westhill
Aberdeenshire
AB32 6HT

8th August 2022

Dear Whomever This May Concern,

This letter is in response to the proposed path in the three house development at Kingswells View Westhill.

I am in the process of purchasing Plot 3 Kingswells View for development.

I would like to support the proposal to remove the pathway between plots 1 and 2. The current access pathway was originally a maintenance entrance, which is no longer required by the Westhill Golf Club and has been confirmed by them as no longer required.

Leaving this access point is introducing an increased footfall through the area to areas with out safe access and egress along the bottom of the golf-course and through an adjacent farmers field to get to the farm access road. This route has dry-stone-diking and barbwire running across the access way between the farmers field and the golf course. The primary safe, open and tarred access to this farm road already exists via Blacklaws Brae, meaning that a new pathway between plots 1 and 2 is not required for walkers.

The creation of this walking route also encourages an increased potential for dog walkers cars to be parked in the turning point at the end of the cul de sac and creating an issue for delivery vehicles. It also encourages an increased number of people and teenagers transiting the area and leaving behind litter and dog excrement on the pathways and golf course.

Thanks for your consideration for implementing this important change.

Kind Regards,

Ross Slater