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## CAIRNGORMS NATIONAL PARK AUTHORITY

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**Title:** REPORT ON CALLED-IN PLANNING APPLICATION

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DEVELOPMENT CONTROL)

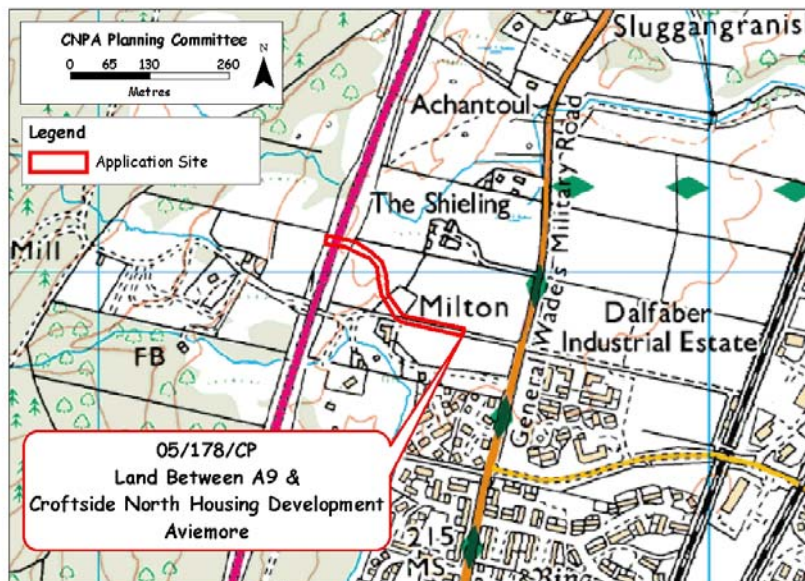
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**DEVELOPMENT PROPOSED:** CONSTRUCTION OF NEW ACCESS ROAD ON LAND BETWEEN A9 AND CROFTSIDE NORTH HOUSING DEVELOPMENT, AVIEMORE (FULL PERMISSION)

**REFERENCE:** 05/178/CP

**APPLICANT:** AVIEMORE AND HIGHLAND DEVELOPMENTS, MYRTLE HOUSE, GRAMPIAN ROAD, AVIEMORE

**DATE CALLED-IN:** 22<sup>ND</sup> APRIL 2005



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**Fig. 1 - Location Plan**

## SITE DESCRIPTION AND PROPOSAL

1. Planning permission is sought for the construction of a new access road in the northern area of the settlement of Aviemore, on land between Edenkillie Road and an area to the west of the A9 trunk road, to serve land that is the subject of a current reserved matters application for 75 house plots. That application was called in for determination by the Cairngorms National Park Authority on 22<sup>nd</sup> April 2005 and is currently in the process of assessment (ref. no. 05.177/CP refers).
2. The proposed access road extends in a gentle curve for approximately 270 metres from the existing Edenkillie Road (which traverses through the recently constructed North Croftside housing development) in a north westerly direction, and under the A9 via a proposed underpass before emerging on the western side of the trunk road on land which is the subject of the aforementioned reserved matters application. The new access road is intended to link into the proposed road layout in the housing development. The access road is proposed to cross the existing Aviemore Orbital pathway a short distance to the east of the A9 and proposed underpass.
3. The proposed access road is proposed at a standard width of 6 metres, with a 2 metre wide footpath either side. Following a request for further information on a number of aspects of the proposal, the actual identified site boundaries and the overall road design have been altered. The proposal as per the drawings submitted on 20<sup>th</sup> June 2005 shows the site boundaries extended to incorporate a new junction with the existing Edenkillie Road, an extension of the proposed site area either side of the underpass, and a significant extension of the site boundaries on the western side of the A9 to encompass an area of land on which unauthorised works have been carried out to create a temporary diversion of the A9 for the purposes of constructing the aforementioned underpass.



**Fig. 1 junction with Edenkillie Road**

4. As regards the land on the western side of the trunk road that has now been incorporated into the site boundaries of this application, two options have been proposed for its later restoration. Option 1 states that *“in the event of the proposed housing development not progressing within 12 months of completion of the underpass, the material making up the temporary diversion road will be removed from site completely and the ground returned to its original conditions (grassed field).”* Option 2 as proposed by the applicants is dependant upon permission being granted for the 75 plot housing development at Highburnside and it is proposed that *“if the housing scheme progresses within 12 months of the completion of the underpass the area of the temporary road diversion will be landscaped as indicated on Drawing No. A/02348-924 with a kick- about pitch and children’s play area surrounded by mown grass and an area of rough grass to the North of the access road.”* Members are advised that Drawing No. A/02348-924 refers to a site layout plan submitted as part of the reserved matters application for housing plots at Highburnside (reg. No. 05/177/CP refers) and as already mentioned is still the subject of assessment.



Fig. 2 temporary road diversion



Fig. 3 road diversion viewed from A9

5. The most recent site layout plan received in connection with the subject application (05/178/CP) also includes horizontal traffic calming measures in the form of three pinch points on the proposed access road – two on the proposed section of road east of the A9 and another on the western side of the trunk road.
6. As detailed in para.3 of this report, the development proposal involves the creation of a new junction where the proposed new access road diverges north westwards from the existing single carriageway Edenkillie Road. Visibility splays of 4.5 metres x 70 metres in each direction from the junction have been identified on the site layout plan submitted. Existing residences in the Milton area, on the eastern side of the trunk road would continue to be accessed from Edenkillie Road and the private access road linking to it. Vehicular access to existing properties at Highburnside on the western side of the A9 i.e. properties surrounded by the proposed housing development, is intended to be provided via the proposed new access road and associated road layout

detailed in the reserved matters application (ref. no. 05/177/CP). The existing access route to the properties using the Milton underpass is proposed to be restricted to non- vehicular use, through the use of a system of bollards at either end of the approaches to the underpass. The restricted use of the existing underpass is a particular requirement of the Area Roads and Community Works section of Highland Council.

7. The application for a new access road to serve land on which outline planning permission was granted has occurred due to specific access requirements laid down by the Scottish Executive. The site layout plan submitted to Highland Council as part of the original application for outline permission for a housing development at Highburnside included access to the land being taken from the existing Edenkillie Road, using the existing Milton Underpass (Highland Council ref. no. 03/322/OUTBS refers). The Scottish Executive as the Trunk Roads Authority required that the Milton underpass be upgraded to a standard described in Highways Agency TD27/96, and also that an underpass be designed and built in accordance with the Design Manual for Roads and Bridges. Outline planning permission was granted in 2004 and included a condition requiring the carrying out of the aforementioned works.

## DEVELOPMENT PLAN CONTEXT

8. The proposed access road would form part of a local road network and as such the **Highland Structure Plan 2001** contains few policies directly applicable to the provision of this type of local level infrastructure. However, **Policy H8** deals exclusively with access arrangements for new and existing development. Highland Council's aim is for access standards to be capable of adoption by the Council, where the standards are set out in Road Guidelines for New Development. The policy requires that the adopted road "should normally serve all of the new development and any existing development."
9. In addition, there are a number of strategic themes and policies broadly related to a development proposal of this nature. For example, the strategic theme of addressing the need for quality living environments, as detailed in section 1.5.23 of the Structure Plan, recognises that "people are entitled to quality in the physical aspects of their living environment". It goes on to state that "people should live in settings which add pleasure to their lives and not diminish their experience" and that "we need to find ways of achieving quality living environments in both larger settlements and rural areas" with the long term aim of securing better living conditions for all which should help to "create the climate for investment, for a vibrant economy and where the environment is valued by the community at large."

10. The majority of the land through which the proposed access road passes is allocated in the **Badenoch and Strathspey Local Plan 1997** as amenity woodland, whilst a small portion of the easternmost section of the road traverses across a parcel of land that is zoned for public buildings.
11. 'Expansion policies' for the land that the access road is intended to serve (Edenkillie / Highburnside) are detailed in section 6.1.2 (b) of the Local Plan, where it is stated that requirements for its development include access road widening and a second vehicular underpass. Section 6.3.10 of the Plan details the policy on footpath provision, where the need to safeguard the existing network of segregated footpaths throughout the village is highlighted, and where it is also the policy to secure new links between future housing areas at Aviemore North, Dalfaber and Edenkillie.

## CONSULTATIONS

12. The **Trunk Roads Network Management Division** of the **Scottish Executive** were consulted and have recommended that planning permission be granted subject to a condition regarding the construction of the proposed underbridge. **BEAR Scotland** stated that they have no comments to make regarding the application.
13. The **Archaeology Unit** of **Highland Council** have examined the proposal and note that the application covers an area where there are recorded archaeological remains and consequently consider that there may be "potential for the survival of unrecorded buried remains." Accordingly, the Archaeology Unit recommend that a condition be attached in the event of a grant of planning permission requiring that a programme of archaeological work for the preservation and recording of any archaeological features affected by the development be undertaken.
14. Further to an initial response from the **Area Roads and Community Works Manager** at Highland Council, a letter was issued requiring alterations to the development proposal as per Highland requirements. The areas of concern alluded to in the Highland Council response included (i) the design and construction of the proposed road to a suitable standard for adoption, together with the incorporation of horizontal traffic calming measures; (ii) the provision of alternative road links to serve existing residential properties west of the A9 and the associated modification of the existing underpass at Milton to permit non vehicular traffic only; (iii) the existing length of Edenkillie Road, between the proposed new road and the Milton underpass to be upgraded to serve existing residential traffic and provide a safe pedestrian / cycle link. The response from the **Area Roads and Community Works** division also expressed the view that "the current application will require to be considered together with Planning

Application 05/177/CP relating to housing development west of the A9 trunk road” and continued on to recommend that “this application should only be considered if consent is granted” for the proposed housing development.

15. The agents (Cameron and Ross Consulting Engineers) subsequently held a meeting with a representative of the Area Roads and Community Works division, and agreed a number of amendments, as detailed on Drawing no. 923 – Proposed Road / Underpass Layout, which was submitted to the planning section of the Cairngorms National Park Authority on 20<sup>th</sup> June 2005. A formal response has now been received from the **Area Roads and Community Works Manager** of Highland Council where a number of conditions were recommended to be included in the event of a grant of planning permission, although the response again reiterated the view that “it is recommended that the current application is considered together with Planning Application 05/177/CP relating to housing development west of the A9 trunk road.”

## REPRESENTATIONS

16. Two representations have been received in respect of the proposed development. Mr. David A. Taylor from Croftside stated that he was “not in a position to object to the underpass at Highburnside Farm” but noted with surprise in his letter that work had “commenced already” with surveyor’s levels marked out. Mr. Taylor referred extensively to his recent experiences of large vehicles, including earth-moving machinery, traversing past his house at unsociable hours and he voiced his concern at the poor condition of the existing road that is being used. Mr. Taylor requests that conditions be included in the event of a grant of planning permission including surfacing of Edenkillie Road in tarmac “to ensure a level noise and dust free, acceptable road, speed restrictions in place and managed, and that all residents get quality time with all works finished at 1700 hrs Monday to Friday with no weekend work carried out”.
17. The second letter of representation was also received from a Croftside resident. Similar to the previous letter of representation, the submission from Mr. Charles Arnot is not an objection to the development proposal, rather a request that appropriate conditions be attached in the event of a grant of planning permission. The conditions required by Mr. Arnot include the movement of heavy goods vehicles to be restricted to the hours of 7.30am and 6pm, Monday to Friday; the imposition of a speed limit on all construction traffic – 20 mph is suggested; and dust levels to be kept under control during dry weather.

## APPRAISAL

18. The assessment of the development proposal is slightly unusual in that the proposal is directly associated with a current reserved matters application for a housing development on lands on the western side of the A9, and therefore the need for the proposed access road only arises in the event of that development proceeding. Taken in isolation the proposed access road could merely be considered a sporadically located, unnecessary and visually prominent intrusion on the landscape. Therefore, although this application concerns only development works proposed within the identified site boundaries, it is being considered in the context that it is ultimately required to facilitate the development of land west of the A9 on which the principle of residential development has been established through the granting of outline permission by Highland Council in 2004.
19. The development proposal is further complicated due to the following –
- the proposed new underpass is located within the boundaries of the trunk road and does not therefore technically require planning permission. The Scottish Executive have given consent for the carrying out of works within the trunk road boundary under the Roads Scotland Act and the proposed new underpass lies within this boundary;
  - as part of the consent to construct the underpass, the Scottish Executive made the A9 Trunk Road (Burnside, Aviemore) (Temporary Prohibition of Traffic and Temporary Speed Restriction) Order 2005, which came into force on 1<sup>st</sup> May 2005 and is to cease to have effect at midnight on 30<sup>th</sup> November 2005. The traffic prohibition relates to 400 metres of the existing A9 carriageway in the vicinity of the proposed underpass location. In order to achieve compliance with the Order, a temporary diversion to facilitate two-way passage of traffic around the works area. Work has already commenced on the western side of the A9 to create a temporary diversion route (see Fig. 2 and 3 of report). As this occurs on land outside the trunk road boundary it is therefore outside the remit of any consent given by the Scottish Executive under the Roads Scotland Act. In a letter received from the applicants agent on June 9<sup>th</sup>, it was accepted that the works were unauthorised and it was stated that “the client has not intentionally created this situation, and apologies for the fact that work has been undertaken without planning permission”;
  - as a means of attempting to resolve the issue of the unauthorised development works, the original site boundaries identified in connection with the proposed access road have been extended significantly in the submission documents received on 20<sup>th</sup> June 2005, to include the land area to the west

of the A9 on which the temporary road diversion is located. It is the agents contention that the granting of planning permission for the principal works i.e. the originally proposed access road, will effectively grant planning permission for “such temporary works as are required to deliver the principal developments.”

20. Essentially the reason for progressing this application to the Planning Committee at the present time, rather than examining it together with aforementioned housing development proposal (ref. no. 05/177/CP refers), is in recognition of the time constraints laid down by the Scottish Executive in relation to the prohibition of traffic and the associated requirement for the road diversion in order to facilitate the carrying out of works on the new underpass within the trunk road boundary. Furthermore, it is an acknowledgement of the extent of discussions and agreement which has taken place between the developers and Scottish Executive, with the latter apparently stipulating the precise location of the new underpass. Given the specific nature of the requirement, it is accepted that the route of the proposed new access road is generally fixed and is the only route by which the Highburnside lands west of the A9 could be safely accessed by the volumes of vehicular traffic likely to require access to the area in the future.
21. Having regard to the fact that the land to the west of the A9 at the present time only has the benefit of an outline planning permission, and that the current reserved matters application raises issues which are likely to require extensive discussion, the possible carrying out of surveys and potential amendments to the overall layout, it is not considered appropriate to consider the granting of an unrestricted planning permission which would effectively allow the development of a suburban standard access road to link only to an as yet undeveloped area of predominantly woodland characteristics. In the event that consideration is being given to the granting of planning permission at the present time, it is considered necessary to recommend that a ‘suspensive condition’ be attached which would restrict the extent of development activity permitted until the determination of the associated housing development. A condition of this nature would have the benefit of immediately authorising the temporary road diversion, thereby allowing the time constraints of the Scottish Executive to be met in relation to the development of the underpass. In addition, it is also considered that such a condition would act as a safeguard against the development of an extensive suburban type access road leading to currently undeveloped lands in a semi rural setting on the periphery of Aviemore, and would safeguard against the precedent being set for fragmented development of this nature.



## IMPLICATIONS FOR THE AIMS OF THE NATIONAL PARK

### Conserve and Enhance the Natural and Cultural Heritage of the Area

22. The land through which the proposed access road is intended to pass is not known to have any significant natural heritage benefits. The area may contain some unrecorded buried remains and it is therefore imperative that adequate archaeological monitoring is carried out in order to ensure the conservation of the cultural heritage of the area.

### Promote Sustainable Use of Natural Resources

23. No details have been provided on the sourcing of raw materials for the proposed development and it is not therefore possible to determine whether or not the development would assist in achieving this aim.

### Promote Understanding and Enjoyment of the Area

24. The proposed development is not considered to be of any major benefit to the achievement of this aim, and could be considered to interfere with the enjoyment of the allocated open space provision in physical terms and also by virtue of the visual impact of the proposed access road, particularly when viewed from the adjacent A9 trunk road.

### Promote Sustainable Economic and Social Development of the Area

25. The access road is intended to provide vehicular access to the proposed new housing development at Edenkillie / Highburnside and by virtue of its association with that could be considered to be indirectly contributing to the economic and social development of the area.

## RECOMMENDATION

That Members of the Committee support a recommendation to:

**Grant permission for the construction of a new access road on land between the A9 and Croftside North Housing Development, Aviemore subject to the conditions listed hereunder –**

- (i) This permission only authorises the carrying out of works directly related to the provision of the new underpass at the present time i.e. the actual underpass and the associated temporary road diversion to the west of the A9. All other works that are the subject of this application shall be suspended until such time as either full permission or reserved matters permission has been granted for a housing development on the associated lands to the west of the A9 in the area known as Highburnside.

- (ii) The proposed underbridge shall be constructed to DMRB standard. The underbridge shall be constructed in accordance with details that shall be submitted to and approved by the Planning Authority, after consultation with the Trunk Roads Authority, before any part of the development is commenced. The applicant shall provide documentary evidence to demonstrate that the proposed design has the approval of all relevant statutory bodies.
- (iii) The temporary diversion road to the west of the A9 shall be in use only until the end of the period stipulated in the A9 Trunk Road (Burnside, Aviemore) (Temporary Prohibition of Traffic and Temporary Speed Restriction) Order 2005, i.e. midnight on 30<sup>th</sup> November 2005 or such other date as may be specified by the Scottish Executive to enable completion of the new underpass. Within a period of six months from the relevant date, the material making up the temporary diversion road shall be removed from the site completely and the affected land area shall be returned to its original condition, unless permission has been granted for the associated housing development at Highburnside (ref. no. 05/177/CP refers). Where this is the case, the area of land comprising the temporary access road shall be developed and landscaped in accordance with any details approved by the Planning Authority on application no. 05/177/CP, and all works in this area shall be completed within 12 months of the expiry of the cessation date stipulated by the Scottish Executive.
- (iv) Prior to the commencement of development, a programme of archaeological work for the preservation and recording of any archaeological features affected by the proposed development, including a timetable for investigation, all in accordance with the attached specification, shall be submitted to and require the approval in writing of the Planning Authority. All arrangements thereby approved shall be implemented by the developer at his expense in accordance with the approved timetable for investigation.
- (v) Prior to the commencement of development, the following works listed hereunder shall be completed and approved by the Planning Authority in consultation with the Roads Authority –
- The access road shall be designed and constructed to a standard suitable for adoption in compliance with the requirements of Highland Council's Road Guidelines for New Developments. The road shall be in general accordance with the submitted drawing, Ref. A/02348, Drawing No. 923, Rev.2, but shall include contiguous footways, generally two metres wide on either side;

- Where not already proposed and indicated on submitted drawings, contiguous 2 metre wide footways shall be provided on either side of the existing Edenkillie road, between the new road and the B9152 public road;
  - Construction traffic associated with the proposed development shall follow a specific route, details of which shall be submitted for the agreement of the Planning Authority prior to the commencement of development. The details shall include a plan identifying the specific route and shall also be accompanied by details of all works required to create a temporary route to the underpass construction site.
- (vi) Prior to the commencement of development, the following shall be submitted for the agreement of the Planning Authority –
- a comprehensive scheme of public lighting, which should accurately identify the location of all proposed lighting and should also include elevation drawings of lamp standards and all other overground apparatus;
  - a comprehensive landscaping scheme for the provision of indigenous tree and shrub planting at appropriate intervals along the perimeter of the proposed access road and associated footpath.
- (viii) On completion of an alternative road link to those existing dwellings west of the A9 trunk road, the existing Milton Underpass and its approaches shall be closed to general vehicular traffic. The underpass and its immediate approaches shall be modified to permit access for pedestrians and cyclists only. All works shall be to an adoptable standard in compliance with the requirements of Highland Council's Road Guidelines for New Developments and shall include appropriate drainage and street lighting provision. The applicant shall bear the costs of all legal, administrative and engineering costs associated with the required works.
- (ix) The existing length of Edenkillie Road serving those dwellings east of the A9 trunk road shall be upgraded to serve existing residential traffic and provide a safe pedestrian / cycle link between the proposed new road and Milton Underpass. The upgrading shall be to an adoptable standard in compliance with the requirements of Highland Council's Road Guidelines for New Developments, including appropriate drainage and street lighting provision and a suitable road layout at the junction with the new access road.
- (x) Working hours shall be confined to the period between 8.00am and 6.00pm, Monday to Friday.

- (xi) All drainage measures shall accord with SUDS principles and shall satisfy the requirements of both Scottish Water and SEPA.

**Advice note :**

Road Construction Consent shall be required in respect of all roads related works.

**Mary Grier**  
**24 June 2005**  
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