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## CAIRNGORMS NATIONAL PARK AUTHORITY

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

**Prepared by:** **KATHERINE DONNACHIE  
(PLANNING OFFICER,  
DEVELOPMENT MANAGEMENT)**

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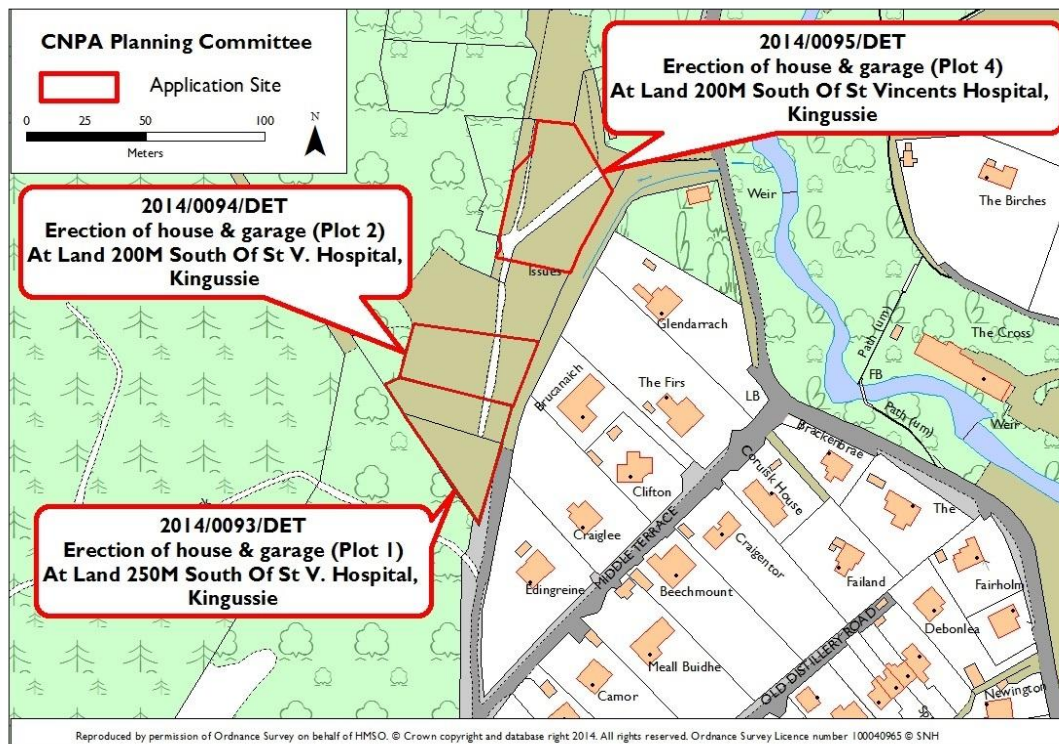
**DEVELOPMENT PROPOSED:** **Erection of house & garage (Plot 2) at Land 200M South Of St Vincent's Hospital, Gynack Road, Kingussie**

**REFERENCE:** **2014/0094/DET**

**APPLICANT:** **Allan Munro Construction Ltd**

**DATE CALLED-IN:** **24 March 2014**

**RECOMMENDATION:** **APPROVAL SUBJECT TO CONDITIONS**



**Grid reference: (E/275388, N/800970)**

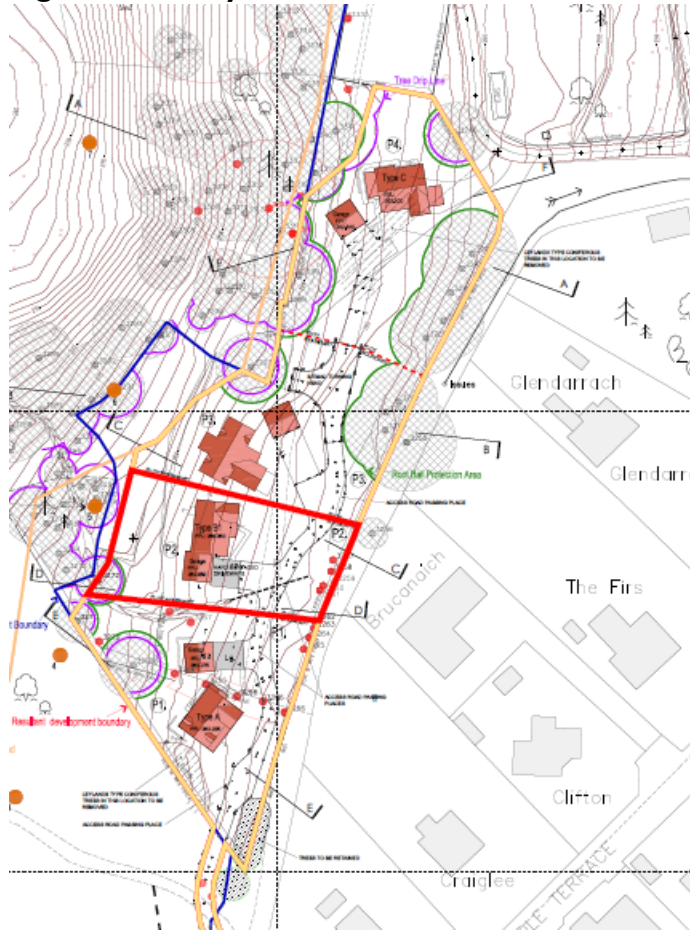
**Fig. 1 - Location Plan**

## SITE DESCRIPTION AND PROPOSAL

1. This application seeks full planning permission for the erection of a house and garage on a plot which is part of a four plot development granted consent in 2009. One of these plots is the subject of the preceding paper on this agenda (Reference 2014/0093/DET) and another is the subject of the next paper on the agenda (2014/0095/DET.) Consent was granted for the details of a new house on the remaining plot (number 3) in 2012.
2. The overall housing site here is located to the south of St Vincent's Hospital Gynack Road, Kingussie and formed part of the grounds of the Hospital in the past. The site is a relatively discrete one, bounded by established housing at Middle Terrace to the south east and woodland to the west which is listed as Ancient Woodland. It comprises gently sloping rough land with some existing trees on site removed under the terms of the original consent here.
3. Access is not proposed via the Hospital road, but rather will be taken from the Ardvonnie Road/Taits' Brae network of public roads to the south, where an existing track will be upgraded to the requirements of the Roads Service and the terms of the original planning consent here. There is an existing core path (reference LBS76) running up the first section of this access track. This path leads from Kingussie to Creag Bheag in a circular route to Loch Gynack and back to St Vincent's Hospital and to Kingussie again. The current application site does not impinge upon this path.
4. The application site is a middle plot on this small four plot development located between plot 1 (previous paper on agenda) and plot 3 where a new house has already been approved but not yet built. The current application site is roughly rectangular shaped and is bounded by established housing to the east on Middle Terrace and woodland to the west with house plots to be developed to north and south.

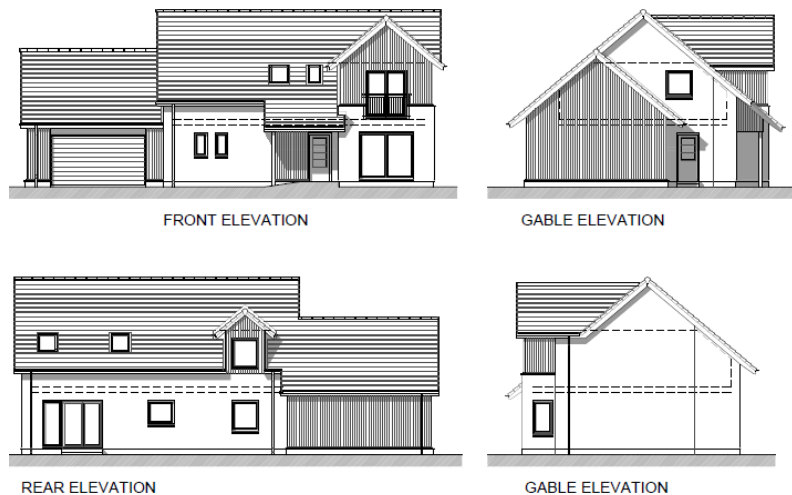
**Figure 2** below shows the site layout.

Figure 2 Site Layout



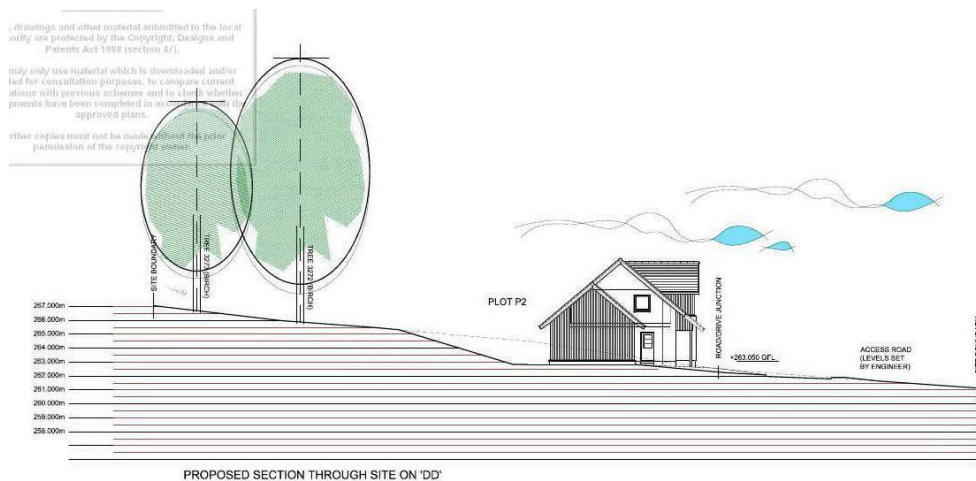
5. The proposed four bedroom house is of one and a half storey/two storey design with dormer window features and front two storey wing with balcony. An attached double garage is proposed also which will be clad in wood. Proposed finishes are slate roof tiles, wooden features, and harling. The proposed design is shown in **Figure 3** below

Figure 3 Elevations of Proposed House Type



6. Drainage is proposed to public sewers and connection to public water supplies. Surface water will be disposed off via a wider SUDS system with attenuation tank within each plot.
7. A landscape plan was agreed with the original planning in principle application here and with this current proposal landscaping for this individual site has been illustrated.
8. The applicants' agent has submitted a supporting statement outlining the design rationale and planning history of the development. This explains that the proposed house type has been submitted to fulfil condition 2(g) of the original consent for the plot and road layout, the terms of which set out that detailed planning applications should be submitted for each individual plot *"accompanied by a design statement to demonstrate high quality design responding to the topography and the semi woodland setting, how biodiversity is to be promoted and how the development responds to Planning Advice Note 84 – Reducing Carbon Emissions in New Development."*
9. The design statement explains that the external surfaces will be porous with surface water discharged to suitable SUDS solution, with materials and design intended to reflect the woodland setting, with large areas of glazing to take advantage of solar gain. The house will be cut into the slope of the site, and located on a generous plot with woodland edge retained and minimal disruption to existing trees.
10. Site sections have also been submitted to show how the house will sit on the site as shown in **Figure 4** below together with further details, by way of background information of the landscaping, roads and surface water drainage arrangements previously submitted in relation to the conditions of the original consent here. Finally the applicants' agent has requested to be **heard** at Committee.

**Figure 5 Site Sections**



## Site History

11. An application for full planning permission for the formation of four house plots and an access road was refused contrary to officer recommendation by the Cairngorms National Park Authority (CNPA) Planning Committee at their meeting of December 2008 (Reference 2008/184/CP) Refusal reasons related to natural heritage together the loss of the area as an amenity resource and lack of justification for developing an environmentally sensitive site.
12. An appeal against this decision to the Scottish Government Department of Planning and Environmental Appeals was upheld with consent granted subject to a series of conditions (Reference PPA-0012-014) in October 2009.
13. Subsequent to this decision an application was submitted for full planning permission for the details of a new house on Plot 3 which was granted consent at the CNPA meeting of 9 November 2012 subject to conditions. (Reference 2012/0281/DET) At this time it was noted in the officer report that some work had been undertaken on the wider site area and constituted the commencement of the consented development for the overall plot layout and the associated access road. It was also noted that information relating to fulfilling planning conditions covering landscaping, red squirrel surveys, drainage, footpaths and access had been submitted to the CNPA.

## DEVELOPMENT PLAN CONTEXT

### National policy

14. **Scottish Planning Policy** (SPP, revised 2014) sets out national planning policies that reflect Scottish Ministers priorities for the operation of the planning system and for the development and use of land. Under planning law, planning applications must be determined according to the development plan unless material considerations indicate otherwise. The content of SPP is a material consideration in planning decisions that carries significant weight. The SPP promotes consistency in the application of policy across Scotland while allowing sufficient flexibility to reflect local circumstances. The SPP sits alongside four other Scottish Government planning policy documents:
  - **The National Planning Framework** (NPF) which provides the statutory framework for Scotland's long term spatial development. The NPF sets out the Scottish Government's spatial development policies for the next 20 to 30 years;
  - **Creating Places**, the policy statement on architecture and place, containing the Scottish Government's policies and guidance on the importance of architecture and design;
  - **Designing Streets**, a policy statement putting street design at the centre of placemaking. It contains policies and guidance on the design of new or existing streets and their construction, adoption and maintenance; and

- **Circulars**, which contain policy on the implementation of legislation or procedures.

In relation to housing SPP highlights that house building makes an important contribution to the economy and that Planning can help to address the challenges facing the housing sector by providing a positive and flexible approach to development. SPP also highlights that the siting and design of development should take account of local landscape character

## **Strategic Policies**

### **Cairngorms National Park Partnership Plan (2012-2017)**

15. The Cairngorms National Park Partnership Plan 2012 – 2017 is the management plan for the National Park for the next 5 years. It sets out the vision and overarching strategy for managing the Park and provides a strategic context for the Local Development Plan. Three long term outcomes have been identified to deliver the vision for the Park, to continue the direction set out in the first National Park Plan and to together deliver the four aims of the National Park. The outcomes are:

- A sustainable economy supporting thriving businesses and communities;
- A special place for people and nature with natural and cultural heritage enhanced; and
- People enjoying the park through outstanding visitor and learning experiences.

Policies to secure the outcome of ‘a special place for people and nature with natural and cultural heritage enhanced’ are of relevance and Policy 2.8, which seeks to enhance the design and sense of place in new development and existing settlements.

## **Local Plan Policy**

### **Cairngorms National Park Local Plan (2010)**

16. The Cairngorms National Park Local Plan was formally adopted on 29<sup>th</sup> October 2010. The full text can be found at: [http://www.cairngorms.co.uk/parkauthority/publications/results.php?publication\\_ID=265](http://www.cairngorms.co.uk/parkauthority/publications/results.php?publication_ID=265) The Local Plan contains a range of policies dealing with particular interests or types of development. These provide detailed guidance on the best places for development and the best ways to develop and all relevant policies of the Plan apply. In this case the site lies within the settlement boundary of Kingussie and the following paragraphs list a range of the key policies that are appropriate to consider in the assessment of the current development proposal.
17. *Policy 20: Housing Development within Settlements* which explains that settlement boundaries have been identified to indicate the extent to which the settlement may expand during the Local Plan period and that new housing should be contained within these boundaries. Housing proposals within the settlement

boundaries will be considered favourably where it occurs on an allocated sites or where it is compatible with existing and adjacent land uses, and comprises infilling, conversion, small scale development, the use of derelict or underused land or the redevelopment of land. This support is also subject to the proposals reinforcing and enhancing the character of the settlement and accommodating appropriate amenity space parking and access arrangements

18. Policy 6: Landscape which sets out that there will be a presumption against development which does not conserve and enhance the landscape character of the National Park unless any significant adverse effects are outweighed by social or economic benefits of national importance and all adverse effects can be mitigated.
19. Policy 16: Design Standards for Development which sets out the design standards to be met with new development and is supported by supplementary planning guidance in the form of the sustainable design guide
20. Policy 12: Water Resources which seeks to ensure that resources are used sustainably, connection is made to public sewers and surface water is treated in accordance with SUDS principles.
21. Policy 34: Outdoor Access which seeks to improve opportunities for responsible outdoor access and to ensure that new development does not reduce public access rights.
22. Policy 29: Integrated and Sustainable Transport Network which seeks to ensure that adequate consideration is given to maintaining or improving the sustainable transport network

### **Supplementary Planning Guidance**

23. In addition to the adoption of the Cairngorms National Park Local Plan (2010) on 29th October 2010, a number of Supplementary Planning Guidance documents were also adopted. With this application the key document is the the Sustainable Design Guide which sets out the principles to be considered when planning new development in the Park,

### **CONSULTATIONS**

24. **Highland Council Roads Service** originally sought further information on the access arrangements and upgrading, as well as surface water drainage arrangements for the wider site. Information provided in relation to the original four plot layout application has been passed onto the Service who now advise that they have no objection to this current application subject to adequate parking provision being made within the individual site.
25. **Highland Council Flood Prevention Team** have been consulted on the wider surface water drainage arrangements submitted for the original application as noted above and have made comment on issues to be clarified.

This does not affect consideration of the current application which is simply for the house type and layout.

26. **Highland Council's Forestry Officer** notes that there are existing mature broadleaf trees to the west side of the site, but the cypress along the east side have been felled. (*Note: these works were agreed with the CNPA*) The applicants have shown trees to be protected but need to show how the root area will be protected and also show any planting proposals. They have no objection to the proposals subject to appropriate conditions covering these matters being attached.
27. **Scottish Water** has no objections to the various applications for single plots noting that the developer will require to contact the agency regarding connection to water and drainage supplies.
28. **Kingussie and Vicinity Community Council** have raised serious concerns regarding the access to the site, lack of footpaths and restricted visibility. They have also raised concerns regarding loss of amenity for neighbouring proprietors as a result of construction traffic and request that conditions be attached to cover the following matters:
  - Working hours  
*Note: as members are aware it is CNPA standard practise to attach an informative covering working hours to any consent granted to highlight this matter to developers*
  - Maintain the public road in a clean and reasonable manner  
*Note: this is a police and roads authority matter and can be enforced under other legislation*
  - In the event of site traffic using Gynack Road that the ambulance route be kept clear at all times  
*Note: in this regard the overall site is laid out in such a manner that access via Gynack Road would not be taken to the site. However an informative could be attached to highlight the importance of ambulance routes*
29. Finally the Community Council has noted that the original planning conditions called for a high quality of design and whilst this may have been addressed they are concerned that the house type is a variation of one already in use at High Burnside, Aviemore and may not be commensurate with this special site with the opportunity missed to build something exceptional. Their full comments are attached as **Appendix I**.

## REPRESENTATIONS

30. No representations have been received. As noted earlier the applicants' agent has requested to be **heard** at Committee.



## APPRAISAL

### Principle

31. The principle of housing on this wider site at Gynack Road, Kingussie, within the settlement boundary, is established by the original grant of full planning consent for four house plots with road layout. Conditions attached to that consent control access upgrading, ecology and wider surface water issues, and these address the concerns of the Community Council. With this current application therefore it is simply the detail of the proposed house type and its layout within the site that are under consideration in terms of compliance with Local Plan policies. Key issues are set out below.

### Servicing

32. As noted above the principle, and indeed the detail, of accessing this site (and the other adjacent ones) via an upgraded access off the Ardvonie Roads/Taits' Brae network, has been agreed with the previous four plot layout application. Similarly the terms and conditions of that consent will cover the surface water drainage arrangements. Finally there is sufficient space within the plot for car parking and individual access arrangement.

### Design

33. The house design is considered appropriate for the site, incorporating some traditional features and materials such as wooden features which are appropriate to the woodland location. The house style fits in with that already approved on plot 3 and with others proposed for the remaining plots in terms of scale, massing and style. The comments of the Community Council are noted in relation to their concern that the design falls short of exceptional. Policy 16 on Design of New Development generally seeks to ensure new development complements its setting and reflects the character of the surrounding area. It is considered that the proposed development achieves this objective.

### Layout

34. The site is of sufficient size to accommodate the proposed new house without loss of privacy for other residents in the area. There are no impacts upon the adjoining ancient woodland to the rear (west) and provision of a site specific more detailed landscape plan will ensure that a suitable setting for the new house can be provided.

### Conclusion

35. The proposed development of a new house on a site which forms part of a four plot development where consent has previously been granted is considered satisfactory in terms of the layout, siting and design of the new house with no loss of amenity for neighbouring proprietors. Conditions can be attached to ensure that the finer details of landscaping and finishes are of a

suitably high standard for this attractive edge of woodland location. As such the development is considered to comply with Local Plan policies and approval subject to appropriate conditions is recommended. Conditions have been worded consistently with those approved at Planning Committee for Plot 3 (Reference 2012/0281/DET).

## **IMPLICATIONS FOR THE AIMS OF THE NATIONAL PARK**

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

36. Providing landscaping and planting is implemented as per terms of the original consent, and suitable details are provided for this particular plot the proposed development will help to support this aim. The development is considered to be suitably designed and laid out which, combined with satisfactory landscaping, will help to create a pleasant residential environment thereby supporting this aim. Natural heritage interests have been safeguarded by conditions and surveys relating to the previous consent for the wider plot layout.

### **Promote Sustainable Use of Natural Resources**

37. The construction of the house offers the opportunity to use locally sourced construction materials and energy efficient practises/construction. The proposal to use passive solar gain through the siting of the house and use of glazing, together with the proposal to incorporate the use of timber cladding also helps support this aim.

### **Promote Understanding and Enjoyment of the Area**

38. The development does not directly relate to this aim other than by providing new housing to attract people into the area and thus provide an opportunity to promote the area to residents. A core path is located to the south of the site but will not be impinged upon by development of this site whereby there should be no conflict with this aim.

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

39. Provision of housing choice may help support economic development due to the link between having a house and getting a job. Furthermore the construction of the new housing will provide opportunities for local employment and economic benefits. Additional housing in Kingussie may also help to support local facilities and services during both the construction and occupation stages.

## **RECOMMENDATION**

**That Members of the Committee support a recommendation to GRANT FULL PLANNING PERMISSION for the Erection of house & garage (Plot 2) at Land 200M South Of St Vincent's Hospital, Gynack Road, Kingussie subject to the following planning conditions:**

1. No development shall commence until all measures and works required under Condition numbers 2(a), (b), and (f) and Condition no. 3 of DPEA Ref. No. PPA-001-014 have been implemented in full.

**Reason:** To ensure that all stipulated safeguards in the governing consent are in place prior to the commencement of development, in order to protect the natural heritage of the surrounding area, ensure that public access is maintained in the area and to ensure that the development proceeds in an orderly manner.

2. No development on the construction of the dwelling house shall commence on the application site until suitable access provision, in accordance with term of the original planning permission (DPEA Ref. No. PPA-001-014) has been developed to serve the overall housing development site of which Plot 2 forms part. Unless otherwise agreed with the CNPA acting as Planning Authority, the minimum level of required works to be undertaken shall include :
  - a. The development of the new access road, including all identified passing places and traffic calming measures, from its junction with the public road to the southern boundary of Plot 1;
  - b. The development of the temporary diversion of the footpath on the western side of the access road referred to in (a).

**Reason:** In the interests of orderly development and in the interests of traffic safety and public safety.

3. No development shall commence until a landscaping plan for this plot is submitted to and approved by the Cairngorms National Park Authority acting as Planning Authority. The details contained in the plan shall generally reflect the details contained in Dwg. No. HLD 1617.12/SL-01 Rev C ('Soft Landscape Proposals') of the original consent for the formation of 4 plots and access road (DPEA ref. no. PPA-001-014). It shall include proposals for boundary treatments; details of the protection of any trees to be retained (in accordance with BS5837:2012 Trees in Relation to Design, Demolition and Construction), details of trees and shrubs to be planted; and details of future maintenance. The approved landscaping scheme shall be implemented in the first planting season following occupation or completion, whichever is the sooner, of the house, hereby approved and trees shall be protected in accordance with the approved details throughout construction. Any trees or shrubs removed, or which in the opinion of the CNPA acting as Planning Authority, are dying, being severely damaged or becoming seriously diseased within three years of planting, shall be replaced by trees or shrubs of similar size and species to those originally required to be planted.

**Reason:** To ensure the development fits well in the area and complies with Local Plan policies 16 and Policy 6 on design and landscape respectively.

4. No works shall commence on the construction of the house hereby approved until details (by way of brochure or samples) of the external finishes have been submitted to and approved by the Cairngorms National Park Authority acting as Planning Authority. These details to include the following:
- a. Windows and doors reflecting the requirement for the use of timber;
  - b. Render for the walls;
  - c. External timber cladding, including details of any stain; and
  - d. Roofing material reflecting the requirement for use of slate or slate effect tiles.

**Reason:** To ensure the development fits well in the area and complies with Local Plan policies 16 and 6 on design and landscape respectively.

5. All public services for the development, including electrical, cable television and telephone cables, shall be located underground throughout the site.

**Reason:** In the interests of minimising the visual impact of the development in accordance with Local Plan policy 6 - Landscape.

6. The house hereby approved shall not be occupied until three parking spaces have been provided within its curtilage, finished in porous materials and surface water drainage for the site has been implemented in accordance with the details approved under the terms of the original planning consent (DPEA Ref. No. PPA-001-014)

**Reason:** To ensure the site is adequately serviced in accordance with Local Plan policies.

#### **ADVICE NOTES:**

1. In accordance with section 58(1) of the Town and Country Planning (Scotland) Act 1997 (as amended), this permission lapses on the expiration of a period of 3 years beginning with the date on which this permission is granted unless the development to which this permission relates is begun before that expiration
2. It is recommended that construction work (including the loading/unloading of delivery vehicles, plant or other machinery) should not take place outwith the hours of 0800 hours to 1900 hours Mondays to Fridays, 0800 hours to 1300 hours on Saturdays or at any time on Sundays or Bank Holidays in order to minimise disturbance to residents in the area.
3. The developer should contact Scottish Water regarding connection to public water and drainage supplies.

4. The developer should note the need to ensure there is no obstruction to ambulance routes leading to St Vincent's Hospital at any time.
5. Please note that all terms and conditions of the original consent (DPEA reference P/PPA/001/014) for the four house layout and access apply in full and will require to be fully complied with

**Officer Name: Katherine Donnachie**

**[planning@cairngorms.co.uk](mailto:planning@cairngorms.co.uk)**

**Date: 10 July 2014**

The map on the first page of this report has been produced to aid in the statutory process of dealing with planning applications. The map is to help identify the site and its surroundings and to aid Planning Officers, Committee Members and the Public in the determination of the proposal. Maps shown in the Planning Committee Report can only be used for the purposes of the Planning Committee. Any other use risks infringing Crown Copyright and may lead to prosecution or civil proceedings. Maps produced within this Planning Committee Report can only be reproduced with the express permission of the Cairngorms National Park Authority and other Copyright holders. This permission must be granted in advance.