
CAIRNGORMS NATIONAL PARK AUTHORITY

Title: REPORT ON CALLED-IN PLANNING APPLICATION

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DEVELOPMENT PROPOSED: ERECTION OF 13 HOUSES ON LAND SOUTH OF GREENHILLS AND LAND TO REAR OF MEADOW VIEW INSH, KINGUSSIE (OUTLINE PLANNING PERMISSION)

REFERENCE: 04/343-355/CP

APPLICANT: MR B NIELD, ARDBROILACH ROAD, KINGUSSIE

DATE CALLED-IN: 16 JULY 2004

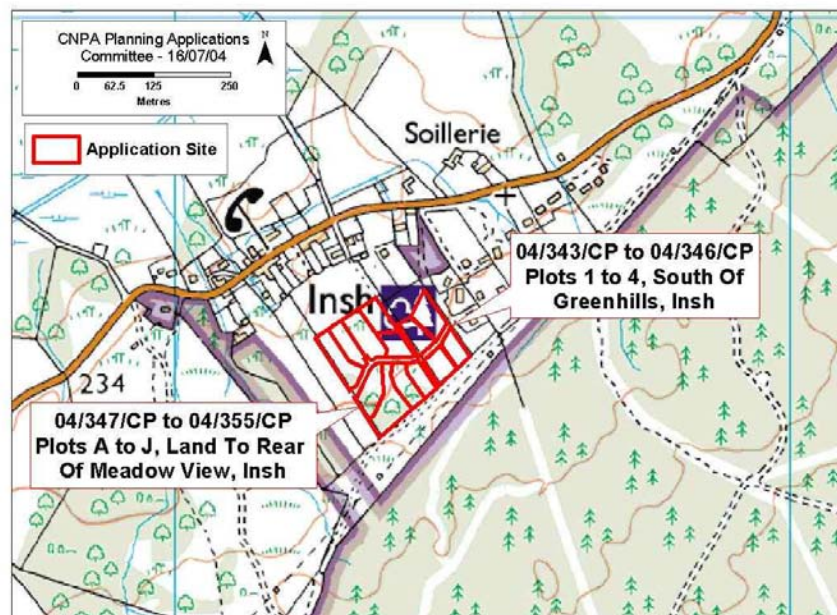


Fig. 1 - Location Plan

SITE DESCRIPTION AND PROPOSAL

1. The site lies on the south side of the village of Insh between the village and an area of woodland (Inshriach Forest). There is existing development to the northern boundary and the site that is accessed from a lane that serves six existing houses from the B970. The site itself is largely open and slopes down from the forest edge to the village. There are a few scattered trees on the site. There is also a dry stane dyke that bisects the site in half and a footpath from the village into the woodland area to the east follows the line of this dyke. This path links in with the Badenoch Way which runs through the forest along the south eastern boundary of the site.



Fig 2 photograph from east corner of site showing dry-stane dyke that bisects the site with village in background

2. This report relates to 13 different outline planning applications with different reference numbers. However, the proposals are effectively for 13 detached houses in an estate layout with a single access road from the lane mentioned above. I am unsure as to why the proposals were ever submitted as 13 separate applications when they clearly relate to a single site. However, this may have resulted in a reduced fee for the applicant.
3. The site is part of an area allocated by the Badenoch and Strathspey Local Plan for around 20-25 residential plots, some of which have been built. In terms of history all of the application plots have had planning

permission before at one time or another in outline form. However, all of those permissions have now expired.

DEVELOPMENT PLAN CONTEXT

4. **Policy G2 (Design for Sustainability) of the Highland Structure Plan** states that developments will be assessed on the extent to which they, amongst other things, impact on resources such as habitats, species, landscape, scenery and are in keeping with the local character and the historic and natural environment. **Policy L4 of the Highland Structure Plan** indicates that the Council will have regard to the desirability of maintaining and enhancing present landscape character in the consideration of development proposals.
5. **Policy H3 of the Highland Structure Plan Housing in the Countryside** considers that new housing will generally be within existing and planned new settlements and that new housing outside of settlements will not be permitted unless it is required for the management of land and related family purposes.
6. **Policy H5 Affordable Housing** considers that the Council will identify areas where there is a demonstrable need for affordable housing and mechanisms will be used to secure developer contribution where justified. Affordable housing secured as part of a larger development should not be of a significantly higher density, or lower quality.
7. **Highland Council Development Plan Policy Guidelines 2003 Para 2.2** concludes that an objective target of 25% affordable housing provision should normally be expected of all future developments comprising 10 or more new or converted homes located within local housing stress areas.
8. **Policy 2.1.1 of the Badenoch and Strathspey Local Plan** considers that in areas of housing stress agreements with owners of private land will be sought to ensure that an appropriate proportion of plots or dwellings therein are available in perpetuity as low cost accommodation for local persons.
9. In the **Badenoch and Strathspey Local Plan** the site is allocated for housing and is part of an allocation for 20-25 plots, some of which are already complete. **Policy 7.11.1 of the Plan** considers that access from the B970 is to be formed by developers. This should proceed from the north and eventually complete a looped network. The layout and arrangement of sites should give an overall linear development form; consistency in design, form and finishes of individual buildings with emphasis on traditional elements; common building lines reflecting

the site contours; and woodland planting between development groups to strengthen the landscape context of the area. An overall foul drainage system capable of implementation as plots are developed and satisfactory surface water drainage which could comprise a new comprehensive system. Development should safeguard field drains, footpaths, existing stone walls and trees together with new planting.

10. For information the **CNPA Consultative Draft Local Plan** zones the site for housing which is located within the settlement boundary. The site is noted in the plan by **Policy H6** which considers that existing trees, walls and drainage should be retained wherever possible. The access road from Juniper cottage will require upgrading and adoption. The plan does not retain the loop road back onto the B970.

CONSULTATIONS

11. **Highland Council Area Roads Manager** has no objection in principle to this development but recommend that a number of conditions are attached to any consent including:- All roads to be designed in accordance with Highland Council Guidance; Requirement for Roads Construction Consent; Surface Water drainage to accord with SUDS principles; All properties to be free from 1 in 200 years flood event; hard surfacing of vehicle access to each plot for at least 6 metres; standard visibility splays; direct pedestrian/ cycle link between the south western extremity of new road and the B970.
12. **Scottish Natural Heritage (SNH)** note that the applications lie within 300 metres of Insh Marshes Special Area of Conservation. The designation of the loch is based upon clear water lakes or lochs with aquatic vegetation and poor to moderate nutrient levels.
13. SNH are unable to advise at this stage whether there would be likely to be any significant effect on the aforementioned habitat. However, SNH note that the previous applications on the site included a two stage treatment scheme for surface water run-off, this was approved by SNH at the time of the previous proposals. Should the same scheme not be put forward with SEPA's agreement then SNH position should be considered as an objection.
14. **Scottish Water** confirm that a public water supply is available. However, there is no spare capacity within the Waste Water Treatment Works to accommodate foul drainage from the development. Commencement of the development will therefore need to be deferred until such time as the works have been upgraded. As an alternative the developer may wish to pursue the option of a private treatment facility to the agreement and satisfaction of SEPA.
15. **SEPA** have no objection on surface water drainage providing this is dealt with in the same, manner as previous applications on the site

have specified. Availability of foul drainage capacity should be checked with Scottish Water.

16. The **Highland Council Area Housing Manager** requests that the Park Authority consider the provision of affordable housing to be considered as part of the proposal. The Council would be looking for 3 service sites. The Housing Manager has been approached by one of the developers who indicated that they would consider the provision of affordable housing but it may be off-site however; this has not been finally agreed as no planning application has been submitted.
17. **The Crofters Commission** note that their records show the land as non-croft so have no comments to make.
18. **The Forestry Commission** has no comment to make on the proposal other than any permission granted should take full account of the need to facilitate access to adjoining land.
19. **CNPA Natural Resource Group** echo concerns raised by SNH.
20. **Visitor Services and Recreation Group** have no objection to the applications but note that the Badenoch Way is a 16km footpath running along the Spey Valley from Dalraddy to Ruthven near Kingussie, the route passes south east of the village of Insh, bordering the proposed development. The Badenoch Way can be accessed from the B970 in Insh by a footpath which runs directly through the proposal site. The Visitor Services and Recreation Group would wish to see this access route retained. Should the development go ahead VSRG consider that the applicant should submit a detailed plan of public access across the site (existing, during construction and upon completion) showing all existing footpaths, any areas excluded from statutory access rights, all paths/tracks proposed for construction and any diversions whether temporary or permanent.

REPRESENTATIONS

21. **Kincraig and Vicinity Community Council** are surprised that 13 separate applications have been submitted for housing on one site and are also surprised that given the size of the development the applications are not being put before the (Highland Council) Area Committee.
22. Given that this is a development of more than 10 houses we will wish to see how the applicant makes provision for affordable housing within his plans.

23. The Community Council do not object to these applications at this stage but will certainly do so if the applicant applies for full permission without properly addressing the provision of an element of affordable housing in accordance with Highland Council Policy.
24. A total of 5 individual objections have been received and letters from the applicant and agent are also attached (see back of report):-

Mr S Urquhart, 20 Drokies Avenue, Inverness

Should be considered as one application.

Proposal would adversely affect character of area

Roads too narrow.

Mr & Mrs C Burden, Ferrybridge, West Yorkshire (local address Greenhills, Insh)

Proposal would adversely affect character of area

Is there any research into habitat to be lost ?

Ensure footpath retained

Potential for flooding.

Mr I A T Donald, St Andrews, Fife

Concern about run-off and potential effects of global warming.

Mr D Cameron, Meadowview, Insh

Not objecting to principle

Concerns that layout should reflect traditional form and that properties should be subject to height restriction.

Concern on flooding.

Mr I R Pemberton, Butcombe, Bristol

Concern that footpath is retained.

APPRAISAL

25. There are a range of issues relating to these applications, including the principle of development, affordable housing and drainage.
26. In terms of principle this site is allocated by the Badenoch and Strathspey Local Plan for housing as part of a larger area. The site has also been the subject of approved applications in the past. Given this, there is a strong policy and historical justification for accepting residential upon this site, in principle. I am also mindful that the Community Council may have no objection to the schemes, providing that an element of affordable housing is delivered. Given this weight of policy and planning history I am of the view that residential development can be acceptable in principle at this site and the plots generally accord with what has been granted previously. A range of concerns are raised by objectors but many of these relate to details of spacing and design which is not being considered at this outline stage, it is clear that the site could lend itself to a range of design approaches.
27. One objector raises concern about the amount of development in a small village within a National Park. However, the site is clearly

allocated for housing by the Local Plan and this allocation has been carried forward into the Draft for Consultation of the CNPA Local Plan, recognising that rural communities have to be capable of growth.

28. I have looked at the previous consents at the site and noted that no affordable housing had ever been included with previous schemes. The stance of the Highland Structure Plan is clear and this stance is that on sites of 10 dwellings or more 25% affordable housing should be expected of the developer. In technical terms these proposals are for 13 separate applications on one site, so it could be argued that the affordable housing policy cannot be applied. However, I am of the view that the approach utilising 13 separate schemes for effectively the same site is against the spirit of this policy and I have stated to the applicant that in line with the wishes of the Community Council and the requirements of the policy some affordable housing should be delivered by the proposals.
29. I have consulted the Area Housing Manager who suggests a total of 3 plots and this has been put to the developer who I understand is co-operating on this issue. The idea is that 3 plots would be provided off site (although effectively next to this site) in an area that has received planning permission previously. This approach is viewed as positive, although it results in a technical problem that the current applications cannot be amended to include the additional site area. A new application should be submitted including both this site and the three house site so that all the issues can be considered together. I am of the view that the lack of affordable housing within the totality of these proposals constitutes a reason for refusal. I would also suggest that any future application is submitted as a whole and not as separate plots.
30. Drainage has been a key issue on this site and while Scottish Water have confirmed availability of a public water supply there is no foul drainage capacity. Because of this, I am of the view that the proposals should not be consented until such capacity exists or a private treatment system that can be found acceptable by SEPA is designed for the site. The applicant and his agent are working hard to resolve this issue based upon a scheme in Perthshire that has been found to be acceptable by SEPA. However, at this time no satisfactory foul drainage arrangements for the site exist so this situation effectively constitutes a second reason for refusal.
31. Concern has been raised by consultees and objectors regarding surface water drainage. However, a detailed scheme involving sand traps and a separate detention area with a gravel inlet to cleanse surface water has been submitted. This scheme was accepted previously by both SNH and SEPA and is again found to be acceptable.
32. With regard to highways issues a range of conditions are proposed which any future development would need to accommodate. A key

technical issue involves the upgrading of the access road to the edge of this site. Another concern with the way in which this scheme is submitted relates to the development access road and with 13 different applications which plots would be responsible for building which section of the road because the access road is not mentioned specifically in the proposals. The current applications do not address this issue.

33. The plot layouts are largely as previously consented and follow a linear form along the development access road and this would seem a reasonable approach as it preserves the footpath route referred to in objectors letters (although part of it would be surfaced) and retains the stone dyke that divides the site in two. Design details of this would be considered by any future full or reserved matters application.
34. Overall, I am of the view that such proposals could ultimately prove to be acceptable. However, the current situation creates an impasse where the applications cannot, in my view, be determined without affordable housing which can only be secured by including another site within the applications (this can only be done by submission of a fresh application). The only other option would be to hold this scheme until an application for affordable housing caught this one up. However, I am of the view that in terms of efficiency and in terms of ease of dealing with all of the issues at the site this scheme should be refused and a fresh one submitted including both sites and details of foul drainage. This would also mean that it is easier to ensure that the access road is provided to an adoptable standard.

IMPLICATIONS FOR THE AIMS OF THE NATIONAL PARK

Conserve and Enhance the Natural and Cultural Heritage of the Area

35. The actual site is not considered to be of particular natural heritage value. However, care must be taken to ensure that surface water run-off does not have any negative effects upon Loch Insh which is identified as a Special Area of Conservation. With regard to this the applicant's agent has put together a special two stage scheme including sand traps and a detention basin to ensure that any surface water run-off discharging to the Loch is of an acceptable standard. Care would also have to be taken to retain trees wherever possible.

Promote Sustainable Use of Natural Resources

36. Given that these are outline schemes, no details are available regarding materials for the development. However, a design guide for any future application is suggested as part of the advice notes at the end of the report.

Promote Understanding and Enjoyment of the Area

37. A footpath runs through the site to Inshriach Forest which helps to promote the enjoyment and understanding of the area. However, this is shown as being retained by the plans.

Promote Sustainable Economic and Social Development of the Area

38. The proposal represents private market housing at this stage that may provide some limited benefits to the community and local builders. However, the proposal could be viewed much more positively under this aim if it could deliver affordable housing.

RECOMMENDATION

39. That Members of the Committee support a recommendation to **REFUSE Outline Planning Permission** for 13 separate house plots (applications 04/343-355 CP inclusive) on land south of Greenhills and to the rear of Meadow View, Insh for the following reasons:-
 1. This is one of 13 applications representing in total a development of 13 houses on a single site. Highland Council Structure Plan Policy H5 together with Highland Council Development Plan Guidelines para 2.2 indicate that on all developments of over 10 houses an objective target of 25% affordable housing provision should be expected. The proposals cumulatively fail to provide affordable housing and are therefore contrary to the aforementioned Structure Plan Policies and to Scottish Executive Planning Advice Note 74 on Affordable Housing. The proposal is therefore also contrary to the National Park aim of promoting the sustainable economic and social development of the area.
 2. In the light of advice received from Scottish Water the proposal does not currently demonstrate that an acceptable form of sewage disposal can be achieved at this site at the present time and, until this is resolved to the satisfaction of the CNPA acting as Planning Authority, the current application is considered to be premature.
 3. The application as it stands fails to demonstrate how the access road would be satisfactorily provided to this plot and the other 12 plots proposed on adjacent sites.

ADVICE NOTES

You are aware that the site is allocated by the Badenoch and Strathspey Local Plan for residential development, this allocation is retained by the

CNPA Consultative Draft Local Plan and the site has previously been the subject of successful planning applications.

Any future proposals in outline form should be submitted as a single application for the site with specific reference to the development access road, you are advised that any proposal for more than 10 dwellings should include affordable housing as required under Highland Structure Plan Policies. I would also point out that any future application should include detailed measures for a foul drainage system that are acceptable to SEPA or a recommendation from Scottish Water that capacity is available.

Any future application would also benefit from the submission of a design statement setting out how the site would be likely to be developed together with a general palette of suggested construction materials. The statement should also include how issues of public access would be dealt with, particularly in relation to the footpath crossing the site. The statement should also deal with the issue of the sustainability of the development proposed.

DETERMINATION BACKGROUND

These applications have taken a considerable length of time to bring before the Planning Committee. The main reason relates to negotiating affordable housing and the applicants work in commissioning a private foul drainage system that would be acceptable to SEPA. The applications still cannot be determined positively as it has become apparent that affordable housing would require the inclusion of an adjacent site. This can best be achieved by a fresh application for the whole site. An alternative option would be to continue to defer these proposals in the hope that an application for affordable housing would catch the current schemes up as was the case at Dellmhor/Inverdrue. However, these proposals have been on our books for so long without an application coming forward on the adjacent site for affordable housing, the only solution would appear to be to refuse the applications and encourage a scheme for the whole site to be submitted as one application. This would also solve any problems regarding which plots are responsible for which sections of road. This could also ensure that problems regarding foul drainage capacity are dealt with prior to any future scheme being submitted. To continue to hold onto the applications also reflects badly on our statistical returns to the Scottish Executive as they only show that the applications are delayed and this would be interpreted as the fault of the CNPA as the planning authority when in this case the proposal cannot be determined positively because of factors/information outlined above lacking from the application.

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