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## CAIRNGORMS NATIONAL PARK AUTHORITY

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**Title:** **REPORT ON CALLED-IN PLANNING APPLICATION (ADDENDUM TO ORIGINAL REPORT-PAPER 10 -11 DECEMBER 2009)**

**Prepared by:** **ANDREW TAIT, PLANNING OFFICER (DEVELOPMENT MANAGEMENT)**

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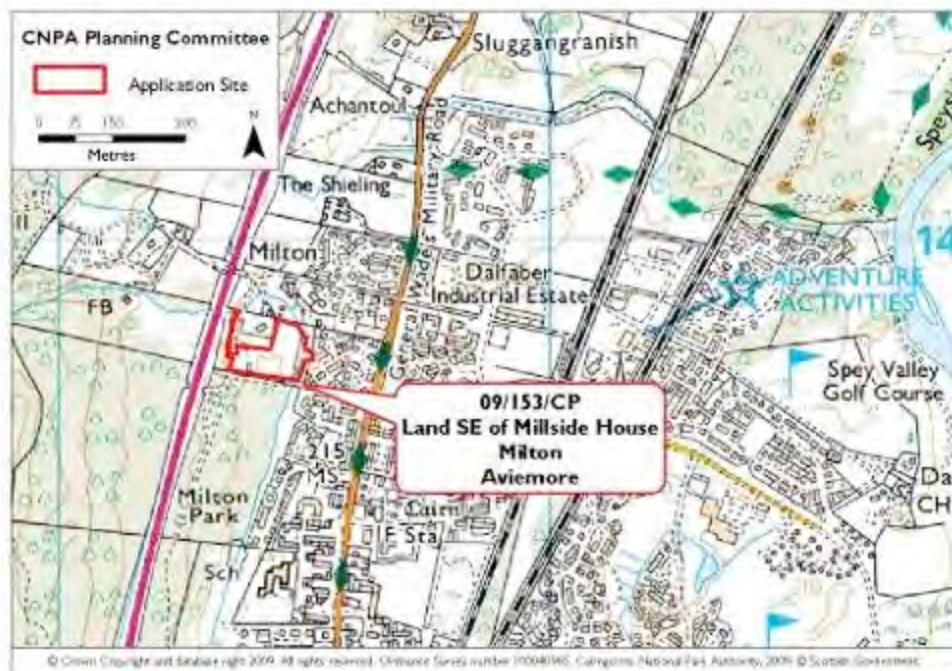
**DEVELOPMENT PROPOSED:** **ERECTION OF 30 (AMENDED TO 25) HOUSES AND CONSTRUCTION OF ACCESS ROAD ON LAND SE OF MILLSIDE HOUSE, MILTON, AVIEMORE**

**REFERENCE:** **09/153/CP**

**APPLICANT:** **MILTON BURN DEVELOPMENTS LIMITED**

**DATE CALLED-IN:** **29 MAY 2009**

**RECOMMENDATION:** **REFUSAL**



**Fig. 1 - Location Plan**

## UPDATE

- I. This paper should be read in conjunction with Paper 10 that was heard at the 11<sup>th</sup> December Planning Committee meeting last year. The proposal was recommended for refusal based upon the following 3 reasons:
  - The proposal represents an overdevelopment of the site with housing numbers in excess of the numbers allocated by the Badenoch and Strathspey Local Plan. The proposal fails to give adequate respect to the scale form and density of its physical surroundings and is contrary to the Badenoch and Strathspey Local Plan 6.1.3(b), Highland Structure Plan (2003) Policy G2 Design for Sustainability and Highland Council Development Plan Policy Guidelines 2003. The proposal is also contrary to Scottish Planning Policy 3 Planning for Homes (2008).
  - The siting and layout of plots 7, 11, 12 and 13 of development fail to maintain and enhance the distinctive landscape of this part of the National Park and also fails to complement and enhance the character, pattern and local identity of the built and historic environment. Consequently the proposal is contrary to the Strategic Objectives of the National Park Plan for Landscape and Built Environment which seek to: a) maintain and enhance the distinctive landscapes across the Park; c) seek to ensure that development complements and enhances the landscape character of the Park, and d) seek to ensure that new development in settlements should complement and enhance the character, pattern and local identity of the built and historic environment.
  - The proposal fails to demonstrate that an adequate surface water drainage system can be provided at the site contrary to Policy G2 Design for Sustainability of the Highland Structure Plan.
2. The original report sets out the site context, description of development, consultee comments and policy background as well as an overall assessment of the proposal. This paper deals with the applicant's response to the Committee's deferral of the application on 11 December 2009. The reasons for deferral were:
  - I. Drainage with particular regard to soakaways for plots 11-13.
  - II. How provision was being made for affordable housing.
  - III. Sustainability and whether there were specific proposals.
  - IV. Access concerns.
3. The Committee set a three-month deferral period to allow the above issues to be considered. The applicant's agent subsequently made contact and asked if the proposal could be re-considered by the Planning Committee as soon as possible with the soakaway information provided, being of the view that the application was capable of determination.

4. Just prior to the 11 December meeting the applicant had submitted a revised parking strategy to Highland Council Area Roads which shows plot 7 moved away from the Old Mill and joined to plot 6. This means that additional parking spaces for plots 11-13 are positioned in front of the Old Mill (see figs 6 & 7). Just as this paper was being finalised this drawing was formerly submitted as an amendment to the scheme and can be seen at figure 7.
5. One additional e-mail from an objector is attached at the back of this report. This was presented to Committee on 11 December because it was received after the original report was printed.



**Fig. 2- Area for plots 11-13 showing wet area with slope behind**



**Fig. 3- Existing slope to be garden area for plots 11-13 (Millside House in background).**

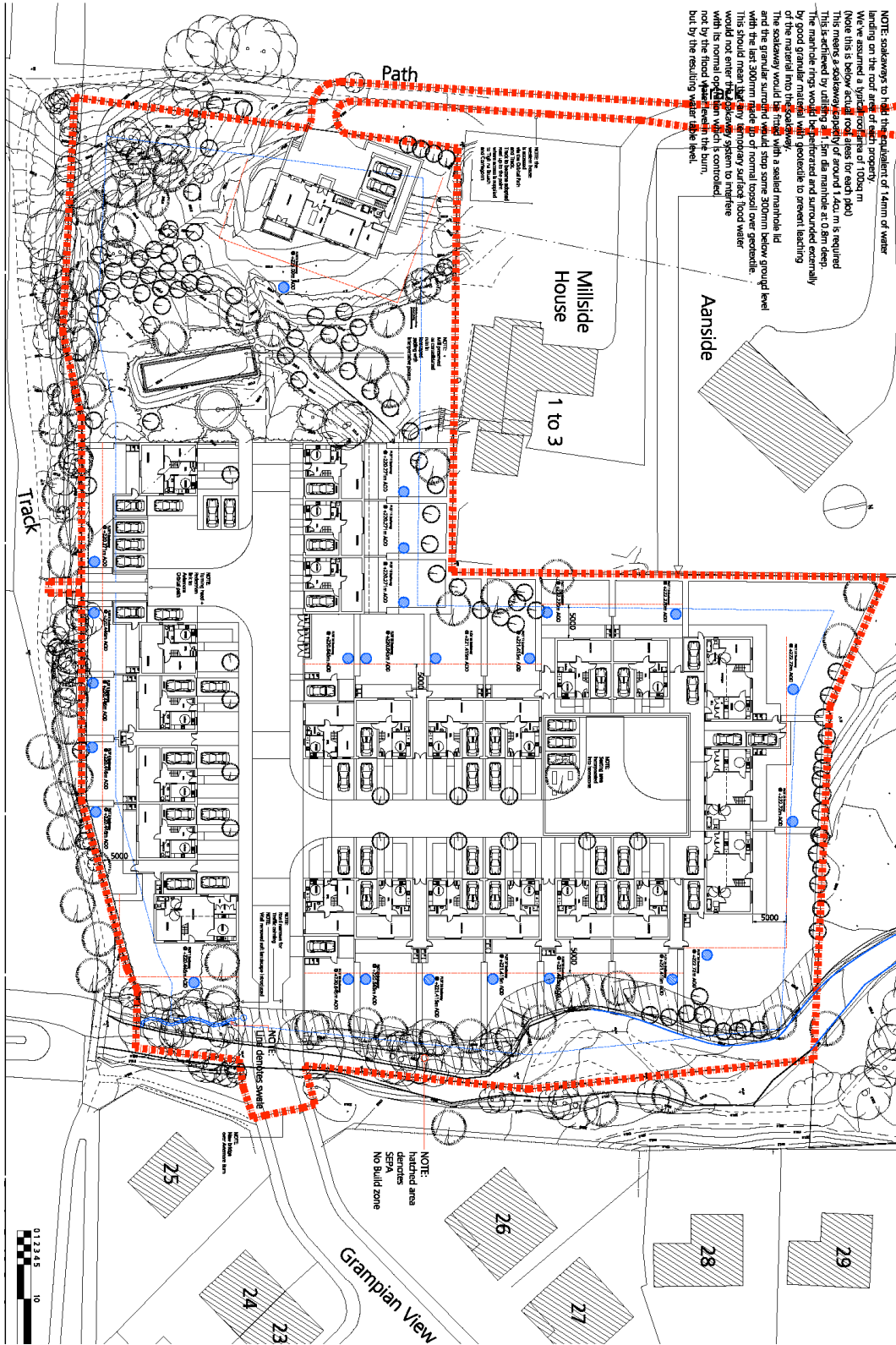


Figure. 4- Layout considered 11 December showing single plot accessed from Orbital path and numbers reduced to 25 units overall, blue dots indicate soakaways.

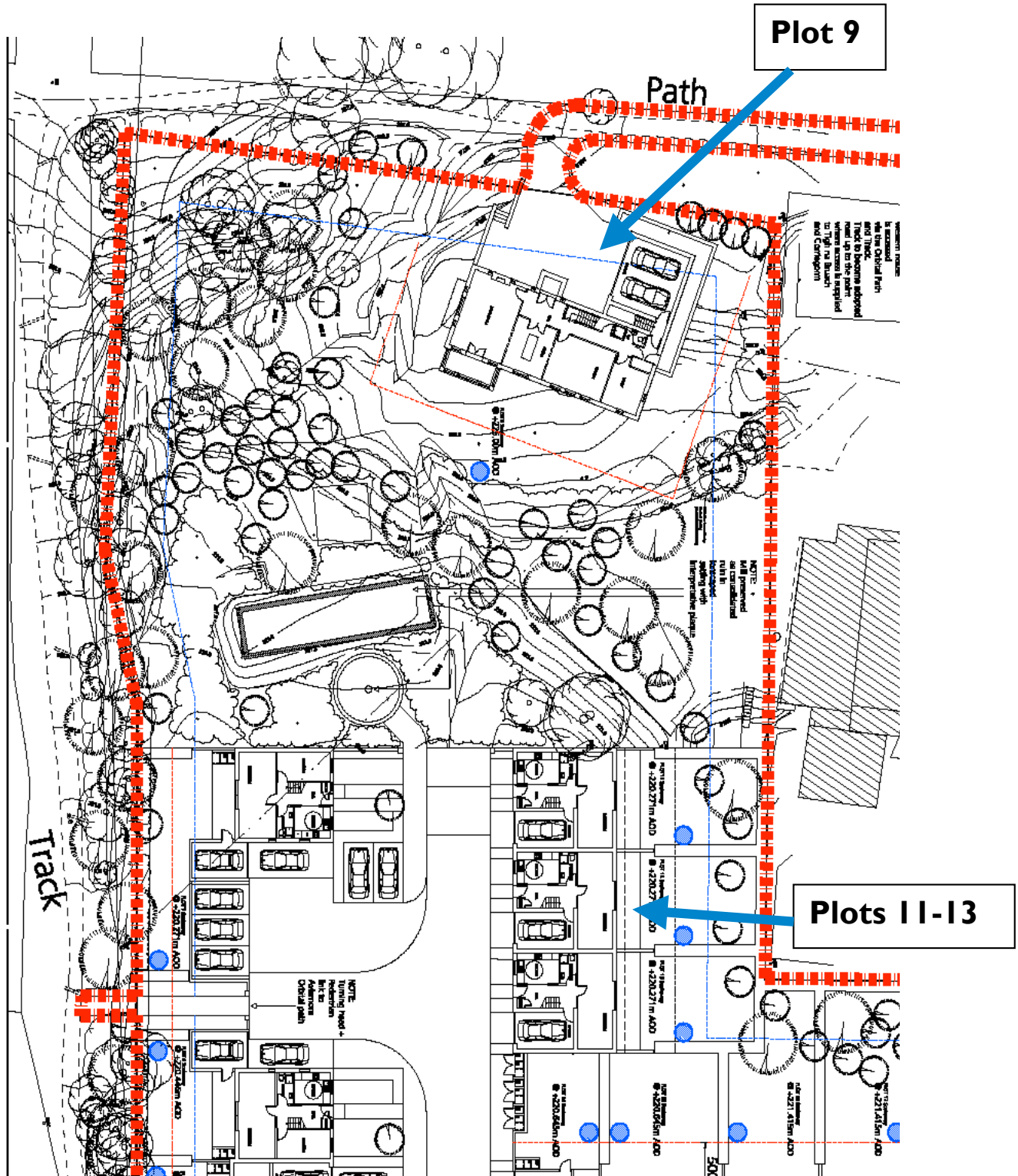


Figure. 5 -Enlarged section of layout plan considered at 11 December meeting showing plots 11-13 with existing contours.



Figure.6- Revised parking strategy and re-location of Plot7 submitted to Highland Council Area Roads.

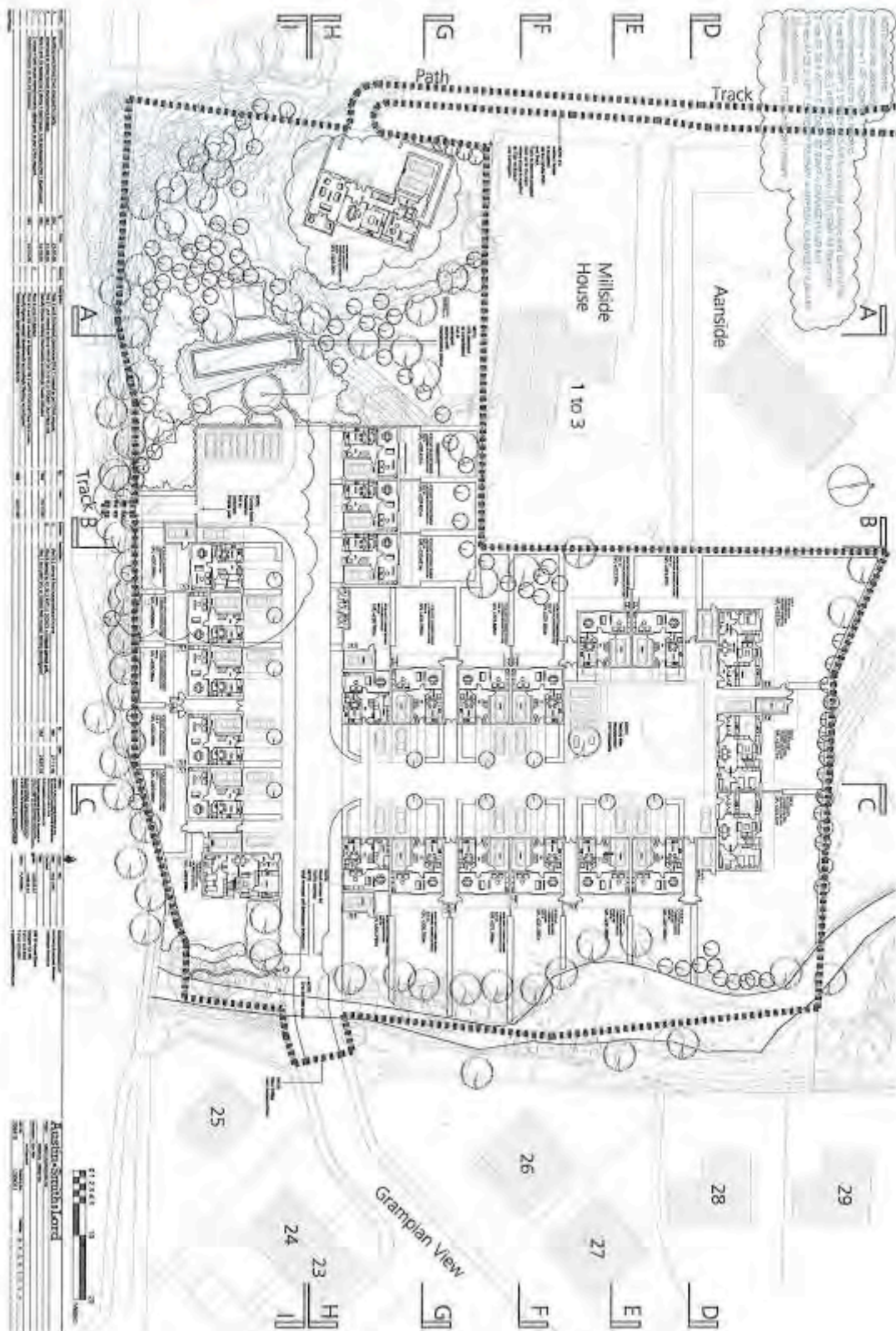


Figure.7- Revised Layout Plan (Current).



## APPRAISAL

6. This section of the report will consider the additional information submitted and the effect of this upon the reasons for refusal stated in the original report of 11 December.

### Drainage

7. Concern had been raised with the applicant's that the soakaways as proposed would not meet Building Standards Regulations. Additional information with regard to soakaways has been submitted and drawings of how the soakaways would work on plots 11, 12 & 13 is attached at the back of this report.
8. The drawings supplied show how the soakaways can be dug into the slope with materials placed on top to form a continuous slope. This sets the actual functioning soakaway below the floor level of the houses creating a fall for water to run into the soakaway. The steep nature of the back garden would mean water running down the slope towards the house. A filter drain shown on the drawing would capture this run off and direct it to the soakaways.
9. The applicant has consulted Highland Council Building Standards who suggested what they proposed as being a Structural Engineers Design solution. On considering the drawings they have "no further comment to make given that this is a structural engineered design, considering that it meets the domestic mandatory standard for surface water drainage" The information provided illustrates how an engineered solution could be achieved and be acceptable to Building Standards. However, it is important to note that this is a typical solution. Highland Council Building Standards have commented verbally that the size of the soakaway would be dependent upon the amount of run off combined from the roof and garden that it would have to cope with. The effectiveness of any soakaway would also be dependent upon ground conditions. The area of plots 11-13 currently hosts a wet area as seen at figure 2. Just as this report was being finalised a Technical Note with a response from Highland Council Building Standards was received. The e-mail considers that the proposals would be able to meet Building Standards. Both the Technical Note and the Building Standards response is attached at the back of this report.
10. The site for the three plots in question consists of a steep slope with the wet area below. There are also a number of trees. While an engineered solution could, perhaps be made to work the physical effects of such a solution on this part of the site are significant. Figure 5 illustrates this where the steep contours end at the side of the house on plot 13. Overall there would have to be significant excavation and fill operations in the area of plots 11-13 making it difficult to retain any of the trees in this area.
11. In addition, the sectional drawings attached at the end of the report indicate very steep garden ground to the rear of plots 11-13 raising concerns about how usable this garden ground would be for future residents.

### **Affordable Housing**

12. Affordable housing formed one of the reasons expressed by the Planning Committee for deferring the application. No additional information has been submitted on this matter. However, the affordable housing situation is as per paragraph 51 of the 11 December report. The applicants will accept a legal agreement that 25% provision should be secured on this site. This would be via a Section 75 Agreement legal agreement. The applicant has put forward a strategy whereby if the Kila application (CNPA Ref 09/338/CP currently undetermined) in the centre of Aviemore was acceptable then it could provide the affordable contribution in lieu of the Milton site. However, at this time the burden of affordable housing provision falls squarely on the Milton site. If this should change any resolution to grant planning permission would have to be brought back before the Planning Committee.

### **Parking Strategy and Amended Layout**

13. The applicant has submitted a revised parking strategy plan to Highland Council (Figure 6). This addresses issues raised in paragraph 50 of the original report where the isolation of plot 7 from the remainder of the development together with the parking around it raised concern that this arrangement could detract from the setting of the Mill. The parking strategy layout (figure 6) is considered an improvement upon the layout presented at figures 4 & 5. **The layout has been amended by the applicant and is now the plan for Committee's consideration and can be seen at figure 7.**

### **Sustainability**

14. No further information has been submitted with regard to this issue. The Planning Supporting Statement and the agent's letter dated 6 July 2009 attached to the original report set out the applicant's response to sustainability issues at the site. Should members wish to grant planning permission further details of sustainable building measures could be sought by planning condition. However, just as this report was being finalised further information was being prepared by the architect and any information received before the appropriate deadline will be put before members at the meeting.



Figure.8-Site showing access to plot 9 from north.

## Access

15. The Planning Committee had raised concerns regarding access around the site. No additional information has been submitted at the time of writing but it is understood that the architect was preparing additional information on this issue, which if received within the appropriate deadline will be presented at the meeting. However, figures 6 & 7 of this report set out the layout for the development. Access would be available to the Mill and its setting. The main vehicle access to the development is from Grampian View. The existing footpath that links Grampian View with the Orbital Path is outside of the site and will remain. A footpath connection will be provided between the development and the link path to the Orbital as set out in figure 7. A single larger house (Plot 9) would be accessed from the north along the route of the Orbital path (see figs 8, 9 & 10).



**Figs. 9 & 10 showing existing track access to Aanside, Millside House and Plot 9**

16. Concern has been raised by a resident of Millside House that the length of the access to the single house at plot 9 (see figs 9 & 10) should be upgraded to adoptable standard. **Policy H8 Access Arrangements for New and Existing Development of the Highland Structure Plan** considers that: *“Development proposals which involve new or improved access to serve more than 4 houses and/or to serve a development which would generate vehicular traffic equivalent to more than 4 houses shall be served by a road constructed to adoptable standards. The adopted road should normally serve all of the new development and any existing development”*. Millside House is currently a house with 2 flats and Aanside is immediately to its north being served by the same access track (see fig 8). This means that the track already serves 4 dwellings. The applicant has met with Highland Council Area Roads who he understood were willing to accept an upgrade as far as Corriegorm. Since then it had been pointed out to Area Roads that Millside House comprised 3 properties. This means that the approach of upgrading as far as Corriegorm may not strictly comply with Policy H8. However, flexibility can be applied where properties, in this case the three at Millside House, are understood to be in the same ownership. Area Roads consider that an upgrade to the track just beyond Corriegorm would be acceptable in this instance.

### Conclusion

17. The additional information provided by the applicant in the form of soakaway details was intended to address the third reason for refusal set out at the beginning of this report. It would appear that a technical solution could be provided that would be acceptable to Highland Council Building Standards Department. Ultimately, the adequacy of any detailed solution would have to be agreed with Building Standards. The key concern from a planning perspective is the physical impact of the solution upon the existing site for plots 11-13. The third reason for refusal is slightly altered to refer to the impacts of siting the plots (and soakaways) in the positions proposed. The ground alterations for plots 11-13 would be significant in terms of the landscape of the part of the site that they occupy. The plots would require significant numbers of trees to be removed when the site has little room to provide compensatory planting. Because of this, the proposal would remain contrary to Highland Structure Plan Policy G2 and to the principles of the National Park Plan as set out in the second reason for refusal. Ultimately, the reasons for refusal remain largely as before. However, the revisions moving plot 7 (fig. 7) away from the Mill address the concerns about the setting of the Mill and reference to plot 7 is withdrawn from the second reason for refusal.

## RECOMMENDATION

18. That members of the Planning Committee resolve to **REFUSE Full Planning Permission** for the Erection of 25 houses and construction of access road at Land SE of Millside House, Milton, Aviemore for the following reasons:
1. The proposal represents an overdevelopment of the site with housing numbers in excess of the numbers allocated by the Badenoch and Strathspey Local Plan. The proposal fails to give adequate respect to the scale form and density of its physical surroundings and is contrary to the Badenoch and Strathspey Local Plan 6.1.3(b), Highland Structure Plan (2003) Policy G2 Design for Sustainability and Highland Council Development Plan Policy Guidelines 2003. The proposal is also contrary to Scottish Planning Policy 3 Planning for Homes (2008).
  2. The siting and layout of plots 11, 12 and 13 of development fail to maintain and enhance the distinctive landscape of this part of the National Park and also fails to complement and enhance the character, pattern and local identity of the built and historic environment. Consequently the proposal is contrary to the Strategic Objectives of the National Park Plan for Landscape and Built Environment which seek to: a) maintain and enhance the distinctive landscapes across the Park; c) seek to ensure that development complements and enhances the landscape character of the Park, and d) seek to ensure that new development in settlements should complement and enhance the character, pattern and local identity of the built and historic environment.
  3. The proposal fails to demonstrate that an adequate surface water drainage system can be provided at the site that would not lead to unacceptable levels of ground disturbance to the detriment of the existing landform and habitat at the site. Consequently, the proposal does not accord with the environmental requirements of Policy G2 Design for Sustainability (landscape/habitat) of the Highland Structure Plan.

Andrew Tait

**28 January 2010**

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