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# CAIRNGORMS NATIONAL PARK AUTHORITY

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

**Prepared by: MARY GRIER, PLANNING OFFICER (DEVELOPMENT MANAGEMENT)**

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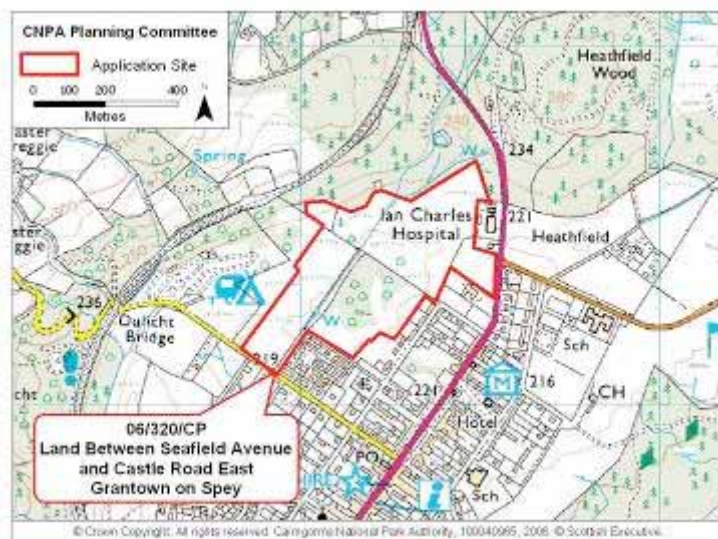
**DEVELOPMENT PROPOSED: FULL PLANNING PERMISSION FOR ERECTION OF HOUSING; ASSOCIATED ROAD CONSTRUCTION; DRAINAGE AND LANDSCAPING ON LAND BETWEEN SEAFIELD AVENUE AND CASTLE ROAD EAST, GRANTOWN ON SPEY**

**REFERENCE: 06/320/CP**

**APPLICANT: MUIR HOMES C/O ROY MITCHELL DESIGN LIMITED, LARBERT, FK5 4RB.**

**DATE CALLED-IN: 25 AUGUST 2006**

**RECOMMENDATION : REFUSE**



**Fig. 1 - Location Plan**

## SITE DESCRIPTION AND PROPOSAL

1. Full planning permission is being sought in this application for the erection of a housing development, together with associated road construction works, drainage and landscaping on land between Seafield Avenue and Castle Road East in Granttown on Spey. The site area extends to approximately 21.20 hectares (52.38 acres). The proposed site consists of a mix of pasture land, with extensive areas of wetland and birch woodland centrally located within the site. The Kyalintra burn runs through the western area of the site. The land is predominantly flat, with the exception of land in the extreme north west of the site. At this point the land begins to rise, continuing to ascend outside the site boundaries towards Lynmacgregor Wood and the former railway line. The planning application was 'called in' by the CNPA on 25<sup>th</sup> August 2006.

### Original proposal

2. The originally proposed layout submitted in August 2006 sought permission for 228 dwellings and 7 self build plots. The houses, which consisted of a mix of detached, semi detached and terraced properties, were arranged in three areas. A new vehicular access was proposed off Seafield Avenue to serve 65 dwelling units proposed in the south western area of the site, essentially occupying the field between Seafield Court and Granttown on Spey Caravan Park. The layout in this area followed a relatively geometrical pattern, intended to reflect the form of nearby streets. The boundaries of properties on the western and eastern sides of the site did not extend to the overall site boundary. A landscaping belt was proposed on the land between individual rear garden boundaries and the adjacent caravan park. Nine dwelling houses were proposed to face onto Seafield Avenue.



Fig. 2: View towards Seafield Avenue and Granttown on Spey Caravan Park

3. The second vehicular access, intended to serve the majority of the development, was proposed off Castle Road East, on land between Grant House Care Home and Ian Charles Hospital. A large proportion of the housing units were positioned on the northern side of the access road. The road was also intended to provide access across the burn and into the more elevated north western area of the site where the seven self build plots were proposed.



Fig. 3 : Originally proposed site plan

4. The third component of the proposed built area was on land on the eastern periphery of the site, bounded to the east by existing properties on Mossie Road and to the west by the open area known as 'The Mossie' and the woodland beyond, all of which were included within the site boundaries and identified as public open space. A sour road was proposed to lead south off the main access from Castle Road East, to serve this central eastern area of the site. Housing was arranged on either side of this access road, with the road proposed to terminate on the eastern side of the burn. No vehicular access was proposed from this area of the site through to the Seafield Avenue area of the development. Provision was however made for pedestrian / cycleways to connect the two areas, and also to connect to existing non vehicular access points onto Mossie Road.
5. In addition to the extensive area of land proposed to be retained at the core of the development, the original layout also included proposals for three play areas, one of which would be within each of the three distinct development areas detailed in the foregoing paragraphs. A 'kick about pitch' was also proposed between the Seafield Avenue area of the development and the Mossie Road area. Additional areas of open space were also proposed at the site entrance off Castle Road East.
6. Following the receipt of consultation responses and the assessment of the originally submitted proposals, the CNPA requested a significant level of additional information from the applicants,<sup>1</sup> including information on flood risk, land contamination, transport provision, affordable housing provision, public access arrangements through the site, natural heritage impacts and requirements to amend the layout to address the issues raised. The CNPA also requested significant revisions to the proposed house designs. Concern was expressed in relation to the Design Statement accompanying the application which referred to the originally proposed range of house types having been developed over recent years for the developers projects in Central Scotland. The CNPA consequently highlighted the need for a design concept unique to the proposed location and reflecting the vernacular architecture of the area. Reference was also made to the need to utilise materials appropriate and sympathetic to the surroundings.

#### **Amended Proposals**

7. Further information was received at various stages in 2008. The information included a revised site layout plan; proposals for amended house types including the introduction of a three storey apartment block as a landmark building in the Castle Road East area of the site; streetscape drawings; play area specifications; phasing proposals; landscape proposals; open space management and maintenance proposals; various engineering drawings; drainage information including amended Flood Risk Assessment; additional information on land contamination; and proposals for off site ecological enhancement.

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<sup>1</sup> Additional information requested 21 December 2006.

8. The development proposal was amended to omit the proposed seven self build plots on the western side of the burn, as well as reducing the overall number of units proposed on the site to a total of 193. The revised layout has now resulted in a broader mix of house types across the site. The following table illustrates the mix of house types, sizes and tenure.

House type	No.	House details	% of total
Detached : <i>Affordable (6)</i> <i>Open Market (76)</i>	82	<u>Ronaldsay</u> – 3 bed bungalow (10); <u>Bute</u> – 3 bed villa (18); <u>Isla</u> – 4 bed villa (16); <u>Jura</u> – 4 bed villa (26); <u>Arran</u> – 4 bed villa (6); <u>Rossay</u> (affordable) – 2 bed bungalow (6).	42.5%
Semi detached ( <i>open market</i> )	50	<u>Harris</u> – 3 bed villa (26); <u>Fraser</u> – 2 bed bungalow (12); <u>Broderick</u> – 3 bed bungalow (12).	25.9%
Terraced ( <i>affordable</i> )	35	Type A – 2 bed mid (6); Type B – 3 bed end (9); Type C – 3 bed end (8); Type D – 3 bed end (8); Type H – 4 bed end (4).	18.1%
Flats : <i>Affordable (8)</i> <i>Open market (18)</i>	26	Type F – 2 bed flat (8); 3 storey flatted apartment (1 and 3 bed) (18).	13.5%

**Table 1 : Proposed housing types**

9. The revised layout continues to include two vehicular access points – off Seafield Avenue and Castle Road East - to serve the development. The access off Seafield Avenue is proposed to serve 56 dwelling units in the field between Seafield Court and the Grantown on Spey Caravan Park. The road network has been revised from the original proposal to include a vehicular bridge across the Kylintra Burn to provide access to 18 dwellings proposed in the area between the existing woodland and the rear of properties on Mossie Road. That area of the site was originally proposed to be served off the Castle Road East road network. The number of dwellings proposed in this area has been reduced with the omission of housing on the western side of the access road, as well as the omission of some dwellings to the rear of the Mossie Road properties. The revised layout and reduction in housing numbers were proposed in an effort to address some of the previously expressed concerns regarding encroachment into an ecologically sensitive fen and mire, and woodland area of the site. Although the road network terminates at the proposed northernmost house in the 'Mossie Road' area of the site, the layout includes proposals for the provision of paths to connect to the larger (Castle Road East) area of the site. Paths / cycleways are also proposed to be created to link directly onto Mossie Road at three points.
10. The form of the development in the field between Seafield Court and the caravan park is generally rectilinear. Although a more compact form it nonetheless reflects the geometry of existing development in the vicinity. Significant belts of landscaping are proposed between garden boundaries and

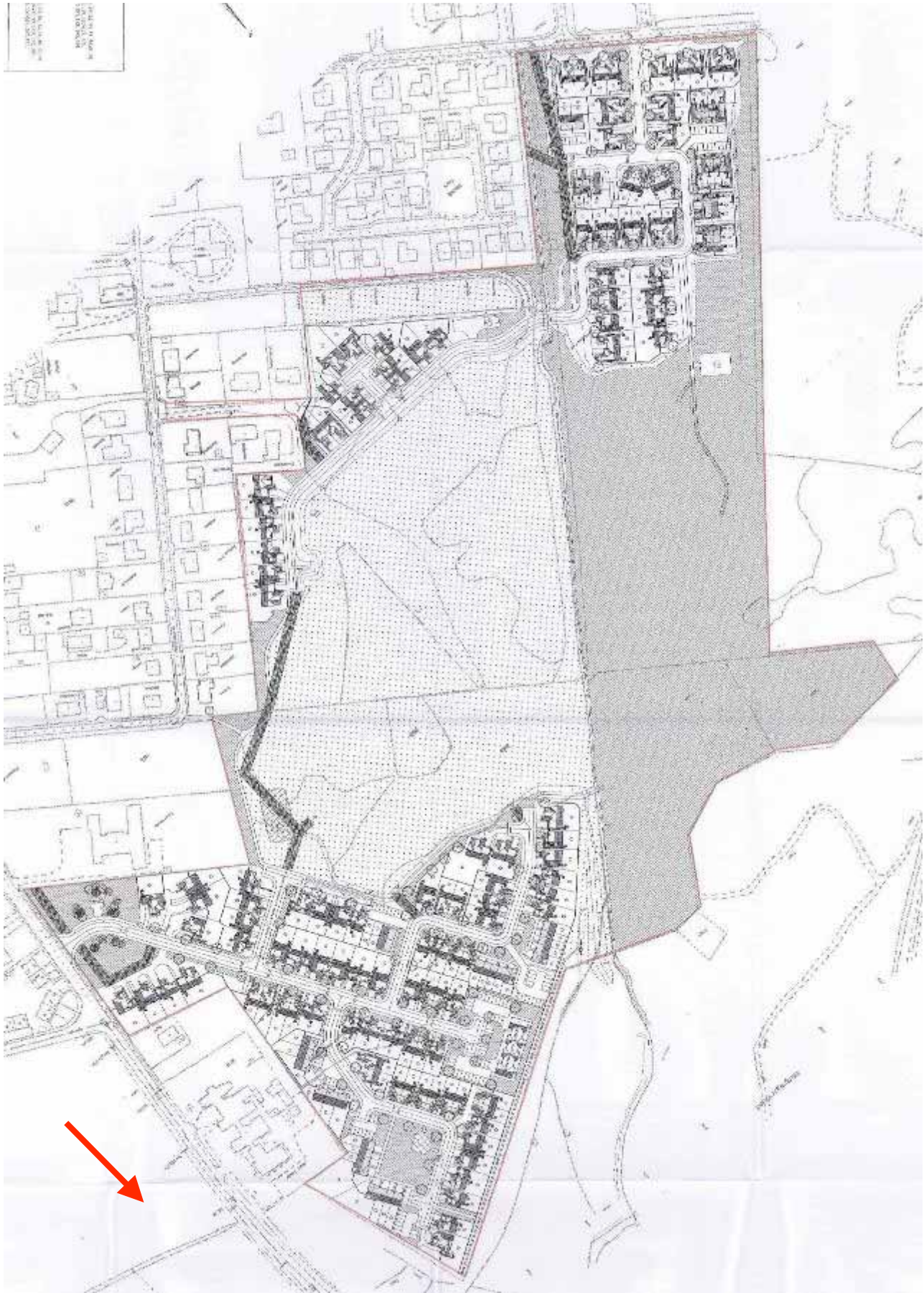


Fig. 4 : Revised site layout plan, March 2008

the site perimeter, providing at least 23 metres of separation from the rear boundaries of existing properties in Seafield Court to the east, and a minimum of 12 metres separation (and extending to 21 metres in places) from the boundary with the Caravan Park on the western side of the site. The first of three play areas is also proposed to the north of the dwellings. The play area which is identified as a junior play space would incorporate a variety of play equipment including a seesaw, swing set, whirling column and 'metro active' climbing and slide apparatus.



Fig. 5 : Revised site layout plan, March 2008 (field area between Seafield Court and Caravan Park)

11. Of the 57 dwelling units proposed in the field area on the western side of the burn, there is a 40/60 split between affordable and open market housing. The affordable component consists of 17 dwelling houses and 4 flats. The dwelling houses are arranged in 5 terraced blocks. The open market housing consists of a mix of detached and semi detached dwellings. Fig. 7 below is an example of the house types currently proposed to face onto Seafield Avenue. A comparison with Fig. 6 illustrates some of the design changes which have been undertaken to address concerns previously expressed by the CNPA regarding the need to reflect the specific surroundings and setting of the proposed site. All of the 'end' dwelling units proposed in the eastern side of the field have been positioned on a north-west / south-east axis, so that the gable ends of the structures are at 90° angles to the rear of properties in Seafield Court.



Fig. 6 : Example of originally proposed streetscape (plots 1-5 and 62 – 65, Seafield Avenue site frontage)



Fig. 7 : Example of revised streetscape, Seafield Avenue frontage

12. The access off Castle Road East is proposed to serve the remainder of the development (118 units). The layout in this area centres on a main road running through centre, with three spur roads off this. As with the original proposal, a large area either side of the entrance is proposed as communal open space. Landscaping proposals have been provided for this area. A recycling facility is also proposed in this location. Immediately to the rear of the open space area, a small cluster of housing is proposed either side of the road, with most house plots accessed by a communal drive. Houses in each of the areas are oriented towards the aforementioned open space at the entrance.
13. The main access off Castle Road East has been designed to create a new street, with detached and semi detached properties arranged either side. The layout also makes provision for the planting of feature trees along this route, reflecting the planting evident in the Square in Granttown on Spey. A three storey block of flats (incorporating a mix of one and two bedroom units) has been positioned as a feature building at the end of the road. Communal car parking and open space is proposed in a courtyard type arrangement to the front of the building.
14. The first of the spur roads off the main access is a short cul de sac on the southern side, which would provide access to 8 dwellings. 4 of the dwellings are positioned to overlook the large area of public open space at the centre of the site. A 'senior play area' is proposed on the edge of the open space at the end of this cul de sac. The play area would include a variety of equipment including a sport shelter, sports goal, a large swing apparatus known as a 'VIP swing', a 'metro active' climbing and slide apparatus similar to that proposed in the junior play area, and also a 'metro access swing.'
15. The second road off the main route is also on the southern side. The road weaves its way south west (towards the core area of open space) and would provide access to a total of 32 properties. The proposed units in this area consist of a mix of detached, semi detached and terraced, as well as 4 flats. The flats, together with two terraced blocks (each comprising of 5 dwellings) make up the affordable component in this part of the site. Areas of communal car parking are proposed to serve the affordable housing units,



while car parking for the remainder of the properties is to be provided on each individual site.

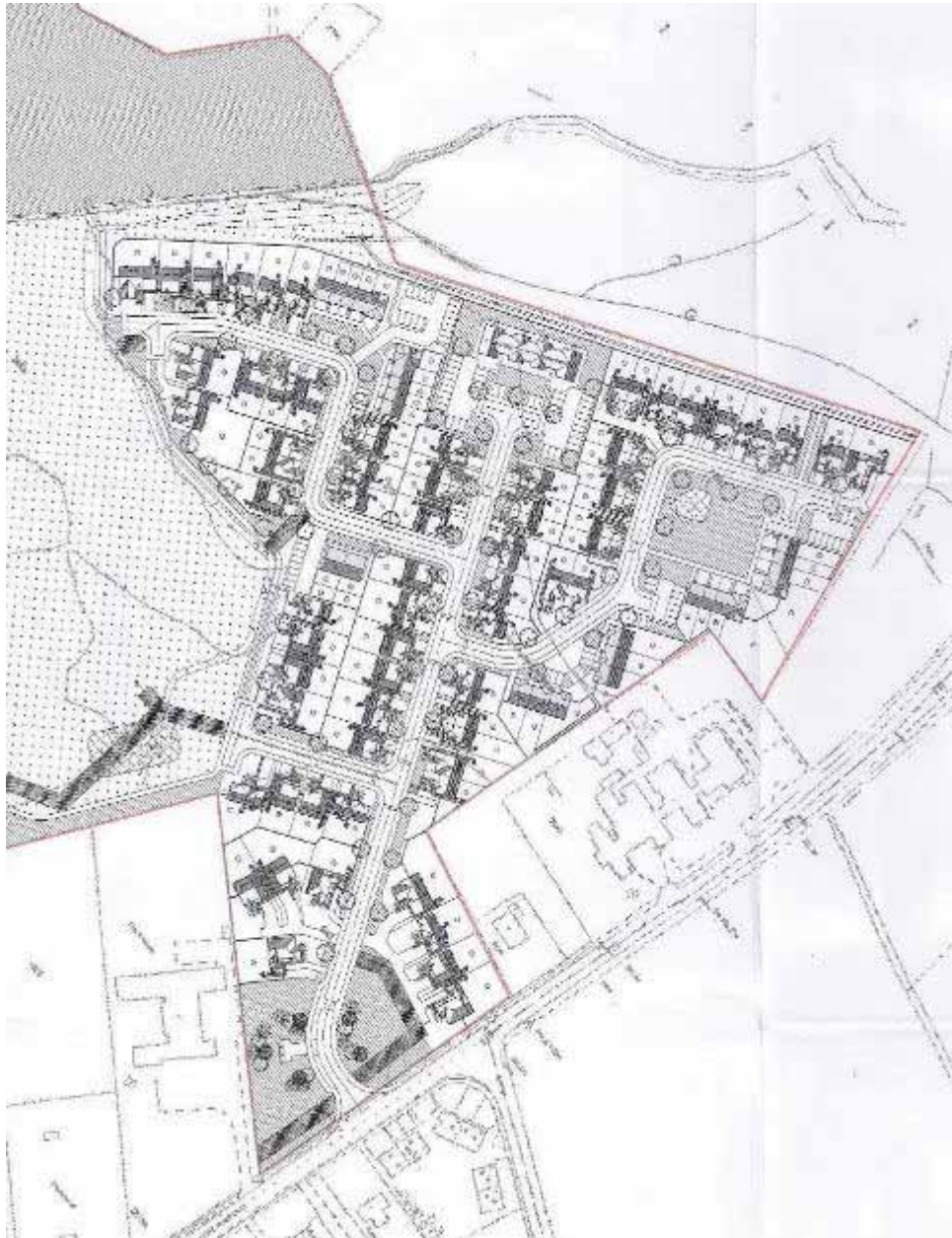


Fig. 8 : Extract from revised site layout, March 2008, (Castle Road East)

16. The third and final spur road is proposed off the main access in a northerly direction and is intended to serve the remainder of the housing that is proposed to the rear of the Ian Charles Hospital. A total of 31 dwellings are proposed in this area, consisting of a mix of detached, semi detached and terraced properties. The majority of the housing along this access road has been positioned to overlook a large square area of communal open space, which includes a toddlers play area. The terraced dwellings in this area are arranged in four blocks and make up the affordable component in this area of the site (14 in total). Two of the terraced blocks would have direct access from the front gardens onto the open space area.




Fig. 9 : View from site towards rear of Ian Charles Hospital, Castle Road East



Fig. 10 : Example of revised streetscape (plots 88 – 93 and 126 – 129) along the proposed main access road from Castle Road East

**House designs**

17. A total of 14 house types are proposed, as well as mix of one and two bedroom flats which are proposed to be accommodated within a three storey block. Drydash is extensively proposed as an external finish, in combination with a stonework basecourse on approximately half of the dwellings. Stonework feature panels are proposed on the remainder of the dwellings. The proposed stone finish is a manufactured Forticrete product. The roof finish on all properties is proposed to be a Moray roof tile, which is marketed as a thin riven finish flat interlocking tile, with a slate appearance. Prominent design features of many of the proposed house types include projecting gabled sections on the front elevations, the use of canopy features above front doors, and the incorporation of vertically lined front doors and garage doors. Pinewood windows are proposed throughout and the fenestration has been simplified from the originally proposed design, resulting in a more traditional appearance.

House name	Type	Elevations
Harris	3 bed semi - detached 2 storey	









Brodick/ Fraser	3/2 bed semi detached single storey	
Ronaldsay	3 bed detached single storey	
Bute	3 bed 2 storey with single garage	
Isla	4 bed 2 storey detached w/ single garage	
Jura	4 bed 2 storey detached w/ single garage	
Arran	4 bed 2 storey w/double garage	
Terraced A - 2 bed B - 3 bed C - 3 bed D - 3 bed H - 4 bed	Various 2,3 and 4 bed properties	 <p style="text-align: center;"><b>E.G. Type DBBD</b></p>
Type F	2 bed flats	



Fig. 11 : Proposed house designs

18. The three storey flatted building would have the same material finishes as the dwelling houses. Projecting gabled sections on the front elevation would be faced with stonework, while the recessed areas would have a drydash finish. Access to the flatted units would be via a communal external entrance and inner staircase.



Fig. 12 : Proposed flatted units (18)

19. Following receipt of the amended designs, the CNPA acknowledged that some efforts had been made to revise the house types by introducing changes to the external finishes, and more appropriate fenestration, doors etc. as well as the omission of some of the originally proposed house types. However, the CNPA continued to express some concerns regarding the lack of emphasis on traditional Highland architecture, and the continued use of house types which the applicants may have used on more suburban sites elsewhere.<sup>2</sup> In response, amended draft proposals were submitted to the CNPA for comment in March 2009. The draft elevations included proposals for alternative finishes, such as the use of extensive timber cladding on several of the house types in an effort to create a more traditional design. Those proposals are not however part of the formal submission. The CNPA have more recently been advised by the applicants' representatives that the formal submission of the revised house types would occur in conjunction with the resolution of other technical design issues. The current status of those issues will be discussed in more detail in subsequent sections of this report.

### Affordable Housing

20. A total of 49 units (25.3%) are proposed as affordable housing. The affordable housing component primarily consists of houses, arranged in terraced groups. A mix of 2, 3 and 4 bedroom houses are proposed within the terraced groups (please refer to table 1 on page 5 for specific numbers and house types). In addition, 8 no. 2 bedroom flats are proposed. The flats would be within two small blocks, with each identical block designed to have the appearance of conventional semi detached housing.

<sup>2</sup> In a letter sent to the applicants on 11 July 2008.

21. The applicants propose to use Servite Housing Association to deliver the affordable housing. Servite has not previously been involved in the delivery of affordable housing in the Highland area, and as yet has not signed up to the Common Housing Register. However, Servite have an arrangement whereby it would work through Cairn Housing Association for an interim period, until having in the region of 50 properties in their management. This may not however occur for a few years.

#### **Plot detail**

22. The frontage of the majority of properties in an open plan format. Rear gardens would be enclosed by either vertically boarded fences<sup>3</sup> or screen walling on the rear boundary, with side boundaries demarcated by 3 rail timber fencing.<sup>4</sup> Rear and side garden areas would be prepared for seeding.
23. The driveway at the front of each plot is proposed to be finished with concrete paviour blocks. Paths leading to front doors, as well as leading around the side of house to the rear garden would be formed by the use of paving slabs. All front gardens would be turfed.
24. The communal parking spaces to serve the groups of affordable housing units would be formed by the use of paviments, with different shades utilised to distinguish parking bays. The same surface treatment would be used in the communal parking areas in the courtyard at the front of the open market flatted structure.

#### **Phasing**

25. Details of phasing proposals were submitted in conjunction with the revised site layout plan. Two main phases are proposed, with sub-phases within each. The Planning and Design Statement forecasts that the development would occur over a six to seven year period, with 25 - 30 dwellings being constructed per annum based on a continuous build programme. Phase 1 of the proposed development pertains to the 75 dwelling units that would be served off the Seafield Avenue access, with phase 1A consisting of the 57 units in the 5.23 acre field to the west of the burn, while phase 1B consists of the remainder of the units i.e. the 18 proposed on the opposite side of the burn, to the rear of Mossie Road properties.<sup>5</sup>
26. The 118 dwelling units in the Castle Road East area of the site would form phase 2, which is proposed to be undertaken in three smaller phases. Phase 2A relates to an area of approximately 3 acres, consisting of housing close to the entrance and also the housing served by the first of the minor spur roads. Phase 2B incorporates the main spine road and adjacent dwelling units, including the 3 storey flatted development at the end of the route. It also includes the second of the spur roads and the associated housing in the

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<sup>3</sup> 1.8 metre high fencing.

<sup>4</sup> 0.9 metres high.

<sup>5</sup> The 18 units in Phase 1B are in an area extending to 2.8 acres.

west.<sup>6</sup> The final sub-phase (2C) is in the most northerly area of the site and consists of all of the housing which overlooks a central area of communal open space and toddlers play area.<sup>7</sup>



Fig. 13 : Proposed phasing arrangements

### Landscaping

27. Landscaping plans have been submitted, showing proposals for the treatment of all areas of public open space within the proposed 'developed' area. Table 2 provides details of the extent of various landscaping that would be undertaken.

Landscape type	Area / no.
Hedging	340m <sup>2</sup>
Shrub beds	747m <sup>2</sup>
Shrubs	2,980
Turf	1841m <sup>2</sup>
Grass	8390m <sup>2</sup>
Wild flower mix	1100m <sup>2</sup>
Screen planting	1600m <sup>2</sup>

Table 2 : Planting in areas of public open space

<sup>6</sup> Phase 2B covers a 5.80 acre area.

<sup>7</sup> Phase 2C would occupy an area of 2.98 acres.

28. Examples of proposed shrubs include *fagus sylvatica* (beech), *lonicera* (honeysuckle), *escallonia*, *prunus* and *potentilla*. Proposed tree planting includes birch, rowan, scots pine and maple.

### **Management and Maintenance**

29. As detailed earlier in this report the site layout includes the retention of a large area (in excess of 11 hectares) at the core of the site as public open space. This area consists of a mix of woodland, wetland and fen and mire and is proposed to be maintained by the Anagach Woodland Trust. The applicants engaged in discussions with the Trust in 2008 regarding this and confirmed in March 2008 that it is intended to form a legal agreement with the Trust to transfer the land to their ownership "in order to secure the area for the benefit of the community as a whole."
30. The remaining areas of communal landscaping and open space, as well as the three play areas, would be maintained by a Factoring Management Company. The factoring company would be appointed prior to the completion of the development and would undertake the maintenance and management of the areas on behalf of residents. In the interim period prior to the completion of all of the development it is proposed that the Muir Homes Limited (the applicants) would undertake maintenance and management. Information which has been submitted in support of this application includes a document entitled 'Open Space Management and Maintenance Scheme.' The document sets out the standards that would be required to maintain landscaped areas,<sup>8</sup> footpaths and play equipment, and also includes details regarding structure planting specification.

### **Applicants Planning and Design Statement**

31. In an Updated Planning and Design Statement, submitted to accompany the revised site layout plan, the principle changes have been outlined, and includes –
- A reduction in the extent of area to be developed, to avoid development within the fen/mire/woodland areas;
  - A reduction in the number of units proposed from 235 to 193;
  - The introduction of a wider variety of house types in order to "meet a widespread range of needs / requirements";
  - Evolution of the design to provide a layout / form with increased open areas;
  - Introduction of a feature building (3 storey flatted block) at a recognised nodal point;
  - The incorporation of public open space / play provision within the development, including the provision of 3 separate play areas and a kick pitch facility;
  - Amendments to access arrangements, but retaining links within and through the site to provide a high level of connectivity; and

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<sup>8</sup> Includes reference to general care of such areas, removal of litter, grass cutting, shrub bed / hedge maintenance and maintenance of trees.

- The provision of a fully detailed landscaping framework which in addition to incidental planting also included an increase in the woodland strip on the north west boundary of the site (adjacent to the existing caravan park). The woodland strip has been increased to a depth of approximately 15 metres.
32. The Planning and Design Statement refers to developer contributions detailing that contributions would be made to off site road works, public transport services, the long term maintenance of the extensive protected open space area within the proposed development, and also affordable housing provision. In terms of the specifics of the affordable housing element of the development it is stated that 49 affordable units would be fully integrated with the remainder of the development, in terms of form and phasing. It is proposed that Servite, as a Registered Social Landlord, would manage the properties.
33. Reference has been made in the Planning and Design Statement to the layout / design solution which has been put forward. Ground conditions have been highlighted as the major technical design constraint, with peat of varying depths located over approximately 50% of the site. Other factors which have been necessary to take into account include the relatively flat topography which has resulted in "constraints on gradients for foul and storm water outfalls", and also the requirement to limit crossings over the Kylintra Burn.
34. The Planning and Design Statement includes a section entitled 'energy efficiency' in which it is stated that "Muir Homes housing product has been developed incorporating the use of highly insulated, energy efficient timber-frame construction, high quality pinewood windows with energy saving hermetically sealed double glazing units, detailed to limit infiltration and thermal bridging. Energy efficient central heating systems, all to comply with the latest government building standards regulations."

## DEVELOPMENT PLAN CONTEXT

35. In the national context, **SPP 1 The Planning System** provides an overview of the land use planning system in Scotland. It sets out the key principles and the priorities for the system to guide policy formulation and decision making towards the goal of sustainable development. Many objectives which the planning system is expected to deliver are outlined in the document. Planning is required to encourage sustainable development and examples given of how this can be achieved include conserving important historic and cultural assets; protecting and enhancing areas for recreation and natural heritage; encouraging energy efficient through the layout and design of development; and supporting better access by foot, cycle and public transport, as well as by car. Another objective set out in SPP1 is environmental quality, where para. 15 notes that protecting and enhancing the quality of the environment, in both rural and urban areas, is a key objective of the planning system.



36. SPP1 also includes 'design' as one of its specific objectives, noting that "good design should be the aim of everyone in the planning and development process, and is important at all scales of development." The drive for quality should not however focus solely on buildings, but should also be concerned with the way that buildings, old and new, work together and create spaces and sense of place that then influence the quality of life for communities. SPP1 also advises that "the location, design and layout of new development should also seek to contribute to achieving improvements in sustainability" for example through travel minimisation, energy efficiency and recycling provisions. Para. 13 definitively states that design is a material consideration when determining a planning application and furthermore advises that a proposal may be refused, and the refusal defended at appeal, solely on design grounds.
37. **PAN 67** deals with the subject of **Housing Quality** and recognises the fact that many people want to live in a place that has a distinct identity, "rather than one that could be anywhere." **PAN 67** advises that all development has the potential to contribute to a sense of neighbourhood and also highlights the fact that "thoughtlessly chosen standard house types and inappropriate materials look disconcertingly out of place." In a detailed section on layout, it also urges developers to think about the qualities and characteristics of places and not consider sites in isolation.
- Highland Structure Plan (2001)**
38. **The Highland Structure Plan** highlights a number of salient points as well as setting out a number of broad policies applicable to developments of the nature proposed. In relation to housing, section 2.2.1 of the Plan states that "the availability of quality housing is fundamental to social and individual well being and to creating and maintaining balanced communities" and further states that "adequate provision of housing is also a pre-requisite of economic growth" whilst at the same time recognising that "it must be provided in a way which minimises the impact on the environment."
39. The Structure Plan refers to affordable housing provision in section 2.2. **Policy H5 (Affordable Housing)** advises that "Section 75 and other mechanisms will be used to secure developer contributions where justified. Affordable housing secured as part of a larger development should not be of significantly higher density or lower quality."
40. **Policy G2 (Design for Sustainability)** states that developments will be assessed on the extent to which they, amongst other things make use of brownfield sites, existing buildings and recycled materials; are accessible by public transport, cycling and walking as well as car; are compatible with service provision; demonstrate sensitive siting and high quality design in keeping with local character and historic and natural environments; and contribute to the economic and social development of the community.
41. **Policy N1 (Nature Conservation)** requires that new developments should seek to minimise their impact on the nature conservation resource

and enhance it wherever possible. It is advised that the Council will seek to conserve and promote all sites according to their hierarchy. The hierarchical arrangement is sites and species of international importance; sites of national importance; and sites of local importance. In the latter category the policy states that "developments will be assessed for their effects on the interests of sites of local conservation importance and will be resisted where these are judged to be unreasonably detrimental."

42. Section 2.14 of the Structure Plan deals with the subject of Landscape. **Policy L4 (Landscape Character)** states that the Council will have regard to the desirability of maintaining and enhancing present landscape character in the consideration of development proposals.

**Badenoch and Strathspey Local Plan (1997)**

43. The proposed development site is within the Grantown on Spey settlement area. In Part 3 of the Plan, the historical context of the development of Grantown on Spey is detailed, with reference made to it being a planned town which originated in the mid 18<sup>th</sup> century and was consolidated as a Victorian resort. The Plan notes that despite substantial infilling the fabric of the historic core remains largely intact. Reference is also made to rising afforested land, amenity woodlands and the River Spey, all of which "give the town a magnificent setting." The Plan notes that the outstanding built environment "substantially restricts the options for expansion, and further growth appears best directed to the north-west edges of the settlement."
44. The Local Plan also details the main objectives for the development of Grantown on Spey. Objectives include accommodating the growth of the town within its landscape setting, consistent with maintaining local heritage assets; safeguarding the town's built heritage and setting, including its semi-natural woodlands; upgrading the range of recreational and community facilities, including provision for the elderly; and securing access to adjoining amenity woodlands for informal recreation in the longer term.
45. The majority of the land within the application site is allocated for residential development. 3.1.1(b) of the Plan refers to Seafield Avenue / Castle Road East, identifying it as a 12.8 hectare site, with a capacity for 150 houses. The actual allocation on the plan shows 15 distinct zones, identified for a mix of 'new development' (11 zones) and 'long term development' (4 zones). An access road is also shown through this land, leading from Seafield Avenue onto Castle Road East, with the individual development zones arranged either side of the road. It is also stated in the Plan that a brief would be prepared to guide development of land between Seafield Avenue and Castle Road East. The Plan outlined a number of issues for consideration in the brief –
- Layout – a more compact and formal arrangement of buildings and streets;
  - Design – with emphasis on traditional features;
  - Open space – a sequence of spaces relating well to development enclaves and each other; and

- Buffer areas – including management of existing trees and new planting.

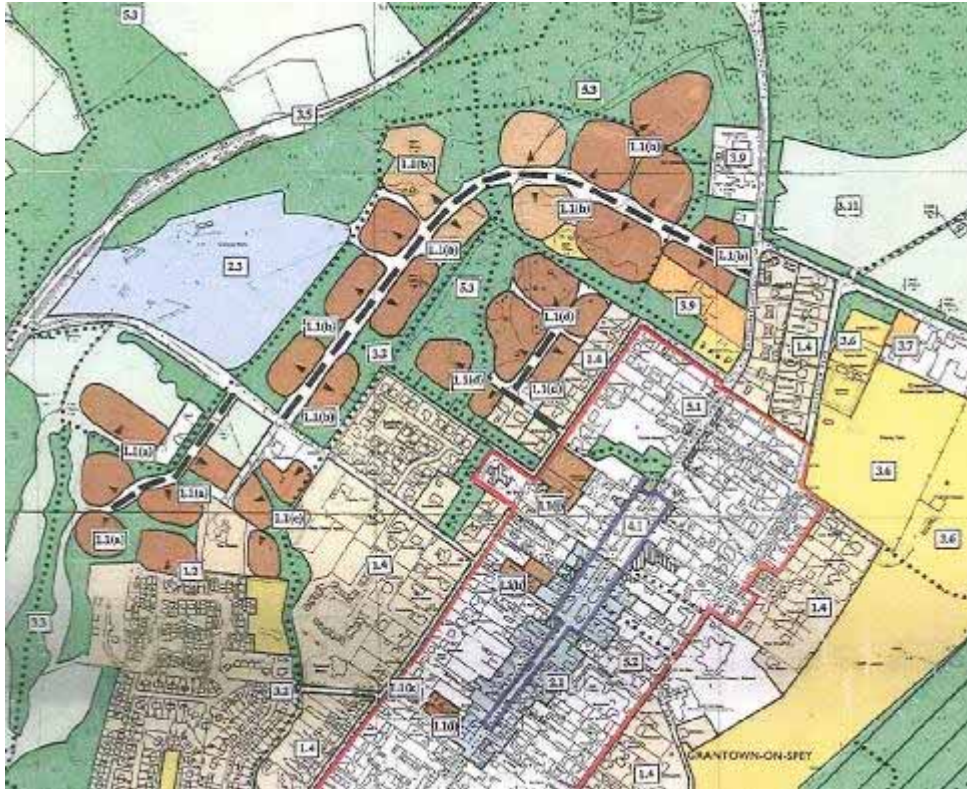


Fig. 14 : Extract from the Badenoch and Strathspey Local Plan (1997)

46. In addition to the Seafield Avenue / Castle Road East allocation, section 3.1.1(d) of the Plan refers to a smaller area in the east of the proposed site, to the rear of properties on Mossie Road. The land is identified in the plan as being 2.8 hectares, with a capacity for 30 houses. Six individual zones have been identified for 'new development' within this area.
47. Section 3.5.3 (Amenity Woodlands) of the Local Plan pertains to the land between the housing allocations at Seafield Avenue / Castle Road East and Mossie Road. The Amenity Woodland allocation also surrounds many of the individual zones identified for residential development. The Plan states that mature dedicated woodlands adjoining Grantown are of major importance to the character and setting of the town, informal recreation and wildlife. It is also stated that there will be a strict presumption against any further encroachment of building within the woodlands, in order to safeguard their integrity in the wider public interest.
48. The Local Plan also contains several general policy which are of relevance in considering the development proposal. Flooding – Development Restraint is discussed in policy 2.4.12, which states that "there will be a presumption against any building development within flood risk areas, except where it is considered essential to continued agricultural use of the land."
49. Under the general heading of Environment, the Local Plan discusses Woodland and Trees. Policy 2.5.4 advises that "the Council will protect

existing trees and established woodland areas.....which are important landscape, wildlife and amenity features of the countryside.”

**Highland Council Development Plan Policy Guidelines 2003**

50. Policy guidelines for **Design and Sustainable Construction** are set out. The guidelines state that a minimum of 100m<sup>2</sup> of private open space should be provided for detached or semi-detached houses. It is also advised for detached or semi-detached houses that developers should ideally seek to achieve a minimum setback of 10 metres from the back of house to the rear boundary. The guidelines also state that the minimum acceptable distance between windows of habitable rooms that are directly facing each other is 18m, in the interests of privacy. This distance may be reduced depending on angle or screening.

**Cairngorms National Park Deposit Local Plan, Modifications (1<sup>st</sup> and 2<sup>nd</sup>)**

51. The CNP Deposit Local Plan was considered at a Public Local Inquiry in June 2009. Within the Plan Grantown on Spey is identified as a Strategic Settlement. The land which is the subject of this current planning application is covered by two proposed allocations – GS/H1 (housing) and ENV (environment). The GS/H1 allocation covers the land extending northeastwards from Seafield Avenue i.e. between Seafield Court and the Grantown on Spey Caravan Park, land to the rear of properties in Seafield Court and Mossie Road, land on Castle Road East between the existing car home and hospital, and also the land to the rear of the hospital. The text associated with the proposed GS/H1 allocation stated that “a detailed planning application is with the National Park Authority for the development of this 9.6ha site. The application will now be considered in line with the current adopted plan (Badenoch and Strathspey Local Plan 1997), but will assist in providing housing for this local plan and its housing need.”
52. The GS/ENV allocation is a substantial block of land proposed to cover the remainder of the lands within the proposed site boundary. The ENV allocation is one of several in Grantown on Spey. The Plan text associated with GS/ENV allocations defines the areas as “open spaces and land which contributes to the setting of Grantown on Spey” and “will be protected from adverse development.”

**DPEA Report on Cairngorms National Park Deposit Local Plan**

53. The Reporters are satisfied that it is appropriate to place Grantown on Spey as a strategic settlement, and notes that as a consequence CNPA is obliged to plan for growth in Grantown on Spey. At paragraph 52.32 it is noted that proposed housing site GS/H1 “is constrained by its biodiversity value and its probable flood risk” to such an extent that the Reporters consider “that it cannot be regarded as effective when matched against the criteria from SPP3.” The Reporters do however consider that GS/H1 “could have some future development potential if the flood issue in particular is resolved.”

Nonetheless, the Report recommends deleting the proposed GS/H1 allocation.

**Cairngorms National Park Plan (2007)**

54. The Cairngorms National Park Plan highlights the special qualities of the Cairngorms, stating that the “Cairngorms is widely recognised and valued as an outstanding environment which people enjoy in many different ways.” It recognises that there is a wide diversity of landscape, land-uses, management and community priorities across different parts of the Park. In setting out the vision for the National Park, reference is made to outcomes desired in 25 years. On the subject of biodiversity the Plan anticipates that “that the Park will continue to have a rich biodiversity which will be better connected and able to adapt to a changing climate.” In terms of the built heritage, the Plan states that the “built heritage of the Park will be safeguarded and new buildings will complement or enhance their setting, including the settlement pattern and character.”
55. The National Park Plan sets out several Strategic Objectives which are intended to provide a long-term framework for managing the National Park and working towards the 25 year vision. Section 5.1.2 discusses Conserving and Enhancing the Natural and Cultural Heritage. It includes strategic objectives which refer to landscape and the built and historic environment. Strategic Objectives include maintaining and enhancing the distinctive landscapes across the Park and ensuring that development complements and enhances the landscape character of the Park. Of particular relevance to the current proposal are the strategic objectives relating to the built environment, which require that “new development in settlements and surrounding areas and the management of public spaces should complement and enhance the character, pattern and local identity of the built and historic environment.”
56. The Park Plan also includes strategic objectives for water. Objective (d) refers to promoting sustainable flood management consistent with natural fluvial processes. The Plan advises that potential flooding should be managed through a process of identifying risks. It also refers to the implications of climate change becoming clearer and advises that until then a precautionary approach should be adopted.
57. In a section entitled ‘Living and Working in the Park’ the subject of ‘housing’ is explored. The Strategic Objectives in relation to housing refer to the need to ensure greater access to affordable and good quality housing in order to help create and maintain sustainable communities. A further strategic objective is to improve the quality, energy efficiency and sustainable design of housing in all tenures throughout the Park. It is expected that housing developments would be consistent with or enhance the special qualities of the Park through careful siting and design.

## CONSULTATIONS

58. The initial consultation response received from **Scottish Natural Heritage** (SNH) in 2006 noted that the proposed location lies approximately 1.5 kilometres from the River Spey Special Area of Conservation (SAC)<sup>9</sup> and 1 kilometre from Anagach Woods Special Protection Area (SPA).<sup>10</sup> The response included recommendations regarding otter, the watercourse and waders. In assessing the impact of the proposed development on European Interests i.e. the SAC and SPA, **SNH** considers it unlikely that the proposal will have a significant effect on any qualifying interests either directly or indirectly and an appropriate assessment was not therefore required. **SNH** also provided comment on European Protected Species (EPS), referring to the provisions of the Wildlife and Countryside Act 1981 (as amended) and Nature Conservation (Scotland) Act 2004, which provide full protection for otter as an EPS. The environmental information provided in support of the application was examined by **SNH** and it is considered unlikely that otters would be affected by the proposal. However, in the event of construction taking place it is recommended that all reasonable mitigation measures are put in place to enable otters to escape from any excavations should they accidentally fall in.
59. The initial consultation response from **SNH** was received prior to the protocol agreement between **SNH** and the CNPA coming into effect, and **SNH** had therefore also provided comment on national and local interests. In this context it was noted that there are no designated sites within the boundary of the proposed site and the small areas of woodland within the site are not classified in the Inventory of Ancient and Long Established Woodlands.<sup>11</sup> It is noted that part of the site is not proposed for development, and that this area has a mixture of habitats including scattered birch woodland, wetland, semi-improved relatively species rich grassland, and a fenced area with Scots pine, cherry and birch. **SNH** note in the response that the landscape of the area is of local value.
60. **SEPA** has been consulted on this application on several occasions since its submission in August 2006. **SEPA** note that it is proposed to connect the foul drainage from the development to the public sewer and there are no objections to this aspect of the proposal. The most recent response provided by **SEPA** in relation to Surface Water Drainage<sup>12</sup> refers to proposals for Phase 1 involving the discharge of surface water to 'at source infiltration' measures prior to a detention basin being constructed. **SEPA** notes that surface water drainage from Phase 2 is proposed to discharge to 'at source infiltration' measures prior to discharge to the existing moss area. In response to concerns raised by objectors regarding the surface water drainage measures **SEPA** indicated that a minimum of one level of treatment is required for all surface water run-off from a residential development prior

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<sup>9</sup> The River Spey SAC is designated for its populations of Atlantic salmon, otter, freshwater pearl mussel and sea lamprey.

<sup>10</sup> Anagach Woods SPA is classified for capercallie.

<sup>11</sup> An area of land to the north of the proposed site is included within the Inventory as long established woodland of plantation origin.

<sup>12</sup> Consultation response dated 19 November 2008.

to discharging to the existing water environment, such as watercourse / ditch or the moss area. In order to clarify this **SEPA** requested that the applicant provide detailed proposals to demonstrate that this level of treatment would be provided for **all** surface water run-off prior to discharge to the existing water environment (including the moss area). However **SEPA** consider that this issue could be addressed by way of a condition attached to a grant of planning permission.

61. **SEPA** continue to have concerns regarding flood risk associated with the proposed development. In correspondence to the CNPA in May 2009 **SEPA** indicated that a draft flood risk assessment had been provided on behalf of the applicants in November 2008. Comments on this were provided and a meeting also took place directly between **SEPA** and the applicants and their consultant.<sup>13</sup> **SEPA** also provided further advice to the consultants regarding the proposed flood relief channel in March 2009, and it was understood that "the applicant was then to consider whether to instruct the consultants to prepare a revised flood risk assessment. To date a revised flood risk assessment has not been received and **SEPA** therefore continue to **object** to the planning application in relation to flood risk resulting from fluvial flooding.
62. The planning application has been considered by Highland Council's **Archaeology Service** and the consultation response notes that the application lies in a wider area where there are important historic and prehistoric remains and consequently the archaeological potential of the site is considered worthy of further assessment prior to the start of any development. The **Archaeology Service** recommend that a condition is attached to any consent granted, requiring that a programme of archaeological works for the preservation and recording of any archaeological features affected by the proposed development be undertaken prior to the commencement of development. A detailed specification for the required work has also been provided by the Archaeological Service.
63. The development proposal has been considered in detail by Highland Council's **Contaminated Land** section, and several consultation responses have been received in response to various items of information provided by the applicants in the course of this application process. The Contaminated Land section noted at the outset that records indicate that part of the site has an historic use as a military rifle range, which may have resulted in land contamination. As a result the applicants were required to provide evidence that the site is suitable for its proposed use through the submission of an assessment of potential contamination issues. The information provided on a number of occasions since 2006 has been insufficient to allow the Contaminated Land section to make a definitive judgement on the issue.
64. **Scottish Water** has no objection to the proposed development. However, it is emphasised in the response that any planning approval granted by the Planning Authority does not guarantee a connection to **Scottish Water**

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<sup>13</sup> February 2009.

infrastructure until a satisfactory solution is identified. It will be necessary for the developer to ensure that the development will not have a detrimental impact on the water services that are currently provided, and to ensure this the developer may be required, as part of any network upgrading work, to provide a solution that would prevent or mitigate any further impact.

65. Highland Council's **TEC Services (Roads)** has considered the proposal and recommends a detailed schedule of conditions to be attached in the event of the granting of planning permission. Some of the recommended conditions require works to be undertaken off site, including the carriageway of the public road (Seafield Avenue) to be regulated as necessary and overlaid with asphalt wearing coarse material along the full roadside frontage of the development to a point 18 metres to the north of the centre line of Rhuarden Court. Other recommended conditions refer to works within the site including the provision of visibility splays at all junctions; 2 no. car parking spaces to be provided per property for in-curtilage car parking; communal car parking to be at a rate of 1.5 car parking spaces per property; the hard surfacing of at least the first 6 metres of vehicular access to each plot; and the provision of suitable pedestrian / cycle links to ensure that the development links to existing facilities nearby.
66. **TEC Services** also provided the CNPA with a copy of correspondence between the Service and the applicants (Muir Homes) in March 2008. Some concern was expressed that the revised road layout introduced an increased number of cul de sacs. Consequently concern was expressed in relation to the movement of larger vehicles through the site. It is suggested that additional provision for emergency vehicles is required, either by completion of an emergency link between the two elements of the development or by the provision of alternative access points. Reference is also made to works to improve pedestrian facilities at the junction of Seafield Avenue and the High Street.<sup>14</sup> **TEC Services** state that given the level of additional pedestrian and vehicular movements that the proposed development would generate at this locus, a developer contribution of 50% towards the cost of the work is considered appropriate. The developer contribution would be required prior to the commencement of any development.
67. Other points raised by **TEC Services** include:
- advice that the detail and content of the proposed play areas would require to be agreed prior to the commencement of any development and that such areas would only be considered for adoption upon receipt from the developer of a monetary sum equivalent to 40 times the estimated annual maintenance cost;
  - concerns regarding any proposed direct frontage access onto Seafield Avenue with regard to the possibility of reversing manoeuvres to and from the public road, and the possible impact on visibility at the proposed new road junction;

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<sup>14</sup> Work was on going at that time (March 2008).



- in the event that any formal parking controls are deemed necessary at Castle Road East or any other public road, they would require to be implemented entirely at the developers expense;
  - all appropriate signage locations would require to be agreed with the Highland Council as Roads Authority;
  - lighting within the development and any additional or modified lighting required adjacent to the proposed development should be to the satisfaction of Highland Council's Lighting Engineer.
68. In an initial consultation response received from Highland Council's **Education department** in September 2006 it was stated that the development, if approved could create significant problems with accommodation for primary pupils, as such a development could result in c.50 additional pupils. The response did however also refer to projections that the school roll would decrease, although this would not be significant until 2010/11.
69. In an updated response received from the **Education department** in April 2008 reference was made to school roll projections which "suggest that Grantown Primary School can cope with the additional primary children arising from this house building programme." Grantown Grammar School was however noted as already being at its maximum capacity. In conclusion, the response states that "in order to manage the current pressures and the additional children arising from this development (should it go ahead) the Authority is likely to have to take steps to enhance the capacity of the school through the addition of both practical and general classrooms."<sup>15</sup>
70. Various consultation responses have been received from the **Grantown on Spey and Vicinity Community Council** expressing concern about the development proposals. The issues raised in the consultation responses include the following :
- Loss of amenity to existing residences in Seafield Court and tourism facilities at the Caravan Park in the event that houses are more than single storey;
  - Lack of increase in infrastructure and facilities to accommodate a large rise in population, with reference being made to education, health services, shopping and recreational opportunities;
  - Concern that the proposed entrance off Seafield Avenue is opposite the existing entrances to Rhuarden and Dulaig House, and that residents in the area have highlighted that the road becomes flooded at this location;
  - Concerns regarding increased traffic flow at the junction from Seafield Avenue onto the High Street;
  - Natural water courses would be severely affected by building on 'The Mossie' which is a natural moss bog area;

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<sup>15</sup> The consultation response was received in April 2008. Since that time, Grantown Grammar School has secured planning permission for the erection of new classroom blocks (Highland Council planning reference no. 09/00057/FULBS refers).

- Potential adverse effects on the wildlife of 'The Mossie' and also the salmon spawning in Kylintra Burn;
- Any two storey buildings overlooking the caravan park would have an effect on tourism and consequently on the economy of the town;
- Existing schools would require to be enlarged to accommodate the population increase; and
- Concerns that the development would lead to unemployment in three of the main local building firms.

71. **Historic Scotland** was consulted on the proposal following the submission of information from a representee regarding the existence of a mineral well. The structure was considered for inclusion on the Scottish Ministers' lists of historic buildings, but was not found to meet the standards for inclusion as a building of special architectural or historic interest. Grantown's historical associations with mineral water are minor in comparison to spa towns which owe their existence to this association. **Historic Scotland** concluded that the well's lack of distinguishing or innovative architectural features result in an insufficiently strong case for designation.
72. Comment was also provided on the subject of the well by Highland Council's **Countryside Heritage and Natural Resources Manager**, who has confirmed that the site has now been added to Highland Council's Historic Environment Record. It is stated in the consultation response that it is likely that this was a chalybeate well,<sup>16</sup> several of which were known to be popular in Victorian times. It is commented that the Grantown well appears to have been formalised with a diversion of the burn and the addition of the rectangular concrete casing and steps added sometime in the mid 20<sup>th</sup> century. The site is considered to be of local historical importance and forms an element of the historic environment in the wider Grantown area. The proposed site layout plan is not however considered to have any major impacts on the well, although it is suggested that measures to protect the well could be incorporated into the development. Suggestions include the provision of a path to the well, as well as the provision of some level of interpretation.
73. A consultation response received from the CNPA's **Economic Development Officer** suggests that increased development in Grantown "can only add to the economic viability of local businesses, who struggle with a low local economic base and sparse population." It is however also stated that new development should not disrupt the tourism and business market within the town, as disruption to the main street of shops and attractions could add to congestion. It is also suggested that the impact on the existing caravan site on Seafield Avenue should be mitigated as much as possible, with the suggestion that where possible any building should be phased to avoid the main tourism season. Overall the proposal is considered to "round off Grantown rather than extending it into the greater countryside which allows easy access to established services, and clear walk and cycleways would facilitate this."

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<sup>16</sup> Mineral spring water containing salts of iron.

74. The CNPA's **Visitor Services and Recreation Group (VSRG)** considered the proposed development from the perspective of access. A number of concerns were raised in relation to the initial proposals submitted in 2006. Some of the concerns expressed included :
- the insufficient level of information which had been provided in relation to existing and proposed access provision on the site;
  - queries regarding how the proposed paths might be accommodated on lower lying, wetter ground;
  - the need to protect existing access opportunities into the woods and railway track;
  - the need to ensure that two existing access points off Mossie Avenue remain for non-vehicular access;
  - the need for a formal path link between the Seafield Avenue area of the proposed site and the northern end (towards the rear of the hospital); and
  - a requirement to provide information on the standard of paths (surfacing, width etc.) proposed.
75. A further consultation response was received from the **VSRG** in response to the amended plans that were submitted in 2008. The basic premise underlying the response is that access should not be lost through the proposed development and that key links should be retained and enhanced. **VSRG** note that the site in its undeveloped state supports a fair degree of access", evidenced by the existence of worn and evolved lines and also casual observation of activity through the area, although it is not possible to quantify the extent of usage. **VSRG** consider that the proposals will impact on the extent of access taken in and through the existing fields, but "not so much on access in the surrounding vicinity of the site."
76. In overall terms, **VSRG** do not object to the proposal and are generally satisfied that effort has been made to improve the 'porosity' of the site by the inclusion of paths around the site and leading into and out from it at various points. The consultation response contains a number of recommendations which should be implemented in the event of development proceeding. Recommendations include
- all paths built to an all-abilities specification;
  - paths away from roads and pavements in the public open spaces should be unsealed and as visually unobtrusive as possible;
  - the use of board walks should be avoided due to long term maintenance issues and unsuitability for all-abilities use;
  - the path that is proposed between the Seafield Avenue area of the development and the Castle Road area of the site should be in the form of a formal path, which should take a natural and meandering line.
77. The CNPA's **Housing Policy Officer** considered the revised proposals provided in 2008 and noted that of the currently proposed 193 units, a total of 49 were identified as affordable housing, including a mix of 2, 3 and 4 bedroom properties. The **Housing Policy Officer** provided information on housing waiting lists which demonstrated that there is a demand for 1, 2, 3

and 4 bed housing in Grantown on Spey. It was also mentioned that the Principal Housing Officer for Badenoch, Strathspey and Nairn confirmed that there is also a high need for temporary homeless accommodation in Grantown. As Servite Housing Association has been identified by the applicants as the Registered Social Landlord proposed to be involved in the provision of affordable housing on the site, the CNPA's **Housing Policy Officer** discussed the proposal with the housing association. Servite indicated that the mix between rent and the New Supply Shared Equity scheme (Homestake) had not yet been confirmed.<sup>17</sup> In summary the CNPA's **Housing Policy Officer** supports the proposals for affordable housing "as long as this has funding agreed with the Local Authority and Scottish Government and ties in with the Common Housing Register."

78. The CNPA's **Heritage and Land Management Group** (HLM) have been consulted on the development proposal and have provided detailed commentary on the various amendments that have occurred in the course of the application. **HLM** considered the proposal from an ecological and landscape perspective.

**HLM comments in relation to the original proposal (2006)**

79. When the proposal was initially considered in 2006 detailed ecology comments were provided with regard to the potential impacts on woodlands, fens and mires, semi natural grassland, and breeding birds. One of the most obvious features of the site is the block of woodland at the centre and concern was expressed that the originally proposed layout would result in an incursion into the woodland edge in the area of the site to the rear of Mossie Road. **HLM** required that the woodland fringe be maintained.
80. Concern was expressed by **HLM** that the route of the originally proposed access road in the area to the rear of the existing Mossie Road properties would cut across the extensive fen and mire community, and that road construction in this area would require fill material and significant earth movements. Similar concern was expressed with regard to the impact of the location of some of the properties on the southern side of the main access road off Castle Road East.
81. In terms of the impact of the originally proposed layout on semi-natural grasslands, **HLM** highlighted the high value of a number of species rich grassland communities. It was considered that the development would result in the loss of a large part of the grassland area. **HLM** advised however that the loss of grassland could be reduced by omitting the serviced house plots that were proposed on elevated ground on the western side of the Kylintra Burn and leaving the area undeveloped. In addition **HLM** also noted that the large area at the heart of the site, proposed to be retained as open space could offer the opportunity to maintain grassland habitat in the long term, providing that it would be subject to a suitable management regime.

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<sup>17</sup> Highland Council has indicated that the usual split is 75% for rent and 25% for low cost housing (shared equity).



Fig. 15 : Impact of the original proposal on the fen and mire area

82. **HLM** also expressed concern that the proposed development would reduce breeding bird assemblage both through direct loss of breeding habitat and by increased disturbance through the presence of higher numbers of people in the area. The larger the intact area of open space retained, the greater the possibility that some breeding waders would remain.
83. In discussing the landscape implications of the originally proposed layout, **HLM** firstly highlighted some of the notable landscape characteristics of the site. Reference was made to the block of woodland, primarily birch, describing it as making a strong visual connection between the surrounding wooded hillside and the mature tree cover within the town. **HLM** also describe other features of value within the site, including the burn, which complements the 'boggy' character of much of the area, and also the open fields, which are described as a contrast to the more enclosed nature of some of the woodland and some of the more built up parts of the town. Notable view points into the site include Seafeld Avenue, Castle Road and Castle Road East.
84. General comments made by **HLM's** Landscape Officer on the 2006 layout included the following :-
- reference to the overall density being higher compared to similar areas within Grantown on Spey, but considered nonetheless that the pattern and layout broadly compares with adjacent areas of Mossie Road and Seafeld Court;
  - some concern that the proposed layout in the area to the rear of the hospital was dense and utilitarian;
  - acknowledgement that the largest area of coherent open space would be formed by the retention of a large field area and the birch woodland. This large area of public open space would assist in keeping a remnant of the open space structure that has historically played a role in the relationship between the town and the existing woodlands beyond;
  - some concern that the visual connection to the wooded hillside would be weakened by the proximity of the new housing and a consequent suggestion that this needs to be mitigated by additional tree planting;

- concern that the overall pattern of smaller areas of public open space was mixed, with no sense of clear design. There was a sense that the areas of open space are restricted to small areas remaining after the positioning of the houses;
  - queries regarding the function of the open space proposed either side of the Castle Road East site entrance, noting that accompanying planting proposals do not suggest that it is intended as a 'green' entrance feature; and
  - acceptance that areas of play provision within the original layout are described as being quite well distributed, with the exception of the kick about pitch which **HLM** suggest should be relocated from the woodland edge.
85. The concluding comments from the Landscape Officer on the originally proposed layout indicate although the proposals would have a dramatic impact on the character of the site and its immediate area, the overall proposal is acceptable in principle. While the amenity value of the existing fields would be concentrated in the remaining area of public open space, and would therefore have an impact on the views out, it is nonetheless considered that the physical functionality could be catered for by investing in the space by adding play areas, footpaths and tree planting. In relation to the Park aims, **HLM** described the originally proposed layout as a "compressed and poorly considered layout in landscape terms" and suggested that greater consideration was needed in the context of the fine planned settlement which forms the core of Grantown on Spey. The Landscape Officer recommended that the proposed development should continue this approach of a carefully planned street layout and the use of bold tree planting to create a fine 'urban' environment.
- HLM comments in relation to the amended proposals (2008)**
86. A detailed response was again received from the **Heritage and Land Management Group** in respect of the revised proposals which were submitted in March 2008. The Landscape Officer describes the new layout as being much improved and addressing major issues which were previously expressed. Planting proposals are generally considered acceptable and provide continuity of planting along the main roads within the site, although the need for additional planting is suggested in an area within proposed Phase 1 (Seafield Avenue area). Additional tree planting is also recommended on the boundary adjacent to Grant House Care Home.
87. In terms of the ecology of the area, **HLM** do not consider that the amendments to the development proposal address all previously expressed ecological concerns. As evidenced in the amended plans there has been a reduction in the number of units proposed in the Mossie Road area of the site, with housing curtailed to the eastern side of the access road only. The efforts to limit encroachment into wetland areas in the centre of the site is welcomed, but concern continues to remain regarding the destruction of semi-natural grassland habitats, as well as potential hydrological impacts to wetland areas through excavation and drainage.
88. The updated response from **HLM** also places increased emphasis on the overall ecological value of the site, particularly as an area which is rich in

invertebrates and due to it being a productive breeding area for several species of wading bird. The ecology response from **HLM** places significant emphasis on this latter point, and refers to observations by a local ornithologist, as well as observations by Members of the CNPA Heritage and Land Management Group. In 2008 breeding season the overall site was observed to support 12 pairs of lapwing, 5 pairs of oystercatchers and two pair of snipe. Curlew and redshank were also previously observed. Lapwing and curlew are UK BAP priority species and occur on the Scottish Biodiversity List. The lapwing and redshank are also both priority species on the Cairngorms Local Biodiversity Action Plan. Many of the species have declined significantly in Scotland and throughout the UK in recent years. Amidst this decline Strathspey remains the most important area for breeding farmland waders on the UK mainland, and in this respect **HLM** note that they may be considered one of the special qualities of the National Park. **HLM** note that with the exception of Ballfurth Farm, the proposed site has a density of breeding waders higher than all of the other 46 regularly surveyed wader sites in Badenoch and Strathspey.<sup>18</sup>

#### **HLM comments on off-site mitigation**

89. In the course of the application assessment and having raised concerns regarding the impact of the development on breeding waders in the area, **HLM** recommended that measures to achieve compensatory habitat enhancement be explored. **HLM** note that the applicant has entered into discussions with Anagach Woodland Trust on factoring arrangements for the proposed development and welcome this. **HLM** also welcome a willingness on the part of the landowners (Seafield Estate) to explore the principle of compensatory habitat creation work off-site and consider that "such a principle could go some way to reducing the negative impacts of the proposed development on the first National Park aim to both conserve and enhance the natural heritage."
90. Earlier communications with the applicants and the landowner resulted in an area of 5.42 hectares at Inverlaidnan<sup>19</sup> being put forward as a suggested location for a habitat scheme, which would involve the land being brought into positive management for waders. **HLM** note that the area of ground proposed for 'positive management' is less than half of the area of the Grantown site which is likely to lose its wading bird interest through habitat destruction and increased disturbance.<sup>20</sup> Although the restoration of 5.42 hectares at Inverlaidnan is a positive step, **HLM** consider that it "is not in itself satisfactory compensation for the loss of 13 hectares."
91. **HLM** also offer comment on 'ecological enhancement within the built environment' and advise in the event of development being undertaken, that a range of enhancement measures should be introduced into the built environment. In particular the provision of roosting and nesting

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<sup>18</sup> Surveyed wader sites include the RSPB reserves at Insh Marshes and Ballinlaggan.

<sup>19</sup> Inverlaidnan is located approximately 3 kilometres to the west of Carrbridge.

<sup>20</sup> Approximately 13 hectares of the proposed site area are considered likely to lose its wading bird interest.

opportunities for bats and swifts is mentioned. It is noted that some of the submitted drawings depict proposals for the incorporation of bird boxes, although they are limited in number and proposed on structures in the north west of the site in close proximity to densely planted tall trees which may inhibit the approach of swifts to the nest holes.

92. In summary, in relation to the ecological impact of the proposed development **HLM** conclude that “the proposed development, including habitat enhancement at Inverlaidnan, would result in a net loss of habitat for breeding wading birds and a range of other species which depend on their habitat, which would not be in line with the first aim of the National Park.”

## REPRESENTATIONS

(Please note, copies of all representations are included in Appendix 3. Due to the volume of representations Members will be circulated with a CD containing Appendix 3 at the same time as the circulation of this report. Appendix 3 will also be available on the CNPA website and hard copies will be available for viewing at the Planning Committee meeting on March 5<sup>th</sup>.)

93. A total of 122 letters of representation have been received, from 68 parties. Appendix 1 contains a brief summary of the issues raised in each of the letters of representation. Issues raised include –
- Number of housing units proposed and the density of development;
  - House types, with particular concern expressed regarding buildings of more than single storey in the area to the rear of properties on Mossie Road or in the field between Seafield Court and Grantown on Spey;
  - Drainage queries and consequent flooding concerns. Significant reference has been made to the Mossie currently functioning as a flood plain;
  - Traffic implications, including increases in the levels of vehicular traffic on Seafield Avenue and at its junction with the High Street;
  - The potential inability of existing infrastructure and services in the area to cope with additional housing – specific reference has been made to the capacity of existing educational and medical facilities in Grantown on Spey;
  - Concerns regarding the potential adverse impact on the natural heritage qualities at the site;
  - Impacts on existing properties in Seafield Court and Mossie Road in terms of privacy, residential amenity and overlooking;
  - Potential impacts on recreational opportunities currently enjoyed on the land;
  - Potential impacts on the Grantown on Spey Caravan Park and the tourism economy of the town;
  - Queries regarding affordable housing provision, and concerns that open market properties may be bought as second homes or occupied as commuter housing for Inverness population; and
  - Concerns regarding impact on local building firms.



94. Many of the issues highlighted in representations were raised with the applicants, in a letter issued by the CNPA to the applicants in December 2006 (Appendix 2). The CNPA requested a variety of amendments and additional information. As detailed earlier in this report some of the issues highlighted in the letter included requests to amend the layout to minimise the impact on natural heritage interests on the site, including specifically the fen and mire area, and the woodland; creation of a significantly increased belt of landscaping in the western area of the site, adjacent to the boundary with the caravan park; the introduction of house designs unique to the proposed siting and also designing properties to minimise the impact of buildings on neighbouring properties; and further information in respect of drainage proposals, as well as queries on the Flood Study Report provided. As a result, additional information and amended proposals were received on various dates in 2008.

## APPRAISAL

95. In assessing this application it is necessary to examine the proposed development in the context of a broad range of issues, including national planning policy and guidance, Structure Plan and Local Plan policy, the infrastructural implications of the proposal, the aims of the Cairngorms National Park and other material considerations including the Cairngorms National Park Plan and the Local Plan Inquiry Reporters Report on the CNP Deposit Local Plan (1<sup>st</sup> and 2<sup>nd</sup> modifications). The various specialist consultation responses received are also taken into account, providing informed opinions on the development, and representations received have also been taken into account.

### Planning policy

96. Planning policy is detailed in paragraphs 35 to 52 of this report. The Badenoch and Strathspey Local Plan, which dates from 1997, identifies the majority of the proposed site for housing, identifying individual zones of development surrounded by amenity woodland. The allocation is a clear indication that the principle of housing is acceptable on this land. However, as found to be the case in previous applications on residentially allocated land in other settlements within this area, the approach applied in the 1997 Local Plan reflected the intent of creating distinct zones of housing development, which when applied on a practical and realistic level on the ground did not take account of particular site characteristics or conditions. It has therefore been accepted in previous instances that the approach is 'diagrammatic.'
97. In the case of the currently proposed site in Grantown on Spey, creating a development that would rigidly adhere to the individual zones identified would result in development encroaching into the ecologically sensitive fen and mire area, as well as into some of the existing block of woodland. The currently proposed layout instead reflects an attempt to recognise and protect some of the ecological features of the site, by avoiding development in some of the aforementioned areas. It is an approach which generally has merit and could be considered a pragmatic solution to reconciling differences

between the land use allocation and the specific and unique characteristics of the site.

98. In terms of the housing capacity of the land as identified in the Badenoch and Strathspey Local Plan (1997) the larger portion of the site encompassing the field on Seafield Avenue (between Seafield Court and the Caravan Park) and extending northwards to the larger area of land to the rear of the hospital, was identified as having capacity for 150 houses, while the area immediately to the rear of properties on Mossie Road was identified as having a capacity to accommodate 30 dwelling units. Concern has been expressed in several of the representations regarding the number of dwellings proposed in this application (193 dwelling units), and the fact that it exceeds the numbers prescribed in the existing Local Plan. Concern has also been expressed regarding the increased density that would result from the concentration of the housing numbers into approximately 9.6 hectares of the overall 20.10 hectare site. A higher density approach in some areas of the site should not however be rejected as an unacceptable approach. It is an approach which could have the potential to maximise the efficiency of the land, whilst also balancing this against the need to conserve the most sensitive characteristics of land.

#### **Design issues**

99. In terms of the design of the proposed dwellings houses and flats, foregoing sections of this report have outlined the long standing concerns expressed by the CNPA regarding the need to ensure that dwelling units are designed specifically for the unique setting of the site, and recognise its proposed setting on the edge of a traditional, planned Highland town, rather than in a more suburban setting where a standard design response may offer reasonable opportunities of assimilation. Significant concern has also been expressed in many letters of representation regarding the design concept. It is necessary to acknowledge that many changes have been made to the design concept since the original submission of this application in 2006. The most recent informally submitted draft drawings of revised house types are a marked improvement and display many features which are commonly found on many recently developed, traditional style properties in Grantown on Spey and the surrounding area. However, as already stated, those proposals do not form part of the formal documentation and it is therefore necessary to make a judgement and decision based on the formal submission. On that basis, it may be considered that overall design concerns have not been satisfactorily resolved.

#### **Impacts on neighbouring properties**

100. Concern has been expressed in a large number of the letters of representation about the potential impacts of the proposed development on neighbouring properties. The concerns have primarily been raised with regard to the Phase 1 element of the proposal i.e. development in the field between Seafield Court and the Grantown on Spey Caravan Park, and also the area of land to the rear of existing residential properties on Mossie Road. There is undoubtedly a need to minimise the impact of development on neighbouring properties and this is an issue which was highlighted by the

CNPA in response to the originally proposed layout. The layout was revised to provide increased separation between the proposed new housing and the existing housing and caravan park. Proposals to provide an extensive landscaping belt between the garden boundaries of the proposed new properties and existing properties in Seafield Court and the caravan park, to the east and west respectively, succeed in achieving separation distances varying between 12 and 24 metres. Combined with the actual garden depths of proposed and existing properties, and taking into account the orientation of several of the eastern units at 90° angles to Seafield Court, the separation distances achieved are far in excess of the minimum standard specified in Highland Council's Development Plan Policy Guidelines (18 metres between opposing windows). However, the difference in ground levels between this area of the proposed site and the lower lying Seafield Court is a factor which must also be considered. However it alone is not a sufficient factor to consider that the development of housing in this area would negatively impact on the residential amenity or privacy of existing residential properties in the vicinity and impacts could be sufficiently ameliorated through adequate landscaping provision and further design amendments.

101. In terms of the potential impacts of the proposed development on the caravan park, many of the factors discussed in the foregoing paragraph pertain, including the fact that the revised site layout plan incorporates a substantially increased landscaping belt, to provide further separation between the proposed residential units and the adjacent commercial enterprise. The comments of the DPEA Reporter in response to concerns raised in the context of the CNP Deposit Local Plan about the potential impacts of residential development on the caravan park, are also relevant to consider at this stage. On the general principle of the compatibility of residential development and tourism operations on adjacent land, the Reporter commented that "the caravan site use is not essentially at odds with housing; these kinds of uses should be able to coexist, given this and without controlling the land, the caravan site cannot expect to sterilise the adjacent land to maintain its status quo." In considering this current planning application, the assessment has included careful consideration of the impacts of development on surrounding land uses, and it is reasonable to concur with the comments of the reporter regarding the compatibility of residential and tourism land uses.

#### **Natural heritage implications**

102. While accepting that some deviation from the prescriptive individual zone approach and capacity stipulations in the Badenoch and Strathspey Local Plan may be countenanced and also acknowledging that the proposed layout avoids some of the obviously sensitive areas of the site, concerns remain regarding the impact of the development on natural heritage interests on the site. Information which has become available since the submission of this application in 2006 indicates that much of the site is of significantly higher natural heritage value than may have been previously recognised. As demonstrated in the detailed consultation responses received from the CNPA's **Heritage and Land Management Group**, surveys which have been undertaken in relatively recent times as well as the observations of

regular users of the proposed site, all point towards further areas of the site being of significant ecological value. Given the ecological value that is now attached to certain areas, for example, much of the semi-grasslands to the rear of the Ian Charles Hospital, the currently proposed layout and the extent of site area that it would occupy, would fail to conserve or enhance the natural heritage of the area and would result in a net loss of biodiversity. The ecological value of parts of the site is a factor which has also been alluded to by the Reporters in their consideration of the proposed allocation of the land for housing purposes in the Cairngorms National Park Deposit Local Plan (1<sup>st</sup> and 2<sup>nd</sup> modifications). The summary of the Reporters assessment and recommendation is contained in paragraph 53 of this report and although only of limited materiality in the context of this planning application which was submitted in 2006 under the Badenoch and Strathspey Local Plan (1997), it is still pertinent to give some weight to the conclusions of the Reporter on the proposed allocation and the factors of concern outlined in that consideration.

103. In essence the current development proposal would adversely impact on various natural heritage interests on the subject lands. As previously detailed limited off-site mitigation has been offered, in an effort to off set the negative impacts on the semi-grassland habitats and wading breeding bird habitats on the site. While compensatory off-site mitigation may be welcomed, it cannot be considered as an acceptable defence to signal the acceptability of the destruction of the natural environment on many parts of the site. In addition, the level of compensatory off-site mitigation offered falls is limited and falls far short of the extent of land that would be adversely affected on the proposed site. Having regard to the overall impact of the proposed development on the natural heritage of the area, the proposal cannot be considered to accord with the first aim of the National Park, as it would not conserve or enhance the natural heritage of the area.

#### **Unresolved flooding issues**

104. As indicated on a number of occasions in foregoing sections of this report, further formal amendments to the proposed layout and design concept have not been forthcoming from the applicants since 2008, as revisions would be contingent upon the resolution of technical issues. Chief amongst the technical issues which could impact on the area of land potentially available for development, is the issue of flooding. Although the land is not identified as being within SEPA's 1 in 200 year flood area, evidence which has emerged in the course of this application nonetheless indicates that some of the land may be at risk of flooding. **SEPA** continues to have concerns regarding potential flood risk on the site. The information provided to date on drainage proposals and Flood Risk Assessment has failed to provide an accurate determination of the extent of the site which could be affected by flooding, and has consequently failed to demonstrate that the area on which development is proposed would be free from the effects of flooding, or that development would not give rise to existing properties being placed at increased risk of flooding. **SEPA** continue to object to the proposal. As advised in consultation responses from **SEPA** in the event that the Planning Authority proposes to grant planning permission contrary to **SEPA** advice

on flood risk, the application must be notified to the Scottish Ministers as per the Town and Country Planning (Notification of Applications) (Scotland) Direction 2007.

#### **Timescale of application**

105. In proposing to draw this application to a conclusion, it is necessary to highlight the significant period of time which the application has been with the CNPA acting as Planning Authority. Having been called in by the CNPA in August 2006, a period of consultation and assessment followed, resulting in the CNPA issuing a letter to the applicants in December 2006 in which a significant level of additional information and associated changes to the development proposal were requested (please refer to Appendix 2). There was a considerable delay in the receipt of the required information, with the first batch of information being formally submitted on 25 January 2008. Additional items of information and amended plans were submitted on various other dates during 2008. The most recent formal submission was in February 2009, and related to flood risk matters. The details provided have failed to address the concerns of **SEPA** and further information continues to be required. The applicants have consented to extensions of the time period for dealing with this application at regular intervals. It has been indicated in various communications from the applicants representatives that it is their intention to continue to engage with **SEPA** and provide the information required to address flood risk queries. On this basis it is reasonable to conclude that further required revisions to the proposed layout cannot be produced until the extent of the area of the site that is potentially liable to flood has been definitively established. However, given the length of time which has elapsed since the last formal submission of information required by **SEPA**, it can only be concluded at this stage that no further progress has been made and concerns regarding potential flooding have not been addressed or resolved. It is therefore necessary to make a decision on the basis of all the information which has been received to date in connect with this planning application, in order to conclude this application, thereby providing certainty on the matter for all parties concerned including the applicants, landowners, and third parties.

#### **Conclusion**

106. In conclusion, the current development proposals has raised many issues and a significant amount of those remain unresolved. The principle of residential development has in the past been considered acceptable, as evidenced through the allocation of much of the land in the 1997 Badenoch and Strathspey Local Plan. Various factors affecting the land have however emerged in the course of this application, including its ecological value and the potential of an undetermined extent of the land to be liable to flooding. While areas within the proposed site may have potential to be developed subject to ecological and technical parameters being categorically defined, the current proposal does not offer the potential to resolve fundamental factors. The proposed development fails to accord with the aims of the National Park and would be contrary to the proper planning and development of the area.

## IMPLICATIONS FOR THE AIMS OF THE NATIONAL PARK

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

107. The proposed layout would result in development on land which has been identified as being of significant ecological value, and would result in the loss of habitat for breeding wading birds and a range of other species which are dependent on their habitat. The extent of off site habitat enhancement offered in mitigation is insufficient to compensate for the loss on the site. The proposal would not conserve and enhance the natural heritage of the area.

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

108. No details have been provided regarding the source of materials that would be used in the proposed development. Details which have been provided in support of the energy efficient credentials of the development suggest that measures would be consistent with the standards required for compliance with Building Regulations. On the basis of the information provided the proposal would not offer any enhanced opportunities to promote the sustainable use of natural resources.

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

109. The proposed developments would not contribute directly towards the achievement of this aim. However, the proposed layout includes the retention of a significant area of public open space at the core of the development. The proposals also include retention and enhancement of existing informal paths through the site, as well as the creation of new pedestrian linkages. The development would continue to facilitate the use of a significant part of the site for informal recreation opportunities and would not therefore detract from the achievement of this aim.

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

110. The residential development proposals include an affordable housing component, as well as including a variety of house types and plot sizes. Development of this nature, within the settlement of Grantown on Spey, could potentially encourage a broad demographic mix of inhabitants and could therefore be viewed as having positive implications for the social development of the area.

## RECOMMENDATION

111. That Members of the Committee support a recommendation to **REFUSE** full planning permission for the erection of housing, associated road

construction; drainage and landscaping on land between Seafield Avenue and Castle Road East, Grantown on Spey, for the following reasons : -

1. The proposed development is on land which is potentially liable to flooding. The information provided to date in support of the application has failed to definitively establish the extent of the area at risk of flooding or demonstrate that sufficient mitigation measures would be undertaken to resolve potential flooding. The extent of the area of the site capable of facilitating development therefore remains unknown. The proposed development would therefore have the potential to give rise to flooding which could affect residential properties within the proposed development site and may also have the potential to adversely affect existing properties in the vicinity and could thereby endanger the safety of the general public. The proposed development also fails to accord with **section 2.5.12 (Flooding – Development Restraint)** of the Badenoch and Strathspey Local Plan (1997). The Local Plan exercises a presumption against any building development within flood risk areas. The proposed development would also be contrary to the Cairngorms National Park Plan and in particular Strategic Objective for Water (d) to “promote sustainable flood management consistent with natural fluvial processes.”
2. The extent of the proposed site which is identified on the site layout plan to accommodate development encompasses land which is of high ecological value which is rich in invertebrates and is a productive breeding ground for several species of wading bird. The proposed development would result in the net loss of habitat for breeding wading birds and a range of other species. The proposed development fails to comply with Structure Plan **Policy N1 (Nature Conservation)** which requires that new developments minimise their impact on the nature conservation resource and enhance it. The proposal also fails to accord with the first aim of the Cairngorms National Park as it would not conserve or enhance the natural heritage of the area.
3. The proposed design concept fails to adequately respond to the characteristics of the site and fails to reflect its unique setting on the periphery of a traditional planned Highland village. The proposed development, by reason of the current design proposals would also fail to adequately contribute to create a distinct identity and contribute to a sense of neighbourhood and would therefore fail to deliver the standards encouraged in PAN 67 on Housing Quality. It would also fail to comply with Structure Plan **Policy G2 (Design for Sustainability)** which requires that developments demonstrate sensitive siting and high quality design in keeping with local character and historic and natural environments and would not accord with the Cairngorms National Park Plan and in particular the Strategic Objectives for Landscape, Built and Historic Environment, where Strategic Objective (d) requires that new development in settlements and surrounding areas and the management of public spaces should complement and enhance the character, pattern and local identity of the built and historic environment. The proposed design concept would therefore be contrary to the first aim of the Cairngorms National Park, with particular reference to conserving and enhancing the cultural heritage of the area.

### **Determination Background**

The planning application was called in by the Cairngorms National Park Authority acting as Planning Authority on 25<sup>th</sup> August 2006. The proposal was assessed and the CNPA planning department requested extensive further information and amendments to the proposal, in a letter issued to the applicants representative in December 2006.

The applicants began to provide a formal response to the CNPA request on 25 January 2008, with further information following on various dates in 2008 (5 February, 20 February, 5 March, 10 March, 6 October, 3 November and 2 December 2008). Substantial revisions to the design and layout of the development proposal were presented in the information provided on March 5<sup>th</sup> and 10<sup>th</sup> 2008. Information submitted on 2 December 2008 and 16 February 2009 was primarily of a technical nature relating to flood risk queries. No further information has formally been submitted in support of the planning application since February 2009.

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**24 February 2010**

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