
CAIRNGORMS NATIONAL PARK AUTHORITY

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

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

DEVELOPMENT PROPOSED: **ERECTION OF 81 HOUSES ON LAND BETWEEN PERTH ROAD AND STATION ROAD, NEWTONMORE (FULL PP REVISED SCHEME)**

REFERENCE: **07/230/CP**

APPLICANT: **INVERBURN LTD.**

DATE CALLED-IN: **15 JUNE 2007**

RECOMMENDATION: **APPROVAL**

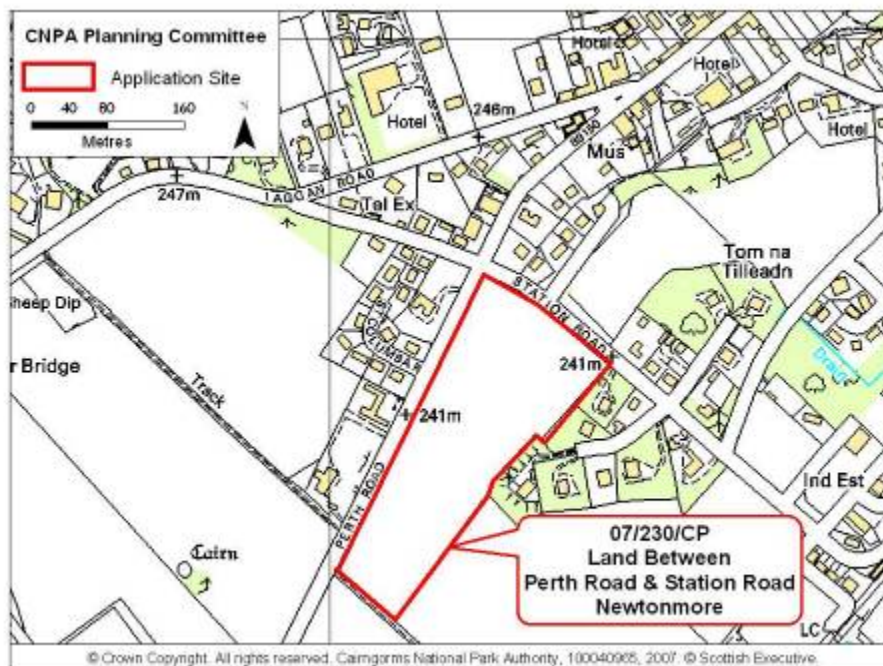


Fig. 1 - Location Plan

SITE DESCRIPTION AND PROPOSAL

1. This site is located to the south west of Newtonmore (see fig 1). The site is bounded to the northeast by Station Road. To the southeast by mature gardens of existing properties and open ground to the southern end of that boundary. The south-western boundary is partly to an access track that is understood to be part of an old coffin road. Part of this boundary backs onto a corner of woodland planted by the Newtonmore Community Woodland and Development Trust. Perth Road comprises the north-western boundary of the site up to the junction with Station Road opposite a truck stop and grill.



Fig. 2 view of site from Perth Road.



Fig 3 view of site from Perth Road looking north east



Fig 4 looking south over site from Station Road



Fig 5 Station Road showing road to be re-positioned further right to improve visibility at junction with Perth Road.



Fig 6. Southern end of site showing existing planting where landscape belt will be augmented. Track is the old coffin road mentioned in the report.

2. The site itself is an open field that is currently used for grazing (see figs 2, 3 & 4). There are no trees on the site, although there are

mature specimens in gardens to the south east of the site and the community landscaping seen in figure 6.

- This application started life as an application for 77 houses on the same site now proposed for 81. The sole access to the site was to be from mid way along the Perth Road boundary of the site. This essentially formed a number of cul-de-sacs which were not well connected to existing roads/paths. The principles of an amended layout were suggested that would to a greater extent reflect a street rather than a cul-de-sac layout. This approach was also suggested by the Area Roads Manager and is indicated in the Badenoch and Strathspey Local Plan (1997).



Fig 7 Earlier layout plan

- The application was presented to the Planning Committee in August 2008 where the proposal was recommended for approval subject to planning contributions and a range of planning conditions. Members debated the application and decided to defer for a site visit. Particular concerns were also raised about the roads layout and potential for flooding.
- The layout has been revised to take account of concerns raised by Planning Committee (see fig 8). Of particular concern was a vehicular access onto Station Road from the development. This has now been removed and pedestrian access only is allowed onto

Station Road. In addition, a new road has been shown at the southern end of the development. This is as a result of concerns raised that the original estate access road would not be suitable as a distributor road for further development to the east of this site as shown by the Badenoch and Strathspey Local Plan. This road now allows for this (see fig 8).



Fig 8 Revised layout subject of this report

- There are 61 private houses proposed 45- 3 bedroom and 16- 2 bedroom units (8 houses/8 flats). The affordable element comprises 20 units with 16- 2 bed flats, 4-2 bed chalets. The breakdown is 8 Homestake with 12 rental properties. In the original proposal the affordable housing was at one end of the development. This was altered in a previous revision of the plans and the affordable is broken down into two sections. The site includes an area for children's play provision adjacent to the flats which has been moved southwards as part of the latest changes (fig 8).
- The houses are a combination of one and a half storey and two full storey houses and flats. The external finishing materials include a combination of render with significant elements of vertical timber boarding. Some houses have significant glazed sections, in particular where south facing. Roof materials are proposed as slate like tiles (see fig 8 Perth Road street scene and figs 9-11 for house

type examples). The first version of the proposal relied more heavily upon detached larger houses. The later versions of the scheme have relied on a more varied mix of housing and flats and this is the main reason behind the increase in unit numbers.



Fig 9 three bedroom house (private)



Fig 10 three bedroom semi detached house type (private)



Fig 11 flats private and affordable (homestake)

8. In terms of sustainability a statement has been submitted and attached at the back of the report. This statement points out that the houses are of a timber frame construction manufactured in Inverness. The timber cladding will be Scottish sourced and be untreated or treated with water based stains. Sheathing boards and flooring will be manufactured locally. Again, windows are to be of timber construction incorporating double glazing. It is intended that solar panels will be installed on each dwelling to supplement the hot water supply. With regard to water all WC's will have half flush and water butts will be provided for each dwelling for rainwater capture.

DEVELOPMENT PLAN CONTEXT

National Guidance

9. **SPP3 (Planning for Housing)** acknowledges that good housing in the right locations makes an important contribution to achieving Scottish Government policy objectives in relation to economic competitiveness, social justice and sustainable development. SPP3 provides general policy advice on creating quality residential environments, guiding new housing developments to the right places, and delivering housing land.

10. Para-49 notes that in rural areas most housing requirements should be met within or adjacent to existing settlements. This prevents sprawl and coalescence of settlements, makes efficient use of existing infrastructure and public services and helps to conserve natural heritage and rural amenity.
11. Para-74 notes that affordable housing is broadly defined as housing of reasonable quality that is affordable to people on modest incomes. In some places the market can supply some or all of the affordable housing that is needed, but in other places it is necessary to make housing available at a lower cost through social rented accommodation or low cost housing for sale.
12. **Designing Places: Scottish Policy Statement on Designing Places:** The most successful places, the ones that flourish socially and economically, tend to have certain qualities in common. First, they have a distinct identity. Second, their spaces are safe and pleasant. Third, they are easy to move around, especially on foot. Fourth, visitors feel a sense of welcome.
13. Places that have been successful for a long time, or that are likely to continue to be successful, may well have another quality, which may not be immediately apparent - they adapt easily to changing circumstances. Finally, places that are successful in the long term, and which contribute to the wider quality of life, will prove to make good use of scarce resources. They are sustainable.
14. Sustainability - the measure of the likely impact of development on the social, economic and environmental conditions of people in the future and in other places - must run as a common thread through all our thinking about design. Thinking about sustainability focuses in particular on promoting greener lifestyles, energy efficiency, mixed uses, biodiversity, transport and water quality.
15. **PAN 74 (Affordable Housing)** provides advice on good practice and other relevant information. It also provides advice on the roles of the main agencies in the provision of affordable housing and how to deliver affordable housing through the planning system, including structure and local plan policy, supplementary guidance, planning

conditions and legal agreements, developer contributions, and off-site provision.

16. **PAN 76 (New Residential Streets)** Considers that successful places should be distinctive, safe and pleasant, easy to get to and around, welcoming, adaptable and resource efficient. Streets should provide links to surrounding areas and should be clear and accessible, for both residents and visitors
17. **PAN 78 (Inclusive Design)** seeks an inclusive environment which can be used by everyone regardless of age, gender or disability. The objective of inclusive design is to widen the user group that the environment is designed for.

Highland Structure Plan

18. **Policy G2 Design for Sustainability** considers that proposed developments will be assessed on the extent to which they are compatible with service provision, accessible by public transport, maximise energy efficiency, impact on individual and community residential amenity. Consideration is also given to the extent to which developments impact upon the following resources including, habitats, species, landscapes, scenery, cultural heritage and air quality. Developments should demonstrate sensitive siting and high quality design and promote lively and well-used environments and accommodate all sectors of the community. **Policy G4 Community Benefit** considers that the Council will seek to enter into agreements with developers as appropriate on behalf of local communities for environmental and socio-economic purposes.
19. **Policy H5 Affordable Housing** seeks in association with other housing agencies to identify areas in Local Plans and through Local Housing Development where there is a demonstrable need for affordable housing. Section 75 and other mechanisms will be used to secure developer contribution where justified. Affordable housing secured as part of a larger development should not be of significantly higher density or lower quality.
20. **Policy L4 Landscape Character** notes that the Council will have regard to the desirability of maintaining and enhancing present landscape character in the consideration of development proposals.

Highland Council Development Plan Policy Guidelines

21. Development Plan Policy Guidelines provide more detailed requirements on Highland Council Structure Plan Policy. In terms of affordable housing provision is made for a maximum 25% requirement on all developments of 10 housing units and over. The guidance also provides more detailed guidance on plot/building relationships and amenity distances between windows.

Badenoch and Strathspey Local Plan

22. Section 8 of the Plan refers to Newtonmore and identifies the main planning issues as identifying the best opportunities for village expansion; safeguarding the traditional village character and development forms; encourage a balanced distribution of commercial and tourist activity; identify further land for service business; consolidate Newtonmore's tourist role with major new heritage attractions; secure community and recreational facilities; enhance open spaces and open up new areas; safeguarding the wider village setting and encourage large scale tree planting.
23. Under 'Development Options' the plan recognises that the preferred direction for growth is to the south west. Few opportunities remain for infill to consolidate the village and measures are needed to secure the character and integrity of established residential areas.

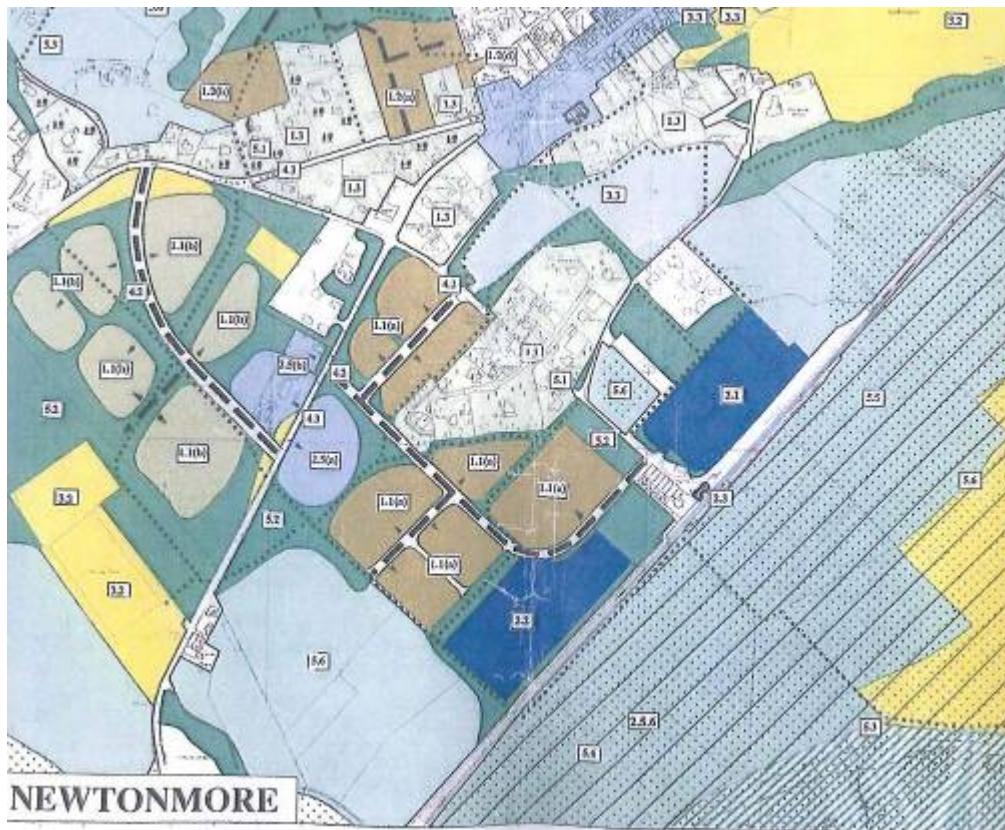


Fig 12 Badenoch and Strathspey Local Plan Newtonmore inset (site comprises upper area marked 1.1(a) and lower area marked 2.5(a).

24. Under 'Housing' the upper section of the site being proposed by this application is identified in the Local Plan for housing. The size of the allocation is 5.2 ha with an identified capacity for 65 houses in grouped schemes. The lower part of this application site is identified for commercial use. With 1.1ha. identified for a hotel or self catering/camping/caravan site; or ski related enterprises or catering facilities. (see figure 12)
25. Section 8.4.2 notes that the Council will seek improvements to the local roads network including the improvement of access between Perth Road and Station Road to improve access to local business sites and enable existing narrow roads to be retained predominantly for residential access and pedestrian use.

Cairngorms National Park Plan 2007

26. Under 'Living and Working in the Park' in 5.2.4 Housing reference is made to the need to ensure greater access to affordable and good quality housing to help create and maintain sustainable communities. Individual objectives include: a) increasing the accessibility of rented and owned housing to meet the needs of communities throughout the Park; c) improve the physical quality,

energy efficiency and sustainable design of housing in all tenures throughout the Park; d) ensure that there is effective land and investment for market and affordable housing to meet the economic and social needs of communities throughout the Park.

27. Strategic Objectives for Conserving and Enhancing the Park include; a) maintaining and enhancing the distinctive landscapes across the Park; c) ensure that development complements and enhances the landscape character of the Park; d) 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.

CONSULTATIONS

28. **Highland Council Area Roads Manager** recommends that because the proposal will effectively extend the built limits of Newtonmore southwards and in order to moderate traffic speed a gateway feature should be provided in consultation with the local community. It is also recommended that the following conditions are attached to any consent:

- Internal road layout constructed to a standard suitable for adoption
- The southern access to the B9150 shall have a minimum width of 6 metres and a corner radii of 10 metres.
- Station Road to be upgraded to satisfaction of planning authority in consultation with roads authority from its junction with the B9150 public for a distance of at least 85 metres to the first private spur road opposite Plot No 15. The carriageway over this length shall be at least 5.5 metres wide and corner radii at the junction of the B9150 shall be 10 metres.
- Footways (2 metres) to be provided on main road and Station Road
- Provision of suitable cycling/pedestrian links
- Suitable management agreements for any cycle/footways that are not to be adopted by Highland Council
- Road construction consent required

- Drainage measures to accord with SUDS principles and levels to ensure that no pondings will occur in plots.
 - All properties to be free from 1 in 200 years flood event.
 - Standard visibility splays at junctions and individual house plot accesses.
 - Communal parking to be provided at 1.5 spaces per dwelling
 - Hard surfacing for access to plots
 - Refuse bin collection points
 - Improvements to local bus services shall be considered by developer in consultation with the Council's Transport Development Officer.
29. **Highland Council Education** note that Newtonmore Primary School can comfortably accommodate primary children housed in this development should it go ahead. With relation to Kingussie High School it is approaching its maximum pupil capacity and the development will accentuate the pressure on accommodation at the school. The school will require at least two additional classrooms to cope with pupil numbers over the next few years.
30. **Highland Council Archaeology** notes that significant archaeological remains are recorded in the wider area and there is potential for the survival of buried archaeological remains. It is recommended that an archaeological work condition is attached to any consent.
31. **Highland Council Housing** raised concern with the original proposal that all of the affordable housing was at one end of the development. The amended plans now show the housing in two areas. This better integrates the affordable into the development and support is offered for this development in an area of housing stress.
32. **Highland Council Contaminated Land** recommends that a use history of the land be provided and if a potentially contaminative use is identified a contaminated land assessment should be carried out.
33. **CNPA Housing Officer** comments that there have been no new housing association properties in Newtonmore for a number of years. The 12 properties for rent and 8 low cost home ownership will provide a mix of housing for people to access affordable housing.

Given the difficulties of securing homes for first time buyers Homestake would be an acceptable option along with housing to rent.

34. **CNPA Landscape Officer** raised concern that the original layout made little contribution towards the natural and cultural heritage aim of the Park with poor structure and linkages. The loss of the trees in the south west corner was considered not to be acceptable. The layout had a lack of play provision and tree planting. The scheme should reinforce the planting in the south west corner, provide groups of trees, street trees and garden trees.
35. **SEPA** initially objected to the application in relation to the surface water drainage proposals. Drainage proposals for roof and building run off were considered acceptable but secondary treatment is required for road surface run-off. This will be dealt with by planning condition. Further advice from SEPA has been sought on flooding some time ago and this advice is awaited, although it was pointed out that SEPA had raised no objection to this site being allocated in the CNPA Local Plan.
36. **Scottish Water** does not object to this planning application. However, the developer will need to contact Scottish Water with regard to phasing of the development and connections and the extent to which it may affect existing infrastructure.

REPRESENTATIONS

37. Letters on the earlier versions of this application are attached at the back of the report and a summary is produced below.
38. **Newtonmore Communtiy Council (original response)** considers that the density and type of housing is incompatible with the village and will adversely affect the approach to the village. The proportion of affordable homes (20 out of 81) is less than 25% of the total proposed. With the reduction in the council housing estate, there is a demand for low cost or rented housing in the village and consequently the Community Council would welcome a greater proportion, which is understood to be in line with CNPA policy. In addition, there should be no difference in appearance between the affordable and other houses.
39. Concern is raised that there are no play areas for children shown in the site plan. It should be noted that the site is a considerable distance away from such amenities in the village. In addition the builder does not propose any, or contribute to any, additional

village amenities for the consequent increase in village population. It is noted that the community have been endeavouring to for some time to create a sports field close to the village centre.

40. Questions are raised as to what building/design techniques will be used that are environmentally friendly and that site landscaping should be carried out early in the development otherwise the construction site will be an eyesore to anyone entering the village from the south.
41. The site layout should not prejudice the required new access road to Station Road Industrial Estate. The Community Council would like to be involved in naming of roads.
 - Newtonmore Community Woodland and Development Trust note that the amended proposal retains the planted area outwith the proposal. It is hoped that the trees shown to be planted by the developer will indeed be planted to ensure amenity. The Planning Authority should bear in mind that the track along the southern boundary of the site is an Old Coffin Road. Concern is raised about the intensity of the development and that only 20 affordable houses would be provided. Concerns from individual objectors are set out below (copies of all letters at back of report).
 - Intensity of development by comparison with neighbouring sites
 - Concerns about proposed access onto Station Road
 - Concerns about visibility from Station Road/Perth Road junction
 - Alternative safer and less disruptive access proposed by 1997 Local Plan
 - Concerns about noise conflicts between grill/truck park and proposed houses
 - Development to high a density at village edge
 - Number of affordable units at 20 regrettably small proportion
 - CNPA indicates whole development area for 120 units this application places 81 on less than half the site
 - Size and type of development inappropriate for community
 - Proposal to improve junction of Station Road and Perth Road but whole of Station Road should be improved
 - Recognition that area planted by Newtonmore Community Woodland & Development Tust has been conceded
 - Most houses will be bought by people outside of the community
 - **The latest version of the scheme has attracted one letter of objection which is attached at the back of the report. This raises issues with regard to pavement provision on south side of Station Road; improvement to exit from Station Road; provision of planning**

gain to the community; alterations to walls and fences along Station Road and; account taken of access to the garden of Spey Valley Lodge. Widening of a section of Station Road is also suggested.

- Newtonmore and Vicinity Community Council has noted that there is no revision to quantity or type of houses; play area is too small; extent of feature fencing not defined; the revised road layout found to be generally acceptable.

APPRAISAL

42. As with all planning applications the key starting point is the development plan in the form of the Highland Structure Plan and the Badenoch and Strathspey Local Plan. A key determinant of development proposals is also their performance in terms of the aims of the National Park as embodied in the National Park Plan. Consideration is also given to the detailed layout and design of the site and associated technical issues.

Assessment Against Development Plan Policy

43. The Highland Structure Plan includes a range of policies that are generic to the area including policies relating to the provision of housing as well as a range of environmental factors. The key starting point is the Badenoch and Strathspey Local Plan which provides detailed direction with regard to Newtonmore.
44. The site of this application is part of a wider development plan allocation for housing and tourism uses which is indicated in the development plan context section of the report (see fig 12). There is also an expectation contained within the Local Plan that the Local Planning Authority would prepare a development brief for the site, but in over 10 years this has not happened. The south west of Newtonmore has long been identified as the best direction of growth for the village and land was identified in part to stem a trend toward inappropriate infill within the village.
45. The southern part of the site is also identified as a commercial area in the Badenoch Local Plan. This site as is the case with the housing allocation has never been taken up since the publication of the plan in 1997.
46. The upper section of the site proposed for housing is part of a larger allocation for housing to the south including links to the Station Road industrial area. The whole area is shown as potentially accommodating 65 houses. This clearly means that the proposed

development at 81 housing units is at a much higher density than anticipated by the Local Plan.

47. As mentioned the application site as part of the larger allocation in the Local Plan should be subject to a development brief. The idea of this has been carried over into the CNPA Draft Local Plan. However, it must be recognised that after 10 years and the removal of Scottish Water constraints it would appear unreasonable not to consider the proposal because of the lack of a development brief when this is not in the control of the developer proposing the scheme. Constraints have hindered the delivery of affordable housing in the village. I do not think that the site should be subject to what could be a considerable further delay in awaiting the preparation of a development brief.
48. The southern section of the site taken up by this proposal is identified as an area for a hotel or self catering accommodation or ski related enterprises and facilities. Proposals for such facilities have not come forward in the years that the plan has been in place and to some extent the mention of skiing related enterprises was perhaps linked to the development of the Dalwhinnie Corries. This included skiing facilities and a gondola terminal which is mentioned under the Dalwhinnie section of the plan. Circumstances with regard to this have clearly changed and it would seem extremely unlikely that ski enterprise development would come forward at this site. In addition, and while not carrying any significant weight it is worthy to note that the CNPA plan allocates this area for housing and this change has received little objection. I am of the view that circumstances have changed to such an extent that that it is quite reasonable to consider housing on the lower part of the site within the commercial allocation as well as on the section allocated for housing nearest the village. The latest version of the scheme has not raised any objections regarding this particular issue.
49. The density of the development proposed has been an issue of concern for the Community Council and still is from their latest response. The Local Plan allocation shows a much larger area approaching 5.2ha as accommodating 65 houses. This current scheme proposes 81 units on an area of 3.9ha. As with my previous report, in my view, the current allocation proposes a very low density approach which does not comply with more recent government planning guidance on housing which considers that the efficient use of land is an important planning aim. Also, it is reasonable to anticipate that at the time of the allocation the general density being put forward would have been based upon groups of large plots hosting larger detached houses. This is a form of development that has resulted from previous Local Plan allocations in the area.

This approach tends to foster little variety in the density, layout and size of housing proposed. It should be noted that the housing being offered by this application is a combination of 2 and 3 bedroom units including flatted units. In my view this is a much more sustainable approach to density and mix of housing that would be more likely to help local people onto the housing ladder than a low density approach. In summary, the increase in numbers is enabled as a result of the proposal using smaller houses. Such an approach would assist in retaining village services and the semi detached, flatted and terraced forms of development would be more efficient in terms of energy consumption. Consequently, I am generally content with the density and mix of housing proposed and am of the view that the proposal would contribute strongly to objective 5.2.4 of the National Park Plan which seeks to ensure greater access to good quality affordable housing.

Affordable Housing

50. Highland Council Development Plan Policy Guidelines as a maximum figure expect 25% affordable on all new housing developments of over 10 dwellings. A total of 20 units are proposed here. The CNPA Housing Policy Officer notes that there have been no new housing association properties in Newtonmore for a number of years. There are 12 properties for rent and 8 low cost home ownership. This combination is considered an acceptable option. Of concern on the original layout was the fact that the affordable housing was grouped in a single area of the development. Negotiations have taken place with the developer and the affordable has been broken down into two areas. Highland Council's Housing Officer has noted that following the negotiated amendments which have integrated the affordable with the private housing support is given to this application that will deliver affordable housing in an area of housing stress. The design of the affordable housing is similar to that of the private housing and utilises the same materials. In the case of the flats the affordable design is identical to the private and in one instance in the same building as the private.
51. I am of the view that the affordable housing formally offered here is appropriate to the policy and the development. However, given increasing concerns about affordable housing and in particular earlier requests from the Community Council seeking a higher percentage of affordable I have been in talks with the developer regarding a local marketing initiative similar to the approach that was used with the last 7 houses on the Lochan Mor development in Aviemore. As with the method used in Aviemore this would be a voluntary approach by the developer as there is no policy to

support enforcing such a planning requirement. However, the developer has agreed in principle to such an initiative. Such an initiative at this site where there is a significant mix of smaller houses could be very beneficial in assisting local people into the housing market. The exact number is yet to be agreed. However, I am seeking a commitment by planning condition that not less than 20 units are marketed in this way.

52. I am of the view that the combination of the formal affordable element together with the local marketing initiative and beyond that that the houses themselves are more modest than many built in the area in recent times will provide an opportunity for local people to access the housing being proposed.

Layout and Design

53. The original layout utilised a single access to the development from Perth Road. This meant that the layout relied heavily upon a number of cul-de-sacs and did not comply with the Local Plan requirement to introduce a distributor road to provide an alternative route to the commercial area. The second version of the layout included an access from the development onto Station Road which resulted in considerable concerns from local residents and Community Council. This has now been removed from the proposal in favour of two pedestrian accesses onto Station Road (see fig 8).
54. Members at the previous planning committee raised concerns about the road line not really being adequate to take heavy traffic through to the Station Road area if the land to the east was developed in the future. This has resulted in the current scheme including an access road along the southern boundary of the site which would effectively provide the potential to route traffic through to the industrial area without actually going through the centre of the proposed housing development. This is also more in line with the original aspirations of the Local Plan to, over time, provide an alternative route to Station Road.
55. The approach set out above still allows a street layout to effectively flow through the development from Station Road to Perth Road. Importantly this also provides a pedestrian link with open space to the north of Station Road. The idea being that pedestrian access is now available from this space, through the development with an access onto the old coffin road. The houses within the development are laid out generally in the form of a number of

squares that will incorporate brick paviors in a home zone approach placing an emphasis upon pedestrians rather than cars

56. The houses are generally arranged along the road that flows through the development to create a street rather than a number of smaller cul-de-sacs. One consequence of this is that the houses largely turn their backs on both Station Road and Perth Road. The earlier proposal did have some houses facing onto the road but they were divided from Perth Road by their own driveways. The intention is that a landscaping belt would be provided along Perth road to 'green-up' the entrance to the village. The approach of providing this belt of landscaping is in accordance with the expectations of the Local Plan which indicates a belt of planting and it is reminiscent of the existing character of the area. However, I am of the view that the development should make a greater contribution to the existing street scenes at both entrances to the development. I had previously recommended that the two houses at the entrance to the development be orientated towards the main road to improve the overall entrance to the site. However, the layout overall has now mitigated against this. Despite this and the difficulties that the development cannot have front elevations both facing Perth Road and into the respective courtyards it is important that the development presents an appropriate frontage to Perth Road. A range of fencing and wall types have been illustrated on the layout drawing. However, I am recommending that rather than the walls and fencing types shown on the drawing that considerable elements of dry stone dyking are used on the Perth road side of the development, particularly adjacent to the entrance and the junction of Perth Road and Station Road. A condition is used to ensure that this is provided.
57. The second layout allowed for the augmentation of an existing corner of landscaping to the south of the site to assist in providing a green approach to Newtonmore and enhance the setting at the start of the old coffin road. Given the combination of the landscaping belt and the road at the southern end of the development there is now a minimum of 40 metres between the southern boundary of the site and where development actually starts this should create a softer, set back southern end to the development when viewed by motorists entering the village from the south. Newtonmore Community Council has raised concern directly with me that landscaping should be implemented in advance of the development. The normal landscaping condition has been amended to reflect this. Concern was raised that the developer may want to position large advertising signs on the main road. An advice note at the end of this report points out the requirement for planning permission.

58. The detailed layout of the houses is generally orientated towards the roads and squares from which they gain access. In the majority of cases driveways are designed that lead to garages that are set at the back of the plot this makes sure that frontages are not dominated by garage buildings but the depth of the driveways ensure that the fronts of the buildings can remain relatively free from car parking. The site in one sense is isolated on three sides by roads and a track. The eastern boundary backs onto mature gardens. There are no real concerns about the development and neighbouring overlooking/loss of light because of this.
59. The buildings themselves are generally one and a half and full two storey of relatively simple designs with pitched roofs with a small number of single storey houses. The overall forms are traditional in nature with square or rectangular footprints and window and door openings have consistent proportions and are generally symmetrical. Materials include render walls with tile roofs. However, more contemporary materials are introduced in the form of significant elements of vertical timber and glazed corners to some houses. Overall, I am content with the designs of the houses proposed which echo designs that have been approved on other sites within the Strath.

Planning Contributions

60. While there is no formal planning gain policy within the Badenoch and Strathspey Local Plan the addition of the dwellings proposed will have some impact upon facilities within the village. In one sense the addition of more dwellings should strengthen commercial facilities and services within the village. However, there will be impacts such as increased demand on recreation facilities that are not in place currently. I have had brief discussion with a Community Council representative who has mentioned three potential projects that the development could reasonably contribute to. One includes plans for a statue of a shinty player within the village. The development helping with such a project would strike a strong resonance with the cultural heritage aim of the Park. The second project would relate to sports field provision. A site just to the north of this development site is mentioned in the Badenoch and Strathspey Local Plan as open/amenity space. Thirdly, mention has been made of the need to repair the village hall roof.
61. Any planning contribution would in part be voluntary from the developer, although the Highland Structure Plan contains a generic policy with regard to community contributions. However, with regard to contributions to any sports pitch it should be noted that

the number of dwellings being provided (over 76) would trigger a requirement for an informal kick about pitch. This could be required on site but in practical terms this may hinder provision of housing on the site given the elongated shape of the development. In any case, the site to the north across Station Road is much better placed for the existing community but is also immediately adjacent to the development site. Negotiations would have to take place regarding the exact amounts and mechanisms for such a contribution this may be limited given current economic conditions it may also require a Section 75 Planning Agreement. A facility would also have to be in place to ensure that any contributions were returned to the developer if not used by the community for the agreed projects linked to the development within a certain time frame. Despite the potential difficulties regarding a contribution the development is in a key position to make some contribution to community needs so my final recommendation at the end of the report is subject to this. Some concern has been raised by Highland Education Authority regarding potential pressure on Kingussie Secondary School but no specific requests have been put forward despite the authority being consulted a number of times.

Technical Issues

62. Concerns have been raised by residents with regard to Station Road in particular and the existing traffic problems and danger of introducing more traffic onto this road from the development. This had been at the request of the Area Roads Manager. However, because of concerns of residents and members of the Planning Committee this element has been deleted from the proposal and there are now just two pedestrian accesses from the development site onto Station Road. The position for the main estate road access is unchanged. The developer is still willing to make improvements to the junction of Perth Road and Station Road to improve visibility. While this may not meet the standard requirements it will be an improvement over and above the existing situation. A pavement along the south side of Station Road is also proposed.
63. One of the key requirements of the Plan is that the new development effectively provides an alternative distributor route to the Station Road industrial area and potential further areas to be developed. This latest layout of the proposal now includes an alternative access at the southern end of the site that could provide adequate access to Station Road industrial area when land to the east of this site is developed. The Area Roads Manager has requested that a gateway feature be provided as part of the development. This had not been requested as part of the earlier applications but there would appear to be room for such a feature

in the south west corner of the site. Consequently, a condition is recommended that a gateway feature is produced in consultation with the Community Council.

64. The last time the application was some mention was made in the representations with regard to flooding. SEPA had been consulted upon this issue some time ago and have still not provided any definitive answer. However, SEPA has pointed out that the allocation of the site for the CNPA Local Plan has been considered and no objection was raised about the allocation. The recommendation is subject final confirmation from SEPA that there is no flood risk. Secondary treatment for run-off from roads has also been indicated on plan and a revised drainage statement submitted in line with SEPA's earlier request. Any updated response from SEPA will be provided at the meeting.

Conclusion

65. Overall, the development proposal is considered appropriate. While it does not comply with some elements of the Badenoch and Strathspey Local Plan I am of the view that these elements have effectively been overtaken by circumstance and more up to date guidance with regard to housing. The scheme now contributes a number of roads and footway improvements and has addressed concerns raised by members of the Planning Committee at the earlier meeting. The proposal is considered to provide a mix of housing that should give local people of reasonable chance of accessing good quality housing whether through the formal affordable quota, the local marketing initiative or the open market housing.

Conserve and Enhance the Natural and Cultural Heritage of the Area

66. The site is of relatively low natural heritage value and is grazed regularly. There are no trees on the site apart from those on the south western corner which will be strengthened by the addition of the landscape buffer along the length of the southern boundary. There is still significant opportunity for tree planting within the development both on the Perth Road frontage and through the spine of the development.
67. In cultural heritage terms the site is of a higher built density than those surrounding. However, there are a range of houses and densities within and around the village and the main reason for the higher number on this site is the inclusion of smaller properties including flats, terraced and semi detached houses.

Promote Sustainable Use of Natural Resources

68. The development is part of a planned approach contained within the Badenoch and Strathspey Local Plan. An increase in housing in the area will help to support existing and foster further village services. The site promotes links with the existing village and is accessible from the railway station.
69. In terms of the development itself a sustainable construction statement has been submitted which confirms the emphasis on use of locally manufactured materials and energy efficient heating. A planning condition is used to ensure that the development is constructed in line with the statements actually made.

Promote Understanding and Enjoyment

70. The proposal has little relevance to this aim. However, the revised scheme allows a path link into the existing coffin road track at the southern end of the development.

Promote Sustainable Economic and Social Development

71. The proposal performs well under this aim in delivering housing. A total of 20 properties are proposed as affordable in the formal sense. However, going beyond this a local marketing initiative is proposed that is similar to one used before. The fact that there is a good mix of housing types (including smaller one's) means that in combination with the local marketing initiative this scheme should provide a good opportunity for people to access the local housing market.
72. The proposal can also provide an opportunity for planning contributions to community projects such as a village statue and help towards a sports pitch for the wider village as well as those living at the new development.

RECOMMENDATION

73. That Members of the Planning Committee support a recommendation to **GRANT** Full Planning Permission for the erection of 81 houses/flats on land between Perth Road and Station Road, Newtonmore subject to the following:

- A. Planning Contribution towards community facilities, potentially via a Section 75 Planning Agreement;**
- B. Confirmation that SEPA has no objection to this proposal on flood risk grounds.**
- C. The following planning conditions:**

1. The development to which this permission relates must be begun within five years from the date of this permission.
2. The development shall be carried out in phases and no phase shall be commenced until the previous phase has been completed to an extent acceptable to the CNPA acting as Planning Authority. Prior to the commencement of development a detailed phasing plan shall be submitted for the agreement and written approval of the CNPA as Planning Authority.
3. Notwithstanding housing mentioned by condition No 4 (below) minimum of 20 of the private housing units hereby approved shall be marketed on a priority purchase basis at a fixed price to be determined by the Developer for a period of two months from the date of first sales release to people ordinarily resident or working within the Cairngorms National Park unless otherwise agreed. Prior to the date of first sales release evidence shall be submitted to and approved by the CNPA indicating how the offer will be advertised locally. After the two months on this priority purchase basis sales can revert to the open market. After the last house covered by this condition has been occupied information shall be submitted to the CNPA to indicate the origin of the purchasers.
4. Affordable housing as indicated on the key of site layout plan Drwg No 3295-021 Rev D shall be provided and retained as affordable housing units in perpetuity. The units shall be completed as one contract and shall be built in the first phase of the overall development, unless otherwise agreed in writing by the Cairngorms National Park Authority acting as Planning Authority. Prior to the commencement of development and within three months of the granting of this planning permission, evidence of a contract between all relevant parties for the provision of and future maintenance of the affordable housing element on the site, shall be submitted for the written agreement of the CNPA acting as Planning Authority.
5. Prior to the commencement of development a detailed drainage design showing levels of treatment illustrated in the submitted drainage assessment shall be submitted to and approved by the CNPA acting in consultation with SEPA

6. The final SUDS scheme for any individual phase of development shall be implemented and operational prior to the occupation of any development in that phase and all SUDS measures shall be maintained in perpetuity in accordance with this.
7. Prior to the commencement of development a detailed construction method statement shall be submitted for the agreement of the Cairngorms National Park Authority acting as Planning Authority, in consultation with SEPA, and must be implemented in full during works on site. The method statement must address the following –
 - Timing of works – works should be undertaken to avoid periods of high rainfall;
 - Fuel or chemicals – measures to ensure any fuel / chemicals from plant does not cause pollution;
 - Landscaping works – planting should be undertaken to minimise run off;
 - Waste – all waste streams, and estimated quantities thereof, associated with the works should be identified and measures to minimise waste production identified.
 - Existing and proposed site levels including any spoil storage areas.
8. Prior to the first occupation of phases of the scheme with relevant requirements/works listed in the following paragraphs (9-27) the works/requirements shall be completed and approved by the Cairngorms National Park Authority acting as Planning Authority in consultation with Highland Council's Area Roads Manager prior to the first occupation of the dwellings in that phase unless otherwise agreed.
9. Station Road shall be realigned and upgraded to the satisfaction of the CNPA acting as planning authority in consultation with the Roads Authority from its junction with the B9150 public for a distance of at least 85 metres to the first private spur road opposite Plot No 15. The carriageway over this length shall be at least 5.5 metres wide and corner radii at the junction of the B9150 shall be 10 metres. Timing of works to be agreed by CNPA in consultation with Area Roads Manager.
10. The northern access connecting to the B9150 shall have a minimum carriageway width of 5.5 metres and a minimum corner radii of 10 metres.

11. The southern access connecting to the B9150 shall have a minimum carriageway width of 6.0 metres and a corner radii of 10 metres.
12. A two metres wide footway designed and constructed in compliance with the requirements of Highland Council Guidelines shall be provided along both the Station Road and B9150 frontages of the site.
13. All properties shall be free from a 1 in 200 years flood event.
14. Drainage measures to ensure that the post development run-off for a 1 in 25 years flood event shall be attenuated to the level of the corresponding pre development run off for a 1 in 2 years flood event. A 1 in 200 year's flood event shall be safely contained within, or be routed through the site without causing flood risk to properties up stream or down stream of the development.
15. Where the finished level of any new road is higher than the existing ground level, house and plot levels adjacent to the road shall be such that no ponding will occur within the layout.
16. Visibility splays shall be provided and maintained on each side of each road junction. These splays are the triangles of ground bounded by the first x metres along the centreline of the minor road (the x dimension) and the nearside edge of the main road (the y dimension) measured in either direction from the intersection with the access road.
17. Visibility splays shall be provided and maintained at each junction with the B9150 public road in accordance with the requirements of the Highland Council Area Roads Manager.
18. Visibility of at least 4.5 x 30 metres shall be provided and maintained at all internal road junctions.
19. Visibility of at least 2.5 x 30 metres shall be provided and maintained at all individual house accesses.
20. Within the visibility splays nothing shall obscure visibility between a driver's eye height of 1.0 metres positioned at the x dimension and an object height of 1.0 metre anywhere along the y dimension.

21. Where provided within each curtilage parking shall include 2 No spaces per dwelling.
22. Where provided, communal parking shall be provided at a rate of at least 1.5 spaces per dwelling.
23. The access to each plot shall be hard surfaced for a distance of at least 6 metres from the rear edge of the adjacent hard edge strip, verge or footway as appropriate.
24. Suitable refuse bin collection points shall be established throughout the site to the satisfaction of the CNPA acting as planning authority in consultation with the Roads Authority.
25. A suitable management and maintenance agreement shall be established in respect of any play areas, hard or soft landscaped areas, roads, footpaths / cycle links that are not adopted by Highland Council. Details of and evidence of the maintenance agreement shall be submitted for the written agreement of the Cairngorms National Park Authority acting as Planning Authority in consultation with Highland Council prior to the commencement of development.
26. The name of the housing development shall reflect the character, tradition and natural and cultural heritage of the area and shall be agreed in writing with the CNPA as Planning Authority in consultation with Newtonmore Community Council prior to the commencement of development. Directional house number / name plaques in a durable, sustainable material shall be placed at each road junction within the development.
27. All public services for the development, including electrical, cable television and telephone cables, shall be located underground throughout the site. All such services shall avoid all trees and tree root systems. All such work shall be carried out prior to road surfacing and junction boxes shall be provided by the developer.
28. The development shall be landscaped and maintained in accordance with a scheme which shall be submitted to and approved by the CNPA acting as Planning Authority before development commences. The scheme shall include indications of all existing trees and landscaped areas on the land, and details of any to be retained, together with measures for their protection in the course of the development and shall indicate the siting, numbers, species and heights (at the time of planting)

of all trees, shrubs and hedges to be planted and to the extent of any areas of earthmounding, and shall ensure:-

- (a) Completion of the scheme during the planting season next following the completion of the development. However, the southern and western boundaries of the development shall be landscaped in advance of work commencing on the approved development unless otherwise agreed.
 - (b) The maintenance of the landscaped areas in perpetuity in accordance with the detailed maintenance schedule/table. Any trees or shrubs removed, or which in the opinion of the CNPA acting as Planning Authority, are dying, being severely damaged or becoming seriously diseased within three years of planting, shall be replaced by trees or shrubs of similar size and species to those originally required to be planted.
29. Front gardens shall be maintained in an open plan format in perpetuity. Prior to the commencement of development details of all boundary treatments on the side and rear boundaries of individual plots shall be submitted for the agreement of the Cairngorms National Park Authority acting as Planning Authority.
 30. Notwithstanding the details supplied samples of all external finishing material (including boundary feature materials) to be submitted for approval of CNPA acting as planning authority and the development to be constructed in accordance with agreed materials.
 31. Development on site shall be in accordance with the submitted Sustainable Design Statement unless otherwise agreed.
 32. Prior to the commencement of the development on site an assessment shall be made of the site for potential land contamination in accordance with Planning Advice Note 33 and BS10175:2001. Any contamination found on the site shall be dealt with in accordance with the aforementioned guidance and to the satisfaction of the Planning Authority in consultation with Highland Council Scientific Officers. Any scheme for dealing with contamination shall be completed to the satisfaction of the Planning Authority in consultation with Highland Council Scientific Officers prior to the occupation of houses.
 33. Prior to the commencement of development, a programme of archaeological work for the preservation and recording of any archaeological features affected by the proposed development, including a timetable for investigation, all in accordance with the attached specification, shall be submitted to and require the approval in writing of the CNPA acting as

planning authority. All arrangements thereby approved shall be implemented by the developer at his expense in accordance with the approved timetable for investigation.

34. All construction traffic is to enter the site from the Perth Road.
35. Notwithstanding the details contained within the application an additional children's play area shall be provided on the site in an area and at a time to be agreed by the CNPA acting as planning authority.
36. An entrance gateway feature shall be provided in the south west corner of the site details and timing of which to be agreed by the CNPA in consultation with the Community Council and Highland Council Area Roads Manager.

ADVICE NOTE

Please note that this planning approval does not grant permission for any development advertising boards at the site which may require to be the subject of a separate application.

Andrew Tait

Date 28 January 2009

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