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# CAIRNGORMS NATIONAL PARK AUTHORITY

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

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

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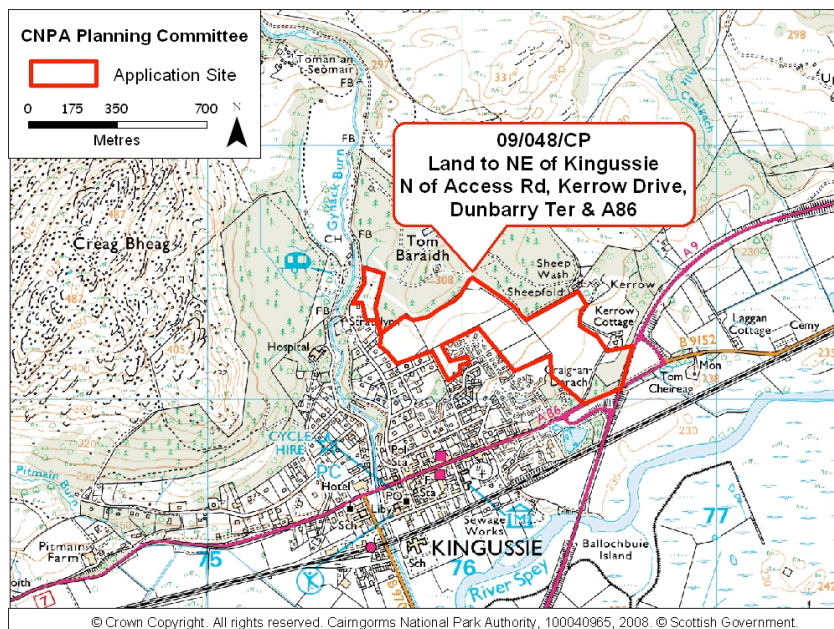
**DEVELOPMENT PROPOSED: MASTERPLAN FOR PHASED DEVELOPMENT OF UP TO 300 HOUSES; ECONOMIC DEVELOPMENT USES; COMMUNITY USES INCLUDING INFRASTRUCTURE, LANDSCAPING ETC**  
**AMENDED CONDITIONS**

**REFERENCE: 09/048/CP**

**APPLICANT: DAVALL DEVELOPMENTS LTD**

**DATE CALLED-IN: 6 MARCH 2009**

**RECOMMENDATION: AGREE PROPOSED AMENDMENTS TO CONDITIONS**



**Fig. I - Location Plan**

## PURPOSE OF REPORT

1. The purpose of this report is to allow members to consider a request by the applicant to amend 3 planning conditions that were agreed as part of the resolution to approve the above application on 30 April.

## APPRAISAL

2. This section of the report will consider each condition that has been requested for amendment. This is followed by a brief analysis on each request and an amended condition.

### Condition No 6

3. Affordable housing in each phase shall be completed and capable of occupation prior to the commencement of development on any subsequent phase, unless otherwise agreed in writing by the CNPA acting as Planning Authority.

### Request for amendment:

4. The applicant has concerns that if there is considerable delay on third parties securing funding for the delivery of affordable housing, through no fault of their own the way in which the condition is worded could potentially stifle the open market housing in subsequent phases.
5. The objective of the planning condition is to ensure that affordable housing is provided in a timeous manner and not left to the last part of the development. The situation regarding affordable housing has changed significantly in recent times and the Section 75 Agreement that has to be prepared covers the delivery of affordable housing in as flexible a way as possible. Some affordable housing may need to be provided by means other than the normal route of a registered social landlord. Given the flexibility that is required it is recommended that the condition is re-worded as follows:

### Amended Condition No 6

6. **The nature and delivery of affordable housing for each phase shall be agreed before the commencement of that particular phase and be delivered in accordance with that agreement unless otherwise agreed in writing by the CNPA acting as planning authority.**

Reason: To ensure timeous provision of affordable housing in line with current policies.

### Condition No 7

7. The development shall be carried out in phases to be agreed under condition No 1. No phase shall be commenced until the previous phase (including landscaping) has been completed to an extent acceptable to the CNPA acting as Planning Authority, unless otherwise agreed.

**Request for amendment:**

8. Similar concerns are expressed as above at Condition 6. However, one particular point is that the developer would be likely to sell some plots to small builders and/or self build. This could result in a situation where smaller builders may not complete on a particular phase of development thereby restricting the opening up of following phases.
9. The potential for plots to be sold to smaller builders and/or self builders in the area is viewed positively and is part of the solution for providing housing for local people. Consequently, there is a need for some flexibility in the condition. It is clear that a balance has to be struck between ensuring that the CNPA has some control over the end of each phase to prevent the potential for large elements of the development across a number of phases being in an unfinished state while ensuring that there is an opportunity for smaller builders. To address this it is recommended that the condition and reason is worded as follows:

**Amended Condition No 7**

10. **The development shall be carried out in phases to be agreed under condition No 1. No phase shall be commenced until the previous phase (including landscaping) has been completed to an extent acceptable to the CNPA acting as Planning Authority, unless otherwise agreed where the previous phase is in separate ownership, and has not been completed for reasons outwith the control of the party seeking to commence the next phase.**

Reason: To ensure that each phase of development is landscaped to a satisfactory standard while allowing flexibility for small/self builds and affordable housing providers to develop parts of the site.

**Condition 10**

11. The proposed means of access to the trunk road shall be constructed to a layout and type generally indicated on Waterham Boreham drawing S/208602/08 Rev A dated 26 May 2009 to be approved by the CNPA acting as planning authority after consultation with Transport Scotland, A plan for the closure of the existing General Wade's Military Road access with the A86 (T) shall be submitted to and approved in writing by the CNPA and the access closed off before any development is commenced.

**Request for amendment:**

12. The applicant considers it unreasonable to request the closure of the existing access before any development commences because it is used as an existing access to residential properties and Kerrow Farm.
13. The applicant suggests that this condition is re-worded to say that the access should be closed before the commencement of any housing development at the site. The condition was worded as per the request of Transport Scotland. However, it is unworkable so the condition is amended as set out below:

**Amended Condition No 10**

14. The proposed means of access to the trunk road shall be constructed to a layout and type generally indicated on Waterham Boreham drawing S/208602/08 Rev A dated 26 May 2009 to be approved by the CNPA acting as planning authority after consultation with Transport Scotland, A plan for the closure of the existing General Wade's Military Road access with the A86 (T) shall be submitted to and approved in writing by the CNPA and the access closed off before any housing development is commenced in this phase of the site.

Reason: To ensure that the standard of access layout complies with current standards and that the safety of the traffic on the trunk road is not diminished.

**RECOMMENDATION**

15. That Members of the Planning Committee resolve to **AMEND PLANNING CONDITIONS** for Outline Planning Permission (09/048/CP) for phased development of up to 300 houses; economic development uses; community uses including infrastructure and landscaping as set out in this report.

**Andrew Tait** – 29 July 2010  
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