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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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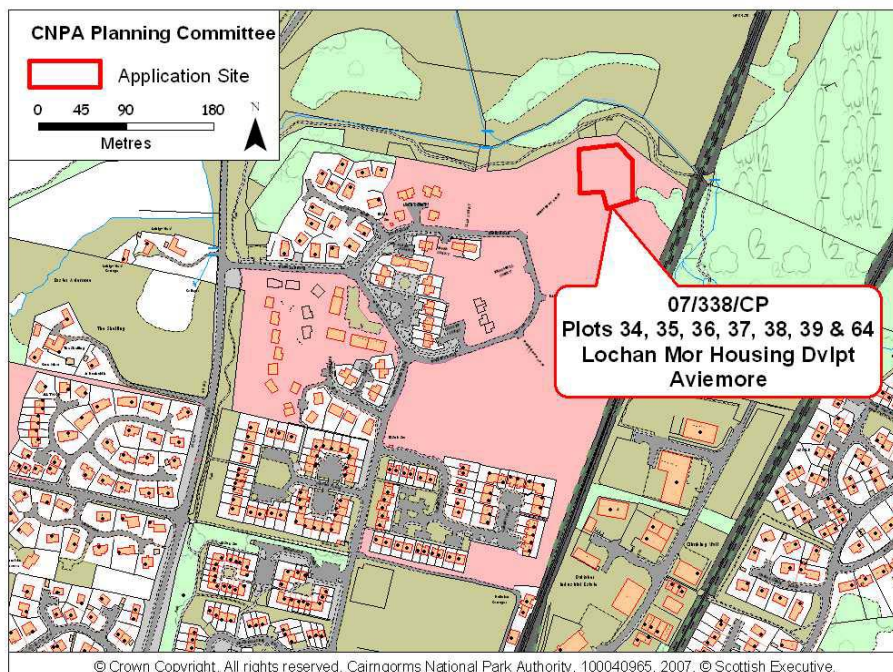
**DEVELOPMENT PROPOSED: ERECTION OF 7 HOUSES, PLOTS AT  
LOCHAN MOR HOUSING  
DEVELOPMENT, AVIEMORE**

**REFERENCE: 07/338/CP**

**APPLICANT: ROBERTSON HOMES**

**DATE CALLED-IN: 7 September 2007**

**RECOMMENDATION: APPROVAL**



**Fig. 1 - Location Plan**

## SITE DESCRIPTION AND PROPOSAL

1. This site incorporates plots 34-39 and plot 64 in the north east corner of the Lochan Mor housing development site at Aviemore North. The plots are essentially at the ends of Johnstone and Barclay Roads (see figs 1, 2, 3 & 4). The remainder of the development is moving towards completion and groundworks on the sites of these plots have been carried out and a road could be put in as part of the existing permission for the site. The ground around the site is generally open although some landscape planting has already been carried out. Several trees on the site are to be retained. The Aviemore Orbital path traverses around the edge of the site but is unaffected by the development. Footpath links from the end of Johnstone and Barclay Roads would be provided directly onto the orbital path. The plots are arranged in a standard manner facing onto the street. A planting plan for the section of land between the edge of the plots and the Aviemore Orbital footpath has been provided showing the footpath linkages from this edge of the site together with a significant amount of new planting of native species.
2. The overall and founding permission on the site was granted by the CNPA in 2005 and included 142 houses, 56 flats and 10 self-build plots. The overall split in terms of private/affordable was 98 private units with 100 affordable units. A road serving and layout of basic services to the 10 plots was covered by the 2005 permission, the idea being that the plots would be taken up in private ownership by self builders. The general layout of the estate and the design of the houses have proved so popular that the applicants are seeking to build out in full seven of the plots using house designs that have been used elsewhere on the development site (see figs 5 & 6). Part of the reason is that the development is being put forward for a design award and the developers want to maintain a cohesive approach in terms of house design. Three plots have been given over to Albyn Housing which would represent a final element of the affordable provision on site. Proposals for these 3 plots will be forthcoming in the near future.



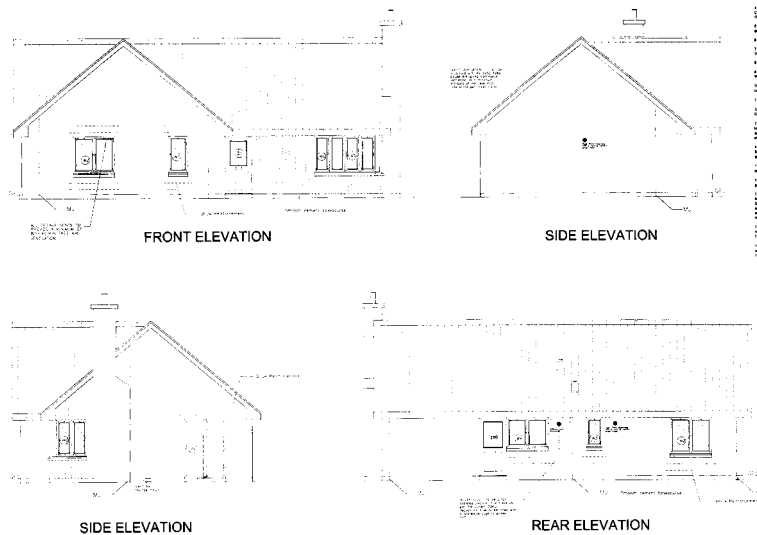
**Fig 2. Entrance road to plots 34-39**



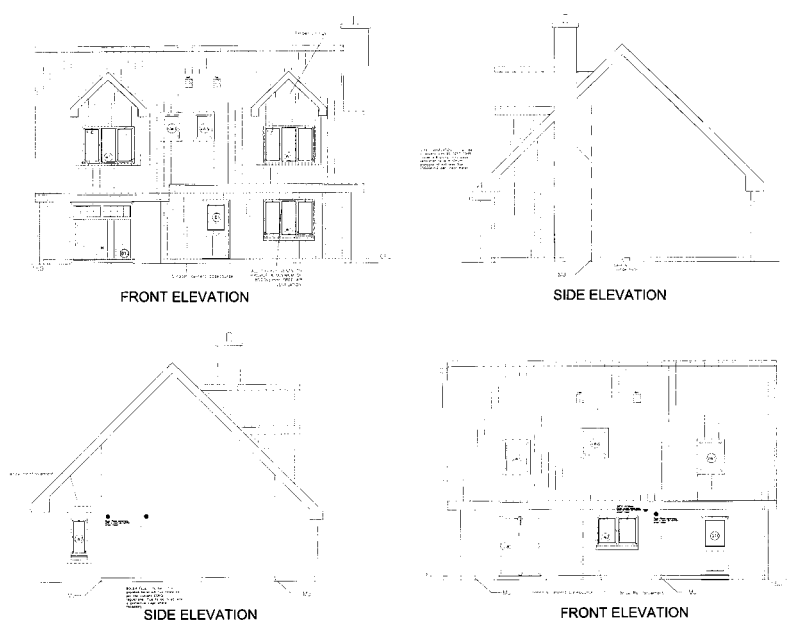
**Fig 3. Entrance to plot 64 and three Albyn Housing Society plots**



**Fig 4. Looking south over application site from Aviemore Orbital Path**



**Fig 5. 3-bedroom house type**



**Fig 6. Four bedroom house type**

## DEVELOPMENT PLAN CONTEXT

### National Guidance

3. **Scottish Planning Policy 3 (SPP3) Planning for Housing** notes that new housing should make a positive contribution to the built and rural environment and that new housing should be easily accessible by public transport and well integrated into walking and cycling networks. Para 18 of the guidance notes that new housing development should not be located on open space which contributes to local needs and community enjoyment. Para 38 notes that plans and proposals for residential development, should seek to minimise adverse effects on natural heritage, including landscape character and bio diversity. The

guidance notes that meeting housing requirements through extensions to existing towns and villages can help to sustain local schools, shops and services.

### **Highland Structure Plan**

4. **Policy G2 ‘Design for Sustainability’** takes into account a range of detailed criteria including a proposals compatibility with cycling and walking and public transport, landscape, scenery, habitats, freshwater systems, cultural heritage and air quality and the siting and design of buildings in a manner appropriate to existing character and the historic environment. Developments which are judged to be significantly detrimental in terms of the above criteria will not be permitted.
5. **The Highland Structure Plan 2001** 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.”
6. **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.
7. **Policy H5 Affordable Housing** notes that where there is a demonstrable need for affordable housing mechanisms will be used to secure developer contribution where justified.

### **Badenoch and Strathspey Local Plan**

8. In terms of the Local Plan the site forms part of the **Aviemore North Development Area** (total area 14 hectares). The requirements of the development brief include a distributor road from Dalfaber Road to the B9152 re-alignment of the village approach and community open space planting provisions. **Point 6.33 of the Local Plan** requires land for playing fields and formal open space provision. Costs of provision and future maintenance of this space would have to be secured by a Section 75 Agreement.

9. Point 6.1.2 (a) of the Local Plan identifies the whole of the Aviemore North development area as having capacity for a total of 300 houses. **Point 6.3.3 of the Plan** considers that 1.4ha of land at Aviemore North will be reserved for playing fields and associated formal open space.
10. **The Aviemore North Development Brief** sets down a range of detailed criteria relating to the development of the site with requirements for a landscape matrix to influence the clusters of housing, an emphasis on traditional finishes, a distributor road between the B9152 and Dalfaber Drive and 1.4 ha of land for open space facilities. There is no specific allocation of numbers of housing units for this particular site on its own as part of the larger housing site.

### **Cairngorms National Park Plan 2007**

11. The **Cairngorms National Park Plan** sets out the strategic objectives for the Park under three headings, all of which are of relevance to the development proposal – (i) conserving and enhancing the Park; (ii) living and working in the Park; and (iii) enjoying and understanding the Park. In relation to conserving and enhancing the Park the objectives set out in the Plan include maintaining and enhancing the distinctive landscapes across the Park and ensuring that development complements and enhances the landscape character of the Park. The Plan also requires that new development in settlements and in surrounding areas should complement and enhance the character, pattern and local identity of the built and historic environment. In elaborating on this particular objective it is advised that new development should enhance the local identity, quality of public space and surrounding environment and that high quality design should be a feature of all new developments.
12. Under the heading of **Living and Working in the Park**, the Park Plan includes a specific section on Housing. Objectives include increasing the accessibility of rented and owned housing to meet the needs of communities throughout the Park and ensuring that there is effective land and investment for market and affordable housing to meet the economic and social needs of communities throughout the Park.

### **CONSULTATIONS**

13. Few consultations have been carried out given that all infrastructure issues were considered and found acceptable under the previous permission for the plots themselves.
14. **Highland Council Area Roads Manager** requests that conditions applied to the overall scheme are replicated for this consent.

15. **Highland Council Planning** has raised concerns that the application proposes the building out of plots when they were originally earmarked as private self-build plots. This was in part a measure to reduce the pressure for self build plots in open countryside where planning restrictions apply. While understanding that the developer wants to maintain a cohesive approach it is considered that self build for the plots would have met the self sector of housing need.
16. The **CNPA Housing Policy Officer** has been consulted finds the approach proposed acceptable.

## REPRESENTATIONS

17. **Aviemore Community Council** was consulted but no response has been received.
18. A couple of letter from the applicant's are attached which set down the reasoning behind the approach being followed. Three letters have been received from a neighbour to the site who supports the proposal for the applicant to build out the 7 plots as proposed by this application and also supports the approach being taken with regard to landscaping. All of these letters are attached at the back of the report.

## APPRAISAL

19. While this is a full application the basic starting point is consideration of what the CNPA granted permission for in 2005 on the site. A total of 98 private units received permission and 102 affordable units this was well within a requirement for 50% affordable housing under the Aviemore North Development Brief. The development is also in the process of providing a range of facilities including a kick-about pitch gateway feature for the northern end of the village and public art to be displayed on-site. Both public and private sector provided a wide range of different size units from 1- bedroom flats to 4-bedroom houses. As an addendum to the whole site a total of 10 plots were granted consent under the 2005 CNPA approval with the intention that these would be self-build plots.
20. While it was always recognised that these would essentially be private self-build plots it was considered that this was in effect an alternative form of affordable provision as set out by the response form Highland Council planners. It was considered more likely that self-build plots would provide housing for local people and that the provision of self-build plots as part of a larger development within a settlement would reduce the need for self-build plots in more restrictive countryside areas. Highland Council planners consider that a restrictive approach to housing in the countryside is more easily justified if self build plots are provided within developments.

21. With regard to the above concerns it must be noted that the 10 plots are not specifically prescribed as such through the original planning consent and Section 75 Agreement, though there was a requirement for a design brief. I find this not to be a problem because the Committee feels that the plots should be self-build to address a particular problem then the option of simply refusing this application is one that is open to the Planning Committee. The ability of these plots to reduce self-build demand in the countryside is questionable. At the end of the day the Badenoch and Strathspey Local Plan allocates extensive areas outside of settlements as general countryside where self-build is acceptable in principle, this should be more than ample to reduce pressure in restricted policy areas.
22. Regardless of the above, I am of the view that the current application offers better opportunities than 10 self-build plots. With self-build plots there is no guarantee that they would be built by people who would occupy the houses, for instance a local builder could bid for one of the plots then sell it on the open market. This would also be the case with any true self builder in that there would be no restriction for the house being sold on when completed. Conversely, what is being offered here would ensure that 3 of the 10 plots were truly affordable and are already in the ownership of Albyn Housing Society. I had raised concern with the developer with regard to the self-build issue and as a result of these concerns Robertsons have put forward the idea of offering the 7 plots to people with an address within the National Park on a first come first served basis for a period of 6 weeks. This is over and above the 3 plots which have been transferred to Albyn. In my view the transfer of 3 plots to Albyn taken together with the local marketing of the 7 houses is of more value in local housing terms than the 10 self-build plots that effectively have no occupancy restriction of an affordable or local nature.
23. The key factor for the 7 plots is ensuring that Robertsons actively market the plots to locals for a reasonable period. A period of 6 weeks has been suggested by the applicant's. However, I have recommended a period of 2 months in the condition at the end of the report. Two of the houses are smaller three bedroom units with the four bedroom units being of the smaller designs available for the number of bedrooms. This is an unusual approach that the CNPA have not taken before and the developer is willing to accept a condition to this effect. It is important that information is provided to show whether this approach actually works so the condition will specify that the applicant's clearly show that the houses have been marketed locally at a fixed price and then consequently, show results on whether the eventual purchasers are people from the area. This approach has been offered by one or two other developers on other sites but in each case it was ultimately withdrawn. This is to some extent an experiment that may provide results regarding whether this approach has any effectiveness in helping local people onto the open housing market. It may be advantageous if a couple of the 4-bedroom houses could be 3-



bedroom as this would increase the likelihood of local sales, but given that this is a unilateral offer by the developer I am prepared to accept it as it is. I would not recommend imposing such a condition as a matter of course as there are some doubts as to its enforceability but in the spirit of trying an innovative approach I am supporting it in this case on the basis of the offer from the developer. I am generally of the view that this combined approach would offer more hope of the houses being affordable/occupied by local people than the self build approach.

24. In terms of design the houses are the designs used on the existing development that utilise a combination of render and timber with slate like roof tiles. This is in accordance with the existing development and in accordance with the Aviemore North Development Brief. The proposed houses would offer greater cohesion with the existing development as is part of the reasoning behind this application. The existing houses on the site had all permitted development rights removed for fencing, sheds and future extensions and this is repeated by conditions at the end of this report.
25. The scheme is considered acceptable overall and is recommended for approval subject to the conditions at the end of the report.

## **IMPLICATIONS FOR THE AIMS OF THE NATIONAL PARK**

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

26. The site has already been assessed in terms of its appropriateness for development. Additional landscaping proposed will help blend the site in with its surroundings.

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

27. As with the other houses on the development the timber is of Scottish origin and the timber sections for the houses would be manufactured in Inverness. The development is well linked with paths around the site and generally the layout of the overall development promotes walking. Members will recall granting permission for a neighbourhood shop, public house restaurant and 5 smaller shop/office units at Dalfaber and residents of these houses should be able to utilise footpaths/footways to access that forthcoming development neighbourhood development.
28. In line with the other houses on the site the proposal is well linked with surrounding footpaths and the development site as a whole has provided a range of facilities.

### **Promote Understanding and Enjoyment**

29. The proposal is not directly relevant to this aim but the links from this part of the site will link well into the Aviemore Orbital footpath which will promote the enjoyment of the route for new residents.

### Promote Sustainable Economic and Social Development

30. The combination of the 3 plots being given over to Albyn in combination with the local marketing of the private plots will give a better potential for local people occupying the housing than would otherwise be the case.

### RECOMMENDATION

31. That members of the Planning Committee resolve to **GRANT** Planning Permission for the erection of 7 houses at Lochan Mor housing development Aviemore, subject to the following conditions:
1. The development to which this permission relates must be begun within five years from the date of this permission.
  2. The seven plots 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 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 of the seven has been occupied information shall be submitted to the CNPA to indicate the origin of the purchasers.
  3. Prior to the first occupation of the houses hereby approved the below requirements shall be completed and maintained shall as such in accordance with the requirements of the Area Roads Manager.
    - a. The vehicular access to each house site shall be hard surfaced for a distance of at least 6 metres measured from the rear of the adjacent carriageway or footway.
    - b. The gradient of each access shall not exceed 5% for the first 5 metres measured from the nearside road edge and thereafter shall not exceed 10%.
    - c. Where in curtilage parking is provided it shall be suitable for 2 no. cars such that each vehicle may enter and leave the site independently unless otherwise agreed in writing by the Cairngorms National Park Authority acting as Planning Authority in consultation with Highland Council Area Roads Manager. The parking spaces shall be retained for their intended use thereafter.
    - d. No walls, fences, trees or shrubs shall be established at any property within 2 metres of the nearside kerb line of the adjacent carriageway.

4. 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, or such other date as may be agreed in writing with the CNPA acting as Planning Authority.
  - (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.
5. Details of all external finishing material shall use a matching palette of materials to the existing houses on the Lochan Mor development unless otherwise agreed in writing by the CNPA acting as Planning Authority.
6. That notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (Scotland) Order 1992, no house extension shall be formed, and no greenhouse, shed or garage erected without the prior written consent of the CNPA acting as Planning Authority.
7. That notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (Scotland) Order 1992, no fences or walling shall be erected on the site without the prior written consent of the Planning Authority.

**Andrew Tait**

***Date 27 February 2008***

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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.