

PAPER 2

APPENDIX I

- **Planning Report : 30 April 2010**
- **Planning Report : 6 August 2010**
- **Extracts from Planning Committee Minutes,
30 April 2010 and 6 August 2010**

CAIRNGORMS NATIONAL PARK AUTHORITY

Title: REPORT ON CALLED-IN PLANNING APPLICATION

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

DEVELOPMENT PROPOSED: MASTERPLAN FOR PHASED DEVELOPMENT OF 300 HOUSES; ECONOMIC DEVELOPMENT USES; COMMUNITY USES INCLUDING INFRASTRUCTURE, LANDSCAPING ETC

REFERENCE: 09/048/CP

APPLICANT: DAVALL DEVELOPMENTS LTD

DATE CALLED-IN: 6 MARCH 2009

RECOMMENDATION: APPROVAL SUBJECT TO SECTION 75 LEGAL AGREEMENT AND CONDITIONS

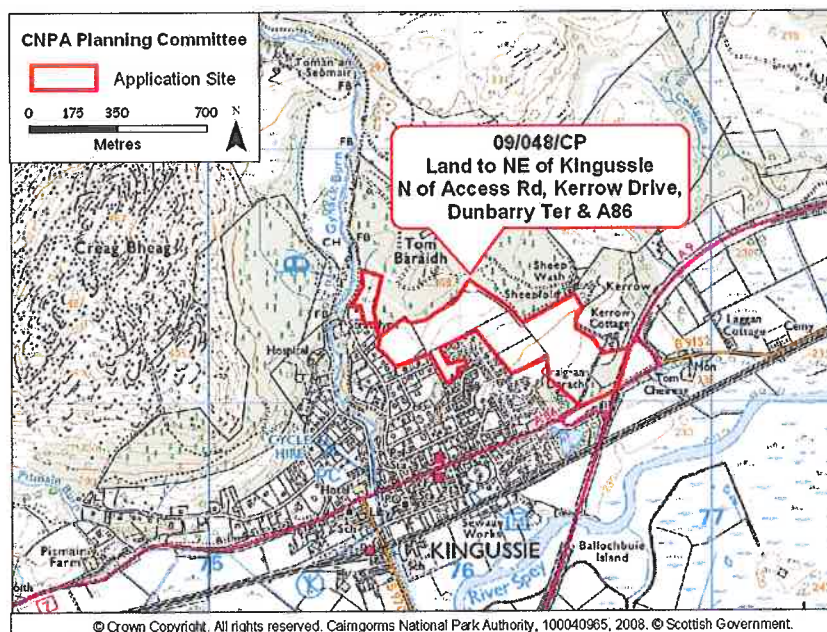


Fig. 1 - Location Plan

SITE DESCRIPTION AND PROPOSAL

- I. The site for this application adjoins the village of Kingussie to the north and east of the existing settlement. The site is bounded to the south and west by existing development above Ardbroillach Road and Dunbarry Road where recent housing developments meet the boundary of the site on Kerrow Drive, Dunbarry Terrace and Croila View including an existing playing field which is shown within the site but being retained. The northern boundary of the site consists of the defined woodland edge of Tom Baraidh. The woodland is recorded on the Ancient Woodlands Inventory (AWI). To the east lies Kerrow and open ground which descends to the A86 which travels under the A9. This is dissected by a track (General Wade's Military Road) which allows access to Kerrow.



Fig. 2 - Photograph of Site (green field between houses and forestry above) from Ruthven Barracks



Fig. 3 - View from site from lower slopes of Creag Bheag



Fig. 4 - View of site from lower slopes of Creag Bheag (site to left of red house in centre of photo is site for 4 plots to be accessed from Ardbroilach Road).



**Fig. 5 - View southwards showing end of development at Kerrow Drive
(area for phases 1c, 3d & 2d)**



Fig.6 - View towards Ardbroilach Road (phases 4d & 4f)



Fig. 7 -View towards Kerrow and NE boundary of site.

2. In terms of the topography the majority of the area is comprised of agricultural, grazing land which slopes down from the woodland edge at Tom Baraidh towards the village. In addition to the woodland edge the main defined boundaries within the site are formed by post and wire fences and dry stone dykes. The steepest areas of ground are above the existing housing at Kerrow Drive and to the north west of Ardbroilach Road. The highest point of the site is located at its most northerly point in a corner immediately in front of woodland. This forms a natural viewpoint over the site and beyond. The lowest part of the site is set at 230 metres and rises to the aforementioned viewpoint that is set at 274 metres. The overall slope has a south to south easterly aspect.
3. The vast majority of the proposal is on open farmland. One exception is an area of ground at the end of Ardbroilach Road (see fig 4) where four plots are indicated. This area is characterised by birch woodland with a mixed heather/blaeberry groundcover (not covered by AWI). This part of the site would be accessed from Ardbroilach Road. The remainder of the site would be accessed from a combination of Dunbarry Road and the A86 Trunk Road (see figs 8 & 10).

4. This is an outline planning application in the form of a masterplan that seeks permission for 300 houses, economic development uses, community uses and infrastructure and landscaping. The masterplan is intended to provide a framework for future development, although plans included for the site are only indicative. More detailed applications would follow based upon the Masterplan and conditions attached at the end of this report should this application prove acceptable.

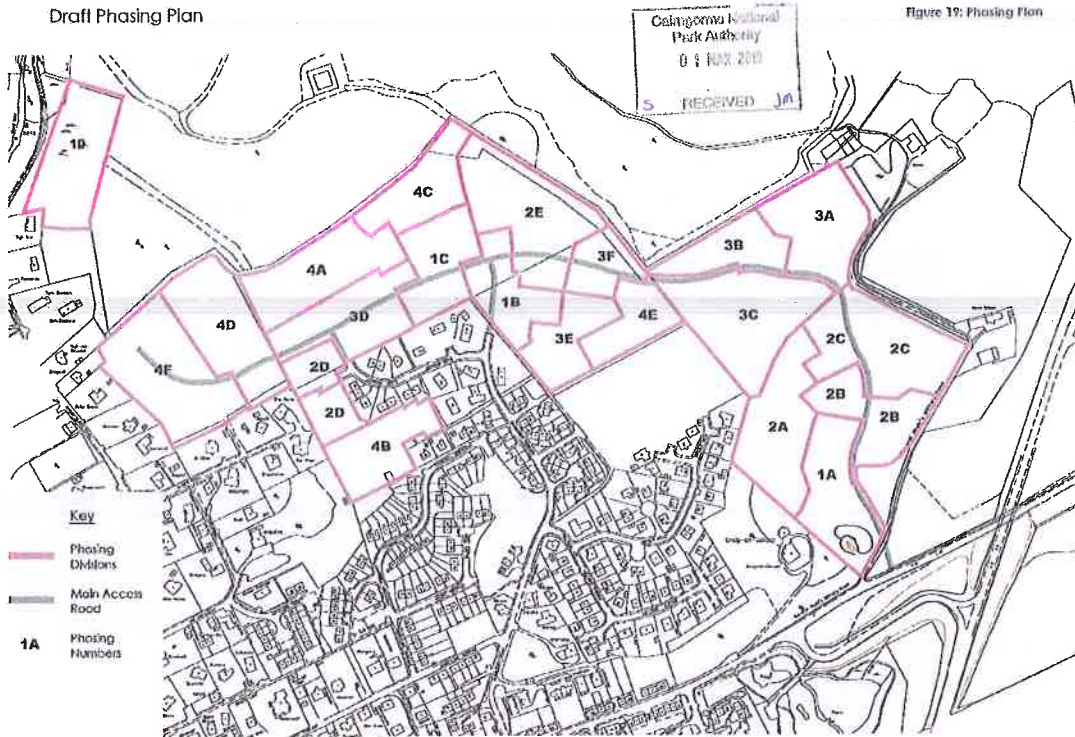


Fig. 8 - Phasing Plan (to be read in conjunction with fig 9)

6.10 Proposed Timing and Phasing of Development

A combination of:

- (a) the proposed expansion the waste water treatment plant allowing for connections to the network in 2011;
- (b) the next major investment in affordable housing Kingussie also in 2011; and
- (c) the anticipated return to more normal market conditions by late 2010; and will disclose that site servicing may be able to commence in 2010 with the first house completions in 2011.

The Draft Local Plan indication that 75 houses will be completed on the land by the end of 2011 is quite ambitious. The pent up need for affordable housing and an upturn in the market suggests an initial a development rate of 15 to 25 houses per annum. Flexibility in market circumstances and a higher proportion of affordable housing needs being met in the early years of development are therefore reflected in the phasing proposals.

The land is subdivided into 4 main phases subdivided into small phases ranging from 7 to 30 dwellings. As well as flexibility in the rate of development this would allow for parcels of land to be sold off to small builders and for self build plots. The draft phasing plan is indicated in Fig 19 on page 37. This relates to the accompanying table (Fig 18 opposite), which gives the breakdown for each phase proposed in respect of the site area, density, capacity location and tenure. As the development progresses, the phasing will be reviewed in relation to changes in the market and local needs. Phases 1 and 2 include a high proportion of affordable housing either as a whole phase or mixed with private development.

The early phases of development are proposed to commence via a new access to the A86 (1A) and from the extension north of Dunbary Terrace and east of Kerrow Drive (1B & C). Development excess of 55 houses in this area will depend upon completion of the link from the new access to the A86. The high cost of completing the link distributor road in advance suggests that the next phases continue from the south east across the Kerrow Farm land in a northerly direction. Phases 2 and 3 include provision of the adjacent sections of the link road.

Figure 18 (revised) - Kingussie North East Residential Expansion Area Master plan Draft Phasing of Housing Development—Areas and Indicative Capacities

PHASE	Site area (ha)	density*	Indicative capacity	location	tenure	Number of houses to be served off Dunbary Road (subject to approval of completion of the road to A86)
PHASE 1 first 2 years (or to end of Local Plan period)						
1A	0.9	med	15	K	private	17
1B	0.67	high	17	D	mix	15
1C	0.72	med	12	D	mix	15
1D	0.95	low	4	A	private	-
Sub-totals	2.44	-	31	-	-	32
PHASE 2 next 5 years						
2A	1.05	med	11	K	private	-
2B	0.74	med	12	K	mix	-
2C	1.26	med	20	K	private	-
2D	0.52	med	8	D	affordable	8
2E	1.31	low/med	16	D	private	15
Sub-totals	4.88	-	62	-	-	23
PHASE 3 next 5 years						
3A	0.94	med	11	K	private	-
3B	0.57	low/med	8	K	private	-
3C	1.36	med/high	20	K	mix	-
3D	0.87	med	12	D	mix	-
3E	0.58	high	20	D	mix	-
3F	0.4	med	7	D	private	-
Sub-totals	4.72	-	62	-	-	-
PHASE 4 next 5 years						
4A	0.96	med	15	D	private	-
4B	0.67	med	14	D	affordable	-
4C	0.69	low/med	10	D	private	-
4D	1.07	low	11	D	private	-
4E	0.49	high	20	D	affordable	-
4F	1.3	low	12	D	private	-
Sub-totals	5.18	-	82	-	-	-
Grand Totals	18.02	-	297	-	-	55

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* densities for purpose of this Master Plan

low	< 10/ha
low/medium	10 - 15/ha
medium	15 - 25/ha
medium/high	25 - 30/ha
high	> 30/ha

Locations

D	Dunbary (sites A & B)
A	Ardaraich (site A)
K	Kerrow Farm (Site)

Other uses
0.18 ha mix of community, commercial and residential uses
0.52 ha unspecified economic development uses

Fig. 9 - Phasing Table

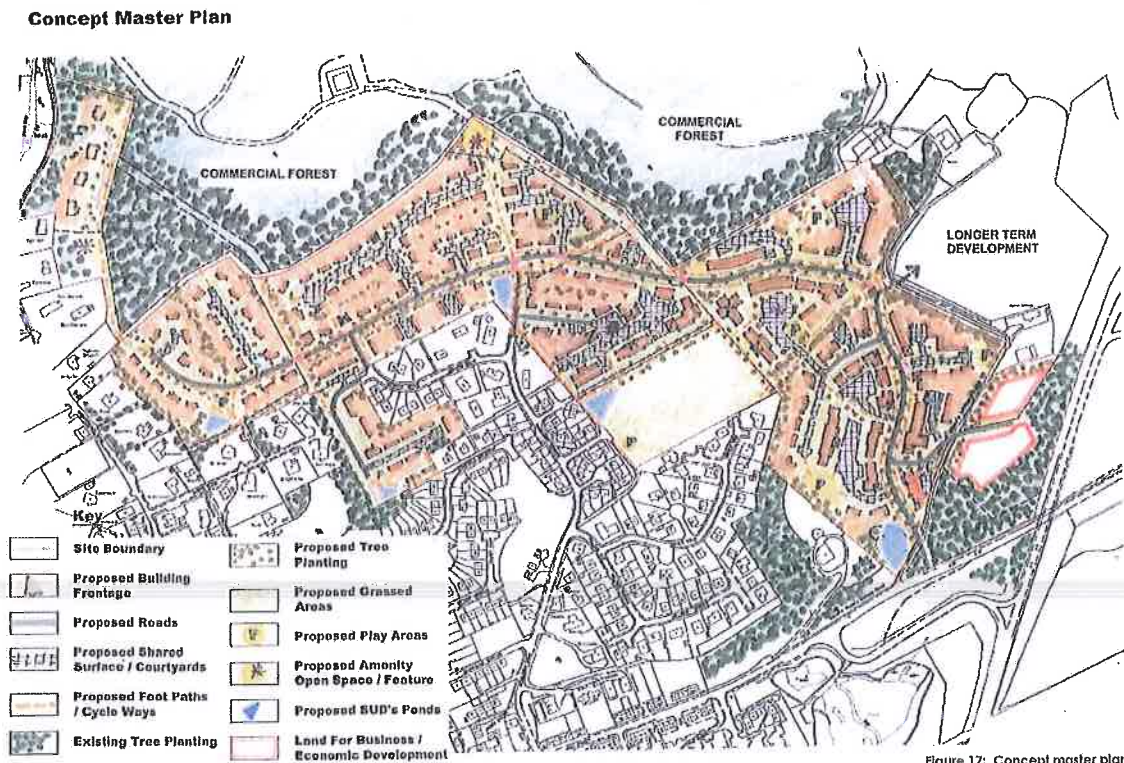


Fig. 10 - Concept Masterplan

5. Phasing proposals are included at figure 9. Phasing has changed over the time of the application, partly as a result of concerns raised by the Area Roads Manager and to reduce disturbance to existing residents who access their homes off Dunbarry Road. The original phasing plan sought a total of approx 110 houses to be accessed from Dunbarry Road via Dunbarry Terrace and Kerrow Drive before a loop road is formed through to a new access off the A86.

6. The latest phasing plan attached at figure 9, has been broken down to reflect the long term planning of the site over a 15 year period beyond 2011 instead of the original phasing proposal which illustrated sequential phasing without any reference to a defined time frame over which the proposal would be constructed. The phasing now proposed indicates a total of 51 houses being targeted for the end of 2011 with 32 of these to be served by Dunbarry Road. The remainder will be served by a new access from the A86. Phase 2 for the following 5 years indicates 71 units with 23 off Dunbarry Road, making a total of 55 from this access. Traffic calming measures would have to be completed on Dunbarry Road prior to any occupation of the 55 houses. The next 5 years indicates 93 units followed by 82 in the final 5 years. No more than 55 houses are to be served from Dunbarry Road without the link road being built from the A86. For construction of those houses to be accessed off Dunbarry Road, the developer has committed to a construction haul road off the A86.

7. The application includes a landscape strategy and a habitat survey has been carried out during the process of the application.

DEVELOPMENT PLAN CONTEXT

8. **Scottish Planning Policy (SPP) 2010** is now contained within a single policy document published in February 2010. This effectively supersedes a range of different planning policy notes. The document sets out the purpose of planning and refers to the Scottish Government's central purpose of increasing sustainable economic growth. Under the purpose of planning the document points out that the purpose of planning involves promoting and facilitating development while protecting and enhancing the natural and built environment in which we live, work and spend our leisure time. The document notes that Development Management is a key part of the planning system and should operate in support of the Government's central purpose of increasing sustainable economic growth.
9. The Town and Country Planning (Scotland) Act 1997 requires decisions to be made in accordance with the development plan unless material considerations indicate otherwise.
10. Under subject policies with regard to **Economic Development** (para 45) notes that authorities should respond to the diverse needs and locational requirements of different sectors and sizes of business. The planning system should support economic development in all areas by: promoting development in sustainable locations; taking account of economic benefits in development plans and development management decisions; supporting development which will provide new employment; and promoting the integration of employment generation opportunities with supporting infrastructure and housing development.
11. Under subject policies with regard to **Housing** (para 66 onwards). The Scottish Government is committed to increasing the supply of new homes and the planning system should contribute to raising the rate of new house building by identifying a generous supply of land for the provision of a range of housing in the right places. The planning system should enable development of well designed, energy efficient, good quality housing in sustainable locations and allocate a generous supply of land to meet identified housing need across all tenures.
12. The guidance notes that outwith the city regions, the local development plan should identify the housing land requirement and allocate a range of sites which are effective or capable of becoming effective to meet these requirements up to year 10 beyond the predicted year of plan adoption, ensuring a minimum of 5 years effective land supply at all times. Local development plans outwith city regions should also provide an indication of the possible scale and location of housing land up to year 20. Para 70 notes that new housing developments should be integrated with public transport and active travel networks, such as footpaths and cycle routes rather than

encouraging dependence on the car. New streets should connect well with existing streets and with walking and cycling networks and allow for links into areas for future housing developments.

13. Para 83 notes that the density of new development should be determined in relation to the character of the place and its relative accessibility, with higher densities appropriate at central and accessible locations. Through good design it is possible to achieve higher density living environments without overcrowding or loss of amenity.
14. Para 66 **Affordable Homes** considers that affordable housing is defined broadly as housing of reasonable quality that is affordable to people on modest incomes. Affordable housing may be in the form of social rented accommodation, mid market rented accommodation, shared ownership, shared equity, discounted low cost housing for sale including plots for self build and low cost housing without subsidy. Para 88 states that authorities may seek a percentage of affordable housing contribution from developers of new housing developments where this is justified by the housing need and demand assessment. The benchmark figure is that each site should contribute 25% of the total number of housing units as affordable housing.
15. From para 125 onwards the SPP document considers **Landscape and Natural Heritage**. The guidance comments that planning authorities should take a broader approach to landscape and natural heritage than just conserving designated or protected sites. A strategic approach to natural heritage in which wildlife sites and corridors, landscape features, watercourses and areas of open space are linked together in integrated habitat networks can make an important contribution to biodiversity. The guidance goes on to note that landscape in both the countryside and urban areas is constantly changing and the aim is to facilitate positive change whilst maintaining and enhancing distinctive character.
16. Para 85 notes that meeting housing land requirements by extending existing settlements can reduce servicing costs and help to sustain local schools, shops and services.
17. **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. The Government's recently published policy on **Designing Streets (2010)** is a key policy document. The guidance notes that in the more recent past vehicle movement has often dominated design resulting in many streets being out of context with their location. The aim of the guidance is to reverse this trend back to the creation of successful places through good street design. The six qualities of successful places forming key considerations for street design are firstly

distinctiveness, in that street design should respond to the local context. The second quality relates to a safe and pleasant environment where streets should be safe and attractive places. The third quality considers that streets should be easy to move around for all users and connect well to existing movement networks. The fourth quality is that places should be welcoming with street layout and detail encouraging positive interaction for all members of the community. Adaptability is the fifth quality in that street networks should be designed to accommodate future adaption. The final quality is that places should be resource efficient with street design considering orientation, the integration of sustainable drainage and use attractive durable materials that can be easily maintained. In terms of street structure the guidance considers that the street hierarchy should consider pedestrians first and private motor vehicles last.

Highland Structure Plan (2001)

18. **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.”
19. 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.”
20. **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. **Policy G4 Community Benefit and Commitment** considers that the Council will expect developments to benefit the local community and contribute to the well being of the Highlands. The Council will seek to enter into agreements with developers to cover a range of environmental and socio-economic purposes. Funds may be sought for local community initiatives, infrastructure costs and in certain circumstances the Council will expect a financial bond to be secured for long term environmental restoration and/or socio-economic stability.
21. **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

22. Under the Kingussie ‘Principles’ section of the Plan the main objectives for Kingussie are to: provide a framework for the long term expansion of Dunbarry lands; encourage further investment in services businesses; strengthen commercial prospects and enhance the village centre for pedestrians and shoppers; safeguard character of the village, restrain unsympathetic infill housing, and safeguard mature trees as a major element of its setting; and protect and enhance the town’s setting including open ground and woodland within and beyond its limits, and introduce new landscape corridors.
23. Under Housing ‘Major Growth’ 7.1.1 identifies 16ha of land (see fig 11) north and east of Dunbarry Road allocated for the Community’s long term housing needs. This land is suitable for a mix of public and private dwellings with lower densities preferred on higher ground. Developments should incorporate; extension of Dunbarry Road to form a new distributor linking with the B9152 phased from either direction; segregated footpaths and cycleways together with additional play space; major compartments of mixed woodland and adjoining forest edges. The Council will seek to secure these measures by section 50 Agreement with landowners/developers where appropriate (**Note: certain parts of this allocation have already been developed- Hillside Avenue, Croila Road, Croila View, Kerrow Drive**)

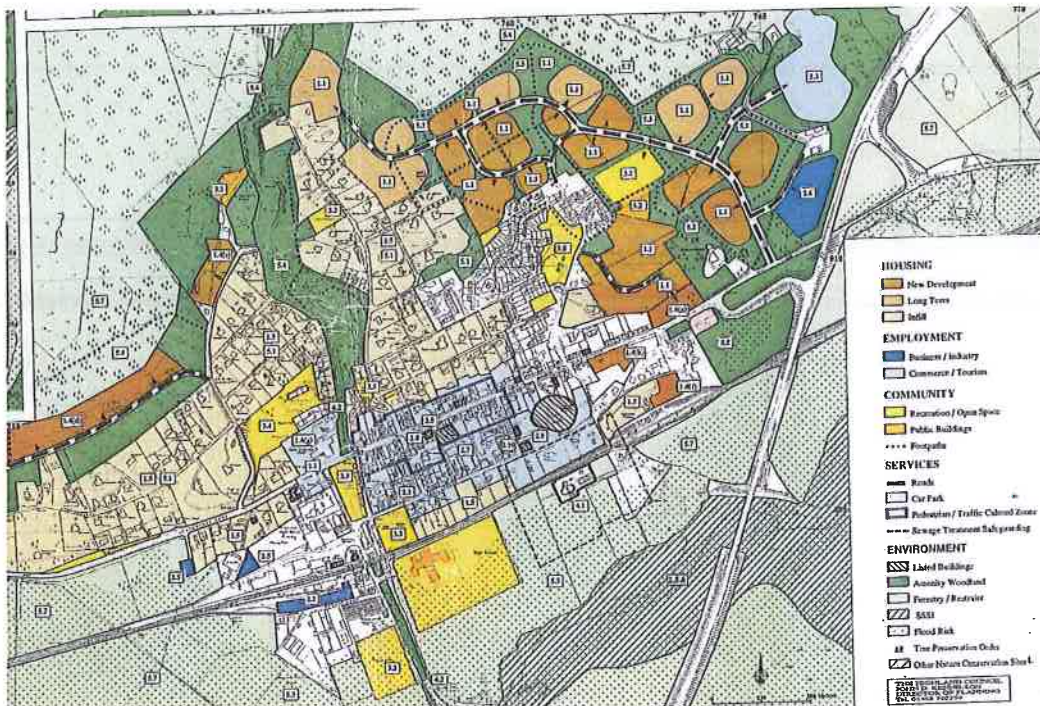


Fig.11 - Badenoch and Strathspey Local Plan
 (site indicated brown 1.1)

24. The Council will prepare a development brief for this locality to include guidelines relating to these features, the phased provision of infrastructure and other amenities (this was never produced). This will be subject to consultation with the public, landowner and statutory interests. Layout and design should reflect the grain of the site and the existing built up area, and reinforce the relationship of the town with its landscape setting by ensuring that: existing trees, landforms and new structural planting contain the settlement and define its edges and; new building design through detailed siting and design re-emphasises the prevailing "vertical" characteristics which are an integral feature of the community's appearance. Unusually this allocation does not attract a specific capacity figure in the Badenoch and Strathspey Plan. However, by considering other allocations within the Kingussie section of the plan the intended total would be somewhere in the region of 180 to 200 houses, though this includes the areas already built out as mentioned above.
25. Under '**Business**' 7.2.6 notes that 2.0 ha of land at Kerrow Farm is reserved for future business needs. Landscaping and bunding will be required to separate neighbouring uses and provide screening from the A9.

Cairngorms National Park Plan (2007)

26. 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 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."
27. 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."

28. The Park Plan under 5.2.3 Economy and Employment seeks to a) create conditions conducive to business growth. Under 5.2.4 Housing objective a) seeks to increase the accessibility of rented and owned housing to meet the needs of communities throughout the Park. Objective b) seeks to promote effective co-ordination and co-operation between organisations involved in housing provision. Objective c) seeks to improve the quality, energy efficiency and sustainable design of all housing in the Park. Objective d) seeks to ensure effective land and investment for market and affordable housing to meet the economic and social needs of communities throughout the Park.
29. In a section entitled 'Living and Working in the Park' pages 66 & 67 under para 5.2.2 Sustainable Communities the subject of sustainable communities and housing is discussed. Objective a) seeks to encourage a population level and mix in the Park that meets the current and future needs of its communities and businesses. Objective b) seeks to make proactive provision to focus settlement growth in the main settlements.
30. **The Cairngorms National Park Deposit Local Plan (2nd Modifications 2008)** was the subject of a Local Plan Inquiry in the summer of 2009. Kingussie is identified as a Strategic Settlement within the plan. The site which is the subject of this application is allocated as Site KG/HI a 16 ha site (with the exception of an area identified for 4 dwellings at the end of Ardbroilach Road) that would provide land for short and long term housing supply in Kingussie. It could provide land for around 300 dwellings with 75 of these provided during the life of the plan. The phasing of the site will be required to take into account access provision to the site and the capacity of the existing road network. The application also covers an area that had previously been identified as environmental space but at the 2nd modifications of the plan this allocation was removed. Other requirements include a Traffic Impact Assessment and the preparation of a masterplan for the site to ensure effective housing provision in line with the phasing outlined in Table 4 of the Deposit Plan.
31. Table 4 Phased land supply by local authority area is located on page 42 in the Deposit Plan. This indicates 75 dwellings for the life of the plan 2006-2011 with a further indicative target of 75 between 2011 and 2016, then capacity of 150 for the medium to long term making up the figure of 300.
32. The area proposed by the application for economic development is covered by allocation EDI of the Local Plan which notes that land to the east of the settlement provides opportunity for economic development in support of the settlement. It is noted that this is a prominent site and that any development should be of the highest standards and both the siting and design should integrate with the landscape.

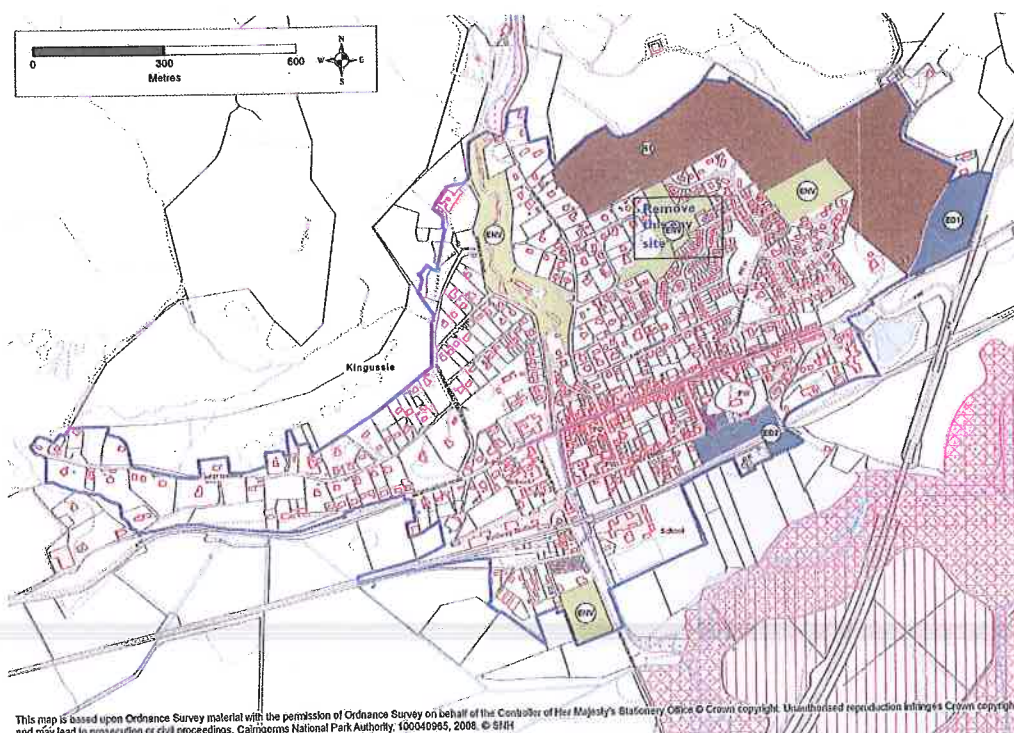


Fig.12 - Allocation Map from CNP Local Plan 2nd Modifications (site HI & EDI)

33. The Scottish Government Local Plan Inquiry Report makes recommendations on the plan and recognises that Kingussie is a main settlement within the Park and that allocation KG/EDI within the plan was intended to support business growth and investment. The Reporter notes that the site is prominent and that it extends the development boundary. While recognising that negotiations were well advanced regarding a direct access of the A86 at the time of writing the Reporter noted that Transport Scotland had concerns about a direct access from the A86. Ultimately, the Reporter recommended that allocation EDI be removed from the Plan.
34. With regard to housing allocation KG/HI the Reporter rejects suggestions that any allocation at HI runs contrary to the National Park Plan or its strategic objectives. The Reporter considers that an allocation at HI, when taken with what may arise by way of windfall sites provides sufficient by way of choice of housing sites within Kingussie. The Reporter finds that there are no factors which render HI unsuitable for consideration as a housing site at the Local Plan stage of the process.
35. In landscape terms the Reporter considers that the site contributes to the pleasant landscape setting of Kingussie and that the eastern part of the site occupies a prominent position in the wider landscape. The Reporter was persuaded that landscape considerations do not preclude the development of the western portion of the site for detached housing with more dense development a possibility immediately adjacent to that. However, it is accepted that the land to the east should be released for development only if that is required in the long term.

36. The Reporter recommends that HI as set out in the Deposit Local Plan should be amended to a size which can deliver 55 houses within the life of the adopted plan; and that continuing consideration be given to the subsequent phased release of the remainder of the site.

CONSULTATIONS

External Responses

37. **Scottish Environment Protection Agency (SEPA)** has commented that they have no objection on flood risk grounds but point out that Highland Council should be consulted to undertake their responsibilities as the Flood Prevention Authority. SEPA notes that all new development must incorporate a sustainable urban drainage system and detailed ground investigations should be carried out to determine the best type of system to deal with surface water. If the nature of the ground is such that infiltration is not suitable, storage and attenuation will have to be utilised instead.
38. With regard to foul drainage SEPA note that a connection is proposed to the public system and therefore have no objections to this aspect of the proposal. SEPA note that it is proposed to treat surface water via dry detention basins. It should be noted that two levels of treatment should be provided for water from roads and driveways. SEPA requests two planning conditions. The first is that SUDS proposals must be approved by the planning authority in consultation with relevant parties prior to the commencement of development. The second condition requested recommends that the final SUDS scheme for any individual phase of development must also be implemented and operational prior to the occupation of any development in that phase.
39. **Kingussie and Vicinity Community Council** has sent in three representations two with regard to the original phasing and a third referring to the amended phasing plan. All three are attached at the back of this report. The initial shock in the community was because of the density and scale of the proposed development. The Community Council accept that this is within the designation of the Local Plan but would ask that the rate of development is part of a fixed plan over a period of time that does not result in community services being overwhelmed because of a change in market circumstances. There is much concern about the access to the proposed building site being via Dunbarry Road. It is noted that the developers have given a reassurance that Dunbarry will not be used as an access for construction traffic. The Community Council asks that the roads analysis is considered carefully and that plans for dwellings to be accessed off Dunbarry Road are amended accordingly. Water flow and drainage is a major concern and in particular about whether SUDS pools are appropriate. Concern has been expressed about the height of some houses and it has been pointed out that applications in the area have previously been limited to 1.5 storey height. The Community Council recognise the need for development in the town as an economic boost is needed. However, it has to be the right development.

It is also suggested that care is taken with regard to landscaping and that large robust species are used and that consideration is given to screening as opposed to smaller decorative trees.

40. The second letter refers to the first letter pointing out that it may not have been made clear that the Community Council have serious objections regarding the proposal. The proposal is considered to be development of a magnitude that is totally inappropriate for the size of the town. A seriously scaled down development would be far more likely to receive support. The following points are also raised. **1.** Nothing in the plans to indicate any enhanced community infrastructure for education or health. There is no NHS dental provision in the town and only one ambulance, which already serves a huge area. These facilities should be upgraded or built before any construction. **2.** Any development should be carried out from a new road from the A86. Dunbarry is not considered an appropriate route for any construction traffic. Such traffic could pose a potential danger and cause unnecessary disruption to existing residents. **3.** The Community Council would prefer any decisions to be made as per the new Cairngorms National Park Local Plan as it is considered that this would ensure a quality development for Kingussie.
41. The third representation is with regard to the revised phasing of the application. It is considered that the developers appear to have ignored major concerns regarding potential traffic overload and hence road safety on Dunbarry Road. The increased use of Dunbarry road is still a major concern in Kingussie. As currently set out it would appear that residents of around half of the proposed properties would be likely to access the High Street via Dunbarry Road.
42. The Community Council point to a minute where Ian Wallace formerly of Highland Council's Roads Department objects to a development of 8 houses on Croila View because of concerns about the suitability of Dunbarry Road to cope with the additional traffic. Concern is again raised that the phasing plans would result in construction traffic on Dunbarry Road. A small chicane has been built on the road to calm traffic but this causes a build up of cars having only a minimal calming effect. Recent wintry conditions have caused problems on the steep hill. The Community Council are also concerned about the lack of pavements in the area for the school age population in particular.
43. With regard to the new junction access onto the A86 there are some concerns about the addition of a junction only a short distance from the A9 bridge. The new access will require realignment/widening of the existing road and tree felling to ensure a new road can be accommodated safely.
44. Concern is raised with regard to land drainage and the fact that the area where the new junction accessed the A86 suffers from significant flooding and icing problems. The density of building on the fields will increase the run off unless very special drainage precautions are taken. The question is asked whether any improved drainage is put forward with the revised proposal. It

is pointed out that since houses were built on Hillside and Croila a series of large permanent ponds appeared on the Glebe on the side of the road opposite Craig an Darach. Concerns are raised about SUDS ponds and whether water would seep into neighbouring gardens and also whether the pond adjacent to the shinty pitch could create a safety issue for children playing nearby.

45. Concern is also raised with regard to density and the three storey height of some proposed buildings and that this is not suitable for a highland village in a National Park. Concern is also raised that no public transport provision is included.
46. **Scottish Natural Heritage** comment that from the information the proposed development land is currently improved grassland grazed by livestock bounded to the north by forestry and to the west and south the existing village. The land is not within or adjacent to any site designated for its natural heritage and it is unlikely that there will be any European Protected Species (bats, otters, wildcats) which would be affected directly or indirectly from any development at this location.
47. **Scottish Water** has no objection to this planning application, however, are unable to reserve capacity at the water and wastewater treatment works in advance of a formal agreement. Consequently, this proposal will have to be reviewed if the proposal progresses to full planning approval. Blackpark Water Treatment Works may have capacity to service the proposed development. The water network that serves the proposed development may be able to supply the new demand. The waste water network that serves the proposed development may be able to accommodate the new demand. Kingussie Waste Water Treatment Works at present has limited capacity to serve this new demand. The developer should discuss their development directly with Scottish Water.
48. **Transport Scotland** originally objected to the principle of a new access onto the A86 Trunk Road. However, a Traffic Impact Assessment has been carried out with more detailed drawings of how the access would work. Transport Scotland no longer advises against granting permission but recommends conditions to be attached to any consent granted. These include that any access should be constructed generally in accordance with the submitted drawing; that visibility splays are provided on each side of the new access to the satisfaction of the planning authority with a set back distance of 4.5 metres at the carriageway centreline and 160 metres to the east and 215 metres to the west. Details of the frontage treatment are also requested and any advertising/street lighting shall be approved in consultation with Transport Scotland.
49. **Highland Council Area Roads Manager** comments that notwithstanding any requirements that the Trunk Roads Authority may have, it is recommended that the following conditions are attached to any consent granted relative to the Dunbarry site.

50. With regard to the four plots to be accessed off Ardbroillach Road, given the poor standard of the existing public road and the considerable number of dwellings that it already serves additional development is not favoured at this location. It should be noted that the current (Badenoch and Strathspey) Local Plan indicates the site being served by a new access road connecting to the proposed Dunbarry housing development.
51. The Area Roads Manager recommends that prior to commencement of the development the works listed in the following paragraphs shall be completed and approved by the Planning Authority in consultation with the Roads Authority
52. It is recommended that a detailed phasing of development, including the provision of road and pedestrian links, shall be agreed prior to the determination of the application. Given the geometry of Dunbarry Road/Dunbarry Terrace and previous road safety concerns expressed by local residents, it is recommended that a lesser number of dwellings than originally proposed are served from this access. It is recommended that not more than 55 dwellings are accessed from this road before a new link is completed to the A86.
53. Appropriate improvements shall be provided on Dunbarry Road/Dunbarry Terrace to the satisfaction of Highland Council; including provision of additional traffic calming measures, the provision of continuous footways on each side of the road, and significant upgrading of the junction with the A86 trunk road. Suitable provision shall also be made to connect the development to existing pedestrian and cycle facilities in the locality of the site. The applicant should also consult the Council's Road Safety Officer regarding the provision of safe routes to schools satisfying safer routes to schools principles. Any additional measures deemed necessary shall be provided at the developer's expense. **Area Roads were asked to provide a view on the potential for a single access from the A86 given concerns about Dunbarry and the fact that some land required for junction improvements at the High Street is not within the public highway. Area Roads pointed out that this was contrary to the Badenoch and Strathspey Local Plan and that guidance would only normally consider up to 200 houses from a single access. However, given the concerns of the community this could be considered.**
54. Drainage measures shall accord with SUDS principles and a detailed Drainage Impact Assessment shall be carried out. Where the level of any road is higher than existing ground level house and plot levels adjacent to the road shall be such that no ponding will occur within any plot. A suitable management and maintenance agreement shall be established in respect of any drainage measures that are not to be adopted by Highland Council or Scottish Water. All properties within the development shall be free from the effects of a 1 in 200 year flood event.

55. A range of standard conditions are recommended with regard to junction and plot entrance visibility splays and parking which is set at 2 spaces per dwelling and communal parking where required provided at 1.5 spaces per dwelling (see conditions at end of report).
56. Public Transport requirements shall also be addressed by the developer to cover provision of bus stops and real time equipped shelters on the A86 Newtonmore Road in the vicinity of the Dunbarry Road junction.
57. **Highland Council Housing Officer** has no objection to the application in principle but would be interested in how the developer proposes to deliver the affordable housing element to ensure that potential locations ensure a balanced, integrated community.
58. **Highland Council Archaeology** comment that the site is an area where there is a moderate to high potential for the survival of buried archaeological remains. A condition is recommended which requires a programme of archaeological work.
59. **Highland Council Forestry Officer** comments as follows: The area to the north of the site, around Tom Baraidh is listed in the Ancient Woodland Inventory. The majority of the grounds of the property of Craig-an-Darach is covered by a Tree Preservation Order.
60. With regard to trees on site it is noted that the proposed new access would result in the loss of a strip of scots pine woodland. There is also an area of young broadleaf trees planted under the Woodland Grant scheme, a number of these would be required to be removed to accommodate the economic development area. In the north west corner of the site (Ardbroilach Road 4 plots) there is an area of naturally regenerated birch up to 20 years old. The 4 plots appear to result in the loss of the more open birch woodland, though it appears that more dense woodland to the west is to be retained. It must be demonstrated that retained trees will be protected and management proposals to thin the woodland would also be required.
61. The majority of the site itself is improved grassland with only rare broadleaves on the field margins. The main trees adjacent to the site are semi mature scots pine in the plantation to the north of the site. The trees should be protected from construction damage. There are also mature oak on the edge of the plantation. These trees will require a hold back of at least 15 metres from the nearest proposed dwellings. There are mature trees within the gardens of properties on Ardbroilach Road and Acres Road, again these trees will require a hold back distance of at least 15 metres.

62. Concern is raised that the application specified 300 dwellings when there has been no assessment of tree constraints on and adjacent the site. Concern is raised about the proximity of trees on neighbouring sites and the effects of the new access upon the strip of scots pine through which the new access road is to be formed. Concern is also raised that the tree planting corridors are narrow and that in plot planting is proposed as opposed to more substantial belts of landscaping.
63. While not objecting to the development an Arboricultural Impact Assessment is required by planning condition as well as a tree constraints plan, tree protection plan and arboricultural method statement.
64. **Highland Council Landscape Officer** notes that detailed layout for the site is not provided given that this is an outline application. The Landscape Officer is pleased to see the applicant's commitment to working with the contours of the site. However, there is some concern about certain concepts in the application. Part of the site includes medium to high density housing characterised as high street style frontage while this is recognised as an attempt to tie the development into the existing townscape the High Street character derives from its function of being the community core and the main thoroughfare through the town. These functions are unlikely to apply at this distance from the village centre. There may also be difficulties in accommodating 2.5 to 3 storey buildings at this higher elevation. Some structure planting is proposed within the plot curtilages of individual properties. Although this is in-keeping with the character of Kingussie, this is primarily a characteristic of older, larger properties on spacious plots. What works in this context does not easily transfer to mid -sized detached and semi-detached plots. Two areas of concern relate to the potential conflict between solar gain and landscaping and the difficulty in effectively policing in plot landscaping. It is questioned whether the woodland outwith the boundary of the site could be retained as it is key to the setting of the development site.
65. **Highland Council Education Service** comment that that the numbers will not impact on the primary school but the proposal would impact upon the secondary school and extensions to modular classrooms are proposed based upon the houses planned.
66. **NHS Highland** have been consulted several times on the application and made brief comments that the application will inevitably put pressure on community services for example health visiting, Community Psychiatric Services and District Nursing. These services are relatively small and there is no automatic formula that increases the resource as the population increases.

Internal Responses

67. **CNPA Housing Officer** comments that the population of Kingussie is estimated at 1,400 and the plan suggests 300 houses which if taken at 3 persons per house increases the population of the village by 900 people (64%) the development would need to be phased over a number of years. At the date of writing (April 09) the waiting list from the common register for Kingussie is as follows: 1 bed-157, 2 beds 56, 3 beds-27, 4 beds-7, 5 beds-2 and 6 beds-2. Single bedroom properties are not recommended as 2 bedroom properties offer greater flexibility without an onerous increase in build cost.
68. **CNPA Heritage and Land Management (Landscape)** Considers that the key landscape issues relate to the potential dominating effect of massed houses, roads, lighting and other structures, the short to medium term impacts of construction works and the creation of a sense of place across the whole site. The Landscape Officer considers that substantial and robust planting within and around the site is required in advance of building to mitigate the landscape and visual impact of construction and the subsequent massing effects of new housing. It is recommended that all structure planting shall be completed at Phase I. The lateral landscaping divisions proposed at 6-10 metres are not thick enough to act as strong visual elements. With regard to site layout and house design to continue the rich and varied character it is necessary to have a built form that has a local identity that is not ubiquitous throughout the site. This needs to be achieved through house design, layout, siting and planting and management of external and internal views. Overall recommendations are that details for robust structure planting to be planted at phase I to include substantial lateral and vertical woodland elements across the site, areas that will subsequently become individual specimen trees, landscape methodology, integrated SUDS scheme and phased proposals for the internal landscaping of each housing area including in-curtilage planting and communal areas. Particular areas are recommended for landscaping including in the western area a 30m wide belt of woodland extending west from the back gardens on Campbell Crescent to the forest edge on the 280 metre contour at the forest edge. In the northern area an area of woodland bound by a line between a point 85 metres west of the forest edge on the 275 metre contour and b) a line following the 270 metre contour west to a point 70 metres from the forest edge. With regard to the eastern area a 30 metre belt around the eastern periphery of the site and a 30 metre wide connecting belt extending from the site corner at Croila View and the edge of the playing field to join the above edge planting between contours 245 and 240 metres.
69. **CNPA Heritage and Land Management (Ecology)** comment that a nationally scarce lichen was recorded within the broad leaved semi natural woodland to the north west of the development site. It is recommended that this area of woodland is conserved from development as broad leaved semi natural woodland is very species diverse and is the only area within the development that is of conservation value. Woodland corridors should be located within the development to allow connectivity throughout the site.

These should be of a native species of local provenance. Further information is required on location of SUDS ponds as they can be very beneficial to wildlife. Suitable ground flora should be planted in these woodland strips. To enhance the biodiversity of the site bat roosts and swift nests sites could be incorporated into the designs of buildings. In areas of open ground, wildflowers should be planted to increase the biodiversity of the site, this will help to attract insects and small birds. Mammal survey required.

70. **CNPA Outdoor Access Officer** is in general content with the proposed layout barring a few minor additions. It is recommended that the path in the top north west corner is extended to the corner of the site boundary as this would provide a better link to the promoted Tom Baraidh network. Also the path shown in the southern section near Campbell Crescent should be extended between Nos 31-33 Campbell Crescent. It is also recommended that each entry point to the site on a path should have a finger post indicating destination and distance in line with CNPA's signs guidance. The developer should familiarise themselves with the Interpretation Plan for Kingussie. It is also important that stone dykes are retained. The developer has submitted an amended plan to reflect these suggestions.

REPRESENTATIONS

71. The proposal has been advertised and neighbour notification carried out by the developer. A total of 57 letters of objection have been received.
72. A total of 30 pro-forma letters have been received which provide a sender address.
73. A total of 22 of the same pro-forma letters have been received with no sender address.
74. Letters are attached at the back of the report.
75. Issues raised include:
- Over development
 - Space allocated suitable for about 100 houses
 - Need for the housing questioned
 - Development will expand community by 50%
 - Only small amount of housing would be for local workers
 - Density of development out of character
 - Houses too high at 2.5 and 3 storey when adjacent area restricted to 1.5 storey
 - House design inappropriate
 - Concern over traffic on Dunbarry Road Access
 - Alternative road layout suggested
 - Potential for accidents
 - Number of cars will overwhelm village

- Concern over construction vehicles and disturbance
- Safety in relation to Dunbarry access for schoolchildren in particular
- Traffic study conducted outside of peak times
- Concerns about hydrology flooding and SUDS provision
- Foul drainage capacity not adequate
- Houses could become holiday homes
- Development must be of highest environmental standards/opportunity for a special development
- Lack of community education and health infrastructure to cope with development
- Where will occupants find employment
- Natural heritage concerns woodland/squirrels/bats/insects etc..
- Proposal contrary to first aim of Park
- Insufficient attention to landscape/habitats
- Does not accord with climate change targets
- Does not provide space for residents to grow own food
- Community spaces inadequate
- Build areas that are not indicated in community development plan
- Affordable housing needs to be guaranteed in perpetuity
- This development could utilise all infrastructure to the detriment of other proposals
- Renewable energy should be incorporated into any buildings
- Ardbroilach Road houses would exacerbate flooding
- Lack of transport and limited shopping facilities
- Local building firms should be involved with the project
- Could be a prominent building site for 20 years
- Concerns about Ardbroilach road access
- Visual impact from A9
- Woodland used for recreation
- Tourism business compromised
- Allowing one developer to take allocation would be detrimental to character of town
- Preference should be given to housing in countryside
- Local character being suburbanised
- Individual groups of houses should be located in areas where small scale drainage facilities could be provided
- Problems with Scottish Water sewage works
- Concerns about drinking water source
- Development is located on relatively good farmland
- No direct guidance from CNPA

APPRAISAL

76. This proposal is an outline planning application, consequently, this section of the report will consider the principle of residential development at the site, the general density and the implications that the general proposed density has for the overall character of the site. This will be considered in the context of the Badenoch and Strathspey Local and some reference will be made to the Cairngorms National Park (CNP) Local Plan and the Scottish Government Inquiry Report into the CNP Local Plan. Moving on from this the more technical issues of access, phasing and drainage will be considered, though, again it must be recognised that this can only be discussed in the broad context of this being an outline planning application.

Principle

77. Firstly, it is crucial to recognise that this site has been allocated in the Badenoch and Strathspey Local Plan for housing and economic development since 1997. Additionally, an allocation for commercial development was located on land east of Kerrow Farm (see fig 11 allocation 2.2). The Badenoch and Strathspey Local Plan indicated brown areas for development interspersed with landscaped areas (see fig. 11). The CNPA Local Plan indicated the site (see fig. 12) minus the 4 plots off Ardbroilach Road as providing land for around 300 dwellings. The Ardbroilach Road site was not carried forward from the Badenoch and Strathspey Local Plan for environmental/landscape reasons.
78. Some objectors raise concerns about the principle of development on the site. However, the principle of development at this site is well established. The Scottish Government Reporter considered this site as part of the inquiry on the CNPA Local Plan. The Reporter considered that 55 dwellings would be a reasonable number for the 5 years of the current Local Plan but this was in the face of the objection from Transport Scotland to an A86 access which has now been lifted. The remainder of the site was not ruled out for longer term development. Consequently, the long standing in principle policy acceptance of housing on the site overall can only lead to an expression of support for the proposal in principle. In addition, the new Scottish Scottish Planning Policy advocates a long term approach to housing in that outwith City Regions an indication of the possible scale and location of housing up to year 20 should be provided.
79. Again, with regard to the economic development land proposed by the application this follows a long standing commercial allocation in the Badenoch and Strathspey that has been carried forward into the CNPA Local Plan. On this allocation the Scottish Government Reporter considers that the site shown as EDI on the allocation map (see fig 12) is prominent. Concern was also raised that at the time of writing the Reporter recognised that Transport Scotland had an objection to an access to this site (economic development land and housing) from the A86. The Reporter recommended that the economic development land be removed as an allocation, partly based upon the Transport Scotland objection but noting that the site was prominent.

The access issue has been resolved and will be discussed in more detail later in this report. There are landscape issues but some planting has already been carried out in the area and it must be recognised that this is an in principle recommendation only. Some objectors question where new occupiers of the proposed houses will work. With regard to this it is important that economic development land is retained to complement the scheme overall and by that retention allowing the possibility of new employment development for existing and future residents of Kingussie. Given all of the above the economic development element of the application must be viewed as an integral part of the application and should be supported in principle.

Overall Density

80. Again, this is an in principle application that specifies the number of houses proposed at 300. This is an important issue because while the site itself carries no particular natural heritage designation it is a prominent site when viewed across the strath from Ruthven Barracks and areas to the north at Insh Marshes. This means that the overall balance between landscaping and build areas proposed for development has to be considered carefully.
81. The site is bounded to the north and north west by woodland on Tom Baraidh which hosts a waymarked walking trail. In addition, the site to be accessed from Ardbroilach Road is set within a woodland area that is characterised by a combination of Scots pine and birch woodland. This small part of the site is considered to be important in landscape terms and as part of the Local Plan Inquiry process the CNPA argued that this part of the site should not be included within the settlement boundary as it was not thought appropriate for development. Reasons for resisting this part of the allocation have been reinforced by the comments of the Area Roads Manager who cannot recommend in favour of any further development off Ardbroilach Road because of the nature of the road. The 4 plots on Ardbroilach Road could in theory be accessed from the main development site as encouraged by the Badenoch and Strathspey Local Plan. However, this would result in additional tree loss with an access through woodland to serve 4 houses. In addition, the CNPA Ecologist considers this part of the site to be of conservation value. Given the environmental concerns about the 4 plot site taken together with those of the Area Roads Manger it is clear that the 4 plot site should not be supported. The remainder of the site provides ample opportunity for development.
82. In terms of the main part of the site the CNPA Local Plan indicates that the site may provide for approximately 300 houses. Unusually, the Badenoch and Strathspey Local Plan does not provide any overall housing figure for this site, though taking account of the other allocations in the Kingussie area it is estimated that the intention for the site would have been somewhere in the region of 180 and 200 dwellings (though this includes some areas already constructed). However, it is important to note more recent planning guidance has emphasised that planning authorities should make best use of allocated land with potential for higher density particularly at accessible locations. Balanced against this must be the need for significant landscaping at

the site. Both the Highland Council and CNPA Landscape Officers as well as Highland Council's Forestry Officer have concerns about the balance between development and landscaping on what is recognised by all as a prominent site. What any development must seek to achieve at the site is a combination of housing set in a treed landscape which is a character strongly exhibited by Kingussie. This is emphasised by the Badenoch and Strathspey Local Plan.

83. A Landscape strategy accompanies this application. The strategy sets out key aims including the protection and enhancement of existing woodland and to create a woodland setting to the periphery of each development area. A combination of woodland structure planting and in-curtilage planting would be used to achieve this. The eastern part of the site in particular was prominent in the landscape. As mentioned some concern is expressed by consultees about the limited nature of the strategic landscape belts proposed and recommendations are also made that robust structural planting for the whole site should be carried out in the first phase. While the developer argues that in-curtilage planting would be typical and in character with Kingussie this is more easily achieved on the larger plots in the west of the settlement. The general density proposed for this site could not achieve the same effect with in-curtilage planting. In any case, significant in-curtilage planting could reduce the solar gain available to individual houses. This places a key emphasis upon significant strategic planting in corridors and wedges while ensuring that plots can make best use of solar gain on what is a south east facing slope. This clearly needs more detailed analysis than can be accommodated at this stage and because of concerns about the balance between landscape and build areas the positive recommendation at the end of this report specifies up to 300 houses rather than giving a set figure of 300. The agent has concerns about all landscaping being carried out at the first phase as this can result in landscaped areas being damaged by construction resulting in increased costs and additional repeat work. Because this is an outline application any requirement to carry out all landscaping at phase 1 would effectively direct development to certain areas which is beyond the scope of an outline masterplan application. However, there are certain crucial parameters that could be landscaped in advance as has been carried out for larger developments elsewhere. This would include reinforcing the edge of the Tom Baraidh woodland along the north west boundaries of the site as this area should be off limits to construction vehicles, in any case because of the need for hold back distances from this existing woodland. There is also potential for significant landscape corridors across the site as highlighted by the CNPA Landscape Officer. These will ensure an appropriate balance between build areas and landscaping. Such measures are required as part of revised Masterplan submissions at the end of the report.

Access and Phasing

84. Access and the phasing of development is a crucial issue of this application and one that has caused much concern for residents. The original Masterplan proposed 110 houses to be accessed from Dunbarry Road it was contended that the accompanying Transport Assessment justified this. Highland Council's Area Roads Manager considers that the amount of development served by Dunbarry should not exceed 55 houses given the current condition of Dunbarry Road. The phasing proposals have been amended to accord with this comment. Some concern has been raised about the new A86 access by residents. However, this has been indicated as the main point of access for the site since 1997 and is consequently accepted in principle. Transport Scotland originally objected to the proposal but has now withdrawn this objection subject to conditions regarding visibility splays and related issues. A number of trees would have to be removed to accommodate the access, but again this is in essence accepted by the Local Plan allocation. Highland Council's Forestry Officer while raising some concerns has not objected, in principle, to this aspect of the proposal.
85. Local residents have concerns regarding any construction traffic accessing the site via Dunbarry Road and the applicant's have committed to a haul road directly off the A86 and a condition requiring such is attached to the recommendation at the end of the report.



Fig. 13 - Junction of Dunbarry Road with High Street



Fig. 14 - Junction of Dunbarry Road with High Street



Fig. 15- Proposed New Access to site from A86 in foreground

86. Residents raise concern that Dunbarry Road (figs 13 & 14) is not suitable as an access for any further development. As mentioned above the Area Roads Manager has looked at the proposal and considers that the limit should be not more than 55 additional houses prior to a link road connection to the A86 and that traffic calming measures should be placed on Dunbarry Road at the Developer's expense, prior to occupation of any of the 55 houses to be

accessed via Dunbarry. There is significant public concern about a connection being constructed through the development as indicated in the Masterplan. This could in theory result in at least half of the proposed development site being able to access the High Street via Dunbarry Road. This point has been raised with Area Roads who consider that if traffic calming and improvements are carried out at the Dunbarry Road/A86 junction then additional development could be accommodated off Dunbarry. However, some of the land required at the junction appears to be outside of the control of the applicant and is not part of the highway making improvements difficult to achieve. The Area Roads Manager has concerns about a single access from the A86 for the number of houses proposed. However, points out that this could be considered. Given the nature of Dunbarry Road, the strength of feeling within the community and the problems of achieving improvements to the junction of Dunbarry and High Street a single new access onto the A86 is recommended as the sole means of vehicle access to the site. It must be highlighted that this approach does not fully accord with the Badenoch and Strathspey Local Plan which seeks a link between the site and Dunbarry. However, the material reasons stated above are strong enough for resisting vehicle linkage between the development site and Dunbarry, yet retaining potential for pedestrian linkages.

87. The phasing proposals have also been amended to take account of a longer period for development in recognition of advice given in Scottish Planning Policy in that outwith City Regions new local development plans should indicate a land supply of up to 20 years. The revised phasing takes account of this providing 5 year phases for development beyond 2011 as opposed to the original proposals which indicated sequential phasing without any indication of the time period over which the phasing should take place. It could be argued that such a decision should be taken by the future CNPA Local Development Plan. However, there is an allocation that has been around since 1997, carried forward into the CNPA Local Plan that is not the subject of any fatal findings (beyond the access issue now resolved) from the Scottish Government Reporter. Consequently, given the length of time that has elapsed since any significant development opportunities in Kingussie this Masterplan application provides an opportunity to set out the planning of the site and linkages with surroundings to a more detailed extent than a Local Development Plan allocation. This approach provides more certainty for both developers and local community about the nature and timing of housing proposals for Kingussie. While phasing would have to hold some flexibility to reflect market conditions any significant departure (increase) from the 5 year block phasing conditions proposed would have to be the subject of a further planning application. This should help to address resident's fears about the site being built out over a very short time period. Because of concerns previously expressed about the relationship between housing plots and landscaping the phasing condition relates to the 5 year supply blocks beyond 2010 and not the exact numbers of houses within each block as this may be influenced by market and landscaping requirements. The individual pockets of phasing indicated at fig 9 would have to be altered given the single vehicle

access arrangement being recommended by this report and this is required by condition 2 of the recommendation.

88. Concerns about the site being developed rapidly have resulted in further concerns from the community about how infrastructure within the village will cope with the increased demand from occupiers of the new properties. Firstly, it must be recognised that some housing is likely to be taken up by existing residents in the town moving from existing shared houses as families grow. Nevertheless it is anticipated that the new housing would also attract new residents from other areas. Again, the concerns about rapid development have led to concerns about how community infrastructure would cope but the length of time over which phasing is now proposed (15 years beyond 2011) should help those services to adapt and cope. As part of a positive recommendation for the scheme negotiations have been ongoing with regard to planning gain and a contribution for education services at Kingussie Secondary School has been negotiated which complies with Highland Council's Draft Planning Gain policy for education. Aberdeenshire Council's Planning Gain Team has negotiated a planning gain package based upon affordable housing provision, secondary education needs, roads and recycling provision contributions together with some land transfer to the community. Concern has been raised about how the local health service will cope and some concern has been raised by NHS Highland. Again, the amended phasing over a longer term should enable services to adapt more effectively to the growth of the settlement. There is no direct policy or guidance with regard to health service contributions and funding follows the patient rather than being settlement based. Generally financial contributions to health services are not sought through planning gain. With very large developments (over 1,000 houses) land within development sites is sometimes reserved for such facilities. With this application the Masterplan indicates room for a community uses on the plans. This could, in future if required provide a facility for health services but to insist on this specific provision at this point in time would be premature. However, it is possible to ensure that any future proposal gives clear consideration, based upon public consultation and consultation with the relevant agencies as to what any community site could best be used for.

Affordable Housing

89. Overall 25% affordable housing is being offered. This will be secured by means of Section 75 legal agreement. In addition, the developer may be willing to provide subsidised plots for local families with a postcode within the area. This would provide an alternative means of achieving some additional 'market' affordable housing on the site. To address this revised masterplan conditions requires that any detailed application for development being brought forward should include this type of provision. I am not recommending that any particular percentage be put forward as this is not a clear policy requirement that can be insisted upon. However, the developer is willing to consider this as a means of ensuring that some affordable plots are available to local people beyond the 25% requirement.

Foul and Surface Water Drainage

90. Concerns have been raised that current Scottish Water proposals to increase foul drainage capacity at Kingussie Waste Water Treatment Works are planned upon the basis of an increase capacity of up to 160 dwellings. What is being proposed here is clearly in excess of that figure but what is being planned with the revised Masterplan is phased over a period of 15 years beyond 2011 which would encourage a further round of investment in the future. The lack of this capacity at the current point in time is not a reason for withholding planning permissions and would provide Scottish Water with greater certainty over a longer period of time for investment purposes. Some concern has been raised that the development being proposed by this application would take up all available capacity for Kingussie to the detriment of other developments. However, it is important to again emphasise the length of time over which development will take place. Scottish Water would not reserve all capacity for development and effectively offer a first come first served basis for connections. The CNPA are currently dealing with the application for the upgrade of the works.
91. A range of concerns have been raised about drainage and potential flooding from development at the site. This is in particular regard to the lower parts of the site where recent development has been seen to have a ponding effect upon the remaining land. With regard to this detailed technical issue it is important to emphasise that this is an outline planning application and any detailed applications further to this would have to indicate full details of all surface water. However, a site investigation study has been carried out which indicates that the sub soil is not suitable for soakaways or filter trenches. Consequently, dry detention basins are considered the most suitable method. These are engineered depressions in the ground suitable to contain up to a 1 in 200 year flood event. The intention is that the basins will rarely fill and if they do water will be released into the public sewer at less than the current surface water run-off rate. Filtration beds would be used under driveways to slow any release to the detention basins. This level of detail is considered acceptable for an outline planning application stage particularly now that the recommendation specifies a development of up to 300 houses. This together with increased landscaping will provide greater flexibility (in terms of the space available) for the appropriate drainage measures to be installed at each detailed stage.

IMPLICATIONS FOR THE AIMS OF THE PARK

Conserve and Enhance the Natural and Cultural Heritage of the Area

92. Landscaping of the site is a key concern and planning conditions are recommended to ensure that any development provides an appropriate balance between landscaping and housing to provide a development that has a natural setting rather than creating a hard urban edge to the village. Conditions will also address the need to ensure that the plantation to the north of the site is not undermined by any development but is also enhanced

to ensure that the highest part of the development has a soft edge should the plantation ever be felled in future.

93. A natural heritage survey of the site has been carried out and no objections have been raised with regard to this. However, the survey has pointed out that the site of the four house plots house a habitat that is of value in ecological as well as landscape terms, consequently, the four plots are deleted from the scheme by planning condition. A mammal survey is required by planning condition.
94. The River Spey and Insh Marshes are important habitats downstream of the site but neither SNH nor SEPA have objected with regard to this.

Promote Sustainable Use of Natural Resources

95. Kingussie is a key settlement within Badenoch and Strathspey. The principle of locating development at the site is established by the local plan. Extensions to existing settlements are a more sustainable means of accommodating development that will help to support services within the local community.
96. Because this is an outline planning application there are no set details for construction, materials or renewable energy opportunities. However, the hill slope faces south-south east and offers good potential for solar gain. The Masterplan makes reference for the potential to utilise locally sourced building materials, recycled materials, optimum levels of insulation, consideration of alternative energy sources including biomass and air/ground source heat pumps. Condition No2 is recommended to ensure that such proposals are actually brought forward as part of delivering the development on the ground.

Promote Understanding and Enjoyment

97. The key relevance of the proposal to this aim is the importance of ensuring that development is appropriate to the site and that the enjoyment of views of both local people and visitors from sites such as Insh Marshes and Ruthven Barracks are not detrimentally affected. A second important aspect is that connections over the site are maintained and enhanced, particularly into the local path network. The Masterplan seeks to retain and enhance connections and this with a few minor changes has been found to be acceptable to the CNPA Outdoor Access Officer.

Promote Sustainable Economic and Social Development

98. Kingussie has not seen any significant increase in housing in recent years in large part due to lack of capacity at the sewage treatment works. Investment is now planned in the works allowing further development to be considered. The addition of housing would assist in retaining and fostering existing economic uses within the village. The application also proposes a minimum of 25% affordable housing.

Conclusion

99. In terms of the principle of developing this site it must be recognised that the site has been allocated in the Badenoch and Strathspey Local Plan since 1997 and an allocation has been carried forward into the CNP Local Plan. There are no material considerations presented (with the exception of the Ardbroilach Road plots) that would preclude the development of the site in principle. The constraints of Kingussie must also be recognised. The flood plain to the south east of Kingussie mitigates against development in this area and the CNPA has resisted applications for housing development on the steep, wooded, lower slopes of Creag Bheag at West Terrace. This severely limits available options for future development of the village other than the site proposed here.
100. There is concern about the balance between landscape and housing. This has been an important issue for many consultees and concerned residents. I am of the view that the Masterplan as proposed does not provide sufficient detail to allow a fixed permission of 300 houses. The development will be subject to a long time frame and requirements may change. In addition, it will be important that certain key elements of landscaping should be provided prior to development to make sure that there is a robust landscape structure. The character of any development at the end of the day will rely heavily upon the form of the layout being proposed. While only indicative the current layout tends towards a highways driven approach. Given recent guidance on Designing Streets it is important that any future detailed layout reflects the traditional character and pattern of Kingussie creating streets rather than roads that emphasise use of the private car. Because of this, part of the requirements of planning conditions is to produce a revised Masterplan to take account of the provisions of the Designing Streets Guidance.
101. Much concern has focused around the use of Dunbarry Road as an access for the development. While there is a requirement that traffic calming should be carried out and that not more than 55 houses are constructed prior to a loop road through to the A86 being provided there is deep concern about this issue. This is because there would be no physical restriction on more than 55 houses in the development accessing the site from Dunbarry Road. Despite traffic calming measures a considerable percentage of any development could use Dunbarry Road and traffic calming measures may not necessarily discourage this. If the Dunbarry access was for emergency use, pedestrians and cyclists only, and while recognising the steepness of the hill this would encourage future residents to walk and cycle to the High Street. This could preclude a potential bus service through the development. However, the layout with direct vehicle connection to Dunbarry emphasises the private car as a means of accessing the development. This is contrary to latest guidance for designing streets which considers that places should be designed around pedestrians first and cars last.

102. Given the above the recommendation is one of approval. However, material considerations are strong enough to move away from the Badenoch and Strathspey Local Plan principle of a distributor road through the development. While recognising that this application relates to a significant amount of development the landscape constraints upon the site combined with the lower density approach suggested by what is the current plan (Badenoch and Strathspey Local Plan) serious questions must be asked about the number of houses being proposed. Consequently, the recommendation is not for 300 houses but for up to 300 houses. The detailed numbers must ultimately be informed by a revised masterplan based upon what the constraints of the site and its context can accommodate. This will be sought prior to or at the same time as the submission of any detailed application for the first phase of the development. This masterplan should be subject to further public consultation. What is being recommended for approval here is permission for up to 300 houses and economic development uses together with the mix of supporting infrastructure (community/landscaping/infrastructure etc..) proposed by the application. Again, for clarity the sole vehicle access is to the main A86 road and is recommended for approval in principle, but not in detail.

RECOMMENDATION

103. That Members of the Planning Committee resolve to **GRANT** Outline Planning Permission for phased development of up to 300 houses; economic development uses; community uses including infrastructure and landscaping subject to the following:

A. Section 75 Agreement to cover the following: Package of affordable housing provision in line with current policy, secondary education, roads and recycling provision contributions, together with some land transfer.

B. The following planning conditions:

1. Plans and particulars of the matters listed below shall be submitted for the consideration of the planning authority, in accordance with the timescales and other limitations in section 59 of the Town and Country Planning (Scotland) Act 1997 (as amended). No works shall begin until the written approval of the authority has been given, and the development shall be carried out in accordance with that approval.

Either a) Prior to the submission of any detailed application/applications for this site; or b) simultaneously with any first detailed planning applications for the site. A revised Masterplan shall be submitted for the approval of the CNPA acting as planning authority. The Masterplan shall be the subject of public consultation with the local community of a type to be agreed with the CNPA prior to any consultation being carried out. The Plan shall include the following:

- Statement of Community Consultation
- Proposals for local needs housing
- Outline of proposal for Community Site
- Hydrological Survey
- Structural Landscaping Proposals
- Street Hierarchy Proposal to accord with the principles of Scottish Government Policy contained in Designing Streets 2010
- Design Code for the overall site including building heights
- Revised phasing provision of housing/economic development and supporting infrastructure based upon 5 year blocks from 2011 and single access from the A86
- Landscaping plans for implementation prior to development
- Full mammal survey of the site
- Proposals for pedestrian/cyclists/horse rider access onto Dunbarry Terrace and Kerrow Drive.

Reason: In accordance section 59 of the Town and Country Planning (Scotland) Act 1997 (as amended) and to ensure that a clear framework is identified for the future development of this important site.

2. No construction traffic shall access the site from the Dunbarry Terrace, Dunbarry Road, Kerrow Drive Road Network. A construction haul road direct from the A86 shall be constructed to a standard to be agreed by the CNPA in consultation with Highland Council Area Roads.

Reason: In the interests of the amenity of the residents who access properties off Dunbarry Road.

3. Notwithstanding the information contained within the application and for the avoidance of doubt this approval is not for the specified (300) No. of houses and is an in principle permission for up to 300 houses.

Reason: To ensure that there is adequate space on the site to accommodate landscaping, drainage and open space requirements.

4. Notwithstanding the information contained within the application no vehicle (apart from for emergency purposes) access to the site shall be taken from the Dunbarry Terrace, Dunbarry Road, Kerrow Drive Road network. Vehicular access to the site shall be via a single, main access point onto the A86.

Reason: In the interests of the amenity of the residents who access properties off Dunbarry Road.

5. Any applications for matters specified by conditions submitted simultaneously with condition 1 or after condition 1 has been met shall include full details of:

- The siting, design and external appearance of all buildings and other structures including fencing;
- The location and specification of all vehicular roadways and of paths for the separate or combined use of pedestrians, cyclists, horse riders and aids for the off road movement of persons with physical disabilities.
- A detailed landscaping plan, including extensive peripheral tree planting, and proposals to protect and maintain the scenic integrity of the site and provide wildlife corridors
- Surface drainage of the site in accordance with Sustainable Urban Drainage Systems principles (SUDS).

Reason: To ensure that matters referred to are given full consideration and accord with section 59 of the Town and Country (Planning) Act 1997, as amended by the Planning etc. (Scotland) Act 2006.

6. 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.

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

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.

Reason: To ensure that affordable housing is delivered in accordance with current policies

8. For the avoidance of doubt no development is permitted in the area to be accessed from Ardbroilach Road indicated for four plots.

Reason: In the interests of conserving the natural and cultural heritage of this part of the site and to prevent further additional development being served from Ardbroilach Road.

9. In the event that any plots within the development area proposed to be developed on an individual basis they shall be submitted with an accompanying design statement to illustrate how they comply with the requirements of the revised masterplan required under condition 1.

Reason: To ensure a coherent approach to layout and design across the site.

10. 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.

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.

11. Unless otherwise agreed splays shall be provided on each side of the new access with the A86 to the development to the satisfaction of the CNPA acting as local planning authority in Transport Scotland. These splays are the triangles of ground bounded on 2 sides by the first 4.5 metres of the centreline of the access driveway (the set back dimension) and the nearside trunk road carriageway measured 160 metres to the east and 215 metres to the west (the y dimension) from the intersection of the access with the trunk road. In a vertical plane, nothing shall obscure visibility measured from a drivers eye height of between 1.05 metres and 2.00 metres positioned at the set back dimension to an object height of between 0.26 metres and 1.05 metres anywhere along the y dimension.

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.

12. Prior to the commencement of any development, details of the frontage treatment along the trunk road boundary shall be submitted for the approval of the CNPA acting as planning authority after consultation with Transport Scotland. The frontage treatment shall be implemented to the satisfaction of the CNPA prior to the commencement of housing or other development on the site and maintained thereafter.

Reason: To ensure that the movement of traffic and pedestrians is confined to the permitted means of access thereby lessening the danger to and interference with the free flow of traffic on the trunk road

13. There shall be no drainage connections to the trunk roads system

Reason: To ensure that the efficiency of the existing drainage network is not affected and that the standard of construction is commensurate with that required within the road boundary.

- 14.** Prior to the commencement of development, details of lighting (including street lighting) and advertising within the site shall be submitted for the approval of the CNPA acting as planning authority in consultation with Transport Scotland.

Reason: To ensure that there will be no distraction or dazzle to drivers on the trunk road and that the safety of the traffic on the trunk road will not be diminished.

- 15.** A scheme of pedestrian/cycle routes/works for the Kerrow Drive, Dunbarray Road/ Terrace, Campbell Crescent and Acres Road pedestrian areas shall be agreed by the CNPA in consultation with Highland Council Area Roads, in writing prior to the commencement of any development in connection with this approval. The required measures shall be in place prior to the first occupation of any phase immediately adjoining those areas.

Reason: To ensure good pedestrian access to and from the site.

- 16.** A site layout plan submitted in conjunction with any application for the approval of matters specified by conditions shall provide details of visibility splays at each internal road and at each plot access parking, parking arrangements for each plot and communal parking where required, driveway surfacing arrangements and service strips along carriageways to be agreed by the CNPA acting as planning authority in consultation with Highland Council Area Roads Manager.

Reason: In the interests of pedestrian and highway safety and to ensure adequate access and parking.

- 17.** 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, shall be submitted to and agreed in writing with the CNPA acting as planning authority, in conjunction with the Archaeology Section of Highland Council. All arrangements thereby approved shall be implemented by the developers at their expense in accordance with the approved timetable for investigation.

Reason: To ensure that any archaeological remains at the site are investigated and recorded.

18. Any application for the approval of matters specified by conditions shall include detailed proposals for SUDS whether for any entire phase or single dwelling. SUDS proposals for any phase of development must be implemented and operational prior to the occupation of any property within that phase of the development.

Reason: To ensure that adequate surface water drainage measures are planned and implemented for the site.

19. A detailed site specific construction method statement must be agreed in writing with the CNPA acting as Planning Authority prior to the commencement of any works on the site, and must be implemented in full during works on the site. The method statement must address the temporary measures proposed to deal with surface water run-off during construction and prior to the operation of the final SUDS.

Reason: To prevent potential for pollution from construction activities.

20. A suitable management and maintenance agreement shall be submitted to and approved the CNPA acting as planning authority prior to the commencement of development. The agreement shall be in respect of any play areas, hard or soft landscaped areas, roads, footpaths / cycle links that are not adopted by Highland Council. Details shall be included as to how open space will be retained and managed into the future allowing for public access and pathways through the site. The surface of all pathways through the site, other than those intended for adoption by Highland Council, shall be a permeable material.

Reason: To ensure that adequate long term plans are in place for the management of features specified in the condition

21. A suitable management and maintenance agreement shall be established in respect of any drainage measures that are not to be adopted by Highland Council or Scottish Water. Details of and evidence of the maintenance agreement shall be submitted to and agreed by the CNPA acting as planning authority.

Reason: To ensure that adequate long term plans are in place for the management of features specified in the condition

22. Street lighting shall be provided for the development, as required by the Cairngorms National Park Authority acting as Planning Authority in consultation with Highland Council's Lighting Engineer.

Reason: To ensure adequate street lighting and to allow the CNPA to have an input into the design and location of any lighting.

23. 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 acting as Planning Authority 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.

Reason: In the interests of the first aim of the Park.

24. Adequate temporary car parking accommodation shall be provided on the site for the use of employees engaged in construction work on the site in a position to be agreed by the CNPA acting as Planning Authority.

Reason: To ensure that any temporary construction compounds are sited so as to protect the amenity of surrounding properties and the local landscape.

25. All public services for the development, including electrical, cable television and telephone cables, shall be located underground throughout the site. All such work shall be carried out prior to road surfacing and junction boxes shall be provided by the developer.

Reason: To prevent a proliferation of visible infrastructure at the site

26. Prior to the commencement of any development on the site an Arboricultural Implications Assessment shall be submitted to and approved by the CNPA in consultation with Highland Council's Forestry Officer. The scope of the assessment shall be agreed by the CNPA in consultation with Highland Council's Forestry Officer. The Assessment shall identify and evaluate the extent of any impact upon trees through implementing the development, as well as the potential impact of the trees on the proposed development, as per BS5837:2005 (Trees in Relation to Construction).

Reason: To ensure that trees are adequately identified and protected on and around the site.

27. Any application for the approval of matters specified by conditions under the requirements of the Revised Phasing Masterplan required by condition I shall include a detailed landscaping plan in. The landscaping plan shall include comprehensive details of all species (which should be of indigenous origin), planting location and numbers to be planted, as well as details of height and girth at time of planting and projected growth rates. The landscaping of all communal areas within each phase of the proposed development shall be completed within one year of the completion of works in that phase unless otherwise agreed. Any trees or shrubs that die or become seriously damaged or diseased within a period of five years from the time of planting shall be replaced with others of a similar size and species, suited to the climate of the area, within the next planting season.

Reason: To ensure that appropriate landscaping is provided prior to and as an ongoing element of each phase of the development on this prominent site.

28. All top soil stripped in the course of development shall be stored in mounds not exceeding 2 metres in height and unless otherwise agreed shall be retained for subsequent landscaping reinstatement of the proposed development site. All top soil shall be stripped, handled, stored and re-spread in accordance to B.S. 3882:1994 Annex N.

Reason: In the interests of visual amenity and to prevent unnecessary exportation of material from the site.

29. An application for the approval of matters specified by conditions shall include a waste management strategy for each phase of the development applied for.

Reason: In the interests of ensuring that adequate waste disposal and recycling provision is made for each phase on the site.

30. Any application for approval of matters specified by conditions shall include a detailed plan of public access across the site (including existing, during construction and upon completion). The plan shall show –

- i. all existing paths, tracks and rights of way and any areas currently outwith or excluded from statutory access rights;
- ii. any areas proposed for exclusion from statutory access rights, for reasons of privacy, disturbance or curtilage, in relation to proposed buildings or structures;
- iii. all paths and tracks proposed for construction, for use by walkers, riders, cyclists, all abilities users etc.,;
- iv. any diversions of paths – temporary or permanent – proposed for the purposes of the development.

Reason: In the interests of promoting good pedestrian and cycle linkages across the site.

Advice Note:

I. Road Construction Consent is required in respect of all roads related works intended for adoption by Highland Council, Roads Authority.

Andrew Tait – 22 April 2010
planning@cairngorms.co.uk

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.

CAIRNGORMS NATIONAL PARK AUTHORITY

Title: REPORT ON CALLED-IN PLANNING APPLICATION

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

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

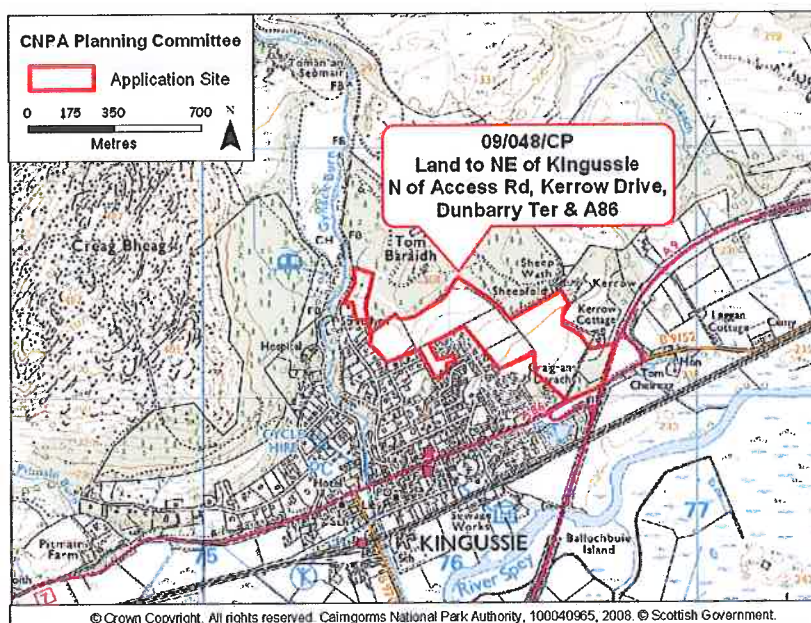


Fig. 1 - Location Plan

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
planning@cairngorms.co.uk

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PLANNING APPLICATION REF: 09/048/CP

RELEVANT EXTRACTS FROM APPROVED MINUTES FOR PLANNING COMMITTEES 30 APRIL 2010 & 6 AUGUST 2010

Planning Committee 30 April 2010

**AGENDA ITEM 6:
REPORT ON CALLED-IN PLANNING APPLICATION FOR MASTER PLAN FOR PHASED DEVELOPMENT OF 300 HOUSES; ECONOMIC DEVELOPMENT USES; COMMUNITY USES INCLUDING ALL INFRASTRUCTURE, LANDSCAPING ETC. AT LAND TO NORTH-EAST OF KINGUSSIE - NORTH OF ACCESS ROAD, KERROW DRIVE, DUNBARRY TERRACE & A86, KINGUSSIE
(09/048/CP) (PAPER 9)**

25. Andrew Rafferty declared an interest and left the room.
26. Duncan Bryden advised Members that several late letters of representation had recently been received (within the required timescales) and to be mindful that the Applicants had not had time to properly consider any new information raised in the letters.
27. Duncan Bryden informed Members that Gary Johnston & Alan Ogilvie, Agents, and Ailsa Schofield, representative from Kingussie & Vicinity Community Council had requested to address the Committee. The Committee agreed to the requests.
28. The Committee were also advised that Russell Gribb from Cameron & Ross and Andy McMullen, Environmental Assessor, were also available for questions on behalf of the Applicants.
29. Duncan Bryden advised that a further request to address the Committee had been received from a Representee, however, it had not been received within the required timescales and therefore their request would not be considered.
30. Andrew Tait presented a paper recommending that the Committee approve the application subject to the conditions stated in the report. He stated that the application was for Outline Permission and emphasised that the permission would be for up to 300 houses.
31. The Committee were invited to ask the Planning Officer points of clarification, the following were raised:
 - a) The lack of reference to the increased demand on health infrastructure and community care needs that the new development would create.
 - b) The number of houses already built on the allocation in the Badenoch & Strathspey Local Plan (Hillside Ave, Croila Rd, Croila View & Kerrow Drive).
 - c) The location of the proposed construction haul road to the development.
 - d) Clarification of the total site area in Hectares.
 - e) The Scottish Government planning policy that a long term vision should be taken for sites, up to a period of 20 years.
 - f) A requirement that the design of buildings on the site should be 'in keeping' and reflect the existing structures already in Kingussie.
 - g) The existing Badenoch & Strathspey Local Plan Environmental designation covering part of the site area.
 - h) Land ownership issues at the junction of Dunbarry Road and High Street, Kingussie.

- i) The ownership of the Shinty Pitch.
32. Gary Johnston, Agent, addressed the Committee.
33. Alan Ogilvie, Agent, addressed the Committee and presented a PowerPoint presentation.
34. The Committee were invited to ask questions of the speaker(s) and the following points were raised:
- a) The density of housing proposed on the site.
 - b) The practicality of a single access road from the A86.
 - c) The number of house plots to be accessed from Dunbarry Road.
 - d) Considerations for play areas and community growth areas.
 - e) Safeguarding community amenity during the various construction phases.
 - f) The apparent 'scattergun' approach to the indicative phasing of the development.
 - g) The potential cost savings of accessing the development through an existing road network.
 - h) The integration of affordable housing throughout the development.
 - i) The Masterplan referred to and if any points were not covered in the Planning Report.
 - j) The potential for Wildcat interest on the site, as raised in a late letter of representation.
 - k) The Mammal and Red Squirrel surveys carried out for the site and the findings.
35. Ailsa Schofield, representative for Kingussie & Vicinity Community Council, addressed the Committee.
36. The Committee were invited to ask questions of the speaker and the following points were raised:
- a) The community view on a single access to the development from the A86.
 - b) Clarification for the potential of Wildcat using the land corridor between the Wildlife Park and the application site.
 - c) Other housing developments in Badenoch & Strathspey.
 - d) The proportion of residents in Kingussie who commute to work outwith the area.
 - e) Numbers of houses potentially required over the next 20 years in Kingussie.
 - f) Clarification if the Community Council had objected to the housing land allocation in the CNP Local Plan.
 - g) The level of community consultation taken place regarding the application.
 - h) The amount of Affordable housing required for people currently residing in Kingussie.
37. Duncan Bryden thanked the speakers.
38. The Committee discussed the application and the following points were raised:
- a) The number of houses specified in the planning application.
 - b) The need for further community involvement in the development brief.
 - c) The level of proposed Affordable Housing on the site.
 - d) Scottish Government legislation requiring a timeous decision on applications.
 - e) Contentment with the principle of development on the site, but the need for it to be kept in proportion to housing density levels currently in Kingussie.
 - f) Concern over the application being determined prior to the discussion scheduled for May regarding the CNP Local Plan.
 - g) The length of time the housing land allocation has been included in Local Plans covering the area.
 - h) The requirement for houses on the site to be designed to reflect those existing already in Kingussie.

- i) The phasing of the development.
 - j) The need for stronger wording in the conditions regarding design, layout, roads and access.
 - k) Concern that planning gain conversations had taken place without community consultation.
 - l) The involvement of the CNPA in facilitating any consultation between the Applicants and the Community.
 - m) The requirement for the Applicants to be cognisant of the Community's wishes in assessing any consultation outcomes.
 - n) The potential for the Applicants to appeal any decision or deferment.
 - o) Concern about specifying the number of houses on any approval.
 - p) The lack of reference to sustainability, energy efficiency and renewables in the proposed conditions.
39. Dave Fallows proposed a Motion to Refuse the application on the grounds that although the principle of development is accepted, the application fails to demonstrate adequate consultation and as an outline application in the form of a Masterplan it is not appropriate in respect of SPP 2010 Paragraph 66 onwards; paragraph 83 and Paragraph 125 onwards. The application also fails to demonstrate that it meets PAN 67 and represents substantial overdevelopment in relation to the Badenoch & Strathspey Local Plan. This was seconded by Gregor Rimell.
40. Peter Argyle proposed an Amendment to Approve the application subject to a Section 75 Legal Agreement and Conditions as stated in the report – plus:
- The addition of planning gain and community care needs in the Section 75 Legal Agreement.
 - Stronger worded conditions regarding Community consultation and a high standard of quality, design and layout for the development.
 - An additional condition regarding energy efficiency, sustainability and renewables.
- This was seconded by Alastair MacLennan.

41. The vote was as follows:

	MOTION	AMENDMENT	ABSTAIN
Peter Argyle		√	
Eric Baird		√	
Stuart Black		√	
Geva Blackett	√		
Duncan Bryden		√	
Jaci Douglas	√		
Dave Fallows	√		
Lucy Grant		√	
David Green		√	
Drew Hendry	√		
Marcus Humphrey		√	
Bob Kinnaird	√		
Mary McCafferty		√	
Willie McKenna		√	
Eleanor Mackintosh		√	
Ian Mackintosh		√	
Anne MacLean		√	
Alastair MacLennan		√	
Fiona Murdoch		√	
Gregor Rimell	√		
Richard Stroud		√	
TOTAL	6	15	0

42. The Committee agreed to approve the application subject to the conditions stated in the report – plus:

- The addition of planning gain and community care needs in the Section 75 Legal Agreement.
- Stronger worded conditions regarding Community consultation and a high standard of quality, design and layout for the development.
- An additional condition regarding energy efficiency, sustainability and renewables.

43. Andrew Rafferty returned.

Planning Committee 6 August 2010

AGENDA ITEM 6:

REPORT ON AMENDED WORDING OF CONDITIONS:

**MASTER PLAN FOR PHASED DEVELOPMENT OF UP TO 300 HOUSES;
ECONOMIC DEVELOPMENT USES; COMMUNITY USES INCLUDING ALL
INFRASTRUCTURE, LANDSCAPING ETC.**

**AT LAND TO NORTH EAST OF KINGUSSIE - NORTH OF ACCESS ROAD,
KERROW DRIVE, DUNBARRY TERRACE AND A86, KINGUSSIE
09/048/CP (OUTLINE PLANNING PERMISSION)
(PAPER I)**

34. Duncan Bryden informed Members that Alan Ogilvie of GH Johnson Building Consultants Ltd. (agent for the planning application) was present and available to answer questions.
35. Duncan Bryden advised Members that a letter had been received within the required timescales from Kingussie Community Council in connection with Paper I. Members paused to read the letter of representation.
36. Duncan Bryden informed Members that a letter had been received, outwith the required timescales, from solicitors R and R Urquhart acting on behalf of the Badenoch and Strathspey Conservation Group. Duncan Bryden acknowledged receipt of the letter. Members agreed not to circulate the letter as it was not received within the required timescales.
37. Andrew Tait presented a paper recommending that the Committee approve the proposed amended wording to the conditions for the reasons stated in the report.
38. The Committee were invited to ask the Planning Officer points of clarification, the following were raised:
 - a) Concerns that the amended wording of condition no. 7 could result in fragmented development across various phases of the site;
 - b) The strength of the use of the term 'otherwise agreed' in allowing the Planning Authority to counteract a fragmented approach to the development of the site; and
 - c) Clarification that the condition was intended to refer to all elements of development within each phase, and not only to landscaping provision.
39. The Committee discussed the application and the following points were raised:
 - d) Query regarding the general procedures for dealing with amendments to conditions;
 - e) Concerns that the approach of amending the conditions prior to the issuing of a decision notice could be considered to hinder opportunities for community consultation;
 - f) Highlighting that the CNPA planning committee resolved to grant planning permission in principle for the development, with the understanding that the community / community council would be fully consulted on future detailed applications;
 - g) Suggestion that the CNPA's Enforcement Officer address the Community Council to explain the role of monitoring and enforcement, and his role in ensuring adherence to conditions of planning permission;
 - h) Request that consideration is given to procedures to allow a greater degree of community consultation where conditions are being considered for amendment; and

- i) A suggestion that CNPA planning officials meet with Kingussie Community Council to discuss the wider context for this application and clarify the consideration of the amended wording for conditions.

40. Don McKee clarified the nature of this report. The substantive discussion and consideration of community representations had taken place on 30 April 2010 and this item related to minor changes to conditions that did not affect the substantive decision, but which would make it easier to implement and control what had been approved by Members. He confirmed that staff would be happy to meet the Community Council.

41. The Committee agreed to approve the proposed amended wording to the conditions for the reasons stated in the report.