
CAIRNGORMS NATIONAL PARK AUTHORITY

Title: REPORT ON CALLED-IN PLANNING APPLICATION

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DEVELOPMENT PROPOSED: PLANNING PERMISSION FOR THE ERECTION OF 6 NEW HOUSES (2 DETACHED AND 4 SEMI DETACHED) ALONG WITH ASSOCIATED ROADS, LANDSCAPING AND SERVICES AT ARDGEAL, INSH, KINCRAIG

REFERENCE: 10/281/CP

APPLICANT: HIGHLAND SMALL COMMUNITIES HOUSING TRUST C/O DAVID SOMERVILLE ARCHITECTS, INVERNESS

DATE CALLED-IN: 20 AUGUST 2010

RECOMMENDATION : APPROVE WITH CONDITIONS



Grid Reference (East / North) : 284184 804371

Fig. 1 - Location Plan

SITE DESCRIPTION AND PROPOSAL

1. Planning permission is sought in this application for the erection of six dwelling houses at Ardgeal, Insh, Kincaig. The proposal represents a second phase of the Ardgeal affordable housing development. The CNPA granted planning permission for phase I of the development (which consisted of 4 detached dwellings) in 2008 (CNPA planning ref. no. 07/374/CP refers). The current proposal is on land to the rear of the existing properties, all of which are now complete and occupied. The six dwellings for which permission is now sought consist of two detached units and 2 pairs of semi detached units.
2. The currently proposed site layout would occupy a more compact land area (0.74 hectares) than the existing phase I development. Plot sizes within the first phase of the development varied between 0.54 acres and 0.64 acres. In contrast the current layout proposes to site each of the semi detached dwellings on plots sizes of between 0.11 acres and 0.15 acres, while each of the detached units are proposed on site areas of 0.19 acres. The overall identified site area is generally a rectangular shape, located immediately to the east of the rear site boundaries of the phase I properties. Access to the proposed new dwellings would be by an extension of the two existing gravel tracks that serve the Phase I properties, with the new layout being such that each extended track would serve one detached and two semi-detached dwellings. The new dwellings are generally proposed to be positioned along a north / south line. Supporting information refers to this positioning accommodating house drainage to the south, and also avoiding the existing small drainage ditch that runs along the eastern side of the site.



Fig. 2 : Existing access track serving Phase I dwellings

3. The land on which the four existing houses are located is elevated above the level of the public road to the north and the access track to the west. There is approximately a 6 metre rise in ground levels from west to east (front to rear) across the existing plots, and the land then generally levels off in the proposed site area. The site is currently wooded.



Fig. 3 : Front and side elevation (House type A)



Fig. 4 : House type E (semi detached properties)

4. The design of the proposed dwelling houses reflects the character of the properties already existing on the adjacent land. In a submission from the architect for the scheme it is stated that the semi detached units have “been designed with the common croft-house and attached barn in mind.” The dwellings are proposed to have vertically positioned larch cladding on the external walls, with a profiled metal roof finish. Solar panels are also proposed on the roof of each of the properties. The dwellings range in floor area from 68.2 sq.m in the two bedroom single storey semi detached property (of which there are two) to 110.94 sq.m. in the remainder of the units, all of which are two storey and have a floor plan which accommodates three bedrooms. Each of the two semi detached pairs of dwellings consist of a two storey unit and an adjoining single storey dwelling.

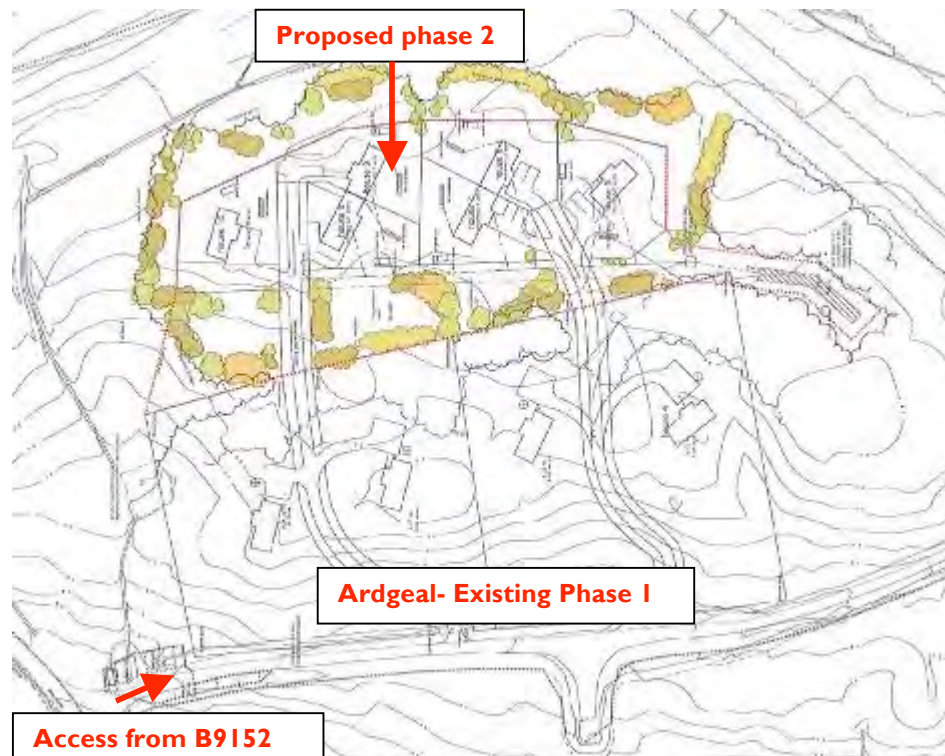


Fig. 5 : Proposed site layout plan

5. The proposed development would provide 100% affordable housing, provided as a low cost home ownership option. The project is intended to target those currently living in housing provided by Registered Social Landlords or in Council rented properties. The applicants, Highland Small Communities Housing Trust, are working in collaboration with Kincaig and Vicinity Community Council in order to identify suitable candidates for the properties.
6. A communal open space area is proposed between the rear of the existing Phase 1 plots and the proposed Phase 2 plots. Existing trees in this area would be felled, in order to open up the area to create pockets of 'cut grass open space', which would be interspersed with new planting of broadleaved trees. Species detailed include birch, aspen, rowan and oak, with willow, alder and hazel to dominate in damper areas. Reference is also made in supporting documentation to the development of this area as a 'community social area' including a play area and picnic area, usable by residents in both phases.
7. The landscaping proposals submitted show a different approach being taken to that of Phase 1. Within the original phase it was proposed to retain trees within each of the individual plots. As plots are smaller within the currently proposed Phase 2, the majority of trees proposed for retention are outside the individual plots. In addition, some 'selected' Scots pine felling is proposed on land to the east which is outside the overall identified site boundaries.¹ Some areas to the east of the site have also been identified to be retained as a shelter belt. Infill replanting with broadleaved species is also proposed.



Fig. 6 : Proposed communal open space area to the rear of existing properties

¹ Although outside the identified site boundary, the land is within the ownership of the applicants.

Background Context and Supporting Information

Sustainable design statement

8. A Sustainable Design Statement has been submitted in support of the proposals. The following is a summary of the factors considered and detailed in that statement –

(a) Development, layout, scale, proportion, materials, construction and finishing : the phase 2 layout is designed to reflect the character of phase 1, with the scale and appearance of the proposed dwellings intended to relate to the type of traditional domestic architecture found in the Kincaig area, incorporating timber cladding and restricted gable widths. The proposed semi detached properties have been designed to have a varied ridge height and scale related to traditional croft houses with attached barns.

(b) Landscaping : the submitted landscaping plan includes proposals that any clear fell areas will be replaced with more suitable native species.

(c) Cultural heritage : the commercial crop of mainly imported Spruce is not considered to be in keeping with the area. The proposed planting schedules are intended to ensure that the area reverts to a more natural landscape which would be considered to be in keeping with its cultural roots.

(d) Sustainable materials : local materials are intended to be used “as far as it is practicable.” This is a matter which was taken account of in phase 1 (where all timber was from FCS or PEFC sources) and the same will apply in the proposed phase 2.

(e) Enhancing wildlife : there will be no net loss of special qualities relating to habitats. Native tree species will be re-introduced to provide screening and a more diverse natural habitat. All habitats will be interlinked within the site through planting schedules.

(f) Energy efficiency : houses are to be oriented to make maximum use of passive solar gain, in an effort to reduce energy demand. Similar to Phase 1 properties, the proposed new dwellings would have high thermal insulation values. Phase 2 dwellings would also have hard ground floors in order to give the units increased thermal mass. Heating would be provided by wood burning stoves and solar panels, with efficient control measures to reduce CO₂ emissions.

(g) Renewable energy : the heating system is proposed to incorporate solar panels in each of the houses, linked to the hot water and heating installation. Experience of this in operation in the existing phase 1 properties suggests that significant savings are being made in CO₂ emissions during summer months as a result of the use of solar panels.

(h) Foul waste water treatment : the 6 dwelling houses are proposed to be linked to a Klargester Biodisk treatment plant and then to a soakaway.

(l) Design for flexibility : although the plot sizes are smaller than those in phase I of the development, the applicants suggest that scope remains for “development of individual developments for home working within the sites.” Plot sizes are also described as being sufficiently large to allow for the creation of private amenity space.

Involvement of Cairngorms Construction Skills Project :

9. Eleven trainees have recently begun an “Access to Construction” course at Inverness College, under the auspices of the Cairngorms Construction Skills Project (CCSP). The proposed phase 2 development at Ardgeal is intended to provide essential work experience for the selected trainees. While the site will be managed by main contractors, the Highland Small Communities Housing Trust will have a representative on site for the majority of the time in order to co-ordinate the skills project.
10. The Cairngorms Construction Skills Project is based on sustainable construction and participants will receive training on matters such as waste management, and measures to reduce noise, light and air pollution during the construction phase. In addition to receiving training, one of the main projects which is intended to be undertaken by the CCSP on the site is the development of the community social area, which is proposed on land between the existing phase I plots and the proposed phase 2 plots. CCSP participants would be involved in the construction of play and picnic equipment for this proposed communal open space area.

Applicants comments in relation to the existing Phase I development:

11. Phase I of the Ardgeal development was undertaken by the applicants, the Highland Small Communities Housing Trust (HSCHT).² The project was in response to the community need for affordable housing. All purchasers of the 4 properties in the phase I development are described by the HSCHT as having strong local connections, through family, residency and work connections. Each of the properties were sold on a shared equity basis, with HSCHT retaining a 35% share in each dwelling. A Rural Housing Burden was written into the title deeds, which gives the Trust a pre-emption right on any future sale, thereby allowing “the Trust to purchase the property to sell it on to other community members requiring affordable housing.”
12. Other points highlighted in the supporting information provided by the applicants include :
 - Reference to the sustainability credentials of the Phase I development - sustainable construction methods and design for living were employed throughout; local contractors were used; and local materials were sourced wherever possible;
 - Details of the method of property allocation – HSCHT undertook a community survey in order to establish the level of need and type of housing required. Priority was given to households with connections to

² Supporting information refers to HSCHT undertaking the work in partnership with Forestry Commission Scotland, Cairngorms National Park Authority, Highland Council, Kincaig and Vicinity Community Council and the Scottish Government.

the local area. The proposed phase 2 properties would be allocated in a similar manner and this has been agreed between the HSCHT and Kinncraig and Vicinity Community Council; and

- Information for phase 1 residents – HSCHT state that Ardgeal Phase 1 residents have been informed and consulted regularly, and their views sought about the phase 2 proposals.

DEVELOPMENT PLAN CONTEXT

National policy

13. **Scottish Planning Policy³ (SPP)** is the statement of the Scottish Government's policy on nationally important land use planning matters. It supersedes a variety of previous Scottish Planning Policy documents and National Planning Policy Guidance. Core Principles which the Scottish Government believe should underpin the modernised planning system are outlined at the outset of **SPP** and include:
 - The constraints and requirements that planning imposes should be necessary and proportionate;
 - The system shouldallow issues of contention and controversy to be identified and tackled quickly and smoothly; and
 - There should be a clear focus on quality of outcomes, with due attention given to the sustainable use of land, good design and the protection and enhancement of the built and natural environment.
14. **SPP** emphasises the key part that development management plays in the planning system, highlighting that it should “operate in support of the Government's central purpose of increasing sustainable economic growth.” Para. 33 focuses on the topic of Sustainable Economic Growth and advises that increasing sustainable economic growth is the overarching purpose of the Scottish Government. It is advised that “the planning system should proactively support development that will contribute to sustainable economic growth and to high quality sustainable places.” Planning authorities are encouraged to take a positive approach to development, recognising and responding to economic and financial conditions in considering proposals that would contribute to economic growth.
15. Under the general heading of Sustainable Development, it is stated that the fundamental principle is that development integrates economic, social and environmental objectives, and that the “aim is to achieve the right development in the right place.”
16. As a replacement for a variety of previous planning policy documents the new **Scottish Planning Policy** includes ‘subject policies’, of which many are applicable to the proposed development. Topics include economic development, rural development, and landscape and natural heritage. The following paragraphs provide a brief summary of the general thrust of each of the subject policies.

³ February 2010

17. Economic development : Planning authorities are encouraged to respond to the diverse needs and locational requirements of different sectors and to take a flexible approach to ensure that changing circumstances can be accommodated. The benefits of high environmental quality are also recognised and planning authorities are therefore required to ensure that new development safeguards and enhances an area's environmental quality and where relevant, also promote and support opportunities for environmental enhancement and regeneration.
18. Housing : **SPP** highlights the Scottish Government commitment to increasing the supply of new homes. The planning system is expected to enable the development of well designed, energy efficient, good quality housing in sustainable locations. The subject of 'Affordable Housing' is discussed and it is defined "broadly as housing of a reasonable quality that is affordable to people on modest incomes" and that it may take the form of social rented accommodation, mid-market rented accommodation, shared ownership, shared equity, discounted low cost home ownership, or low cost housing without subsidy. **SPP** advises that the need for affordable housing should be met, where possible, within the housing market area where it has arisen.
19. Rural development : Para. 92 of **Scottish Planning Policy** states in relation to rural development that the "aim should be to enable development in all rural areas which supports prosperous and sustainable communities whilst protecting and enhancing environmental quality." All new development is required to respond to the specific local character of the location, fit in the landscape and seek to achieve high design and environmental standards.
20. Landscape and natural heritage : The **Scottish Planning Policy** document recognises the value and importance of Scotland's landscape and natural heritage. It is accepted that landscape is constantly changing and the aim is to facilitate positive change whilst maintaining and enhancing distinctive character. As different landscapes have different capacities to accommodate new development, the siting and design of development should be informed by landscape character. There is also an acknowledgement that the protection of the landscape and natural heritage may sometimes impose constraints on development, but the potential for conflict can be minimised and the potential for enhancement maximised through careful siting and design.
21. **Scottish Planning Policy** concludes with a section entitled 'Outcomes' in which it is stated that the "planning system should be outcome focused, supporting the creation of high quality, accessible and sustainable places through new development, regeneration and the protection and enhancement of natural heritage and historic environmental assets."

Strategic Policies

Cairngorms National Park Plan (2007)

22. The Cairngorms National Park Plan sets out the vision for the park for the next 25 years. The plan sets out the strategic aims that provide the long term framework for managing the National Park and working towards the 25 year vision. Under the heading of 'conserving and enhancing the special qualities' strategic objectives for landscape, built and historic environment include maintaining and enhancing the distinctive landscapes across the Park, ensuring that development complements and enhances the landscape character of the Park, and ensuring that new development in settlements and surrounding areas and the management of public spaces complements and enhances the character, pattern and local identity of the built and historic environment.
23. Under the heading of 'Living and Working in the Park' the Plan advises that sustainable development means that the resources and special qualities of the national park are used and enjoyed by current generations in such a way that future generations can continue to use and enjoy them. Section 5.2.4 of the Plan focuses on housing and highlights the need to ensure greater access to affordable and good quality housing in order to help create and maintain sustainable communities. The Plan advises that the quality and design of all new housing should meet high standards of water and energy efficiency and sustainable design and be consistent with or enhance the special qualities of the Park through careful design and siting.
24. The National Park Plan includes a number of strategic objectives in relation to housing, including
- Increasing the accessibility of rented and owned housing to meet the needs of communities throughout the Park;
 - Promote effective co-ordination and co-operation between all public and private organisations involved in housing provision in the Park and communities living there; and
 - Improve the physical quality, energy efficiency and sustainable design of housing.

Structure Plan Policy

Highland Council Structure Plan (2001)

25. **Highland Council Structure Plan** is founded on the principles of sustainable development, which are expressed as –
- Supporting the viability of communities;
 - Developing a prosperous and vibrant local economy; and
 - Safeguarding and enhancing the natural and built environment.
- A variety of detailed policies emanate from the principles.

26. The following provides a brief summary of the policies applicable to a development of this nature. **Policy NI – Nature Conservation** advises that new developments should seek to minimise their impact on the nature

conservation resource and enhance it wherever possible. The Plan refers to the socio-economic benefits of the nature conservation resource and advises that it should be optimised by a high level and standard of interpretation and understanding wherever possible.

27. The Structure Plan also includes a section on biodiversity, defining it as “natural richness and diversity of nature – the range of habitats and species and the uniqueness of each and every organism.” Biodiversity is not the same as natural heritage, but is one of the key functional components. As a key part of the natural heritage of an area it is important to protect, and where possible enhance biodiversity and to monitor any change.
28. Section 2.4 of the Plan concentrates on the subject of landscape, stating that “no other attribute of Highland arguably defines more the intrinsic character and nature of the area than its landscape.” Similar to national policy guidance, there is a recognition that landscape is not a static feature and that the protection and enhancement of landscape and scenery must be positively addressed. **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.”
29. **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.

Local Plan Policy

Cairngorms National Park Local Plan (2010)

30. The Cairngorms National Park Local Plan was formally adopted on 29th October 2010. The full text can be found at :
<http://www.cairngorms.co.uk/parkauthority/publications/results.php?publicationID=265>
31. The Local Plan contains a range of policies dealing with particular interests or types of development. These provide detailed guidance on the best places for development and the best ways to develop. The policies follow the three key themes of the Park Plan to provide a detailed policy framework for planning decisions:
 - Chapter 3 - Conserving and Enhancing the Park;
 - Chapter 4 - Living and Working in the Park;
 - Chapter 5 - Enjoying and Understanding the Park.
32. Policies are not cross referenced and applicants are expected to ensure that proposals comply with all policies that are relevant. The site-specific proposals of the Local Plan are provided on a settlement by settlement basis in Chapter 6. These proposals, when combined with other policies, are intended to meet the sustainable development needs of the Park for the

Local Plan's lifetime. The following paragraphs list a range of policies that are appropriate to consider in the assessment of the current development proposal.

33. Policy 4 Protected Species : development which would have an adverse effect on any European Protected Species will not be permitted unless there are imperative reasons of overriding interest, including public health or public safety; there is no satisfactory alternative solution; and the development will not be detrimental to the maintenance of the population of the species concerned at a favourable conservation status in their natural range. The policy is intended to ensure that the effects of development proposals on protected species are fully considered by the planning authority. Developers will be required to undertake any necessary surveys for species at their own cost and to the satisfaction of Scottish Natural Heritage and the planning authority.
34. Policy 5 – Biodiversity : development that would have an adverse effect on habitats and species identified in the Cairngorms Biodiversity Action Plan, UK Biodiversity Action Plan, or by Scottish Ministers through the Scottish Biodiversity List, will only be permitted where
 - (a) The developer can demonstrate that the need and justification for the development outweighs the local, national and international contribution of the area of habitat or population of species; and
 - (b) Significant harm or disturbance to the ecological functions, continuity and integrity of the habitats or species populations is avoided, or minimised where harm is unavoidable, and appropriate compensatory and / or management measures are provided and new habitats of commensurate or greater nature conservation value are created as appropriate to the site.
35. Policy 6 – Landscape : there will be a presumption against any development that does not complement and enhance the landscape character of the Park, and in particular the setting of the proposed development. Exceptions will only be made where any significant adverse effects on the landscape are clearly outweighed by social or economic benefits of national importance and all of the adverse effects on the setting of the proposed development have been minimised and mitigated through appropriate siting, layout, scale, design and construction.
36. Policy 19 – Contributions to affordable housing : The affordable housing policy is intended to ensure the delivery of a wide range of housing options to a wide range of households in the Park. Policy 19 requires that developments of three or more dwellings will be required to incorporate a proportion of the total number of units as affordable. Developments solely for affordable housing will be considered favourably.
37. Policy 22 – Housing developments outside settlements : the policy is intended to allow for the development of affordable and essential housing outside settlements and building groups and to maintain thriving rural communities. The policy includes a specific section of 'affordable housing outside

settlements' which indicates that such housing proposals would be considered favourably where there are no suitable sites within settlements, where the development does not detract from the landscape setting and where it meets a demonstrable need in the rural location.

CONSULTATIONS

38. In a consultation response received from Highland Council's **TEC Services** (Roads) there is no objection to the proposal. A number of conditions are recommended to be attached in the event of the granting of planning permission, many of which are similar to those imposed on the original permission granted for phase I of the development at Ardgeal. Conditions include :

- a requirement to provide and maintain visibility splays on each side of the access at its junction with the public road;
- the provision of a suitable off road pedestrian / cycle link between the site and the existing public footpath at Loch Insh Watersports;
- the provision of junction bollards at the entrance from the public road;
- the provision of junction warning signs on each approach to the site access road; and
- a requirement to establish a suitable management and maintenance agreement in respect of any hard or soft landscaped areas, roads, footpaths / cycle links that are not to be adopted by Highland Council.

The response from **TEC Services** also advises that the internal road layout could only be considered for adoption if designed and constructed in compliance with the Council's Road Guidelines for New Developments. It is also suggested that the developer should liaise with the Council's Public Transport Officer with regard to potential improvements to the local bus services that may be required.

39. Highland Council's **Housing and Property Services** has been consulted and confirms support for the planning application, noting that it will increase the supply of affordable housing in the Highlands.

40. Highland Council's **Forestry Officer** considered the proposal and notes in the response that the site is listed in the Ancient Woodland Inventory (AWI) as Ancient Semi-natural woodland.⁴ The **Forestry Officer** notes that this is the most ancient and therefore the most significant of all of the AWI antiquity classifications. It is however also noted that the woodland is shown as broadleaf and later conifers in Ordnance Survey maps and the Forestry Officer comments that it would appear to be "under commercial conifers for at least the last 110 years and conservation value diminished."

41. The **Forestry Officer** notes that the landscape proposal drawings submitted show that some tree felling is proposed outwith the identified application site,

⁴ This refers to woodland which existed in the 1750's and is shown on the Roy Military Survey Maps.

to the north, east and south sides. It is also noted that the landscape proposals drawing shows indicative tree retentions, at least 15 metres away from the proposed dwellings, and this is a similar holdback to the adjacent developed site. The **Forestry Officer** however highlights the lack of proposals to protect the retained trees during the construction phase. As a result it is advised that there is a need to supply a Tree Protection Plan showing the location of tree protection fencing outwith the root protection area of the trees to be retained.

42. Highland Council's **Forestry Section** does not object to the development proposal subject to the provision of a robust landscape planting plan to mitigate for tree removal and subject to the inclusion of a number of other conditions in the event of the granting of planning permission. Recommended conditions include the provision of appropriate tree protection measures, the provision of the aforementioned landscape plan, and a restriction on any uprooting, lopping, topping, felling or damage to trees without the prior written consent of the Planning Authority.
43. **Kincraig and Vicinity Community Council** state in their consultation response that they are joint sponsors of the Ardgeal affordable housing project. As such the Community Council strongly supports the application and states that it is unthinkable that it should not be granted planning permission.
44. A variety of comments have been put forward in the response from the CNPA's **Economic Development Officer**. The use of wood burning stoves and solar panels in the houses is noted and welcomed, as it makes "the most of locally available fuel sources and reducing carbon emissions." On the subject of transport the Economic Development Officer comments that residents at the site would be mainly reliant on car or cycle use, as the majority of buses tend to serve Kincraig, which is some distance away. Finally, it is suggested that the development would not have any visual impact on tourism, due to existing screening from the road.
45. The CNPA's **Ecology Officer** notes that an ecological report submitted in support of the proposal identified creeping ladies tresses on the subject site. This is a nationally scarce plant and it is recommended that precise details of the location and density are ascertained, and that translocation takes place where necessary. It was also noted that the mammal survey did not record any significant findings within the site. No active squirrel dreys were recorded and on this matter it is recommended that the applicants attention is drawn to protection afforded to such species in accordance with the Wildlife and Countryside Act. The **Ecology Officer** also recommends in the interests of site enhancement that patches of juniper are planted where possible and that bat boxes are erected on buildings.
46. The response from the CNPA's **Landscape Officer** indicates that the proposed development is acceptable in general terms, although some points are raised which require to be addressed through the inclusion of appropriate conditions in the event of the granting of planning permission. It is recommended that a full detailed landscaping plan is provided prior to the

commencement of development. Points to be addressed in this include the need to demonstrate the retention of a greater extent of the continuous pine canopy than currently proposed, and also the inclusion of proposals to retain more Scots pine in the area between the existing phase 1 and the proposed phase 2 of the development. The current proposals for the complete removal of Scots pine in this area are considered excessive.

47. The final point raised in the Landscape response is the need to put in place a stronger system for managing construction operations on the site than was evident in the Phase 1 development. It is noted that considerable, unnecessary damage was done to the ground flora, in part due to the contractors work area not being limited. Consequently it is recommended in relation to this application that the required landscaping plan includes identification of the area of construction operations, including the location of the storage compound. All areas outwith this agreed area must then be protected with appropriate fencing and should remain out of bounds for all site operations. This out of bounds area should include the entire buffer proposed between the existing Phase 1 and proposed Phase 2 plots, as well as all of the area outwith the garden plots and as much within those plots as practically possible.
48. The CNPA's **Access Officer** considered the proposal and advised that the access track serving the development is a core path (LBS140), and will, subject to agreement with the Highland Small Communities Housing Trust, form part of the Speyside Way extension. The access officer has held discussions with the applicants on this matter and in part arising from that was a suggestion that some car parking provision be made at the entrance to the Ardgeal site from the public road. The submitted site layout plan identifies a number of car parking spaces in this location and the Access Officer acknowledges this and is supportive of it. In considering the development proposal in the context of the Speyside Way Extension, the **Access Officer** advises that the access track should be kept free from obstruction at all times, including during construction.
49. The **Access Officer** has also considered the access issues raised in a letter of representation and acknowledges that both the CNPA and the applicants are aware of the issue of pedestrians having to use the public road in the vicinity of Loch Insh Watersports Centre. Endeavours are being made to ensure that this section of the Speyside Way Extension would be accessible as soon as possible and it is anticipated that subject to relevant agreements, construction could start before March 2010.
50. A detailed response has been received from the CNPA's **Housing Policy Officer** in which background comment is provided on the development of the existing Phase 1, including the sale of the properties on an 'Equity Share' basis and the consequent continued involvement of the Highland Small Communities Housing Trust in the event of a purchaser deciding to sell. In terms of the current proposal, the **Housing Policy Officer** states that the project is for 100% affordable housing for low cost home ownership and is being built to a sustainable design. The project is considered acceptable and it is suggested that the applicants have tried to improve on the previous project.

REPRESENTATIONS

51. The planning application was advertised in the Strathspey and Badenoch Herald on 18th August 2010. Two letters of representation have been received in respect of the proposed development.
52. Clive Freshwater of Loch Insh Watersports, Kincaig states in his letter that “these properties are often taken up by young families” and concern is expressed that there is no safe access available once on the B970, to walk to Kincaig shop. The author requests that consideration is given in conjunction with this planning application, to bringing forward the section of the Speyside Way which would “lead past the properties across the road, over the fields to the shinty field and the footpath known as the Badenoch Way.
53. The second letter of representation is from Barry Corney of Ardgeal, Insh and is a formal objection to “certain parts of the proposed Phase 2 development of the Ardgeal housing project.” The author clarifies that there is no formal objection to the house designs, locations, aspect, sizes or any element of the house build phase proposed. The objection is to the clear felling of trees in the proposed “wedge” amenity area between the original phase 1 plots and the proposed new second phase. Mr. Corney refers to information prior to his purchase of a dwelling in phase 1, where he was informed “that a sizeable buffer zone of existing trees adding to privacy between the 2 phases of the development and a forested natural look would most definitely be retained.” Reference is made to the currently proposed site layout, where tree felling is proposed in a wedge and consequent concerns are expressed that it would leave trees exposed in his and his neighbours garden, potentially leading to wind reduction in tree numbers once the forest canopy has been sliced open.
54. The author makes reference to the original “Milehouse” / Ardgeal project which was “sold as ‘Houses in the Forest.’” Concern is expressed that if clearance is allowed, there will not be a forest within the developed area. Selective thinning of trees within the proposed zone is suggested in the letter of representation, in conjunction with replanting of trees that are already established and of a reasonable size. Mr. Corney objects to proposals for the area in question to be used as a park and suggests that other areas away from the houses would be more appropriate. Reference is made to there only being small distances between the proposed new houses and the proposed cleared section. Concern is also expressed regarding a lack of noise attenuation likely to result from little or no vegetation within the proposed ‘park’ area. A copy of a plan showing the existing Ardgeal Phase 1 dwellings and their plots and also showing 4 larger plots to the immediate east has been submitted with the letter of representation.

APPRAISAL

55. The principle of a residential development of 100% affordable housing has been accepted on land adjacent to the currently proposed site, with that development being referred to as Phase 1 Ardgeal. Further phases of residential development were not implicit in the granting of that planning permission. As such the current proposal for six dwelling units as Phase 2 of the Ardgeal affordable housing development must be considered on its own merits and in the context of current planning policy. Matters to consider in relation to the current proposal include planning policy, site layout and design matters, landscape and natural heritage impact, infrastructure and servicing, and the general relationship of the proposed development with the existing adjacent properties.
56. Planning policy has been detailed in foregoing sections of this report. The proposed site is in a countryside area and there are limited instances in which housing would be permitted in such locations. The proposed development would deliver 100% affordable housing, using the same low cost home ownership model as in Phase 1 of the Ardgeal development. As an affordable housing project the development accords with Policy 22 (Housing Development Outside Settlements) of the Cairngorms National Park Local Plan (2010). At a strategic level, the provision of affordable housing is also consistent with the aspirations of Scottish Planning Policy in terms of rural development and housing, and is also consistent with the strategic objectives of the Cairngorms National Park Plan.
57. The plot sizes currently proposed are significantly smaller than those created in the initial Ardgeal development. This has resulted in a more compact layout, although the general concept of low density rural housing within a predominantly wooded setting continues to be retained. The design concept, scale and materials of the proposed dwelling houses are also compatible with those already existing in the vicinity, and the general character is appropriate to a rural woodland setting. Although semi detached dwellings are more commonly associated with an urban or suburban setting, the 4 units proposed on this site have been designed to take account of the rural setting, and the form of the buildings is intended to reflect that of a croft house and its attached barn. In practical terms, the provision of the semi detached units also facilitates the introduction of a different floor size and internal layout than the detached, and as such could facilitate a wider demographic mix of future occupants.
58. The success of this development in terms of its visual impact depends very much on its ability to be integrated sympathetically with the wooded setting. It is unfortunate that the existing development on the adjacent land failed to retain the extent of woodland that was originally envisaged and the four existing properties undoubtedly have a greater degree of prominence than was previously understood. It is therefore essential that lessons are learnt in relation to the current proposal, both in terms of stringent conditions attached to any planning permission that might be granted and associated post decision

monitoring, and also through more careful construction practices. The latter could be achieved through measures such as early definition and continued adherence to a compact working area and instigating rigorous tree protection proposals. All of those measures, in conjunction with the actual position of the proposed dwellings on what is essentially a well screened woodland plateau to the rear of the existing properties, collectively have the potential to minimise the visual and landscape impact of the new dwellings, perhaps to a far greater extent than the existing properties.

59. In considering the potential impact on the natural heritage of the area, information submitted in support of the planning application included details of ecological surveys which had been undertaken and the information is sufficient to demonstrate that the development will not have an adverse impact. There is also a need to recognise that the development is proposed on land which is predominantly part of a commercial forest plantation and in such areas it is inevitable that clearing and / or thinning operations would occur at some time in the future in any case. Some tree felling is proposed in conjunction with this application, but it is possible through planning permission to exercise more control over the extent of felling activity and to ensure that the replanting proposals assist in conserving and enhancing the natural heritage of the area.
60. Finally, in assessing the development proposals, consideration has been given to its potential impacts on neighbouring properties within the original part of the Ardgeal development. The points raised in letters of representation have also been taken into account. As noted in several foregoing sections of this report, the currently proposed plot sizes are smaller than those in the earlier development. However, this is not a factor which could be considered to adversely impact on the residential amenity of either the existing or proposed properties. The currently proposed layout has been designed to incorporate a substantial wedge of communal open space between the eastern boundary of the four existing plots and the western site boundary of the six proposed new plots. The area would be available as a communal space for residents of both phases and would consist of a combination of grassed open space and also several areas of planting, which would provide a further visual screen between existing and proposed plots. The position and orientation of the proposed new dwellings, together with the fact that the separation distance between all existing and proposed properties is far in excess of the minimum standards required, all lead to the conclusion that the six proposed new dwellings could be accommodated in an acceptable manner without adverse impacts on existing residential amenity.

IMPLICATIONS FOR THE AIMS OF THE NATIONAL PARK

Conserve and Enhance the Natural and Cultural Heritage of the Area

61. The site lies within an Ancient Woodland. However, it is also accepted that the ecological integrity and value of the Ancient Woodland has been diminished by the more recent commercial tree planting on the site. By ensuring mitigation through a plan for tree retention, protection and

reinforcement in and around the site, the landscape and visual impact of the development will be minimised.

Promote Sustainable Use of Natural Resources

62. The proposal is promoted as an exemplar development which sets out to achieve high standards of sustainability in terms of energy efficiency and use of materials. The detailed submissions indicate proposals in respect of these. Overall, the proposal is considered to have positive implications for this aim.

Promote Understanding and Enjoyment of the Area

63. The development of additional residential development of the scale proposed in this rural woodland location would not have any adverse impact on the general public's enjoyment and understanding of the area. Existing access opportunities in the area would remain available and unhindered.

Promote Sustainable Economic and Social Development of the Area

64. The proposal will deliver six new affordable homes in an area where there is a substantiated need. Affordability will be retained in perpetuity through the use of HSCHT's Rural Housing Burden. The proposed development is therefore considered to contribute positively towards this aim.

RECOMMENDATION

That Members of the Committee support a recommendation to : **GRANT PLANNING PERMISSION for the erection of six new houses (2 detached and 4 semi detached) along with associated roads, landscaping and services at Ardgeal, Insh, Kingussie, subject to the following conditions :**

1. The development to which this permission relates must be begun within three years from the date of this permission.

Reason: To comply with Section 58 of the Town and Country Planning (Scotland) Act 1997.

2. The development hereby approved, shall comprise, in perpetuity, affordable housing units, as defined in the Highland Structure Plan 2001 and shall be delivered by an approved affordable housing organisation through the imposition of the Rural Housing Burden or any such other mechanism that may be agreed in writing with the CNPA acting as Planning Authority.

Reason: To justify the development in the context of Policy 22 (Housing Development Outside Settlements) of the Cairngorms National Park Local Plan (2010), to ensure the availability of affordable housing in perpetuity and in the interests of promoting the economic and social development of the area.

3. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (Scotland) Order 1992, no house extension shall be formed; no greenhouse, shed, garage, wall or fence erected; or communal lighting provided without the prior written consent of the CNPA acting as Planning Authority.

Reason: In order to give separate consideration to these matters in respect of the design, quality and character of the development and in order to protect the general amenity of the area.

4. Prior to the commencement of the development, exact details and specifications (samples may be required), shall be submitted for the further written approval of the CNPA acting as Planning Authority and all agreed specifications shall be incorporated thereafter:
- a) finishing material, including colour, for the roofs; and
 - b) finishing colour/stain for the timber clad external walls.

Reason: In order to give separate consideration to these matters in respect of the design, quality and character of the development and in order to retain the visual amenity of the area.

5. Prior to the commencement of the development of the dwelling units elevation drawings shall be submitted for the written agreement of the Cairngorms National Park Authority acting as Planning Authority to show the incorporation of bat roosting opportunities in the proposed lodge design. A minimum of one bat box shall be incorporated into the design of each of the lodges in accordance with the agreed drawings.

Reason: in the interests of enhancing the natural heritage of the area.

6. The following roads related requirements shall be implemented in full :
- (i) Visibility splays shall be provided and maintained on each side of the access at its junction with the public road. These splays are the triangles of ground bounded by the first 3.0 metres along the centreline of the access road (the x dimension) and the nearside edge of the main road (the y dimension) measured 120 metres in each direction from the intersection of the access road with the main road;
 - (ii) Surfacing materials used in the creation of visibility splays shall assist in maintaining the rural character of the access track;
 - (iii) Within the visibility splay nothing shall obscure visibility between a driver's eye height of 1.0 metres positioned at the X dimension and an object height of 1.0 metre anywhere along the Y dimension;
 - (iv) Junction bollards shall be established on either side of the access at its junction with the public road and shall be in place prior to the first occupation of any of the dwelling houses hereby approved. Details of the bollard design shall be submitted for the written agreement of the Cairngorms National Park Authority acting as Planning Authority, in conjunction with Highland Council as Roads Authority, and shall be commensurate with the rural character of the area;

- (v) Suitable advance junction warning signs shall be established on each approach to the site access road and shall be in place prior to the first occupation of any of the dwelling houses hereby approved;

Reason: in the interests of traffic safety and in the interests of the general amenity of the area.

- 7. Prior to the commencement of development, a detailed Tree Protection Plan (including detailed proposals for every retained tree, before and for the duration of the development shall be submitted for the written agreement of the Cairngorms National Park Authority acting as Planning Authority. The Tree Protection Plan shall be prepared by an arboriculturalist in accordance with BS 5837:2005 – Trees in Relation to Construction. All fencing proposed as part of the tree protection measures shall be established in advance of any other development commencing and shall be identified on a scale plan accompanying the Tree Protection Plan. All tree protection shall thereafter be implemented in accordance with the agreed measures.

Reason: In the interests of protecting and conserving the natural heritage of the area and in order to retain the wooded character of the site surroundings.

- 8. Prior to the commencement of development a detailed landscaping plan and a maintenance plan for the site shall be submitted for the written agreement of the Cairngorms National Park Authority acting as Planning Authority. The landscaping plan shall include :
 - (i) details of all existing trees and shrubs on the site, identifying those for felling / clearance and those for retention;
 - (ii) proposals for the retention of an increased amount of the existing pine canopy and Scots pine on the site;
 - (iii) proposals for the planting of local origin, native tree species (including details of the siting, numbers, species and heights (at the time of planting) of all trees, shrubs and hedges);
 - (iv) details of all other types of new boundary treatments proposed; and
 - (v) details of all surface treatments.

The landscaping and maintenance programme shall thereafter be implemented and maintained in accordance with the approved plan. The plan shall ensure:-

- (a) Completion of the scheme during the planting season next following the completion of the development, or such other date as may be agreed in writing with the Planning Authority;
- (b) The maintenance of the landscaped areas in perpetuity in accordance with the detailed maintenance schedule/table. Any trees or shrubs removed, or which in the opinion of the Planning Authority, are dying, being severely damaged or becoming seriously diseased within three years of planting, shall be replaced by trees or shrubs of similar size and species to those originally required to be planted.

Reason: in the interests of conserving and enhancing the natural heritage of the area, in order to maintain the woodland setting and in the interests of minimising the visual impact of the development.

9. Prior to the commencement of development a detailed construction management plan shall be submitted for the written agreement of the Cairngorms National Park Authority acting as Planning Authority and shall be implemented in full thereafter. The plan shall include identification of the construction operation area and storage compound. Detailed proposals for the provision and erection of appropriate protection fencing of all out of bounds areas shall be included. All fenced areas shall remain out of bounds for the duration of all construction and site operations.

Reason: in order to limit the extent of the construction area and in the interests of conserving the natural heritage of the area.

10. A suitable management and maintenance agreement shall be established in respect of play areas, hard and soft landscaped areas, roads and footpaths that are not adopted by Highland Council. Details of and evidence of the maintenance agreement shall be submitted for the written agreement of the Cairngorms National Park Authority acting as Planning Authority, prior to the commencement of development.

Reason: to ensure the long term management and maintenance of any elements within the development that are not to be adopted by a statutory body.

11. No trees shall be uprooted, lopped, topped, felled or damaged without the prior written consent of the Cairngorms National Park Authority acting as Planning Authority.

Reason: In the interests of conserving the natural heritage of the area and in order to protect the wooded setting.

12. All public services for the development, including electrical, cable television and telephone cables, shall be located underground throughout the site.

Reason: in the interests of the visual amenity of the area.

13. Prior to the commencement of development details of the exact siting and quality of creeping ladies tresses shall be submitted, and accompanied by proposals for its translocation from within any house plot, shall be submitted for the written agreement of the Cairngorms National Park Authority acting as Planning Authority. The detailed proposals shall include identification of the new location, as well as comprehensive details of the procedures included in the translocation process, including details of the timeframe for the process to take place. The translocation shall thereafter take place in accordance with the agreed proposals.

Reason: In the interests of conserving and enhancing the natural heritage of the area.

Advice notes :

- (i) The internal road layout is not intended for adoption as it has not been designed in accordance with Highland Council's Road Guidelines for New Developments. The design of the existing roads serving houses form the B970 public road, and the extensions to the existing roads have not been designed and constructed to a standard suitable for adoption.

- (ii) Red squirrels are one of a number of species protected under Schedule 5 of the Wildlife and Countryside Act 1981 (as amended under the Nature Conservation (Scotland) Act 2004). Section 9(4) of the Act makes it an offence to intentionally or recklessly damage a red squirrel drey.
It is now an offence to intentionally or recklessly
 - Kill, injure or take (capture) a red squirrel;
 - Damage, destroy or obstruct access to any structure or place which a red squirrel uses for shelter or protection;
 - Disturb a red squirrel whilst it is occupying a structure or place which it uses for that purpose

- (iii) The applicants are encouraged to liaise with Highland Council's Public Transport Officer regarding potential improvements that may be required to the local bus service and related infrastructure.

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1 December 2010

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.