
CAIRNGORMS NATIONAL PARK AUTHORITY

Title: REPORT ON CALLED-IN PLANNING APPLICATION

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DEVELOPMENT PROPOSED: ERECTION OF 30 (AMENDED TO 25) HOUSES AND CONSTRUCTION OF ACCESS ROAD ON LAND SE OF MILLSIDE HOUSE, MILTON, AVIEMORE

REFERENCE: 09/153/CP

APPLICANT: MILTON BURN DEVELOPMENTS LIMITED

DATE CALLED-IN: 29 MAY 2009

RECOMMENDATION: REFUSAL

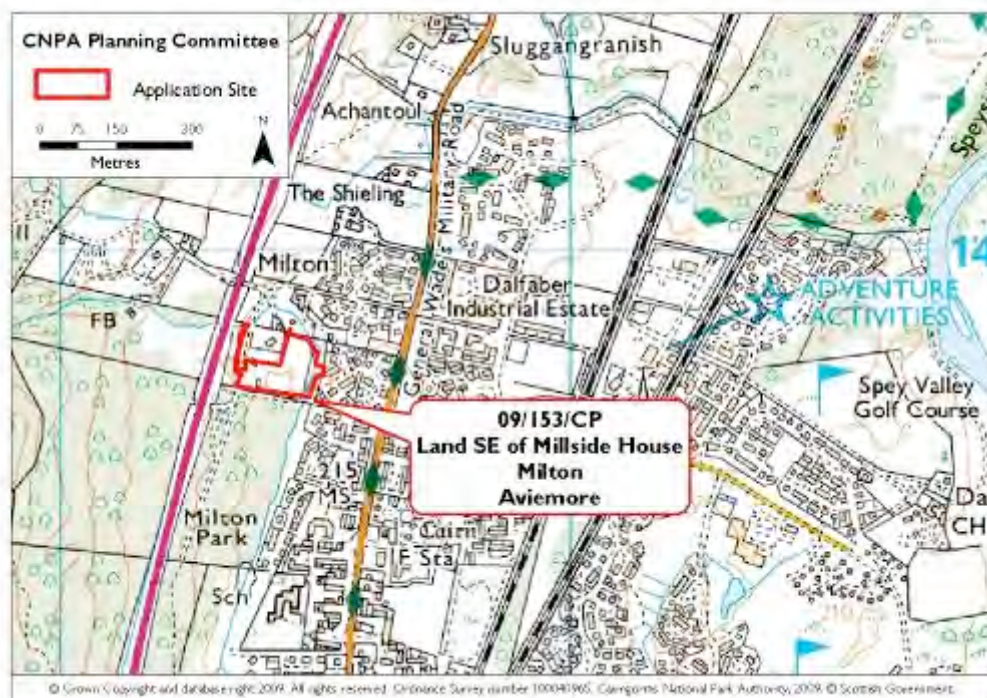


Fig. 1 - Location Plan

SITE DESCRIPTION BACKGROUND AND PROPOSAL

1. The site lies at the northern end of Aviemore, east of the A9 the majority of the site being accessed from the existing residential cul-de-sac of Grampian View. The access would cross the Aviemore (or Milton) Burn which downstream becomes part of the River Spey Special Area of Conservation. The eastern boundary of the site is formed by the burn itself. The southern boundary is immediately to the north of a footpath which currently links Grampian View with the Aviemore Orbital path. The western boundary is just inside the orbital path. Access to two detached units (amended to single large house (see fig 5) is gained from the Orbital path and an existing access road onto the B9152 at High Burnside. The ground gently rises to the northern part of the site which is bordered by the gardens of existing residential properties (see location plan fig 1). The site contains the remains of a Grain Mill that is a feature of the Royal Commission on Ancient and Historical Monuments of Scotland National Monuments Record (Fig 12).
2. This application seeks full planning permission for the erection of 29 houses. This site forms part of a previous larger application site for 25 dwellings including woodland to the south that was refused by Highland Council in November 2004. That proposal was in outline and specifically for 25 houses. An indicative layout plan submitted at the time showed how they could be sited. The houses were arranged generally in line with pockets of development indicated by the Badenoch and Strathspey Local Plan (see fig 14). While refusing the application because of the impacts on woodland it was indicated by Highland Council at the time that an application for the development of the upper part of the site may prove supportable. Subsequently, an outline application for the upper part of the site was submitted and called in by the CNPA. This received outline approval from the CNPA (Ref 07/393/CP) in March 2008 after members carried out a site visit. The approval was subject to a range of planning conditions. One condition placed on the permission at the advice of SEPA (Scottish Environment Protection Agency) was that the finished floor levels of any buildings on the site should be set at a minimum level of 222.7m due to potential flooding concerns. Another condition was that the western part of the site should not be developed and that the remains of an old mill on the site should be reinstated. The conditions effectively sterilised large parts of the site from being capable of development and in the applicant's view the site was not viable on this basis. SEPA has changed its position since this time on the basis of the information submitted by the applicant. This allows a much greater area of the site to be developed.
3. Through the planning application process the current application has been reduced to 25 houses over the 1.15 hectare site designed in a courtyard layout of 24 units accessed from Grampian View (see fig 5). Two separate detached properties, recently amended to a single large house were intended to be accessed from the north via the orbital path. This is the access route for the single house and would require the widening of a short section of the path south of Millside House (see fig 13). House numbers would consist of 1-

4 bed house with granny flat, 8-3 bed houses and 16-2 bed houses. The overall density of development averaging at 26 units per hectare. In terms of affordable housing the applicant is willing to accept a Section 75 Agreement for 25% affordable provision on this site in the short term.

04/216/OUTBS: RESIDENTIAL DEVELOPMENT [25 DWELLINGS], LAND WEST OF AVIEMORE BURN, OPPOSITE GRAMPIAN VIEW AND MORLICH PLACE, AVIEMORE

Goldcrest [Highland] Ltd

INDICATIVE SITE PLAN

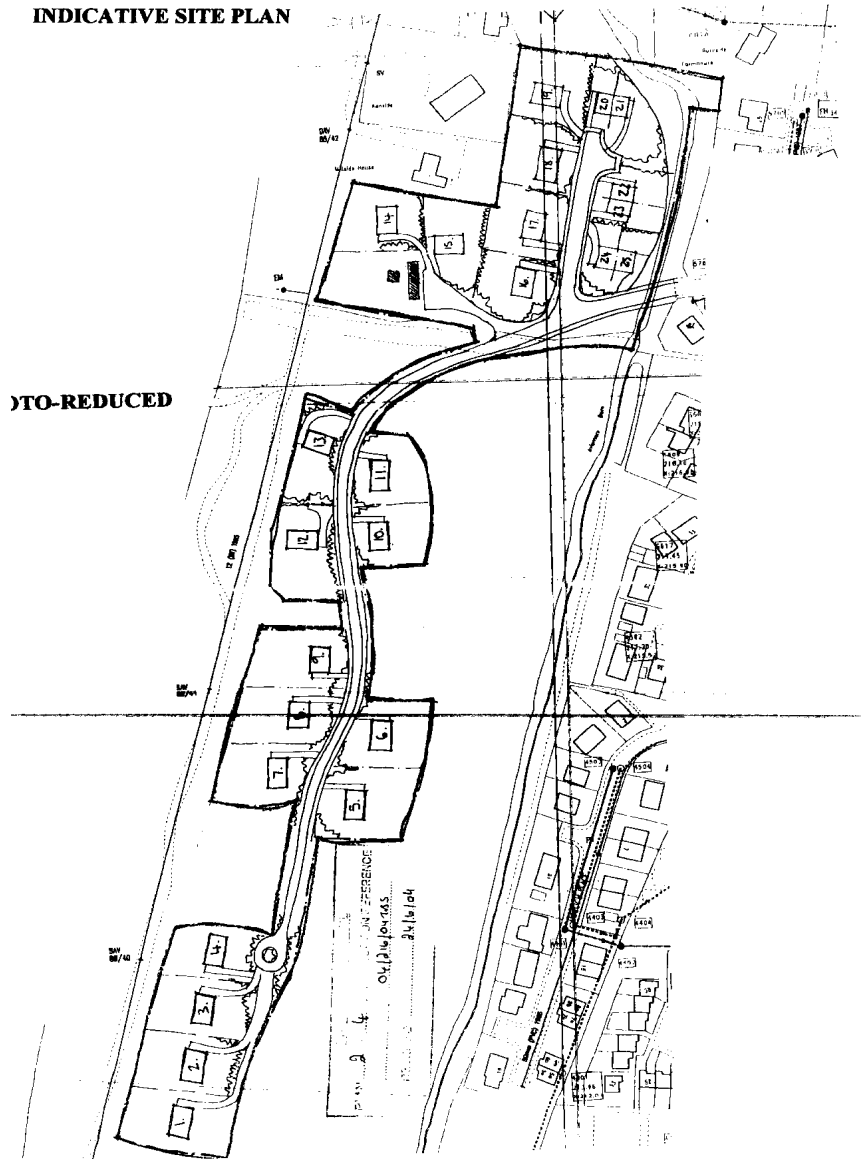


Fig. 2- Indicative layout for proposal refused by Highland Council in 2004

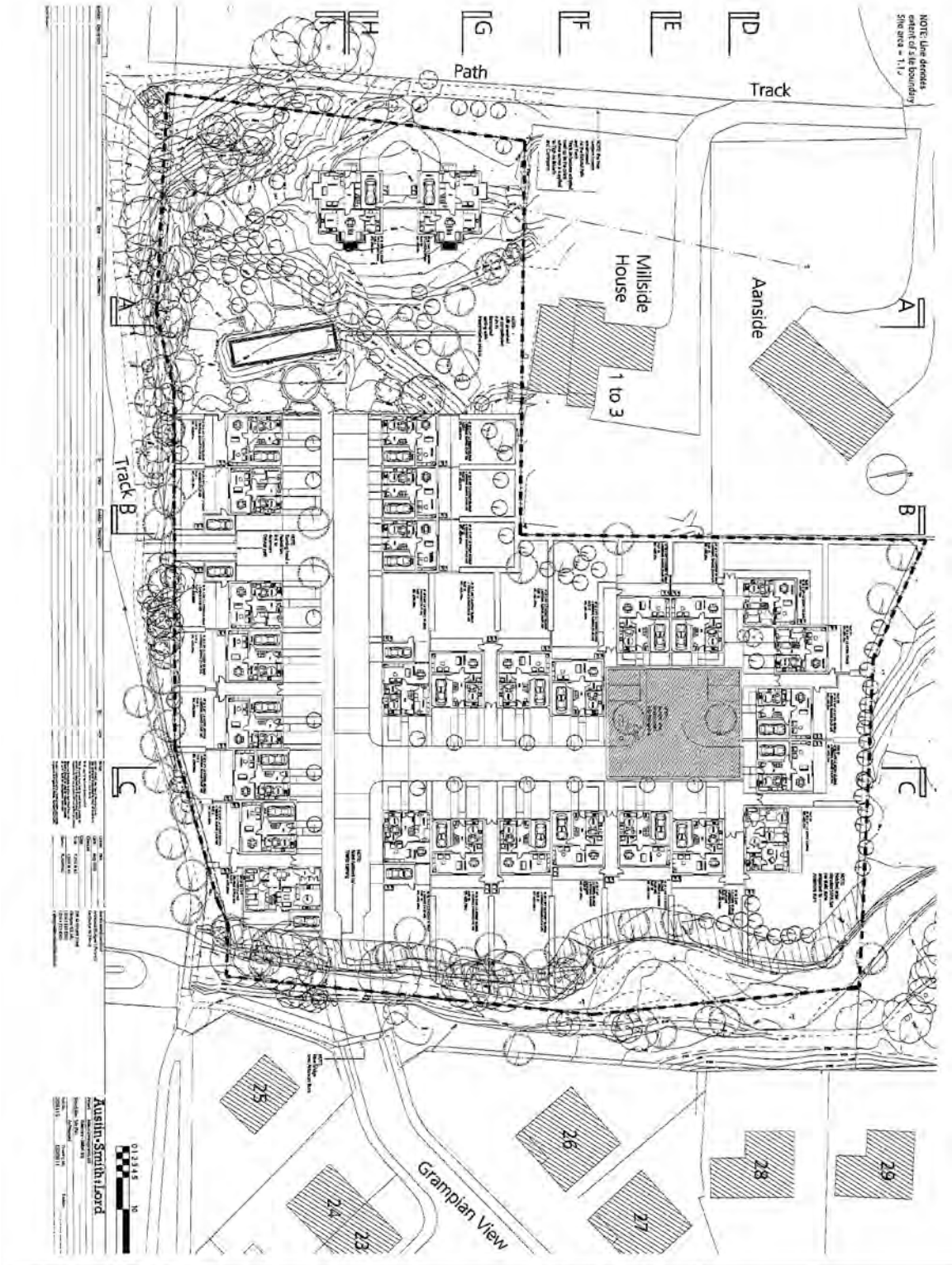


Figure. 3- Original Submission Layout



Figure. 5- Recently submitted amended layout showing single plot accessed from Orbital path and numbers reduced to 25 units overall, blue dots indicate soakaways.

4. The houses are placed along streets in a uniform manner heading west and north on the site with small front gardens, parking areas and integral garages. The street heading northwards terminates in a courtyard around which houses are arranged. The street heading westwards terminates just below the old Mill where a space is provided for the viewing and interpretation of the structure which is to be retained and stabilised in its current form. The scheme has been submitted with a Planning Statement which sets out the design principles behind the development. The first house on the site functions as a gatehouse, addressing the entrance to the site. After this the streets are lined by a series of attached 1.5 storey 2 and 3 bed houses.
5. The road heading northwards hosts a mono-pitch house on either side. A homezone approach is used to constrain the speed of cars and terminates in the courtyard area framed by 1.5 storey houses. The key design feature is that the front elevations are higher than the rear elevations. In terms of materials walls, are to be a traditional harl render with roofs in slate grey roof tiles. Windows and doors are double glazed in timber. Layout and perspective plans can be seen at figures 3 to 5.
6. With regard to technical matters foul drainage is to the mains and the public water supply will be used. A geotechnical survey has been carried out to assess ground conditions. Surface water drainage from roads will require two levels of treatment and will be discharged to a swale that will then feed into the burn. Surface water run-off from plots will be attenuated within each plot. Material will be removed from the higher section of the site and deposited on the lower sections to even contours up on the site though the basic slope from the south to the north will remain. There is a spring and wet area below Millside House where some trees will be removed. The flood risk assessment notes that this boggy area is hydraulically unconnected to the burn which is why water ponds there. The assessment recommends that this is directed to the burn. The estimation of the overall build programme is in the region of 18-24 months.



Fig. 6- Grampian View exit onto B9152



Fig. 7- Access to site from Grampian View (burn in treed area)



Fig. 8- Grampian View showing exit onto B9152



Fig. 9- Southern boundary of site (to left of photo) showing path that links Grampian View with Orbital path.



Fig. 10- Looking north into site from access



Fig. 11- Looking south over the site



Fig. 12- Showing remains of Mill



Fig. 13- Showing section of path that would need upgraded to track to access single house (immediately behind garage) at western side of site.

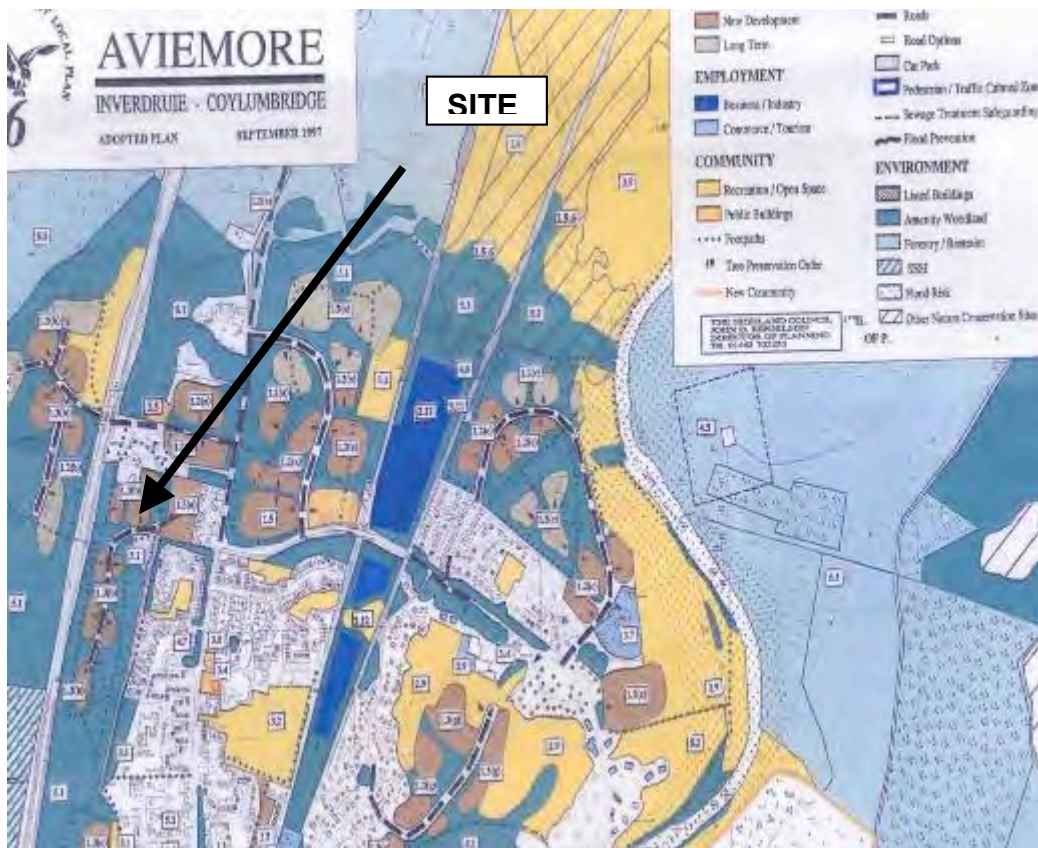


Fig. 14- Extract from Badenoch and Strathspey Local Plan 1997

DEVELOPMENT PLAN CONTEXT

National Guidance

7. **Scottish Planning Policy 1 (SPP1) The Planning System** para 46 requires that planning decisions are made in accordance with the development plan unless material considerations indicate otherwise. If a proposal accords with the development plan and there are no material considerations indicating that it should be refused, permission should be granted. There is an expectation that proposals that are in accordance with the development plan will be granted permission. However, other considerations such as more recent expressions of policy and planning guidance may outweigh the policies of the plan. Likewise similar circumstances may apply where plans are out of date and less relevant to changed circumstances.
8. **Scottish Planning Policy 3 (SPP3) Planning for Housing** notes that new housing should make a positive contribution to the built and rural environment and that new housing should be easily accessible by public transport and well integrated into walking and cycling networks. Para 18 of the guidance notes that new housing development should not be located on open space which contributes to local needs and community enjoyment. Para 38 notes that plans and proposals for residential development, should seek to minimise adverse effects on natural heritage, including landscape character and bio diversity. The guidance notes that meeting housing requirements through extensions to existing towns and villages can help to sustain local schools, shops and services.
9. SPP3 para 67 notes that infill sites within settlements can make a useful contribution to the supply of housing land. These opportunities might range from relatively small scale undeveloped sites within otherwise built -up frontages or larger areas of land in urban, suburban or village locations. Planning authorities should ensure that where infill sites are assessed as suitable for development, proposals respect the scale, form and density of the surroundings and enhances the character and amenity of the community. The individual and cumulative effects of infill must be sustainable in relation to the social and economic infrastructure of the place, and must not lead to over development. In particular care should be taken not to erode the open space and green networks in an area.
10. Other national level advice is contained in **NPPG 14 on Natural Heritage**. It strikes a positive note stating that conservation and development can often be fully compatible, and the potential for conflict can be minimised. In relation to statutory designations, and in particular National Parks, para. 33 states that “while conservation of the natural heritage will be a key objective in any National Park, the Government considers that due weight must also be given to the social and economic interests of local communities.”
11. **NPPG 14** also deals with wider natural heritage issues, outwith statutory designations, and stresses that natural heritage is found throughout the countryside, and that efforts should be made to safeguard and enhance the wider natural heritage beyond the confines of nationally designated areas. Among

features listed as being of potential value in the development of habitat networks are woodlands, rivers and burns, and traditional field boundaries such as dykes or hedgerows. Para. 50 emphasises the importance of trees and woodlands, both as wildlife habitats and in terms of their contribution to landscape character and quality. **NPPG 14** highlights the duty of Planning Authorities, in accordance with section 159 of the Town and Country Planning (Scotland) Act 1997, to ensure that wherever appropriate, planning permissions make adequate provision for the preservation or planting of trees.

12. **Scottish Government Designing Places 2001** considers that there are six key qualities which make a successful place: Places should be distinctive, safe and pleasant, easy to get around, welcoming, adaptable and resource efficient.
13. **Planning Advice Note 72 Housing in the Countryside 2005** considers that location within the landscape is important, pointing out that most new developments should try to fit into or nestle into the landscape. Skyline development should be avoided, so should heavily engineered platforms. This is to ensure that building does not interrupt and conflict with the flow of the landform or appear out of scale.

Highland Council Structure Plan

14. **The Highland Structure Plan 2001** highlights a number of salient points as well as setting out a number of broad policies applicable to the development 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.”
15. **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.
16. **Policy H5 Affordable Housing** notes that where there is a demonstrable need for affordable housing. Section 75 and other mechanisms will be used to secure developer contribution where justified.
17. **Highland Council Development Plan Policy Guidelines 2003** provide more detail on the issue of affordable housing and consider that an objective target of 25% affordable housing should normally be expected of all future developments comprising 10 or more new or converted homes.

Badenoch and Strathspey Local Plan 1997

18. Under the Aviemore section of the Plan the main priorities for Aviemore include to establish an agreed framework for major expansion and environmental enhancement of the Aviemore area; to ensure sufficient choice of building land to meet housing opportunities for all needs; to strengthen the village as a major shopping and service centre; to open up major new recreational corridors based on the river Spey and Aviemore Burn and encourage proper management and provision for public access; to transform the image and texture of Aviemore, “green up” the village and restore links with its wider setting.
19. The site is part of a larger allocated site shown on the proposals map of the Badenoch and Strathspey Local Plan shown as 6.1.3 (b) site to west of burn for 20-25 houses with approximately 13 plots in the birchwoods. Surrounding land is shown as amenity woodland (see fig 7). Set back from A9 and tree safeguards are a requirement of the allocation. Under the ‘Community’ section of the plan for Aviemore reference is made to land adjoining the Aviemore Burn and running through to the Spey margins as being allocated for open space/recreational use forming a village park and possibly incorporating a range of features and on this particular site the possible restoration of the former Meal Mill and a small car park.

Highland Council Development Plan Policy Guidelines 2003

20. Residential Layout-The council favours a balance of housing tenures and will encourage residential areas of small groups of various house types and densities. A maximum plot ratio of 30% is normally expected. However, this will vary according to the form of development. Layouts should encourage walking, cycling and the use of public transport. Every house in a development shall normally be sited within 400 metres of a bus route as standard. With regard to open space requirements on housing developments of between 16 and 75 units require a play area for children of 4-8 years within a 5 minute walk.

Cairngorms National Park Plan 2007

21. The **Cairngorms National Park Plan** sets out the strategic objectives for the Park under three headings, all of which are of relevance to the development proposal – (i) conserving and enhancing the Park; (ii) living and working in the Park; and (iii) enjoying and understanding the Park. In relation to conserving and enhancing the Park the objectives set out in the Plan include maintaining and enhancing the distinctive landscapes across the Park and ensuring that development complements and enhances the landscape character of the Park. The Plan also requires that new development in settlements and in surrounding areas should complement and enhance the character, pattern and local identity of the built and historic environment. In elaborating on this particular objective it is advised that new development should enhance the local identity, quality of public space and surrounding environment and that high quality design should be a feature of all new developments.

22. Under the heading of **Living and Working in the Park**, the Park Plan includes a specific section on Housing. Objectives include increasing the accessibility of rented and owned housing to meet the needs of communities throughout the Park and ensuring that there is effective land and investment for market and affordable housing to meet the economic and social needs of communities throughout the Park.
23. In relation to **Enjoying and Understanding** the Park the Plan recognises that enjoyment of the park area is not only relevant to those people travelling to the Park, but is part of the everyday experience of those living in and around the area. The experience of residents and visitors alike should be of the highest quality. The Plan contains a number of strategic objectives for outdoor access and recreation, which include encouraging people of all ages and abilities to enjoy and experience the outdoor environment.

CONSULTATIONS

24. **Scottish Natural Heritage (SNH)** notes that the proposal includes a new bridge across the burn to access the housing development site. The Milton Burn is not pristine, parts of it have been diverted in the past and it has been straightened, canalised and rock armour gabions placed at various locations. There is an area of active erosion immediately adjacent to the development site which may be due to the placement of gabion baskets upstream.
25. The site lies close to the Aviemore (Milton) Burn. Approximately 1.3 km downstream, the burn is designated as part of the River Spey Special Area of Conservation (SAC). The River Spey SAC is designated for its populations of Atlantic salmon, otter, freshwater pearl mussel and sea lamprey. The Aviemore Burn is likely to be used by salmon and otter, but freshwater pearl mussel and sea lamprey are unlikely to be present.
26. It is important that salmon can migrate up and down the burn. SNH would advise the CNPA that on the basis of the appraisal carried out to date, if the proposal is amended or conditions applied to address the following then the significant effects can be avoided. Any bridge design should be constructed to a standard to be agreed with the Spey Fisheries Board; no barriers to the free passage of fish; to protect the burn there should be no culverting, canalisation or any diversions; no removal of riparian vegetation to maintain the stability of the banks and prevent sediment entering the burn which would be detrimental to the clean gravel substrates required by spawning salmon; SEPA to be consulted on the discharge of surface water; no development within 5 metres of Milton Burn; otter survey to be carried out. An otter survey has been carried out and SNH comment that there is no indication of whether this was carried out using their suggested methodology. SNH confirm that the area is of low value to otters and is probably part of the extended foraging territory for a single otter. SNH therefore, conclude that it is unlikely that this development will either directly or indirectly affect otter.

27. From the plans submitted SNH notes that it is proposed to remove riparian vegetation and to use a 'green bank' erosion protection system to stabilise the banks in the vicinity of the bridge. SNH accepts that some trees will have to be removed in the vicinity of the proposed bridge abutments; however SNH recommends that SEPA is consulted on the design specification of this erosion protection system to ensure it is robust enough to prevent erosion of the banks. Outwith the location of the proposed bridge SNH would wish to see the trees in the riparian corridor retained to maintain the stability of the banks to prevent sediments entering the burn.
28. SNH note that SEPA has raised concerns that the bridge infrastructure may cause increased flood risk. SNH has also raised concerns that past attempts at engineering sections of the burn have resulted in areas of active erosion. SNH therefore recommends that there is confirmation from SEPA that the bridge design will not increase flood risk and exacerbate erosion at this location
29. **Scottish Environment Protection Agency (SEPA)** has been consulted on the proposal and originally objected on the grounds of flood risk. Further information was requested in the form of a site layout plan indicating the floor levels of each individual house; further details to be provided on the bridge design including an assessment of whether the new watercourse crossing would have the potential to exacerbate flood risk elsewhere. Further information was provided and SEPA re-consulted. SEPA has subsequently withdrawn their objection noting that the relevant Council should be consulted to undertake their responsibilities as Flood Prevention Authority. The floor levels of individual houses shown on the site plan as proposed are considered acceptable. The bridge structure as shown on the relevant drawing does not encroach into the functional flood plain and as such SEPA has no objection to this aspect of the proposal.
30. **Scottish Water (SW)** has been consulted and comments that in terms of planning consent SW does not object to this application. However, planning approval does not guarantee a connection to SW infrastructure. Approval for connection can only be given by Scottish Water. SW goes onto note that 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, however, there are possible pressure issues in the area. The waste water network that serves the proposed development may be able to accommodate the new demand. With regard to Aviemore Wastewater Treatment Works at present there is limited capacity to serve this new demand. The developer should discuss their development directly with SW. In some circumstances it may be necessary for the Developer to fund works on existing infrastructure to enable their development to connect. Should SW become aware of any issues such as flooding, low pressure, etc the Developer will be required to fund works to mitigate the effect of the development on existing customers.
31. **Highland Council Head of Housing Development and Estates** has confirmed that Highland Council would support off-site affordable housing

provision at the town centre site (Kila), subject to the design meeting Scottish Government design standards for affordable housing and the housing being delivered to current cost guidelines for registered social landlords. They have suggested that the developer approaches Albyn Housing Society to discuss their proposals for the town centre site, to ensure that it is deliverable. A Section 75 Agreement would be required for the Milton site unless the developer could prove that they had entered into a contract with Albyn on the alternative site.

32. **CNPA Natural Heritage: Landscape:** The principle of housing is supported for the site. However there are significant details that require further consideration. The layout is generally introspective and does not allow for good integration with the site context. The relationship with the path to the south is considered to be poor. With regard to the pedestrian entrance onto the path from the southern side of the development the question is asked whether this could be sited at the junction of the spur road. The road entrance is dominated by building and high walling without amelioration. The change from the burn side is very abrupt and a softer approach here would be greatly beneficial. The 'gatehouse' is too close to the burn and breaks the continuity of the garden space/burn side relationship. It should be omitted and a greater emphasis placed upon tree planting in this area. The use of hedging is not a particularly characteristic boundary in Aviemore. There has been a strong emphasis on stone walling. There should be more of an emphasis upon dry stone walling particularly at the road junctions. The roofs on the rear elevations on the southern line of houses appear perfect for solar gain. A full planting plan will be required.
33. A significant number of trees would be lost on the site. Especially the alder trees to the east of the Old Mill. While this is a significant loss to the site it is possible to plant sufficient replacements to eventually compensate for this loss. The tenure of the archaeological remains and surrounding area is not explained. How this would be maintained and safeguarded is questioned. The planting in this area should be strongly reinforced.
34. **CNPA Natural Heritage Ecology:** Note that no mammal species were found resident at the site. An otter spraint was recorded along the Milton Burn but no holts or resting sites were recorded. The woodland within the north west corner of the site should be retained to maintain a wildlife corridor. Erosion is prominent along the length of the Milton Burn adjacent to the development site. Environmentally sensitive techniques must be implemented to prevent erosion. These should be agreed by SEPA and Spey Fisheries Board. The CNPA agrees with the green-bank protection system. Any methodology for stream works must be agreed by SEPA. The consultation points out that the control of non-native species is a key issue within the Park and a range of advice is provided. The applicant's planning statement states that beech trees and private hedging will be planted. These are not native to Scotland and it is recommended that native species are used. It is recommended that bat roosts and swift nest sites could be incorporated within the design of the buildings.
35. **CNPA Visitor Services and Recreation Group (VSRG)** would like to see the developer take some responsibility for the Aviemore Orbital path both to the south and west of the site, for upgrade and maintenance. Both paths fall outwith

the development site but are affected by it. From Grampian View VSRG would like to see dropped kerbs put in onto the path and the path itself upgraded as far as the bridge. The entrance and exits to the pedestrian bridge need to be ramped. However, as noted above it must be noted that these areas are outwith the control of the applicant. VSRG go onto note that with regard to the housing on the western part of the site it is not clear what works are proposed for the track to serve those houses. Concern is raised that the orbital path would be significantly effected if the track was to be made up to adoptable standard as for as the two houses. The Planning supporting statement talks about 1.8 metre high rendered walls where plot boundaries of the properties rear gardens meet the public realm. Concerns are raised about the nature of the boundaries facing onto public paths.

36. **Highland Council Area Roads Manager** has commented on the application and recommends that a Traffic Impact Assessment be carried out. This has been done and the findings are considered acceptable. Consequently, Area Roads recommend that the following conditions are attached to any consent granted. A copy of SEPA's response pointing out that the relevant Flood Prevention Authority should be consulted has been passed to Highland Council Area Roads who provide such advice. Area Roads have confirmed that they are satisfied with the applicant's proposals in terms of drainage and flooding.

- All works to be in accordance with road construction consent guidelines
- Appropriate technical approval to be obtained for any structure to cross the burn
- Original proposals required upgrading of the access for any housing adjacent to the Orbital Path. However, Area Roads have now agreed that the upgrading of the road now only need be as far as Corriegorm.
- Surface water drainage measures to accord with SUDS principles to satisfy requirements of SEPA/SW
- All properties to be free from 1:200 year flood event
- Vehicular access to each plot to be hard surfaced for a distance of at least 6 metres and gradient not to exceed 5%.
- Visibility splays shall be provided on each side of any spur road junction. 4.5 metres back along the centre line of the road measured 30 metres in each direction form the intersection of the spur road with the main road.
- Visibility splays to be provided at the junction of each site access with the main road or spur road. 2.5 metres back and 30 metres in either direction.

- Within visibility splays nothing above 1 metre shall obscure drivers visibility along the splays.
 - Where curtilage parking is provided, it shall include parking and manoeuvring space for at least 2 cars so that each car may enter and leave the plot independently. Where communal parking is provided, it shall be at a rate of 1.5 spaces per dwelling. **The original layout did not satisfy these requirements. However, the amended layout for 25 units is considered generally acceptable.**
 - Suitable pedestrian/cycle links shall be provided between the development and the existing Aviemore path network.
37. **Highland Council Archaeology** has been consulted and comment is made that they are pleased to see that the remains of the Mill are to be retained within the proposed layout. However, it is noted that the former wheel pit (lying immediately north of the mill) is not depicted on the layout plan or in the additional birds eye perspectives. As part of the on site interpretation of this feature it is hoped that the wheel pit is cleared and covered to make it safe (e.g. with a grille) or filled-in and demarcated on the ground surface. In addition the Mill remains within the application site and still requires to be surveyed in detail by a buildings archaeologist. Consequently, a planning condition requiring a survey is recommended.
38. **The Spey Fisheries Board** has copied the CNPA into its response to the applicant's engineers. The Board point out that the River Spey and its tributaries are a Special Area of Conservation. This is because of populations of Atlantic salmon, otter, sea lamprey and freshwater pearl mussel. They are therefore afforded the very highest level of protection. The Spey Fisheries note that from telephone conversations with the engineer the bridge will be clear span and set on bank seats behind the existing water level. Providing that the works are carried out in accordance with SEPA guidelines on working in and around watercourses the Spey Fishery Board has no objections to the proposed works being carried out.
39. **Aviemore Community Council** has been consulted upon the application and makes a range of observations as follows.
40. The proposed density is considered very high for the area.
41. We do not agree with the height of the houses and feel the overall height and design of the proposed build is not in keeping with the surrounding houses.
42. We understand the Orbital Path has been designated as a Core Path and there should be no built development beside a Core Path.
43. We are pleased to see the Old Mill is being retained and sensitively signed with interpretive panels, etc, but feel that some of the houses will be too near this historic site.

REPRESENTATIONS

44. Representations are attached at the back of the report. 4 letters have been received from Grampian View. 4 objections have been received from detached houses to the west of the site from 2 properties. 2 objections have been received from outside of the area. A detailed response to these concerns has been provided by the developer of the scheme. Representations are attached at the back of the report, the issues raised include;

- Last remaining amenity areas in Aviemore
- Located directly on Aviemore Orbital footpath
- Loss of Millpond
- Loss of Trees may affect drainage
- Loss of view from Orbital path
- Potential flooding
- Development not integrated into surroundings
- Feasibility of building affordable housing when the site will be so costly to develop.
- Loss of wildlife, potential erosion
- Could damage ecology and habitats
- Possible restricted access to properties while access construction is underway.
- Does not comply with conditions on CNPA outline
- Contrary to Local Plan and Scottish Government policy.
- Density of housing is too high for such a small site.
- To develop this site with so many houses would be out of proportion to the surrounding houses and would detract from the semi-rural feel and attraction to the area.
- Previous outline application to Highland Council was refused.
- This area should be given the same level of protection that Milton Wood has been given.
- Little space for the children of Grampian View to play currently and the proposed development would pose additional road safety issues.
- Housing out of character and urban in nature
- Concerns about water pressure

APPRAISAL

Introduction and Principle of Development

45. The key point to note is that the site is accepted for residential development in principle by its allocation in the Badenoch and Strathspey Local Plan and by the

granting of planning permission by the CNPA in principle in March 2008. Given that the principle of residential development on the site is established the key issues relate to the density, layout and design of what is proposed by this detailed application and how this impacts upon the environment at the site. Affordable housing and technical issues with regard to potential flooding, drainage and access are also key factors to be considered in this report.

46. As noted there has been a previous application on the site which also included a stretch of birch woodland to the south of this site where a number of plots were to be sited. This application was very controversial gathering a large number of objections. The application was refused and the developer did not appeal that decision. It is important to draw the distinction that the site being considered by this proposal does not include the birch woodland to the south. There are small areas of the site that are wooded particularly towards the western side close to the Aviemore Orbital path. Trees would also need to be removed at the point of the site access, but otherwise the site on which the application is based is largely open grassland which rises towards its northern perimeter.

Constraints of Outline Permission, Density and Layout of Development

47. Given that the principle of residential development is established at this site the main requirement is to make a recommendation on whether this detailed scheme proposed accords with existing planning policy. The plan and the outline consent granted by the CNPA accept the principle of residential development on the site. However, the outline was significantly constrained by two particular conditions in that SEPA required that no buildings should have FFL (finished floor levels) below the 222.7 metre contour on the site (the lowest part of the site now is 219.5 m at the southern end adjacent to the path). In addition, a condition excluded the Meall Mill and its surroundings from development at the western end of the site. This sterilised large parts of the site from development making it difficult for the applicant to bring forward a viable development proposal. SEPA have revised their view of finished levels for houses at the site and now consider that a FFL of 222.7m at the northern end of the site (existing level approx 222.5m apart from a depression down to 220) and 219.7 at the lower point of the site would be acceptable. This renders the site as proposed developable. However, this does result in changes in levels with materials moved from the upper part of the site to the eastern (burn) side of the site.
48. The key question is whether the site can reasonably accommodate the level of development proposed. The developer has taken part in significant pre-application discussions with the CNPA. The Local Plan considers that the site and the birch woodland to the south would be capable of accommodating in the region of 20-25 houses with approximately 13 plots in the birchwoods. This would leave a balance of up to 12 plots for the site that is the subject of this application. The current number proposed at 25 is well in excess of this. Objectors have deep concerns about this considering the scheme to be over development. However, the application proposes smaller units in terraced forms which are perhaps a type of development that a Local Plan adopted in 1997 did not anticipate. More recent guidance in the form of SPP3 Planning for Homes

requires Planning Authorities to make efficient use of allocated land. The developer is at pains to point out that the site does not in fact constitute a high density development and their representation at the back of the report points out that while the scheme is at the upper end of densities in the northern part of Aviemore there are a range of densities, many lower but some higher, since then the density has been further reduced with the number of houses being dropped to 25 since the statement was written. The form of development in terraces leads to a higher density approach, but also creates smaller units that may be more affordable. While objectors consider it at odds with the area it must be pointed out that there are a range of courtyard approaches in Aviemore, including some near to the site.

49. In physical terms site can accommodate considerably more than the 11 or 12 units indicated by the Badenoch and Strathspey Local Plan. A development of 11 or 12 detached properties on the site would be unlikely to be viable but would also be an inefficient use of the land that is available for development at the site in accordance with SPP3 Planning for Housing. In terraced forms the site is capable of accommodating a level of development in excess of that offered by the Local Plan allocation. However, what is being proposed is too much for the site. Officers have been in detailed negotiation and have requested that the 2 houses accessed from the Aviemore Orbital Path were reduced to a single house, perhaps of a larger type to reflect Millside House. The developer agreed to a house with double garage in an 'L' shape. A number of further changes have been made with the deletion of two houses at the upper end of the site and the deletion of two units at the lower end.

50. A higher density approach than that advocated by the Badenoch and Strathspey Local Plan is accepted by officers. The courtyard approach is considered a positive design solution, in principle and the strong two storey street frontage tapering to single storey at the rear elevations is a creative way of designing a positive and strong street frontage while minimising the visual impact of the proposal from outside of the site. However, the more recent changes amending the scheme down to 25 units has resulted in certain concerns. Because of concerns raised about parking the applicant had been asked to delete plots 11-13 which are immediately to the south of Millside House backing onto the steepest part of the site which also has significant tree cover and a wet area. It was suggested that this area could be used for additional parking for houses on the opposite side of the road. The current plans for the 25 units have deleted one house on the south side of the road which leaves plot 7 (closest to the mill) isolated from the remaining houses and surrounded by parking spaces. This is not an attractive environment for the occupier of the house and this arrangement would detract from the setting of the Mill. This again hints at the difficulty of accommodating the units proposed on the site leading to the conclusion that the proposal still constitutes over-development. This is apparent when the density is seen against the physical constraints of the site as opposed to the flat plan area that the density covers.

Affordable Housing

51. On site provision was sought for affordable housing in the first instance. A planning condition on the outline approval required 25% provision in line with the Highland Structure Plan. This was to be on site. On site provision had been requested at the outset of this application. However, a site at Kila to the rear of the village green on Grampian Road was put forward by the applicant as compensating for the balance of affordable housing on this site. The CNPA had previously granted outline planning permission for what was to be a free standing affordable housing project administered by the community. However, this never came to fruition (see application 07/397/CP on this agenda). Highland Council Housing Officer's considered that this approach was acceptable as Kila being at the centre of the village is viewed as a better site for affordable housing for the elderly in particular. The applicant's have been advised that for this approach to be acceptable an application for affordable should be run in conjunction with this proposal. A new application has been submitted at the Kila site. However, the applicant has requested this proposal at Milton be determined at the December meeting. Because of this, the applicant is willing to accept a Section 75 Agreement for the burden of affordable housing at 25% to be placed on the Milton site. Should the project at Kila effectively provide a replacement then any agreement can be designed in order to transfer the affordable burden to Kila. The agreement would have to ensure that the affordable was being constructed in a timeous manner in relation to the development at Milton. Highland Council Housing Officer's have no objection in principle to this. However, the design of the housing would need to meet agreed standards.

Flooding and Surface Water Drainage

52. With regard to flooding SEPA had objected to the outline which resulted in the imposition of a planning condition that rendered much of the site undevelopable without major land raising operations in the lower part of the site. The engineers acting on behalf of the applicant have been working with SEPA who now accept finished floor levels of 219.7 m at the lower end of the site and 222.7 metres on the northern part of the site. The developer has provided a plan showing finished floor levels for all properties which are now found to be acceptable by SEPA. SEPA has also been consulted on the SUDS system. Surface water run-off from buildings will be to in plot soakaways and surface water run-off from roads will be to soakaways and then to a swale which will eventually discharge into the Milton Burn. SEPA consider this approach acceptable from a water quality perspective but from a water quantity perspective note that the Highland Council as the Flood Prevention Authority should be consulted. The Council has been consulted and raised no concerns with regard to this issue. SNH, SEPA and the Spey Fisheries Board have been consulted and with specific regard to the bridge raise no objection. However, concerns were raised directly with the applicant's that some of the plots may not have sufficient room to accommodate a soakaway within each plot. Figure-5 indicates the locations for soakaways on each plot and while they are positioned generally 5 metres away from each dwelling they are in many cases located immediately adjacent to the neighbouring property. Building Regulations hold a general requirement that soakaways should be located 5 metres or at absolute minimum 3 metres if ground conditions permit. The difficulty in accommodating satisfactory surface

water drainage arrangements again hints at over-development of the site given its particular physical constraints.

Access

53. The main access to the site is from Grampian View as indicated by the Badenoch and Strathspey Local Plan. The access would result in some disturbance to residents at the end of Grampian View adjacent to the burn. However, the expectation that this site would be developed has been around since 1997. A construction method statement would be required for this aspect of the development. It is likely that a temporary bridge would have to be employed to access the site and materials stored on the development side of the burn to prevent disturbance to and blocking of access to the properties at the end of Grampian View. An access from the north (High Burnside) would give access to the single plot on the western part of the site. This would require widening of a short section of the Orbital path.

IMPLICATIONS FOR THE AIMS OF THE NATIONAL PARK

Conserve and Enhance the Natural and Cultural Heritage of the Area

54. The application has raised a number of natural heritage issues. SNH requested an otter survey and this has been carried out. SNH have considered the survey and have no further comment with regard to this. A red squirrel survey and walkover habitat survey of the site has been carried out. There are no dreys on the site. The CNPA Ecologist has looked at the report and notes that there is no record of any mammal being resident at the site. Some concern is raised by the Heritage and Land Management Group regarding the number of tree removals. Tree removals would be much reduced if plots 11-13 were deleted.
55. In cultural heritage terms the retention and proposed stabilisation of the Mill structure is welcomed and is a very positive aspect of the proposal. A small viewing area and space for an interpretive plaque is part of the layout plan for the scheme. Highland Council Archaeologist points out that there still needs to be a detailed survey. In terms of the overall character of the area there is concern with regard to certain plots and that the proposal represents over development given the physical characteristics of the site.

Promote Sustainable Use of Natural Resources

56. This overall proposal is a relatively sustainable residential development. The majority of units are linked together in terraces which in essence is a more sustainable form of building than detached properties with fewer external walls. The terrace on the southern boundary of the site is designed so that the roofs of

the buildings exhibit a significant amount of space orientated southwards this would allow for a significant use of solar panels for hot water heating.

Promote Understanding and Enjoyment

57. Concern has been raised about the impacts of the proposal upon the Aviemore Orbital path. The setting of the path will be changed but this is an inevitable consequence of the site being allocated in the Badenoch and Strathspey Local Plan. A link is intended from the development onto the path. The stabilisation and interpretation of the old mill will provide an additional feature for users of the path, though because of the nature of the ground it would be difficult to provide a direct link from the Orbital path to the Mill. The field forms the major part of the development and has been used by local people. However, it is in private ownership and is currently fenced off for grazing ponies. Again, the allocation in the Local Plan leads to an expectation of development at the site. There is no formal play area proposed by the application when Highland Council Guidelines would require this. However, the developer is willing to make a financial contribution via a section 75 Agreement to a nearby play area at Strathspey Avenue.

Promote Sustainable Economic and Social Development

58. The proposal, in principle, follows the plan led approach of allowing housing in places allocated by the Local Plan. The layout is based on a higher density approach than that advocated by the plan. However, this results in smaller houses that may be more affordable to local people. The burden of 25% affordable housing would fall on this site unless a successful proposal is achieved on the Kila site at the centre of the village.

Conclusion

59. While there are positive aspects to the proposal, in particular the retention and interpretation of the Old Mill and the opportunity to provide housing at a site allocated for housing for a number of years the current scheme is considered to be overdevelopment set against the physical characteristics of the site and is consequently, recommended for refusal.

RECOMMENDATION

60. That members of the Planning Committee resolve to **REFUSE Full Planning Permission** for the Erection of 25 houses and construction of access road at Land SE of Millside House, Milton, Aviemore for the following reasons:

1. The proposal represents an overdevelopment of the site with housing numbers in excess of the numbers allocated by the Badenoch and Strathspey Local Plan. The proposal fails to give adequate respect to the scale form and density of its physical surroundings is contrary to the Badenoch and Strathspey Local Plan 6.1.3(b), Highland Structure Plan (2003) Policy G2 Design for Sustainability and Highland Council Development Plan Policy Guidelines 2003. The proposal is also contrary to Scottish Planning Policy 3 Planning for Homes (2008).
2. The siting and layout of plots 7, 11, 12 and 13 of development fail to maintain and enhance the distinctive landscape of this part of the National Park and also fails to complement and enhance the character, pattern and local identity of the built and historic environment. Consequently the proposal is contrary to the Strategic Objectives of the National Park Plan for Landscape and Built Environment which seek to: a) maintain and enhance the distinctive landscapes across the Park; c) seek to ensure that development complements and enhances the landscape character of the Park, and d) seek to ensure that new development is settlements should complement and enhance the character, pattern and local identity of the built and historic environment.
3. The proposal fails to demonstrate that an adequate surface water drainage system can be provided at the site contrary to Policy G2 Design for Sustainability of the Highland Structure Plan.

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