

**CAIRNGORMS NATIONAL PARK AUTHORITY**

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

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

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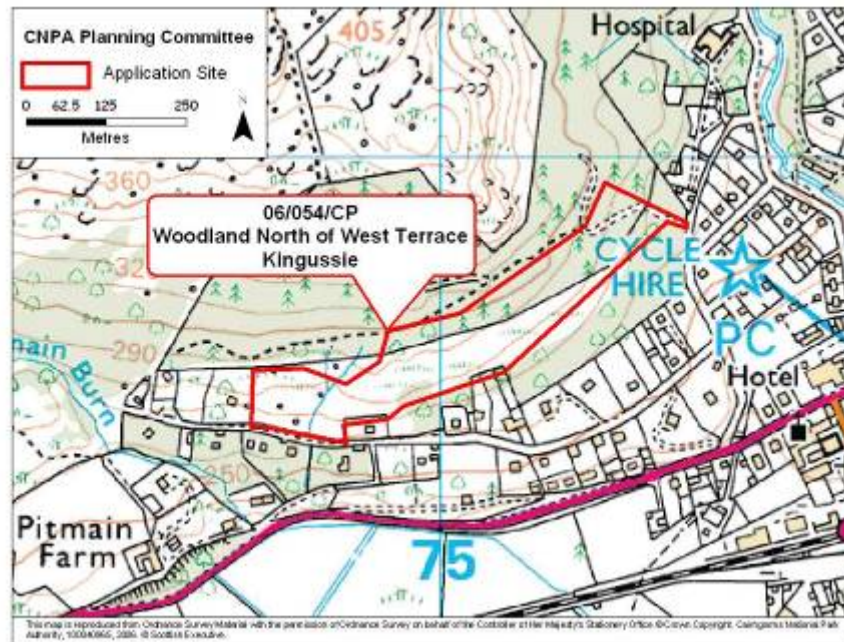
**DEVELOPMENT PROPOSED: CONSTRUCTION OF ACCESS ROAD AND DEVELOPMENT OF 18 HOUSE PLOTS AT WOODLAND NORTH OF WEST TERRACE, KINGUSSIE (OUTLINE PP)**

**REFERENCE: 06/054/CP**

**APPLICANT: DAVALL DEVELOPMENTS**

**DATE CALLED-IN: 24 February 2006**

**RECOMMENDATION: REFUSAL**



**Fig. 1 - Location Plan**  
**SITE DESCRIPTION AND PROPOSAL**

1. Firstly it is important to note that this is one of 3 applications on this agenda (papers 1, 2 & 3) in the same general area of Kingussie. One of those (paper 2) is for four houses on the eastern part of this site and the other (paper 1) is for 4 houses to the north east of this site set between this site and St Vincent's Hospital which would also be accessed from Ardvonie Road. The applicants were informed in 2006 that this application for 18 plots would not be recommended for approval based upon the landscape impact of what was being put forward and the lack of accompanying information to address a range of issues including tree impact in particular. The other two smaller applications covered by papers 1 & 2 on this agenda are seen by the applicants as an attempt to in part realise housing allocations in the Badenoch and Strathspey Local Plan without having to move forward with the whole of this 18 plot site. There is a commitment from the developer that should papers 1 & 2 receive approval then this scheme would be withdrawn.
2. The site is located on a steep hillside above Kingussie behind existing properties on West Terrace. West Terrace is accessed from Ardvonie Road (Tait's Brae) which in turn is accessed off the main road through Newtonmore. The site itself is characterised by a mixture of birch woodland, some Scots pine and open heathland including bracken and heather groundcover (see figs 2-5). There are a number of formal and informal footpaths on and around the site.



Fig 2. Typical Ground through which access passes at eastern end of site.



Fig 3. Area for plots 1-4





Fig 4. Typical environment mid way along hillside



Fig 5. Upper part of hillslope showing footpath running along north boundary of site.

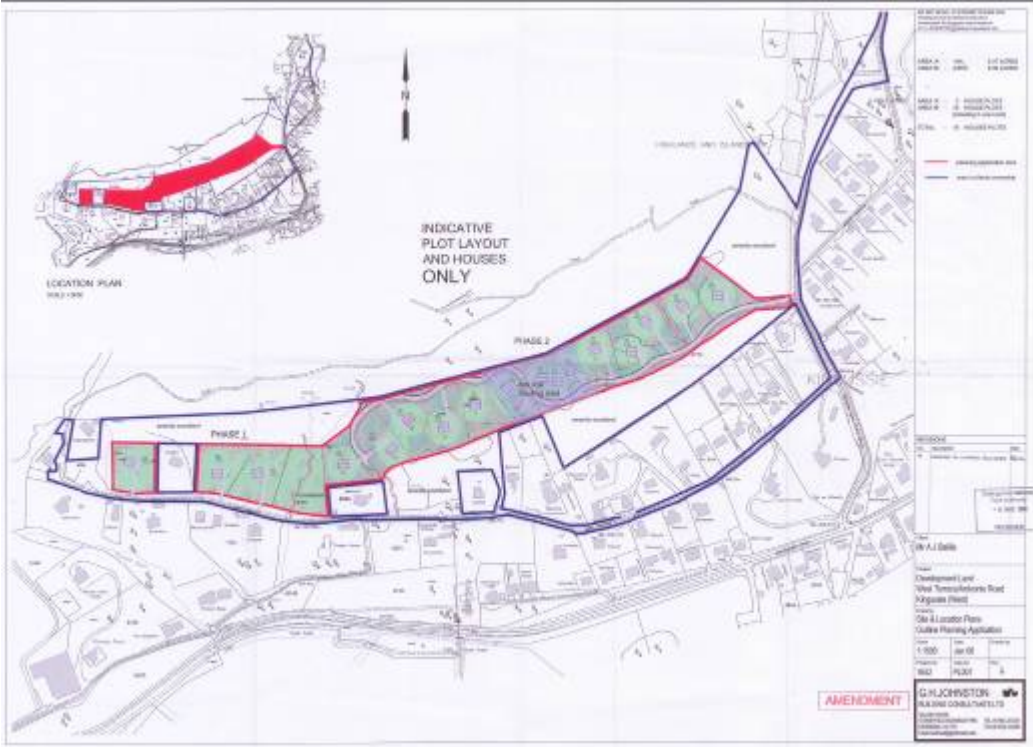


Fig 6. Proposed Site Plan (indicative)

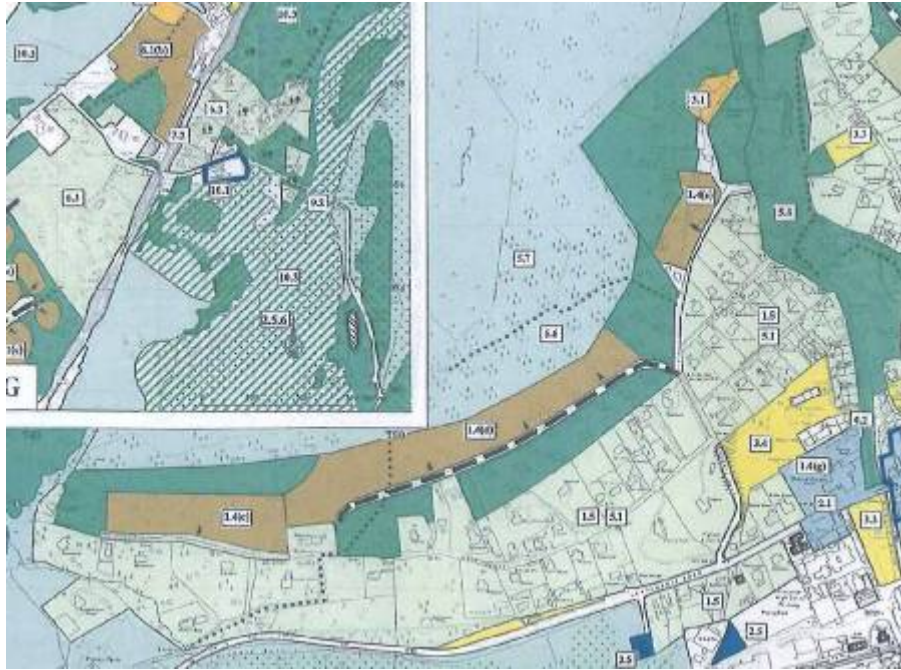


Fig. 7 Local Plan allocation 1.4 (d) & (c)

3. This application is in outline form and seeks permission for the construction of 18 house plots with an access road to serve them. The site would be accessed from Ardvonie Road immediately above a property known as Fasnakyle.
4. The access road would then traverse along the southern boundary of the site before rising through an area of 5 plots described as low cost housing. The road would then gain height to the upper level of the site to 5 remaining plots. A total of 15 house plots would be accessed in this way with the remaining 3 being at the western end, effectively infill plots accessed directly from West Terrace itself (see fig 6). Areas remaining free from development on the plan are indicated as amenity woodland.

#### DEVELOPMENT PLAN CONTEXT

5. **SPP3 (Planning for Housing)** acknowledges that good housing in the right locations makes an important contribution to achieving Scottish Government policy objectives in relation to economic competitiveness, social justice and sustainable development. SPP3 provides general policy advice on creating quality residential environments, guiding new housing developments to the right places, and delivering housing land.
6. Para-49 notes that in rural areas most housing requirements should be met within or adjacent to existing settlements. This prevents sprawl and coalescence of settlements, makes efficient



use of existing infrastructure and public services and helps to conserve natural heritage and rural amenity.

7. Para-74 notes that affordable housing is broadly defined as housing of reasonable quality that is affordable to people on modest incomes. In some places the market can supply some or all of the affordable housing that is needed, but in other places it is necessary to make housing available at a lower cost through social rented accommodation or low cost housing for sale.
8. **Designing Places: Scottish Policy Statement on Designing Places:** The most successful places, the ones that flourish socially and economically, tend to have certain qualities in common. First, they have a distinct identity. Second, their spaces are safe and pleasant. Third, they are easy to move around, especially on foot. Fourth, visitors feel a sense of welcome.
9. Places that have been successful for a long time, or that are likely to continue to be successful, may well have another quality, which may not be immediately apparent - they adapt easily to changing circumstances. Finally, places that are successful in the long term, and which contribute to the wider quality of life, will prove to make good use of scarce resources. They are sustainable.
10. Sustainability - the measure of the likely impact of development on the social, economic and environmental conditions of people in the future and in other places - must run as a common thread through all our thinking about design. Thinking about sustainability focuses in particular on promoting greener lifestyles, energy efficiency, mixed uses, biodiversity, transport and water quality.
11. **PAN 78 (Inclusive Design)** seeks an inclusive environment which can be used by everyone regardless of age, gender or disability. The objective of inclusive design is to widen the user group that the environment is designed for.

### Highland Structure Plan

12. **Policy G2 Design for Sustainability** considers that proposed developments will be assessed on the extent to which they are compatible with service provision, accessible by public transport, maximise energy efficiency, impact on individual and community residential amenity. Consideration is also given to the extent to which developments impact upon the following

resources including, habitats, species, landscapes, scenery, cultural heritage and air quality. Developments should demonstrate sensitive siting and high quality design and promote lively and well-used environments and accommodate all sectors of the community.

13. **Policy H5 Affordable Housing** seeks in association with other housing agencies to identify areas in Local Plans and through Local Housing Development where there is a demonstrable need for affordable housing. Section 75 and other mechanisms will be used to secure developer contribution where justified. Affordable housing secured as part of a larger development should not be of significantly higher density or lower quality.
14. **Policy L4 Landscape Character** notes that the Council will have regard to the desirability of maintaining and enhancing present landscape character in the consideration of development proposals.

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

15. Chapter 7 of the Local Plan identifies several 'principle' objectives for Kingussie including safeguarding the character of the village, restraining unsympathetic infill housing and safeguarding mature trees as a major element of its setting; and protecting and enhancing the town's setting including open ground and woodland within and beyond its limits, and introducing new landscape corridors.
16. Under 7.1.4 Housing Allocations (small sites) this application site is identified as being covered by Area (c) at the western end of west terrace for 4 houses being directly accessed from West Terrace and (d) Ardvonie Road at 6.5 ha with a capacity for 12-15 houses (see fig 7). Requirements of allocation (d) include upgrading of Tait's Brae drainage measures and retention of trees and safeguarding of footpaths. A site to the north of this application site (e) St Vincent's at 2.9 ha is identified for 3-4 houses with requirements as for the (d) area allocation (see fig 7 of this report)

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

17. Under 'Living and Working in the Park' in 5.2.4 Housing reference is made to the need to ensure greater access to affordable and good quality housing to help create and maintain sustainable communities. Individual objectives include: a) increasing the accessibility of rented and owned housing to meet the needs of



communities throughout the Park; c) improve the physical quality, energy efficiency and sustainable design of housing in all tenures throughout the Park; d) ensure that there is effective land and investment for market and affordable housing to meet the economic and social needs of communities throughout the Park.

18. Strategic Objectives for Conserving and Enhancing the Park include; a) maintaining and enhancing the distinctive landscapes across the Park; c) ensure that development complements and enhances the landscape character of the Park; d) new development in settlements and surrounding areas and the management of public spaces should complement and enhance the character; pattern and local identity of the built and historic environment.

## CONSULTATIONS

19. **Scottish Natural Heritage** has no objection to the proposal. The site lies within the Cairngorms National Park. There are no other designated sites in the area. According to the Inventory of Ancient and Long Established Woodlands, the area to the north of the proposed development is long established woodland of plantation origin. The woodland within the development area is not classified in this inventory.
20. The proposed development area consists of a range of habitats including birch and pine woodland, heath and open grassland which are likely to support a range of species. There are several frequently used paths through the area.
21. The proposed development would lead to a loss of woodland habitat, although SNH recognises that some areas would be retained as amenity woodland. In order to minimise the impact of the natural heritage interest on the site, SNH would recommend that woodland and other existing habitats are retained as far as possible, and provision is made for footpath links between the proposed amenity woodland areas.
22. In conclusion SNH has no objection to the application but has made comments on woodland and footpaths.
23. **Highland Council Area Roads Manager** comments as follows: The existing road at West Terrace is of a generally poor standard both in terms of its geometry and its construction. There is no dedicated pedestrian provision and road drainage facilities are extremely limited. The road is therefore considered unsuitable to

serve additional development. Accordingly, it is recommended that planning permission for the 3 house plots intended to take direct access from West Terrace are refused.

24. With regard to the 15 plots to be served by the new access from Ardvonie Road, should members be minded to approve this element of the application, it is recommended that the following conditions are attached to any planning consent granted.
25. Prior to any work starting in connection with the proposed development work in the following paragraphs to be completed to the satisfaction of the Roads Authority.
26. Drainage measures to accord with SUDS principles and shall satisfy the respective requirements of SEPA and Scottish Water. Drainage measures shall ensure that no properties within the development will be adversely affected by a 1 in 200 year flood event and similarly that there will be no increase in flood risk to any properties upstream or downstream of the development from such an event. Given topography of the site it is recommended that the application be deferred until such time as the applicant has demonstrated that suitable effective drainage measures can be provided for the development.
27. The internal access road shall be designed and constructed to a standard suitable for adoption in compliance with the requirements of Highland Council's Roads Guidelines. A second turning head shall be provided mid way along the road.

28. Ardvonie Road shall be upgraded from its junction with West Terrace to the point of access to the site. Upgrading works shall provide a minimum carriageway width of 5.5 metres with footways 2 metres wide either side. In addition significant improvements shall be carried out to the West Terrace junction, including a short length of footway on the south side of the junction and dropped kerb pedestrian crossing points each side of Ardvonie Road.
29. Suitable pedestrian links shall be provided to connect the development to West Terrace and the existing network of paths around the site.
30. Visibility splays to be provided on each side of the main access at its junction with Ardvonie Road. 90 metres in either direction from the intersection with the access road.
31. Visibility splays of 2.5 by 30 metres shall be provided at the point of access to each house plot.
32. Within visibility splays nothing shall obscure visibility between a drivers eye height of 1.0 metres positioned at the x dimension and an object of 1.0 metres anywhere along the y dimension.
33. The gradient at the access to each plot shall not exceed 5% for the first 6 metres measured from the nearside edge of the main road and thereafter shall not exceed 10%.
34. Each vehicular access shall be hard surfaced for a distance of at least 6 metres from the nearside access of the main access road or footway where one is present.
35. No water shall drain onto the main access road from any house plot.
36. **Highland Council Contaminated Land** has no comments on the proposal.
37. **Highland Council Forestry Officer** notes that the area consists of a mosaic of birchwood, heath and planted Scots pine, which forms a distinct woodland boundary to West Terrace and the north western boundary of the village. Although this is an outline application, the indicative layout of plots and accesses does not appear to respond to the tree constraints in the application area, and in relation to significant trees on neighbouring properties. If this area continues to be allocated in the Park's plan, a full tree survey in line with BS 5387: Trees in relation to



Construction, should be carried out as part of any outline application. This survey would inform the design process, providing a plot layout and access and service provision, which identifies for retention important groups of trees in the application area, and safeguards neighbouring trees from construction damage and development pressure.

38. **SEPA** notes that insufficient detail is provided on the application forms and plans for it to assess the potential environmental impact of the foul drainage proposals. However, SEPA has the following generic comments.
39. **SEPA** considers that issues relating to foul drainage should be resolved prior to the determination of the application and the applicant should demonstrate that foul effluent can be satisfactorily disposed of. Where a proposed development is within a settlement envelope served by mains drainage, SEPA would expect to see a connection to the public sewerage system with the agreement of Scottish Water. If the system has insufficient capacity, then further development should not be permitted until such time as Scottish Water has made a written commitment to upgrade the system. SEPA would object to a proposal to dispose of foul effluent to a private system as the site is located within the settlement.
40. With regard to surface water drainage SEPA notes the general options for SUDS set out in the Outline Drainage Statement. No detailed design proposals are given but HGA prefer the option to provide "at source" disposal within each plot incorporating the use of rainwater harvesting systems and gravel drives to provide surplus areas. SEPA recommends that surface water should be disposed of on the development site and not discharged to nearby watercourses, which may be subject to flooding. SEPA object to the planning application and requests that any planning consent is not granted until surface water drainage proposals are provided to the satisfaction of SEPA.
41. **Scottish Water** formally objects to the application. This objection can be deemed to be withdrawn if the following condition is attached " no development shall commence until evidence is exhibited to the Planning Authority that an agreement has been reached with Scottish Water for the provision of a drainage and water scheme to serve the development.
42. **CNPA Heritage and Land Management** considers that the proposed development would mean very considerable disruption to the features of the site. While the application is in

outline form the plan clearly demonstrates the inevitable consequences of any development of the site.

43. The steep slope of the site means that any development requiring level ground, housing and roads, will require considerable cut and fill to achieve it. This will take up significant areas apart from those required to be built on themselves. The positioning of the access road close to the boundary is of concern as the line of the road would require more land take than just for the line of the road. The plots taken together with the implications of the road across such a steep site would mean that little of the woodland would remain after construction.

44. The matrix of vegetation and variety of spaces would be destroyed by the removal of vegetation for the development and the unifying effect of the road and the houses. The opening up of the landscape by the removal of so many trees would also mean that the role of the site in the setting of Kingussie would be severely diminished and with it the distinctive characteristic of the settlement. The effect would be seen from the barracks and surrounding areas. The informal recreation opportunities of the site will be severely curtailed. At the moment the site is used throughout its length, after development this would be severely limited.
45. Overall, the impact of the development will be to replace the existing character of the landscape with a dominantly suburban form. Concern is raised that the development would be contrary to the first aim of the Park in that landscape heritage of the site would be lost as well as the contribution it makes to its surroundings. The resultant development would not be as positive to the Park in terms of its landscape quality.

## REPRESENTATIONS

46. A significant number of letters have been received and are attached at the back of the report. Main concerns relate to the following:
- Concerns about foul drainage capacity
  - Concerns about surface water run-off from wet areas on the site and effects on existing properties
  - Increase in traffic narrow roads would not be able to cope
  - Safety implications for pedestrians
  - Value of woodland for use of local residents and visitors
  - Loss of wildlife habitat
  - Negative impact on privacy
  - Steepness of site and excavations required
  - Development too large
  - Incorrect site ownership boundary
  - Previous rejection of proposals for housing on West Terrace
  - Ground not zoned for housing in CNPA Local Plan
  - Loss of trees
  - Land take for road greater than indicated
  - Negative landscape and visual impact
47. There is no representation from the Community Council.



## APPRAISAL

48. The key starting point with the proposal relates to the principles and detailed allocations of the Badenoch and Strathspey Local Plan. However, also of importance with regard to the principle of what is being put forward are the policies of the Highland Structure Plan, the 'principle' policies of the Badenoch and Strathspey Local Plan and the Cairngorms National Park Plan.
49. This is an outline application for 18 houses, including 5 affordable. Fifteen houses (inclusive of 5 Affordable units) would be accessed from a new estate road from Ardvonie Road. The remaining 3 would be accessed from West Terrace as individual plots.
50. The application has been put forward in a manner that generally reflects the allocation in the Kingussie section of the Badenoch and Strathspey Local Plan (see figs 6 & 7). Because of this, there is an assumption that the scheme should receive permission in principle unless there are significant material considerations that would indicate otherwise. In this case there are considered to be a number of material considerations of significant weight to call into question an approval of the scheme.
51. The site is prominent on the hillside above West Terrace and includes much steep ground and varying ground cover of birch, Scots pine woodland and open heath with heather. The environment on the hillside generally provides a woodland backdrop to the settlement as seen from across the Strath, and in particular the popular tourist viewpoint of Ruthven Barracks. One of the key principles of the Local Plan for Kingussie relates to safeguarding the character of the village, and restraining unsympathetic infill housing. Reference is made to safeguarding mature trees as a major element of the village setting. Further these 'principles' seek to protect and enhance the town's setting including open ground and woodland within and beyond its limits. With regard to such issues there would appear to be an inherent tension between the allocation of such a significant site on the hillside and the aspirations of the Local Plan to protect the setting of the village. This is brought out to some extent by the views of the CNPA Heritage and Land Management Team who have a range of concerns with regard to the proposal particularly in terms of landscape and loss of vegetation cover on the ground. A number of representations have also been made by local residents who object strongly to the proposal on a range of grounds, though many focus on the natural amenity

value of the site and the opportunities for recreation that the site provides.

52. Some representations have drawn attention to the fact that the site is not allocated for housing or shown as within the development boundary of Kingussie in the Cairngorms National Park Draft Local Plan. To be clear, at this point in time, the Plan is not a material consideration of any significant weight and should not be used as a reason for rejecting a scheme that is generally in line with the requirements of the Badenoch and Strathspey Local Plan. However, despite this, some work went into the CNPA Draft which included a landscape capacity assessment for housing in Kingussie and this work was the major driver for the site not being included within the CNPA Plan. This, taken together with the comments of consultees, and an assessment against 'principles' of the Badenoch and Strathspey Local Plan, and the general policies of the Highland Structure Plan indicate a site that is very important to the setting of the village. This raises questions about granting permission on the site despite the allocation.
53. It is possible that the site could absorb a limited amount of development without threatening its overall integrity and value as an important element of the setting of the village. However, the steep topography of much of the site means that in all practical terms any significant scale of development such as that proposed by this application would be likely to have a detrimental impact. Of particular concern regardless of the house plots themselves is the access road for the development. To serve the number of houses proposed this would have to be constructed to adoptable standard with a 5.5 metres carriageway and footways of up to 2 metres on either side. Given the steepness of the hillside this would involve very significant excavations that would result in a corridor of works much wider than the width of the carriageway required. Because of this, I am of the view that despite the allocation of the site, such a proposal does not meet the Local Plan principles for Kingussie which seek to protect and enhance the town's setting including its open ground and woodland. I am of the view that despite the allocation in the Plan, development of the scale allocated could not be achieved without compromising this principle objective. I am also of the view that the proposal would also compromise Highland Structure Plan Policies G2 and L4 which relate to sustainability and landscape respectively.
54. In addition to the above the aims of the Park and the strategic objectives set out in the National Park Plan are important

material considerations. They seek to ensure that development complements the landscape character and contributes to the pattern and character of existing settlements. I consider that because of the scale of works required to achieve the development the proposal would fail to complement or enhance the existing landscape character.

### **Technical Issues**

55. A range of technical issues have been brought forward. One relates to Scottish Waters position and that an objection is maintained unless the developer proves ability to connect to the mains system. The proposal is not clear on drainage but it is clear that in this location mains connection would be the only option for foul drainage. SEPA also object to the proposal on such grounds and also with regard to surface water drainage. These are perhaps resolvable issues but they have not been resolved with regard to this particular application so part of the recommendation for refusal relates to the lack of clarity on drainage proposals for this 18 house scheme.



56. The Area Roads Manager recommends that the 3 houses to be served directly from West Terrace be refused because of the standard of the road along West Terrace. This is included as a reason for refusal. In addition, and should members wish to grant permission for the scheme a range of conditions are recommended by Area Roads which include improvements to West Terrace and Ardvonie Road as well as a number of standard conditions including a requirement for the estate road to be to adoptable standard.

## IMPLICATIONS FOR THE AIMS OF THE PARK

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

57. I am of the view that because of the combination of excavations, tree and vegetation removal to accommodate the road and plots the proposal would fail to conserve or enhance the natural and cultural heritage of the area.

### Promote Sustainable Use of Natural Resources

58. There is nothing to indicate that the proposal would promote or foster the sustainable use of natural resources given the extent of the civil engineering operations that would be required to accommodate this scale of development.

### Promote Understanding and Enjoyment

59. The site appears well used by the local community and there are a number of footpaths through and across the site. The proposal would have some impact and reduce the value of the area as a recreational resource

### Promote Sustainable Economic and Social Development

60. The proposal would potentially provide 5 affordable houses and up to 13 market houses but I am of the view that this should be given less weight than the overall implications of the proposal on the other 3 aims of the Park.

## RECOMMENDATION

61. That members of the Planning Committee support a recommendation to **REFUSE Outline Planning Permission** for the construction of access road and development of 18 house plots at woodland north of West Terrace, Kingussie for the following reasons:

1. Despite the allocation in the Local Plan, the work required to construct the development would involve significant excavations, tree and vegetation removal. The proposal fails to protect the setting of the village as set out in the principle objectives for Kingussie of the Badenoch and Strathspey Local Plan which actively seek to protect and enhance the town's setting including open ground and woodland within and beyond its limits. Consequently, the proposal is contrary to Policy G2 of the Highland Structure Plan as it fails to demonstrate sensitive siting in relation to the scenery and landscape of the area.
2. The proposal is contrary Policy L4 Landscape Character of the Highland Structure Plan as the extent of works including excavations, tree and vegetation removal would fail to maintain and enhance the existing landscape character of the area.
3. The development of the proposal would fail to conserve or enhance the natural and cultural heritage of this part of the National Park. The proposal is contrary to the Strategic Objectives of the National Park Plan 2007 which seek to ensure that development complements and enhances the landscape character of the Park and; that new development in settlements and surrounding areas and the management of public spaces should complement and enhance the character, pattern and local identity of the built and historic environment.
4. The proposal fails to set out adequate arrangements for the disposal of foul and surface water drainage contrary to the advice of SEPA.
5. The existing road at West Terrace is of a generally poor standard both in terms of its geometry and its construction. There is no dedicated pedestrian provision and road drainage facilities are extremely limited. The road is therefore considered unsuitable to serve the additional 3 development plots proposed for it.
6. The proposal would significantly reduce the value of the site as a recreational resource for residents and visitors alike.

Andrew Tait

*Date 7 November 2008*

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