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## CAIRNGORMS NATIONAL PARK AUTHORITY

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

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

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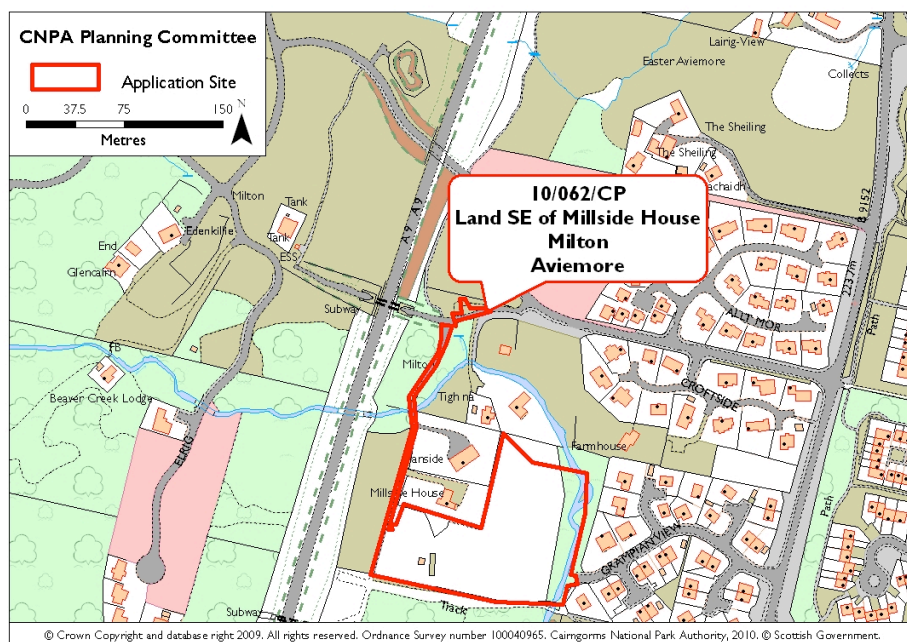
**DEVELOPMENT PROPOSED: ERECTION OF 22 HOUSES AND CONSTRUCTION OF ACCESS ROAD ON LAND SE OF MILLSIDE HOUSE, MILTON, AVIEMORE**

**REFERENCE: 10/062/CP**

**APPLICANT: MILTON BURN DEVELOPMENTS LIMITED**

**DATE CALLED-IN: 19 MARCH 2010**

**RECOMMENDATION: CONFIRM ORIGINAL DECISION TO APPROVE, SUBJECT TO LEGAL AGREEMENT AND CONDITIONS**



**Fig. 1 - Location Plan**

## PURPOSE OF REPORT

1. The purpose of this report is to allow members to consider 4 letters of objection to application 10/062/CP that were not presented to the Planning Committee when the Committee resolved to grant full planning permission for 22 houses at the site on 25 June 2010 in Ballater. The objections were received electronically and not downloaded onto the CNPA's application database. Consequently, the objections were not registered and the writers not notified of the Planning Committee meeting on 25 June. Because of this problem negotiations are underway with Highland Council regarding the way in which information is now transferred and an additional checking process is being built into the CNPA's processing of information received from the four Council's.
2. The original report sets out the site description, policies consultations together with a full appraisal of the application. This report is solely for the consideration of the 4 objections attached at the back of the report. This report is structured with a brief site description then an analysis of the 4 objections made and whether they raise any new issues that would result in a different recommendation to that already made. The reason that it is still possible to take these objections into account is because the Section 75 legal agreement for the development is still under negotiation; consequently no formal decision notice approving the scheme has yet been produced. The original report can be viewed on the CNPA website under Planning Committee Papers for the 25 June 2010.

## SITE DESCRIPTION

3. 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 (SAC). 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 single large house, plot 7 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.

## REPRESENTATIONS

4. The four letters are attached at the back of this report and raise issues with regard to:
  - Over-development
  - Flooding
  - Site is a green area, no greenspace in Aviemore
  - Lack of play park provision in the area
  - Affordable housing should be throughout Strathspey, not just in Aviemore
  - Impact upon the orbital path
  - Road safety

## APPRAISAL OF ISSUES RAISED BY THE FOUR REPRESENTATIONS

### Over-development

5. This issue has been addressed in detail several times in the consideration of this and previous proposals. The issue is covered by paragraphs 63-67 of the 10/062/CP Committee Report. The key point to note is that the application proposes smaller terraced forms of development than the Badenoch and Strathspey Local Plan was anticipating in allocating the area for 12 houses. In addition, housing guidance has been revised several times since 1997 urging planning authorities to make more efficient use of land considering that higher density can be achieved without compromising amenity. A range of supporting information provided by the applicant points out that over the whole site the proposed density is not out of character with the range of densities in Aviemore North. With regard to the form of the development terraced style housing can be seen nearby at Strathspey Avenue and Braeriach Court.

### Flooding

6. The issue regarding flooding is covered in paragraph 69 of the original report. The key point to make with regard to this issue is that SEPA as the Scottish Government's advisor on flood issues has considered the application in detail and has no objection, subject to a planning condition relating to finished floor levels.

### Site a green space/lack of greenspace

7. This issue is covered by paragraph 76 of the original report. Concern was raised that the site is a greenspace used by local people. However, in recent times it has been used for the grazing of horses and not generally open for use. Regardless of its current use the field has been allocated for housing development since 1997 and the site has the benefit of a previous outline application granted by the CNPA. Milton Wood itself to the south of the site is unaffected by the development and can continue to be used by locals and visitors alike. Reference is made to a lack of play facilities in Aviemore. However, facilities are to be provided at Aviemore North and High Burnside.

As part of the proposals the developer had agreed to make financial contributions to the facilities at Strathspey Avenue to the south of the site. However, the point was made by the Community Council at the previous meeting that the Strathspey Avenue play area had adequate play equipment and that any planning gain should be channelled to the repair of paths around the site. The committee agreed this approach.

### **Affordable Housing**

8. Concern is raised that affordable housing should be shared throughout Strathspey and not focused on Aviemore. Affordable housing is covered in paragraph 68 of the original report. A 25% contribution is being sought on this site through a Section 75 Agreement in line with planning policy. Affordable housing is being sought at a range of sites in the strath including Kingussie, Newtonmore and An Camus Mor.

### **Aviemore Orbital Path**

9. Concern is raised about impacts upon the Aviemore Orbital path. This issue is covered in paragraph 76 of the original report. The setting of the path will be changed. However, this is an inevitable consequence of the allocation of the site in the Badenoch and Strathspey Local Plan. The path will still be open for use.

### **Road Safety**

10. Concerns are raised regarding road safety issues. This is covered by the response of Highland Council Area Roads Manager at paragraphs 51-52 of the original report where no road safety concerns are raised.

### **Conclusion/Recommendation**

11. Overall, the four letters raise no additional issues beyond those which were presented to the Planning Committee on 25 June 2010 and certainly raise no issues that would justify altering the recommendation or decision on the proposal. Consequently, the recommendation is that that the original resolution for the granting of **Full Planning Permission for the Erection of 22 Houses and Construction of Access Road on land SE of Millside House, subject to a Section 75 Legal Agreement for affordable housing and contribution to footpaths and a range of planning conditions is confirmed in accordance with the agreed minutes of the 25 June Planning Committee Meeting.**

**Andrew Tait - 27 August 2010** [planning@cairngorms.co.uk](mailto:planning@cairngorms.co.uk)

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