
CAIRNGORMS NATIONAL PARK AUTHORITY

Title: REPORT ON CALLED-IN PLANNING APPLICATION

Prepared by: ROBERT GRANT, PLANNING OFFICER
(DEVELOPMENT MANAGEMENT)

DEVELOPMENT PROPOSED: PLANNING PERMISSION IN PRINCIPLE FOR ERECTION OF FOUR HOUSES AT LAND 40M SOUTHWEST OF WOODSIDE, INSH, KINGUSSIE

REFERENCE: 09/140/CP

APPLICANT: MR BOBBY NIELD AND MR PETER FULLERTON

DATE CALLED-IN: 15 MAY 2009

RECOMMENDATION: REFUSE

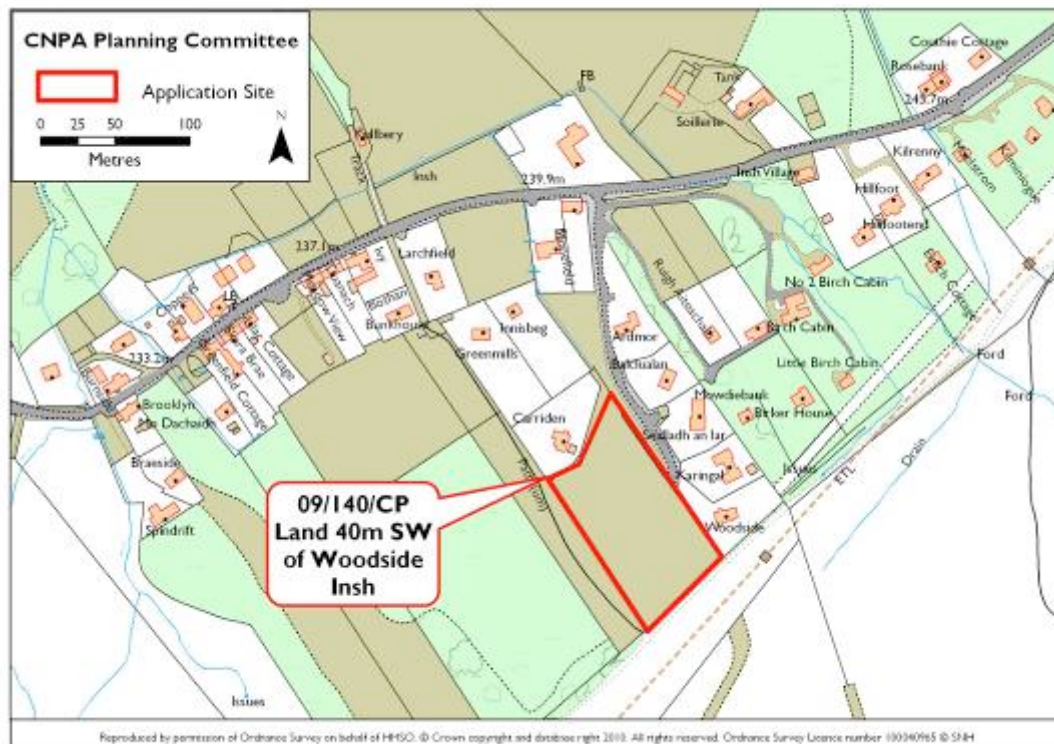


Fig. 1 – Location Plan

SITE DESCRIPTION AND PROPOSAL

Site Description

1. The application site is located on the southern side of the B970 within Insh and comprises an area of gently sloping agricultural land. The site encompasses approximately 0.8 hectares, extending from a property called 'Carriden' to the north, an existing access road to the east, a public right of way to the west and the Badenoch Way to the immediate south. The adjacent area is generally open with pockets of housing to the north and east with pastureland and commercial woodland forming a general backdrop to the site to the south and west.



Fig. 2: Site – looking South



Fig. 3: Site – Looking North

Proposal

2. Planning permission in principle is sought for the erection of four houses on four plots. This application is to establish the principle of development on this site only; providing details of the extent of the site and indicating 4 plots located either side of a mutual access. It is proposed to utilise the existing access road located immediately east of the site which currently serves four residential properties. In terms of services, it is indicated that foul drainage is to be provided via the mains sewer and water by the public water supply. Surface water run-off from each plot would be via separate soakaways.



Fig. 4: Site Location Plan

Site History

3. A number of planning applications have been previously submitted related to this same site in 2004 and 2008 respectively. The earlier applications were part of a total of thirteen brought forward separately and refused individually by the CNPA in December 2005 for lack of affordable housing and failure to demonstrate necessary upgrades of foul drainage services and roads infrastructure. The latter application, in 2008 was withdrawn by the applicants on the advice of planning officers due to concerns over bringing forward a number of applications individually as opposed to a cohesive proposal for the entire housing land allocation (indicated as suitable for 20 – 25 plots in the Badenoch and Strathspey Local Plan) and lack of supporting information on foul and surface water drainage and access.

DEVELOPMENT PLAN CONTEXT

4. Part 2, Section 25 of the Planning etc (Scotland) Act 2006, requires that planning applications are determined in accordance with the Development Plan unless material considerations indicate otherwise. The Development Plan covering the application site comprises the Highland Council Structure Plan 2001 and the Badenoch and Strathspey Local Plan 1997.

National Planning Policy

5. **Scottish Planning Policy (2010)** is the statement of the Scottish Government's policy for the land use planning system, supporting the central purpose of increasing sustainable economic growth. This means providing greater certainty and speed of decision making as a means of creating good quality sustainable places.

Highland Council Structure Plan 2001

6. **Policy G2 (Design for Sustainability)** states that developments will be assessed on the extent to which they are compatible with service provision, including water and sewerage, surface drainage and roads.
7. **Policy H8 (Access Arrangements for New and Existing Development)** advises that development proposals, which involve new or improved access to serve more than 4 houses, shall be served by a road constructed to adoptable standards.
8. **Section 2.2.1** states that 'the availability of quality housing is fundamental to social and individual well being and to creating and maintaining balanced communities' whilst recognising that "it must be provided in a way which minimises the impact on the environment.'

Badenoch and Strathspey Local Plan (1997)

9. The site is located within the settlement of Insh. The site is part of a larger allocated site shown on the proposals map of the Badenoch and Strathspey Local Plan shown as 7.11.1 - '7.0ha of land at Insh is allocated for housing. Scope exists for 20 – 25 plots subject to: access from the B970 to be formed by the developers; an overall foul drainage system... satisfactory surface water drainage and safeguarding field drains, dykes and footpaths.'



Fig. 5: Local Plan Extract (7.11.1 area)

Cairngorms National Park Plan (2007)

10. The **Cairngorms National Park Plan** sets out the strategic objectives for the Park under three headings – (i) conserving and enhancing the Park; (ii) living and working in the Park; and (iii) enjoying and understanding the Park.
11. 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.
12. 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

13. **Highland Council, Area Roads Manager** has assessed the proposal and recommends a number of conditions requiring the existing access road to be made up to an adoptable standard, SUDS measures and a pedestrian link to the nearby public right of way, in the event of planning permission being granted.
14. **Highland Council, Housing Development and Estates** has no objections or comments in terms of no affordable housing contributions being provided.
15. **Scottish Water** highlight that there is currently no capacity at the Insh waste water treatment works (WWTW). The applicant is therefore required to discuss their development directly with Scottish Water.
16. **CNPA Visitor Services and Recreation Group (VSRG)** has no objections but highlights that the Badenoch Way runs parallel to the rear of the site and that a means of providing privacy should be considered.
17. **SEPA** were consulted on the proposals but returned no comment.
18. **Kincraig and Vicinity Community Council** does not object to the proposed development.

REPRESENTATIONS

19. Eleven letters of objection have been received (including two from one objector). Representations are attached at the back of the report, the issues raised include:
 - Surface and foul water drainage issues within the area including a lack of capacity within the local sewerage system. Alongside this strong concern has been voiced by all of the objectors relating to excessive rainwater runoff causing localised flooding to homes and garden ground;
 - concern at large numbers of housing built in Insh and the National Park overall;
 - lack of a cohesive masterplan for Insh and resultant 'piecemeal' development;
 - general concern at risk of inappropriate house types and styles;
 - lack of affordable housing;
 - road safety concerns;
 - loss of agricultural land;
 - roads, access and services maintenance;
 - the high incidence of holiday homes in Insh and a requirement to curb such uses;
 - the Forestry Commission highlight the adjacent plantation could be harvested, any development close to the forest edge should recognise this in terms of wind blow and water runoff.

APPRAISAL

Principle of Development

20. In determining this planning application regard is to be had to the development plan and the determination shall be made in accordance with the plan unless material considerations indicate otherwise. The current statutory plans are those listed above, with the planning policy applicable outlined in paragraphs 5 – 9 of this report.
21. The site is located in an area allocated for housing in the Badenoch and Strathspey Local Plan, therefore it is recognised that the site is acceptable for residential development in principle. However issues relating to technical matters including foul and surface water drainage, design and access are key factors specified in the local plan to be considered in this report.
22. Thirteen applications for outline planning permission for 13 separate house plots across the site were refused in 2004 on the grounds of lack of affordable housing, lack of means of foul water drainage and lack of access details. The area allocated in the Badenoch and Strathspey Local Plan appears to fall within the ownership of various different parties thereby reducing the likelihood of a cohesive application for the larger site being brought forward, however to date this position remains unclear. A further application for 2 houses on part of this site was withdrawn by the applicants in November 2008 with issues of affordable housing delivery, design criteria and necessary surface water and foul drainage and road infrastructure upgrades remaining unresolved.

Lack of information

23. The current application for four house plots continues to be hampered by a lack of information, a number of significant issues remain unresolved requiring further detailed submissions from the applicants. These include matters relating to foul and surface water drainage including a Sustainable Urban Drainage System (SUDS) scheme, access road upgrade details and the requirement for further information on the possible design criteria. The application has been with the CNPA since May 2009 and follows on from several previous applications related to the site. The applicants have not indicated whether they have ownership or control of the unmade access road to where it joins the B970 public road or whether they are willing to enter into a S.75 legal agreement to upgrade the road as required. The applicant's agent has been asked on several occasions to provide this information to allow the CNPA to determine the application, however to date, despite a number of assurances, this additional detail has not been submitted.

Other issues

24. Eleven objections have been received; all of these express extreme concern at the lack of foul and surface water drainage proposals highlighting the incidence of localised flooding from surface water runoff and insufficient capacity at the waste water treatment plant. The concerns related to drainage are acknowledged to be a considerable factor in the determination of this application, particularly in the light of insufficient information being made available.
25. A number of other issues are raised in the letters including concern at the level of house building in the area, the lack of a coherent masterplan for Insh and risk of inappropriate house types and styles. It is considered that the level of house building in the area arises from the allocation of 20-25 house plots within the Badenoch and Strathspey Local Plan identified as a result of a backlog and subsequent need following on from the lifting of sewage and drinking water supply constraints at the time. In terms of the need for a coherent masterplan for the site, the guidance and requirements in place within the text of the local plan aim to provide an appropriate level of information and detail to ensure a co-ordinated delivery of development. It is recognised that criteria regarding the type and design of the houses proposed would go some way to addressing concerns however it is also recognised that this could also be controlled by planning conditions.
26. Objectors also raise issues related to the lack of affordable housing, the high proportion of holiday and second homes in Insh while others include the loss of agricultural land and road safety concerns. Highland Council affordable housing policy requires that all new housing developments of 10 or more units must contain 25% affordable homes, this application falls below that extent, the council's Housing Development officer confirms they have no objections to the application. The CNPA have previously voiced concern at the way the applications for the allocation have been brought forward, in a fragmented fashion negating the need for affordable housing contributions. Turning now to the issue of second and holiday homes, this is an issue that the CNPA has investigated at some length, a commissioned study - *The Impact of Second and Holiday Homes in Rural Scotland – University of York 2005* identifies that in the Strathspey area *'there is a high incidence of second home ownership.'* However it is considered that measures for residency criteria or promoting local need based housing is outwith the scope of this planning application but recognises further consideration of this important issue is needed. In terms of the loss of agricultural land, the site does not feature any prime agricultural land, as such its safeguarding is not required and its loss assessed as part of any development plan allocation.

Conclusion

27. In general terms the principle of development on the site for housing is recognised, as part of an allocation within the Badenoch and Strathspey Local Plan. However the local plan also requires that any development for housing should include foul and surface water drainage, access and roads improvements to be made.
28. The applicants have failed to provide detailed information to indicate that the development could provide suitable infrastructure and service upgrades as required, key factors specified in the local plan that require to be addressed. No evidence has been provided that clearly demonstrates that the proposed development would not have an adverse impact on the area in terms of surface water and foul drainage and accessibility.
29. To conclude, the applicants have not provided information as requested by the CNPA to demonstrate that the proposal can meet the required accessibility and improvements to infrastructure. As noted there have been previous applications on the site that have been refused or withdrawn for failing to address similar issues. It is recommended that planning permission in principle be refused for the reasons outlined below.

IMPLICATIONS FOR THE AIMS OF THE NATIONAL PARK

Conserve and Enhance the Natural and Cultural Heritage of the Area

30. There are no significant negative impacts associated with the proposed development.

Promote Sustainable Use of Natural Resources

31. The proposal is for planning permission in principle and no details of design, construction methods or materials are provided.

Promote Understanding and Enjoyment of the Area

32. The proposal would not affect the adjacent public right of way or the Badenoch Way.

Promote Sustainable Economic and Social Development of the Area

33. New housing is expected to meet the economic and social needs of communities throughout the Park.

RECOMMENDATION

34. That Member's of the Committee support a recommendation to:

Refuse Planning Permission in Principle subject for the following reasons:

1. The proposal fails to demonstrate that an adequate foul and surface water drainage system can be provided at the site contrary to Policy G2 Design for Sustainability of the Highland Structure Plan.
2. The proposal fails to demonstrate satisfactorily how the upgraded access road would be provided to this site; along with foul and surface water drainage including a Sustainable Urban Drainage System (SUDS) scheme. The proposal therefore fails to comply with the requirements of principles of Policy 7.11.1 of the Badenoch and Strathspey Local Plan.
3. Approval of the proposal would establish a poor precedent for the proliferation of inappropriate infrastructure and services provision in similar areas.

Robert Grant

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planning@cairngorms.co.uk

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