
CAIRNGORMS NATIONAL PARK AUTHORITY

Title: REPORT ON CALLED-IN PLANNING APPLICATION

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(DEVELOPMENT MANAGEMENT)

DEVELOPMENT PROPOSED: FORMATION OF ACCESS ROAD AND FOUR HOUSE PLOTS, LAND 150 METRES SOUTH OF ST VINCENT'S HOSPITAL, GYNACK ROAD, KINGUSSIE

REFERENCE: 08/184/CP

APPLICANT: ALLAN MUNRO CONSTRUCTION LTD

DATE CALLED-IN: 16 MAY 2008

RECOMMENDATION: APPROVAL SUBJECT TO CONDITIONS

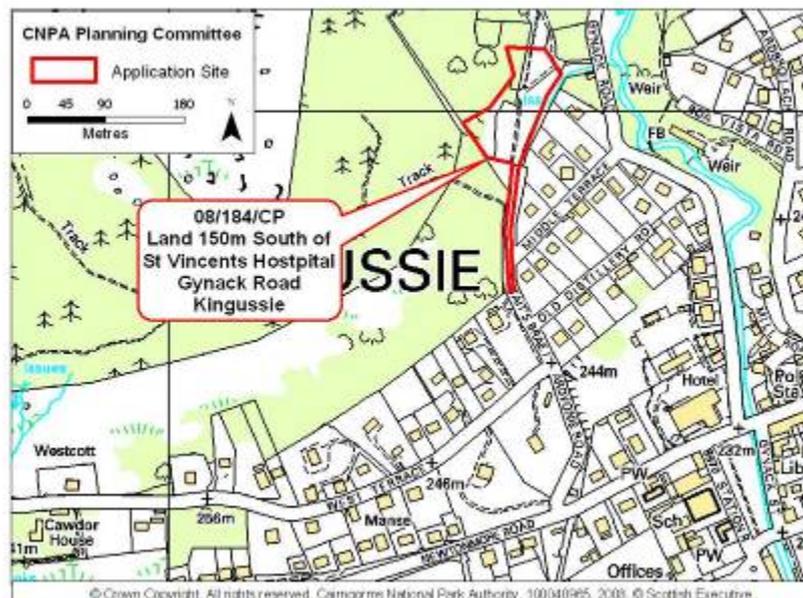


Fig. 1 - Location Plan

SITE DESCRIPTION AND PROPOSAL

1. This application site is just to the north east of the sites described in Papers 2 and 3 on this Planning Committee agenda. It forms what was once part of St Vincent's Hospital grounds formerly housing an implement shed and a gardener's cottage. The Hospital is located to the north of this site and accessed from Gynack Road. A small section of the northern part of the site is within an area indicated as within the Ancient Woodland Inventory.
2. An application was submitted last year for four plots on the same site with access being from Gynack Road. This application was not called-in and was eventually withdrawn after Highland Council had raised concern about the proposed access from Gynack Road given that it already serves the hospital and caravan site as well as a number of residencies. Some concern was also raised regarding trees on the site. A full tree survey has been carried out and this forms part of the supporting planning statement that is attached at the back of this report.



Figure 2 Car parked in proposed access adjacent to property known as Edingreine



Figure 3 Existing access to site to be upgraded to 3.5 metre wide access



Figure 4 View of site looking north



Figure 5 View towards plots at southern end of site



Figure 6 Plan showing combined access option for West Terrace and St Vincent's sites



Figure 7 Original plot layout

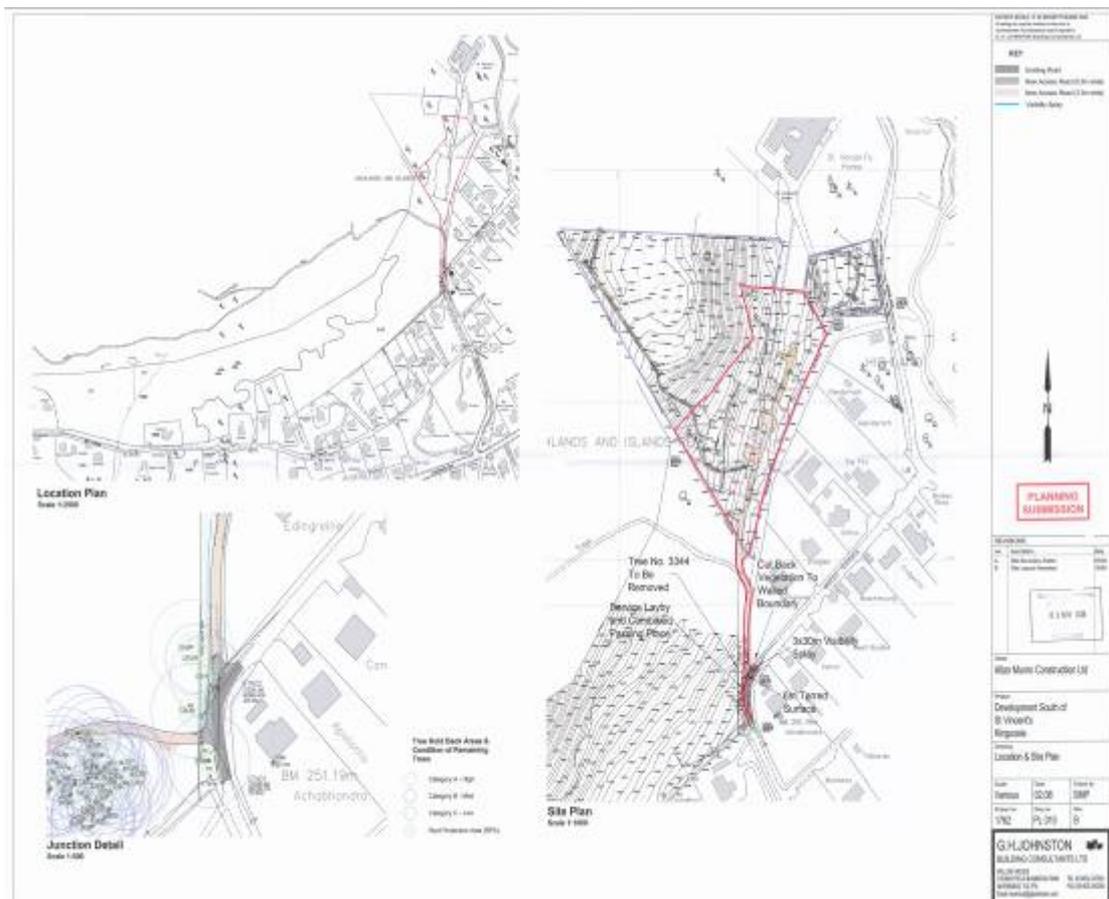


Figure 8 Layout showing re-arranged plots

3. This application for 4 houses seeks full planning permission but only for the access and 4 plots. Concern had been raised by Highland Council's Forestry Officer about significant trees in the north western area of the site to be removed. As a result of this the plot layout has been amended (see fig 8) which indicates the ability to retain of a number of trees that receive Category A & B ratings in the Tree Survey. This results in a smaller number of trees being removed but these are of the lower category C rating in the tree report. Another key aspect regarding the call-in of this application related to the access proposals. As per the 4 plots on West Terrace (see Paper 2 and fig 6 of this report) one option was to share a 30 metre long adoptable access road at 5.5 metres wide to gain access to both this and the West Terrace site. Because of the concerns raised regarding potential removal of trees and disturbance to vegetation the Area Roads have agreed to an unadoptable access to each site. In this case, that means that the existing track which gives access to the site from Ardvonie Road would be used. The first 6 metres will be tarmaced and 5.5 metres wide but beyond this a permeable surface would be used with the track being not more than 3.3 metres in width. In addition layby/passing place will be created at the junction of Ardvonie Road and Middle Terrace (see fig 8).
4. This access route forms part of a promoted footpath route to Creag Bheag.

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 site is identified as site (e) St Vincent's at 2.0 ha for 3-4 houses with requirements including the upgrading of access beyond Tait's Brae drainage measures and retention of trees and safeguarding of footpaths.**

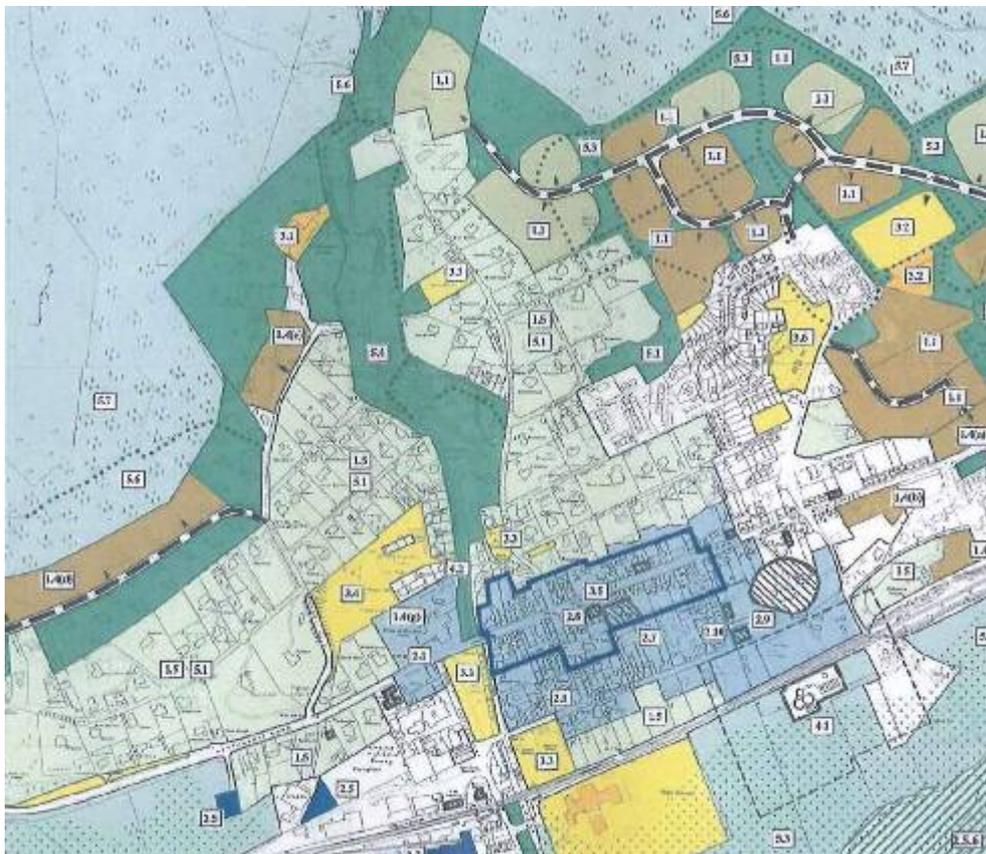


Fig 9 Local Plan allocations for Kingussie. This site 1.4 (e) below orange allocation top left of plan.

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. **Highland Council Area Roads Manager** recommends that should the application be approved the following conditions are attached:
20. Comprehensive drainage impact assessment for the site and surrounding area including Ardvonie Road shall be submitted for the consideration of the Planning Authority in consultation with the Roads Authority and SEPA.
21. 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 years 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.
22. Assuming the proposed development for 4 houses at West Terrace (see paper 2) is to proceed a shared access connecting Ardvonie Road shall be provided to serve both developments. The first 30 metres of the road shall be to adoptable standard.
23. Should the West Terrace development not proceed the general access road shall be set at a minimum width of 3.3 metres with 2 passing places apart from the first 5 metres which shall be 5 metres; construction consisting of a minimum of 40mm thick Close graded Wearing Course on a 60mm dense base course on

a minimum thickness of 350mm Type 1 sub base all on a sound formation.

24. Irrespective of the access road serving the site, Ardvonie Road shall be significantly upgraded from its junction with west Terrace to the south western extremity of the property known as Edingreine. Between the north east access to Fasnakyle and Edingriene, upgrading works shall provide a minimum carriageway width of 5.5 metres with suitable verges either side. The existing roadside ditch shall be re-routed within the road boundary, as required, in order to facilitate the necessary works.

25. Between West Terrace and the north east access to Fasnakyle, upgrade works shall provide edge strengthening along the west side of the carriageway. The West Terrace junction shall be upgraded to include a short length of footway on its south side and dropped kerb pedestrian passing points at each side of Ardvonie Road. All improvements to be to the satisfaction of Highland Council.
26. Suitable pedestrian links shall be provided to connect the development to West Terrace and the existing network of paths in the area of the site.
27. Visibility splays to be provided and maintained on each side of the access at its junction with Ardvonie Road. These splays are the triangles of ground bounded by the first 3 metres along the centreline of the access road (the x dimension) and the nearside edge of the main road (the y dimension measured 70 metres in either direction from the intersection with the access road).
28. Visibility splays of 2.5 metres by 30 metres shall be provided at the point of each access to the plot.
29. 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%
30. Parking and manoeuvring space for at least 2 cars shall be provided within each plot.
31. **Highland Council Contaminated Land** confirm the only use of the land as one time hospital garden with the only building on site being a store for implements used to maintain the grounds. Based upon this there are no further concerns.
32. **Highland Council Archaeology** confirms that there are no sensitive archaeological issues with this application.
33. **Highland Council Forestry** comment as follows: The new access road will result in the loss of trees 3344 and 3348 as numbered by the survey. The willow and birch trees are very close to the existing track and their loss, although regrettable will not have a significant impact given the level of woodland cover to the west. There will need to be at least two of three cypresses removed from the row numbered 3266. There are landscape planting proposal in this area as mitigation for felling.

34. The proposal in plot 1 involves the removal of multi stemmed willow and rowan. These trees are not great specimens and their loss is acceptable. The proposals in plot 2 do not have a significant impact on trees. The proposals in plot 3 would involve the removal of 6 trees, but with the removal of these 6 there would not be an impact on the other trees.
35. The proposal in plot 4 would also involve the removal of 6 trees but have further implications for those to the rear. Concerns are raised regarding lime trees to the rear of plot 4 and that a dwelling on this plot may result in pressure from future residents to remove more trees. It is questioned whether plot 4 can be taken out of the proposal.
36. **SEPA** note that it is proposed to connect the foul drainage from this development to the public sewer and therefore SEPA has no objections to this aspect of the proposal.
37. SEPA has been provided with a Drainage Assessment and SUDS Strategy for the above site. SEPA notes that roof waters will be disposed of to ground via soakaway, driveway and road run-off will be drained via porous surfacing, and this is acceptable to SEPA from a water quality perspective. SEPA has not considered the water quantity aspect of this scheme. Comments from Scottish Water, where appropriate, the Local Roads Department and the Local Authority Flood Prevention Unit should be sought on the SUDS Strategy.
38. **Scottish Water** comment that in terms of this planning consent Scottish Water will not object. However, please note that any planning approval granted does not guarantee a connection to Scottish Water infrastructure until a satisfactory solution is identified. Blackwater Treatment Works may have sufficient capacity to service the development. With regard to the water network there may be issues within the network that serves the proposed development. Kingussie Waste Water Treatment Works may have sufficient capacity to service the proposed development.
39. **CNPA Heritage and Land Management** raises concerns about the access and the trees required to be removed for it. It is questioned whether the site can be accessed from Gynack Road to the north where there is already an informal vehicular access. Secondly, there are a number of trees in the north west corner of the site shown for removal. These lie within the Ancient Woodland Inventory designation and contribute to the amenity of the area. The justification lies simply with the proximity of the

housing layout. The layout must be redesigned to accommodate these trees without removing or damaging them. Suggestion is made that the numbers of units are reduced or plot boundaries amended.

40. In other respects this application is acceptable. The proximity of the housing, the discrete and self contained nature of the site and its existing screening provides a suitable context for such a development. If the issues above are addressed there is no landscape objection.
41. **CNPA Visitor Services Group** has commented upon the application and note the existence of a track from the junction of Middle Terrace and Ardvonie Road that wends its way through the site before emerging at a point on the service Road for St Vincent's Hospital. While the line of this informal route is likely to be lost alternative provision should be made by use of an in-carriage but not pavement solution.

REPRESENTATIONS

42. Representations are attached at the back of the report some representations focus on similar issues to Papers 2 and 3 and as set out below:
- 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

APPRAISAL

43. The starting point as with the other two applications is the Badenoch and Strathspey Local Plan, the fact that the site is specifically allocated for 3-4 houses set against any other

material considerations that would indicate against an approval of the scheme.

44. As with the West Terrace application the site consists of a relatively attractive environment, set on the wooded slopes of Creag Bheag. Again, as per the West Terrace application (Paper 2) I am of the view that if the Area Roads Manager had insisted upon an adoptable access road for 30 metres to serve both this and the West Terrace development (see figure 6) then I would be recommending refusal of both schemes because of the scale of disturbance and change in character that this would cause to the hillside. However, Area Roads have agreed that the existing track to the site along the back of properties fronting onto Middle Terrace can be used for access purposes with upgrading to 3.3 metres in width. This is only a little beyond the existing width (see figures 3 & 8). Together with the CNPA Landscape Officer I had questioned whether the site could be served from the north by Gynack Road. However, given that this road provides access to both the hospital and caravan site as well as a number of houses the Area Roads Manager recommended that this route was not used. In addition, while the access route for the development is not made clear by the Local Plan the reference to upgrading Tait's Brae leads me to the assumption that the intention was that the site be accessed from Ardvonie Road. The reduced unadopted access previously mentioned is a compromise negotiated at a meeting on site between all parties and would seem appropriate to the existing character of this treed area.
45. Concerns have been raised about the environmental qualities of the site by objectors. The environment of this site is somewhat different to that of the West Terrace site. This site is understood to have once been part of the hospital garden and the Cypress trees on site give an indication of this. There are a number of trees within the plots to be lost but those have been surveyed and the losses in plots 1-3 are generally accepted by Highland Council Forestry Officer provided that planting in mitigation for the losses is carried out. Of more concern was plot 4 and in particular lime trees to the rear of the plot. This part of the site is also designated under the Ancient Woodland Inventory. This aspect was considered in detail at the recent site meeting. The plots and footprints of the houses are indicative and show the maximum size of house that could be accommodated on the plots. The applicant's have agreed that any house on plot 4 could be orientated so that it faces southwards reducing the need to gain light from either side where significant trees exist. It was also agreed that the siting of the houses could be pushed

further south on each plot again to protect against potential damage to trees that are of concern. This results in a variation of plot sizes with plot 1 now being smaller and on the site of the former gardeners cottage but this is viewed positively as it would be likely to create a greater range of house sizes. Detailed plot boundaries and house positions would be the subject of further planning applications. The latest layout indicated would result in the loss of more of the Cypress trees but these particular trees appear alien to the surrounding woodland environment and their loss could be compensated by indigenous species. A slight re-routing of the access was also agreed on site on the advice of the Forestry and Landscape Officers which would protect a beech tree though result in the loss of two birch trees. The access runs along the rear boundary of a house known as Edingreine and would correspondingly lead to traffic movements along the back boundary of that property. However, the level of traffic from four plots would be unlikely to lead to any unacceptable level of disturbance and as mentioned it would appear that the Local Plan intended access via this route.

46. Given the general nature of the site and that there are no fundamental objections from consultees I do not consider that there are material considerations that are of such significance that should overturn the primacy of the Badenoch and Strathspey Local Plan in this case. There will be lots of detailed issues to be covered by future individual planning applications on the site but these issues should be capable of resolution.

Technical Issues

47. A range of technical issues have been identified with regard to drainage. A drainage assessment has been carried out by the applicant. Given the relative size of the site there should be more than adequate room to ensure that surface water run-off from the buildings does not have implications for properties below on Middle Terrace. Conditions are identified to ensure that such works are carried out and the access road beyond the first six metres will be of a permeable surface.
48. Some concern has been raised by residents on Middle Terrace regarding neighbouring amenity and potential for overlooking. With regard to this it is important to note that the house sites are not fixed by this application and neighbours will be notified of any detailed house proposals. The property known as Brucanaich is a backland property to the rear of Clifton on Middle Terrace. However there are some trees between the boundary of this property and the adjacent plot 3 of the

development and some landscape planting is proposed. In addition there are some 45 metres between the facing elevation of Brucanaich and the indicative position for a house as shown on plot 3.

49. The first few metres of the access is on the route of a promoted walk to Creag Bheag. It is important that these links are retained and the developer has provided some initial information on how these links can be retained and enhanced. A route through this site connecting Gynack Road with the wooded area is crucial and is sought by specific condition.
50. Area Roads find the arrangements set out in figure 8 of this report generally acceptable. However, as per the West Terrace proposal the Area Roads Manager seeks full engineering drawings to be provided under planning conditions.
51. The site has several constraints and in particular access and trees. The scheme now presented is considered to be the most practicable way of achieving the intentions of the Badenoch and Strathspey Local Plan with regard to the capacity of the site set against the requirements to safeguard trees and provide an appropriate access with road improvements.

IMPLICATIONS FOR THE AIMS OF THE PARK

Conserve and Enhance the Natural and Cultural Heritage of the Area

52. The proposal clearly results in some tree loss but there is also scope for planting in mitigation. While the loss of trees is always regrettable the mixture of trees and houses is part of the existing character of the settlement and this particular proposal does not depart significantly from that. The re-arrangement of the plots indicated would enable more of the higher quality trees on the site to be retained.
53. Residents have raised concern that red squirrels use the site and given the treed nature of the surroundings this must be the case. A red squirrel survey is recommended by planning condition to ensure that no dreys are affected prior to the commencement of the development. The developer has already committed to carry out such a survey.
54. It is also notable that the developer has made the offer of the remaining land owned on the hillside being turned over to a Community Woodland and it is understood that initial talks have

taken place with the Community Council and Community Company.

Promote Sustainable Use of Natural Resources

55. The site is within the settlement which should in itself foster trips on foot and bicycle from the site. Details of the construction of the houses will become clear. However, indicative drawings hint at a reliance on the use of timber and glazing which would seem to be an appropriate finish in a woodland environment.

Promote Understanding and Enjoyment

56. There are a number of footpaths around the site and as noted by the CNPA Access Officer careful consideration will have to be given to their linkages with promoted footpaths around the site. There is a specific expectation that the Creag Bheag route will be retained and that a route through the site would be retained. A pedestrian route through the site in principle has been indicated on the plan.

Promote Sustainable Economic and Social Development

57. The houses would add to the overall housing need and market chose available in the area and provide employment during their construction.

RECOMMENDATION

58. That members of the Planning Committee support a recommendation to **GRANT Full Planning Permission** for the formation of access road and 4 house plots at land 150 metres south of St Vincent's, Gynack Road, Kingussie subject to the following conditions:
1. The development to which this permission relates must be begun within five years from the date of this permission.
 2. No works or development shall take place until a scheme for the protection of the retained trees (BS 5837:2005) has been agreed with the CNPA acting as Planning Authority in consultation with Highland Council Forestry Officer. This scheme shall include.
 - Schedule of works for retained trees

- Detail of positions of tree protection barriers during construction
 - Detail and position of construction exclusion zones
 - Details of working methods to be employed for the installation of access roads and driveways in proximity of trees. This to include detailed cross sections for each site, spoil storage areas and the destination of any material removed from the site.
3. Prior to the commencement of any development on the site a red squirrel survey shall be submitted to and approved by the CNPA including measures to enhance the red squirrel habitat within and around the proposed site. The survey shall inform any future detailed layout of individual plots.
 4. In accordance with the submitted drainage assessment drainage measures shall accord with SUDS principles and shall satisfy the respective requirements of Highland Council Area Roads, SEPA and Scottish Water. Drainage measures shall ensure that no properties within the development will be adversely affected by a 1 in 200 years 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.
 5. The development shall be landscaped and maintained in accordance with a scheme which shall be submitted to and approved by the CNPA acting as Planning Authority before development commences. The scheme shall include indications of all existing trees and landscaped areas on the land, and details of any to be retained, together with measures for their protection in the course of the development and shall indicate the siting, numbers, species and heights (at the time of planting) of all trees, shrubs and hedges to be planted and to the extent of any areas of earthmounding, and shall ensure:-
 - (a) Completion of the scheme during the planting season next following the completion of the development, or such other date as may be agreed in writing with the CNPA acting as Planning Authority.
 - (b) The maintenance of the landscaped areas in perpetuity in accordance with the detailed maintenance schedule/table. Any trees or shrubs removed, or which in the opinion of the CNPA acting as Planning Authority, are dying, being severely damaged or becoming seriously diseased within three years of planting, shall be replaced by

trees or shrubs of similar size and species to those originally required to be planted.

6. Parking and manoeuvring for at least two cars shall be provided within the curtilage of each property such that vehicles can enter and leave each site independently.
7. Visibility splays of 2.5 metres by 30 metres shall be provided at the point of each access to each plot.
8. Individual plot applications shall include details of the driveway gradient

9. Prior to the commencement of any development at the site full engineering drawings shall be submitted to and approved the CNPA showing details of the junction of the development access road with Ardvonie Road. Drawings shall also indicate any road improvements/traffic calming and visibility splays to the satisfaction of the CNPA in consultation with Highland Council Area Roads Manager. All roads requirements to be in place prior to construction works starting on the first plot unless otherwise agreed.
10. The general access road shall be set at a minimum width of 3.3 metres with 2 passing places apart from the first 6 metres which shall be 5 metres; construction consisting of a minimum of 40mm thick close graded Wearing Course on a 60mm dense base course on a minimum thickness of 350mm Type 1 sub base all on a sound formation.
11. Any lighting scheme proposed shall be submitted to the CNPA for approval in consultation with Highland Council Area Roads Manager. Any lighting scheme shall be developed in accordance with the approved scheme.
12. All services to the plots shall be routed underground along the access road unless otherwise agreed.
13. Any subsequent detailed proposals for plots shall be of a high quality design and include a design statement setting out how any proposal responds to the existing contours of the site and in particular the character of the surrounding woodland environment. The design statements shall also set out the sustainability credentials of proposals in line with Planning Advice Note 84 Reducing Carbon Emissions in New development.
14. A plan/method statement shall be submitted to and approved by the CNPA indicating how footpath routes around the site will be kept open and signed during any construction. In line with the application this shall include a footpath through the site connecting the site access with Gynack Road. The development shall proceed in accordance with the agreed statement.

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Date 6 November 2008

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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.