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## CAIRNGORMS NATIONAL PARK AUTHORITY

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### DEVELOPMENT PROPOSED:

Erection of dwelling-house (Plot 4) at Land 150M NW Of Beachen Court,  
Grantown-On-Spey

**REFERENCE:** 2018/0139/DET

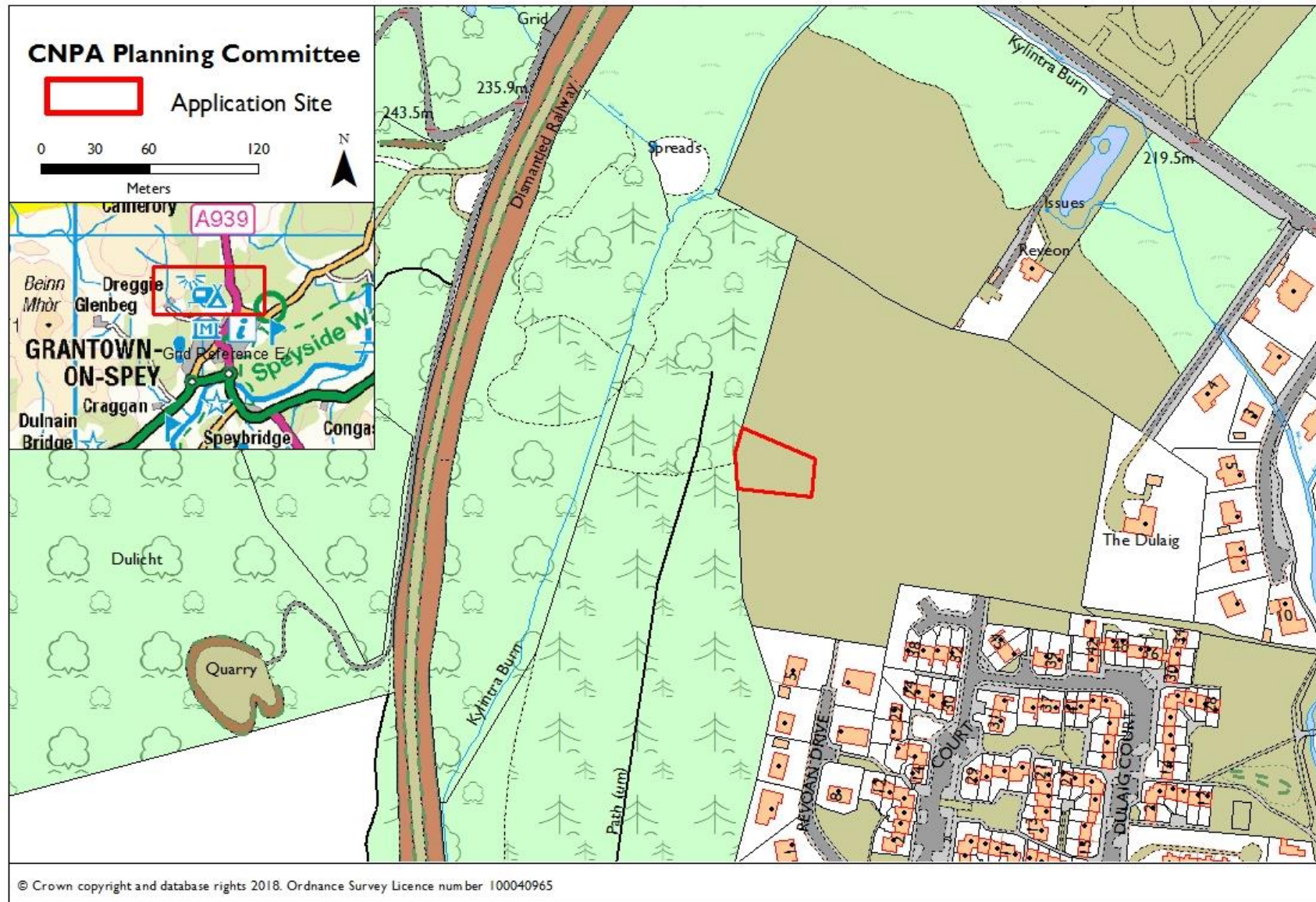
**APPLICANT:** Mr William Devlin

**DATE CALLED-IN:** 16 April 2018

**RECOMMENDATION:** REFUSE

**CASE OFFICERS:** Katherine Donnachie, Planning Officer  
Colin Bradley, Graduate Planner

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## SITE DESCRIPTION, PROPOSAL AND HISTORY

### Site Description

1. The application site was originally grazing land located on the north-west side of Grantown-on-Spey. It lies in the western part of a wider ongoing housing development at Beachen Court, accessed via Seafield Avenue. The wider scheme was approved in 2016 in terms of the road layout, infrastructure and landscaping (reference number 2016/0060/DET). Further applications have been approved for the details of houses on land to the east and construction has begun on these.
2. The site is part of a row of six proposed plots running along the south west part of the wider site bounded by Beachen woods to the west. The wider site slopes westwards up to these plots. To the east of the application site is the internal access road serving these plots which lies around 5metre below the proposed house level. Beyond this, further east, is a proposed village green area approved with the original consent. The site location and layout is shown in in **Appendix I**.
3. The internal access road is currently under construction and there is top soil stored on part of the application site at present. This access network leads onto the main access road from Seafield Avenue to the north east via a new access point which is being constructed as per the original planning permission here. A copy of the originally approved site layout is attached for information as **Appendix 2**.
4. The application site measures some 26 metres wide by 39 metres deep and is located between plot three to the south and an area of proposed amenity ground to the north. This amenity ground will form part of the wider landscaping of the overall site, along with the village green, with a footpath link proposed through it to the Beachen woods beyond.
5. In terms of the overall context of the application site, the lower part of the wider development site here is bounded to the west by the Kylintra Burn which leads into the River Spey Special Area of Conservation (SAC). This burn also runs along the roadside to the north boundary along Seafield Avenue, and within the wider site. The overall site access runs through this land. A SUDS pond is being constructed here too, to the immediate west of the drive to the Dulaig, which is a large detached property to the far east of the application site.
6. With regard to other designations in the area, on the far side of Grantown lies Anagach Woods designated as a Special Protection Area (SPA) for capercaillie interest. The River Spey Special Area of Conservation (SAC), designated for its Atlantic salmon, lamprey, fresh water pearl mussel and otter interest lies to the south of Grantown. The River Spey is also designated as a Site of Special Scientific Interest (SSSI) for these interests.

## Proposal

7. The drawings and documents associated with this application are listed below and are available on the Cairngorms National Park Authority website unless noted otherwise:

<http://www.eplanningcnpa.co.uk/online-applications/applicationDetails.do?activeTab=summary&keyVal=P6RR7XSI0CA00>

<b>Title</b>	<b>Drawing Number</b>	<b>Date on Plan*</b>	<b>Date Received</b>
General Arrangement Floor Plans	00_100	01/01/18	16/04/18
Sections	00_200	03/03/18	16/04/18
Elevations	00_300 Rev A	02/03/18	05/06/18
Plot 4 Site Plan	90_100	21/09/17	03/05/18
Plot 4 Site Plan	90_100 Rev A	06/06/18	
Plot 4 Site Plan Road Details	90_100	21/09/17	03/05/18
Boundary Conditions	90_102	24/04/18	03/05/18
Site Context	90_103	05/06/18	05/06/18
Plot 4 Location Plan	90_105	19/03/18	03/05/18
Soft Landscaping Proposals – Roads and Strategic Landscaping Areas	HLD K240.16 / SL-01 Rev E	29/04/18	03/05/18
Site Sections	90_101	24/04/18	03/05/18
Site Sections	90_103	24/04/18	03/05/18
Elevations	00_300 Rev A	05/06/18	05/06/18
Plot 4 Location Plan	90_105 Rev A	05/06/18	05/06/18
Agent Response to CNPA Comments		05/06/18	05/06/18
Design Statement			03/05/18

\*Where no specific day of month has been provided on the plan, the system defaults to the 1<sup>st</sup> of the month.

8. This application seeks full permission for the erection of a two storey, 4 bed-roomed house with integral garage located in the northern part of plot 4. It is proposed to take access of the internal roadway to the east, at the northern part of the application site, with the access then curving round the south of the proposed house to a parking and turning area. Due to the difference in ground levels this will involve ground excavations. Sections have been provided to demonstrate how this will be achieved with retaining walls proposed along the route of the access road and the house sitting above this. Sections demonstrate the height of the retaining wall to be 2 metres
9. The proposed house design is a mixture of single and two storey design with two storey rectangular frontage across the site with upper floor bedrooms, and

single storey rear wing to create an L shaped house sitting in the northern part of the site.

10. Following submission and further discussion with Officers a revised design statement was submitted to explain the rationale for a two storey design on the site given that the conditions of the original planning permission stated that houses were to be maximum 1 ¾ storey. This explains that the design has been developed to minimise land cut, using gabion baskets as retaining walls. It also outlines that due to the ground conditions and treed backdrop it is considered that this house type will not create a detrimental visual impact, with the height itself being lower than the previously granted two storey houses to the south east, due to the narrower gable width and low roof pitch whereby the height of the proposed house to tip of roof will be just under 8 metres as compared to the height of around 9 metres for the other approved two storey houses on the wider scheme. Further information on landscaping, drainage and site sections was also submitted. Plans of the layout, design and sections are included in **Appendix I**.
11. Following discussion further plans were submitted to illustrate, by way of visualisations from various points within the wider housing site, how the proposed house would sit in the streetscape. A statement was also submitted to explain why the applicants chose this type of house and why a split level house is not considered to be an appropriate solution due to costs, efficiency and also the client's desire to avoid the house being used as a retaining structure for water ingress and guarantee reasons.
12. Finishes were revised and the proposed finishes are now a mixture of pastel toned render (as opposed to white as originally sought) and horizontally clad, Siberian larch walls, grey roof tiles, grey painted windows, doors and fascias. Proposed boundaries are post and wire fencing with landscaping proposed along the eastern (roadside) frontage of the site as per the original landscape scheme here comprising three standard trees of mixed native species together with beech hedging. Bat and bird boxes are proposed on the gable elevations.
13. It is proposed to connect to the previously approved surface water drainage network and to public water and drainage supplies. Bin storage is proposed at the bottom of the site beside the access roadway, with a bin storage and recycling point defined. Secure cycle storage will be available within the large garden. An integral garage is proposed, together with a large parking and turning and parking space to the south of the house within the site.

## History

14. The application site as noted earlier lies within land covered by an earlier planning consent as follows.
15. 2016/0060/DET -Creation of residential plot layout (43 units), Roads, Drainage and Strategic Landscaping at Land 150M NW of Beachen Court Grantown-on-Spey which was approved at October 2016 Planning Committee. At this time an

overall plot layout was approved and the current application fits into this utilizing the approved servicing.

16. This development is under construction in terms of the new access roads and SUDS drainage. (The approved layout is attached as **Appendix 2**.) The details of individual houses on the scheme were to be the subject of further full planning applications as set out in condition 28 which stated as follows:

*Applications for full planning permission shall be required for all residential units and these shall include full details of siting, design, layout, landscaping, external finishes, boundary enclosures, access, drainage (foul and surface water), waste management and parking arrangements. These details shall reflect the principles of the approved Design Code and the principles set out in the Cairngorms National Park Authority approved Development Brief for the site together with the following requirements:*

- a) Incorporation of integrated flexibility for home-working and high speed fibre broadband connections within all units;*
- b) Landscaping within the plots to reflect the principles and details established in the approved landscape plan and maintenance regime;*
- c) Parking provision within plots at ratio of two private spaces per single residential unit (up to four bedrooms) and 1.2 residents and 0.3 visitor spaces per flatted unit;*
- d) Cycle storage provision for units;*
- e) Parking provision for resident and visitor cycling;*
- f) Details of bin storage and recycling facilities;*
- g) Details of existing and proposed ground levels and final floor levels;*
- h) Details of any bird/bat box provision;*
- i) Boundary enclosures designed to retain an open feel to the development avoiding enclosure of front gardens;*
- j) Maximum height of new development 1 ¾ storey.*

17. 2017/0286/DET: To the south east and north east of the current application site planning permission was granted at the December 2017 Planning Committee meeting for the erection of 16 houses comprising of eight blocks of semi-detached houses and work is underway on this development. This included two storey properties.
18. 2015/0394/DET - Immediately to the south of the wider application site, beside Beachen Court, permission was also granted at the October 2016 Planning Committee meeting for the erection of ten affordable houses and these houses are under construction. They share their construction access road with the access road being formed for 2016/0060/DET, but will ultimately take vehicular access through the existing Beachen Court network.
19. 2018/0138 – an application is currently pending for the erection of a single storey house on plot 5 to the far north of the current application, on the other side of the amenity space.

## DEVELOPMENT PLAN CONTEXT

### Policies

<b>National Policy</b>	Scottish Planning Policy 2014	
<b>Strategic Policy</b>	Cairngorms National Park Partnership Plan 2017 - 2022	
<b>Local Plan Policy</b>	Cairngorms National Park Local Development Plan (2015) Those policies relevant to the assessment of this application are marked with a cross	
POLICY 1	NEW HOUSING DEVELOPMENT	<b>X</b>
POLICY 2	SUPPORTING ECONOMIC GROWTH	
POLICY 3	SUSTAINABLE DESIGN	<b>X</b>
POLICY 4	NATURAL HERITAGE	<b>X</b>
POLICY 5	LANDSCAPE	<b>X</b>
POLICY 6	THE SITING AND DESIGN OF DIGITAL COMMUNICATIONS EQUIPMENT	
POLICY 7	RENEWABLE ENERGY	
POLICY 8	SPORT AND RECREATION	
POLICY 9	CULTURAL HERITAGE	
POLICY 10	RESOURCES	<b>X</b>
POLICY 11	DEVELOPER CONTRIBUTIONS	

20. All new development proposals require to be assessed in relation to policies contained in the adopted Local Development Plan. The full wording of policies can be found at:

<http://cairngorms.co.uk/uploads/documents/Park%20Authority/Planning/LDPI5.pdf>

21. The application site is expressly designated for housing in the Local Development Plan settlement statement for Grantown on Spey located within the site designated as H1. A Development Brief has also been approved which covers the site setting out the design principles, constraints and key issues to be considered when developing the site. This informed the original planning application for 43 plots and is non-statutory planning guidance.

### Planning Guidance

22. Supplementary guidance also forms part of the Local Development Plan and provides more details about how to comply with the policies. Guidance that is relevant to this application is marked with a cross.

Policy 1	New Housing Development Non-Statutory Guidance	<b>X</b>
Policy 2	Supporting Economic Growth Non-Statutory Guidance	
Policy 3	Sustainable Design Non-Statutory Guidance	<b>X</b>
Policy 4	Natural Heritage Supplementary Guidance	<b>X</b>
Policy 5	Landscape Non-Statutory Guidance	<b>X</b>
Policy 7	Renewable Energy Supplementary Guidance	



Policy 8	Sport and Recreation Non-Statutory Guidance	
Policy 9	Cultural Heritage Non-Statutory Guidance	
Policy 10	Resources Non-Statutory Guidance	<b>X</b>
Policy 11	Developer Contributions Supplementary Guidance	

## **CONSULTATIONS**

23. A summary of the main issues raised by consultees now follows:
24. **Highland Council Transport Planning Team** have no objection to the proposed development on the proviso that conditions are attached to ensure (1) that the tie- in of the private driveway with the public access road and footway is formed as a footway crossing so that pedestrian priority is retained and (2) that a suitably installed drain is provided across the mouth of the private driveway to ensure that any run off does not end up on the public road and (3) that the first 6 metres of the access is surfaced in bitumous material.
25. **Grantown Community Council** objects to the proposal on the grounds that a two storey building is inappropriate on such a prominent site. This is considered to conflict with CNPA guidelines on height and will not enhance the character and identify of the National Park. A copy of the Community Council comments is attached as **Appendix 4**.

## **REPRESENTATIONS**

26. Two representations, one general comment and one objection, have been received which are attached as **Appendix 3 (a) and (b)**.
27. These raise the following concerns:
- a) Lack of information in the supporting documents and design statement with regard to landscaping, sections, fencing, drainage and links to original design statements;
  - b) Design statement incorrectly refers to withdrawn application reference and should be resubmitted;
  - c) Approval of two storey housing in this elevated position will set precedent for further housing of this scale nearer to Revoan Drive, adversely affecting amenity of residents there. It will also result in an incoherent development on these plots creating a “higgledy piggledy” row of houses;
  - d) Design, scaling and massing of the proposed dwelling house is inappropriate to the proposed plot on the edge of the settlement, out of character with housing in the vicinity which is all less than two storey. Supporting material appears to minimise the visual impacts;
  - e) Development conflicts with principles set out in approved Local Development Plan and Development Brief. It was also understood that the houses were to reduce in both height and massing as they were developed up the hill with bungalows at the highest level; and



- f) A query was also made as to whether the house will be required to make a contribution to affordable housing provision.
28. Finally, one of the contributors and the agent has requested to address the Planning Committee.

## **APPRAISAL**

### **Principle and Provision of Affordable Housing**

29. The principle of housing on this site is well established by both the Local Development Plan designation and by the existing consent for roads and infrastructure here. The servicing in terms of roads network, foul drainage, water supply and surface water drainage was also covered by the previous application, as was developer contributions. Accordingly the proposed development readily complies with the principles of Policy I: New Housing Development of the Cairngorms National Park Local Development Plan 2015 which supports new housing development within identified sites providing they reinforce and enhance the character of the settlement.
30. Policy I also requires that a contribution be made towards affordable housing for any proposals for four or more open market dwellings. The matter of affordable housing provision for the wider site was fully considered with the 43 plot previous application (2016/0060/DET) when it was agreed that the adjacent ten house affordable housing development (2015/0394/DET) formed part of the 25% provision. This approach was also confirmed with the Highland Council Housing Service. The agreed provision was based on 25 % of the entire development site at the time (53 plots) being affordable – a total of 14 units. As ten units were provided on the Highland Council site this left four more to be provided on the 43 plot site.
31. This requirement for four more affordable units on the wider site is controlled by the planning condition 18 of that permission (2016/0060/DET) which requires the ten affordable houses approved adjacent must be available before any residential units are occupied on the wider 43 plot site. These ten houses are now reaching completion. This condition also requires that no more than 30 houses are occupied on the wider 43 plot site until details of the delivery of the four affordable units are provided. In this case there is no requirement for the current submission for a single plot to make any further contribution to affordable housing provision and this matter is adequately addressed by the terms of the existing permissions here.
32. In these circumstances it is the detail of the house type on this individual plot, impacts on residential amenity, its layout on the site and how it fits into the landscape and how it is serviced that falls to be considered with this application and this will now be considered.

## **Residential Amenity**

33. Policy 3: Sustainable Design of the Cairngorms National Park Local Development Plan 2015 requires development to protect the amenity of neighbours.
34. In terms of direct impacts on neighbours, the proposed house is located within a large plot and sufficiently far from neighbouring properties to safeguard the privacy and amenity of these properties both in terms of scale and potential overlooking/window distances. It is also sited so that it should not prejudice the ongoing development of other plots to the south in term of overlooking windows and distances.
35. The development is therefore considered to comply with Policy 3: Sustainable Design of the Cairngorms National Park Local Development Plan 2015 in terms of protecting neighbour amenity.

## **Environmental Impacts**

36. Policy 4: Natural Heritage of the Cairngorms National Park Local Development Plan 2015 seeks to ensure that new development does not have an adverse impact on designated sites or protected species.
37. The impacts of the wider site on designated sites in the area was fully considered with the previous application with a Habitats Regulation Appraisal undertaken then and mitigation measures required (site specific construction method statement) followed during construction of the associated infrastructure. This single house proposal site does not result in any additional environmental impacts, with landscaping provision together with bat and bird boxes proposed on the house having the potential to improve biodiversity over time.
38. It is therefore considered that the application complies with Policy 4: Natural Heritage of the Cairngorms National Park Local Development Plan 2015.

## **Servicing**

39. Policy 3: Sustainable Design of the Cairngorms National Park Local Development Plan seeks to ensure that new development is appropriately serviced and sustainably designed.
40. The site can be satisfactorily serviced, connecting to the previously approved road layout (subject to imposition of conditions required by the Roads Service) and connecting to the previously approved surface water drainage arrangements with conditions covering this attached to the wider consent. Connection will also be made to public water and drainage supplies with adequate bin storage proposed within the site. Satisfactory parking and bike storage can also be provided within the site, and there is sufficient space within the house to enable home working, all as required by the conditions of the original consent

41. Finally in relation to servicing it is proposed to use air source heating pumps for the development. This type of energy provision is generally in line with the Policy 3: Sustainable Design of the Cairngorms National Park Local Development Plan 2015.
42. In these overall circumstances the development is considered to comply with Policy 3: Sustainable Design and Policy 10: Resources of the Cairngorms National Park Local Development Plan 2015.

### **Design, Layout and Landscape Impacts**

43. Policy 3: Sustainable Design of the Cairngorms National Park Local Development Plan 2015 requires development to be sympathetic to the traditional pattern and character of the surrounding area, and use materials that will complement the setting of the development. Policy 5: Landscape of the Cairngorms National Park Local Development Plan 2015 requires that development proposals conserve and enhance the landscape character and special qualities of the National Park, paying particular attention to the setting of the proposed development. Policy 3 also sets out that all adverse effects on the setting of the development must be minimised and mitigated through appropriate siting, layout, scale, design and construction.
44. This is expanded on within the guidance contained in the approved Development Brief for the wider site, which includes this plot. This explains that the built form should be carefully integrated with the terraced topography of the site, working together with and in sympathy with the slopes to preserve the excellent views over the rooflines of houses below, but avoiding unacceptable engineering operations such as platform creation. The conditions of the planning consent for the original plots (2016/0060/DET) also highlight that development should not be more than 1 ¾ storey, and the approved design and access statement sets out that houses on sloping sites must seek to achieve the optimum balance between deep exposed underbuilding and excessive retaining walls.
45. The application site is a prominent one, located on elevated ground overlooking the village green and beside a main footpath link through the development to Beachen woods. It is not a discrete site, but rather sits beside key components of the wider development in terms of amenity space and public access links so will be viewed by a wide range of receptors. Visually the development will appear as sitting on the highest point of the wider site. In these circumstances, and set against the policy background and previously agreed guidance described above, it is essential to ensure that any new house on this site is sensitively designed and sited.
46. The current proposal will effectively result in a two storey house sitting on a plateau type area elevated above the access road and village green. Supporting visualisations included in **Appendix I** clearly illustrate this effect. These visualisations also illustrate how the proposed development will relate to the

new house proposed on plot 5 to the north which is the subject of the previous item on the agenda (2018/0138/DET) with the floor levels sitting some 3 metres higher than the single storey house proposed on plot 5. Whilst it is fully appreciated that the contours of the site result in the changes of level and that the site will inevitably be prominent, the design of the proposals is required to respond to these topographic conditions, use the contours sensitively to create a development that fits in to the landscape and its surroundings.

47. After initial consideration of the proposed development, Officers identified concerns with the proposal and its landscape impacts. The applicant was therefore asked to reconsider the design and consider other alternative such as a split level house which could use the slope of the commanding site productively and still retain the accommodation sought and indeed the general design. However for the reasons outlined previously the applicant does not wish to consider alternative designs and the application must now be considered as submitted.
48. Whilst two storey development has been approved to the south east of the application site, these houses step up the slope and fit in with the surrounding area and prevailing development pattern. In the case of the current development it is not the fact that the house is partly two storey that gives rise to concern, but rather the combination of its design together with its positioning on the plot in an elevated position where it will dominate the streetscape. Effectively it will sit on a “plateau” above the rest of the development where it will be over bearing and incongruous with other existing, proposed and approved developments in the vicinity.
49. It is considered that the proposed development, with open views to it across the village green and adjacent to the path linking Grantown-on-Spey to the core path network, will be unacceptably prominent and does not work with the contours of the site. This is considered to be contrary to Local Development Plan policies and to the principles laid out in approved Development Brief, Design Statement and to the conditions of the parent planning application which both provide useful guidance on how policy can be delivered. Finally, in terms of the detail of the external finishes of the house and the proposed landscaping, whilst these details are generally acceptable this is not sufficient to mitigate the impact of the development in terms of its massing and siting.
50. In these circumstances the proposed development is considered to be contrary to Policy 3: Sustainable Design and Policy 5: Landscape of the Cairngorms National Park Local Development Plan 2015.

### **Other Issues Raised in Consultations and Representations**

51. The reference number associated to the parent application has been queried in terms of the design brief submission. As it is clear which development the brief relates to this is not considered to be a particular concern.
52. Concerns have been raised that the proposed height of the building may set a precedent for other proposals in the immediate vicinity. This is not considered

to be a material consideration as each application is required to be considered on its merits, including the relationship to existing/proposed dwellings, neighbour amenity, context and character.

53. All other issues raised by contributors have been covered elsewhere in the report.

## CONCLUSION

54. The principle of development for housing is established so it is only the detail of the submission that is being considered. Whilst the servicing of the proposed house is acceptable, the design and layout is not considered to be appropriate for the location. The proposed house would be unduly prominent in the landscape, and is not sympathetic to the topography of the site or the immediate vicinity. This is contrary to Policy 3: Sustainable Design and Policy 5: Landscape of the Cairngorms National Park Local Development Plan 2015 and to the design principles established by the development brief and the conditions of the original planning permission which all seek to ensure that new development is sensitively designed and fits into the landscape and character of the surrounding area.

## RECOMMENDATION

**That Members of the Committee refuse the Erection of dwellinghouse (Plot 4) at Land 150M NW Of, Beachen Court, Grantown-On-Spey for the following reasons:**

- I. The proposed development is contrary to Policy 3: Sustainable Design and Policy 5: Landscape of the Cairngorms National Park Local Development Plan 2015 in that it is not sympathetic to the traditional pattern and character of the surrounding area, does not minimise and mitigate any adverse impacts through appropriate siting, layout, scale and design and does not conserve and enhance the landscape character and special qualities of the Cairngorms National Park due to:
  - a) The scale, massing and siting of the proposed house which renders it unacceptably prominent in the landscape;
  - b) The siting and ground works which create a plateau effect whereby the proposed house will sit in an elevated position above adjoining future open space reducing the quality of the environment; and
  - c) The overly dominant relationship to other proposed plots in the vicinity due to its siting and scale.

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.