
CAIRNGORMS NATIONAL PARK AUTHORITY

DEVELOPMENT PROPOSED:

Proposed 30 Flats and 8 Terraced Units at Land 30M West Of, 31 Allt Mor,
Aviemore

REFERENCE: 2016/0224/DET

APPLICANT: Cairngorm Properties Ltd

DATE CALLED-IN: 13 June 2016

RECOMMENDATION: Approve subject to Conditions and Conclusion
of Planning Obligation

CASE OFFICER: Katherine Donnachie, Planning Officer

SITE DESCRIPTION, PROPOSAL AND HISTORY

Site Description

1. The proposed site lies on two sides of Old Meall Road which leads north westwards to High Burnside, and eastwards onto Grampian Road, the main road through Aviemore. The sites lie within the settlement of Aviemore at its northern end. The location plan is included in **Appendix I - Plans**. The application site is referred to as Site A and Site B on the submission.
2. Site A comprises an area of around 0.9 hectares of land to the north east of Old Meall road. It is largely rough ground occupied by excavated soil/spoil associated with previous construction and building works in the area. It is bounded to the east by residential development at Allt Mor, to the north by farmland, and to the west by the Aviemore Orbital path which is a Core Path-LBS30. The access road (Old Meall Road) to High Burnside runs to the south east running below the A9 which bounds the site to the far west, partly screened by existing trees and on an embankment whereby it lies at a higher level to the site.
3. Site B comprises the remainder of the site and lies to the south west of Old Meall Road. It is an area of around 0.36 hectares of largely undulating grassland with a “knoll” type area located in the eastern part of the site, effectively visually separating the land from the residential development to the south at The Steading, a 1³/₄ storey fairly recent housing development. Lower density housing lies to the south on the other (south) side of a Scottish Water small service building. The access to this service building and ultimately to housing at Millside runs to the south. This access route also leads into a pedestrian access route under the A9 to the High Burnside area. Again this part of the application site is bounded to the west by the Aviemore orbital path and then the A9 with existing trees/vegetation in between.
4. Both sites are partly bounded by post and wire fencing with the top/northern part of site BA bounded to the roadside in part by a screen fence. There are no watercourses crossing the site, with the Milton burn running to the far south on the other side of The Steading. There are minor watercourses to the north and west again out with the site. The various watercourses lead into the River Spey Special Area of Conservation ultimately.
5. An overhead electricity line crosses the site and it is proposed to re-route and underground this line. A water main crosses the western part of the site and there is also a sewer within part of the site. There are no specific environmental designations on the site with the Kinveachy Special Protection Area designated for capercaillie and crossbill interest located within one kilometre of the site to the west.

Proposal

6. 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=O8RAUASI0CA00>

Title	Drawing Number	Date on Plan*	Date Received
Location Plan	PA 101	18/11/16	
Site Plan dated	PL 102 Revision D	10/08/17	
Landscaping Plan	PL109 Revision C	11/08/17	20/06/17
Site A Ground Floor Plans	PL 103 Revision A	03/04/17	
Site A First Floor Plans	PL 104 Revision A	03/04/17	
Site A Second Floor Plans	PL 105 Revision A	03/04/17	
Site A Elevations 1	PL106	18/11/16	
Site A Elevations 2	PL.107 Revision A	18/11/16	
Site A Visuals and Sections	PL108 Revision B	15/06/17	
Site A Bike and Bin Storage 1	PL110 Revision A	09/08/16	
Site A Bike and Bin Storage 2	PL.11 Revision A	09/08/16	
Site B Floor Plans and Sections	PL201 Revision A	27/03/17	
Site B Elevations	PL202 Revision A	03/04/17	
Site B Bike and Bin Storage	PL203 Revision B	09/08/17	
Burnside Development Landscaping Plan – Document	BSA PL.LMP	11/08/17	
Construction Phase Plan by Allan Munro Construction.			

Drainage Impact Assessment and SUDS Strategy by Cairntech	J1629	29/05/17	
Design Access and Sustainability Statement	BSA DASS.0707 17	July 2017	
Indicative Visualisations		Dec 2016	
Albyn Housing Letter re Affordable Housing Provision		5/07/17	
Sections of Burn 50 m north of site	BSA PL112	24/08/17	
Topographical original survey		-	

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

7. When originally submitted in 2016 the application proposed the erection of a total of forty two residential units comprising twenty four flats, eight private terraced units and ten affordable houses. The proposal was subsequently amended earlier this year to a total of thirty eight residential units comprising thirty flats and eight terraced units. The revised layout together with other supporting material was advertised, neighbours re- notified and re-consultation with relevant consultees carried out.

8. As noted earlier the development is split into two sites separated by Old Meall road- the layout is shown in the site plan included in **Appendix I - Plans**. It is proposed to erect three blocks of residential units on Site A, the northernmost site. This comprises an almost “U” shaped block of twenty four flats in the north eastern part of the site of two storey design at the “perimeter” or eastern ends of the “U,” rising up to three storey design in the middle part of the block. The height to the highest point of the development is around 10.5 metres to ridge height sloping down to around 7.5 metres to ridge height in the lower two storey components. The design is contemporary with varying hipped roof styles and stairwell/lift block features. There are ten ground floor flats, ten first floor flats and four second floor flats which are accommodated in the higher, three storey central part of the development. The flats are a mixture of two and three bed units.

9. This block is grouped around a communal car parking area providing for 36 parking spaces, including disabled provision. Communal landscaping is proposed in this area too, along with hedging features and more landscaping to the rear of the residential block.

10. A further block of three terraced residential units lies to the east, backing onto the housing at Allt Mor. A final block of five terraced residential units is proposed along the Old Meall Road frontage of the site looking toward “The Steading” and site B on the other side of the road. The terraced units have individual gardens with the flatted properties sharing communal landscaped areas around the perimeter. The terraced units are of height around 7.5 metres to ridge, again of contemporary design with asymmetric pitched roofs. They are all three bed roomed units.

11. Facilities for storage of bikes, bins and heating system are proposed in the middle of the site beside the parking area within a flat roofed building of contemporary design, with sedum roof indicated along with a further bike/bin store in the north east portion of Site A. The terraced unit included in curtilage bin store provision.
12. In curtilage parking for the block of three terraced units is proposed (two spaces per unit) with some shared parking and some frontage parking proposed for the block of five terraced units. All parking spaces are proposed to be finished in permeable materials.
13. The various components will be served by a single access point onto Old Meall Road which then branches off internally to create two main accesses within the site serving the various blocks all as shown on the site plan. Finishes of accesses are a mixture of bitmac access road and block paving traffic calming sections and permeable block paving parking spaces.
14. Details of the design of all buildings are contained in **Appendix I**. In summary, the new flats are proposed to be of contemporary design with mix of 3 storey in the western part of the site, dropping to two storey to the east with terrace units two storey. Visuals and sections have been provided to show how the development will sit on the site and in comparison to housing adjacent.
15. It is also proposed to erect a block of six two-bedroom flats on the southernmost site (Site B) which comprises the remainder of the site. The block is located in the eastern part of the site with a new access point located to the northwest, coming off Old Meall Road. The access will serve the development and its communal parking area. Parking provision for nine cars, including two disabled spaces is shown to the south of the access road with large areas of communal landscaped areas provided around the new build development. No individual private gardens are proposed nor any boundary enclosures. A link to the Aviemore Orbital path is proposed at the south west end of the site. Bike and bin storage is also proposed.
16. The block is made up of three ground floor units and three first floor units. The overall block design involves a pitched roof block to the north, with two linked mono-pitch sections creating a contemporary design. Overall height is around 7.5 metres to ridge. Similarly to the development on Site A, proposed finishes are a mixture of larch cladding and acrylic render, timber windows and grey profiled sheeting metal roof. Solar panels are proposed on the roofs. A site section has been provided to show how the development will sit on the site. These plans are included in **Appendix I**.
17. It is proposed to connect to public water and drainage supplies. Surface water is to be dealt with by means of a system of swales and soakaways together with permeable paving. It is also proposed to form roadside pavements along the Old Meall Road frontage of Site A.

18. The application is supported by the following information:
- a) Design, Access and Sustainability Statement which includes information on the proposed finishes and sustainability credentials of the development. It explains that construction methods and materials will be utilised to reduce embodied energy and carbon including main areas of glass to south and south west elevations to maximise solar heat gain and natural light; timber windows and doors; larch timber boarding cladding and lightweight thin coat acrylic render on backing board; with roofs in standing seam metal sheet. Heating is to be provided by communal biomass boilers or ground source heat pumps via boreholes. Water butts to be provided to collect water for garden maintenance.
 - b) Landscape Details including landscape scheme and landscape management/maintenance proposals. This shows a mixture of meadow grass planting, hedging, woodland planting and shrubs and sets out how the works will be maintained by private contractors.
 - c) Drainage Impact Assessment including proposals for system of swales and soakaways to deal with surface water.
 - d) Confirmation letter from Albyn Housing confirming that they intend to enter into a design and build contract with the developer to provide the affordable units. The applicants design statement confirms that a total of nine affordable units will be provided.
 - e) Visualisations to indicate how the development may sit in the landscape/settlement.

History

19. Outline Planning Approval for a Nursing Home on site A (to north of Old Meall Road) was granted in 2009 by the CNPA (reference 08/443/CP). This application was effectively “renewed” by a planning application under Section 42 of the planning acts, approved in 2013 (reference 2012/0353/DET).

DEVELOPMENT PLAN CONTEXT

Policies

National Policy	Scottish Planning Policy 2014	
Strategic Policy	Cairngorms National Park Partnership Plan 2017 - 2022	
Local Plan Policy	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	X
POLICY 2	SUPPORTING ECONOMIC GROWTH	
POLICY 3	SUSTAINABLE DESIGN	X
POLICY 4	NATURAL HERITAGE	X
POLICY 5	LANDSCAPE	X
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	X
POLICY 11	DEVELOPER CONTRIBUTIONS	X

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>

Planning Guidance

21. 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	X
Policy 2	Supporting Economic Growth Non-Statutory Guidance	
Policy 3	Sustainable Design Non-Statutory Guidance	X
Policy 4	Natural Heritage Supplementary Guidance	X
Policy 5	Landscape Non-Statutory Guidance	X
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	X
Policy 11	Developer Contributions Supplementary Guidance	X

CONSULTATIONS

22. A summary of the main issues raised by consultees now follows:
23. **Transport Scotland** has no adverse comments.
24. **SNH** was consulted for advice in relation to the effects of development on designated sites in the area. They consider that the proposal is likely to have no significant effect on the River Spey SAC.
25. They consider it is likely to have a significant effect on capercaillie in the Kinveachy Wood SPA (where significant effect means capable of having an effect) whereby the CNPA is required to carry out an Appropriate Assessment. To assist SNH have provided advice on their appraisal of the proposals relating to the size and location of the proposed development; the existence of existing housing at High Burnside between the application site and the woods; and the fact that alternative recreational routes already exist closer to the application site such as the Aviemore orbital path. This has informed

their conclusion that the proposal will not adversely affect the integrity of the SPA.

26. To summarise, SNH have concluded that whilst there are natural heritage interests of international importance close to the site these will not be adversely affected by the proposals.
27. **NHS** has been consulted on the original and revised proposals and has not provided any comment to date.
28. **Scottish Water** was consulted on the original proposal and advised that they had no objections, but that the developer should be made aware that there are Scottish Water assets on the land whereby the developer should contact their Asset Impact Team. They further note that there is sufficient water capacity at present but insufficient waste water treatment capacity network. In such circumstances Scottish Water is funded to provide additional capacity for domestic development, providing a set of criteria is met so again the developer will need to contact Scottish Water regarding this. They have provided no further comment on the revised proposals.
29. **The Highland Council Transport Planning Team** provided comments on the original layout seeking clarification of a number of points, including clarification on surface water management and waste management proposals and information on whether the roads were to be adopted or not as this would inform the extent of visibility splays required at the junction onto Old Meall Road and also the finishes of roadways within the site. They also noted concern regarding the car-centric nature of the layout and the need to improve pedestrian layout. They were unable to support the application until these matters were resolved.
30. Following re-consultation on the revised layout the Team continued to seek clarification on points raised previously, and also indicated that developer contributions should be sought in relation to bus service improvements. They also recommended that a traffic impact assessment be carried out to assess the impact of the development at the junction of Old Meall Road onto Grampian Road with the developer to fund any works essential for road safety that may be required.
31. Discussion has been ongoing with the applicants and the Transport Planning Team regarding outstanding clarification required and the applicants have now advised that they wish the roads to be adopted and will provide all necessary information to the necessary standards to enable the Team to support the application.
32. **The Highland Council Flood Management Team** initially objected to the original submission on the basis that insufficient information had been provided to assess the potential risk from the watercourse located some 50 metres to the north of the site. They also highlighted the need for a drainage impact assessment to be submitted.

33. Following submission of the revised layout and supporting material the Team maintained their objection due to lack of information relating to the watercourse to the north of the site and set out the information required. In relation to the drainage strategy provided by the applicants the Team highlighted that the Transport Planning Team were providing input. The applicants provided additional material including cross sections to try and demonstrate their view that there will be no risks from the watercourse and the Team has confirmed that their objection relating to flooding issues is now withdrawn as it has been demonstrated that the burn will pose a low risk to flooding at the development site and also that the development is unlikely to increase the risk of flooding elsewhere. The Team still require further detail on the SUDS scheme which can be addressed by an appropriate planning condition being attached.
34. **The Highland Council Housing Service** has been consulted on the original and revised proposals and has not provided any comment to date.
35. **The Highland Council Environmental Health Service** has been consulted on revised proposals and has not provided any comment to date.
36. **The Highland Council Forestry Officer** recommended that sufficient space be provided between the three terraced units on the eastern side of the site and the existing planting along this boundary. Whilst there is sufficient space at present when these trees grow up more there is likely to be some conflict and pressure to remove trees. Further clarification on the landscape scheme was sought.
37. The Officer was consulted on the revised submission and notes that the layout is similar in respect of the point about distances from existing planting. Otherwise minor comments have been made regarding details of the landscape scheme along with highlighting the need to show protection for trees and details of species.
38. **CNPA Ecology Advisor** noted that watercourses in the vicinity of the site flow into the River Spey Special Area of Conservation (SAC) whereby it is important to ensure that measures are taken to prevent siltation or pollution events. It is therefore recommended that a Construction Method Statement and Pollution Prevention Plan be provided. Similarly a SUDS scheme for disposal of surface water should be implemented for the same reasons.
39. The advisor confirms that there are no European Protected Species issues associated with the site. There is however a high likelihood of the site supporting reptiles and mechanical clearing for development could cause death, injury and/or loss of habitat. It is therefore recommended that a reptile survey be carried out before work commences on site with opportunities for mitigation possible through provision of habitats within landscaping and SUDS areas. On considering further material provided the Advisor considers that, whilst moving in the right direction, some further details relating to

construction of swales and more consideration of rain gardens would help enhance biodiversity and landscape enhancements.

40. As the site lies within 1km of the Kinveachy Woods Special Protection Area (SPA) and watercourses in the area lead into the River Spey SAC Habitat Regulations Appraisal (HRA) has been undertaken to assess the likely impacts of the development on these sites. This is attached as **Appendix 2**. The HRA concludes that there will be no adverse impacts on capercaillie from the proposals and that any potential effects upon the River Spey can be fully mitigated through an appropriately designed SUDS scheme together with appropriate measures during construction to manage any risks to watercourses and to avoid any pollution or siltation of the Aviemore burn. Conditions are therefore required to ensure implementation of a site specific construction method statement and appropriately designed SUDS scheme. On this basis it is concluded that, subject to these mitigation measures, the proposed development will not adversely affect the integrity of the designated sites.
41. **CNPA Landscape Advisor** considers the site to be well contained fitting with the existing settlement pattern. The advisor highlighted the importance of retaining existing landforms in respect of the “knoll” feature on Site B, retaining existing trees, providing sufficient space around the Aviemore orbital path in order to prioritise this valuable recreational resource, and the need for care with boundary treatments.
42. Amendments were made to the layout to address these points and the Advisor considers this to be generally satisfactory subject to the landscape scheme and SUDS scheme being revised, and consistent with each other, in order to clearly show how swales and soakaways will be formed with natural profiles and appropriate planting scheme.
43. **CNPA Outdoor Access Team** advise that any fencing alongside the Aviemore Orbital path should be set back by a minimum of two metres from the existing wearing surface of the path, with no barbed strand. They also advise that there are interconnecting paths (albeit subject to limited use) crossing the site, and over which access rights apply. These routes are in a practical sense duplicated by the Orbital path and their loss would be adequately compensated for by a combination of the already proposed pedestrian accesses into and from the proposed development, along with improving the long term condition of the existing orbital path which will be permanently linked with the development. This will be beneficial to both existing and new residents.
44. **Aviemore and Vicinity Community Council** advise that they are neutral on the application as originally submitted. They provided some commentary raising concern that the three storey component is out of character with housing at Allt Mor and will be very visible especially from the A9. It is also noted that affordable housing is segregated from the other housing and that the opportunity to upgrade the Aviemore Orbital path where it runs through the site.

45. The Community Council has not responded to re-consultation on the revised proposals to date. A copy of their initial comments is attached as **Appendix 3**.
46. **Inclusive Cairngorms** has been consulted on the original and revised proposals and has not provided any comment to date.

REPRESENTATIONS

47. This application was submitted in June 2016 and a total of eight representations were received which are attached as **Appendix 4**. Following submission of a revised layout and additional material as described in the site proposals section the application was re-advertised with neighbours and all parties who had previously made comment duly notified again. No further representations were received. The applicants' agent has requested to be **heard** at committee.
48. Key concerns are summarised as follows:
 - a) Request that site access be taken from the new access road to reduce impact on neighbours together with restrictions on weekend working and use of the Steading car park;
 - b) Contemporary design does not respect the character of the surrounding area;
 - c) Three storey buildings out of character and resulting in loss of view for existing residents and also overlooking of existing properties;
 - d) Density is too high compared to existing development at Allt Mor and will put additional demand on infrastructure which is already unable to cope;
 - e) Housing will not be affordable to people on low incomes;
 - f) Lack of parking provision will have adverse effect on road safety and residential amenity;
 - g) Loss of privacy to rear gardens at Allt Mor unless fencing is erected or trees planted – also loss of privacy at Croftside;
 - h) Loss of afternoon/early evening sunshine to properties at Allt Mor;
 - i) Impacts of dualling of A9 on site will prohibit development and development should not be supported until the route of the A9 dualling is determined;
 - j) Aviemore Orbital path is important local amenity and its value will be lost by locating housing immediately next to it;
 - k) Increased noise and traffic arising from new development;
 - l) Impacts on wildlife such as oystercatchers and lapwings which nest in the area;
 - m) Existing experience has shown that housing in Allt Mor is being bought for holiday lets which does not contribute to local economy and can result in disturbance due to anti-social behaviour;
 - n) Comment is made in support of the external finishes which are considered to complement the natural environment;
 - o) Some objectors emphasise they do oppose new development here, but rather the scale and density as proposed;

- p) Request made that larch timber finishes be treated to avoid deterioration as has happened elsewhere in Aviemore; that all landscaping be implemented and maintained; and that controls be put in place to reduce impact on residents during construction phase.

APPRAISAL

Principle

49. Policy I: New Housing Development of the Cairngorms National Park Local Development Plan provides support for new housing development within settlements where they are on an identified site or where they reinforce and enhance the character of the settlement maximising opportunities for infill, conversion, small scale development, use of derelict or underused land or the redevelopment of land. In this case the application site lies within the defined settlement boundary of Aviemore; part of the site has been the subject of previous consent for nursing home development; part of the site (site A) is disturbed, vacant ground which does not enhance the settlement; and the remainder of the site (site B) is unused ground.
50. In these circumstances the application is considered to readily comply in principle with policy providing the layout, siting, servicing and design comply with all other relevant Local Development Plan policies which will now be considered.

Layout and Residential Amenity

51. The proposed layout provides for housing grouped around communal areas with adequate parking and cycle/bin storage provision comprising a mixture of shared and individual provision. Parking provision of a total of sixty spaces is considered to be satisfactory for a development such as this comprising a mixture of two and three bedroom properties, including flats, and well located in relation to path links as well as to the facilities of the Aviemore.
52. It is also noted that no objections have been raised in respect of car parking by the Roads Authority following amendments being made to improve the location of disabled provision. However, some further minor adjustments have been sought by the Roads Authority in relation to the detail of the cycle storage provision. These can be readily accommodated on site and appropriate planning conditions to this end can be attached.
53. There are good pedestrian links proposed to existing roads and path networks which is welcomed. Furthermore, the location of the site on the edge of, but within, the settlement, allows for an open feeling to its setting which is enhanced by the landscaping proposed around the built up part of the site. It is not considered that the density is unduly high for a site of this nature.
54. In relation to the amenity of residents in the area, the nearest houses are at Allt Mor to the south which is a development of 1 ½ and single storey

detached and semi-detached houses, along with the newer 1 ¾ storey development at the Steading to the south of Old Meall Road. At its closest point the proposed five unit terraced block is more than eighteen metres from the nearest house at Allt Mor to the east, whilst the three unit terraced block is some twenty seven metres away. The main twenty four unit block is over twenty four metres from the nearest housing at Allt Mor. The five unit terraced block lies on the opposite (north) side of Old Meall Road from the Steading housing at a distance of some twenty three metres.

55. Given these distances, combined with the design which avoids overlooking windows, and the proposed landscaping, it is considered that the privacy and amenity of existing residents is adequately safeguarded. In terms of concerns raised by residents in relation to loss of sunlight it is again considered that the development is sufficiently distant from adjoining residents to avoid any significant issues.
56. Accordingly the proposed development is considered to comply with Policy 3: Sustainable Design and Policy 5: Landscape of the Cairngorms National Park Local Development Plan which seek to ensure that new development is suitably designed, protects the amenity of residents and conserves and enhances the landscape character and special qualities of the National Park.

Design

57. It is recognised that the scale of the development, particularly in relation to the three storey element, is different than the housing at Allt Mor as has been raised by objectors. However, it is also recognised that this element of the development is over eighty metres west of the Allt Mor housing and will read visually as part of the new proposals, with the scale reducing down the two storey terraced units to the east closer to Allt Mor. This is not considered to be inappropriate within a settlement and indeed within a part of Aviemore where there is a variety of housing styles evident.
58. The new development is considered to be well designed for its site, providing for contemporary design with careful use of finishes and roof pitches to help reduce visual impact. In addition its location set against a treed backdrop and the A9 embankment will help to provide a suitable setting as illustrated in the supporting sections. Landscaping and care with boundary enclosures will also help the development to fit in well with its surroundings.
59. On this basis the development is considered to comply with Policy 3: Sustainable Design of the Cairngorms National Park Local Development Plan which also encourages innovation in design and use of materials whilst still requiring that the proposals be sympathetic to the character of the area. This view is subject to appropriate planning conditions being attached to ensure that finishes and boundary treatments are appropriate for the overall design ethos here.

Landscape Issues

60. The proposals include landscaping of the site in a satisfactory manner which will provide a good setting for development whilst retaining existing features of note such as the knoll to the south east of Site B. As noted by CNPA heritage advisors it is, however, important that the landscape scheme and the SUDS scheme tie up fully. With some minor modifications this could be readily achieved as there is potential for the SUDS features such as swales to add to the landscape benefits as well as biodiversity interests. Suitable planning conditions can be attached to achieve this and to ensure that a good standard of landscaping is delivered together with ongoing maintenance of both landscaping and SUDS features.
61. In relation to the comments of the Highland Council Forestry Officer regarding proximity to existing trees to the east of the site, it is considered that whilst it may be ideal to try and avoid any future conflicts from residents seeking to have existing trees out with the site trimmed, this is not in itself a reason to resist the development. It is further considered that, on balance, the other landscape benefits secured in terms of integrating SUDs proposals into the development and providing landscaping around the site and beside the Orbital path outweigh this concern.
62. On this basis the application is considered to comply with Policy 3: Sustainable Design and Policy 5: Landscape of the Cairngorms National Park Local Development Plan 2015, which seek to ensure that new development is suitably designed, and conserves and enhances the landscape character and special landscape qualities of the National Park.

Environmental Impacts

63. As noted by the CNPA Ecology Advisor there is considerable potential for the SUDS proposals for management of surface water to enhance the environment. Whilst the applicants have taken on board advice to use natural measures such as swales there is an opportunity for further fine tuning of the proposals to maximise benefits and also to marry in well with the landscape proposals as noted earlier. Appropriate conditions can be imposed to achieve this objective.
64. In term of other site specific environmental impacts as noted earlier the site is considered to have potential for reptile habitats which may be disturbed by development, with good opportunities for mitigation given the areas to be used for landscaping and SUDS. This could be informed by a reptile survey to be undertaken before any work commences on site in the event of the application being supported.
65. In respect of wider environmental impacts the CNPA have carried out a Habitats Regulation Appraisal (see **Appendix 2**) to consider impacts on designated NATURA sites in the area. This has concluded that there will be no adverse impacts on these designated sites subject to appropriate conditions

being imposed in relation to construction method statement and pollution prevention plans being agreed to ensure no impacts on the River Spey SAC.

66. In these circumstances, and subject to appropriate conditions being attached, the development is considered to comply with Policy 4: Natural Heritage of the Cairngorms National Park Local Development Plan which seeks to ensure that there are no adverse effects on the integrity of Natura 2000 sites and that impacts on habitats or species are avoided or mitigated.

Flooding and Surface Water Management

67. A further key environmental issue relates to the management of surface water. The applicants have provided information on how this may be addressed by means of swales and soakaways. Further clarification is required in relation principally to how this integrates with landscaping proposals and Roads Authority adoption as well as details of the construction and adoption of some of the components. This may be covered by an appropriate planning condition.
68. In relation to flooding the Council Flood Management Team sought clarification in relation to levels and the watercourse to the north as outlined in the consultation section earlier to establish that there would be no flood risk. They are now satisfied that there are no flood risk issues.
69. In these circumstances, and subject to appropriate planning conditions, the development is considered to comply with Policy 10: Resources which seeks to ensure that development is free from significant risk of flooding and that surface water is appropriately dealt with.

Affordable Housing Provision

70. Policy I New Housing Development of the Cairngorms National Park Local Development Plan requires that an on-site contribution of affordable housing of generally no more than 25% of units be provided. In this case it is proposed that nine units be provided in the form of a mix of social rent and mid-market rental. It is understood that the applicants have been involved in ongoing discussions with Highland Council regarding funding and Albyn housing Society Ltd. have now confirmed that they intend to enter into a design and build contract with the developers to make this provision. Accordingly, subject to an appropriate planning condition being imposed to secure this delivery, the proposal complies with policy I.
71. At this point in time the location of the affordable units has not been identified, but from a land use planning perspective this is not an issue as affordable housing provision can be readily made by a combination of any of the various units here. This approach also addresses concerns raised by the Community Council in relation to the original submission and the location of affordable housing then which showed affordable housing all on site B to the west of Old Meall Road.

72. Consequently on this basis the proposed development is considered to comply with Policy I New Housing Development.

Public Access Issues

73. The site is well located within Aviemore with suitable links to the existing footpath network proposed. The Aviemore Orbital path, an important core path in Aviemore, bounds the site to the west and it partly on land under the applicant's control. As noted by both the CNPA Outdoor Access Team and the Community Council, there is an opportunity to secure improvements to this path as a result of the development and to retain its open aspect by avoiding fencing too close to the path.
74. It is considered that the proposed development of thirty eight residential units directly beside the Orbital Path will inevitably lead to increased use of the path. Accordingly it is considered entirely appropriate to secure some improvement to the path as a consequence of the development and to achieve the objective of Policy 3: Sustainable Design of the Cairngorms Local Development Plan which seeks to maximise and maintain all opportunities for responsible outdoor access including links into the existing path network. Subject to a planning condition being attached to cover this matter, the application is considered to comply with Policy 3.

Servicing - Roads Issues

75. Access is proposed onto an existing public road which already satisfactorily serves a considerable amount of residential development. It is considered that the applicants' proposals for footway along the frontage of Site A may be of benefit, if required by the Roads Service. If not this land could be usefully added to open space/landscaping provision if further consideration at the road construction stage determines that the provision is not necessary.
76. The Roads Authority initially sought further confirmation that visibility splays onto Old Meall Road to the standard required for an adopted road can be provided if it is the applicants' intention that the internal road layout be adopted. This applicant has now demonstrated that this is capable of being achieved and details of the splays can be secured by appropriate planning conditions.
77. In relation to the wider road network it is noted that later in the processing of this application the Roads Authority sought consideration of whether a condition may be attached to require further transport assessment of the network and the junction of Old Meall Road onto Grampian Road. Following discussion the Roads Authority has agreed this is not necessary, but still require consideration of a developer contribution towards bus service provision in the area. This is considered to be reasonable and proportionate in view of the additional residents generated whom it is hoped may take advantage of public transport provision and so support the objectives of

sustainable development. It is therefore considered appropriate to seek such a contribution in this case.

78. As noted earlier the general car parking layout is considered to be satisfactory to the Roads Authority with amendments required to cycle storage to ensure it is designed to facilitate use.
79. In these circumstances it is considered that the development is capable of being appropriately accessed as required by Policy 3: Sustainable Design of the Cairngorms National Park Local Development Plan 2015.

Servicing – Other Issues

80. The development can be connected to public water and sewage supplies and Scottish Water has raised no objection to the proposals. As Scottish Water infrastructure (water and drainage) crosses the site the applicant will require the Agency's permission for any works in the vicinity of these assets with a buffer around the water main indicated on the site plan.
81. In terms of waste management communal bin storage is proposed for the flats with space for bins within the gardens areas of the terraced units.
82. 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 which seeks to ensure that development is appropriately serviced and suitable arrangements made for waste management.

Infrastructure Impacts/Developer Contributions

83. Policy 11: Developer Contributions of the Cairngorms Local Development Plan requires that any development which gives rise to a need to increase or improve public services, facilities or infrastructure or to mitigate adverse effects will normally require a fair and reasonable contribution to be made. Such contributions to be consistent with the scale and nature of the development and be secured through a planning obligation or other legal agreement where appropriate.
84. In this case, as noted earlier, it is considered entirely appropriate to secure a contribution towards an improvement in bus services in the area. For example an extension to the local bus service, new bus stop or real time information subject to further discussion with both the applicant and the public transport unit of the Highland Council.
85. The other key impact of the development is upon education provision. With recent large scale planning applications in Aviemore it has been considered that contributions towards education are appropriate and this approach is considered to apply equally to this development for thirty eight residential

units which will inevitably generate additional children for the schools to accommodate. A suitable contribution will therefore be required.

86. In relation to other infrastructure and facilities it is considered that the development will support these rather than increase the burden upon them. Direct infrastructure impacts, such as upon the Aviemore Orbital path, have been dealt with earlier in this report.
87. On this basis, and subject to a suitable agreement on developer contributions being agreed (whether by up-front payment or by legal agreement) the development is considered to comply with Policy 11: Developer Contributions.

Other Issues Raised in Consultations and Representations

88. Matters raised by contributors have been largely addressed throughout this report. However, there were some specific issues raised which have not been covered as follows.
89. Firstly, the potential impacts on the site from the dualling of the A9 have been raised as an issue which may curtail development of the site. At present there are no finalised proposals for the dualling and Transport Scotland has raised no objection to the proposals. Accordingly it is not considered to be appropriate to resist the development on these grounds.
90. Concerns raised by representations relating to working practises and construction access during construction may be dealt with through informatives and also through provision of a site specific Construction Method Statement incorporating traffic management proposals. Appropriate conditions/informatives can be attached in the event of the application being supported.
91. Concerns regarding loss of view are not valid land use planning considerations as the Planning Authority cannot protect individual views. (The impact on residential amenity is however a material planning consideration and has been fully considered earlier in this report.)
92. Contributors have also raised concern that there may be impacts on wildlife such as oystercatchers and lapwings which nest in the area. Whilst the CNPA Ecology Advisor has not noted this as an issue on this particular site it is standard practise to attach an informative to any consent issued to highlight to developers their responsibility not to disturb nesting birds and this can be done here in the event of the application being supported.
93. Finally, contributors have raised concern regarding the future use of the units for holiday homes. This is a recurring concern from residents with new housing developments in the National Park, but not a valid planning reason to resist the proposed development which in itself will improve the range of housing provision in the area and make direct provision for a suitable level of affordable housing as required by Local Development Plan Policy 1: New Housing Development.

94. In summary none of these additional concerns represent material land use planning considerations which would justify resisting the application.

CONCLUSION

95. The proposed development will deliver housing within the settlement of Aviemore including welcome provision of affordable housing. The site is well located in relation to the settlement and will bring a vacant site into productive use. The design and layout of the development is considered to be appropriate to its setting. Whilst not replicating other houses in the area, Local Development Plan policy does not presume against contemporary solutions and design. In this case the housing is also considered to be sufficiently far from existing housing to preserve residential amenity and the site is capable of being satisfactorily serviced and accessed.
96. On this basis the proposed development is considered to comply with Local Development Plan policies subject to appropriate planning conditions being imposed to achieve landscape, ecological and servicing requirements and also subject to an appropriate legal agreement or upfront payment to secure necessary developer contributions.

RECOMMENDATION

That Members of the Committee support a Recommendation to Grant Full Planning Permission for the Erection of 30 Flats and 8 Terraced Units at Land 30M West Of 31 Allt Mor, Aviemore subject to:

- (1) Conclusion of a Legal Agreement or upfront payment regarding developer obligation in respect of education and bus service provision**
- (2) The following conditions:**

Those conditions listed below in bold text are suspensive conditions, which require to be discharged prior to implementation of the development.

- I. No development shall commence on site until a revised Drainage Impact Assessment and SUDS scheme has been submitted to and approved in writing by the Cairngorms National Park Authority, acting as Planning Authority in consultation with the Highland Council Transport Planning and Flood Prevention Teams. This scheme to reflect the requirements for:**
 - a) Cross sections to be provided to illustrate how the SUDS components will be formed;**
 - b) The creation of natural profiles and landforms to enable the components to fit into the landscape;**
 - c) Consideration of the use of vegetation to slow flows as opposed to gravel filled soakaways;**

- d) **Details of how the 1 in 200 year rainfall event will be managed;**
- e) **SUDS components to be located within public/communal land and;**
- f) **Full details of ongoing management and maintenance.**

Thereafter no residential unit shall be occupied until the sustainable drainage arrangements pertaining to the site upon which it is located (Site A or Site B) have been implemented in accordance with the approved details, and certification from an appropriately qualified professional confirming compliance with the approved scheme has been submitted to an approved in writing by the Cairngorms National Park Authority acting as Planning Authority in consultation with the Highland Council Flood Risk Management Team. Annual monitoring and inspection reports to demonstrate compliance, with any remedial actions necessary identified together with a timetable for their implementation, shall thereafter be submitted to and approved in writing by the Cairngorms National Park Authority acting as Planning Authority in consultation with the Highland Council Flood Risk Management Team. Any changes to maintenance responsibilities shall be notified in writing to the Cairngorms National Park Authority acting as Planning Authority.

Reason: To ensure surface water is satisfactorily managed in order to minimise any risk of pollution or flooding in accordance with Policy 10: Resources of the Cairngorms National Park Local Development Plan 2015.

2. **No development shall commence on site until a revised fully detailed landscape scheme on a contour base, and including maintenance, protection and management details and timetable for implementation, has been submitted to and approved in writing by the Cairngorms National Park Authority acting as Planning Authority. The scheme to include:**
- a) **Details of hard and soft landscaping;**
 - b) **Finishes of all paths, roads, parking spaces and footpaths;**
 - c) **Details of trees to be retained and measures for their protection including trees adjoining the site and;**
 - d) **Details of species, size and planting distances of all new trees/shrubs/hedging.**

The revised scheme shall reflect the requirement to show the proposals for SUDS within the landscape scheme. This shall include demonstrating how these will be landscaped, formed and maintained as part of the landscape scheme with site sections provided as required which shall reflect the requirement for retention of the existing knoll to the south east of Site B.

All landscaping (hard and soft) shall be implemented in accordance with the approved scheme and its approved timetable and thereafter managed and maintained in accordance with the approved scheme.

Reason: To ensure that the development conserves and enhances the landscape character of the area, and that an appropriate landscape setting is provided and maintained in accordance with Policy 5: Landscape and Policy 3: Sustainable Design of the Cairngorms National Park Local Development Plan 2015.

3. **No development shall commence on site until a reptile survey has been submitted to and approved in writing by the Cairngorms National Park Authority, acting as Planning Authority. This survey shall include proposals for any mitigation required and implementation timetable. Thereafter any mitigation works detailed in the approved survey shall be implemented in accordance with the approved plan.**

Reason: To ensure that impacts upon biodiversity and the environment are minimised and mitigated in accordance with 4: Natural Heritage of the Cairngorms National Park Local Development Plan 2015.

4. **No development shall commence on site until details of proposals for the upgrading of the Aviemore Orbital Path where it abuts the site have been submitted to and approved in writing by the Cairngorms National Park Authority, acting as Planning Authority. These details to include proposals for:**
 - a) **Fencing alongside the Orbital Path which shall reflect the requirement for fencing to be suitably set back at least 2 metres from the wearing surface of the path together with an appropriate fencing specification not incorporating a barbed strand of any kind and;**
 - b) **A suitable path upgrade specification to achieve 1.5 metres surface width to be free-draining non-sealed type such as rolled quarry dust.**

No residential unit shall be occupied until the upgrading works have been completed in accordance with the approved scheme.

Reason: to maintain and maximise opportunities for responsible outdoor access including links into the existing path network in accordance with Policy 3: Sustainable Design of the Cairngorms National Park Local Development Plan 2015.

5. **No development shall commence on site until a site specific Construction Method Statement including Traffic Management Plan and Pollution Prevention Plan has been submitted to and approved in writing by the Cairngorms National Park Authority, acting as**

**Planning Authority in consultation with the Highland Council
Transport Planning Team. This Statement shall:**

- a) **Provide details of environmental protection during construction including details of how risks to watercourses are to be eliminated;**
- b) **Identify the location of the construction compound;**
- c) **Reflect the requirement for all access and parking areas for existing residential development to be kept free at all times and;**
- d) **Provide details of how the Aviemore orbital path will be kept open and unobstructed during all works.**

Work shall thereafter proceed in accordance with that approved Plan throughout the construction of the development hereby approved.

Reason: To ensure that there are no adverse impacts on the environment, neighbouring residents and the path and roads network in accordance with Policy 3: Sustainable Design of the Cairngorms National Park Local Development Plan 2015.

6. **No development shall commence on site details of boundary enclosures have been submitted to and approved in writing by the Cairngorms National Park acting as Planning Authority. The details to:**
 - a) **Reflect the requirement for the frontages of the terraced units to be open plan, or to incorporate hedging, or similar and;**
 - b) **For there to be no enclosures around the flatted development. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (Scotland) Order 1992 (or as otherwise amended) the development shall thereafter be implemented and retained in accordance with the approved details.**

Reason: To retain an open feeling to the development and to ensure that the design of any enclosures are sympathetic to the character of the area, in accordance with Policy 3: Sustainable Design of the Cairngorms National Park Local Development Plan 2015.

7. **No development shall commence on site until details of the arrangements for delivery of a total of nine affordable houses have been submitted to and approved in writing by Cairngorms National Park Authority acting as Planning Authority. The details to be submitted will include information on the location of the units identified for affordable housing provision; delivery mechanism (including where appropriate details of any legal agreements entered into or to be entered into); tenure; and timetable for delivery. The**

housing shall thereafter be provided in accordance with the approved details and retained thereafter in the approved tenure

Reason: to ensure that adequate provision is made for affordable housing within the development in accordance with Policy 1: New Housing Development of the Cairngorms National Park Local Development Plan 2015.

8. **No development shall commence on site until the following transport details have been submitted to and approved in writing by Cairngorms National Park Authority acting as Planning Authority in consultation with the Highland Council Transport Planning Team:**
- a) **Site sections and annotated site plan to show the provision of visibility splays measuring 4.5 metres by 60 metres at the new junctions onto Old Meall Road;**
 - b) **Revised cycle storage plans to show at least 0.9 metres between a wall and a cycle stand;**
 - c) **Revised site plan to show dropped crossing detail beside bin and bike store 1. The development shall thereafter be implemented and maintained in accordance with the approved details.**

Reason: To ensure that the development conserves and enhances the landscape character, is sympathetic to the character of the area and to ensure that safe access is provided in accordance with Policy 5: Landscape and Policy 3: Sustainable Design of the Cairngorms National Park Local Development Plan 2015.

9. No development shall commence on the construction of any residential unit or building until details, by way of samples or brochures, of its proposed external finishes have been submitted to and approved in writing by the Cairngorms National Park Authority acting as Planning Authority. These details shall reflect the principles established in the approved Design, Access and Sustainability Statement. The development shall thereafter be constructed in accordance with the approved details.

Reason: To ensure that the development conserves and enhances the landscape character and is sympathetic to the character of the area in accordance with Policy 5: Landscape and Policy 3: Sustainable Design of the Cairngorms National Park Local Development Plan 2015.

10. No development shall commence on the construction of the biomass building or any other energy production proposals until details of the proposed layout and design have been submitted to and approved in writing by the Cairngorms National Park Authority acting as Planning Authority in consultation with the Highland Council Environmental Health Team. The works shall thereafter be installed in accordance with the approved details

Reason: To ensure that the development conserves and enhances the landscape character and is sympathetic to the character of the area in

accordance with Policy 5: Landscape and Policy 3: Sustainable Design of the Cairngorms National Park Local Development Plan 2015.

11. No external lighting shall be installed until details of the proposed layout and design have been submitted to and approved in writing by the Cairngorms National Park Authority acting as Planning Authority in consultation with the Highland Council Transport Planning Team. The lighting shall thereafter be installed and maintained in accordance with the approved details.

Reason: To ensure that the development conserves and enhances the landscape character and is sympathetic to the character of the area in accordance with Policy 5: Landscape and Policy 3: Sustainable Design of the Cairngorms National Park Local Development Plan 2015.

12. The development hereby approved shall be constructed in accordance with the approved sections and plans.

Reason: To ensure that the development conserves and enhances the landscape character, is sympathetic to the character of the area in accordance with Policy 5: Landscape and Policy 3: Sustainable Design of the Cairngorms National Park Local Development Plan 2015.

13. No residential unit shall be occupied until it is connected to public water and drainage supplies.

Reason: To ensure that the development is appropriately serviced in accordance with Policy 10: Resources of the Cairngorms National Park Local Development Plan 2015.

14. No residential unit shall be occupied until the access (including visibility splays), car parking and turning areas, bike and bin storage pertaining to the site (A or B) upon which it is located have been implemented in accordance with the approved plans and details agreed under the terms of condition 2 in relation to hard landscaping and thereafter retained in accordance with the approved plans throughout the lifetime of the development including the requirement for visibility splays to be kept free from obstruction.

Reason: To ensure that the development conserves and enhances the landscape character, is sympathetic to the character of the area and to ensure that safe access is provided in accordance with Policy 5: Landscape and Policy 3: Sustainable Design of the Cairngorms National Park Local Development Plan 2015.

Informatives

1. The development hereby approved must commence within 3 years of the date of this decision notice. If development has not commenced within this period then this planning permission will lapse.

2. The person undertaking the development is required to give the Planning Authority prior written notification of the date on which it is intended to commence the development. Attached to this decision notice is a Notice of Initiation of Development for completion and submission. Submission of this information assists the Cairngorms National Park Authority Monitoring and Enforcement Officer in monitoring active work within the area to ensure compliance with the approved details and to identify and correct any potential problems, as they arise, rather than later when it may be more difficult and more costly to rectify. Failure to give notice would constitute a breach of planning control which may result in enforcement action being taken.
3. Following completion of the development, a notification of the completion shall, as soon as practicable, be given to the Planning Authority. Attached to this decision notice is a Notice of Completion of Development for completion and submission. Submission of this form will assist the Cairngorms National Park Authority Monitoring and Enforcement Officer in making a final inspection and checking compliance with the approved drawings and conditions. If the development hereby approved is to be carried out in phases, then a notice of completion should be submitted at the completion of each phase.
4. Construction work (including the loading/unloading of delivery vehicles, plant or other machinery) should not take place out with the hours of 0800 hours to 1900 hours Mondays to Fridays, 0800 hours to 1300 hours on Saturdays or at any time on Sundays or Bank Holidays in order to minimise disturbance to residents in the area.
5. You are advised that if any work is proposed to start during the bird breeding season (April to August) then pre construction checks for breeding birds must be undertaken.
6. In relation to the requirements of conditions 1 and 2 it is recommended that the advice of the Cairngorms Ecology and Landscape Advisors, and the Highland Council Flood Risk Management and Transport Planning Teams be referred to for guidance.
7. You are advised in relation to condition 7 that some types of housing tenure such as the discounted sale price model require legal agreements between the providers and the planning and/or housing authority in relation to delivery and this should be considered when submitting the required details.
8. It is recommended that you contact Scottish Water regarding connections to public water and foul drainage supplies that will be necessary to service this development as per condition 13. Further information is available in Scottish Water's response to this planning application. You should also contact Scottish Water's Asset Management Team regarding any impacts upon their assets.
9. You are advised that the approval of the Roads Authority is required for any works affecting the public road and for any road construction consent requirements.

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.