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**CAIRNGORMS NATIONAL PARK AUTHORITY**

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

**Prepared by: SIMON HARRISON  
HEAD OF PLANNING**

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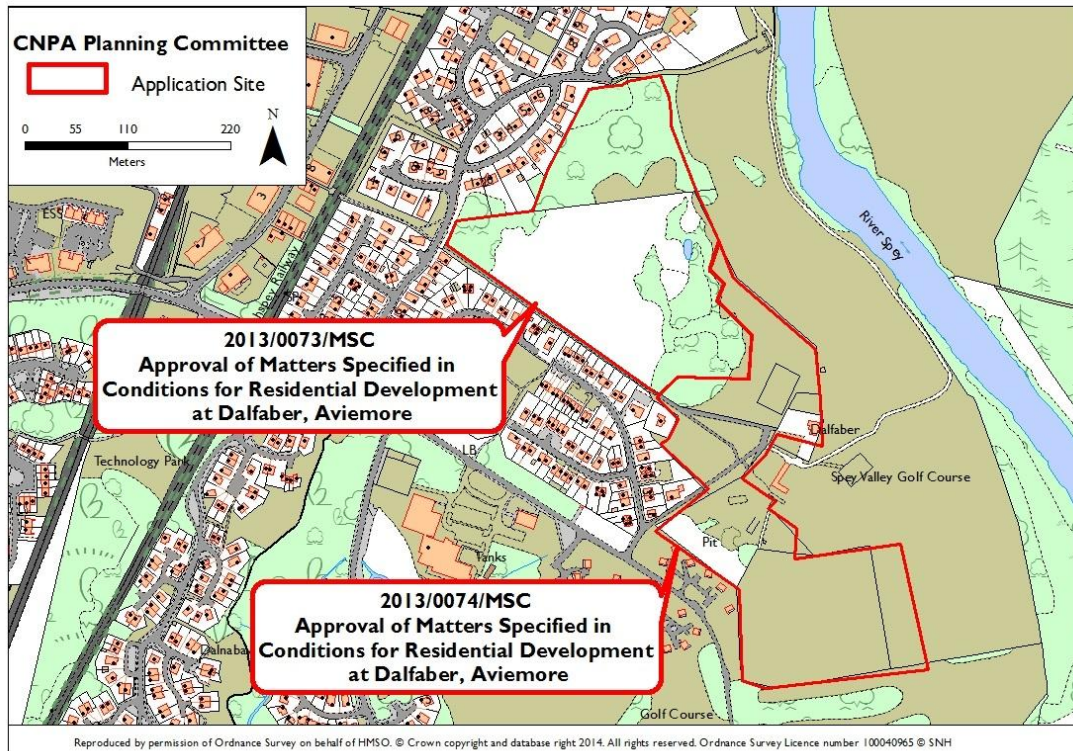
**DEVELOPMENT PROPOSED:** Approval of Matters Specified in Conditions 1 (plans & particulars), 4 (landscaping information re-trees), 8 (details required by condition 1), 9 (management & maintenance statement), 10 (details required by condition 1), 11 (phasing plan), 12 (detailed design statement), 14 (contoured site plan), 16 (construction method statement), 17 (management & maintenance statement) and 19 (programme of archaeological work) of Planning Permission in Principle 07/144/CP on Land north west of Dalfaber Farm, Dalfaber Drive, Aviemore

**REFERENCE:** 2013/0073/MSC

**DEVELOPMENT PROPOSED:** Approval of matters specified in conditions 1 (in part) (plans & particulars), 8 (details required by condition 1), 9 (management & maintenance statement), 10 (details required by condition 1), 12 (phasing plan), 13 (detailed design statement, 15 (site plan), 17 (construction method statement), 18 (management & maintenance statement), and 20 (programme of archaeological work) of Planning Permission in Principle 07/145/CP on Land north west and south of former Steadings, Dalfaber Farm, Aviemore

**REFERENCE:** 2013/0074/MSC

**APPLICANT:** REIDHAVEN ESTATES  
**DATE CALLED-IN:** 11 March 2013  
**RECOMMENDATION:** APPROVE SUBJECT TO  
CONDITIONS



**Grid reference: (E/275424, N/801039)**

**Fig. 1 - Location Plan**

## SITE DESCRIPTION AND PROPOSAL

1. This report covers two interlinked applications to discharge conditions for planning permissions in principle (07/0144/CP and 07/145/CP) relating to residential developments on adjacent areas of land in Dalfaber, in the northern area of the settlement of Aviemore.
2. These two sites are allocated as H2 and H3 in the Local Plan. The site extends to 11.2 ha lying east and north of Aviemore and west of the River Spey. The sites are within the Cairngorm Mountain National Scenic Area.
3. The overall area of land is bounded to the north-west, west and south west by existing residential developments in Dalfaber. The character of these residential areas varies from detached properties in individual plots in the site at the north to higher density semi-detached properties, holiday lodges and 'four-plex' units in the site to the south. The sites are bounded by the golf course and open land to the east and south.
4. For ease of reference the appeal decisions dated 11 March 2010, the sites are referenced as Site 1 (07/145/PIP) - 2013/0074/MSC for 83 houses and Site 2 (07/144/CP) - 2013/0073/MSC for 10 houses in this report. It should be noted that although planning permission in principle has been granted for 83 plots on Site 1 (07/145/CP), application 2013/0074/MSC details only 65 plots; a reduction in 18 plots. The appeal decisions are attached as Appendix 1.
5. It should be noted that consideration of these applications is made unduly complex by the repetitive and overlapping nature of the conditions imposed by the Reporter and the associated vague and sometimes non-planning reasons for their imposition. This makes it more difficult for CNPA to ensure that the terms of the conditions can be met and enforced. As such, officers have had to take a reasoned approach to their consideration, in particular relation to the level of detail provided by the applicant and the powers available to require further or more comprehensive information, particularly given the Reporter's agreement to a plot by plot approach to the development. The applicant has requested only partial discharge of Condition 1 and this adds to the complexity of determining these applications. As a result some of the issues have not been fully resolved and further conditions are suggested by officers to cover the gaps in the submission and to achieve a high standard of development on these sites. In order to minimise the use of further conditions, officers have sought clarification and additional information on these applications since the submissions were originally made last year. However, the applicant has advised that the revised submissions made now cover all the requirements made by the Reporter in his decision notices. It is on this basis that the applications have been considered and therefore for the Planning Committee to decide on whether the submissions meet the terms of the appeal decisions and can therefore the respective conditions can be discharged.
6. The submissions made for the current applications are as follows:

- Site Layout Plan – A3583/L 40B
  - Site 2 Location Plan – A3583/L (-) 43A
  - Overall Site – Location Plan A3583/L (-) 41 rev A
  - Landscape Strategy Plan – P6D
  - Landscape Details – P7
  - Landscape Management and Maintenance Statement
  - Road Plan – 007B
  - Phasing Plan - A3583/L (-) 44A
  - Design Guide (as amended with Page 20)
  - Outline Construction Method Statement
  - Drainage Impact Assessment and Plans (Roadside Swale with infiltration trench detail R & C 006A)
  - Archaeological Written Scheme of Investigation
  - Site Walkover
7. Site Layout & Location Plans - The location plans identify by red line the two sites and the Site Layout Plan identifies the plots, their access, trees and potential developable areas within the plots (being of a maximum building footprint of 20% of those potential developer areas). The plans also indicate the flooding level contour lines as required by Conditions 14 (07/144/CP) and 15 (07/145/CP) in red for 209.15AOD and blue for 208.55AOD.
8. Landscape Strategy and Plans - These plans identify the existing and proposed landscaping – trees, grass, open areas, play areas – and planting schedule. The associated Landscape Management and Maintenance Statement is a working document which provides a summary of maintenance objectives for soft landscape areas and relates to existing and new landscape elements that comprise the communal landscape areas on site. It also provides a summary of maintenance objectives intending to ensure a high standard of site landscape throughout the development. It outlines the existing landscape character and states that the management objectives are to:
- Conserve the retained woodland/trees as a landscape amenity feature in the long term
  - Promote wildlife habitat
  - Ensure as far as reasonable the safety of site users and third parties
  - Enhance the landscape value of the site
- It outlines maintenance schedules for trees, shrubs, grassed areas and woodlands together with details of the play areas and equipment.
9. Roads Plan – Identifies the locations of the vehicular and pedestrian routes. Details including cross sections showing road, swale and footway construction are also provided. Traffic calming measures involving a 20mph limit are agreed.
10. Phasing plan - Condition 11 (07/0144/CP) and Condition 12 (07/0145/CP) requires the submission of a phasing plan. The plan submitted provides for a four phased construction with the centre of Site 1 (2013/0074/MSC) being

developed as the first phase (being the section immediately accessed from the Dalfaber Road) to provide 7 houses. The site to the south of this is to be developed as Phase 2, providing 30 houses, with the final section to the north of this to be developed as Phase 3, providing a further 27 houses and the conversion of the farmhouse. Finally the houses to the north on Site 2 (2013/0074/MS) are to be developed as Phase 4, to provide 10 houses. The applicant has advised that rationale behind starting with Phase 1 in this location is that this part of the site will include the pumping station and the required road improvements. The applicant has also confirmed that they are responsible for providing the infrastructure and this will be provided as a breakdown within each phase.

11. Design Guide - Condition 12 (07/0144/CP) and Condition 13 (07/0145/CP) requires that if the site is to be developed as individual plots that a design guide should be produced. The Design Guide submitted covers context, character areas and tree protection, together with an Annex containing design guidance for individual and plot plans. The Context section examines the wider context for the development of the site. The Character Areas section sets out design parameters in respect of house types and associated infrastructure and landscape, with reference to three character areas (1) Riverside, (2) Woodland, and (3) Woodland Edge. It also provides general ecological advice for incoming home builders. The Tree Protection section of this Guide sets out construction methodologies for protecting trees on the site, with reference to BS3998 and BS5837. The Annex sets out advice about how each house plot should be developed including specific advice on footprint and landscape. It details access points and boundaries together with plot by plot briefing. The applicant will provide fully serviced plots (drainage, water, electricity, telephone, street lighting, roads and pavements, and structure planting) but the design guide only sets out an indication of house siting within the plots but to a maximum of 20% footprint/plot ratio. Each new house builder will be required to gain detailed planning permission whether for one house or small groups of houses. The Guide advises that those applications following the guidance could be dealt with by Highland Council once the principles have been set by CNPA through determination of the MS applications.
12. In more detail, the layout of Phases 1 and 2 is identified in the Design Guide as being the 'Riverside' Character area, which would contain the highest density consisting mainly of single and one and a half storey dwellings with front and rear curtilages. A primary feature of the layout of this part of the development would be a centrally positioned green, albeit with an element of residential contained within it. The wider character of the area would be defined by the proximity to the river and the golf course that abuts the east edge of this part of the site. Existing trees would be used to separate the linear element of phase one from phase two which is located around the centrally positioned island hub. Additional hedge, scrub and tree planting consisting of natural Scottish species would be provided around the perimeter of this part of the site to delineate the residential area from the golf course. Existing and proposed trees ensure an appropriate landscaped setting, breaking up the potential urban appearance of the new housing.

13. Phase 3 is defined as the ‘Woodland Edge’ and is located close to the golf club building and incorporates the existing boarded up farmhouse building. A lower density of housing is proposed within this area. Two storey detached traditionally designed dwellings are proposed to align either side of the roadway.
14. Phase 4 is defined in the Design Guide as being ‘In the Woods’. This part of the development comprises individual low density detached houses. The layout is defined by the retention of the majority of the existing mature trees and being set within a largely retained woodland setting.
15. Construction Method Statement - Condition 16 (07/0144/CP) and Condition 17 (07/0145/CP) requires the submission of a Construction Method Statement. This document outlines that:
- The existing access will be taken from the Corroul Road/Dalfaber Drive junction
  - The proposed construction site access (to be formed from the existing public road) and will be restricted to times outwith peak hours to minimise disruption to local residents. It will be formed using hardcore and protected from unauthorised access by using Heras fencing in accordance with Health and Safety requirements.
  - The Site manager will be responsible for the control of site debris drag, monitoring and cleaning the local area
  - Site safety will be in accordance with the usual Health and Safety regulations and managed by the Site Manager and a CDM Co-ordinator. The site will also comply with SEPA and Scottish Water requirements on waste controls. Site signage will be in place.
  - Outline works sequence and site compound details
  - Site parking will be contained within the site compound area
  - Noise will be limited by hours and dust will be suppressed if necessary
  - SEPA will be consulted with regard to control of water run-off. SUDS measures will be protected
  - The existing undeveloped woodland area will be protected using Heras fencing
16. Drainage Impact Assessment and Plans - outlines the current and historical drainage patterns and details SUDs provision. The development requires a minimum of 1 no. level of treatment for the roof water from the houses and a minimum of 2 no. levels of treatment for the individual plot hardstanding areas, road run-off and car parking areas. The house roof water will be taken to trench soakaways located within each plot boundary. The hardstanding areas will be constructed using porous block paving, allowing water to soakaway into the natural subsoils. The road run-off will be directed to roadside swales with infiltration trenches located below the swale and the car parking areas will have porous paved bays with a porous sub-base allowing the water to soak into the natural subsoils.

17. Archaeological Written Scheme of Investigation - outlines in detail the programme of archaeological works required by Conditions 19 (07/144/CP) and 20 (07/145/CP). The programme has been specified by Highland Council Historic Environment Team (HET) and is keeping with policies outlined in Scottish Planning Policy. It outlines a four phased response, as follows: 1 – Desk-Based Assessment and Report, 2 - Evaluation (Trial Trenching) based on a 7% sample designed to determine the nature, extent, condition, date and significance of any archaeological remains, 3 – Data Structure Report detailing the findings of the evaluation and a Mitigation Strategy, 4 – Should any significant material be found and where preservation in situ is infeasible, the undertaking of mitigation works to be defined in a further Written Scheme of Investigation. The applicant's advisors will liaise with HET at all times.
  
18. Dalfaber Site Walkover – August – September 2013 - Although not a specific requirement of any the conditions, given the lapse of time between the grant of the outline and these MSC applications this survey study was commissioned to update the information submitted to in support of the original outline applications. This precautionary method of updating the ecological information has been submitted in response to the outdated status of the studies, which were done in 2008/2009. Reference is made to the ecological details and advice given in the Design Guide. The site walkover focussed on three potential receptors: bats, badgers and mining bees. With regard to bats, previous surveys had indicated that the roof space of the farmhouse held small numbers of male Daubenton's bats and brown long-eared bats roosting. Based on the walkover, it was considered that the property was suitable for roosting bats as evidenced by additional entrance holes. The Walkover agrees with previous recommendations relating to timing of work, licensing and provision of bat boxes on trees around the site. With regard to badgers, the previous study found no evidence of badgers. Some holes were noted but approximately half were not being used and at least ten were being used by mammals. However, no badger signs were recorded anywhere on the site but the holes could be being used by badgers or rabbits. Further survey work is recommended if any site development work is to take place within 30m of the actively used moderate-large holes in the woodland areas. Finally, with regard to mining bees, it was noted during the Walkover that the favoured food-plant of the mining bee (devil's-bit scabious) was found to be widespread throughout much of the site in both open and woodland areas. The mining bee was not recorded although this does not mean the bee is absent. Retention of significant parts of the wooded area with devil's-bit scabious is the most effective mitigation if the mining bee is present.
  
19. For clarification to cross reference the documentation with the conditions, the applicant has advised the following submissions being relevant against the conditions imposed. Added to this table is a brief guide to the requirements together with the relevant consultee response. (For full wording of conditions, reference should be made to the appeal decisions included in Appendix 1)

<b>07/145 (Site 1) Conditions 2013/0074/MSC</b>	<b>07/144 (Site 2) Conditions 2013/0073/MSC</b>	<b>Condition requirements</b>	<b>Submission</b>	<b>Relevant Consultee Response</b>
		<p>Plans and Particulars</p> <ul style="list-style-type: none"> <li>• Siting, design and external appearance of all buildings and structures (including fencing)</li> <li>• Location and specification of all vehicular roadways and paths for access/use by all</li> <li>• Detailed landscaping plan, including extensive peripheral tree planting and proposals to protect and maintain the scenic integrity of site and provide wildlife corridors</li> <li>• Surface drainage in accordance with SUDS principles</li> </ul> <p>NB Condition 2 requires the landscape plan to include comprehensive details of all species, planting location and numbers to be planted as well as details of height and</p>	<p>Submission only in part due to allowance for phasing and development by individual plots.</p> <p>Site Layout Plans</p> <p>Design Guide</p> <p>Roads Plan</p> <p>Landscape Plans</p> <p>Drainage Impact Assessment and Plans</p>	<p>CNPA Landscape Advisor            CNPA Ecology Officer            CNPA Outdoor Access Officer            HC Roads            HC Floods Team            HC Forestry Team            Transport Scotland            Scottish Water</p>



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		girth at time of planting and projected growth rates		
4	4	<p>Landscaping and Trees</p> <p>The landscaping plan shall be accompanied by an Arboricultural Method Statement, full Tree Protection Plan (prepared by an arboriculturalist in accordance with BS 5837)</p>	<p>Design Guide</p> <p>Landscape Plans</p>	<p>CNPA Landscape Advisor</p> <p>HC Forestry Officer</p>
8	8	<p>Details required by Condition 1</p> <p>A detailed plan of public access across the site (existing, during construction and upon completion) showing all existing paths, tracks and rights of way, any areas proposed for exclusion from statutory access rights, all paths and tracks proposed for construction and other users, and any diversions (temporary or permanent)</p>	<p>Landscape Plans</p> <p>Confirmation that no path diversions are proposed</p> <p>Details of finishes allow multi-use</p>	<p>CNPA Outdoor Access Officer</p>
9	9	<p>Management &amp; Maintenance Statement</p> <p>To cover any play areas, hard or soft landscaped areas, roads, footpaths and cycle links not intended for adoption. Details of how woodland and open space will be retained and managed allowing for public access</p>	<p>Landscape Management &amp; Maintenance Statement</p> <p>Design Guide</p> <p>All roads and roads drainage proposed to be adopted by Roads Authority</p>	<p>CNPA Outdoor Access Officer</p> <p>HC Roads</p>

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		through and linked to site, accessible for all with appropriate surfacing		
10	10	<p>Details required by Condition 1</p> <p>Extension of path along golf course boundary to the northern end of the site in order to cross the gully to link with the Fisherman's Car Park drive.</p> <p>Specification associated with proposed emergency access route from Spey Avenue</p>	<p>Landscape Plans</p> <p>Roads Plan</p> <p>Design Guide</p>	CNPA Outdoor Access Officer
12	11	<p>Phasing Plan</p> <p>Both permissions to be interphased and undertaken generally in a north to south direction and include details of the development method including responsibility for the provision of infrastructure to serve the development</p>	<p>Phasing Plan</p> <p>Design Guide</p>	<p>HC Roads</p> <p>SEPA</p> <p>Scottish Water</p> <p>HC Floods Team</p>
13	12	<p>Design Guide</p> <p>In event of plots being developed individually. To include design guidance (sample house type illustrations where appropriate) including height, materials, plot ratio, boundary treatments, energy efficiency, sustainable measures and landscape and ecology guidance</p>	Design Guide	<p>CNPA Landscape Adviser</p> <p>CNPA Ecology Officer</p> <p>SNH</p> <p>SEPA</p> <p>HC Floods Team</p> <p>HC Roads</p>

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15	14	<p>Contoured Site Plan</p> <p>Indicating existing ground levels and all proposed finished floor levels. No land raising, landscaping or solid boundary fences or walls carried out or put below the level of 208.55 AOD. FFL shall be set at not less than 209.15m AOD</p>	<p>Site Layout Plans</p> <p>Roads Plan</p> <p>Landscape Plans</p>	<p>CNPA Landscape Adviser</p> <p>HC Roads</p> <p>HC Floods Team</p> <p>SEPA</p>
17	16	<p>Construction Method Statement</p> <p>Addressing temporary measure to deal with surface water run-off during construction and prior to the operation of the final SUDS</p>	<p>Construction Method Statement</p>	<p>CNPA Landscape Adviser</p> <p>HC Roads</p> <p>HC Floods Team</p> <p>SEPA</p> <p>Scottish Water</p>
18	17	<p>Management and Maintenance Statement</p> <p>To deal with any drainage measure that are not to be adopted by HC or Scottish Water. Evidence for the effectiveness of the maintenance proposals shall be submitted with the SUDS details</p>		<p>HC Roads</p> <p>HC Floods Team</p> <p>Scottish Water</p>
20	19	<p>Programme of Archaeological Work</p>	<p>Archaeological Written Scheme of Investigation</p>	<p>HC Archaeological Officer</p>

**BACKGROUND**

20. Reference to the previous report to Planning Committee dated 24 July 2009 should be made for full details of the background to the development.

21. Outline planning permission was granted (05/101/CP) by the Scottish Executive Inquiry Reporters Unit for up to 104 residential units.
22. At the Planning Committee of 24 July 2009 planning permission in outline was granted for 83 houses (07/0145/CP) subject to completion of a Section 75 Legal Agreement to ensure the delivery of a minimum of 26 units as affordable housing via a Registered Social Housing Landlord and the payment of a planning gain contribution towards the upgrading of the junction of Dalfaber Drive and Grampian, contribution towards the Railway crossing and a number of conditions.
23. At the Planning Committee of 24 July 2009 planning permission in outline was granted for 10 houses (07/0144/CP) subject to the completion of a Section 75 Legal Agreement to ensure the payment of a planning gain contribution towards the upgrading of the junction of Dalfaber Drive and Grampian Road, contribution towards the Railway crossing and a number of conditions.
24. Subsequently, due to delays in the conclusions of the Section 75 Legal Agreement(s) and therefore the decision not being issued, the applicant appealed against non-determination of the planning applications. Planning permission was subsequently granted by the Directorate for Planning and Environmental Appeals subject to conditions. As previously stated, these decisions are included in Appendix I. Of note, Condition 20 of 07/144/CP and Condition 21 of 07/145/CP sought to deal with the previous Section 75 matters by way of conditions. These covered:
  - (a) Improvements to the junction of Corroul Road and Dalfaber Drive
  - (b) Improvements to the junction of Dalfaber Drive and Grampian Road
  - (c) The installation of half barriers at the crossing of Dalfaber Drive over the Aviemore-Boat of Garten private railway.

Items (a) has been implemented on site as a result of the golf club development, Item (b) has been dealt with by the signature of a Section 69 Legal Agreement together with associated funding having been secured for its implementation, and item (c) the Office of Rail Regulation (ORR) have approved the draft application for the rail order to allow the upgrading of the crossing. The application will now be submitted for final approval by the ORR. The requirement of Conditions 20 and 21 is that development shall not be begun before these off site works have been carried out. The determination of this application is not therefore dependent on these matters being resolved in advance.

25. The findings of the Reporter in the appeals are of relevance to these proposals. The Reporter considered that the proposals met with the policies of the Development Plan and acknowledged the need to make effective use of the overall site. With regard to application 07/144/CP (Site 2), he considered that 'commendable care' had been taken to fit the proposed houses and vehicular access with minimum loss of trees in the indicative scheme. He considered that it was possible for the ten houses "to be set with enough peripheral tree cover to ensure that they would not form a raw or intrusive

urban edge next to the golf course, which lies between the site and the Spey.” Furthermore, with reference to application 07/145/CP (Site 1), he considered that the indicative layout had been designed with ‘great attention to minimising losses of woodland in the interior of the site.’ He agreed that there was concern regarding how the development would affect the “adjacent golf course, and implicitly beyond that the wider countryside of the National Park.” He concluded that the indicative layout did raise concerns regarding the spacing of the housing and limitations for planting in those areas, potentially resulting in a “hard and angular urban edge” but considered that this could be compensated for by more effective allocation of land for tree planting on the periphery, whilst reducing marginally, if at all, the total number of houses.

26. Furthermore, the Reporter advised that there is ‘no compelling reason to suppose that there are significant flooding risks that have escaped the attention of professionals who have studied them and advised on protective measures; that a pleasant and useful network of off-road paths for a full range of users could not be achieved through the combined appeal sites; or that there are other fatal defects, such as impacts of traffic generation on existing residents and roads, which should rule out planning permission in principle.’
27. It should also be noted that the Reporter, in making his decision to grant permission, took account of all other written submissions.

## DEVELOPMENT PLAN CONTEXT

### National Policy

28. **Scottish Planning Policy (SPP, revised 2014)** sets out national planning policies that reflect Scottish Ministers priorities for the operation of the planning system and for the development and use of land. Under planning law, planning applications must be determined according to the development plan unless material considerations indicate otherwise. The content of SPP is a material consideration in planning applications that carries significant weight. The SPP promotes consistency in the application of policy across Scotland while allowing sufficient flexibility to reflect local circumstances.

The SPP sits alongside four other Scottish Government planning policy documents:

- The **National Planning Framework (NPF)** which provides the statutory framework for Scotland’s long term spatial development. The NPF sets out the Scottish Government’s spatial development policies for the next 20 to 30 years
- **Creating Places**, the policy statement on architecture and place containing the Scottish Government’s policies and guidance on the importance of architecture and design
- **Designing Streets**, a policy statement putting street design at the centre of place making. It contains policies and guidance on the design

of new or existing streets and their construction, adoption and maintenance

- **Circulars**, which contain policy on the implementation of legislation or procedures

## STRATEGIC POLICIES

### Cairngorms National Park Partnership Plan (2012 - 2017)

29. The Cairngorms National Park Partnership Plan 2012 – 2017 is the management plan for the National Park for the next 5 years. It sets out the vision and overarching strategy for managing the Park and provides a strategic context for the Local Development Plan. Three long term outcomes have been identified to deliver the vision for the Park, to continue the direction set out in the first National Park Plan and to together deliver the four aims of the National Park. The outcomes are:

- A sustainable economy supporting thriving businesses and communities;
- A special place for people and nature with natural and cultural heritage enhanced; and
- People enjoying the park through outstanding visitor and learning experiences.

Policies to secure the outcome of a ‘special place for people and nature with natural and cultural heritage enhanced’ are also of relevance. Policy 2.8 seeks to enhance the design and sense of place in new development and existing settlements. The Plan sets out a number of means by which Policy 2.8 can be achieved, including enabling new development which contributes positively to a sense of place; promoting a high standard of sustainable design, energy efficiency, sustainably sources materials and construction in new development; and supporting the retention and enhancement of the local character.

### Local Plan Policy

#### Cairngorms National Park Local Plan (2010)

30. All new development proposals require to be assessed in relation to policies contained in the adopted local plan. The full wording of policies relevant to the current application can be found at: <http://cairngorms.co.uk/park-authority/about-us/publications/?publicationID=265>. Relevant policies are listed below:

- Policy 4 – Protected Species
- Policy 5 – Biodiversity
- Policy 6 – Landscape
- Policy 8 - Archaeology
- Policy 12 – Water Resources
- Policy 16 – Design Standards for Development

- Policy 19 – Contributions to Affordable Housing
- Policy 20 – Housing Development within Settlements
- Policy 29 – Integrated and Sustainable Transport Network
- Policy 34 – Outdoor Access
- Policy 36 – Open Space Provision

### Supplementary Planning Guidance (SPG)

31. In addition to the adoption of the Cairngorms National Park Local Plan (2010) on 29 October 2010, a number of Supplementary Planning guidance documents were also adopted. Those relevant to the consideration of these applications are:

- Sustainable Design Guide
- Open Space
- Natural Heritage
- Water Resources
- Affordable Housing

### CONSULTATIONS

32. A final re-consultation was carried out on 17 April 2014 and reminders sent out on 9 May 2014. The following consultees were re-consulted on the revisions on these two applications: SEPA, SNH, Scottish Water, Highland Council Roads, Highland Council Flood Team, Highland Council Contaminated Land, Highland Council Housing, Highland Council Archaeologist, Aviemore and Vicinity Community Council, CNPA Landscape Officer, CNPA Ecology Advisor, and CNPA Outdoor Access Officer. Responses have been received as outlined below. (All officer responses/comments are provided in italics within brackets)

33. **SEPA** although initially they had difficulty in identifying the documents referenced they have subsequently confirmed that their response is based on the latest version of the layout – L40 Rev B. They advise that with the following additional wording to the design guide they would be able to confirm that they have no objections.

“Finished floor levels must not less than 209.15mAOD – the red line showing this level is marked on your plot plan. No land raising is allowed on land below 208.55mAOD contour marked in blue on your plot plans. In the event of a flood, this is flood plain which should be capable of being flooded. And as a consequence no solid boundary walls or fences are constructed on land below 208.55mAOD either. We have advised post and wire fencing or hedging along these boundaries.”

*(Subsequent to this advice, this wording has been incorporated within a revised page 20 of the Design Guide, which is for approval under this application)*

34. **Transport Scotland** does not proposed to advise against the granting of permission. Request that applicant is advised that the consent does not carry with it the rights to carry out works within the trunk road boundary and that permission must be granted by Transport Scotland. (*Informative 3 is recommended*)

35. **Scottish Water** has raised no objection to this planning application.

In their response they provide further procedural and technical advice for the applicant with regard to capacity and that if works are required to the existing infrastructure to accommodate the proposals then it may be necessary for the developer to fund those works. They suggest that due to the size of the development it will be necessary for the applicant to submit a Development Impact Assessment form for consideration. (*Informative 4 is recommended to be attached and the Scottish Water's advice be forwarded to the applicant for any necessary action*)

36. **SNH** advise that the location is outwith any designated site and therefore they have no further comments to make on either application.

37. **Highland Council Roads** have advised that:

- With regards to the level of detail and extent of information is now provided for Condition 1, this is generally acceptable and are satisfied that any outstanding matters, including street lighting details can be addressed thorough the subsequent Roads Construction Consent process and/or further detailed planning applications. (*Conditions 1, 19, 21 and 22 are recommended*)
- They advise that the Flood Team will provide further comment on flooding and drainage matters.
- They are generally satisfied with the details submitted for Condition 8.
- With regard to Condition 9 they are not clear that the management and maintenance arrangements for non-adopted areas have been adequately defined (*Condition 2 has been recommended*).
- With regard to discharge of Condition 10, they are generally satisfied. However details of measures to control the use of the emergency access route have still to be agreed. Arrangements for the storage and collection of waste and recyclable materials shall satisfy the requirements detailed in the Council's Roads and Transport Guidelines for New Developments (*Conditions 1 and 3 and Informative 5 have been recommended*).
- Likewise with regard to Condition 11, they are not clear on phasing arrangements but if development is to proceed on a plot or multiphased basis it will be important that road construction to final



surface course layer is deferred until final construction will not be adversely affected by subsequent building or utility works associated with any part of the approved development (*Condition 4 has been recommended*).

- With regard to Condition 12, they are generally satisfactory provided adequate provision can be made within each plot to satisfy parking provision and the storage and collection of waste materials requirements. Further details to be agreed through subsequent detailed planning applications (*Condition 1 is recommended*).
- They advise that their Flood Team will comment on Condition 14.
- With regard to Condition 16, they are generally satisfied provided a detailed Construction Method Statement is agreed by the Planning Authority in consultation with the Roads Authority prior to works on any phase of the development commencing. (*Condition 20 is recommended*)
- With regard to Condition 17, they are not clear that suitable management and maintenance arrangements will be in place for any drainage measures that are not to be adopted by Highland Council or Scottish Water (*Condition 2 is recommended*).

38. **Highland Council Archaeology** – advises that the applications lie within a wider area where important historic environment features are recorded. It is considered possible that associated archaeological features may survive buried within the application area that will be impacted by the proposed development. As such, there is a requirement to evaluate the entire application area in advance of the development. Note the archaeological project designs submitted to support the application and can confirm that these documents will provide acceptable mitigation.
39. Further recommends that a suitable condition is attached to any consent issued to ensure that the required archaeological evaluation is carried out. (*Condition 5 as drafted by the HC Archaeologist has been recommended*)
40. **Highland Council Contaminated Land** – advises that as the planning application is at reserved matters stage, the Contaminated Land team is unable to comment on this planning application.
41. **Highland Council Floods Team** – The Highland Councils Flood Team has reviewed the revised drawings and documents and relevant unchanged documents and has the following comments:
- 1) Can it be confirmed that the Drainage Impact Assessment rev B that was provided to the Flood Team in October 2013 is still the most up to date assessment, and no amendments have been made. (*It has been confirmed that this is the latest version, which had not*

*previously been formally submitted to CNPA but now forms part of the formal submission for consideration)*

- 2) We request that the drawing Site Layout Plan — A3583/L 40B is changed to clearly show the pond located within the existing woodland, as per our request to Ramsay & Chalmers in October 2013 (*The 'pond' has been shown on an additional survey drawing submitted as B7826/009/-*. However, following a further site inspection, it is noted that this feature is now a hollow formation which is boggy and covered in thick vegetation. The 'pond' is within an area that is not being developed and is left within the woodland. This wetland feature is considered in paragraph 94 of this report)
- 3) It was previously stated to the Flood Team by Ramsay & Chalmers in October 2013 that access and egress will be available during a flood event along the 'emergency access track to the west of the site, as shown on the drawing Site Layout Plan — A3583/L 40B. Can the applicant please confirm that this is still the case? (*It has been acknowledged that part the proposed road leading from Phase 3 to Phase 4 will be below the level of the existing adjacent ground at the existing flood plain area. Emergency vehicles will be able to access the site from points to the east and west of the site during an extreme flood event*)
- 4) As previously discussed we require confirmation that all plots will still achieve a minimum FFL of 209.15m AOD. We will request this to be a condition of any permission granted (*This has also been raised by SEPA, as above, and this has been confirmed through the revised page 20 of the Design Guide and Condition 6 is recommended*)

42. **Highland Council Housing** – No comments received.
43. **Highland Council Forestry Team** - Comments relate to Conditions 1, 4 and 9. Cannot locate drawing 216.P2 referred to in Landscape Management and Maintenance Statement. The Landscape strategy has details of proposed planting species, size of planting stock and in some cases planting density, but there is no indication of numbers and detailed means to protect the new trees/shrubs is not provided. The planning condition requires extensive peripheral tree planting but what has been provided on the eastern boundary could not be described as extensive. The proposed tree planting belt on the eastern boundary should be increased in depth.
44. The Landscape Statement refers to protection of existing trees with tree protection fencing in accordance with BS: 5837 but there is no Tree Protection Plan and no specification has been provided for the tree protection barriers. The Design Guide includes generic advice but does not appear to have been provided by an arboriculturist. There is also an Outline Construction Method Statement which refers to existing woodland. It states that 'areas to be protected will be fenced off using Heras fencing' and also

notes all site personnel shall be made aware of the sensitivity of existing woodland and any habitats.

45. Section 6.0D of the Landscape Management and Maintenance Statement is intended to cover the management of the woodland in perpetuity as required by Condition 9, but the text amounts to just seven bullet points and ends abruptly.
46. Before I can consider this application further the applicant will need to:
  - Have a professional arboriculturalist provide an Arboricultural Method Statement and a full Tree Protection Plan in accordance with BS:58347
  - Provide the contact details of the professional arboriculturalist who will be employed to monitor construction
  - Increase the depth of the proposed tree planting on the eastern boundary
  - Provide further landscape details – plant numbers and the means of protecting the new trees/shrubs
  - Have a professional forestry agent produce a detailed woodland management plan for the whole woodland area, in order to purify Condition 9.

*(Conditions 7, 8 and 9 are recommended)*

47. **CNPA Landscape Officer** has advised that the Reporters decision for this site acknowledges that there is a sensitivity of the eastern edge of the site and there is therefore a need for effective allocation of land for trees on the periphery. The comments are made using the Design Guide (including individual Plot Plans), and Landscape Strategy drawing 216 P6D.

#### Condition 1

48. In terms of layout and siting, an assessment has been carried out on the plot location being fixed. The layout of plots in the northern part of the development retains and utilises the wooded character of the site with some limited tree removal. The layout of the plots in the southern part is very tightly spaced with relatively little opportunity for the effective allocation of land for tree planting and the development of connectivity within the design. The layout of the plots west and immediately north of the farm are similarly tightly spaced.
49. With regard to design and external appearance, the Design Guide gives broad parameters linked to different character areas of the site; albeit not clearly identified. At the edges it would be more helpful for specific guidance about the height/mass and juxtaposition of the individual houses to create attractive groupings.
50. The guidance is too general with regard to boundary treatment and it needs to be more specific and include differing approaches across the site.

51. The entire site for 2013/0074 has no footpath access along its eastern edge limiting recreational opportunities for the public. No change has been made to deal with this issue that has been previously raised.
52. To accord with Condition I and II, a detailed landscaping plan is required for the reasons outlined. These proposals give the opportunity to form a permanent and robust wooded edge to this side of Aviemore. The Landscape Strategy Plan gives an idea of this but is not properly 'keyed', is not consistent with the Plot Plans and is insufficiently detailed to be a detailed landscaping plan that delivers the requirements of these two conditions.
53. It is considered that insufficient information to determine the effects on/contribution to the overall landscape has been submitted. Further details are needed to show how the swales are to be planted/vegetated.

Condition 2

54. The landscape is co-ordinated but this should be read in context with other comments made.

Condition 4

55. A full tree protection plan, survey and arboricultural method statement have not been submitted. This is necessary to inform the strategy landscape plan and that for the individual plot development.

Condition 9

56. Reference is made to a 'continued maintenance regime' for areas of common landscaping. The details of this should be clarified.
57. In conclusion, there are inconsistencies between drawings, there is insufficient information to meet the requirements of the conditions, there is insufficient guidance to prospective plot-developers, and information is required to demonstrate delivery of a development that is of high quality and reflects the sensitivities and special qualities of the place.

*(Conditions 7, 8, 9, 10, 17 and 18 are recommended)*

58. **CNPA Ecology Advisor** concludes that the development would have a significant impact on ecology, but has the potential to be addressed by appropriate mitigation measures:
  - Further survey work, using night time camera trapping is needed to confirm if badger are using the burrows on the site.
  - A Species Protection Plan is needed for bats as part of any demolition or renovation of Dalfaber farm house. Demolition/renovation of Dalfaber farm must be conducted out with the summer months and a pre-construction check for the presence of roosting bats is needed in

order to prevent disturbance. Alternative bat roosting opportunities (such as bat bricks) must be erected prior to demolition to compensate for loss of bat roosts.

- Detail is needed as to the type and number of bat and bird boxes proposed to be included within the proposal (see also advisory note below)
- Mitigation is needed with regards to *Andrena marginata*, either by way of retaining suitable habitat or creation of replacement habitat to support this species.
- Detail is needed as to the enhancement of the pond area – this will provide enhancement of habitat on the site and will ensure that wetland habitat is retained, without the need to rely on prospective home owners creating their own ponds
- Detail is required as to the number and species of tree to be removed with a landscape plan showing how many trees are to be planted as compensation and where these will be incorporated into the design.
- Detail is needed as to the proposed retention of species rich grassland in planned open/public areas - what will this involve and how will it be managed to benefit wildlife?

59. An advisory note is also recommended to be attached to the conditions stating: “those plots in proximity to suspected badger setts will require further survey work to determine the presence of badgers, should badgers be confirmed to be present, a licence will be required from SNH to perform any ground works within 30m of an active sett. The following plots have been identified as being adjacent to suspected badger setts: 50, 63, 66, 68, 72, 73, 74 and 81. Additionally, bird and bat boxes must be incorporated into new buildings.”

60. Furthermore, with regard to bats, advice has also been provided in light of concern regarding the lack of up to date survey work supporting this application. This has been provided by the **CNPA Landscapes and Ecology Manager** who states that since the original survey dates from 2007 and it remains his advice that a further survey and also a Species Protection Plan are required. It is advised that the timing of this is important and it should be at a point to inform the final decision regarding the details of the development of the farm house and therefore before the restoration begins. In the absence of clear guidance from Scottish Government to cover this unusual situation, an approach broadly along the lines of the HRA process is being taken. Considering the length of time between the granting of consent and construction he further advises that it makes sense to have the survey work done at the latest practical time to minimise the risk of it becoming out of date again prior to construction. This ensures that the Species Protection Plan is based on timeous information. He therefore concludes the advice that a new survey and Species Protection Plan are not needed for this MSC application but will be required for the detailed application relative to the farm house building (i.e. Phase 3). A condition is recommended that this be submitted and approved prior to works commencing on Phase 3 of the development.

*(Conditions 7, 9, 12, 13, 14, 15, 16, 17, and 18 and Informatives 6, 7 and 8 are recommended)*

61. **CNPA Outdoor Access Officer** advises that the potential impacts on interests including evidence of impacts is that the current access to and across the site will be disrupted during the construction phase of the development, the development is not well connected to the surrounding network of paths and there is no clear indication of how the existing and proposed path infrastructure will be maintained.
62. The current application has been assessed against previous advice and the conditions set out in the appeal notice as being Conditions 8 and 9.
63. Condition 8 - It is concluded that access will clearly be impeded during the construction of the road layout previously but there is no indication how the current use will be affected and how this will be managed. The application is still deficient in this regard as there is no detail in the construction method statement on how existing public access to the site will be managed during construction.
64. Condition 9 – previously the plan was deficient in this regard as it had not taken into account the existing core paths network, the required link to the Fisherman’s Carpark, the link across the proposed golf club house site and the link to Corroul Road and Callart Road. The plan is still deficient in that it has not identified the link onto Corroul Road and has not provided a link to LBS34 to the rear of plots 17 and 18. There appears to be an indication in the plan for a link to the Fisherman’s Car park but I would like to see the bridge design to ascertain how accessible it will be.
65. Condition 9 – The design guide refers to a continued maintenance regime, further detail is needed to clarify what this is.
66. In summary further information is still required to meet the conditions stipulated by the planning appeal notice. The development would have significant impacts on outdoor access but has the potential to be addressed by appropriate mitigation measures.

*(Conditions 10 and 11 are recommended)*

67. **Aviemore and Vicinity Community Council** maintains their original objection to these applications. For reference all responses made have been attached in Appendix 2.
68. In conclusion, AVCC found the applications confusing particularly with reference to the availability of information being on three websites – CNPA, HC and DPEA. AVCC accept that permission is in place for development but do not accept that there should be any diminution in the statutory legal process. The conditions in the appeal were put there to ensure that the public and the environment are not disadvantaged by the development. They

are also there to protect the developer. AVCC consider that the application is lacking in substance and details required by the conditions. AVCC recommends that the application be asked to re-submit the application to cover all the points in the conditions with more precise detailing. (*With reference to level of detail submitted a number of conditions have been recommended for further submissions to be made as referenced throughout this report*)

## REPRESENTATIONS

69. All representations have been included in Appendix 3 (original consultation 2013) and Appendix 4 (revised consultation 2014) for reference purposes.

70. The original consultation upon receipt of this application in March 2013 generated 19 contributions (including those from Badenoch and Strathspey Conservation Group and Dalfaber Action Group). These parties raised the following issues (with officer's response in italics in brackets after):

- Loss of woodland, conservation and dog walking areas for the provision of more holiday homes (*The principal of the development of this site has already been approved. The paths to and within the woodlands have been retained*)
- An Camus Mor development was intended to reduce need for housing developments in area (*The principal of the development of this site has already been approved*)
- Question need for double hammerhead – is the site to be extended in future (*Highland Council Roads are generally satisfied by the road layout. No permission is being sought for additional houses on the site as part of this application. Any future development would be the subject to further permissions and considered on their own merits. The road shown leading from the hammerhead is the emergency access to Spey Avenue*)
- Road structure unable to cope (*The proposal has been fully assessed by Transport Scotland and Highland Council Roads, and found to be acceptable subject to conditions. The Reporter considered this aspect when dealing with the appeal and found that the development was acceptable in principle for more houses than now proposed.*)
- Loss of access to gardens in Spey Avenue (*This is a civil matter between landowners. However, existing path networks are to remain*)
- Lack of wildlife surveys – evidence of wildcats and impact upon deer, badgers, rabbits and birds being disturbed (*Wildlife and habitat issues have been considered by SNH and CNPA Ecology Officer, as outlined in paragraphs 36, and 58 – 60 respectively. The issues raised are considered in paragraphs 91 – 97 of this report*)
- No detail of road or rail crossing improvements, which must be implemented prior to work starting (*These items are referenced in paragraph 24 of this report but have not been formally submitted for approval under these applications. The applicant is not required to do so but is required to comply with Conditions 20 (07/0144/CP) and 21 (07/0145/CP)*)

- Application 2013/0074 shows 11 houses but appeal was for 10 (*The plan has been amended and 10 houses are proposed within this site*)
  - Phasing is adhoc not in accordance with north to south agreed by Reporter (*This is considered in paragraphs 74 – 76 of this report. The Reporter allows for such adhoc development in Conditions 12 (07/144/CP) and 13 (07/0145/CP).*)
  - Road will flood in flood plain with provision of layby (*SEPA and HC Flood Team are satisfied by the details submitted*)
  - Concern regarding fire and ambulance access given access to site via rail crossing (*Access has been considered by Highland Council Roads and found to be acceptable subject to conditions. If approved, Condition 3 is recommended*)
71. A final re-consultation of those previously interested parties together with an advert in the Strathspey and Badenoch Herald was also carried out on 17 April.
72. Following the new consultation, six contributions have been received (including from Badenoch and Strathspey Conservation Group) have raised new objections or reiterated previous objections on the following grounds that the developer has failed to satisfy the conditions regarding the following issues. Again, officer comments are provided after each contribution in italic within brackets:
- Impact on European Protected Species and other species of conservation significance and the cumulative impacts. Absence of surveys and information relating to species and habitats (*This issue has been considered by SNH and CNPA Ecology Advisers and their advice is given in paragraph 36, and 58 – 60 respectively. The report considers natural heritage issues in paragraphs 91 - 97*)
  - Inconsistent and inaccurate drawings – trees, site boundaries and footpath to Fishermans car park (*Conditions have been recommended to ensure that the footpaths are provided and that the tree/landscaping information is provided*)
  - Overdevelopment/excessive urbanisation and visual impact has not softened impact (*The principle of the development has already been approved and therefore the numbers of dwellings. However, it should be noted that the site for permission 2013/0074 has reduced the numbers of plots from 83, as approved by the Reporter, to 65; a reduction in 18 plots*)
  - Lack of tree survey (*This issue is raised by Highland Council Forestry Team in paragraphs 43 – 46, and CNPA Landscape Adviser in paragraphs 47 – 57, and covered in the report in paragraphs 82 – 90*)
  - Nuisance from extended development of site through individual plot building (*This is unavoidable given the terms of Conditions 12 (07/0144/CP) and 13 (07/0145/CP) which allows the principle of individual plots being developed. However, the phases do control the development areas into four distinct stages. Each phase cannot commence until the previous phase has been completed as defined by the original conditions*)



- Issue of provision of affordable housing as a single development but no details received (*The applicant has not, nor are they required to, submit all the details for all the conditions within an application. This does not negate the need for compliance with the terms of those conditions*)
- Concerned that account is taken of Reporter's requirement in relation to road on western boundary of development site (*The details have been appraised by Highland Council Roads and found to be generally acceptable subject to the imposition of conditions.*)
- Siting, design and appearance of proposed buildings (*This is covered in this report in paragraphs 78 – 81*)
- Landscaping in south part of site (*This is covered in paragraphs 82 - 90 in this report*)
- Phasing – condition requires north to south; last stage is north (*This issue is covered in paragraphs 74 - 76 in the report*)
- Flooding - particularly with reference to the road connecting both sites which falls within floodplain (*SEPA and HC Flood Team have considered the proposals and raised no objections*)
- Road cuts through existing path restricting access to golf course (*Access to and within the site has been considered by CNPA Outdoor Access Officer and Highland Council Roads. Conditions are recommended to ensure appropriate links are provided*)
- No details/update on Improvements to the Dalfaber Drive Level Crossing and Grampian Road/Dalfaber Drive Junction (*These items are referenced in paragraph 24 of this report but have not been formally submitted for approval under these applications. The applicant is not required to do so but is required to comply with Conditions 20 (07/0144/CP) and 21 (07/0145/CP)*)
- No details of works to Dalfaber Farmhouse (*Condition 23 of 07/0145/CP requires details to be submitted and approved. However, the applicant is not required to submit all details within this application but this does not negate the need for compliance with the terms of this condition*)
- Archaeological evaluation not been carried out (*This aspect has been assessed by Highland Council Archaeology Team, who are satisfied with the proposed mitigation as submitted and have requested an Archaeological Evaluation be submitted. Condition 5 can be imposed should approval be granted*)
- Small wet area close to boundary of golf course may be destroyed – protection needed (*Assuming this refers to the wetland area raised by consultees, this issue is considered in paragraph 94 of this report and if approved, Condition 13 is recommended*)
- Access - insufficient measures to control speed on the main road (*Highland Council Roads have assessed the proposals and is generally satisfied with them*)
- Inadequate provision of open space and play areas (*CNPA Outdoor Access Officer has been consulted and no specific issues have been raised regarding the adequacy of provision*)
- Insufficient standoff between plots 1 and 2 and the Scottish Water twin main sewer line (*Scottish Water has been consulted on the proposals and has raised no objections*)

- No need for pavement on north side of access road from Corrou Road, which will result in water run-off ponding in this area having impact upon driveway and garden (*SEPA and Highland Council Floods Team have been consulted with regard to flooding issues and have raised no objections*)
- Need for traffic calming in Corrou Road (*Highland Council Roads have assessed the proposals and is generally satisfied with them*)
- The Design Guide is a sales brochure and is out of date. It does not provide sufficient detail of heights or materials. (*The merits of the Design Guide are considered in paragraphs 78 – 81*)

Of those who have raised issues, Aviemore and Vicinity Community Council, Martin Reed (Dalfaber Action Group), and Mr William Spencer of 20 Spey Avenue would like to address the Committee. The Applicant's Agent, Bob Reid, has also confirmed he would like to address the Committee, and will be available for questions from Members.

## APPRAISAL

### Principle

73. The sites are designated within the Local Plan for residential development. Furthermore, the principle of the residential development of these two adjacent sites has already been approved by the Directorate for Planning and Environmental Appeals (DPEA). The principle cannot therefore be re-considered through the determination of these applications. As stated above the Reporter considered all aspects of the proposal, including the principle, the capacity of the road network, and quantity of housing. The conditions attached sought to control the details of the development. The only matters reserved for consideration therefore relate to the details presented by the submissions to discharge the conditions. The main issues for consideration relating to these conditions are:

- Phasing
- Layout
- Design
- Landscape
- Natural Heritage
- Public Access, Open Space and Recreational Areas
- Roads layout
- Drainage and Flooding
- Residential Amenity
- Historic Heritage
- Contaminated Land

Phasing

74. The conditions attached to the planning permissions require the developments to be carried out in phases, in conjunction with one another, with each phase being certified prior to the next phase. A phasing plan is required and the Reporter stated that the phasing should be undertaken generally in a north to south direction. The reason for the condition was to ensure an 'orderly sequence of development'.
75. Whilst it is reasonable for a development of this scale to require phasing, with particular reference to ensuring that the infrastructure is in place at the right time to serve each element of the development, there is no clarification within the Reporter's decision as to why this sequence should be from north to south. It is noted that objections have been raised regarding this aspect of the proposal but only on the principle that the phasing does not meet the requirements of the condition and without reference to what impact the proposed alternative would have on planning matters.
76. It has been presented by the applicant that it is not practical to adhere strictly to the terms of this condition and that the phasing is to be carried out in this order to allow the required highway works and pumping station to be included at the start of the development. There is therefore no planning reason to resist the direction of the phasing sought by the applicant and, to do so without a planning reason, would be unreasonable and liable to future challenge. However, in terms of function, the priority remains to ensure that the timing of infrastructure, including road construction, services, planting, plot formation, and boundary treatments, is presented for approval prior to any phasing. This detail is not provided by the applicant. Therefore a condition is recommended to require full details of the provision of such infrastructure and its extent by phase.

Layout

77. The general layout of the proposals is acceptable. The northern area of the site respects the woodland setting in its spacious layout of detached housing sited within cleared areas with a minimal need to remove trees. The woodland is maintained around this part of the development and path networks upgraded and retained. However, concerns have been raised regarding the density of the development in the southern part of the site, which is more tightly spaced. It is considered to respect the higher density character of the housing in the immediate area and also incorporates open landscaped areas. It should also be borne in mind that the Reporter allowed a maximum of 83 plots in the southern part of the site and the proposal for consideration comprises 65 plots. This is a significant reduction, which has a beneficial impact upon the layout of the site and allowed for the inclusion of communal landscaped areas. Upon receipt of more detailed proposals for the siting and design of the buildings within the plot, it will be easier to consider any impact upon the landscape. At this stage, it is only the plots and 'developable' area that is being considered.

### Design

78. The detailed design of individual houses is not provided as this would normally be contained within the detailed housing scheme to be constructed by the developer. Instead the design principles for the development are set out in the Design Guide. Whilst this approach essentially postpones the detailed design of the houses for consideration and approval at a later stage, it does have the advantage of reducing the potential for an urbanised development that can result from an approach that standardises house types in uniform street blocks. The Design guide allows more flexibility for an individual approach to be taken within the parameters and design principles set out. This is commensurate with the Reporter's recommendation in Conditions 12 (07/0144/CP) and 13 (07/0145/CP)). A summary of the guidance is outlined above in paragraphs 11 – 14 of this report.
79. Reference is made in objections to the lack of details regarding the design of the proposed houses. It is acknowledged that the document is not prescriptive but the condition specifically makes reference to 'design guidance' and is not therefore intended to be fully comprehensive. CNPA cannot insist upon this given the Reporter's approach on this matter. The Design Guide is intended to provide the framework for future developers/householders to design their individual plots to ensure clarity and certainty for their proposals prior to submission for approval.
80. The Design Guide does however make reference to the features mentioned in the condition, i.e. height, materials, plot ratio, boundary treatments, the incorporation of energy efficiency and sustainability measures, and landscape and ecological guidance. For example, reference is made in the guide to houses being no more than two domestic storeys in height and where a slope exists there may be the potential for split levels or additional half storeys. Single storey buildings are also proposed. Use of pitched roofs would be encouraged and where applicable (the use of slate roofs) the pitch would be 40 degrees. Reference is also made to the preference to reflect the local vernacular in terms of including gables, eaves, chimneys, porches, windows and doorways. More specific design and materials are referenced in the character areas identified, with an over-riding recommendation to design and source materials locally where possible.
81. It is therefore considered, on balance, that there is sufficient detail to enable CNPA to be satisfied that a high standard of design will be adhered to. Use of a Design Guide allows for flexibility in design but also provides a template to exercise a continuing element of balance and control in providing the CNPA and/or Highland Council with a continuing framework to negotiate with and assist future developers of the plots.

### Landscape

82. The Reporter's conditions imposed on the original principle permission are specific with regard to landscaping requirements. Reference should be made

to the wording of Conditions 1, 2, 4 and 9 of the appeal decision included in Appendix I.

83. The landscape proposals have been considered in detail by CNPA's Landscape Adviser and Highland Council Forestry Team in terms of the existing and proposed landscape features, and the overall landscaped setting of the development, as reported above in 43 – 46 and 47 – 57 respectively.
84. They advise that whilst details have been provided as outlined within the submitted plans and within the Design Guide, there is a lack of specific details, namely:
- Planting numbers and protection
  - A tree protection plan for existing trees on site
  - Arboricultural Method Statement
  - Details and maintenance of common areas
  - Woodland management and maintenance plan
  - Lack of extensive peripheral planting to eastern edge
  - Lack of detail regarding boundary treatment
  - Lack of clarity regarding the character areas/edges
85. The applicant maintains that given this development can be developed on an individual basis, the level of detail submitted is appropriate given the need to be generic at this stage. It is argued that such details will be more apparent when individual or grouped applications are submitted for approval.
86. However, whilst this is the case for any landscaping (planting and future protection and maintenance) and boundary treatment within the housing development plots, it is considered to be essential that the detailed setting of the housing i.e. periphery and common areas are considered and approved prior to commencement of works. Likewise it is imperative that full details of tree protection are put in place during construction across the site.
87. With regard to communal areas, the applicant advises in the Design Guide that there will be a continued maintenance regime, funded by a maintenance charge and implemented by a company on behalf of residents. It is also advised that it is intended to set up a factoring arrangement to oversee the communal areas for compliance with planning conditions. The applicant also advises that due to conflict between advice of ecology and landscape officers, the 'extensive peripheral planting' on the eastern edge to the golf course, has been reduced.
88. It is considered that the detail of this is too vague for the planting and future maintenance of these areas and the woodland area and therefore difficult to monitor and enforce. Definitive management and maintenance measures are not provided in perpetuity. Furthermore, it is not considered that there is a conflict between ecology and landscape. The provision of this extensive planting can be designed to incorporate ecological mitigation.

89. In conclusion, it is accepted that it is difficult to commit to a detail landscape for the site given the need to allow for flexibility in the development of the individual plots. The Design Guide goes some way to set the standards and it is also accepted that it is better that the 3 character areas merge rather than being distinct on site. However, it also remains important to ensure that the setting of these developments is of a high standard respecting the existing landscape. It is considered that there is sufficient detail to approve the principles of the landscaped setting of this development; with the exception of the lack of the required extensive peripheral landscaping on the eastern edge of the site. The layout plan details where there will be open space. However, the application lacks sufficient detail to be satisfied that the proposed general landscaping within the site – communal areas and boundary treatment – and its future maintenance, will provide an adequate landscaped setting for the individual houses on the site. Furthermore, it is not demonstrated that the existing landscape is adequately protected during construction nor maintained for the future.
90. A balance must be struck to acknowledge that this is an allocated housing site and that permission has been granted in principle for a larger number of houses than is now submitted. Therefore although not ideal, it is recommended that a number of conditions be imposed to require the necessary details of an arboricultural method statement, tree protection plan, detailed landscape plan (including a more extensive peripheral planted area along the eastern edge and details of planting within communal and boundary areas), and detailed management and maintenance plan for the communal areas and retained woodland. This allows the applicant to be secure that permission has been granted for 75 plots as shown on the plan, but with the knowledge that a significant amount of additional information will need to be submitted for approval prior to development commences.

#### Natural Heritage

91. Conditions 12 of both applications (07/0144/CP and 07/0145/CP) stipulate that the Design Guide must include information on ecology guidance. However, the permissions and respective conditions imposed do not specifically require the submission of detailed survey work. Any development must ensure recognition and protection of species and habitats in accordance with international, national and local policies. It should be borne in mind that the onus is upon the developer to ensure full compliance with in the implementation of a development.
92. As such, the CNPA Heritage Team maintains that in accordance with legislation for European Protected Species, an up to date bat survey and the subsequent species protection plan is required to inform a final decision about the details of the development of the farm house and before any restoration begins. Irrespective of this, a licence would be required for works to the farm house and the Survey and a Species Protection Plan will be required for this.

93. It is therefore advised that a new survey and Species Protection Plan need not be done at this stage of the application process, but would be required and more appropriately prepared prior to the submission of the next detailed application relative to the farm house building (Phase 3). Condition 16 is recommended to ensure compliance. Conditions 1 and 15 together with Informative 8 are recommended to secure mitigation.
94. With regard to other ecological matters raised, the Design Guide alludes to the creation of ponds and wetlands but no detail has been provided as how ponds would be incorporated into the proposal, other than encouraging potential house plot owners to incorporate this into their gardens. This will be somewhat limited within the higher density development and therefore concern is raised as to the actual commitment of potential householders to comply with this condition. A boggy area exists within a block of woodland to be retained. The applicant has indicated that this existing wetland area is located within an area of the site which will be undeveloped and left alone and therefore no details have been submitted. It is considered that there may be scope for further enhancement to be achieved by the sensitive reinstatement, possibly by the use of a shallow pond, which would be to the benefit of a range of aquatic species such as amphibians and invertebrates. This would provide greater certainty of implementation of a wetland area. A condition could be attached requiring this enhancement. Condition 13 is recommended.
95. Within the Design Guide, the detail the number and locations of trees highlighted for removal are plotted in detail. The Heritage Team welcomes the emphasis placed on the retention of both living and dead trees as a “main aim”. The intention to replant and replace lost trees with native species (birch, rowan, aspen and Scots pine, hazel, willow, juniper, oak and native cherry are suggested) is also welcomed. Incorporating *Salix* sp. such as goat willow (*Salix cuprea*) species into the tree and wider landscape planting scheme will also benefit invertebrates such as bumblebees and solitary bees as the flowers provide a valuable source of food in spring. The Design Guide includes a section on tree protection and makes reference to BS5837:2012 which is welcomed.
96. It is further suggested that in planned open areas, species rich grassland is proposed with some areas are to be left unmown and not sown with lawn mix. This suggestion has the potential to enhance the biodiversity of public areas within the development. No detail is provided as to where these areas are proposed, how they will be created and how they will be managed (noting that wildflower meadows need particular cutting regimes to maintain diversity). However, the Heritage Team have identified, for consideration, areas within the scheme with the potential to provide open areas for species rich open areas of grassland such as open land around the pumping station in the ‘Riverside’ and a area of mixed woodland and open land located defined to the west by the curtilage of the existing dwelling at Heritage Cottage and the roadway adjacent to Plot 36 to the east Therefore conditions in respect of this would be required by the Heritage Team in respect of any planning permission that may be granted. Conditions 7 and 9 are recommended.

97. In conclusion, the Design Guide contains some ecology guidance for future developers of the plots. Examples of this are recommendations that bird, bat and bee boxes should be built into and added on to the outside of houses, garages and other existing features such as trees. Also solid fencing is discouraged to allow for ecological corridors. The approach of conditioning, parts of the development or individual dwellings as they occur is not ideal and would potentially weaken the possibility of securing such measures leaving the planning authorities, either CNPA or Highland Council, having to consider ecological issues on a plot by plot basis. The Natural Heritage Team would seek to see further substantial ecological surveys made conditional to the development of the site as a whole prior to any further detailed planning permissions being granted. As such, in addition to the statutory surveys and mitigation required in respect of European Protected Species, conditions are recommended on the following (in line with their advice outlined in 58 - 60 above).

In conclusion, Conditions 1, 7, 9, 12, 13, 14, 15, 16, 17 and 18 together with Informatives 6, 7 and 8 are recommended.

Public Access, Open Space and Recreation

98. Highland Council Roads are satisfied with the roads aspects of the proposals. However, CNPA Outdoor Access Advisor has raised concerns and requires further details and clarifications, as detailed above. Additionally, CNPA Landscape Advisor raises concerns regarding the lack of an eastern edge route along the golf course.
99. It is accepted that there would be some temporary disruption to current access to and across the site during the construction phase of the development. The applicant has advised that no construction programme or phasing has yet been determined. It is also advised that no path diversions are currently proposed. However, it is a requirement of Condition 8 as stated by the Reporter, that such details are submitted for approval. It is acknowledged that this is intended to be a phased scheme and therefore a condition could be imposed requiring the same detail to be submitted at the commencement of each phase of development.
100. The applicant has advised that the necessary footpath links have been shown on the submitted plans. Since this matter is unclear, in order to ensure inclusion it is recommended that a condition is imposed requiring those footpath links to be implemented in accordance with further details to be submitted for consideration. However, they have also advised that the proposals do not include an eastern edge route due to landownership and liability issues. This issue requires addressing by the applicant and a condition is also recommended to cover this aspect.
101. The issue regarding management and maintenance is also raised (as with the landscape issue outlined above). The applicant has advised that there will be a maintenance programme funded by residents but administered by a



company on behalf of them, as outlined in the Design Guide. This is considered to be vague and therefore difficult to enforce. As such a condition is recommended to secure details of how the footpath network, play areas, cycle paths, hardstanding areas and open spaces will be managed and maintained.

In conclusion, Conditions 9, 10 and 11 are recommended.

#### Roads Layout

102. Highland Council Roads are generally satisfied with the proposals subject to the addition of informatives and conditions to provide clarity to the submissions. Conditions 1, 2, 3, 4, 19, 20, 21 and 22 together with Informatives 3 and 5 are recommended.

#### Drainage and Flooding

103. The revised Drainage Impact Assessment (DIA) indicates a well drained sandy soil with good infiltration on a woodland site with no evidence of field drains. Due to the good infiltration qualities of the underlying soil there is no direct surface water run-off to either a watercourse or sewer. Though noted in SEPAs flood map as being within the floodplain of the River Spey, the DIA maintains that no incidence of flooding is known to have occurred at the site.
104. To address concerns in respect of flooding from both SEPA and HC Flood Team, the applicant has amended the Design Guide to indicate that all plots would achieve a minimum FFL of 209.15m AOD. Condition 6 is recommended to reinforce this requirement.
105. The SUDs details, as outlined above in paragraph 16, are also considered to be acceptable.

#### Residential Amenity

106. Given the good spatial and interface relationships between the siting of the new residential plots and existing housing development, it is not considered that there would be any adverse impact upon the amenities currently enjoyed by local residents when the proposals are implemented.

#### Historic Heritage

107. As reported in paragraphs 38 and 39, the Highland Council Archaeological Officer is satisfied with the details submitted subject to a condition. Condition 5 is recommended.

#### Contaminated Land

108. In 2009, Members were advised in the Committee report for these applications, that Highland Council Contaminated Land team had noted that there was a potential for contamination concerning Site 1, based around the

presence of a farm tip, which was identified as being confined to an area around a disused pit. It was recommended that in the event of permission being granted that a condition be attached requiring the submission for a scheme to deal with potential contamination on the site, prior to any development commencing. It is noted that the issue of contaminated land was not followed through by the Reporter in his decisions on applications 07/144/CP and 07/145/CP by the imposition of a condition. As such a further condition is recommended to be imposed on these MSC applications.

### **Conclusion**

109. It can be concluded that Design Guide, Phasing Plan, Construction Method Statement and Archaeological Programme as submitted sufficiently address the terms of the relevant MSC on both applications subject to the imposition of further conditions to ensure compliance and to require the submission of additional detail, where necessary. However with regard to landscape, roads, outdoor access, and ecological issues raised, the information submitted by the applicant would only serve to partially satisfy the requirements of the conditions on the original planning permissions in principle. Some detail has not been submitted and the level of detail of some of the submissions is not sufficient, as specifically required by the Reporter. It is acknowledged, as a result of the Reporter imposing conditions allowing a phased development and, if required, the individual development of each plot, that there is some difficulty for the applicant in providing the level of detail required by the conditions at this stage. As such, a number of conditions are imposed to secure those details at appropriate stages in the implementation of the development. Some of the details remain essential prior to implementation and conditions have accordingly been drafted to secure this in advance of commencement. The imposition of further conditions on MSC applications is considered to be poor practice in town planning since it results in the delay in the consideration of those details that should be considered under these applications. However, it is imperative to ensure that the development is implemented in full accordance with the intentions of the Reporter and planning policies. For clarity and future monitoring therefore, it is intended that each of the numbered conditions hereby considered are deemed discharged but only subject to the conditions hereby recommended being fully discharged and to the terms of the original conditions imposed on 07/144/CP and 07/145/CP.

## **IMPLICATIONS FOR THE AIMS OF THE NATIONAL PARK**

### **Conserve and Enhance the Natural and Cultural Heritage of the Area**

110. Overall, the proposal would help to reinforce and complement the character of the built form on the urban edge of Aviemore. Use of suitable planning conditions would ensure that aspects of the surrounding natural heritage assets are conserved and enhanced. The development is considered to be suitably designed and laid out offering the opportunity to secure a implementation of level of landscaping which would help to enhance the

setting of the town and help to create biodiversity corridors. This should then help to support the aim of supporting the natural heritage of the area.

### **Promote Sustainable Use of Natural Resources**

111. The proposed development has the potential to support this aim if local materials were used for construction and if measures such as energy efficiency and solar gain are incorporated in the designs. Construction of houses also offers the opportunity to use locally sourced construction materials and energy efficient practises/construction. The majority of the woodland within the site would be retained and maintained. Any natural habitats lost to accommodate the development, would be off-set by suitable planting within the site and the management of woodland around the site in order to ensure this aim is met. This can be controlled by planning conditions.

### **Promote Understanding and Enjoyment of the Area**

112. The proposal is considered to support this aim in that it offers the opportunity to both provide for additional footpaths and maintain and improve the existing footpath networks within the site.

### **Promote Sustainable Economic and Social Development of the Area**

113. The proposed development will help support the social and economic development of the area as a result of the construction jobs associated with the ongoing site works; potential for construction materials and work to be locally sourced thus supporting economic development; and the potential to provide affordable housing to attract and retain people in the area. This all has potential to support local services and businesses during both the construction and occupation stage. It also offers the opportunity with future phases to help deliver community and economic development land for the town.

**That Members of the Committee support a recommendation to GRANT planning permission for these applications for matters specified by Conditions 1, 4, 8, 9, 10, 11, 12, 14, 16, 17, 19 of Permission In Principle 07/144/CP and, Conditions 1, 8, 9, 10, 12, 13, 15, 17, 18, 20 of Permission in Principle 07/145/CP for housing development on land north west of Dalfaber farm, Dalfaber Drive, Aviemore and on land north west and south of former steadings, Dalfaber Farm, Aviemore.**

- I. No work shall commence on the development of any individual house within each plot until a formal planning application including details of the following: (The details of which must fully reflect the principles established in this planning permission by the design guide and also the conditions of the planning in principle consent):

- (a) design and external appearance, external finishes (including samples, where applicable) and siting of all buildings within the plot,
- (b) vehicular and pedestrian access,
- (c) off road parking provision
- (d) SUDS drainage, including management and maintenance
- (e) provision of storage of waste and recyclable materials facilities
- (f) boundary treatments
- (g) site sections
- (h) hard and soft landscaping

have been submitted to and approved in writing by the Planning Authority. The development shall thereafter be implemented in strict accordance with those approved details. The approved access and SUDs proposal must be implemented and operational prior to the occupation of any property.

**Reason:** In order to secure a satisfactory form of development in accordance with the requirements of the planning permissions in principle, granted on appeal, 9th March 2010

2. No work shall commence on the development until full details of the management and maintenance arrangements for all non-adopted areas, including drainage, has been submitted to and approved in writing by Cairngorms National Park Authority (in liaison with Highland Council Roads and Highland Council Flood Team). The development shall thereafter be implemented in strict accordance with those details.

**Reason:** In order to ensure satisfactory provision of access and drainage

3. No work shall commence on the development until full details outlining the control of the use of the emergency access route are submitted and approved in writing by Cairngorms National Park Authority (in liaison with Highland Council Roads and Highland Council Flood Team). The development shall thereafter be implemented in strict accordance with those details.

**Reason:** In order to ensure satisfactory provision of emergency access routes.

4. Each Phase of the development (as defined by the Phasing Plan hereby approved) shall not be deemed as completed until the final surface course layer of the roads/pavements within that phase has been applied. Prior to this the final surface course layer should be deferred within each phase until all associated utility works have been implemented.

**Reason:** In order to ensure a high standard of road/pavement finish within the development.

5. No development shall commence until a programme of work for the evaluation, preservation and recording of any archaeological and historic features affected by the proposed development, including a timetable for

investigation, all in accordance with the attached specification, shall be submitted to and agreed in writing by Cairngorms National Park Authority, as Planning Authority. The agreed proposals shall be implemented in accordance with the agreed timetable for investigation.

**Reason:** In order to protect the historic interest of the site.

6. All buildings shall have a minimum finished floor level of 209.15 AOD

**Reason:** To minimise risk from flooding

7. No development shall commence until a revised and comprehensive version of the Landscape Strategy Plan shall be submitted to provide for a detailed landscaping plan, particularly in respect of the following:

- (a) The provision of enhanced tree and hedge boundary treatment to be established on the eastern edge of Phase 3 of the development on its boundary with the golf course
- (b) Full details of proposed planting, including species, numbers, size, locations and densities for all communal and open areas (including swales) within the sites. The planting shall include compensatory planting of indigenous trees for any trees lost as part of the development. The landscaping should also incorporate biodiversity enhancement measures.
- (c) Full details of protection, management and maintenance of proposed planting, as referred to in (b) above
- (d) Full details of the play equipment to be installed in the open spaces, as identified on the Landscape Plans

Implementation of the detailed landscaping plan shall be undertaken in strict accordance with the approved details prior to the completion of the each phase of the development as indicated in the submitted Design Guide. The works shall be carried out before any part of the development is occupied or in accordance with the programme agreed with Cairngorms National Park acting as Planning Authority. Landscaping shall thereafter be maintained in accordance with the approved maintenance and management plan throughout the lifetime of the development.

**Reason:** To ensure that a suitable landscaping setting is established and maintained for the new development.

8. No development shall commence on site until a fully detailed Tree Protection Plan together with an Arboricultural Method Statement is submitted and approved by Cairngorms National Park Authority as Planning Authority. The development shall then be implemented in strict accordance with the approved tree protection plan and arboricultural method statement.

**Reason:** To ensure that the existing landscape is adequately protected.

9. No development shall commence until a detailed Maintenance and Management Plan for all common areas and the woodland is submitted to and approved in writing by Cairngorms National Park Authority as Planning Authority. The maintenance and management plan shall include enhancements to biodiversity and provide definitive and binding management and maintenance arrangement for these areas in perpetuity. The development shall thereafter be implemented in strict accordance with the approved maintenance and management plan.

**Reason:** To ensure protection, management and maintenance of the existing woodland together with all open areas within the sites.

10. No development shall commence until the following details (including a phasing plan/timetable) have been submitted to and approved in writing by Cairngorms National Park Authority acting as Planning Authority in consultation with the CNPA Outdoor Access Officer and Highland Council Roads:

- (a) Details of how public access will be achieved during construction works
- (b) Details of the provision of a circular footpath linking from the proposed public open space (between Plot 33 and Plot 28), along the eastern boundary of the site abutting the golf course (behind Plots 28 – 03) into the open space/landscaped area adjacent the pumping station.
- (c) Details of the provision of a footpath link from the proposed circular road, between plots 17 and 18/19 to the above path, noted in (c) above
- (d) Details of the provision of a footpath link from the proposed circular road, between plots 9 and 10/11 to the above path noted in (c) above
- (e) Details of the provision of a footpath link from the proposed circular road between plots 26 and 24/25 to the above path noted in (c) above

The provision of the paths together with those shown on the Landscape Plans hereby approved, shall thereafter be implemented, managed and maintained in strict accordance with those details.

**Reason:** To ensure the provision of public access and links within and outside the sites.

11. A footpath link between Corrou Road and LBS34 and the footpath linking across the gully to the Fisherman's car park shall be provided in strict accordance with full details (including an implementation timetable) to be agreed in writing by Cairngorms National Park Authority

**Reason:** To ensure the provision of public access and links within and outside the sites.

12. No development shall commence until details for the provision and maintenance of the habitat of *Andrena Marginata* (Solitary Mining Bees) either by the retention of or creation of suitable habitat in the form of species rich wildflower meadows containing devil's-bit scabious (*Succisa pratensis*) shall be submitted for the approval by the Cairngorms National Park Authority acting as Planning Authority. The habitats shall be provided and maintained thereafter in strict accordance with the agreed details prior to the first occupation of any dwelling.

**Reason:** In order to maintain and protect the population, resting places and habitat of a protected species

13. No works shall commence on the implementation on Phase 4 until details for the retention and enhancement of the wetland area centrally positioned within the woodland area and identified within Design Guide have been submitted to and approved in writing by the Cairngorms National Park Authority acting as Planning Authority in consultation with Highland Council's Flood Prevention Team. The works shall thereafter be implemented in strict accordance with the approved details before any house is occupied within Phase 4.

**Reason:** To minimise environmental disturbance and maintain biodiversity.

14. No work shall commence on any tree felling until a pre-construction survey for squirrels has been undertaken by a suitably qualified and experienced practitioner and the results, together with any proposals for mitigation of any impacts submitted to, and approved by, the Cairngorms National Park Authority acting as Planning Authority. This survey shall be undertaken in accordance with recognised guidelines and will consider the impacts upon red squirrels as a result of any tree work. Similarly, prior to felling the elm tree identified beside the proposed access onto the A86 a further bat survey will be required with the results of the survey and any mitigation submitted to and approved by the Cairngorms National Park Authority acting as Planning Authority. Any resultant mitigation shall be implemented and retained on site.

**Reason:** To minimise environmental disturbance and maintain biodiversity.

15. No work shall commence on the construction of the houses in each Phase until details of a scheme for the provision of nesting boxes for bats and swifts is submitted to and approved by the Cairngorms National Park Authority acting as Planning Authority. Any house identified for provision shall not then be occupied until such time as provision has been made in accordance with the approved details

**Reason:** To ensure that biodiversity enhancements within the site.

16. No development of any part of Phase 3 of the development shall commence until a full bat survey comprising of detailed internal and external inspections of the farm house, with a minimum of 3

emergence/re-entry surveys (a mixture of the two must be conducted) shall be undertaken by a fully licensed and suitably qualified bat ecologist and informing the preparation of a species protection plan (SPP) shall be undertaken in respect of the bat population at Dalfaber Farmhouse. The bat survey and Species Protection Plan shall be submitted to and agreed in writing by the Cairngorms National Park Authority acting as Planning Authority. Mitigation measures identified as necessary to secure bat habitats shall be undertaken both prior to and during the period of development as indicated in the approved Species Protection Plan.

**Reason:** In order to maintain and protect the population, resting places and habitat of a protected species

17. Post and Rylock type fences of a height of no more than 1070mm height with 1800mm spacing between posts, as indicated in the Design Guide, hereby approved, shall be used for the demarcation of the boundaries to all dwellings, unless otherwise agreed in writing by the Planning Authority.

**Reason:** In order to assist in the free movement of wildlife, to minimise environmental disturbance and maintain biodiversity.

18. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (Scotland) Amendment Order 2011 (or any order revoking, re-enacting or modifying that Order), no fences other than those expressly authorised by this permission shall be constructed on the boundaries of the site, including those to/between dwellings/plots hereby permitted by this permission without the prior approval of the Planning Authority.

**Reason:** In order to assist in the free movement of wildlife through wildlife corridors, to minimise environmental disturbance and maintain biodiversity.

19. No development shall commence on each phase of the development until full details of road calming measures (including signage) shall be submitted to and approved in writing by Cairngorms National Park Authority acting as Planning Authority, in consultation with Highland Council Roads Team. The development shall thereafter be implemented and maintained in strict accordance with those approved details.

**Reason:** In the interests of highway safety

20. No development shall commence on each phase of the development until a detailed Construction Method Statement is submitted and approved in writing by the Cairngorms National Park Authority, as Planning Authority, in consultation with Highland Council Roads Team. The development shall thereafter be implemented in strict accordance with those approved details.

**Reason:** In the interests of highway safety



21. No development shall commence until details of visibility splays (maintained free from obstruction) are submitted to and approved in writing by Cairngorms National Park Authority in consultation with Highland Council Roads Team. Visibility splays shall be provided and maintained at road junctions and at all individual houses accesses. The visibility splays shall be implemented and maintained in strict accordance with those approved details.

**Reason:** In the interests of highway safety

22. No development shall commence on each phase until full details of street lighting has been submitted to and approved in writing by Cairngorms National Park Authority as Planning Authority in consultation with Highland Council Roads Team. The development shall thereafter be implemented in strict accordance with those details.

**Reason:** In order to secure a high standard of design within the development.

23. No development shall commence on site until a scheme to deal with potential contamination on site has been submitted to and approved in writing by Cairngorms National Park Authority as Planning Authority in consultation with Highland Council Contamination Team. The development shall thereafter be implemented in strict accordance with the approved scheme. The scheme shall include details of proposals to deal with potential contamination as follows:

- (a) The nature, extent and type of contamination on site, identification of pollutant linkages and assessment of risk (i.e. Contaminated Land risk Assessment and Remediation Plan). The scope and method of assessment to be agreed in advance with the Cairngorms National Park Authority and Highland Council;
- (b) Remedial Strategy (if required) to treat/remove contamination to ensure that the site is fit for the uses proposed (this shall include a method statement, programme of works, and proposed verification plan);
- (c) Submission of a Validation Report (should remedial action be required) by a competent person employed by the developer who will validate and verify the completion of works to a satisfactory standard agreed with the Cairngorms National Park Authority and Highland Council;
- (d) Submission, if necessary, of monitoring statements at periods to be agreed with the Cairngorms National Park Authority and Highland Council.

Written confirmation from the Cairngorms National Park Authority and Highland Council that the scheme has been implemented, completed and if appropriate, monitoring measures are satisfactorily in place, shall be required by the Developer before any development hereby approved commences.

24. No individual house shall be occupied within each phase until full details of the necessary infrastructure (roads/pavements, drainage, street lighting and water connection) has been provided and implemented in full.

**Reason:** In order to ensure infrastructure is available to each property.

**ADVICE NOTES:**

1. Please note that this is a permission for matters specified in condition (MSC) and must therefore be read in conjunction with the planning in principle permissions (references 07/144/CP & 07/145/CP) and all the conditions and legal agreements applying to these permissions must also be adhered to in full including time periods for commencement of development.
2. It is recommended that all construction works (including deliveries of materials) shall take place within the hours of 0800 to 1800 Mondays to Fridays and 0900 to 1300 on Saturdays, there shall be no work or deliveries of materials on Sundays and Public Holidays.
3. You are advised that in issuing any planning permission that this does not carry with it the right to carry out works within the trunk road boundary and that permission must be granted by Transport Scotland, Trunk Road and Bus Operations. Permission can be gained by contacting the Route Manager (A95), Network South, Buchanan House, 58 Port Dundas Road, Glasgow, G4 0HF. The Operating Company have responsibility for co-ordination and supervision of works and after permission has been granted it is the developer's contractor's responsibility to liaise with the Operating Company during the construction period to ensure all necessary permissions are obtained
4. You are advised that with any development of 10 or more housing units, or equivalent, there is a requirement to submit a fully completed Development Impact Assessment form. These can be found at [www.Scottishwater.co.uk](http://www.Scottishwater.co.uk). Furthermore, Scottish Water has provided advice regarding capacity and funding of any works. A copy of their advice is attached to this decision notice.
5. You are advised that all storage for the collection of waste and recycleable materials shall be in accordance with Highland Council's Roads and Transport Guidelines for New Developments.
6. It is recommended that bird and squirrel feeders be provided in domestic gardens to benefit local red squirrel and bird populations and to facilitate their movement from adjacent woodland.
7. It is advised that where evidence of Badger setts is found during the implementation of the development, further survey work would be required to determine the presence of this species. Should badgers be confirmed to be present, a licence would be required from Scottish Natural Heritage to perform any ground works within 30 metres of an active set. You are advised that the following plots have been identified as being adjacent to suspected badger setts: 50, 63, 66, 68, 72, 73, 74 and 81.

8. Any demolition or renovation works to Dalfaber Farmhouse would need to be undertaken only during the summer months and the works informed by a pre-construction check of the presence of roosting bats. Alternative bat roosting opportunities such as bat bricks would need to be in place prior to any construction works being undertaken.

**Officer: Simon Harrison**

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**Date: 21/07/14**

*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.*