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## CAIRNGORMS NATIONAL PARK AUTHORITY

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

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(DEVELOPMENT CONTROL)

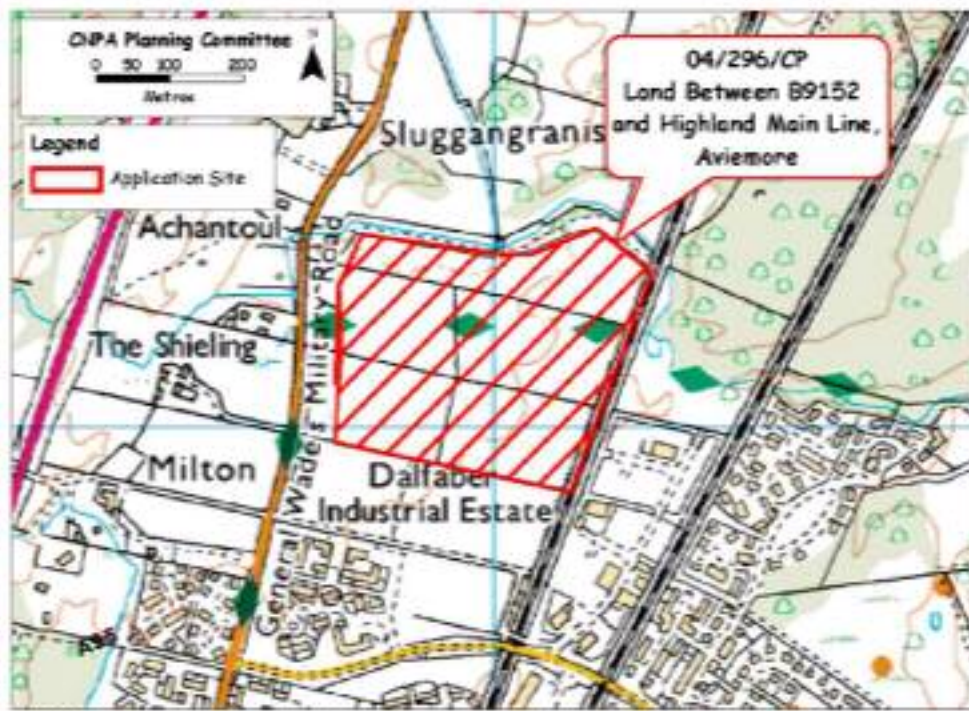
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**DEVELOPMENT PROPOSED:** ERECTION OF 142 HOUSES, 56 FLATS AND 10 SELF - BUILD PLOTS, LAND BETWEEN B9152 AND HIGHLAND MAIN LINE, AVIEMORE, INVERNESS-SHIRE (FULL APPLICATION)

**REFERENCE:** 04/296/CP

**APPLICANT:** AVIEMORE NORTH HOUSING DEVELOPMENT PARTNERSHIP

**DATE CALLED-IN:** 18 June 2004



**Fig. 1 - Location Plan**

## SITE DESCRIPTION AND PROPOSAL

1. The site consists essentially of rolling agricultural land that is bounded to the south by an existing development site, to the north by the Achantoul Burn, to the west by the B9152 and to the east by the Highland Main Line. The Aviemore Orbital Footpath traverses around the site.
2. The proposal is for a total of 208 dwellings on an area just over 12 hectares based upon a mix of flats and houses including one and two bedroom flats and 2/3/4-bedroom houses to be developed in a series of four phases. A total of 100 affordable units are to be provided through the Albyn Housing Society. A full breakdown of house types and phases is attached as appendix 1 at the back of this report. A total of 10 self-build plots are also included to the north east corner of the site.
3. The overall layout for the proposal is based roughly upon a 'Home Zones' type approach, which was originally a Dutch planning concept from the 1970s that puts people before cars. This particular application involves an access from the B9152 that goes on to serve as a road for the development, but also provides a link into the Cairn Housing site currently being developed to the south. The houses are arranged along cul-de-sac roads, squares and courtyards that split off from the main circular routes, which are traffic calmed. These courtyards are linked so that pedestrian access is gained through the development from its furthest point to the north east (the self build plots) down to the south west corner which provides pedestrian linkage onto Grampian Road through a series of green spaces that include formalised children's play areas.
4. The majority of the development is set well back from the site allowing landscaped areas to be formed around the perimeter. The proposal also includes a Sports Pitch area measuring 97 by 62 metres. A total of 4 formal children's play areas have also been negotiated and are spread throughout the development site.
5. In terms of planning history Highland Council resolved to grant planning permission for 200 houses on the site in the form of an outline application in January 2003. The application did not include a formal sports pitch, but did include considerable informal open space. However, it is understood that members wished the issue of a formal sports pitch to remain open in the hope that at least a five-a-side pitch could be provided on site. This application was subject to a Section 75 Agreement relating to a range of matters that was never signed and hence no formal decision notice was issued.
6. This development is intended as an exemplar in terms of green credentials and a sustainability statement has been submitted by the applicants which points out a range of issues, the layout being designed to maximise passive energy servicing techniques with buildings orientated to the south in the majority of instances. Detailed insulation techniques are planned in association with the Eco-Homes assessment programme. The intention is also that the site is heated by a district heating station, which is the subject of a separate application called-in by the CNPA.

7. The design of the dwellings are based on designs that are typical of the area in terms of form, often based upon rectangular footprints with first floor accommodation in the roofspace lit by means of pitched roof dormers. A range of materials including render and slate type roofing materials are proposed and Scottish sourced timber cladding is utilised with colour stains suggested. There are three 3-storey flat blocks towards the south western corner of the site and parking throughout the development is provided by means of a combination of on plot parking and parking courts, particularly for flats.

## DEVELOPMENT PLAN CONTEXT

8. **Highland Structure Plan Policy G2 ‘Design for Sustainability’** takes into account a range of detailed criteria including a proposals compatibility with cycling and walking and public transport, landscape, scenery, habitats, freshwater systems, cultural heritage and air quality and the siting and design of buildings in a manner appropriate to existing character and the historic environment. Developments which are judged to be significantly detrimental in terms of the above criteria will not be permitted.
9. In terms of the Local Plan the site forms part of the Aviemore North Development Area (total area 14 hectares). The requirements of the development brief include a distributor road from Dalfaber Road to the B9152 re-alignment of the village approach and community open space planting provisions. **Point 6.33 of the Local Plan** requires land for playing fields and formal open space provision. Costs of provision and future maintenance of this space would have to be secured by a Section 75 Agreement.
10. Point 6.1.2 (a) of the Local Plan identifies the whole of the Aviemore North development area as having capacity for a total of 300 houses. **Point 6.3.3 of the Plan** considers that 1.4ha of land at Aviemore North will be reserved for playing fields and associated formal open space.
11. **The Aviemore North Development Brief** sets down a range of detailed criteria relating to the development of the site with requirements for a landscape matrix to influence the clusters of housing, an emphasis on traditional finishes, a distributor road between the B9152 and Dalfaber Drive and 1.4 ha of land for open space facilities. There is no specific allocation of numbers of housing units for this particular site on its own as the Aviemore North brief for 300 houses includes areas that have already been developed.
12. **Scottish Planning Policy Note 3 ‘Planning for Housing’ 2003** considers that the extension of settlements may be necessary where new housing cannot be accommodated within existing settlement boundaries, such an approach can help to foster and promote existing services within settlements. Consideration should also be given to sustainability in terms of transport options from a particular site with the intention to emphasise movement patterns that do not foster reliance upon the private car.

## CONSULTATIONS

13. A wide range of consultations have been carried out and are summarised as follows
14. The **CNPA Natural Resource Group** asked for a habitat survey of the site. This has been produced by the applicant and as a result of this no objection is raised.
15. **Highland Council Planners (Development Control)** A range of detailed concerns are raised in relation to the size of the sports pitch area which appears to be below the full standard required, the area can just accommodate a full-sized 'kick pitch' but the space on the margins to protect residential amenity is limited. Concern is raised regarding the detailed orientation of certain plots away from the Home Zones, which breaks down the cluster approach suggested by the development brief. Concern is raised at the lack of a footpath link between the site and the Aviemore Orbital footpath in the North West corner of the site (application advertised as 'potentially' not in accordance with development plan).
16. **Highland Council Planners (Policy Section)** A wide range of concerns are addressed. Particular concern is again raised regarding the size of the proposed amenity area at 0.6ha in extent compared to the 1.4 ha reserved for this space in the Local Plan and on the development brief. It is also considered that a landscape plan should be submitted. Concern is also raised regarding the three-storey blocks and their relationship with nearby two-storey development. Consideration should also be given to the relationship with the Aviemore Orbital Footpath, especially along the northern side of the development site. The adequacy of the overall road layout for bus services should also be considered. The principle of the introduction of timber is welcomed, although the introduction of 100% timber cladding should be considered carefully. It is noted that 100% timber clad houses are proposed for social housing only and care is needed to avoid social and private houses being easily distinguished.
17. **Highland Council: Education** Given that this application is primarily about the provision of affordable housing no request is made for planning contributions towards educational facilities.
18. **Highland Council Area Roads and Community Works Manager** is recommending a range of measures to be incorporated as planning conditions upon any consent (mostly relating to access and visibility). One key point is that a gateway feature shall be established on the B9152 road at an agreed location north of the new junction.
19. **Highland Council Environment (Landscape)** raise a range of detailed points in relation to landscaping and access to flatted areas for disabled persons. It is considered that ground floor areas around flats should be divided up and given over to ground floor residents to create more defensible space. Indication of boundary treatments should be sought as should details for children's play areas.

20. **Scottish Natural Heritage** has no objection to the proposal but raise concern regarding the number of units proposed and the scale of the three-storey buildings in particular and their potential impact upon views to the south and the west of the Cairngorms Massif and Craigellachie. Concern is raised regarding the density of the proposal and the ability to provide an appropriate landscaping scheme and concern is also raised at the intended straightening of the B9152 and that it would cut through a tree compartment. As a result of further street scene plans SNH recognise that the developer has tried to allay their fears and have subsequently accepted that the number of houses proposed does not depart so significantly from the development brief but still raise some concern regarding the visibility of the northern edge of the development, but ultimately raise no objection.
21. **SEPA** initially objected to the application on the grounds of a lack of information. However, subsequently SEPA have received drawing A/03192/905/1 and provided that all foul drainage is directed to public sewers to Scottish Water's satisfaction then SEPA would have no objection.
22. **Scottish Water** confirms that a public water supply is available and that sustainable surface water management systems will be required. In relation to foul drainage investigation of the network is required and any constraints identified will have to be rectified before connection to the public sewer is permitted. This should be covered in conditions attached to any permission granted.
23. **Network Rail** have recommended a detailed range of conditions to be attached to any consent, further comment that there should be no significant problems from leaves on the line and the most appropriate tree species to ensure this have been suggested directly to the developer by Network Rails arboriculturalist.
24. **Sport Scotland** says consideration should be given to the range of sports facilities within Aviemore and whether these meet current standards. The new development will add to pressures on existing facilities and thought should be given to a contribution from the developer towards such facilities. This may include the provision of a formal sports pitch.

## **REPRESENTATIONS**

25. **Aviemore Community Council** are concerned about the colouration of the scheme and consider that a full colour scheme should have been submitted as the concept is found to be misleading when the colour images supplied show natural timber colouring whether details indicate that few if any will be stained brown. Clarification is required regarding the community facilities for wider community use and the timescale for community consultation. Assurance is requested that car parking has been addressed. The Community Council think that this is an opportunity for the CNPA to prove their willingness to house local people by coming to some arrangement to ensure that these houses are affordable (see appendix).

26. A letter from the architect in response to consultees has been copied as an appendix.
27. A letter has been received from the Albyn Housing Society attached as appendix

## **APPRAISAL**

28. Rather than providing a dense report based purely upon a series of numbered paragraphs it has been decided to provide a written assessment of this application in the form of a series of key issue areas starting with broader principles and working down to more detailed issues relating to the layout and the detailed design of buildings.

### **Is this the development at this density acceptable in principle ?**

29. In relation to this issue two key factors must be noted. Firstly, that the site is allocated by the Badenoch and Strathspey Local Plan for housing and has been the subject of a detailed development brief encouraging the residential development of the site. Secondly, Highland Council Planning Committee has resolved to grant planning permission in outline form for a 200-house development of the site subject to a Section 75 Agreement on issues such as affordable housing and landscaping. This agreement has not been produced and signed as the developers view was that the process could be dealt with more quickly by progressing directly to the full application being considered here. The Aviemore North Development Brief does not indicate specific housing numbers for this site alone. The number being proposed here at 208 including a number of flats is considered an appropriate density in principle. In addition, general planning policy seeks to make most efficient use of land for housing and would tend to indicate higher densities where these are compatible with natural heritage, landscape and environmental concerns. Given that Highland Council has accepted a 200-house scheme and that there would appear to be a significant element of informal open space the proposed density is considered acceptable in principle.

### **Is the proportion and type and design of affordable housing acceptable and how will they be retained as affordable.**

30. From the overall development of the site a total of 100 affordable houses are being offered by this scheme through the Albyn Housing Association and a total of 98 private homes with an additional 10 self build units proposed. This represents a total of over 50% affordable provision with the self-build units taken out of the equation. The development brief specifies a 50% affordable housing requirement. The units are mixed in a range with 1, 2, 3 and 4-bedroom units. In terms of design the affordable units are of similar form to the private housing units. However, attention has been drawn by consultees to certain of the affordable units being clad in timber and that care must be taken that this does not identify these units as social housing as distinct from private housing in the development. However, while these units are distinct it is my view that they are distinct in positive design terms and will add variety and colour to the development as a whole.

31. The affordable housing follows a layout that sets out four phases of development of social housing tied to phases of private housing development. In terms of location the affordable housing tends to be at the centre of the development site inside the circulation road but there are also 4 areas that are outside of the distributor road. The housing is considered to be relatively well integrated.
32. With affordable housing there is always the concern that in time such houses can be lost to the private market. The mechanism for retaining the affordable housing as such is a Low Cost Home Ownership Scheme. However, this mechanism comes with the built in right to 'staircase up' to full ownership after one year of occupation. In the past it has been Albyn's experience that the take up of this right has been relatively limited. However, increased house prices in the area means that the trend towards full ownership has accelerated markedly. The association is lobbying for a new shared equity mechanism and this together with their title deeds under the title deeds (Scotland) Act this would allow the imposition of conditions to ensure that properties are kept within affordable valuations and therefore within the affordable sector.

**Is the relationship between layout/built forms and landscaping/formal amenity space acceptable ?**

33. The provisions of both the Badenoch and Strathspey Local Plan and the Aviemore North Development Brief set down principles relating to open space and consider that this application site should come forward with a siting for a formal play pitch to be provided from funds that Highland Council has gained from previous developments within the Aviemore North Area, for each house to be developed a sum of £500 (under a Section 75 Agreement) is held by Highland Council for the provision/preparation of a formal sports pitch within this development site.
34. From the consultation responses it is clear that there has been some debate about the appropriate size for the sports pitch as this is regarded as a facility for the overall growth of Aviemore North and not just for this development site alone and the Aviemore North Development Brief reflects this. Some representations indicate that the area should be larger at 1.4 ha as indicated by the development Brief rather than the 0.6 ha indicated. However, this must of course be balanced against the other needs for the site to be developed at an efficient density with appropriate smaller children's play areas and less formal open landscaped spaces, the cumulative total of which equates to something like 3.5 ha. Space must of course be available on the site for the road network and landscaped footpath network. In relation to this a total of 4 separate play areas are proposed which is considered generous in itself in terms of provision. In addition, the layout of development emphasises walking routes through from the north east corner of the development (self-build plots) through onto Grampian Road.
35. The applicant has responded to the particular issue of the size of the formal open space area and that the application falls short of the development brief requirement. The response points out that the pitch size indicated upon the plan, is as depicted by the development brief which depicted a pitch size of 98 by 64 metres. The pitch falls short of this by just 2 metres and has been positioned on

the southern boundary of the development site so that it can serve the nearby Cairn development as well as the houses proposed by this scheme. The Highland Council response indicates that the pitch should serve the wider growth of Aviemore North and should be in line with the requirements of the development brief. However, the brief indicated the pitch as being located close to the railway line on the eastern boundary of the site, at one of the furthest points away from the B9152 and Dalfaber Drive.

36. The number of residential units proposed is slightly over the number (200) which Highland Council resolved to grant permission for, but the overall layout still appears well thought out and would appear to deliver a better living environment than more standard forms of cul-de-sac layout with good opportunities to use pedestrian links rather than a layout which places an excessive reliance upon cars as the means of transport to/from and throughout the site.
37. The Development Brief foresaw a landscape matrix approach to the site and the current application differs from this in that it provides a more scattered approach. However, what is clear is that the proposal adopts a high percentage of informal landscaped areas throughout the development, which are particularly based upon the pedestrian routes through the site.
38. Given the issues raised above I would recommend that the layout is appropriate for the site and while it is not strictly to the letter of the development plan I would consider that it does not offend the development plan in any significant manner. It is recognised that the formal pitch area is not as large as indicated by the development brief, but this must be considered against the quality of the scheme as a whole, and the limitations of the site area to fulfil the needs of a range of consultee requirements. If the pitch was intended to serve Aviemore North as a whole there may also be a need for a car park taking up more land in excess of a much larger chunk of 1.4 ha for a sports pitch itself. The pitch is now in an optimum position in terms of being accessed by future residents of this site on foot. Enlargement of this area could result in less informal landscaped space, fewer houses and consequently fewer affordable homes and as mentioned, possibly the need for a car park for the sports pitch. This could also result in the risk that the 'edge' areas of development would be pushed closer to the boundaries of the site and leave less space for tree-planting which would have consequential effects upon the landscape impact of the proposal, particularly from the north looking towards the backdrop of the Cairngorms.
39. On balance the overall quality and benefits of the scheme in terms of affordable housing and the provision of informal landscaped areas as well as the four formal children's play areas are considered to outweigh any issues relating to the exact nature of the formal sports pitch. It is also important to note that the scheme, which Highland council resolved to permit, did not formally include a sports pitch as part of the application, although it was hoped this issue could remain open. The fact that this proposal includes space for a kick pitch that could also be divided into two five-a-side pitches is considered to be positive.

**Is the landscaping around the site of an adequate nature to assimilate the development into its surroundings.**



40. The proposal landscapes the site by a series of landscape wedges running through the development largely following the pedestrian routes through the site. These wedges run from the periphery of the development, which is shown as landscaped by trees and shrubs within, but also outside of the application boundary of the site. This landscaping, together with an Aviemore entrance feature at the side of the B9152 is a requirement of the Aviemore North Development Brief. However, this land is outside of the control of the applicant, who has indicated planting in these areas and has produced a plan for an entrance feature at the site but would be unable to implement these without the agreement of Reidhaven Estate and Highland Council who lease the land. It has been indicated by Highland Council Environment Department that they wish to have nothing to do with the creation and management of any planting beyond what is already there as they consider that they have fulfilled the terms of their lease and the development brief in the form of the more recently planted compartments close to the Orbital Footpath.
41. Highland Council are of the view that the management of the Orbital Footpath and its immediate environs will fall to the National Park under the Land Reform (Scotland) Act 2003 which should come into force early in 2005. It would seem unreasonable to hold up this application, which includes much needed affordable housing to wait for this issue to be resolved by interested parties. However, to ensure the provision of planting around the site and the provision of the entrance feature it is suggested that the applicant enter into a Section 75 Agreement to ensure that issues relating to planting around the site and a gateway feature are resolved within a reasonably timeous manner once the development has started.

**Is the general siting and form of the buildings proposed appropriate to the character of the area**

42. Many of the designs proposed have a general traditional basis but with a modern interpretation. Traditional ground floor cottage type buildings with rooms in the roofspace with pitched roof dormers or full gables are proposed, but also many buildings incorporate strong elements of glazing with are orientated to the south to achieve passive solar gain. There are a number of semi detached dwellings as well as detached and a couple of examples of short terraces.
43. One particular area of concern for consultees, and in particular Scottish Natural Heritage has been the three-storey flats and the impact associated with their height in relation to views of the site from the B9152. This particular issue has been raised directly with the architect who has produced special cross section drawings, which also introduce an element of perspective. These drawings illustrate that because the flats are set back from the main frontages of the development they will hardly be noticeable and will tend to blend into the roofscape of the houses in front. Because of this they are also unlikely to have any particular impact upon views of the Cairngorms beyond the general built development of the site and in time the site will be largely screened by new plantings.
44. Concern was also raised by SNH in relation to views of the site from the north with the background of the Cairngorms behind. This is a key view of the site on the approach to the village from the north. However, as indicated by the landscape

plan there is an area of mature trees to the north of the site already and a newly planted area around the Orbital footpath to the north of the site. There is also a landscaped area between the buildings and the boundary of the site varying at between 5 and 12 metres in width. This belt is to be planted with trees. The combination of these soft landscaping belts and tree planted areas should help to screen the development over time and protect the Achantoul Burn from any disturbance by the development (the very nearest building to the burn being some 25 metres away). However, it is recognised that the realignment of the B9152 just north of the site would result in the loss of some of the older trees. The tree belts proposed penetrate the built area in several places to link with green corridors through the development site. Planting is also shown outside of the site boundary.

### **Is the design detail of the proposed dwellings acceptable**

45. As previously mentioned a range of house types are proposed by this application in terraced, blocked, semi-detached and detached.
46. The designs for the houses generally adopt steep pitched roofs with pitched dormer windows and forward projecting gable elements. Some building sections are heavily glazed over two floors at the corner where they face southwards, to maximise passive solar gain. Some facing sections of the buildings utilise larch cladding with some house types entirely timber clad. The other predominant facing material is white dry dash render; all doors and windows will be in timber with slate effect tiles to all roofs.
47. The Community Council has raised particular concern in relation to the timber houses as the drawings show a natural stain. However, it is the intention that the houses are treated with a palette of colour stains that would add something new and out of the ordinary to the visual interest of the overall scheme.

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

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

48. The proposal results in the loss of an area of grazing land on the northern edge of Aviemore. The applicants have provided a habitat survey of the site that raises little of relevance in terms of natural heritage. The Natural Resource Group has been consulted upon the detail and has raised no concerns.
49. Landscape concerns have been raised, particularly in relation to the backdrop of the Cairngorms when viewed from the north along the B9152. Extra drawings have been supplied showing cross section to allay fears regarding the impact of the 3-storey development. However, it must be recognised that any extension of the settlement northwards will result in some visual impact. The site rises slightly from the northern approach. However, the proposal as a whole benefits from a significant landscape belt in this area, which should provide more than adequate tree coverage to help the development blend in, but as with any new development this will take time.

50. In terms of cultural heritage the proposal is considered positive as the starting point for many of the buildings is a general Scottish vernacular, but this is informed by sustainability in terms of the orientation of houses, plus the use of timber and glazing. Officers have negotiated a public art proposal for the site to be secured by condition, which will involve the local community.

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

51. This aim relating to sustainability is perhaps where this development is strongest. In terms of its credentials it could be regarded as somewhat of an exemplar from a natural resource use perspective. The basic starting point of the 'Home Zones' concept is to promote the use of walking as a means of movement. The layout provides pedestrian links through the site with shorter routes than can be achieved by using a car. The proposal also provides links onto the Aviemore Orbital footpath.
52. A sustainability appraisal has been provided which illustrates high levels of insulation for the individual units and banks of glazing are used in south facing areas, particularly on timber clad housing where timber is Scottish sourced.
53. A district heating plant is also proposed by the applicants, which is within Dalfaber Industrial Estate and the subject of a separate application called-in by the Planning Committee. While not pre-judging this application the proposal is viewed as positive and is intrinsically linked with this proposal. A condition upon this application ensures that a sustainable heating system is provided for the development in the expectation that the district heating building would fulfil that condition. This together with other energy saving measures will ensure that the development has a high rating on the Eco-homes assessment scale.
54. A full sustainable urban drainage scheme, which meets the approval of SEPA, has already been provided.

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

55. The proposal would perhaps not appear strongly relevant to this aim however, it will help to promote understanding and enjoyment of the wider area for residents of the development who will have easy access onto the Aviemore Orbital Footpath.

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

56. The proposal is likely to be considered strongly positive in terms of this aim as it promotes a mixed community with much needed affordable housing integrated into the development as a whole. The principal of extending the village in this way contributes towards reinforcing the service centre of Aviemore and should in turn help to retain and foster new economic activity in the area. The proposal also

brings forward a sports pitch, informal amenity areas and four informal play areas within the layout.

## **RECOMMENDATION**

57. That Members of the Committee support a recommendation to **GRANT** Full Planning Permission, subject to a section 75 Agreement to secure structural landscaping and to ensure provision of contributions towards the cost of the preparation of the sports pitch and the following conditions.

## **CONDITIONS**

1. The development to which this permission relates must be begun within five years from the date of this permission.
2. The development shall be landscaped and maintained in accordance with a scheme, which shall be submitted to and approved by the Cairngorms National Park Authority acting as Planning Authority before development commences. The scheme shall include indications of all existing trees and landscaped areas on the land, and details of any to be retained, together with measures for their protection in the course of the development and shall indicate the siting, numbers, species and heights (at the time of planting) of all trees, shrubs and hedges to be planted and to the extent of any areas of earthmounding, and construction and finish details of all footpaths and shall ensure: -
  - (a) Completion of the scheme during the planting season next following the completion of the development, or such other date as may be agreed in writing with the Cairngorms National Park Authority acting as Planning Authority.
  - (b) The maintenance of the landscaped areas in perpetuity in accordance with the detailed maintenance schedule/table. Any trees or shrubs removed, or which in the opinion of the Cairngorms National Park Authority acting as Planning Authority, are dying, being severely damaged or becoming seriously diseased within three years of planting, shall be replaced by trees or shrubs of similar size and species to those originally required to be planted.
3. Prior to the commencement of development, the developer shall submit full working details of the method of on-site disposal of surface water drainage. This shall be in accordance with the Sustainable Urban Drainage Systems Design Manual for Scotland and Northern Ireland, CIRIA C521 2000, to the satisfaction of the Cairngorm National Park Authority acting as Planning Authority in consultation with the Scottish Environment Protection Agency.
4. No extensions whether or not permitted by virtue of the Town and Country Planning (General Permitted Development) (Scotland) Order 1992, shall be erected without the prior written approval of the Cairngorms National Park Authority acting as Planning Authority.

5. That notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (Scotland) Order 1992, no house extension shall be formed, and no greenhouse, shed or garage erected without the prior written consent of the Cairngorms National Park Authority acting as Planning Authority.
6. That notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (Scotland) Order 1992, no fences or walling shall be erected on the site without the prior written consent of the Cairngorms National Park Authority acting as Planning Authority.
7. A piece of public art shall be sited close to the entrance to the site in a position to be agreed by the Cairngorms National Park Authority acting as Planning Authority. The artwork shall be positioned in the agreed location in a finished state within 18 months of the commencement of the development of the site unless otherwise agreed in writing by the Cairngorms National Park Authority acting as Planning Authority.
8. Full details of all boundary treatments shall be submitted to and approved in writing by the Cairngorms National Park Authority acting as Planning Authority. Details shall then be implemented in accordance with the agreed detail.
9. Prior to the first occupation of phases of the scheme with works listed below the works listed in the following paragraphs shall be completed and approved by the Cairngorms National Park Authority acting as Planning Authority in consultation with Highland Council's Area Roads Manager prior to the first occupation of dwellings in that phase.
  - a. In accordance with the development brief a maximum of 170 dwellings shall be served by the Dalfaber Drive/Distributor Road junction prior to the completion of the Distributor Road and new junction with the B9152 public road. For the avoidance of doubt this number includes dwellings, which have already been built or have already received planning consent.
  - b. Prior to the northern junction with the B9152 public road being open to traffic the existing speed restriction and street lighting on the public road shall be extended to an agreed point north of the junction.
  - c. Visibility splays shall be provided and maintained on each side of each road junction, at each car park access and at each plot access. These splays are the triangles of ground bounded by the first X metres along the centre of the side road or access and the nearside edge of the main road measured Y metres in each direction from the intersection of the side road or access with the main road.
  - d. At the junction of the distributor road and the B9152 public road the X dimension shall measure 4.5 metres and the Y dimension, 150 metres north and 120 metres south.
  - e. At the distributor road roundabouts the X dimension shall measure 4.5 metres and the y dimension 70 metres.
  - f. At all other internal road junctions and car park accesses the X dimension shall measure 4.5 metres and the Y dimension 30 metres.

- g. Within the visibility splays nothing shall obscure visibility between a driver's eye height of 1.0 metres positioned at the X dimension and an object height of 1.0 metre anywhere along the y dimension.
  - h. The vehicular access to each house site shall be hard surfaced for a distance of at least 6 metres measured from the rear of the adjacent carriageway or footway.
  - i. The gradient of each access shall not exceed 5% for the first 5 metres measured from the nearside road edge and thereafter shall not exceed 10%
  - j. Where in cartilage parking is provided it shall be suitable for 2 no. cars such that each vehicle may enter and leave the site independently.
  - k. Communal parking shall be provided at a rate of at least 1.5 parking car spaces per dwelling.
  - l. No walls, fences, trees or shrubs shall be established at any property within 2 metres of the nearside kerb line of the adjacent carriageway.
  - m. No water from any individual house, site or private parking area shall discharge onto a road intended for adoption.
10. Prior to the commencement of the development hereby approved a full investigation of the foul drainage network shall be carried out and a report submitted to the Cairngorms National Park Authority, acting as Local Planning Authority. No development shall start on site until the Cairngorms National Park Authority in consultation with Scottish Water and SEPA are satisfied that sufficient capacity exists.
11. The affordable houses indicated upon phasing plan No Job 0268 Drwg No 001 shall be retained as affordable and low cost in perpetuity as set down in the Housing Associations letter dated 28 October 2004. Each affordable/social phase indicated upon the above drawing shall be completed to the satisfaction of the Cairngorms National Park Authority acting as Local Planning Authority prior to the commencement of the following phase unless otherwise agreed in writing by the Cairngorms National Park Authority acting as Planning Authority.
12. Prior to the commencement of Phase 4 (Private) indicated in green on the phasing plan No Job 0268 Drwg No 001 a full design brief for the self-build plots indicated on the drawing shall be submitted to and approved in writing by the Cairngorms National Park Authority acting as Planning Authority prior to the commencement of Phase 4 hereby approved. This brief shall emphasise high quality design proposals based upon principles of sustainability.
13. Prior to the first occupation of any of the houses hereby approved a sustainable heating scheme for the site as a whole shall be submitted to and approved by the Cairngorms National Park Authority. The heating scheme shall be implemented in accordance with those details prior to the first occupation of the final phase unless otherwise agreed in writing by the Cairngorms National Park Authority acting as Planning Authority.
14. A security fence the design and dimensions of which shall be agreed with Cairngorms National Park Authority acting as Planning Authority in consultation

with Network Rail shall be erected along the boundary of the site with the Highland Main Line. The agreed fence design shall be erected prior to the first occupation of any house hereby approved.

15. A scheme for disabled parking spaces at each block of flats shall be submitted to and approved in writing by the Cairngorms National Park Authority acting as Local Planning Authority prior to the first occupation of the flats, the agreed detail shall be implemented in full prior to the first occupation of the relevant block.
16. Detailed plans for the areas marked 'play' areas on site plan No 534 (0)1 shall be submitted to and approved in writing prior to the commencement of the development. The agreed details shall be provided on site prior to the completion of the last house in each phase that a play area is located within.
17. Prior to the commencement of the development hereby approved samples of all external facing materials including roof slates, render, panels, window frames, and sample panels of timber stains shall be submitted to and approved by the Cairngorms National Park Authority acting as Planning Authority. The details shall then be implemented in accordance with the approved samples.

#### **ADVICE NOTES**

1. Your attention is drawn to the attached response from Network Rail.
2. Road Construction Consent shall be required in respect of all new road works. Only roads and footways serving in excess of four dwellings and strategic footpaths designed and built to an adoptable standard shall be considered for adoption.
3. Suitable management and maintenance agreements shall be established in respect of any roads and parking areas serving more than four dwellings that are not to be adopted.
4. You are advised that no water from any individual house site or private parking area shall discharge on to a road intended for adoption.

**Andrew Tait**

***Date 29 October 2004***

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