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## CAIRNGORMS NATIONAL PARK AUTHORITY

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

**Prepared by: ANDREW TAIT, PLANNING OFFICER  
(DEVELOPMENT MANAGEMENT)**

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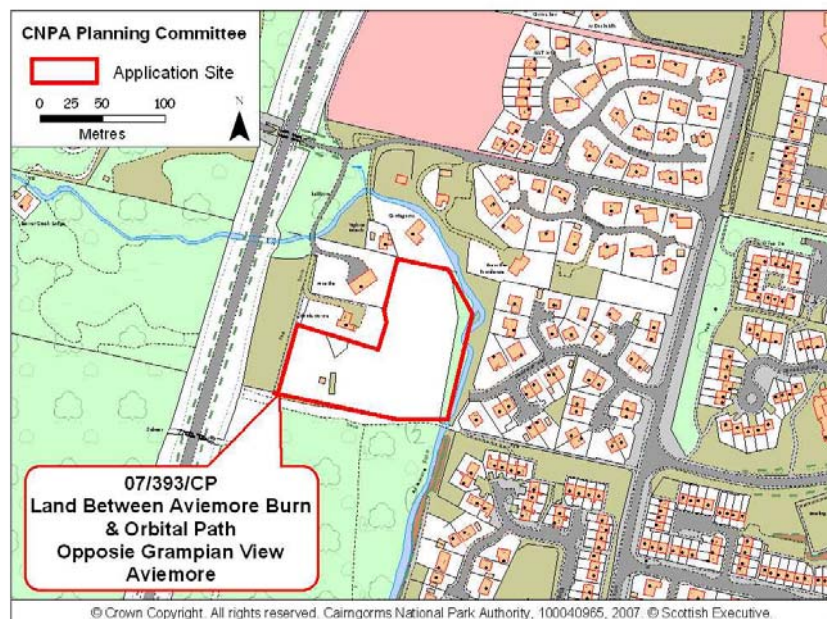
**DEVELOPMENT PROPOSED: ERECTION OF HOUSES AND CONSTRUCTION OF ACCESS ROAD, LAND BETWEEN AVIEMORE (MILTON) BURN AND AVIEMORE ORBITAL FOOTPATH, GRAMPIAN VIEW, AVIEMORE (OUTLINE PP)**

**REFERENCE: 07/393/CP**

**APPLICANT: MILTON BURN DEVELOPMENTS LIMITED**

**DATE CALLED-IN: 19 OCTOBER 2007**

**RECOMMENDATION: APPROVAL WITH CONDITIONS**



**Fig. 1 - Location Plan**

## SITE DESCRIPTION AND PROPOSAL

1. This application started life as an outline application for a specific number of dwellings. However, shortly after the application was submitted the description the proposal was amended to outline only for the principle of residential development on the site. A layout plan illustrating how 30 dwellings can be accommodated on the site (see fig 3) accompanies the application but this is now for indicative purposes only. Because of the nature of the application, the large number of objections and the range of physical features on the site the application was deferred to allow a Planning committee site visit. The visit was well attended on 15 February.
2. The site lies to the northern end of Aviemore, east of the A9 and would be accessed from the existing residential cul-de-sac of Grampian View. The access would then cross the Aviemore (or Milton) Burn which downstream becomes part of the River Spey Special Area of Conservation. The eastern boundary of the site is formed by the burn itself. The southern boundary is immediately to the north of a footpath which currently links Grampian View with the Aviemore Orbital path. The western boundary is just inside the orbital path. The ground gently rises to the northern part of the site which is bordered by the gardens of existing residential property (see location plan fig 1). The site hosts the remains of a Grain Mill that is a feature of the Royal Commission on Ancient and Historical Monuments of Scotland National Monuments Record.
3. As mentioned the application is in outline form and seeks the principle of residential development. This site formed part of a previous application for 25 dwellings taking up this part of the site and woodland to the south that was refused by Highland Council in November 2004. It was not called-in by the CNPA and became a very controversial application. The proposal was in outline form but specifically for 25 houses. An indicative layout plan submitted at the time showed how they could be sited. The houses were arranged generally in line with pockets of development indicated by the Badenoch and Strathspey Local Plan for housing (see figs 4&9).
4. Ultimately, the application was refused for 3 reasons relating to the incursion of development into undisturbed woodland that was also a community recreation asset; that the development would have significant detrimental effects upon habitat, landscape and species; and that the development was premature to the completion of the Cairngorms National Park Local Plan. A copy of that decision notice was included with the representations that members already have from the earlier committee meeting. The Highland Council Planning Officer's Report at the time mentioned that the northern part of the site may be less problematic and that it may be appropriate to indicate to the developer that a revised application for the area to the north of

Milton Wood may receive more favourable consideration. At the time it was considered by Highland Council Planning Committee that the CNPA Local Plan would be the appropriate means of considering the site.

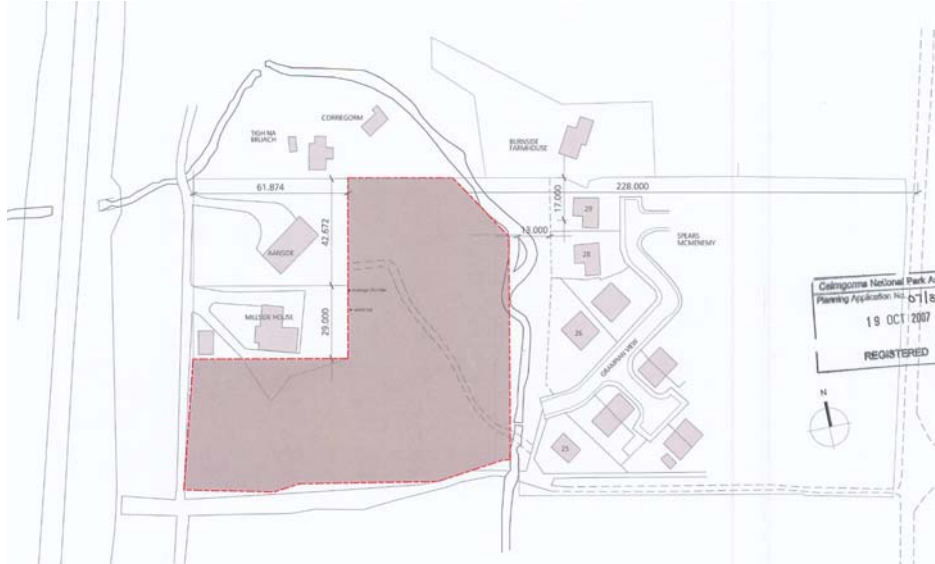
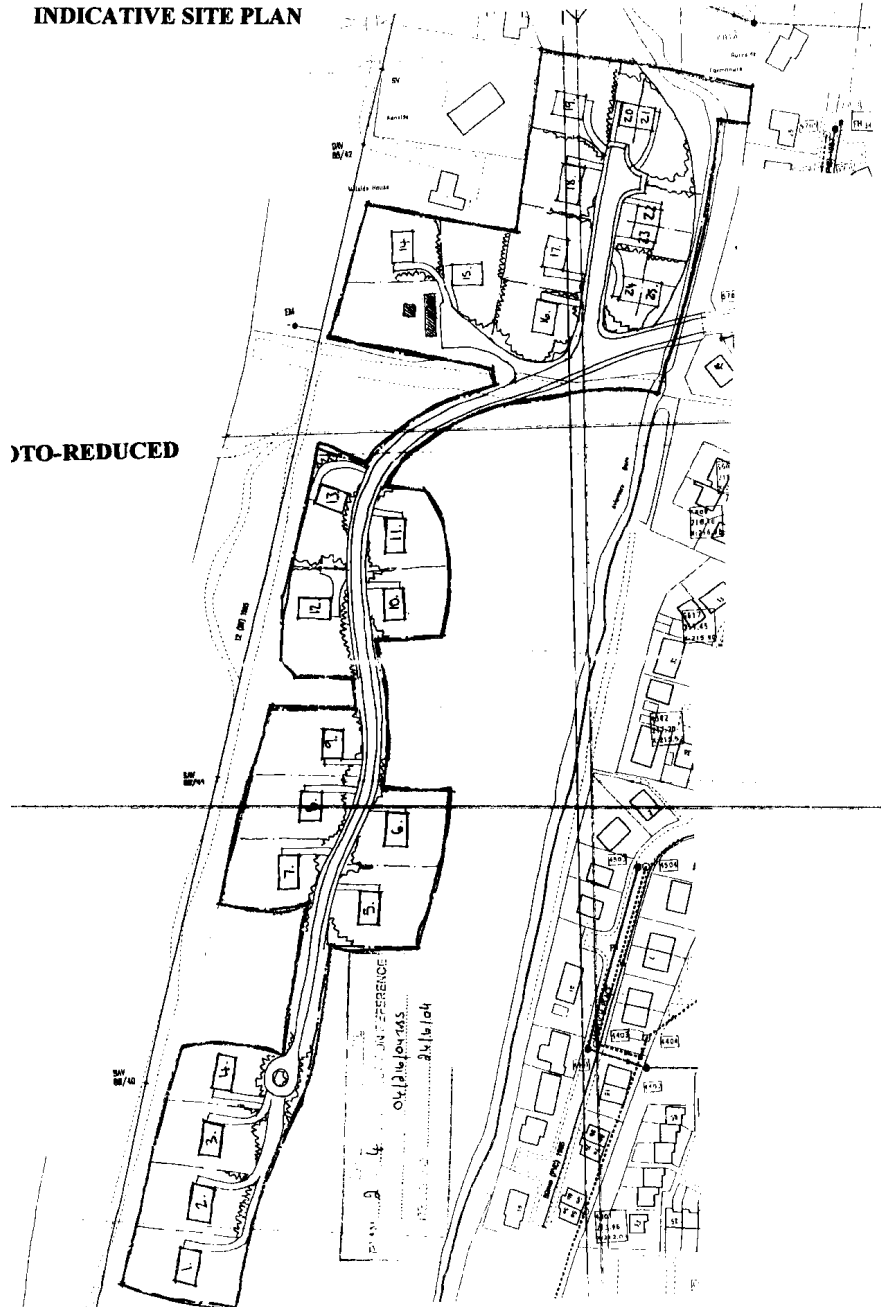


Fig2 (top) site plan Fig 3 (bottom) indicative layout plan

**04/216/OUTBS: RESIDENTIAL DEVELOPMENT [25 DWELLINGS], LAND  
WEST OF AVIEMORE BURN, OPPOSITE GRAMPIAN VIEW AND  
MORLICH PLACE, AVIEMORE**

**Goldcrest [Highland] Ltd**

**INDICATIVE SITE PLAN**



**Fig 4 Indicative layout for proposal refused by Highland Council in 2004**



**Fig 5 southern boundary of site showing path that links Grampian View with Orbital Footpath.**



**Fig 6 looking north into site from south end**



**Fig 7. Looking south over the site**



Fig 8. Showing remains of Mill

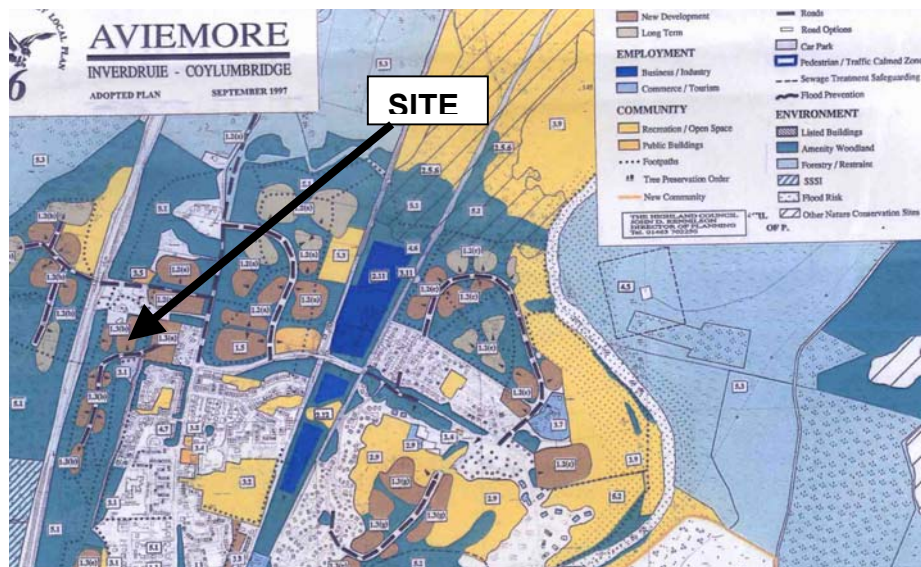


Fig 9 Extract from Badenoch and Strathspey Local Plan 1997

## DEVELOPMENT PLAN CONTEXT

### National Guidance

5. **Scottish Planning Policy 1 (SPP1) The Planning System** para 46 requires that planning decisions are made in accordance with the development plan unless material considerations indicate otherwise. If a proposal accords with the development plan and there are no material considerations indicating that it should be refused, permission should be granted. There is an expectation that proposals that are in accordance with the development plan will be granted permission. However, other considerations such as more recent expressions of policy and planning guidance may outweigh the policies of the plan. Likewise similar circumstances may apply where plans are out of date and less relevant to changed circumstances.
6. **Scottish Planning Policy 3 (SPP3) Planning for Housing** notes that new housing should make a positive contribution to the built and rural environment and that new housing should be easily accessible by public transport and well integrated into walking and cycling networks. Para 18 of the guidance notes that new housing development should not be located on open space which contributes to local needs and community enjoyment. Para 38 notes that plans and proposals for residential development, should seek to minimise adverse effects on natural heritage, including landscape character and bio diversity. The guidance notes that meeting housing requirements through extensions to existing towns and villages can help to sustain local schools, shops and services.
7. Other national level advice is contained in **NPPG 14 on Natural Heritage**. It strikes a positive note stating that conservation and development can often be fully compatible, and the potential for conflict can be minimised. In relation to statutory designations, and in particular National Parks, para. 33 states that “while conservation of the natural heritage will be a key objective in any National Park, the Government considers that due weight must also be given to the social and economic interests of local communities.”
8. **NPPG 14** also deals with wider natural heritage issues, outwith statutory designations, and stresses that natural heritage is found throughout the countryside, and that efforts should be made to safeguard and enhance the wider natural heritage beyond the confines of nationally designated areas. Among features listed as being of potential value in the development of habitat networks are woodlands, rivers and burns, and traditional field boundaries such as dykes or hedgerows. Para. 50 emphasises the importance of trees and woodlands, both as wildlife habitats and in terms of their contribution to landscape character and quality. **NPPG 14** highlights the duty of Planning Authorities, in accordance with section 159 of the Town and Country Planning (Scotland) Act 1997, to ensure that wherever

appropriate, planning permissions make adequate provision for the preservation or planting of trees.

9. **PAN 65 – Planning and Open Space** describes open space as a valuable asset which is important for our quality of life. It concedes that the future growth of settlements will have implications for open space, but advises that this should not lead to a loss of amenity and should place a greater emphasis on the need for a “well-distributed, well-connected and accessible quality of open space.” **PAN 65** details the various types of open space including amenity greenspace,<sup>1</sup> public parks and gardens, green corridors and natural / semi natural greenspaces.<sup>2</sup> Para. 44 of **PAN 65** states that emphasis and importance attached to open space in development plans should be reflected in development control decisions and warns that “the credibility of the planning system can be significantly undermined when policies on the protection and provision of open space are set aside, without sound and clear justification.”

### **Highland Council Structure Plan**

10. **The Highland Structure Plan 2001** highlights a number of salient points as well as setting out a number of broad policies applicable to developments of the nature proposed. In relation to housing, section 2.2.1 of the Plan states that “the availability of quality housing is fundamental to social and individual well being and to creating and maintaining balanced communities” and further states that “adequate provision of housing is also a pre-requisite of economic growth” whilst at the same time recognising that “it must be provided in a way which minimises the impact on the environment.”
11. **Policy G2 (Design for Sustainability)** states that developments will be assessed on the extent to which they, amongst other things; make use of brownfield sites, existing buildings and recycled materials; are accessible by public transport, cycling and walking as well as car; are compatible with service provision; demonstrate sensitive siting and high quality design in keeping with local character and historic and natural environments; and contribute to the economic and social development of the community.
12. **Policy H5 Affordable Housing** notes that where there is a demonstrable need for affordable housing. Section 75 and other mechanisms will be used to secure developer contribution where justified.

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<sup>1</sup> Greenspace refers to landscaped areas providing visual amenity or separating different buildings or land uses for environmental, visual or safety reasons i.e. road verges or greenspaces in business parks, and used for a variety of informal and social activities.

<sup>2</sup> Natural / semi natural greenspaces are defined as area of undeveloped or previously developed land with residual natural habitats or which have been planted or colonised by vegetation and wildlife, including woodland and wetland.



13. **Highland Council Development Plan Policy Guidelines 2003** provide more detail on the issue of affordable housing and consider that an objective target of 25% affordable housing should normally be expected of all future developments comprising 10 or more new or converted homes.

#### **Badenoch and Strathspey Local Plan 1997**

14. Under the Aviemore section of the Plan the main priorities for Aviemore include to establish an agreed framework for major expansion and environmental enhancement of the Aviemore area; to ensure sufficient choice of building land to meet housing opportunities for all needs; to strengthen the village as a major shopping and service centre; to open up major new recreational corridors based on the river Spey and Aviemore Burn and encourage proper management and provision for public access; to transform the image and texture of Aviemore, “green up” the village and restore links with its wider setting.
15. The site is part of a larger allocated site shown on the proposals map of the Badenoch and Strathspey Local Plan shown as 6.1.3 (b) site to west of burn for 20-25 houses with approximately 13 plots in the birchwoods. Surrounding land is shown as amenity woodland (see fig 7). Set back from A9 and tree safeguards are a requirement of the allocation. Under the ‘Community’ section of the plan for Aviemore reference is made to land adjoining the Aviemore Burn and running through to the Spey margins as being allocated for open space/recreational use forming a village park and possibly incorporating a range of features and on this particular site the possible restoration of the former Meal Mill and a small car park.

#### **Cairngorms National Park Plan 2007**

16. The **Cairngorms National Park Plan** sets out the strategic objectives for the Park under three headings, all of which are of relevance to the development proposal – (i) conserving and enhancing the Park; (ii) living and working in the Park; and (iii) enjoying and understanding the Park. In relation to conserving and enhancing the Park the objectives set out in the Plan include maintaining and enhancing the distinctive landscapes across the Park and ensuring that development complements and enhances the landscape character of the Park. The Plan also requires that new development in settlements and in surrounding areas should complement and enhance the character, pattern and local identity of the built and historic environment. In elaborating on this particular objective it is advised that new development should enhance the local identity, quality of public space and surrounding environment and that high quality design should be a feature of all new developments.

17. Under the heading of **Living and Working in the Park**, the Park Plan includes a specific section on Housing. Objectives include increasing the accessibility of rented and owned housing to meet the needs of communities throughout the Park and ensuring that there is effective land and investment for market and affordable housing to meet the economic and social needs of communities throughout the Park.
18. In relation to **Enjoying and Understanding** the Park the Plan recognises that enjoyment of the park area is not only relevant to those people travelling to the Park, but is part of the everyday experience of those living in and around the area. The experience of residents and visitors alike should be of the highest quality. The Plan contains a number of strategic objectives for outdoor access and recreation, which include encouraging people of all ages and abilities to enjoy and experience the outdoor environment.

## CONSULTATIONS

19. **Scottish Natural Heritage** does not object to the proposal. However, it is considered that there is likely to be a significant effect on one of the interests of the River Spey SAC, but make recommendations on how these effects can be overcome and also recommendations in relation to otter as a European Protected Species.
20. The site lies close to the Aviemore (Milton) Burn. Approximately 1.3 km downstream, the burn is designated as part of the River Spey Special Area of Conservation (SAC). The River Spey SAC is designated for its populations of Atlantic salmon, otter, freshwater pearl mussel and sea lamprey. The Aviemore Burn is likely to be used by salmon and otter, but freshwater pearl mussel and sea lamprey are unlikely to be present.
21. It is important that salmon can migrate up and down the burn. SNH would advise the CNPA that on the basis of the appraisal carried out to date, if the proposal is amended or conditions applied to address the following then the significant effects can be avoided. Any bridge design should be constructed to a standard agreed with the Spey Fisheries Board. There should be no barriers to the free passage of fish. The burn should not be culverted, channelized, piped or diverted (apart from where the road crosses the burn). To reduce the risk of sediment run-off into the burn no vegetation should be removed and no building should take place within 5 metres of the burn. Arrangements for managing surface water (during and after construction) should be approved by SEPA and no surface water should be discharged into the burn without SEPA's approval. Addressing these issues would illustrate good practice and avoid unnecessary impacts on salmon. Should these not be addressed then the CNPA would be required to undertake an appropriate assessment of the implications of the

proposal for the site in view of the site's conservation objectives for its qualifying interests.

22. The otter is a European Protected Species and the Aviemore Burn may provide resting sites and/or breeding sites for otter. There is currently insufficient information to enable SNH to provide advice on the impact of the proposal on this species. We therefore recommend that a survey of otter be undertaken at the earliest opportunity and appropriate action identified prior to determining whether planning permission should be given. The applicants have confirmed that a survey was carried out as far as the point at which the burn is crossed by the A9. SNH has now confirmed that a further survey should be sought by planning condition to ensure that up to date information is available prior to any works commencing on the site.
  
23. **Scottish Environment Protection Agency (SEPA)** have been consulted upon the application and initially raised objection to the scheme. Further information was sent to SEPA by the developer in relation to flood risk and SEPA commented that any finished floor levels are required to be constructed 500mm above the 1 in 200 year flood level estimate, and not 300mm as per the applicant's recommendations. SEPA also requested clarification on whether the A9 culvert has been modelled with a spill unit or not? In other words could the A9 culvert cope with the 1 in 200 year flow or is it anticipated that the A9 will overtop during a flood event with such magnitude. SEPA object to the application on the basis of the above comments. SEPA point out that should the CNPA as planning authority propose to grant planning permission contrary to this flood risk advice the application must be notified to the Scottish Government. On surface water drainage SEPA also objects to the application on the grounds of lack of information on a full drainage strategy. This objection can be removed if appropriate information is provided in order to demonstrate that a satisfactory SUDS system with no adverse impact on the water environment could be accommodated on the site. A range of standard technical advice has been provided directly to the applicants. Subsequently, the applicants have provided further information to SEPA with regard to the above issues. SEPA now confirm that with regard to flood risk the additional materials submitted by Halcrow under the Flood Risk Assessment are now acceptable. **SEPA withdraw their objection on flood risk grounds provided a planning condition could be imposed by the planning authority which requires the finished floor levels of future buildings to be set at a minimum level of 222.7m AOD (N).** SEPA maintain their objection to the lack of a Sustainable Urban Drainage strategy for the site.
  
24. **Scottish Water** has been consulted some time ago and has advised verbally that there would be no objection in principle to the proposal. However, more detailed advice will be presented at the meeting.

25. **CNPA Natural Heritage: Landscape** response notes that the access will require bridging the burn which is a highly natural feature and will involve some tree removal. The bridge to be provided should impact on the burn side as little as possible with a span long enough to avoid breaking the banks. Additional planting along the burn will be required to mitigate that to be lost. Some concern is raised about the western side of the site which would require significant alteration to banks. Limiting the development to the eastern side of the area with planting to the west would help to reinforce the character of this part of the site. Any plots on the southern part of the site would have to relate well to the public realm. The character of the area would clearly change; however, good design can offer a suitable substitute. Details of tree planting, road layout, garden boundaries and house design could combine to make a positive end result. In conclusion the principle of some housing on this site is acceptable. However, there are some significant features and limitations to it. Following some of the principles set out above should ensure that there are no significant conflicts with the aims of the park.
26. **CNPA Natural Heritage Ecology:** The riparian zone of the Burn is important as a habitat in its own right and as a green corridor, allowing species to freely and safely move within Aviemore. In order that the value of this resource is not eroded, development should be restricted so as to maintain as wide a green corridor as possible. For the access the burn should be bridged as opposed to culverted. The conditions put forward by SNH in relation to the ecology of the burn are supported.
27. A range of suggestions are put forward that could enhance the ecological values of any eventual built development on the site by providing bat roosts and swift nesting sites within the design of any buildings.
28. **CNPA Visitor Services and Recreation Group** has visited the site and particular focus is upon the existing Aviemore Orbital Footpath and a link path from the end of Grampian View. It would appear from the plans that both these paths would not be affected physically by the development of the site but users enjoyment might be impacted on, to that end we would recommend that adequate screening with planting and landscaping is put in place. There is concern that those who would reside in the development would only be able to access the network over the proposed road bridge. This would not be acceptable and provision should be made to access the orbital path on the south side of the development, any provision should cater for all users. The Outdoor Access Team also question whether the informal path between Grampian View and the Aviemore Orbital could be upgraded to a 1.2 metre wide surfaced path with dropped kerbs onto Grampian View and that the access to the existing pedestrian footbridge over the burn be improved.

29. **CNPA Housing Policy Officer.** In relation to housing Aviemore is the 3<sup>rd</sup> most pressured settlement with 8.5 applicants competing for each let over the last three years. It ranks 24<sup>th</sup> in Highland. In relation to all other large towns in Highland, Aviemore has the greatest relative pressure. Combined with overall demand for Aviemore, this demonstrates the continuing need for social rented housing in this community. If there was to be a 25% affordable allocation on the site the CNPA would need to check there is a housing association on board. Given that this application is now for the principle of residential development only it would be possible to move it forward with the recommendation that the applicants contact a Registered Social Landlord as soon as possible with the stipulation that any grant of consent conditions a 25% requirement on any scheme for the site of 10 houses or more.
30. **Highland Council Area Roads Manager** originally had some concerns about the ability of Grampian View to serve the scale of the development proposed and the impact of the additional traffic upon the Grampian View/B9152 junction. Because of this, a traffic impact assessment was requested prior to the application being determined. However, in the meantime the reference to 30 dwellings had been withdrawn and the Area Roads Manager is happy that the need for a traffic impact assessment could be dealt with through a detailed application should the principle of some residential development at the site be accepted. A range of conditions are recommended to be attached to any permission including: roads constructed and designed to Highland Council Guidelines; simple traffic calming measures to be applied along Grampian View to junction with B9152 public road. Surface water measures shall accord with SUDS principles. All properties to be free from 1 in 200 years flood event. A range of technical recommendations are made in relation to access gradients, visibility splays and that parking manoeuvring space is provided for on each plot. It is also recommended that suitable pedestrian/cycle links are provided to the existing Aviemore path network.
31. **Highland Council Archaeology** note that the remains of a mill complex lie within the application area and would be impacted by the proposed development. The original mill complex was part of a grain mill township extending over a much wider area along the Aviemore Burn. The mill dam and associated lades were considered worthy of protection within the High Burnside development to the west of the A9 as they represent an important element of the historic environment. The planning application does not note any of the buildings on the site. The remains of the main mill structure survives as a fairly stable roofless shell to a maximum height of c1.5m. The remains are overgrown and scrub vegetation obscures both visibility and access. The wheel pit is presumed to survive, although could not be identified due to vegetation cover. Traces of mill-lades, sluices and external structures are still visible. At least one remnant of wooden mill fitting lies on the site. It is hoped at the least to see the remains of the mill

stabilised, protected and interpreted with any housing development on this piece of land. It must be feasible to maintain the main mill structure as it is, to expose any surviving wheel pit and to consolidate these remains. Although much of the context of the mill remains would then be lost, this option could still provide a good local amenity resource illustrating the more recent history of the area. However, if the Planning Committee decree that the mill is not a consideration in progressing development; the Archaeology Unit would request that a detailed building survey and photographic record be made under a planning condition.

## REPRESENTATIONS

32. **Aviemore Community Council** has been consulted upon the application and makes a range of observations as follows.
33. Although this area of land was zoned for housing in the 1995 Local Plan, it has not been designated in the CNPA Deposit Plan as a result of consultations with the local community.
34. The Orbital Footpath runs along the boundary of the proposed development and is used extensively by dog owners, mountain bikers, residents and visitors looking for rare moths, butterflies and plants native to Milton Wood.
35. The necessity to build a bridge will adversely affect the drainage pattern and the Milton Burn, a breeding ground for salmon, sea/brown trout and brook lampreys.
36. Flooding in this area has always been an issue and is one of the reasons for moving the primary school building which has always been subject to subsidence. The playing field is often flooded and not available for play times and field sports for children. We believe that any future build in this area will further exacerbate the risk of flooding at the school, the houses in Milton Park and Craig-na-Gower Avenue.
37. This proposed development is contrary to the aims of the core paths policy, does not comply with affordable housing requirements, will increase the problem of light pollution and out local carbon footprint.
38. A large number of individual representations have been made on this proposal as was the case with the previous application dealt with by Highland Council for the larger site including this one.
39. The vast majority of the representations are from properties close to the site and raise concerns as follows ( **Note for members of Planning Committee: please refer to representations supplied at the earlier meeting on 8 February**).

- Last remaining amenity areas in Aviemore.
- Located directly on Aviemore Orbital footpath.
- Aviemore defaced and over developed.
- Infrastructure unable to support level of development, particularly water supply.
- Affordable housing not being provided.
- Feasibility of building affordable housing when the site will be so costly to develop.
- No need for expensive housing in Aviemore.
- Scant regard for ecological impacts of existing developments and this development would create its own ecological impacts, including loss of wildlife and possible erosion and water pollution.
- The area is seen by many as a stunning spot of natural beauty.
- Possible restricted access to properties while access construction is underway.
- Need reassurance that the development will not affect the potential for flooding of the existing Milton Burn.
- Building work this close to Milton Burn will pose a huge flood risk.
- A large number of trees would have to be cut down which may affect the drainage of the existing primary school.
- Density of housing is too high for such a small site.
- To develop this site with so many houses would be out of proportion to the surrounding houses and would detract from the semi-rural feel and attraction to the area.
- The previous application was refused.
- The strength of public feeling regarding this area is well recorded.
- The development would destroy the Old Mill (one of Aviemore's oldest buildings).
- The area should be preserved along with the old mill in line with the first aim of the Park; currently the proposal is contrary to all the aims of the Park.
- This area should be given the same level of protection that Milton Wood has been given.
- Little space for the children of Grampian View to play currently and the proposed development would pose additional road safety issues.
- Development seems to be going through prior to the CNPA Local Plan being adopted.
- The current local plan is long out of date, and no longer relevant.
- With so many other more accessible sites currently being considered, why develop such a small, uneconomical site that has so much public opposition.
- A potential to decrease rental income from adjacent properties.
- Potential for increasing vandalism in Aviemore to get worse.

## APPRAISAL

40. The first point to note is that this is an outline planning application for the principle of development on the site. The proposal had started life as an outline for specifically 30 dwellings but is now before the Committee seeking agreement to the principle of some residential development on the site. The plan showing 30 dwellings at fig 3 in this report is purely indicative of a possible layout.
41. As noted there has been a previous application on the site which also included a stretch of birch woodland to the south of this site where a number of plots were to be sited. This application was very controversial gathering a large number of objections. The application was refused and the developer did not appeal that decision. It is important to draw the distinction that the site being considered by this proposal does not include the birch woodland to the south. There are small areas of the site that are wooded particularly towards the south western side close to the Aviemore Orbital path. Trees would also need to be removed at the point of the site access, but otherwise the site on which the application is based is largely open grassland which rises towards its northern perimeter. It is also important to note that a further constraint on the site is the presence of a former mill as mentioned at the beginning of the report and in the response from Highland Council's Archaeology Unit. The remains of the Mill were noted on the recent site visit and there was also evidence of the line of the mill lade which appeared to feed into a wet area below the mill. The mill is particularly relevant to the first aim of the Park in terms of cultural heritage and forms an important element of the history of Aviemore. I am of the view that this part of the site should not be developed. Indeed, its location close to the Aviemore Orbital footpath provides a unique opportunity for its interpretation for both residents and visitors alike.
42. A key issue is the fact that the site is part of a housing allocation in the Badenoch and Strathspey Local Plan (see figure 9). Many objections refer to the site being taken out of the CNPA Deposit Local Plan allocation for Aviemore and indeed it is the case that the site has not been specifically allocated for housing in the plan. Residents have raised concerns that the site was shown as allocated as red in the early CNPA Local Plan Consultation Draft published in October 2005. This referred to site H4 that would be suitable for affordable housing. However, in the more recent CNPA Deposit Local Plan (2007) it is shown as white land within the confines of the settlement boundary. Residents considered that this ruled out the whole of the site for development. However, because the land is within the settlement it could in theory allow for some form of development, whereas the woodland to the south is shown as protected open space. Regardless of this point, it is important to note that the CNPA Deposit Plan carries little, or no material weight in current decision making on planning applications.



43. Given the above, I am required by the Town and Country Planning (Scotland) Act 1997 to make recommendations in line with the Badenoch and Strathspey Local Plan unless material considerations indicate otherwise. The plan leads me towards a recommendation, in principle, for housing development on the site. However, a number of 'other' relevant material considerations, including the aims of the Park have been introduced and expressed strongly by both local residents and Aviemore Community Council.
44. The considerations brought by objectors relate to the value of the area for wildlife and also as an amenity area that is used for recreation by both residents and visitors alike. Concern is also raised regarding tree loss, potential loss of archaeology which is recorded as part of the National Monuments Record. The crossing of the burn/flooding and how the development relates to footpaths that are already on the ground, access to the site and the ability of Grampian road to take more traffic are also concerns. To give fuller consideration to these issues a Committee site visit has been carried out to look at particular features on the site. There are a number of clear constraints upon the site including the burn, and the previously mentioned Meall Mill. However, the issues raised would in my view not restrict the principle of some residential development on the site.
45. Concern is raised about the loss of the trees, the value of the area for wildlife and that this is an amenity area that is used for recreation. However, it is important to note that the application is outside of the woodland to the south and that particular greenspace will remain a local asset for residents of Grampian View. The footpath links to this area via the link path will remain and conditions provide potential for their improvement. In relation to wildlife issues both SNH and our own Natural Heritage Group have commented on the proposal and neither raise an in principle objection to housing on the site. Conditions are recommended at the end of the report to overcome issues raised.
46. Concerns about archaeology on the site have been dealt with and conditions proposed should ensure that the Mill on site is retained and interpreted from the Orbital path.
47. With regard to flooding SEPA initially objected to the scheme. The applicants have been in discussions with SEPA and provided the further information required. Provided that a condition is imposed requiring that finished floor levels on all future buildings are set at a minimum level 222.7m AOD. This condition is recommended. SEPA maintain its objection with regard to the lack of a full SUDS scheme. However, it must be recognised that the site layout plan for the 30 dwellings is not set and any SUDS scheme would have to be designed for the particular detailed scheme proposed. Given this, I consider it more important that a SUDS scheme is submitted for any future designed proposal for the site. This is at the CNPA's discretion. I have

mentioned to SEPA that this would be the likely approach and a suitable condition is recommended.

48. The access to the site is a key concern for residents and in particular the issue relating to existing residents driveways being kept free at all times. This is a particular issue for a resident at 25 Grampian View who is on call for the Scottish Ambulance Service and requires unobstructed 24 hour access. In relation to this, it must be remembered that this application is for the principle of residential development only. However, this is a crucial issue and I have included a condition for a construction method statement that would have to be submitted alongside any future detailed proposal. It may be the case for instance that a temporary bridge would have to be constructed to allow any works to take place from the application site side of the burn rather than the Grampian View side. In one sense it is implicit that this would have to happen as the developer could not use Grampian View (a public road) as a storage area for the development. With regard to general access issues to the site the Area Roads Manager has recommended a range of conditions and these have been incorporated. However, I would again turn to the fact that this is an outline proposal and the effects of traffic would, again be considered at the detailed stage when the exact number and nature of houses on the site would be clear.
49. With regard to affordable housing it should be noted again that this is an outline application. The Highland Council Policy Guidelines are clear in that on schemes of 10 or more houses 25% affordable is the headline requirement. Given that this application is purely for the principle of residential development on the site a condition stipulating a 25% requirement on any scheme for 10 or more houses is applied as a planning condition. Concern has been raised about the ability of the site to carry affordable housing provision because of site infrastructure costs such as crossing the burn. However, this is solely a matter for the applicant's development appraisal. The affordable housing policy is clear.
50. As mentioned this is a particularly controversial application and local residents have raised a number of wide range of concerns. The Planning Committee have visited the site and objectors will be afforded an opportunity to speak at Planning Committee when the application is presented. My role as an officer is to provide the Planning Committee with advice based upon the requirement to make recommendations in line with the development plan unless material considerations indicate otherwise. Developers expend considerable time and money on sites allocated within a local plan based on an expectation that planning permission will at least, in principle, be granted. A range of material considerations have been brought to the attention of the Planning Committee but I am of the view that these should not outweigh the development plan allocation for residential in principle. This view is reinforced by the fact that none of the consultees has objected, in

principle, to some form of housing development on the site. Consequently, I recommend the scheme for approval subject to the conditions set down at the end of this report. However, it should be recognised that this 'in principle' approval goes little beyond the existing development plan allocation and it is important to note that a fully detailed application will be required before any work could start on the site in connection with this permission. Local residents and the Community Council would be consulted upon any future proposal for the site.

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

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

51. Concerns have been raised about the effects of the proposal upon the natural and cultural heritage of the area. As pointed out by residents the site is host to a range of wildlife. However, the area of woodland to the south of the site that was of great concern with the previous proposal is not part of this site. Given that neither SNH or the CNPA Natural Heritage Group has raised concern about the principle of some residential development upon the site I cannot reasonably consider that the scheme offends the natural heritage element of the Parks first aim. The developer has confirmed that an otter survey has been carried out as far as the point at which the Aviemore Burn is crossed by the A9. It is important that any future detailed proposal includes another survey so that up to date information is available rather than relying on an old survey. A planning condition will ensure that any future survey is widened out to other species that may be present on the site. With regard to cultural heritage aspect the Mill on the site is of clear importance and a condition will ensure that the Mill and its environs will remain undeveloped but will also be improved with potential for interpretation from the Aviemore Orbital Footpath. Such a planning condition affords a higher level of protection than the Mill currently enjoys. Conditions are also recommended to ensure the integrity of the burn.

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

52. This is an outline application so there are no details of designs or materials for the houses. However, the site is close to a number of paths in the area which will encourage walking and cycling as a means of moving to and from the site.

### **Promote Understanding and Enjoyment**

53. Residents have raised concerns about the site as a recreational area so the development would be likely to preclude their use of the site. However, any future detailed proposal will maintain the link to the Aviemore Orbital path, the development could potentially deliver improvements to the path. At the end of the day it must also be

recognised that the site is in private ownership, is allocated for housing in the Badenoch and Strathspey since 1997.

## **Promote Sustainable Economic and Social Development**

54. The proposal, in principle, follows the plan led approach of allowing housing in places allocated by the Local Plan. Structure Plan Policy and Guidance allows for a condition that any future detailed scheme provides a 25% level of affordable housing.

## **RECOMMENDATION**

**That members of the Planning Committee resolve to GRANT Outline Planning Permission for the Erection of Houses and the Construction of Access Road on land between Aviemore (Milton) Burn and Aviemore Orbital Footpath, Grampian View, Aviemore, subject to the following conditions:**

1. A formal planning application and detailed plans indicating all matters relating to the siting, design and external appearance of all buildings, means of access thereto, means of enclosure and landscaping proposals shall be submitted for the prior approval of the Planning Authority within 3 years of the date of this consent and the development must be commenced within 5 years of the date of this permission or within 2 years from the date of final approval of all the foregoing Reserved Matters. For the avoidance of doubt indicative plan submitted with the application IS NOT APPROVED by this decision notice.
2. That unless otherwise agreed in writing with the Planning Authority, a minimum of 25% of the residential development hereby approved, shall comprise affordable housing units, as defined in Highland Structure Plan 2001 and Planning Advice Note 74 (Affordable Housing), and shall be carried out in association with a Registered Social Landlord. As part of any future detailed application evidence of the means, tenure and timetable for delivery of the required affordable housing, shall be submitted as part of the application.
3. The development shall be landscaped and maintained in accordance with a scheme which shall be submitted to and approved by the Planning Authority before development commences. The scheme shall include indications of all existing trees and landscaped areas on the land, and details of any to be retained, together with measures for their protection in the course of the development and shall indicate the siting, numbers, species and heights (at the time of planting) of all trees, shrubs and hedges to be planted and to the extent of any areas of earthmounding, and shall ensure:-
  - (a) Completion of the scheme during the planting season next following the completion of the development, or such other date as may be agreed in writing with the 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 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.

4. Any reserved matters application referred to by condition No 1 of this decision notice shall exclude the archaeological remains of the Meal Mill and its environs located on the western part of the site adjacent to the Aviemore Orbital path.
5. No works to the remains of the Meall Mill or felling, lopping or topping of trees shall be carried out without the express written consent of the CNPA in consultation with Highland Council's Forestry Officer.
6. Any reserved matters application referred to by condition No 1 of this decision notice shall provide for interpretation of the archaeological remains of a standard to be agreed by the CNPA. Any agreed interpretation scheme shall be in place within 6 months of the completion of any development on the site.
7. Any reserved matters application referred to by condition No1 of this decision notice shall ensure that the development provides direct path access onto the link path between Grampian View and the Aviemore Orbital path.
8. Any reserved matters application referred to by condition No 1 of this decision notice shall provide a scheme for upgrading the link path between Grampian View and the Aviemore Orbital path and should be upgraded to a 1.2 metre wide footpath with dropped kerbs to Grampian View. Access to the existing footbridge shall be improved.
9. Any reserved matters application referred to by condition No 1 of this decision notice shall include design options that show how wildlife habitats can be incorporated as part of the development.
10. Any reserved matters application referred to by condition No 1 of this decision notice shall include a natural heritage survey (including further otter survey) of the site. The contents of the survey to be agreed between the CNPA and the applicants.
11. Any reserved matters application referred to by condition No 1 of this decision notice shall be accompanied by a fully worked up design for a bridge over the Aviemore (Milton) Burn. Any bridge design should be constructed to a standard agreed with the Spey Fisheries Board. There should be no barriers to the free passage of fish. The burn should not be culverted, channelized, piped or diverted (apart from where the road crosses the burn) and no development, or removal of vegetation (other than a bridge) shall take place within 5 metres of the burn.

12. The finished floor levels of any future buildings on the site shall be set at a minimum level of 222.7m AOD.
13. Any reserved matters application referred to by condition No 1 of this decision notice shall incorporate a full Sustainable Urban Drainage Scheme indicating all measures for dealing with surface water run-off without discharging to the adjacent Aviemore (Milton) Burn.
14. Prior to any other work starting in connection with the proposed development the works and requirements listed in the following paragraphs shall be completed and approved by the Planning Authority in consultation with the Roads Authority.
  - All road related works shall be designed and constructed in accordance with the requirements of Highland Council's Road Guidelines for New developments. Appropriate technical approval shall be obtained for any structure required to cross the Aviemore Burn.
  - Suitable traffic calming measures to the satisfaction of Highland Council shall be provided along Grampian View between the site and the B9152 public road.
  - Road construction consent shall be required in respect of any works intended for adoption by Highland Council as Roads Authority.
  - Surface water drainage measures shall accord with SUDS principles.
  - All properties shall be free from the effects of a 1 in 200 year flood event.
  - All properties shall be free from the effect of a 1 in 200 years flood event. A comprehensive drainage assessment of the site shall be carried out to demonstrate compliance with this requirement and to confirm that there will be no increase in flood risk to any properties upstream or downstream of the development.
15. The vehicular access to each plot shall be hard surfaced for a distance of at least 6 metres measured from either the nearside edge of the carriageway or from the rear edge of adjacent footway where one is present.
16. The gradient of each access shall not exceed 5% for the first 5 metres measured from the nearest carriageway edge and shall thereafter not exceed 10%.
17. Where in curtilage parking is provided, it shall include parking and manoeuvring space for at least 2 No cars such that each car may enter and leave the plot independently. Where communal car parking is provided, it shall be at a rate of at least 1.5 spaces per dwelling.

18. A construction method statement shall be submitted along with any reserved matters application referred to by condition No 1 of this decision notice. The statement shall include particular details showing how the site would be accessed to avoid disruption to residents in Grampian View. Access to driveways of properties on Grampian View must be maintained at all times. Indications of ground works, spoil storage areas and storage area for plant and fuels shall all be indicated. All development/storage etc shall be a minimum of 5 metres back from the bank of the burn.

#### **ADVICE NOTE**

1. Please note that prior to submitting any detailed application you should contact the Area Roads Manager for Badenoch and Strathspey who can provide advice on whether there would be a need for a Traffic Impact Assessment to be carried out.
2. With regard to Natural Heritage conditions you are advised to contact the CNPA Natural Heritage and Land Management Group.

Andrew Tait

***Date 28 February 2008***

[planning@cairngorms.co.uk](mailto:planning@cairngorms.co.uk)

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