

**CAIRNGORMS NATIONAL PARK AUTHORITY**

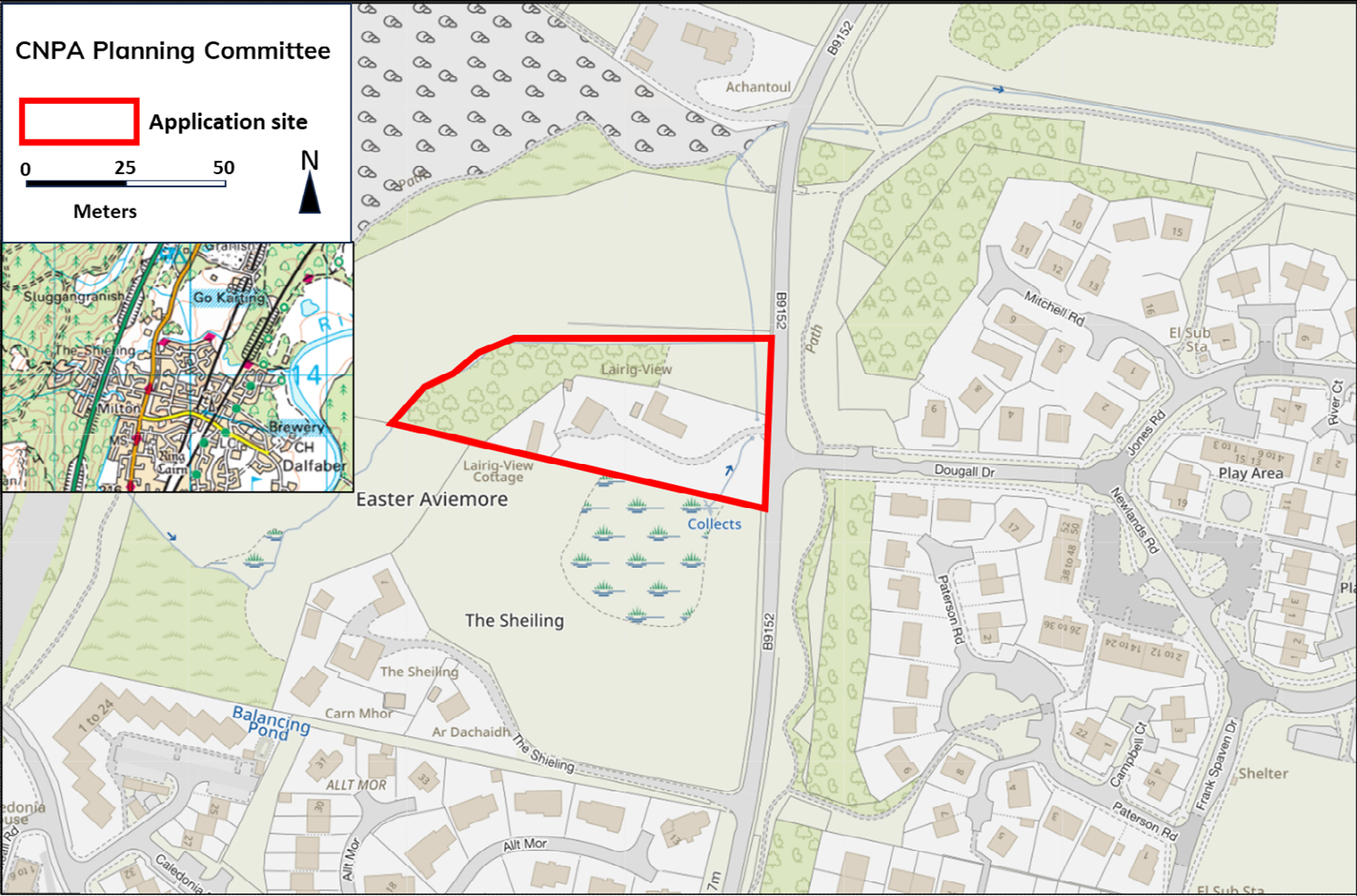
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**DEVELOPMENT PROPOSED:**

Erection of 7 houses, restaurant and production building

**REFERENCE:** 2021/0227/DET  
**APPLICANT:** Cairngorm Residential LLP  
**DATE CALLED-IN:** 5 July 2021  
**RECOMMENDATION:** Approve Subject to Conditions and a legal agreement to secure affordable housing and commuted sums towards affordable housing and primary education facilities  
**CASE OFFICER:** Gavin Miles, Head of Strategic Planning

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## SITE DESCRIPTION, PROPOSAL AND HISTORY

### Site Description

1. The application site is located to the North end of Aviemore to the west side of the B9152, opposite the housing development accessed by Dougal Drive. The site fits around a small knoll the runs approximately west from the B9152 to a high point about two thirds of the distance of the site before dropping towards the western end of the site. To the north and south of the site, there are shallow and damp depressions in the former agricultural fields that are currently used for horse grazing.
2. A small burn runs on the northern boundary of the site and has corridor of trees that follow it, arcing around the north and west boundaries of the site. There are a few mature trees across the site, which has a combination of rough grassland and scrub.
3. When the application was made, the site had the Lairig View house and steading, Lairig View Cottage and a range of sheds and outbuildings within rough garden grounds. The applicant gained demolition warrants for those buildings and has since cleared the site.

### Proposal

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

<https://www.eplanningcnpa.co.uk/online-applications/applicationDetails.do?activeTab=documents&keyVal=QVK5JQSI0CH00>

Title	Drawing Number	Date on Plan*	Date Received
<b>PLANS</b>			
LOCATION PLAN			5 Jul 2021
SITE LAYOUT PLAN			2 Feb 2022
PROPOSED SITE SECTIONS			30 June 2022
SITE MODEL IMAGES01			30 June 2022
SITE MODEL IMAGES01			30 June 2022
BLOCK PLAN EXISTING, LONG SECTIONS PROPOSED			2 Feb 2022

**CAIRNGORMS NATIONAL PARK AUTHORITY**  
**Planning Committee Item 5**

GENERAL PLAN - HOUSE TYPE A			5 Jul 2021
GENERAL PLAN - HOUSE TYPE B			5 Jul 2021
GENERAL PLAN - HOUSE TYPE C			5 Jul 2021
GENERAL PLAN - HOUSE TYPE D			5 Jul 2021
GENERAL PLAN - HOUSE TYPE E			5 Jul 2021
GENERAL PLAN			5 Jul 2021
BLOCK PLAN - LONG SECTIONS PROPOSED			30 June 2022
REVISED LANDSCAPING PLAN			06 July 2022
PAVEMENT EXTENSION AND TRAFFIC CALMING			09 Feb 2023
FRANK SPAVEN DRIVE BUS STOP TRAVEL DISTANCE 03			3 April 2023
DRAINAGE LAYOUT PLAN SHEET 1			19 Aug 2022
<b>Supporting Information</b>			
PROPOSED MIXED USE DEVELOPMENT ACCESS REVIEW			06 Dec 2022
TREE PROTECTION PLAN an		07/03/20 22	30 Nov 2022
ARBORICULTURAL IMPACT ASSESSMENT METHOD STATEMENT		07/03/20 22	30 Nov 2022
DRAINAGE IMPACT ASSESSMENT			26 Sept 2022
DRAINAGE IMPACT ASSESSMENT SUDS STRATEGY			31 Aug 2022
CMS ALLAN MUNRO CONSTRUCTION			30 June 2022
ECOS DESIGN AND ACCESS STATEMENT JUNE 2022			30 June 2022

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

- It is proposed to develop 7 houses across the site and a restaurant and production building towards the roadside of the site. The applicant knows a local business that manufactures a craft gin and wants to expand a visitor-facing element of their distillery business to the site and to operate the restaurant. However, the restaurant could be operated by anyone and subject to appropriate consents, the production facility could be used by another operator or for a different purpose.

6. The proposed houses are all timber-clad with sheet metal roofs in a contemporary style that reflects traditional timber buildings. Five of the houses are detached 4 bedroom units, of which the three on the south side of the site are one and half storey and the two on the steeper slopes to the west end and northwest corner are partly two and half storey by cutting into the slopes. There are two semi-detached properties proposed towards of the middle of the north edge of the site. Th applicant proposes these as affordable units with an additional commuted sum to make the total contribution to affordable housing up to the equivalent of 3.15 units that a 45% contribution for Aviemore would require.
7. The restaurant building will be a slightly more complex one and half story building that is timber clad and slate roofed, with some elements of natural stone. The production shed will sit on the western edge of the restaurant building and be metal-clad with a flat sedum green roof. All of the restaurant facilities will be located on the ground floor, with the first floor being available for use as staff accommodation in future.
8. The site will be accessed by a short section of adopted road followed by a longer section of private road built to adoptable standards and private driveways. The junction to the site ill have traffic calming measures installed on the B9152 to warn drivers and new pavement will be extended along the west side of the B9152 to the entrance of the site. Surface water drainage from the site will go to a combination of soakaways with a swale on the southern edge of the site. The applicant proposes that the surface water drainage is privately maintained as the swale sides cannot been the gradient requirements for publicly adopted drainage systems. The waste water from the site will be directed to a private pumping station and from there pumped to the public network for treatment at the Aviemore waste water treatment works.
9. The riparian corridor of the small burn to the north and west of the site will be protected with a 6m buffer zone to the new houses and tree protection measures are proposed to protect the existing woodland and specimen trees. New planting tree planting is also proposed to enhance the landscape setting.
10. Plans and visualisations of the proposal are attached as **Appendix 1**.

## **History**

11. The application site has a past history of occupation of the main house and the chalet which may have been subdivided and occupied as two separate units at one stage. There are two recent applications for demolition of the dwellings on the site and an older application to create a community pond on land to the north of the site:

- a) 20/03551/DEM – permission for demolition of house [Laraig View House] granted by Highland Council in December 2020.
- b) 19/03840/DEM – permission for demolition of chalet [Laraig View Cottage] granted by Highland Council in September 2019.
- c) 2012/0070/DET – Planning permission for construction of a pond, including dipping platform, picnic table and seat, granted by the CNPA in July 2012 but never implemented.

### **Habitats Regulations Appraisal**

12. An Habitats Regulations Appraisal [HRA] has been undertaken to consider the effects of the proposal upon the conservation objectives of the European Sites, as listed within the document attached as **Appendix 2**. The sites potentially affected are the:

- a) Kinveachy Forest Special Protection Area [SPA]
- b) River Spey Special Area of Conservation [SAC].

13. The HRA concludes that the proposal will not have an adverse impact on site integrity of the Kinveachy Forest SPA as the conservation objectives can be met. The HRA concludes that Regarding the River Spey-Inch Marshes SPA, the assessment confirms that there will not be an adverse impact on site integrity of the River Spey SAC subject to the implementation of pollution prevention measures, an otter species protection plan, and a 6m buffer to the minor water course on the site.

## **DEVELOPMENT PLAN CONTEXT**

### **Policies**

<b>National Policy</b>	<b>National Planning Framework 4 (NPF4) Scotland 2045</b>
POLICY 1	Tackling the Climate and Nature Crises
POLICY 2	Climate mitigation and adaptation
POLICY 3	Biodiversity
POLICY 4	Natural Places
POLICY 6	Forestry, Woodland, and Trees
POLICY 9	Brownfield, vacant and derelict land and buildings
POLICY 13	Sustainable Transport
POLICY 14	Design, Quality and Place
POLICY 15	Local living and 20min neighbourhoods
POLICY 16	Quality Homes
POLICY 17	Rural Homes
POLICY 18	Infrastructure first

POLICY 20	Blue and green infrastructure	
POLICY 22	Flood Risk and Water Management	
POLICY 29	Rural Development	
<b>Strategic Policy</b>	Cairngorms National Park Partnership Plan 2022 - 2027	
<b>Local Plan Policy</b>	Cairngorms National Park Local Development Plan (2021) Those policies relevant to the assessment of this application are marked with a cross	
POLICY 1	NEW HOUSING DEVELOPMENT	<b>X</b>
POLICY 2	SUPPORTING ECONOMIC GROWTH	<b>X</b>
POLICY 3	DESIGN AND PLACEMAKING.	<b>X</b>
POLICY 4	NATURAL HERITAGE	<b>X</b>
POLICY 5	LANDSCAPE	<b>X</b>
POLICY 6	THE SITING AND DESIGN OF DIGITAL COMMUNICATIONS EQUIPMENT	
POLICY 7	RENEWABLE ENERGY	
POLICY 8	OPEN SPACE, SPORT AND RECREATION	
POLICY 9	CULTURAL HERITAGE	
POLICY 10	RESOURCES	<b>X</b>
POLICY 11	DEVELOPER OBLIGATIONS.	<b>X</b>

14. All new development proposals require to be assessed in relation to policies contained in the adopted Development Plan which comprises National Planning Framework 4 (NPF4) and the Cairngorms National Park Local Development Plan 2021. The full wording of policies can be found at:

<https://www.gov.scot/publications/national-planning-framework-4/documents/>

and at:

<https://cairngorms.co.uk/wp-content/uploads/2021/03/CNPA-LDP-2021-web.pdf>

### **Planning Guidance**

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

Policy 1	Housing Supplementary Guidance.	<b>X</b>
Policy 2	Supporting Economic Growth Non-Statutory Guidance	<b>X</b>
Policy 3	Design and Placemaking Non Statutory Guidance	<b>X</b>
Policy 4	Natural Heritage Supplementary Guidance	<b>X</b>
Policy 5	Landscape Non-Statutory Guidance	<b>X</b>

Policy 7	Renewable Energy Supplementary Guidance	
Policy 8	Open Space, Sport and Recreation Non-Statutory Guidance	
Policy 9	Cultural Heritage Non-Statutory Guidance	
Policy 10	Resources Non-Statutory Guidance	<b>X</b>
Policy 11	Developer Contributions Supplementary Guidance	<b>X</b>

## **CONSULTATIONS**

### **Summary of the main issues raised by consultees**

16. **Scottish Water** have not objected to the proposed development but suggest the applicant completes a Pre-Development Enquiry form ensuring that the development can be serviced and contacts Scottish Water regarding the proposed drainage plan. They confirm that the development would be fed from Aviemore Water Treatment Works, although capacity will have to be reviewed once permission is granted for the scheme.
17. According to existing records, the development proposals impact on existing Scottish Water assets. The applicant must identify any potential conflicts with Scottish Water assets and contact the Asset Impact Team via the Customer Portal to apply for a diversion. The applicant should be aware that any conflict with assets identified may be subject to restrictions on proximity of construction Surface water.
18. **The Highland Council Contaminated Land Team** note that the site had a previous use as an agricultural building so have recommended a condition requiring an assessment of potential contamination.
19. **The Scottish Environmental Protection Agency SEPA** initially objected to the application, but once the applicant provided details of flood risk, are satisfied the development will not be affected by flooding nor increase flood risk.
20. **The Highland Council Flood Risk Management Team** are satisfied that the proposed development is not at risk of flooding and will not increase flood risk, but object to the surface water drainage proposals because they have not been demonstrated to comply with the standards of Sewers for Scotland in order that the system can be vested by Highland Council or Scottish Water. This objection links to the objection of the Highland Council's transport planning team who object because the applicant does not propose the internal roads and drainage to be adopted by the Council or Scottish Water.



21. **The Highland Council Transport Planning Team** are satisfied with most elements of the road layout and design inside the site and on the B9251 subject to conditions to manage the detail. The transport planning team also recommend additional bus stops, shelters and road crossings to service the development. The team object to the internal road design because while the roads themselves are designed to adoptable standards, the applicant proposes to keep the roads as privately owned and maintained alongside a privately owned the surface water drainage infrastructure and a privately managed waste collection service. They note the Council's policy is that developments of more than four properties should adopted by the Council and that public waste collection vehicles will not access private roads.
22. **The CNPA Landscape Officer** considered that while the site had some capacity for development, it would appear different from the site as before and different to the appearance of the nearby Grainish farm buildings cluster. They conclude that the changes to the site from the development would be negative and would not conserve or enhance the landscape character, at least in part because it would contrast with the surrounding landscape and suggested removing the two westernmost units and the proposal for the restaurant would improve the proposal.
23. **The CNPA Ecology Officers** initially noted a range of species and habitats of interest on the site and the applicant provided further ecological surveys of the site and its species and has incorporated a range of measures to mitigate loss of habitats provide additional biodiversity enhancements and to ensure protection of the sensitive species likely to be present nearby (otter and reptiles).
24. An Habitats Regulations Appraisal of the proposed development has been undertaken by the CNPA ecological advice officer that concludes that subject to the implementation of the Construction Method Statement provided by the applicant (including pollution prevention measures, monitoring and supervision by an Ecological Clerk of Works and adherence to the otter protection plans submitted, the proposed development will not affect the integrity of the River Spey Special Area of Conservation. They also conclude that the development will not affect the integrity of Kinveachy Woods Special Protection Area or the network of capercaillie SPAs. Finally, the ecology advice officer is satisfied that with further detail on the biodiversity enhancement measures, the proposals will have a positive effect over time.
25. **Aviemore and Vicinity Community Council** commented that they did not know if the development would provide permanent homes or if houses could be used for short term letting, asked if conditions could ensure houses are available to and affordable to local people and commented on a [presumed] mis-spelling of Lairig View.

## REPRESENTATIONS

26. The CNPA is not aware of any representations made the CNPA or Highland Council on the application.

## APPRAISAL

27. The main planning considerations are considered to be: the principle of development; the impact upon the landscape; environmental impacts; the housing contribution; the economic contribution; layout, siting; design and amenity; servicing and access.

### Principle of Development

28. The proposed development is located on what is now a cleared brownfield site on the outskirts of Aviemore. It sits outside the settlement boundary of Aviemore, but visually is part of the envelope of Aviemore, within the 30mph speed limit and opposite the last main development to the north of Aviemore. Policies within both NPF4 and the Cairngorms National Park Local Development Plan provide support for redevelopment of sites inside settlements and in rural areas for multiple uses so the principle of development on this site is considered to acceptable subject to the detailed assessment against policies of the Development Plan.

### Landscape Impacts

29. **Policy 5: Landscape** of the Cairngorms National Park Local Development Plan 2021 presumes against development that does not conserve and enhance the landscape character and special qualities of the National Park and the setting of the proposed development. The CNPA's landscape adviser's view was that change was negative because it would change the character of the approach to Aviemore and the edge of Aviemore, particularly because the of the two westernmost plots and the restaurant building.
30. However, it is also clear that the applicant has attempted to respond to the topography of the site in the layout proposed by maintaining the knoll within the site and by partly building those two plots into the slopes. The 6m buffer strip proposed along the burn also provides further opportunities to plant appropriate tree species and strengthen that arc of riparian woodland around the north and west edges of the site as well as on the knoll itself to reinforce its landscape value and reflect other wooded knolls nearby.

31. It is also relevant that the landscape to the north of Aviemore has been one of change over the past 20 years and will continue to change in future. The housing development opposite the site is now about 15 years old and its structural landscaping has established significantly remodelling what was previously open farmland into Aviemore. The approach to Aviemore from the north is interspersed with views of housing, footpaths leading from the town to the recent go-cart track and caravan/camp site to the north of Aviemore. The road signage approach to Aviemore now begins well before the settlement boundary of the LDP is reached, and views of the built development edges of Aviemore are a strong edge. In addition, the land around this site and elsewhere to the north of Aviemore is likely to experience further change in future. It is part of the established housing land supply, not allocated for development, but likely to be considered in future Local Development Plans given the need for housing and for affordable housing in the Aviemore area.
32. In this context, the proposed development is likely to be seen in the context of both the existing developments of Aviemore and any small changes, as well as changes to and likely development of the surrounding fields. If approved and implemented, the proposals could also be viewed as establishing a distinctive new character to the north edge of Aviemore.
33. There is a degree of personal interpretation in the appraisal of effects on the special landscape qualities of the National Park, but the case officer cannot conclude that the proposed will have significant adverse effects on them given the proposed development is relatively small and on site of previous development. It is also concluded that the adverse effects of the development in terms of change in character can be minimised through the proposals put forward and through further detail on landscaping and in particular tree planting, by reinforcing a positive contribution of the site in the landscape in future. The proposed development is considered to comply with **Policy 5: Landscape** of the Cairngorms National Park Local Development Plan 2021.

### **Environmental impacts**

34. **Policy 3: Biodiversity, Policy 4: Natural Places** and **Policy 6: Forestry woodland and trees** of NPF4 and **Policy 4: Natural Heritage** of the Cairngorms National Park Local Development Plan 2021 all provide protection for biodiversity, protected species and protected areas. The proposed development site currently provides a range of habitats of local value and is connected to a watercourse that is part of the River Spey SAC.
35. The proposals with the development include the incorporation of a 6m buffer strip to the water course, tree protection measures to ensure notable trees and areas of woodland are protected, an otter species protection plan to ensure otter are not harmed during the development and a reptile species

protection plan to ensure they are not disturbed during the development. Once completed, the development will maintain that 6m riparian buffer which will incorporate additional trees planting to strengthen it, will include other tree planting across the site for landscape and biodiversity benefits, will provide swallow and house martin bird boxes on the gable ends of new buildings, and create a dragonfly pond as an invertebrate habitat.

36. The Habitats Regulations Appraisal [HRA] concludes that subject to the mitigation proposed by the applicant, there will be no effect on the site integrity of any European protected areas. The combination of measures proposed to prevent harm or disturbance of species and to establish and reinforce habitats following the development means that the application is considered to comply with the **Policy 3: Biodiversity**, **Policy 4: Natural Places** and **Policy 6: Forestry woodland and trees** of NPF4 and **Policy 4: Natural Heritage** of the Cairngorms National Park Local Development Plan 2021.

### **The Housing contribution**

37. The proposal is for 7 new houses. The applicant proposes that two of the houses will be affordable units for sale to local people and that they will make up the affordable housing contribution to 45% of the total through a full commuted sum payment for the additional 1.15 units that they consider they cannot deliver on site. The five open market units will be four bedroom properties and the two affordable units would be two bedroom properties. The mechanism to ensure that the affordable units would be affordable in perpetuity remains to be secured and would require to be clarified through condition and most likely, through a legal agreement that also secures the payment of the additional commuted sum.
38. **Policy 16: Quality Homes** and **Policy 17: Rural Homes** of NPF4 and **Policy 1: New Housing Development** of the Cairngorms National Park Local Development Plan 2021 are relevant but Policy 1 of the LDP is most specific about housing in different locations in the National Park. The LDP policy draws a distinction between housing inside settlements (with affordable housing contribution rates at 45% for Aviemore) and housing in the countryside (where a 25% affordable housing contribution rate would normally apply). In all cases development is expected to reinforce the character and pattern of development.
39. The development proposed does not neatly fit any of the criteria. It is not inside Aviemore's settlement boundary yet is clearly part of Aviemore and would be linked by a short section of pavement and a short crossing of the B9152 to other parts of Aviemore. The site could also be described as a rural brownfield site, but given its proximity and linkages to Aviemore that interpretation alone would seem obtuse, so it is considered that the

development should be considered as part of Aviemore and therefore coming under the relevant affordable housing contribution rate of 45%.

40. The applicant is strongly of the opinion that their proposal for 7 units of the site with 2 affordable units for sale and an additional commuted sum payment for the full 1.15 affordable units that cannot in their view be delivered in the site is a better outcome for Aviemore than their other option of applying for three units on the brownfield site and paying the relatively modest affordable housing contribution of £1850 per unit required by policy. They are also of the view that the two on-site units are the most they can deliver without rendering their proposal unviable because of the size and infrastructure costs. It is not a site that an affordable housing provider would be likely to investigate on their own because of those infrastructure costs and the limited number of units that could be built on the site.
41. Policy 1 of the LDP also has a requirement that residential developments provide a mix of dwelling types and sizes with an emphasis on smaller properties in order to encourage properties to be affordable. The proposal has 5 open market properties that are 4 bedroomed units and 2 bedroomed affordable units. In this location, it is arguable whether any of the open market units would be affordable to local workers even if they were 2 or 3 bedroomed properties – the housing market of Aviemore means that attractive properties on the open market are expensive irrespective of their size, so it is unlikely that any local workers could afford to buy properties such as these unless they already have very significant equity, and if that is case they would already have the ability to buy housing within the Aviemore area. That policy objective is one that spans a community and is more easily applied to larger developments than to small ones. In this case the applicant is explicitly trying to maximise the value achievable in order to address the infrastructure costs and to subsidise both the development of the restaurant and in order to provide the affordable housing. There is a judgement to be made about whether the proposal complies with that part of the LDP policy and also whether it is of significance in this case.
42. Finally, while the landscape adviser's views on the proposal were negative, it is also the case that the development proposed could reinforce and enhance the quality of the settlement by introducing high quality built design on the edge of Aviemore and reinforce a strong landscape pattern.
43. On balance, the proposed development is considered to comply with the most relevant requirements of **Policy 16: Quality Homes** and **Policy 17: Rural Homes** of NPF4 and **Policy 1: New Housing Development** of the Cairngorms National Park Local Development Plan 2021.

## **The Economic Development contribution**

44. **Policy 29: Rural Development** of NPF4 and **Policy 2: Supporting Economic Growth** of the Cairngorms National Park Local Development Plan 2021 both support appropriately located business development. The proposed restaurant and business unit are located on the outskirts of Aviemore, some distance from Aviemore town centre. Most new developments make a contribution to the local economy during construction and then a smaller contribution over time through maintenance and upkeep of the development.
45. The restaurant business that is proposed as part of this application would also create some new employment and will also be accessible to a large range of properties in Aviemore that are a long way from the town centre itself. A restaurant in this location is unlikely to have any negative effects on the vitality and vibrancy of the town centre or of businesses there and would simply extend the range of options available in terms of number and location. The restaurant building incorporates potential for staff accommodation on the first floor, but this is not proposed in detail with the application. Any business would also require appropriate licences from Highland Council to operate.
46. The proposed development is considered to comply with **Policy 29: Rural Development** of NPF4 and **Policy 2: Supporting Economic Growth** of the Cairngorms National Park Local Development Plan 2021.

### **Layout, Siting; Design and Amenity**

47. **Policy 14: Design, Quality and Place** and **Policy 15: Local living and 20min neighbourhoods** of NPF4 and **Policy 3: Design and Placemaking** of the Cairngorms National Park Local Development Plan 2021 all require developments to be consistent with the six qualities of successful places and to be accessible by sustainable modes of transport to local facilities. The development proposed is consistent with the six qualities of successful places, creating a pleasant and distinctive development that will be well-connected to Aviemore. The development will enhance biodiversity and is within a few minutes' walk from nearby promoted paths; it is beside the available bus services and has homes that would be adaptable for home-working. It is considered that the development complies with **Policy 14: Design, Quality and Place** and **Policy 15: Local living and 20min neighbourhoods** of NPF4 and **Policy 3: Design and Placemaking** of the Cairngorms National Park Local Development Plan 2021.
48. **Policy 9: Brownfield, vacant and derelict land and buildings Design** of NPF4 and **Policy 10: Resources** of the Cairngorms National Park Local Development Plan 2021 both provide for the reuse of land subject to appropriate check and

measures to deal with contamination from previous uses. Subject to the condition on contaminated land recommend by Highland Council's Environmental Health Team, the proposed development is considered to comply with the relevant parts of **Policy 9: Brownfield, vacant and derelict land and buildings Design** of NPF4 and **Policy 10: Resources** of the Cairngorms National Park Local Development Plan 2021.

## Servicing and access

49. **Policy 13: Sustainable Transport** of NPF4 and **Policy 3: Design and Placemaking** of the Cairngorms National Park Local Development Plan 2021 require developments are well connected by all relevant means of transport. The proposed development will be easily accessible by car, by bus and by walking or cycling so is considered to comply with **Policy 13: Sustainable Transport** of NPF4 and **Policy 3: Design and Placemaking** of the Cairngorms National Park Local Development Plan 2021 subject to a condition requiring additional bus stop provision to be made on the B9152.
50. The applicants have demonstrated that the site is free from flood risk and will not contribute to additional flood risk. The foul water drainage will be pumped from the site to the connection with the public sewer which is considered acceptable and will be controlled by Scottish Water and regulated by SEPA. The development will be service from the public mains water supply. The development has a proposed surface water drainage scheme that will ensure that water is managed appropriately and will not contribute to flooding. This means that the development complies with relevant parts of **Policy 2: Climate mitigation and adaptation** of NPF4 and **Policy 9: Resources** of the Cairngorms National Park Local Development Plan 2021.
51. The objections of Highland Council's Flood and Transport Planning Teams are linked to the applicant's desire to maintain the drainage scheme privately and the associated consequence that the road within the site could not be adopted. While this is not desirable, it does not mean the development will be any less safe or less effective. In spite of the objections of Highland Council Flood and Transport Planning teams, the development is considered to comply with **Policy 20: Blue and Green Infrastructure** and **Policy 22: Flood risk and water management** of NPF4 and **Policy 10: Resources** of the Cairngorms National Park Local Development Plan 2021.

## Developer Obligations

52. **Policy 18: Infrastructure first** and **Policy 11: Developer Obligations** of the Cairngorms National Park Local Development Plan 2021 provide for developments making contributions to infrastructure improvements where reasonable and necessary. In this case the development will require a

commuted sum contribution towards affordable housing to ensure the contribution reaches the 45% rate for Aviemore and will also require to make payments towards increasing capacity at Aviemore Primary School. It is likely that a S75 legal agreement will be required to secure these contributions and to ensure that an appropriate mechanism is used to ensure that the two affordable units on site are secured as affordable housing in perpetuity. Subject to the conclusion of these matters it is considered the development complies with **Policy 18: Infrastructure first** and **Policy 11: Developer Obligations** of the Cairngorms National Park Local Development Plan 2021.

## CONCLUSION

53. Some developments do not neatly fit planning policy and require more complex balancing and judgements of policy requirement in order to be determined. This application has a number of well-conceived elements and a strong design but also challenges the established pattern of development in the landscape on the edge of Aviemore and proposes an internal road and drainage layout that would be unlikely to be adopted by the local authority. On the balance of impacts and benefits of the development the application is recommended for approval subject to conditions and to developer obligations relating to affordable housing and primary education infrastructure improvements.

## RECOMMENDATION

**That Members of the Committee support a recommendation to APPROVE the Erection of 7 houses, restaurant and production building at Lairig View Aviemore Highland subject to legal agreement to secure developer contributions and the following conditions:**

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

### Conditions

1. The development to which this permission relates must begin not later than the expiration of 3 years beginning with the date on which this permission is granted. If development has not begun at the expiration of this period, the planning permission lapses.

**Reason:** To accord with Section 58 of the Town and Country Planning (Scotland) Act 1997.



- 2. No development shall commence until all design details for the new access and changes to the B9152, supported by a Stage 1/2 Independent Road Safety Audit and corresponding Designers Response, have been submitted to and approved in writing by the Cairngorms National Park Authority acting as planning authority in consultation with Highland Council Transport Planning Team. Thereafter, no residential or commercial property shall be occupied until the approved details have been implemented in full.**

**Reason:** In the interests of road safety and to comply with Policy 13: Sustainable Transport of NPF4 and Policy 3: Sustainable Design of the Cairngorms National Park Local Development Plan 2021.

- 3. No development shall commence until details of the provision of appropriate bus stop facilities on the B9152 north of the new crossroads access junction with suitable footway connections and dropped kerb crossing points linking those stops to the development, with a timetable for implementation have been submitted to and approved in writing by the Cairngorms National Park Authority acting as planning authority in consultation with Highland Council Transport Planning Team.**

**Reason:** In the interests of road safety and to comply with Policy 13: Sustainable Transport of NPF4 and Policy 3: Sustainable Design of the Cairngorms National Park Local Development Plan 2021.

- 4. No development shall commence until details of the management and maintenance of privately maintained roads and surface water drainage have been submitted to and approved in writing by the Cairngorms National Park Authority acting as planning authority in consultation with Highland Council Transport Planning Team.**

**Reason:** In the interests of road safety and to comply with Policy 13: Sustainable Transport, Policy 20: Blue and Green Infrastructure and Policy 22: Flood risk and water management of NPF4 and Policy 3: Sustainable Design and Policy 10: Resources of the Cairngorms National Park Local Development Plan 2021.

- 5. No development shall commence until evidence that the site is suitable for its proposed use, by way of an assessment of potential contamination, has been submitted to, and approved in writing by, the Cairngorms National Park Authority acting as planning authority in consultation with Highland Council Contaminated Land team. The assessment shall be consistent with the approach to land contamination contained in Planning Advice Note 33 and the British Standard BS 10175:2011+A2:2017 Investigation of Potentially Contaminated Sites - Code of Practice. In the event that contamination is found, details of the measures required to treat/remove**

**contamination (a remedial strategy) to ensure that the site is fit for the uses proposed shall be submitted to, and approved in writing by, the Planning Authority. Thereafter, the approved remedial strategy shall be implemented prior to development commencing.**

**Reason:** In the interests of public health and in accordance with Policy 9: Brownfield, vacant and derelict land and buildings Design of NPF4 and Policy 10: Resources of the Cairngorms National Park Local Development Plan 2021.

- 6. No development shall commence until and affordable housing delivery plan has been submitted to, and approved in writing by, the Cairngorms National Park Authority acting as planning authority. The affordable housing delivery plan shall provide detail of the mechanism used to secure the affordability of the two units on site in perpetuity and evidence of the security of tenure.**

**Reason:** to ensure affordable housing is provided in perpetuity on site in accordance with Policy 16: Quality Homes and Policy 17: Rural Homes of NPF4 and Policy 1: New Housing Development of the Cairngorms National Park Local Development Plan 2021.

- 7. No development shall commence until a full landscape plan incorporating additional riparian woodland planting along the minor watercourse north of the site, boundary treatments and long term management and maintenance measures for hard and soft landscaping has been submitted to and approved in writing by the Cairngorms National Park Authority acting as planning authority.**

**Reason:** to ensure the development makes positive contribution to landscape character and biodiversity in accordance with Policy 3: Biodiversity, Policy 4: Natural Places and Policy 6: Forestry woodland and trees of NPF4 and Policy 4: Natural Heritage and Policy 5: Landscape of the Cairngorms National Park Local Development Plan 2021.

- 8. No development shall commence until full detail of all biodiversity enhancement measures to be implemented, timetable for delivery and any maintenance necessary has been submitted to and approved in writing by the Cairngorms National Park Authority acting as planning authority.**

**Reason:** to ensure the development makes positive contribution to biodiversity biodiversity in accordance with Policy 3: Biodiversity, Policy 4: Natural Places and Policy 6: Forestry woodland and trees of NPF4 and Policy 4: Natural Heritage and Policy 5: Landscape of the Cairngorms National Park Local Development Plan 2021.

9. No development shall commence until full details of all external finishes have been submitted to and approved in writing by the Cairngorms National Park Authority acting as planning authority.

**Reason:** to ensure the development makes positive contribution to place in accordance with Policy 14: Design, Quality and Place of NPF4 and Policy 3: Design and Placemaking of the Cairngorms National Park Local Development Plan 2021.

## **Informatives**

1. The development hereby approved must commence within 3 years of the date of this decision notice. If development has not commenced within this period then this planning permission will lapse.
2. The person undertaking the development is required to give the Planning Authority prior written notification of the date which it is intended to commence the development. Attached to this decision notice is a Notice of Initiation of Development for completion and submission. Submission of this information assists the Cairngorms National Park Authority Monitoring and Enforcement Officer in monitoring active work within the area to ensure compliance with the approved details and to identify and correct any potential problems, as they arise, rather than later when it may be more difficult and more costly to rectify. Failure to give notice would constitute a breach of planning control which may result in enforcement action being taken.
3. Following completion of the development, a notification of completion shall, as soon as practicable, be given to the Planning Authority. Attached to this decision notice is a Notice of Completion of Development for completion and submission. Submission of this form will assist the Cairngorms National Park Authority Monitoring and Enforcement Officer in making a final inspection and checking compliance with the approved drawings and conditions. If the development hereby approved is to be carried out in phases, then a notice of completion should be submitted at the completion of each phase.
4. Construction work (including the loading/unloading of delivery vehicles, plant or other machinery) should not take place out with the hours of 0800 hours to 1900 hours Mondays to Fridays, 0800 hours to 1300 hours on Saturdays or at any time or Bank Holidays to minimise disturbance to residents in the area.
5. In order for Scottish Water to conduct a full appraisal of the proposals, the applicant should complete a Pre-Development Enquiry (P.D.E.) Form, and submit to Scottish Water via the customer portal, or contact Development Services.

The map on the first page of this report has been produced to aid in the statutory process of dealing with planning applications. The map is to help identify the site and its surroundings and to aid Planning Officers, Committee Members and the Public in the determination of the proposal. Maps shown in the Planning Committee Report can only be used for the purposes of the Planning Committee. Any other use risks infringing Crown Copyright and may lead to prosecution or civil proceedings. Maps produced within this Planning Committee Report can only be reproduced with the express permission of the Cairngorms National Park Authority and other Copyright holders. This permission must be granted in advance.

