
CAIRNGORMS NATIONAL PARK AUTHORITY

DEVELOPMENTS PROPOSED:

Application to satisfy the conditions of Planning Permission PPA-270-2127 for residential units at land to the South of Dalfaber Farm at Land South Of Dalfaber Farm Dalfaber Drive, Aviemore

Application to satisfy the conditions of Planning Permission PPA-270 – 2126 for residential units located at Land North West of Dalfaber Farm, Dalfaber Drive, Aviemore

REFERENCE: 2018/0183/MSC & 2018/0184/MSC

APPLICANT: Davall Developments (Aviemore) Ltd

DATE CALLED-IN: 16 May 2018

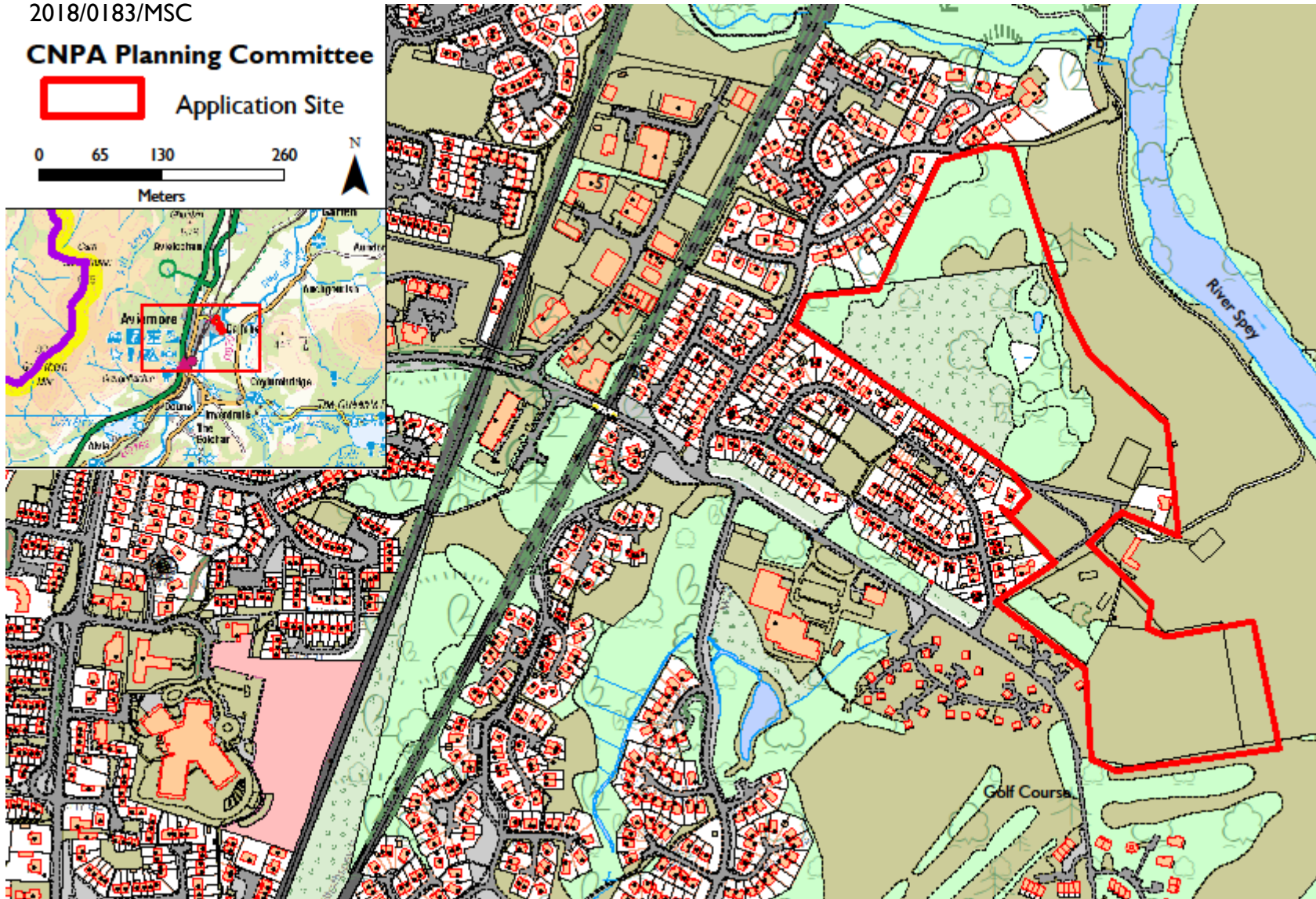
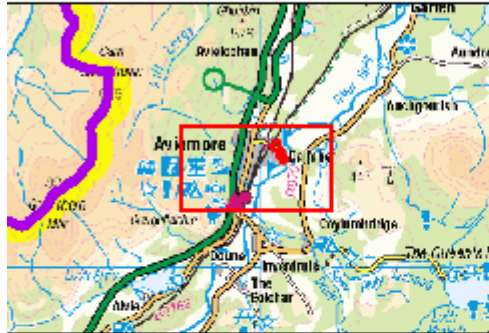
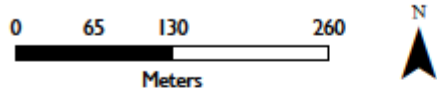
RECOMMENDATION: Approve

CASE OFFICER: Emma Wilson, Planning Officer

2018/0183/MSC

CNPA Planning Committee


 Application Site

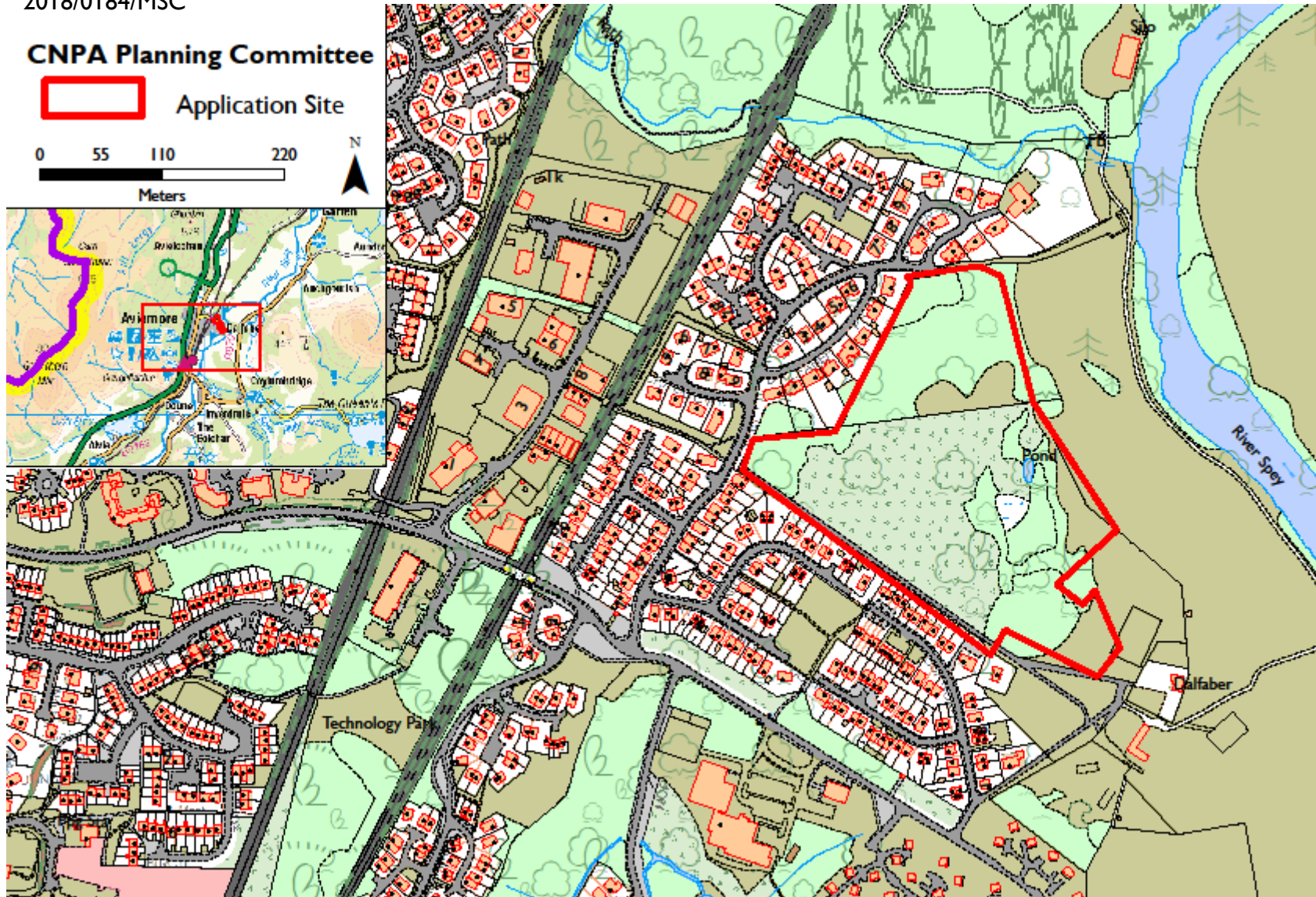
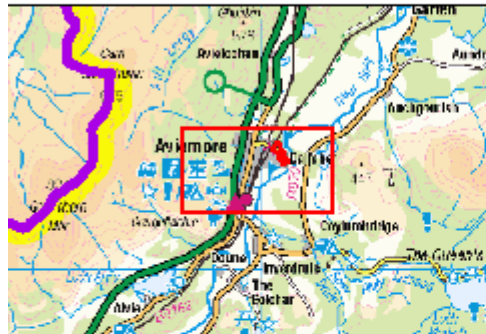


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2018/0184/MSC

CNPA Planning Committee

 Application Site



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SITE DESCRIPTION, PROPOSAL AND HISTORY

Site Description

1. The

Proposal

2. The drawings and documents associated with this application are included within **Appendix 1** and are available for viewing on the Cairngorms National Park Authority website unless noted otherwise:

<http://www.eplanningcnpa.co.uk/online-applications/applicationDetails.do?activeTab=summary&keyVal=P8TRIOSI0CA00>

3. These applications seek to discharge the details for Conditions 1, 2, 4, 5, 6, 8, 9, 10, 11, 12, 14, 15, 17, 18 and 20 of PPA-270-2127 (07/0145/CP) and Conditions 1, 2, 4, 5, 6, 8, 9, 11, 13,14,16, 17, and 19 of PPA-270-20126 (07/0144/CP). The requirements are outlined in the two decision notices PPA-270-2126 and 2127, which are included in **Appendix 2** and summarised in the table below for easy reference.

Condition Numbers PPA-270-2127 (South) 2018/0183/MSC	Condition Numbers PPA-270-2126 (North) 2018/0184/MSC	Summary of Requirements
1 – Plans and Particulars	1 – Plans and Particulars	a) Siting, design, external appearance of all buildings and other structures, including fencing b) Location and specification of all roads and paths c) Landscaping plan d) Surface drainage
2 – Landscaping Plan	2 – Landscaping Plan	Details of species (indigenous origin), location, size and numbers and projected growth rates
4 – Arboricultural Method Statement, Tree Protection Plan & Appointment of arboricultural Consultant	4 – Arboricultural Method Statement, Tree Protection Plan & Appointment of arboricultural Consultant	All communal woodland and open space areas, layouts, levels and building lines Monthly site monitoring
5 – Landscaping plan for plots	5 – Landscaping plan for plots	Identifying all existing trees and those proposed for retention
6 - Boundary treatment	6 – Boundary treatment	To rear and side
8 – Public Access and	8 – Public Access and	a) All existing paths

Condition Numbers PPA-270-2127 (South) 2018/0183/MSC	Condition Numbers PPA-270-2126 (North) 2018/0184/MSC	Summary of Requirements
Paths Plan	Paths Plan	b)Any areas excluded from statutory access rights c)All proposed paths d)Any diversion of paths (temporary or permanent)
9 – Management and Maintenance Statement	9 – Management and Maintenance Statement	Play areas, hard/soft landscaped areas, roads, footpaths and cycle links not intended for adoption. Show how woodland and open space will be retained and managed allowing public access Show how paths and cycle tracks link to outside the site Surface accessible for all and permeable and less so for walking/horse riding
10 – Further plans and particulars to supplement Condition I	10 – Further plans and particulars to supplement Condition I	Details of a path link to the Fisherman’s Car Park Drive, vehicular barriers associated with the proposed emergency access, and provision of appropriated located refuse bin collection points
11 – Landscaping Plan		Sufficient depth and density of trees on the eastern edges of the site softening the boundary with the golf course
12 – Phasing Plan	11 – Phasing Plan	South to North. Each phase must be certified before next one begins
14 – Design Statement	13 – Design Statement	Sample house type illustrations – height, materials, plot ratio, boundary treatments, incorporation of energy efficient and sustainability measures, and landscape and ecology guidance.

Condition Numbers PPA-270-2127 (South) 2018/0183/MSC	Condition Numbers PPA-270-2126 (North) 2018/0184/MSC	Summary of Requirements
15 - Contour Site Plan	14 – Contour Site Plan	All existing ground levels and all proposed finished floor levels.
17 – Construction Method Statement	16 – Construction Method Statement	Address temporary measures proposed to deal with surface water run off during construction and prior to the operation of the final SUDS
18 – Management and Maintenance Statement	17 – Management and Maintenance Statement	For all non-adopted drainage measures. Details of and evidence for the effectiveness
20 - Archaeology	19 - Archaeology	A programme of archaeological work for the preservation and recording of any features affected and timetable for investigation

4. A number of conditions are requirements without further submissions – Conditions 3, 7, 16 and 19 (PPA-270/2127) and Conditions 3, 7, 15 and 18 (PPA-270-2126). However, for the following remaining conditions, details have not been submitted:
- a) **Condition 21 (PPA-270/2127)** and **Condition 20 (PPA-270-2126)** – Off site road works and installation of half barriers.
 - b) **Condition 22 (PPA-270-2127)** and **Condition 21 (PPA-270-2126)** – Affordable housing arrangements.
 - c) **Condition 23 (PPA270-2127)** – Details of Farmhouse conversion/restoration.

History

5. There has been an extensive history relating to housing development on this site, as follows:
- a) **05/101/CP** – Development of 101 serviced house plots with associated roads, access points, services and landscaping (outline) at Dalfaber North, Aviemore. Refused on 16 November 2006. Approval was granted on appeal (reference P/PPA/01/8) for up to 104 houses in total. This application was also unsuccessfully challenged at the Court of Session.
 - b) **07/144/CP**– Development of 20 serviced plots at Land North West of Dalfaber Farm, Dalfaber Drive, Aviemore. Approved by Planning Committee subject to a legal agreement; this was never signed. Applicant appealed against non-determination. Appeal allowed on 11 March 2010 (reference PPA-001-2000).
 - c) **07/145/CP** – Development of 104 houses at Land North West and South of Former Steadings, Dalfaber Farm, Dalfaber, Aviemore. Approved by Planning

Committee subject to a legal agreement; this was never signed. Applicant appealed against non-determination. Appeal allowed on 11 March 2010 (reference PPA-001-2001).

Applications **07/0144/CP** and **17/0145/CP** combined cover the site of 05/101/CP.

- d) **10/028/CP** – Section 42 application to extend time limit for approval of matters specified in condition permission P/PPA/01/8 (05/101/CP) at Land North West of Dalfaber Farm, Dalfaber Drive, Aviemore. Application withdrawn 25 March 2010.
- e) **10/063/CP** – Reserved matters application for 85 serviced plots P/PPA/01/8 (05/101/CP) at Land North West of Dalfaber Farm, Dalfaber Drive, Aviemore. Application withdrawn 25 March 2010.
- f) **2013/0073/MSC** – Approval of Matters Specified in Conditions 1 (Plans & Particulars), 4 (Landscaping Information re: Trees), 8 (Details required by Condition 1), 9 (Management and Maintenance Statement), 10 (Details required by Condition 1), 11 (Phasing Plan), 12 (Detailed Design Statement), 14 (Contoured Site Plan), 16 (Construction Method Statement), 17 (Management and Maintenance Statement), 19 (Programme of Archaeological Work) of Planning Permission in Principle 07/144/CP at Land to the North West of Dalfaber Farm House, Aviemore. Application refused on legal grounds at Planning Committee on 19 February 2015. Appeal allowed on 21 March 2016 (reference PPA-001-2016) – **application now expired.**
- g) **2013/0074/MSC** – Approval of Matters Specified in Conditions 1 (Plans & Particulars), 8 (details required by Condition 1), 9 (Management & Maintenance Statement), 10 (Details required by Condition 1), 12 (Phasing Plan), 13 (Detailed Design Statement), 15 (Site Plan), 17 (Construction Method Statement), 18 (Management and Maintenance Statement), 20 (Programme of Archaeological Work) of Planning Permission in Principle - 07/0145/CP at Land North West and South of Former Steadings Dalfaber Farm, Dalfaber Drive, Aviemore. Application refused on legal grounds at Planning Committee on 19 February 2015. Appeal allowed on 21 March 2016 (reference PPA-001-2017) – **application now expired.**
- h) **2014/0397/DET** – Application under Section 42 to vary to conditions 1, 11, 12 and 21 on permission ref PPA/001/200(07/93/OUTBS (07/144/CP)) at Land North West of Dalfaber Farm, Dalfaber Drive, Aviemore. Not called in on legal grounds and dealt with by the Highland Council. Applicant appealed against non-determination. Appeal allowed on 21 March 2016 (reference PPA-270-2127) – **current application 2018/0183/MSC relates to the discharge of the conditions attached to this consent.**
- i) **2014/0399/DET** – Application under Section 42 to vary conditions 1, 12, 13 and 22 of consent PPA/001/2001 (07/94/OUTBS (07/0145/CP)) at Land North West and South of Former Steadings, Dalfaber Farm, Dalfaber Drive, Aviemore. Not called in on legal grounds and dealt with by the Highland Council. Applicant appealed against non-determination. Appeal allowed on 21 March 2016 (reference PPA-270-2126) – **current application 2018/0184/MSC relates to the discharge of the conditions attached to this consent.**
- j) **2017/0463/DET** – Application to satisfy Condition 2b of planning permissions PPA-001-2016 and PPA-001-2017 for 75 residential units at Land North West

of Dalfaber Farm, Dalfaber Drive, Aviemore. Application withdrawn 9 May 2018.

6. The current applications relate to the conditions imposed by the Reporter on the appeal decisions PPA-270-2127 (2014/0397/DET) and PPA-001-2126 (2014/0399/DET).

DEVELOPMENT PLAN CONTEXT

Policies

National Policy	Scottish Planning Policy 2014	
Strategic Policy	Cairngorms National Park Partnership Plan 2017 - 2022	
Local Plan Policy	Cairngorms National Park Local Development Plan (2015) Those policies relevant to the assessment of this application are marked with a cross	
POLICY 1	NEW HOUSING DEVELOPMENT	X
POLICY 2	SUPPORTING ECONOMIC GROWTH	
POLICY 3	SUSTAINABLE DESIGN	X
POLICY 4	NATURAL HERITAGE	X
POLICY 5	LANDSCAPE	X
POLICY 6	THE SITING AND DESIGN OF DIGITAL COMMUNICATIONS EQUIPMENT	
POLICY 7	RENEWABLE ENERGY	
POLICY 8	SPORT AND RECREATION	
POLICY 9	CULTURAL HERITAGE	X
POLICY 10	RESOURCES	X
POLICY 11	DEVELOPER CONTRIBUTIONS	

7. All new development proposals require to be assessed in relation to policies contained in the adopted Local Development Plan. The full wording of policies can be found at: <http://cairngorms.co.uk/uploads/documents/Park%20Authority/Planning/LDPI5.pdf>
8. Other relevant local policies are (delete if not applicable).

Planning Guidance

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

Policy 1	New Housing Development Non-Statutory Guidance	X
Policy 2	Supporting Economic Growth Non-Statutory Guidance	
Policy 3	Sustainable Design Non-Statutory Guidance	X
Policy 4	Natural Heritage Supplementary Guidance	X
Policy 5	Landscape Non-Statutory Guidance	X
Policy 7	Renewable Energy Supplementary Guidance	
Policy 8	Sport and Recreation Non-Statutory Guidance	
Policy 9	Cultural Heritage Non-Statutory Guidance	X

Policy 10	Resources Non-Statutory Guidance	X
Policy 11	Developer Contributions Supplementary Guidance	

CONSULTATIONS

A summary of the main issues raised by consultees now follows:

10. **Scottish Water** has provided no response.
11. **Scottish Natural Heritage** has no comment on the conditions as they are not issues on which SNH would normally advise.
12. **Transport Scotland** raised no objections.
13. **Highland Council Contaminated Land** advised that part of the site includes a former gravel pit which may have been infilled and a potential former farm tip. With regard to application 07/0145/CP Highland Council recommended a condition requiring a site investigation. Although recommended by CNPA during the appeal for this case (PPA-270-2127), this condition was not imposed by the Reporter. As part of this application site investigations relating to the gravel pit and farm tip have not been submitted. The applicant should be made aware of the potential land contamination issues prior to commencing with the development to ensure safe development. Any application for a building warrant for residential dwellings is likely to require site investigation information. An informative is therefore suggested making reference to this and to Part IIA of the Environmental Protection Act 1990.
14. **Highland Council Flood Risk Team** initially objected to Condition 1 on both applications and Condition 15 on PPA-270-2127 (2018/00183/MS) being discharged at this time.
15. With regard to Condition 1, this was due to the lack of a Drainage Impact Assessment being provided to demonstrate how all storms up to and including the 200 year plus climate change event are managed within the site boundary. They confirm that the drainage proposals rely heavily on infiltration, both for individual plot and the public areas. They would expect details of the infiltration rates across the site to be included in the DIA and results used to inform the design of the drainage features. The proposed drainage measures for the road are shown but no details of the design parameters have been provided. A Drainage Impact Assessment was subsequently submitted and the Flood Risk Team are now satisfied that Condition 1 can now be discharged.
16. With regard to Condition 15 on consent PPA-270-2127 (2018/0183/MS), three houses (plots 18, 20, and 25) are located partly on ground below the 209.15m AOD minimum FFL and ground raising would be required to accommodate this. A number of plots include garden ground that is located within the functional floodplain and they do not support any changes to the existing ground levels in this area and the boundaries should allow free flow of water. It had not been demonstrated that this will be achieved and no measures have been shown to ensure that the levels and boundary treatment are secured in perpetuity for these particular plots.

17. The applicants have now confirmed that the proposed FFL of these plots is to be 209.7m AOD and there will be no ground raising on land below 208.55m AOD to achieve this. The Flood Risk Team now consider this to be acceptable.
18. With regard to those plots which have garden ground located within the functional floodplain, a drawing has now been submitted demonstrating that the boundaries will allow the free flow of water within this area.
19. **Highland Council Transport Team** has responded in relation to application 2018/0183/MSc to satisfy conditions of Planning Permission PPA-270-2127. They have not provided a response for 2018/0184/MSc.
20. They note that this is largely a procedural matter as most of the supporting information has previously been approved under the appeals for this site. Much of the detail is noted by the Team, however, further comments are provided regarding some detailed aspects of the proposals and reference is made to the need for Roads Construction Consent for all roads related infrastructure intended for adoption by the Council.
21. **Highland Council Archaeology** has responded to both applications and confirm that I have nothing additional to add to our original response which noted that an archaeological evaluation (of at least a 7% sample of the proposed development) must be carried out as the first stage in a Programme of Archaeological Works of any consented development here.
22. **Highland Council Waste Management Team** has no comment to make on either application.
23. **CNPA Landscape Officer** has advised there is an overlap with the Ecology Adviser's comments. They address the relevant conditions separately:
 - a) **Condition 1:** in general the landscape proposals (a component of this condition) are acceptable.
 - b) **Condition 2:** There is ambiguity in 216-P6 Rev E Landscape Strategy Plan which needs clarification. The planting proposals in drawings 216-P14 / P15 / P16 are acceptable.
 - c) **Condition 4:** There is no protection for trees 035, 036, 039, 040, 041, 505, 560, 566 or 567. This is required to ensure their adequate protection. In addition there is no apparent protection for the woodland areas from the path works going through them. In all other matters these drawings are acceptable.
 - d) **Condition 9:** The maintenance and management statement is based on a generic document as there appears to be references to vegetation areas/features not shown on the plan.
 - e) **Condition 11:** The scheme as detailed in drawings 206-P6E and 216-P16 is adequate to mitigate effects on the development from the surrounding areas.
 - f) **Condition 17 (2018/0183/MSc)** and **Condition 16 (2018/0184/MSc):** does not consider the information in the CMS to be sufficient.
24. **CNPA Ecology Officer** has advised that there are items that require to be addressed which have legal implications. No information has been provided regarding the bat roosts in the farmhouse (although no development of the farmhouse has been

proposed). Surveys for badger, otter and red squirrel are out of date and a pre-start survey should have been required by condition. An advisory is required to ensure that no tree felling takes place within the breeding bird season.

25. There are errors and omissions in the submission material that require to be addressed through the Tree Protection Plan (TPP), Tree Constraints Plan, Landscape Maintenance Schedule and the Landscape Strategy Plan. The Tree Protection Plan (TPP) omits trees on the far eastern edge of the site. A number of trees in this area, some of which are within plots and overlapping with built development, are shown to be retained and therefore adequate tree protection must be applied. The Landscape Maintenance Schedule document has a number of areas lacking in clarity and/or information, for example references to habitats not shown on the Landscape Plan, cross referencing to types of landscape, where the species rich grassland is, how it will be created and what mix it will contain, and its maintenance. The Landscape Strategy Plan needs more detail relating to habitat protection and provision for the scabious mining bee.
26. **CNPA Outdoor Access Officer** addresses the relevant conditions separately:
 - a) **Condition 1:** advises that paths should be between 1.5 and 2 metres wide and properly constructed including base layers, surface layers and adequate drainage.
 - b) **Condition 8:** The submitted Footway Access Plan dated 21st May 2018 details the location of the existing core paths and the proposed path network post construction. We are satisfied that the proposed path layout accords with the existing core paths and any diversion as a consequence of the development are minor in nature.
 - c) **Condition 9:** The submitted Landscape Management and Maintenance Statement (21st May and 22nd May 2018) lacks detail on how the paths within the site are to be constructed and maintained, and who will maintain them, over the course of the lifetime of the development. With regards to maintenance of the paths in the woodland and linking to the Fishermans' Car Park we would expect the plan to include vegetation maintenance, drainage maintenance, path surface maintenance and inspection and other maintenance regimes.
 - d) **Condition 10:** The Footway Access Plan features a path alongside the site boundary and golf course linking to the Fisherman's Car Park which we welcome. However the plan lacks detail on the width and construction method for this path and how the path will exit onto the track to the car park.
27. **Strathspey Railway Company** has advised that they have no comment to make other than endorse the Reporter's Condition 20 c) in respect of the installation of a fully compliant half barrier controlled level crossing where Dalfaber Drive crosses the SRC's railway line to Boat of Garten. It is already the case that an increasing number of drivers are ignoring the warning lights at what is currently a gated crossing. For the avoidance of doubt the SRC expect the developer to bear all design, installation and approval costs. The SRC also expect the developer to arrange for Highland Council or any successor to take over all maintenance and renewal of the crossing and its equipment as will then exist. The SRC may be able to offer technical assistance in respect of the railway aspects and approvals. Any works associated with upgrading the crossing will need to be timed so as not to compromise the SRC's time tabled services.

28. **Aviemore and Vicinity Community Council** object to the proposals. They accept that the principle for housing has been established but consider that the design of the houses is not innovative and they are not sympathetic to the traditional pattern or character of the surrounding area, which is predominantly low-rise tourist accommodation. The proposals do not include any reference to the promotion of use of natural resources. They consider that the economic draw for the area is the adjacent world class golf course and this will be affected by the housing. Also, a development of this size will compound the problem of availability of school places at both Aviemore primary school and Kingussie High school.
29. Consideration needs to be given to a significant developer contribution to ensure the safety of the crossing and provide additional education facilities. They are concerned regarding the age of the environmental surveys for the site and recommend that these are updated before building commences. They note that red squirrels use the area. The development results in the loss of woodland, which is enjoyed as public space and AVCC consider the size of the children's play area is inadequate. AVCC note that there is no mention of affordable housing and expect that this should be provided on site. No traffic plan has been provided and AVCC request the ability to see this and comment on it. Their full response is provided in **Appendix 3**. AVCC have requested to speak at the Committee.

REPRESENTATIONS

30. There have been 7 letters of objection received; copies are attached in Appendix 4. The issues raised are summarised as follows:
- a) Type of housing, luxury/holiday homes, does not meet local housing needs;
 - b) Design, layout and location of housing does not fit in with the traditional pattern of development or the character of the surrounding area, which is of low-rise tourist accommodation, and does not conserve or enhance the special landscape qualities of the Park;
 - c) No innovative design incorporated;
 - d) It is a prominent site and this development will become a permanent blot on the landscape;
 - e) The proposed play area is too small to meet the proposed population of the housing and does not compensate for the loss of existing amenity open space;
 - f) Impact on and loss of habitat and woodland;
 - g) Need for an Appropriate Assessment due to location near Natura sites, for which Capercaillie is a designated interest as well as the River Spey SAC;
 - h) Significant increase in the population with consequent increased recreational usage of the surrounding area and predictable increased disturbance to Capercaillie;
 - i) Proximity of development to new bridge over the Spey and continuing loss of recreational and dog walking areas are factors which will alter recreational patterns that could add significantly to disturbance in Capercaillie habitats;
 - j) The habitat of the Small Scabious Mining Bee should be protected and the cumulative impacts of the proposed development of this bee species;
 - k) The proposed planting does not do justice to the quality of woodland which is classified as 100% native and 100% semi-natural in the Native Woodland Survey

of Scotland. New planting should reflect this and native trees of local provenance should be required and the species composition should be similar to the existing woodland;

- l) All ecological surveys are now significantly out of date and there is a risk of reckless damage. A full suite of appropriately timed surveys is necessary.
- m) Adverse impact upon protected species and other species, e.g. red squirrel and roe deer;
- n) Impact on one of the most classic views in the National Park;
- o) Contrary to Policy 1 b) as it fails to demonstrate how it reinforces and enhances the character of the landscape by way of its prominence in the landscape;
- p) Contrary to Policy 3 g) as it fails to demonstrate that it will improve or add to an existing public amenity open space;
- q) Contrary to Policy 4.4 in that it will have an adverse impact on amongst other species, a colony of red squirrels;
- r) Contrary to Policy 5 b) as it fails to demonstrate how it would conserve and enhance the landscape qualities of the National Park due to its setting and that these adverse impacts are not outweighed by appropriate siting, layout, scale and design;
- s) Lack of commitment for the provision of affordable housing;
- t) Negative economic impact on nationally renowned Spey Valley Championship Golf course;
- u) Restrictions should be placed on construction hours and dust and noise from the construction of the development;
- v) Whilst this is an application for conditions, the condition put on by the Reporter makes it a full application. Therefore the planning authority would be quite within their rights to refuse as they have done consistently for over 12 years;
- w) Overdevelopment;
- x) Aviemore Primary School and Kingussie High School are both reaching maximum capacity. A contribution should be sought for education;
- y) Lack of information submitted regarding flood risk to both surrounding area and proposed residents, particularly given global warming and recent flooding in the area. Needs submission of cross sections to show existing and proposed ground levels and the relation with surrounding land levels; and

31. The Badenoch and Strathspey Conservation Group have requested to speak at the Committee.

APPRAISAL

Background and Principle of Development

32. Planning permission in principle was granted on appeal for the two sites at Dalfaber Farm in March 2016. This was for:
- a) 83 houses with associated development on land to the north-west and south of Dalfaber Farm – see **Appendix 1a ***Location Plan.**
 - b) 10 serviced house plots with associated development on land to the north west of Dalfaber Farm – see **Appendix 1b ***Location Plan.**

33. Both applications had a number of suspensive conditions attached. The current applications are for the discharge of these particular conditions as summarised above. It should be noted that some of the information accompanying these applications has already been approved by the Reporter at the time previous MSC applications were determined. Additional information accompanying the current applications supplements the previously approved details.

Phasing

34. Conditions 11 (north) and 12 (south) require submission of a Phasing Plan, which shall be undertaken generally in a south to north direction and include details of the development method. The development method is that the proposals will be developed as a single entity rather than as individual plots.
35. The proposals (drawing A3853-L-44A) shows a four phased development: Phase 1 - starting at the entrance of the site, Phase 2 – to the south of Phase 1 and then Phase 3 (including the Farmhouse) and Phase 4 moving north towards the woodland. This detail complies with the requirements of this condition.

Sustainable Design and Layout

36. **Policy 1:** New Housing Development seeks to ensure that new housing reinforces and enhances the character of the settlement. **Policy 3:** Sustainable Design seeks to ensure that all development delivers high standards of design and contributes to the sense of place and a sustainable way of living.
37. Condition 1 on both permissions require full details of the proposed housing in terms of siting, design, external appearance of all buildings and other structures, including all fencing. Condition 14 (south) and Condition 13 (north) required the submission of a design statement. The design statement was required to cover details of height, materials, and plot ratios (together with boundary treatments, the incorporation of energy efficiency and sustainability measures, and landscape and ecology guidance).
38. A comprehensive Design Guide which has been supplemented by a Design Statement provides details of the proposals in terms of the context of the sites, the character areas which have been identified within the sites; A - Riverside, B – In the Woods and C – Woodland Edge, Tree Protection measures, felling and surgery and tree replacement. These documents also offer design guidance for plots on an individual basis. Drawings (3920-K2-01-02 to 33) of each house type showing elevations and floorplans have been provided. These drawings also show plot access, parking, building footprint, paths, refuse storage areas and drying areas. Site Layout plans (3920-K2-00-01B, 02B, and 04B) have been provided showing the local relationships within the north and south sites at a more detailed level. A materials specification has been provided for dwellings, boundary treatments, roads and paths and a statement addressing a sustainable approach to the design and construction methods to be utilised. In terms of landscape and ecology guidance, each plot will incorporate mandatory tree planting in accordance with the overall landscaping strategy and bat and / or bird boxes will also be provided on each plot.

39. There will be a variety of house types within the development, which take reference from the local vernacular. House proportions are restricted to narrow plans with traditional roof pitches of not less than 40 degrees and dwellings will not extend beyond one and a half storeys.
40. It is considered that the proposed details will deliver a range of good quality housing development in this area, which is in compliance with Policy 1: New Housing Development and Policy 3: Sustainable Design.

Landscaping

41. **Policy 5:** Landscape seeks to ensure that development conserves and enhances the landscape character and special qualities of the Park.
42. Conditions 1, 2, 4, 5, 9 and 14 (south) and Conditions 1, 2, 4, 5, 9 and 13 (north) deal with landscaping matters.
43. Details have been submitted showing a comprehensive approach to the landscaping requirements. In addition to the Design Guide and Statement, a detailed Landscape Strategy Plan (216-P6 rev F) shows existing woodland, the trees to be retained and protected during the construction period and proposed tree and shrub planting. This includes a planting schedule. There are also woodland planting proposals for different sections of the site. The previously approved Arboricultural Method Statement has been submitted and read in conjunction with the Tree Protection Plan, supplements the Landscape Strategy Plan. This identifies woodland areas to be protected outwith the developable footprint. Given the complexity of micro siting each individual tree within each plot, prior to the development of each plot, the location of the plot boundary, building and relevant external works is to be pegged out on site for assessment and monitoring of the Arboricultural Consultant in compliance with condition 4. As such any unforeseen impacts can be identified and mitigation measures put in place with the approval of CNPA.
44. The previously approved Landscape Management and Maintenance Statement supplemented by a Maintenance and Management Areas plan (216-P13) and Landscape Details plan (216-P7) have been submitted.
45. It is considered that the submitted landscaping information provides sufficient detail to address the requirements of these conditions and as such complements the landscape setting of the development in compliance with Policy 5: Landscape.

Ecology

46. **Policy 4:** Natural Heritage seeks to ensure that development conserves and enhances the outstanding natural heritage of the Park and that it offers the necessary level of protection from adverse development and enables enhancement.
47. Conditions 1, 2, 4, 5, 9, 14, 16, 17 (south) and Conditions 1, 2, 4, 5, 9 and 13, 15, 16 (north) deal with ecology issues.

48. The information submitted in relation to these conditions is considered to be sufficient. The Reporter, when granting consent for planning permission in principle, accepted the proposals on the basis of the ecological surveys that were undertaken at that time and did not condition any further survey work to be subsequently undertaken. It is recommended that an informative be attached to remind the applicants that they are responsible for complying with protected species legislation and recommend they undertake pre-start surveys to assure themselves they will not commit a crime and seek further advice from SNH on licencing if any protected species are found on site.

Access – Roads and Paths

49. **Policy 3:** Sustainable Design seeks to maintain and maximise all opportunities for responsible outdoor access, including links into the existing path network and be consistent with the Core Paths Plan. It also states that new development should include an appropriate means of access, egress.
50. Conditions 1, 8, 9 and 10 and conditions 1, 8, 9 and 10 address access issues. Details showing footpath access (Plan 216-P10), road layouts (Plan B786-007D), the extent of adoption (Plan B786-013) and final surface completion plan (Plan B7826-016) provide sufficient information and this is supplemented by the previously approved Landscape Management and Maintenance Statement and the plans showing the Maintenance and Management Areas (216-P13) and pathways (Landscape Details Plan 216-P7).
51. In terms of Condition 10, the Landscape Strategy Plan (216-P6 rev F) identifies a path along the golf course boundary to the north end of the site. The Landscape Details plan (216-P7) provides construction details of all the proposed paths, including this one along the golf course boundary. This drawing also provides details of the design and specification of the emergency access and pedestrian barrier.
52. The information now submitted satisfies the requirements of the aforementioned conditions and complies with Policy 3: Sustainable Design.

Servicing – Refuse/Waste

53. **Policy 3:** Sustainable Design seeks the storage segregation and collection of recyclable materials; and provision of composting, while Policy 10: Resources seeks to ensure the minimisation of waste from the construction of the development and throughout the life of the development as defined in a site waste management plan or statement.
54. Condition 10 requires the provision of appropriately located refuse bin collection points. The Design Guide Annex (drawings 3920-K2-01-02 to 33) indicates the location of individual bin stores and the bin store design has also been submitted. Confirmation has been received that collections will be kerbside at each individual plot.
55. This information adequately satisfies the requirements of condition 10 and is in compliance with Policy 3: Sustainable Design.

Flooding, Drainage and Construction

56. **Policy 10:** Resources seeks to ensure all development treats surface water and foul water discharge accordingly and that a suitable SUDs is adopted. It also seeks to ensure that all development is free from the significant risk of flooding.
57. Conditions 1, 14, 15, 16 and 17 (north) and 1, 15, 16, 17 and 18 (south) cover the issue of flooding, drainage and construction.
58. The previously approved Drainage Impact Assessment has been submitted and this is supplemented by plans – Roadside Swale Infiltration Trench details (B7826-006A), Road Layout Plan (B7826-007D) and Non-Adoptable Drainage Measures (B7826-017). Highland Council Roads and Flood Prevention Officers are satisfied with these details. Layout plans have also been submitted (3920-K2-00-01B, 02B and 03B) identifying the Finished Floor Level of plots sited within the flood plain. This issue has now been addressed.
59. The previously approved Outline Construction Method Statement has been submitted and it deals with the temporary measures to be employed during the construction phase.
60. The submitted details are considered to be satisfactory in terms of discharging the relevant conditions and are in compliance with Policy 10.

Archaeology

61. **Policy 9:** Cultural Heritage requires developers to provide sufficient specialist information to ensure minimum impact on any cultural heritage asset
62. Conditions 20 (south) and 19 (north) require the submission of a programme of archaeological work. This has been provided in the previously approved Archaeology Written Scheme of Investigation and as such addresses the requirements of this condition.
63. This information provides satisfactory detail in relation to this condition and complies with Policy 9: Cultural Heritage.

Other Issues Raised in Consultations and Representations

64. **Policy 10:** Resources seeks to ensure that where land is identified as being contaminated from a previous use, assessments are undertaken and where risk is found then mitigation/remedial action is taken.
65. Unfortunately, although Highland Council Contaminated Land Team and CNPA have requested conditions be imposed on permissions granted on appeal, the Reporters have chosen not to include such conditions. As such, CNPA is unable to request this be dealt with at this stage nor impose a further condition to these MSC applications to require investigation or remediation, should it be necessary. This issue has been raised again by Highland Council on these current applications. Highland Council has

confirmed again that the site may be contaminated due to former uses as a former gravel pit and former farm tip. They have noted that an application for a building warrant for residential dwellings is likely to require site investigation information. They recommend an informative is attached to any consent referencing this and the requirements under Part IIA of the Environmental Protection Act 1990.

66. Other issues that have been raised are as follows with responses provided in brackets:
- a) The proposed play area is too small and will not meet the proposed population of the housing and does not compensate for the loss of existing amenity open space (previously approved under PPIP);
 - b) Impact on and loss of habitat and woodland (approved under PPIP);
 - c) overdevelopment (numbers approved under PPIP);
 - d) economic impact on golf course/club (principle of development already approved under PPIP);
 - e) impact upon schools and need for contribution (principle of development already approved under PPIP);
 - f) availability of keys for bollards and access to properties (this will be a private matter between the relevant landowners);
 - g) Lack of commitment for the provision of affordable housing (the applicant has not yet applied to discharge those conditions 21 (north) and 22 (south));
 - h) Restrictions should be placed on construction hours and dust and noise from the construction of the development (a construction method statement has been approved, Environmental Health legislation can address any issues outwith the remit of this document, and an informative has been added to refer to working hours);
 - i) Whilst this is an application for conditions, the condition put on by the Reporter makes it a full application. Therefore the planning authority would be quite within their rights to refuse as they have done consistently for over 12 years (these applications are for matters specified in conditions attached to a Planning Permission in Principle consent. There has been sufficient information submitted to discharge the relevant conditions.)

CONCLUSION

67. A comprehensive package of information has been submitted to discharge:
- a) Conditions 1, 2, 4, 5, 6, 8, 9, 10, 11, 12, 14, 15, 17, 18 and 20 of PPA-270-2127 (07/0145/CP) and;
 - b) Conditions 1, 2, 4, 5, 6, 8, 9, 11, 13, 14, 16, 17 and 19 of PPA-270-20126 (07/0144/CP).
68. The information submitted satisfactorily addresses the conditions being sought for discharge.

RECOMMENDATION

That Members of the Committee support recommendations to APPROVE:

- (a) Application to satisfy the conditions of Planning Permission PPA-270-2127 for residential units located at land to the South of Dalfaber Farm at Land South of Dalfaber Farm Dalfaber Drive Aviemore.**
- (b) Application to satisfy the conditions of Planning Permission PPA-270 – 2126 for residential units located at Land to the North West of Dalfaber Farm, Dalfaber, Aviemore.**

Informatives

1. Notwithstanding this approval, the other matters which require to be approved by the Cairngorms National Park Authority prior to commencement of development are:
 - a) Conditions 20 and 21 of PPA-270-20126 (07/0144/CP – north site) and;
 - b) Conditions 21, 22 and 23 of PPA-270-2127 (07/0145/CP – south site).
2. These matters must be approved prior to 21 March 2019 at which time the consents under PPA-270-20126 and PPA-270-2126 will expire.
3. Once all of the remaining matters have been approved, the permission to which this approval relates will lapse unless development is commenced within 2 years from the date of the last requisite approval.
4. You are advised that mammal surveys that were undertaken and subsequently approved at the time of the Planning Permission in Principle are now out of date and unreliable. You should undertake pre-start surveys for badger, otter and red squirrel, and obtain and follow advice from Scottish Natural Heritage on any licencing requirements if any species are found, in order to avoid committing a crime. You should not felling trees during the bird breeding season to avoid disturbance to breeding birds which is also a crime.
5. You are advised that the disused farmhouse within Phase three of the development is likely to contain bat roosts and that you should undertake a bat survey and if necessary seek a licence from Scottish Natural Heritage before undertaking any development in the vicinity that could disturb bats in order to avoid committing a crime.
6. Notwithstanding there are no further site investigations in relation to contaminated land required under the planning consents, you are advised that any application for a building warrant for residential dwellings is likely to require site investigation information and will also have to comply with the requirements under Part IIA of the Environmental Protection Act 1990.
7. Notwithstanding the details as approved in the Landscape Management and Maintenance Statement, the plan on page 4 of this document entitled Landscape

Elements to be managed after Development is not approved and is now superseded by the revised Landscape Strategy Plan reference 216-P6 revision F.

8. You are advised that the approved ground levels and boundary treatments are secured in perpetuity for any plots that are located within the functional flood plain.
9. Construction work (including the loading/unloading of delivery vehicles, plant or other machinery) should not take place out with the hours of 0800 hours to 1900 hours Mondays to Fridays, 0800 hours to 1300 hours on Saturdays or at any time on Sundays or Bank Holidays in order to minimise disturbance to residents in the area.

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.