
CAIRNGORMS NATIONAL PARK AUTHORITY

Title: REPORT ON CALLED-IN PLANNING APPLICATION

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(DEVELOPMENT CONTROL)

DEVELOPMENT PROPOSED: OUTLINE PLANNING PERMISSION FOR A RESIDENTIAL DEVELOPMENT COMPRISING OF 104 SERVICED HOUSING PLOTS; ALL ASSOCIATED ROADS AND ACCESS POINTS; AND ALL ASSOCIATED SERVICE ENGINEERING WORKS AND LANDSCAPE WORKS AT NORTH DALFABER, AVIEMORE.

REFERENCE: 05/101/CP

APPLICANT: REIDHAVEN ESTATES, SEAFIELD ESTATE OFFICE, CULLEN, BUCKIE, BANFFSHIRE.

DATE CALLED-IN: 11TH MARCH 2005

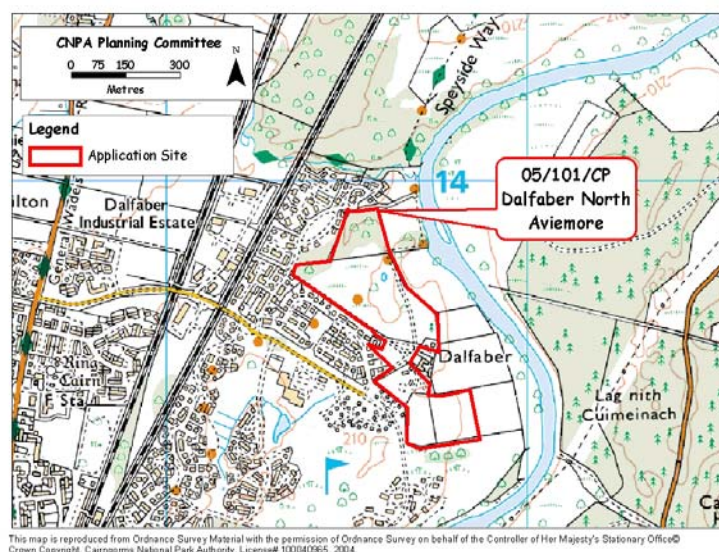


Fig. 1 - Location Plan

SITE DESCRIPTION AND PROPOSAL

1. The proposed site is located at North Dalfaber to the north of the settlement of Aviemore. The site area extends to approximately 27 acres and is bounded to the north west, west and south west by existing residential developments in the Dalfaber area – Dalfaber Park to the north west consists of relatively recently constructed detached properties of varying designs built on individual plots, whilst Spey Avenue to the west, together with Callart Road / Corroul Road to the south west generally comprise of a slightly higher density of development, predominantly in the form of semi detached properties and ‘four-plex’ units. The subject site is bounded to the south and east by Dalfaber Golf and Country Club lands, with the southern area accommodating existing holiday accommodation in various forms including two storey apartments / townhouses and also detached timber chalets. Work is currently on going on lands to the east on the creation of a new 18 hole golf course scheduled to open later this year. Further east of the golf course is the River Spey, which is approximately 105 metres from the eastern site boundary at its closest point.
2. The site is relatively level and the majority of the area comprises of woodland consisting of stands of birch of varying age classes and densities from thicket stage to more open woodland. Together with two existing vehicular access tracks, a network of informal paths currently lead through the wooded area. The south eastern pocket of the proposed site is physically distinct from the remainder of the site, being of a more open nature and not having significant growth of natural vegetation, and is also distinct due to its segregation from the remainder of the area by virtue of the route of the existing access lane (which is also intended as the principal access route to serve the proposed development) and also the position of an existing steading and associated site area outwith the site boundaries.
3. Although this application is for outline permission, a detailed indicative site layout has been submitted. Access to the site is proposed via the existing public road network serving the area, with the main access leading from Dalfaber Drive / Corroul Road onto an existing private access lane. The route of the existing track is intended to fulfil the dual use of serving the proposed development site and also serving the aforementioned golf course and associated clubhouse for which permission has already been granted. The disused steading, as referred to in para. 2, exists adjacent to the eastern boundary of the site, and permission has been granted for its renovation and re-use as the clubhouse facility for the golf course. The existing access lane also serves a residential property known as Heather Cottage, which is located between plots 4 and 5 of the proposed layout. The access lane continues past Heather Cottage, along the western boundary of the

OVERALL SITE LAYOUT



Fig.2 : Proposed site layout (note – white shading identifies the site of the golf clubhouse and is outwith the site boundaries of this application).

subject site, close to the rear boundaries of the properties on Callart Road, before emerging onto Spey Avenue to the north west. Vehicular access along the lane between Heather Cottage and Spey Avenue is restricted due to the presence of agricultural gates at either end. The access from the Dalfaber Road / Corrour Road area is proposed to serve the majority of the plots, whilst a second vehicular access is proposed off Spey Avenue to serve 25 properties, with pedestrian access linking this area into the larger part of the site.

4. The 104 plots for which outline permission is being sought are arranged in dispersed groups amidst the woodland area. The proposed access spine road runs in a north westerly direction, following the route of the existing access track. Approximately 110 metres from its junction with Dalfaber Road, a spur of the access road leads in a south easterly direction where it is intended to serve 23 plots, together with a relatively large play area. This component of the layout is arranged in a quite a grid like pattern, dictated by the necessity to comply with roads requirements. The proposed play area is currently a disused pit.

South eastern area of site



Fig. 3 : South eastern area of site, with main access shown off Corrou Road. Excluded white area identifies existing farm steading where permission has been granted for conversion to form golf club house.



Fig. 4 : main access off Corrou Road



Fig. 5 : view towards south eastern corner



Fig. 6 : existing access into site



Fig. 7 : Steading outside site boundaries

5. The largest section of new access spine road extends in a north westerly direction for approximately 235 metres, providing direct access to 22 plots en route, before traversing in a northerly direction for approximately 150 metres into a cul de sac which serves a further 16 plots. The remainder of the proposed plots (no's 39 – 54) are accessed from a smaller cul de sac extending in a north easterly / northerly direction. 16 of the 104 plots proposed are located contiguous to the boundary with the developing golf course. The development of one of those proposed plots (no. 54) located adjacent to the site of the golf club house would necessitate the demolition of an existing disused dwelling house. The ground level of the land adjacent to the golf course is generally higher than land to the east, offering views over the golf course and down to the River Spey beyond.



Figs 8 & 9 : existing derelict dwelling on eastern boundary

6. The 79 plots accessed from the principal access road off Dalfaber Road are each intended to accommodate detached dwelling houses, with varying plot sizes. All are capable of accommodating on site car parking provision, as well as providing garden areas to the front and larger private open space provision to the side and rear. The layout includes three identifiable areas of large plots – 23 plots in the south eastern area of the site; 13 plots adjacent to the eastern boundary; and 17 plots in the north western area of the site. The remainder of the individual plots (22) are somewhat smaller and located towards the western area of the site.
7. In the initial stages of this application, the applicants indicated that the anticipated marketable value of the smaller plots in the western area of the site may provide housing opportunities for the local housing market. Ultimately however, Reidhaven Estates declined to enter into any formal mechanism to achieve this, stating that the “plots would not fall within the definition of affordable and imposing an ongoing restriction on the sale of these sites would not be acceptable to the Estate and would probably not be acceptable to potential purchasers and their lenders either.” Despite this, Reidhaven Estates anticipate that the majority of the purchasers of the plots within the overall development will be local residents and that they “will endeavour to give priority to these customers in the sales process.” Reidhaven Estates are also in discussions with a housing association, and the associations interest in the proposed development is detailed later in this report.



Fig. 10 : individual house plots 1 – 54 proposed in main body of subject site, with proposed affordable housing component of 25 units located to the west, adjacent to Spey Avenue.



Fig. 11 : existing track along south boundary



Fig. 12 : view north in vicinity of plots 13/14



Fig. 13 : Eastern site boundary



Fig. 14 : view from east towards central woodland area of site.

8. Twenty five of the proposed housing units are intended as affordable housing. The north western area of the site has been put forward by the applicants as an area of affordable housing, where the indicative layout for the 25 units shows a higher density, more compact form, accommodating semi detached and terraced units, with areas of grouped communal car parking. As already detailed in para. 3, this area of the site is proposed to be served by a separate vehicular access off Spey Avenue, with a pedestrian route providing a link through to the remainder of the development. The density proposed in this area of the site is similar to that of existing surrounding residential development in Callart Road, Corroul Road and western parts of Spey Avenue. Albyn Housing Society Ltd. have expressed an interest in acquiring this area of the site with a view to the future development of affordable housing, including 'Homestake' units. In recent correspondence between Albyn Housing Society Ltd. and a representative of Reidhaven Estates, which has been copied to the CNPA, the housing society have also indicated that they would hope to "identify a further 4 smaller plots elsewhere on the site which would be capable of providing additional affordable homes for Low Cost Home Ownership, possibly for sale using the Rural Home Ownership Grant mechanism or which might be capable of development as semi-detached units under the Homestake scheme." Albyn Housing Society Ltd. have also provided written assurances that the quality of any development they provide on this site is in line with their track record in Aviemore.



Fig. 15 : proposed affordable housing element in western area of site



Fig. 16 : western area from Spey Ave.



Fig. 17 : approx. position of houses 95 - 99

9. Outline planning permission is sought in this application for 104 serviced house plots, all associated roads and access points and all associated service engineering and landscape works. The standard information required in an outline planning application has been supplemented by a series of indicative drawings, showing details of the position of access roads and house plots. In the event of the grant of planning permission, Reidhaven Estates as applicants, intend to develop the roads and services prior to selling the individual plots for development. Other than the proposed affordable housing component, it is not intended to make the land available for purchase by a single developer. The wish of Reidhaven Estates to sell the site as a series of plots for people to build their own houses has been expressed in documentation submitted to the CNPA. However, even after the sale of each individual plot, Reidhaven Estates propose to retain an involvement in order to “secure high quality design and workmanship, including a high level of respect for the local wooded environment.” It is proposed to achieve this involvement through contractual arrangements with the incoming homeowner. Within this mechanism, each plot owner would take responsibility for securing permission for their individual house, through an application for Approval of Reserved Matters, but with the Estate requiring each property to be designed in accordance with a Design Guide.
10. A Draft Brochure has been prepared by the applicants / their agent for the proposed development at North Dalfaber, with Part One setting out the nature and content of the agreement that purchasers of a plot would be expected to enter into and setting down a series of undertakings that would form a purchase contract between the seller and the purchaser. It requires that certain site characteristics are protected, and identifies specific trees that must be maintained on individual plots. The brochure also makes reference to the fact that common areas within the proposed development would require to have continued maintenance. It is proposed that the “care and maintenance would be administered by a company specialising in this service or by way of a residents association established in the area” and a service charge would be applied and collected to facilitate this. Part Two of the Brochure sets out the means by which a purchaser would have to gain the necessary ‘statutory consents’ i.e. their involvement in the normal planning process. This section of the Brochure highlights the requirement that any development proposals strive to reflect the aims of the National Park, as well as complying with local, regional and national planning policy and guidance.
11. A Design Guide forms Part Three of the aforementioned Brochure. In a Planning Supporting Statement accompanying this application, the Design Guide is described as setting out a “framework of design principles, flexibility and scope for individual expression in response to particular site conditions and users needs; whilst drawing out the abiding qualities and character of buildings and settlements in the National Park.” It is stressed that the building should primarily be a

response to its setting and that “first and foremost a sustainable design of exceptionally high quality will be required.” The Design Guide is intended to provide guidance, whilst not being over prescriptive, and it sets out illustrative examples of developments that have proved acceptable within the area. Three broad types of landscape setting are identified within the development, each of which is intended to elicit a unique design response to the specific setting. The landscape areas identified are the woods, the woodland edge and the riverside, i.e. eastern boundary overlooking the adjacent golf course and onwards towards the Spey.

SITE HISTORY

12. Since the adoption of the Badenoch and Strathspey Local Plan 1997, two applications have been made on a portion of the subject site, on both occasions in an area located adjacent to Spey Avenue, in the western area of the current site. Outline planning permission was sought under Planning Ref. No. BS/97/306 for a housing development, with documentation including an indicative site layout showing 7 house plots. That application was refused by Highland Council on three grounds – (1) the proposed development is contrary to the provisions of the Council’s adopted Local Plan and approval would lead to the loss of space which is important in breaking up areas of north Dalferber and such loss would be contrary to the objectives of the Gillespie Urban Design Strategy endorsed in the Local Plan; (2) the proposal if approved could give rise to a precedent whereby it would be difficult for the Planning Authority to resist similar developments in the future; and (3) approval of the proposed development would result in an unacceptable loss of trees along with the possibility of pressure to fell further trees following completion and occupation of the development.” The decision was appealed to the Inquiry Reporters unit of the Scottish Office and the appeal was dismissed on 8th February 1999.
13. During the course of the period of assessment of the appeal by the Inquiry Reporters unit, a further application was made on the same site area, seeking outline permission for a housing development, where the indicative site layout indicated an arrangement of six house plots (Highland Council Planning Ref. No. BS/98/293 refers). The application was withdrawn on 16th March 1999, prior to any determination.

DEVELOPMENT PLAN CONTEXT

14. In the national context, **SPP 3 Planning for Housing** encourages the provision of well-located, high quality new housing, suggesting that good housing can support economic competitiveness, social justice and sustainable development. Para. 6 of the document stresses that housing is a key factor in defining the character of cities, towns and

villages. **SPP 3** concedes that the design of new housing is not always given sufficient priority and urges that the environmental impact of housing be given much greater importance. Para. 14, in discussing the Form of Development highlights the fact that good layout is at the heart of making residential environments safe and welcoming, with pedestrian activity adding vitality and increasing the feeling of personal safety.

15. **SPP 3** also highlights the relevance of good landscape design, stressing that it can make a significant contribution to environmental quality, but cannot compensate for poor layout and design. Para. 17 is of particular relevance in this current application, where it is stated that “new development should respect and where appropriate enhance existing vegetation and other natural features. Mature trees should be retained wherever possible and replanting should be undertaken where development involves their loss.” The document also suggests that developments can enhance a site’s wildlife value through retention, creation or management of natural features and wildlife habitats.
16. 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.”
17. **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. The mechanism of safeguarding trees by means of Tree Preservation Orders is also advocated.
18. **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,¹ public parks and gardens, green corridors and natural / semi natural greenspaces.² 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.”

19. **PAN 67** deals with the subject of **Housing Quality** and recognises the fact that many people want to live in a place that has a distinct identity, “rather than one that could be anywhere.” **PAN 67** advises that all development has the potential to contribute to a sense of neighbourhood and also highlights the fact that “thoughtlessly chosen standard house types and inappropriate materials look disconcertingly out of place.” In a detailed section on layout, it also urges developers to think about the qualities and characteristics of places and not consider sites in isolation.
20. A detailed section on Landscape is also included in **PAN 67 Housing Quality**, which emphasises that the character and appearance of the land including its shape, form, ecology, natural features and the way they combine, is a key to designing houses that makes the most of its setting. It is advised that natural features should generally be conserved and emphasised, with additional new tree and shrub species complementing the area’s existing natural features. It also advocates the use of landscaping proposals to promote biodiversity.
21. **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.”
22. **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

¹ 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.

² Natural / semi natural greenspaces are defined as areas 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.

environments; and contribute to the economic and social development of the community.

23. The subject site is included within the settlement area of Aviemore as detailed in the **Badenoch and Strathspey Local Plan 1997**. A number of zones are allocated for housing purposes, with distinctions being made between 'new development' and 'long term' housing development. The majority of zones, which are located towards the centre and eastern area of the site, are surrounded by land allocated as amenity woodland. The amenity woodland zoning encompasses large tracts of the western and north western areas of the subject site. In addition a portion of land in the south east of the site, to the rear of existing chalets belonging to the Dalfaber Golf and Country Club is allocated for amenity woodland purposes, while a large area surrounding the steading which is located outside the site boundaries and also including some of the proposed site area (including the property proposed for demolition) is allocated for commerce / tourism purposes.
24. In discussing Main Village Expansion Areas Section 6.1.2 (c) of the Badenoch and Strathspey Local Plan deals with the Dalfaber North lands in detail, identifying it as 9.2 ha. with capacity for 250 houses (note – part of the 9.2 ha. area has already been developed, accommodating approximately 100 houses). Requirements for the development of the area as detailed in the Local Plan include an extension of the loop road from Spey Avenue; realignment of the junction onto Dalfaber road; retention and active management of birch woodlands and related glades to sustain this as an integral habitat; footpaths / parking and related amenities including a children's play area. It also states that any requirement to upgrade the level crossing will be monitored in relation to future development and any increase in the frequency of rail traffic.
25. Section 6.1.2 also includes general planning advice applicable to the lands identified at Dalfaber as well as other lands forming part of the Main Village Expansion Zone. It requires that housing layouts become an integral part of the village with residential enclaves absorbed within compartments of woodland and modulated according to localised physical characteristics and landforms. The stated objective is to achieve a series of sheltered neighbourhoods, "individually designed in the interests of fostering community spirit and security." The Plan also recommends that densities ranging from 10 dwellings per hectare for larger detached properties to 25 per hectare for terraced, flatted and courtyard groupings would generally be appropriate. It advocates design features and materials and finishes drawn largely from Aviemore's traditional buildings.

26. For information purposes only, the **Consultation Draft of the Cairngorms National Park Local Plan** includes the site within the settlement boundary of Aviemore and identifies the land as a live application site (LA1). The land is within a General Policy 2 area, where development will only be permitted where it is demonstrated that there is no alternative and that the “aims of the National Park or objectives of designation and the overall integrity of the areas, features or interests will not be compromised; or any significant adverse effects on the special qualities of the National Park or qualities for which the area, feature or interest has been designated or identified, or amenity or public health are clearly outweighed by social or economic benefits of national importance and are mitigated to provide features or interests of equal importance to those that are lost.”
27. The **Gillespie Urban Design Study** for Aviemore³ referred to the proposed site and the surrounding lands in Dalfaber as “the extension area” stating that the expansion should be an integral part of the Aviemore community. The Study identified three distinct areas in which housing could be accommodated - D1, 4.20 ha. comprising of an extension of Spey Avenue and including a village green in a central position; D2 – consisting of 2.06ha. and located to the west and north west of the existing Dalfaber Farm Steading, and D3 - 2.83ha., located south of the Dalfaber farm steading extending eastwards from a group of existing chalets. The remainder of the lands surrounding each of those distinct areas was identified for ‘landscape structure.’ Examples were given of typical housing layouts that could be grouped around a village green, with the green being treated as a neighbourhood focus. The Study acknowledged that this would be a completely new development area and included advice on building form, roof, walls, boundary treatments, road design and planting. In relation to road design, it advised that it should reflect the rural quality of the setting and avoid over-specification such as kerbing and parking bays layouts that could lead to suburbanisation. In terms of planting the study suggested that the “theme of native woodland setting” prevail throughout, that informal ‘naturalistic’ planting layouts be used in most places and that existing plants of value be retained and protected during development.

³ Gillespies were commissioned in 1993 by Highland Regional Council, with assistance from Moray, Badenoch and Strathspey Enterprise, to prepare an Urban Design Strategy for Aviemore, with the intention that the document would provide an urban design framework and design principles to help guide future development. Section 6.1.1 of the Badenoch and Strathspey Local Plan in detailing Highland Council’s Urban Design Strategy for Aviemore refers to the promotion of improvements in the quality and design of the built environment and its relationship with adjoining countryside in accordance with the principles of Gillespies’ Urban Design Strategy.

28. Section 3 of the **Cairngorms Landscape Capacity for Housing**⁴ provides a detailed assessment of Aviemore East, categorising the lands within the subject site at Dalfaber as 'Elevated Land.' Some of the key characteristics of this area include it being largely birch woodland, with the woodland secluded and used for grazing, and with the area around the derelict buildings at Dalfaber offering fine panoramic views of the Cairngorms. In terms of the landscape character and experience on the 'Elevated Land', the report notes that development would disrupt the relatively secluded and semi natural character of the extensive woodland, adding that there is a high demand for informal recreation in the area, with the woodland being partly used for recreation. With reference to the settlement edge, the 'Elevated Land' is classified as being of very high sensitivity, with the woodland forming a robust settlement edge. In terms of views and visual features, the **Cairngorms Landscape Capacity for Housing** states that "development hidden within the woodland would not be particularly visible, although development which resulted in extensive removal of the woodland would affect the visual setting of the town.'

CONSULTATIONS

29. **Scottish Natural Heritage** have examined the development proposal twice in the course of the assessment process and although stating that they have no objection to the proposed development, a number of observations have been made and some concerns have been raised in the responses. In relation to the River Spey SSSI and SAC,⁵ located approximately 100 metres from the site, the development is considered unlikely to have a direct impact on the river, and as foul water would drain into the public sewerage system **SNH** also consider it unlikely that any qualifying feature would be affected significantly either directly or indirectly.
30. In terms of European Protected Species, **Scottish Natural Heritage** examined the documentation initially submitted and made the observation that the development site "may provide important resting sites and / or breeding sites for otters and bats." Accordingly, a revised habitat survey was required, with a specific requirement to carry out a bat and otter survey. Further to receipt of the survey **SNH** noted that the results indicated that the proposed development area is not currently used by otter, and is sparsely used by bats. **SNH** therefore concluded that it is "unlikely that the proposed development would affect the EPS populations in a way contrary to the species protection elements of the Conservation (Natural Habitats &c.) Regulations 1994"

⁴ The Cairngorms Landscape Capacity for Housing is a study commissioned by the Cairngorms National Park Authority in April 2005 to assess the potential effects of new development on the character of the landscape surrounding twenty two settlements which lie within the CNP and to inform the emerging CNP's Local Plan.

⁵ River Spey SSSI and SAC identified for their populations of Atlantic salmon, freshwater pearl mussel, sea lamprey and otter.

and accordingly no licence would be required from the Scottish Executive.

31. **SNH** also provided detailed advice on the birch woodlands noting that they provide “some public benefit in terms of its value as green space, public access, landscape and habitat.” Reference is also made to the fact that new planning guidance has been produced by the Scottish Executive, including PAN 65 on Planning and Open Space, since the Badenoch and Strathspey Local Plan was adopted, and **SNH** highlight the fact that the new guidance gives an additional importance to green space in planning terms. The response describes the area as “the last undeveloped green space in this part of Aviemore.” The **SNH** response supports the fact that existing footpaths and tracks are proposed for retention in the current application but also recommends that the footpath from Dalfaber Drive to the River Spey be retained. The report also refers to the fact that the site is within the Cairngorm Mountains NSA, but notes that it is not a highly visible location and “therefore is not likely to have a significant impact on the NSA.” It is also stated that none of the site is designated for its birch woodland interest and the birch woodlands are not listed as ancient or long established in **SNH**’s ‘Inventory of Ancient and Long Established Woodlands.’

32. The response highlights the fact that although the proposal is for fewer houses than the allocation in the Badenoch and Strathspey Local Plan, the footprint of the houses extends further than indicated in the local plan and the area of amenity woodland is less than indicated in the Local Plan. As a result of this, **SNH** detail their support for policy 6.5.1 of the Local Plan requiring the ‘active management of trees and woodlands.’ Reference is also made to the previous refusal of planning permission for 6 dwelling houses on the part of the site adjacent to Spey Avenue (as detailed in para. 10 – 11 of this report) and in particular the reasons for refusal, including the loss of the woodland character of the area. The **SNH** response notes that the proposal includes the retention of areas of woodland as public open space and that additional trees would be protected within gardens. However, it recommends that further amendments could be made which “would give greater scope for a functioning woodland, because of its value as green space, for recreation, landscape and as habitat.” The area of woodland adjacent to the road (i.e. Spey Avenue) is noted as being of particular importance from a landscape point of view, as it provides a visual break in the surrounding housing and as a result **SNH** recommend that particular attention should be paid to the retention of trees in this area.

33. **SEPA** examined the proposal from the perspective of foul drainage and surface water drainage and flooding. In relation to foul drainage, **SEPA** noted that it is proposed to connect the development to the public sewer and have stated that there is “no objection to this proposal provided these drainage arrangements are approved by Scottish Water.”
34. In relation to surface water drainage **SEPA** noted that due to good infiltration on site no surface water discharge is proposed to either watercourse of sewer and confirmed that the SUDS proposals are acceptable but have requested that a condition be attached in the event of the granting of planning permission requiring that detailed SUDS proposals, designed in accordance with the agreed ‘Drainage Impact Assessment’⁶ should be submitted for the agreement of the relevant planning authority, in consultation with relevant parties including **SEPA** and **Scottish Water**, prior to the commencement of development. The response also recommends that a further condition be attached requiring that the SUDS proposals for any phase of development must be implemented and operational prior to the occupation of the development, in order to prevent water pollution.
35. The response from **SEPA** also noted that local residents had raised issues regarding poor drainage in the area and potential flooding and **SEPA** have suggested in response to this that a flood risk assessment be carried out for the site.
36. In light of the proximity of the River Spey and the potential for the pollution of controlled waters, **SEPA** also requested that a condition be attached in the event of the granting of planning permission requiring that a detailed site specific construction method statement for the site be agreed with the relevant planning authority, in consultation with **SEPA**, prior to the commencement of works on site and must be implemented in full during works on the site.
37. **Scottish Water** in their most recent correspondence⁷ object to the proposed development due to the current constraint that has been placed on the water infrastructure serving Aviemore (and all other areas served by Blackpark water treatment works). In addition the response also refers to ‘uncertainty at this time’ over the capacity of the existing sewer network and whether or not it has the capacity to service

⁶ Documentation submitted in November 2005 on behalf of the applicants included a ‘SUDS Strategy – Residential Development at Dalfaber, Aviemore for Reidhacen Estates by Ramsey & Chalmers’ and a plan showing ‘General Arrangement for DIA’ by Ramsey and Chalmers.

⁷ The initial response from Scottish Water received in July 05 stated that “Scottish Water would review any comments regarding the provision of infrastructure for this proposal on submission of a detailed application. In the period between submission of outline and detail applications, available capacity may have altered as a result of changes in legislation or subsequent development. Therefore, connections are not guaranteed at this time.” Scottish Water have since clarified that the comments were in line with all responses on outline applications for a short spell over summer 05 and were not considered satisfactory and are no longer in use. The current objection was received from Scottish Water in January 2006.

this development. The response also stated that whilst there is currently capacity at the Waste Water Treatment Works, there is a limit on the number of connections available and that the connections would be allocated on a first come first served basis.

38. **HM Railway Inspectorate** was consulted on the proposal and the CNPA have received a series of correspondence in connection with the agencies views on the use of the level crossing on Dalfaber Drive to gain access to the proposed development. Initial correspondence from HMRI stated support for the objection raised by Strathspey Railway.⁸ Further to queries raised subsequently by HMRI in their assessment of the Transportation Assessment submitted as part of the application documentation, the applicants commissioned a further 9 day traffic census. A response received from **HMRI** on 28th December 2005 referred to the fact that “this is a landlocked area that has, and continues to be, an area undergoing progressive developments. There is a need therefore, to consider the wider picture, and provide the long term infrastructure required to allow future development that does not impact on railway safety” while correspondence received on 24th January expressed concern in terms of the wider development of the area, as opposed to the development of the specific lands associated with this current application. **HMRI** on that date stated that the “ultimate problem is the lack of overall long term vision in providing the infrastructure to support the continued creeping developments at this crossing” and the final conclusion of **HMRI** is that “this development in isolation will not have a dramatic impact on the crossing.”
39. The **Area Roads and Community Works section** of Highland Council have examined the proposal and in their final consultation response refer to some concerns regarding additional trafficking of the Dalfaber Level Railway Crossing (by traffic likely to be generated by the proposed development and other developments east of the level crossing for which consent has already been granted but which are not yet complete) while the crossing remains in its present form. However, the final outcome of the assessment of roads issues is a recommendation that a number of conditions be attached in the event of the granting of planning permission, subject to the approval of HSE / Railway Inspectorate for the anticipated increased use of the crossing, either in its present form or in an upgraded form. The conditions required by the **Area Roads and Community Works** section include requirements to design and construct internal roads to a standard suitable for adoption, the achievement of specified visibility splays at the junctions with the public roads, the provision of adequate on site car parking provision, the provision of suitable pedestrian / cycle links to link the development to existing facilities nearby, the provision of an adequate scheme of street lighting and drainage measures to ensure

⁸ Strathspey Railway Company Ltd. object on the basis that the level crossing on the access road to the site is, in its present form, incapable of accommodating in a safe manner the traffic likely to be generated by the proposed development.

that there is no flood risk to properties upstream or downstream of the development.

40. The proposal has been assessed by the **Contaminated Land** section of **Highland Council** where it was initially noted that there is potential for contamination in some areas of the site, with the disused pit in the south western area of the site being the location of concern. Following the receipt of further information on this matter, the **Contaminated Land** section stated that they have “no objection to a condition requiring a site investigation, and possibly remediation and validation being used with this site, provided that the Cairngorm National Park Authority has the enforcing powers to ensure that the condition is complied with.”
41. The **Archaeology Unit** of **Highland Council** have examined the proposal and the response notes that the application will partly impact on an area of historic interest. Accordingly it is recommended that a condition be attached to any planning permission granted requiring the submission of a programme of archaeological work for the preservation and recording of archaeological features affected by the proposed development, prior to the commencement of development.
42. The proposed development has been assessed by the **Forestry Section** of **Highland Council** on two occasions, with one assessment being carried out in April 2005 shortly after receipt of the original documentation, and a subsequent assessment being undertaken in December 2005 following receipt of amended plans. The initial response notes that the site area contains amenity woodland, as identified in the Badenoch and Strathspey Local Plan. It details the fact that the woodland consists of stands of birch of varying ages, classes and densities from thicket stage to more open, mature birchwood and that the “woodland is well used by residents of Aviemore, being criss-crossed by an extensive network of informal paths.”
43. The **Forestry Section** also express concern over the representation of retained tree cover in plots 1 – 47 “In the Woods” in particular. Plots 15 – 29 were noted as causing specific concern. There is a concurrence with the Draft Brochures statement that “the older birch trees on the site are of ecological interest... therefore these should be retained as far as possible within the plots.” The report expresses doubt as to whether this section of relatively open mature birch woodland could retain its character at this density of housing and it states that the proposed layout as shown would result in a significant felling of mature birch trees, both for the creation of services and for the houses themselves.” The **Forestry Section’s** initial assessment concluded that “it is likely that the woodland character and mature woodland setting would be lost, leaving individual mature birch trees or small clumps, rather than ‘a house in the woods.’ ”

44. The views expressed in the second consultation response, which was prepared following receipt of an amended site layout plan and other details including a tree removal schedule, largely echo those outlined above, in that the **Forestry Section's** concern remains over the representation of the proposed retained tree cover in plots 1 – 47. It is stated that plot layout does not appear to have changed in any way to accommodate the need to retain and safeguard trees during and after development. Reference is made to the tree removal schedule that identifies trees for removal that are either 'dead', 'damaged' or 'mishapen.' It is stated that the latter category in particular is not a helpful category in assessing a tree's condition for retention / removal in this woodland setting. In this regard, tension between the Design Brief's desire to retain older birch for their ecological interests and the desire to fell certain trees showing signs of decay is also highlighted, with the **Forestry Section** taking the view that trees showing signs of decay would be likely to add to their ecological interest. The response concludes that the proposed "layout is an overdevelopment when read against the design brief, and will have a significant and detrimental impact on the character of the wood."
45. **Spey Fishery Board** initially objected to the proposed development due to concerns regarding the potential ecological impact and also concern over the development's potential effects on the value of the adjacent fishery at Pityoulish. Further to receipt of that objection, discussions were undertaken directly between the developers and the **Spey Fishery Board** with a view to addressing the concerns raised. The objection was withdrawn in October 2005, with correspondence from **Spey Fishery Board** referring to assurances given by the developers in meetings with the Board that the "additional waste water and sewage demands potentially created by the proposed housing can be managed within Aviemore's upgraded waste water treatment facilities." In terms of the **Spey Fishery Boards'** concerns about the effect of security and ambient lighting on the value of night fishing for sea trout on the adjacent River Spey, the Board accepted the developers suggestion of formulating detailed advice for incorporation into the design guide, which would subsequently be detailed as a condition in the event of the granting of planning permission.
46. **Aviemore and Vicinity Community Council** were also consulted on the proposal and responded with an objection, stating that the development is contrary to the existing Local Plan which "has specific areas zoned for amenity woodland as well as areas for housing." It goes on to state that houses should be confined to the areas zoned for housing, leaving a substantial amount of land as amenity woodland for the benefit of the local community, especially those living in the immediate vicinity. Other statements contained in the response include the view that "Aviemore does not have the infrastructure necessary to support another large housing development," and also a view that there is a struggle "to hold on to open green space with all the housing which has been built recently". Reference is also made in the submission to

the previous refusal of planning permission on part of the lands. The submission from **Aviemore and Vicinity Community Council** concludes with the view that “taking a walk in the remaining undeveloped woodland will be a tortuous exercise round and through the housing development.”

47. The **Visitor Services and Recreation Group** of the CNPA have assessed the proposal and commented in the context of outdoor access, recreation provision and public amenity. The report concedes that the site is not a high quality recreational environment at present, but nonetheless is an attractive greenspace for the local residents and as such has a high amenity value, with considerable potential to improve the quality of the site for informal recreation.
48. The primary concern raised by **VSRG** in relation to the north western area of the site is that it represents the “last amenity woodland space in Aviemore and the new development would change the site irreparably from its current status as an open woodland site used for access and highly valued by the community for this reason.”
49. The **VSRG** response acknowledges and supports the proposed retention of pedestrian access within the development, where the two main informal access points from Spey Avenue and Callart Road are proposed for retention, but notes that “critically there is no indication of how they will link to the riverside path along the Spey which is a route of key importance in Aviemore.”
50. Notwithstanding the retention of the existing paths, it is considered that the proposed development (in conjunction with the golf course on adjacent lands where sections of existing paths have been subsumed by its development) “will form a significant barrier between Dalfaber and the river”. The response considers that this would have a two fold effect, with informal access to the river being lost and in addition pedestrians’ views of the river would be lost, “unless some provision is made to put in a path on the boundary of the site between the golf course and the proposed development” (see Appendix 2 for agents response). **VSRG** consider that the establishment of a perimeter path on the northern and eastern boundaries of the development site would help mitigate against the loss of the recreational amenity.
51. In terms of the southern eastern area of the proposed site, the **VSRG** assessment states that there is little evidence of well trodden paths, although there is evidence of people using the Dalfaber Farm track and the wayleave behind the houses on Corrou road and Callart road. Concern is expressed that the plans do not indicate any provision for paths and routes within this south-eastern sector and consequently recommend that a formal route be established along the southern boundary of the site (which is currently marked as a wayleave) and that existing access to the river from Dalfaber Drive is retained.

52. The CNPA's **Natural Resources Group** (as was) initially assessed the proposal in May 2005 and expressed support for the range of additional information requested from the applicants in a letter issued from the planning office (see Appendix 2 for details) and stated that further detailed comment would be made on the proposal upon receipt of amended details. **NRG** also highlighted the importance of maintaining the woodland character of the area and also expressed concurrence with the views of **SNH** and the **Forestry Section** of Highland Council. Upon receipt of the further information relating to the application in November 2005, the further assessment of the natural heritage aspects of the proposal was undertaken by the more recently formed **Natural Heritage Group**. The response from the **CNPA's Natural Heritage Group** notes that the subject site lies within the Cairngorm Mountains National Scenic Area and is located just 100 metres from the edge of the River Spey SSSI and SAC. The report notes that the woodland setting of any settlements within the National Park is one of the Park's special qualities. The various benefits of woodlands are highlighted including the visual amenity benefits, the fact that woodlands "bring semi-natural habitats and associated biodiversity close to where people live," enhance day to day enjoyment of natural heritage, and are valued for their access and amenity, as well as environmental education benefits.
53. **NHG** acknowledge that the design concept as detailed in the 'Draft North Dalfaber Brochure' which accompanied the application documentation is based on "trying to achieve a good quality housing development, using individual house designs with a large proportion within a woodland setting." Despite this, **NHG** note that the introduction of housing on this site, no matter how carefully designed, will change the site from its presently undeveloped character.
54. The overall site has been examined in five distinct zones, with the features of each distinct area identified and recommendations made in respect of conserving and enhancing the natural heritage in each area. **NHG** describe their response as providing a view on the likely impacts of the development upon the site's present natural heritage value and its contribution to the special qualities of the Park, including an assessment of the landscape implications. The landscape considerations have been partially informed by the recently produced report 'The Cairngorms Landscape Capacity for Housing' (as detailed in para. 28 of this report).
55. The 'north eastern zone' refers to the area in which plots 17 – 25 are proposed. It is characterised by scattered mature birch growing on tall, semi-improved grassland, with this area of the site showing signs of past livestock grazing. The woodland integrity has been diminished by the large scale modification of the natural ground flora. Despite this, the zone is considered to contribute to the landscape setting, the wooded character and robust woodland edge of this part of Aviemore. **NHG's** preference is that this area remains undeveloped, stating that

“the division into curtilages and housing plots will disrupt the relatively secluded and semi natural character and make most of the area, apart from the gully, inaccessible for amenity and recreation purposes.

56. The north western zone of the site, which includes plots 12 – 16, 25 – 28 and 79 – 104 is described as an area characterised by patches of young birch (approximately 20 – 25 years old) and growing on a mosaic of semi-natural heath and unimproved acid grassland. There is abundant and continuing natural regeneration of birch and the **Natural Heritage Group** consider that the zone if left undisturbed would be likely to develop a stronger woodland character in the future.
57. The area of the site described by **NHG** as the north central zone includes plots 5 – 11, 29 – 35 and 43 – 50. The area is characterised by a combination of mature and thicket-stage (25 – 30 year old) birch, and as in the north western zone **NHG** note that many of the birch are multi-stemmed and appearing to be re-growth from cut stumps. The mature birches are largely in the northern part of this zone. Although the acid woodland flora is heavily grazed by horses at present, **NHG** note that the presence of acid species indicates that the soils have not been cultivated or greatly disturbed. **NHG** recommend that the northwest and north central zones remain undeveloped. Development occurring in the two zones would result in the loss of semi-natural habitat interests of open wooded heath and closed canopy acid birch woodland. If lost, the soils and associated ground flora would be “very difficult, if not impossible, to recreate.”
58. The site layout plan indicates that most of the north west zone would be developed for housing plots and **NHG** express the view that whilst there would be retention of some trees, almost all of the heathland ground flora would be incorporated into curtilages, resulting in the conversion of this semi natural habitat into gardens. The consultation response notes that if left undeveloped the natural heritage value of the north west zone will continue to improve and widespread natural regeneration will result in the development of more woodland cover. The omission of development from the north central zone (where **NHG** estimate that approximately half of the woodland area would be directly affected by the proposed layout), together with the removal of grazing pressure, would offer considerable potential for the vegetational communities to recover, thereby significantly increasing the natural heritage value. **NHG** acknowledge that the site layout indicates the retention of a tree cover in the area, but state that uncertainty remains “over effectiveness in retaining the wooded character in practise considering the impacts on soil, ground flora, tree roots and crowns arising from the installation of utilities, and the construction of roads and houses.” In summary, **NHG** consider that although the proposed development of this zone would retain some of the visual characteristics of woodland by the protection of some of the trees, there will be a loss of woodland habitat and note that the development would change the current landscape character from semi-natural native

woodland into one of housing with trees and would diminish the nature conservation value of this site.

59. In landscape terms, **NHG** concur with the 'Cairngorms Landscape Capacity for Housing' report, describing the woodland in the north west and north central zones as helping to form a robust settlement edge, which also contributes to the wooded character and setting of the settlement of Aviemore in a wider context. Outwith the current woodland canopy, along the eastern margin of the proposed site, it is the view of **NHG** that development would diminish the woodland edge appearance as viewed from the east and south of the site.
60. The south central zone which consists of plots 1-4, 36 – 42 and 51 – 57, includes an existing fenced horse area, together with an access track, an area of hard standing, broom scrub and disturbed ground. There are few trees in this zone, apart from a small number of birch in the horse paddock and some mainly non-native trees in and around the garden of the derelict farm house. The southern zone, which incorporates plots 58 – 78 is characterised by species-poor, improved grassland that has fallen out of agricultural use. **NHG** state that there is no nature conservation interest requiring protection in this area and recommend that both the south central zone and the southern zone are suitable for development. In conjunction with this, it is also suggested that a landscape plan be prepared that would help to extend the wooded landscape character and increase coherence across the site. In the southern zone, the desirability of maintaining access and the opportunity to gain views towards the mountains is also highlighted.
61. In their final comments **NHG** refer to the first aim of the Cairngorms National Park to conserve and enhance the natural heritage and conclude that "by discouraging development in the northern three zones, the CNPA would ensure the conservation of semi-natural habitats and safeguard the landscape character." It is also stated that if the development is permitted as proposed, there will only be a narrow wedge of land left without housing plots for nature conservation, landscape and amenity purposes. **NHG's** response also state that in the event that Members were minded to approved the application, **NHG** recommend that the undeveloped area should be enlarged and consolidated to include all of the North East and North West Zones and a high proportion of the wooded North Central Zone, noting that this would help to safeguard much of the existing nature conservation and landscape value, and retain a more effective amenity for the current users of the site.

REPRESENTATIONS

62. A significant number of objections have been received in respect of the proposed development. Due to the numbers received, the details have been compiled into a tabular format in Appendix 1. Detailed letters of objection were received from 49 individual, raising a variety of concerns, including⁹ the
- destruction of the birch woodland;
 - birchwoods are a core element of the amenity of Dalfaber;
 - development not meeting the requirements of the Local Plan;
 - development is contrary to the objectives of the Gillespie Urban Development Strategy;
 - trees in the area are of significant ecological value in themselves and as hosts for lichen;
 - the loss of the woodland would mean the loss of a large local amenity;
 - further increases in population would put more strain on services in the Aviemore area (school, medical centre, dental, police and fire);
 - the area is widely used by walkers and cyclists;
 - concern regarding the impact on increased traffic using the railway level crossing;
 - the disturbance and displacement of wildlife;
 - no need for extra housing;
 - water and sewerage constraints;
 - increase in noise and traffic;
 - whether or not houses would be affordable to local people / first time buyers;
 - over provision of second homes in the area;
 - social infrastructure and amenity facilities have failed to keep pace with Aviemore development in recent years;
 - reference to history of refusal of previous proposal on an area of the site;
 - impact on Dalfaber Golf and Country club and new championship golf course.
63. A petition, with 40 signatories was also submitted, expressing opposition to the proposed housing development on the grounds of the loss of amenity, disruption to wildlife and over provision of second homes in the area.
64. 171 pro forma objection slips were received, simply stating that they wished to register objection to the proposed development.
65. A further 27 pro forma letters were submitted, with the objections being made on the grounds of disruption to wildlife, loss of amenity for existing Aviemore residents, overprovision of second homes in the

⁹ The concerns detailed in para. 62 are examples and should be read in conjunction with Appendix 1 which provides more comprehensive details of the nature of the objections received.

area, disturbance to local residents, traffic congestion in Dalfaber, unacceptable noise and building pollution in an area that has been constantly developed in the last 10 years and lack of appropriate retail and service facilities to support more housing.

66. In addition, 225 pro forma submissions were received as part of the consultation process in the preparation of the National Park's Consultation Draft Local Plan, raising the issue of the land in question. The submissions requested that the "area of Dalfaber North which at present is partially designated for housing should be re-designated as amenity woodland i.e. green belt." The submissions also stated that "this area is considered by residents and tourists alike as an important local amenity and one of the few areas of Aviemore left unspoilt", concluding that "it should be kept for the benefit of future generations."
67. The CNPA has received correspondence from a number of MSP's and MP's, enquiring on the progress of the application and / or forwarding concerns raised by their constituents in relation to the proposed development. Correspondence of this nature has been received from Fergus Ewing MSP, Maureen MacMillan MSP and Danny Alexander MP. A letter was also received from David Stewart MP setting out a number of detailed objections on behalf of a group of 15 residents of the Dalfaber area. The concerns raised in that letter include reference to the development "taking up the only remaining area currently available for amenities and recreational facilities," the proposal is contrary to the Local Plan and to the objectives of the Gillespies Urban Development Strategy, reference to the previous refusal of planning permission on part of the subject site, concern about the visual impact of such a development on the Dalfaber Time Share Resort and its consequential effect on tourism in Aviemore, concern about the increase in traffic on the level crossing over the Steam Railway line, increased pressure on local education and fire services, and impact on the ecology and landscape of the area.

APPRAISAL

68. In assessing this application it is necessary to examine the proposed development in the context of a broad range of issues, including national planning policy and guidance, Structure Plan and Local Plan policy, the infrastructural implications of the proposal, and the aims of the Cairngorms National Park. The various specialist consultation responses received are also taken into account, providing informed opinions on the development, particularly in the context of the latter two issues. In addition, two other factors necessary to take into consideration in relation to this particular proposal are the development history of a portion of the site, as well as the significant level of objections received.

69. It is necessary to acknowledge at the outset of this appraisal that significant efforts have been made on the part of the developers to design a quality housing area, where the opportunity would be provided for individuals to build their own homes, with a Design Guide prepared with the intention of “fostering the very best in terms of design and environment.” Indeed reference has been made in correspondence from the developers / their agent of the desire to avoid the appearance of a volume house building project. The Draft North Dalferber Brochure which has been prepared as part of the submission documents (as detailed in para. 8 - 9 of this report) indeed emphasises that the buildings should primarily be a response to their setting and that sustainable designs of exceptionally high quality will be required.
70. The aspirations expressed in the Design Brochure and the detailed guidance provided in respect of house design and plot development are undeniably striving to achieve compliance with **SPP3 Planning for Housing** which encourages the provision of well-located, high quality new housing, as well as **PAN 67 Housing Quality**, where the creation of places with a sense of identity are advocated rather than a place “that could be anywhere.” Despite such commendable aspirations and a site development approach that I believe would offer tremendous potential for the creation of a unique housing development in an appropriate location, it is necessary to focus at this stage on an assessment of the overall principle of a development of this scale and layout at the proposed location.
71. Para. 21 to 23 of this report detail the Local Plan policies applicable to the site, with a number of zones on the land allocated for new / longer term development, and surrounding large tracts allocated as amenity woodland. The areas in which development is proposed in this application extend to quite a significant extent beyond the identified development areas, thereby encroaching on allocated amenity woodland, particularly in the north western areas of the site. Throughout the assessment of this application I have been mindful of the fact that areas of the subject site are allocated for development, and in an effort to achieve compliance with the land use allocations, the developers were requested to amend the plans significantly to ensure that the proposed housing areas were largely curtailed to the identified zones (please see Appendix 2 for details of the extent of the further information requested issued in May 05 and the resultant responses and actions by the developers / agent). Changes to the layout were not forthcoming and the response to this request on behalf of the developers referred to the zoning boundaries identified in the Local Plan as ‘diagrammatic’ in nature only. Whilst I agree with this ‘diagrammatic’ interpretation to a certain extent, and agree with a statement that the full and detailed arrangements within the zonings could only be done following detailed on the ground survey work, it is my view that the proposed layout essentially takes liberties with this ‘diagrammatic’ zoning approach, with the proposed housing layout encroaching into area allocated for amenity woodland to such an extent

that it cannot be considered to comply with the zoning of the existing Badenoch and Strathspey Local Plan 1997.

72. Section 6.1.2 (c) of the Local Plan also included a requirement for the retention and active management of birch woodlands and related glades. The Local Plan does not provide any indication of the extent of retention of birch woodlands required and I acknowledge that efforts have been made by the developers to avoid a complete loss of the woodland aspects of the site. However, the proposed development would nonetheless result in the loss of a significant level of tree cover, as evidenced in the tree removal schedule submitted in November 2005 which clearly identifies 9,000 sq.m. of existing groups of young trees to be removed from the 'north central', 'north eastern' and 'north western' areas of the site, in addition to a further 99 individual trees which are proposed to be removed 'due to damage or general condition' (40) or simply to 'facilitate development' (59). The extent of tree removal necessary is significant, particularly in the context of an area of land that is considered (as detailed in a number of the consultation responses received) as the last undeveloped green space / amenity woodland space in Aviemore, where the loss of trees would diminish its current function as a robust settlement edge which contributes to the wooded character of the settlement more widely.
73. The extent of encroachment into the amenity woodland allocations on the land, as well as the impact of the development in other areas of the site, particularly in terms of diminishing the nature conservation value of the site, cannot render the development proposal in compliance with the first aim of the Cairngorms National Park, particularly in terms of the conservation and enhancement of the cultural heritage of the area. In addition, it would also have a significant visual impact, altering irreparably the woodland settlement edge, as viewed from the River Spey and areas beyond to the north, south and east. Also, despite provision being made for retention of a number of pathways within the site, the extent of development proposed particularly in the central, north eastern and north western areas would significantly diminish the opportunity for use of the woodland areas of the site for amenity and informal recreation purposes and as does not promote the third aim of the National Park. As stated by **NHG** (para. 61), the development as proposed would only leave a narrow wedge of land without housing plots for nature conservation, landscape and amenity purposes. Such factors are clearly of major concern to the general public also with a large proportion of the representations received making reference to these pertinent issues. Also, in the context of national policy and guidance, the development proposal runs contrary to many aspects of **NPPG 14 Natural Heritage**, which advises that efforts should be made to safeguard and enhance the wider natural heritage beyond the confines of nationally designated areas, nor does it adequately respond to the advice of **PAN 65 Planning and Open Space** where the future growth of settlements should not lead to the loss of amenity.

74. In terms of the infrastructural implications of the proposed development I believe that it is essential to fully investigate such matters at this stage in a development proposal, as the availability of adequate water and sewer connections are fundamental to a development proceeding. Indeed **SPP 1 : The Planning System** cites the 'provision of infrastructure' as an example of a material consideration in determining planning applications.¹⁰ As detailed in para. 37, Scottish Water have objected to the development proposal and on the basis of their objections I do not feel that it is possible to consider favourably development of the scale proposed on this land at the present time.
75. In summary, whilst I am mindful of the time and effort involved on the part of the developers in devising a development approach to this site which displays some sensitivity to its setting and attempts to avoid the perceived negative aspects of 'mass' house building, and I also recognise the existing land use allocation on areas of the site, I cannot conclude that the currently proposed development is in accordance with the Badenoch and Strathspey Local Plan nor does it adequately uphold the aims of the Cairngorms National Park. In coming to this conclusion, I have also taken into account the previous refusal on a portion of the site, adjacent to Spey Avenue, where the decision of both Highland Council as Planning Authority and the Inquiry Reporters unit of the Scottish Office in its dismissal of the subsequent appeal displayed significant concern over the loss of space and loss of trees that would result from the development of approximately seven houses on the site i.e. in the area of the currently proposed site adjacent to Spey Avenue where the higher density affordable housing component is proposed.
76. It has been conveyed to the applicants / their agent that the CNPA's planning officials are willing to continue discussions on the proposal with a view to addressing current difficulties and concerns associated with the proposed scale and layout, and with the detailed consultation responses and associated recommendations forming an integral part of any future amendments. However, regardless of a willingness on the part of the CNPA to continue discussions, the objection from **Scottish Water** remains an extremely pertinent factor, and in conjunction with the fact that the applicants have requested that the proposal be taken forward to the Planning Committee for determination at the meeting of February 10th 2006, it is necessary to recommend refusal of planning permission. In the event that Members are minded to approve this application it is considered that a deferral will be necessary in order to organise a site visit and to engage in further discussions with the applicant regarding outstanding issues.

¹⁰ SPP1 : The Planning System, para 51.

IMPLICATIONS FOR THE AIMS OF THE NATIONAL PARK

Conserve and Enhance the Natural and Cultural Heritage of the Area

77. The proposed development would result in a substantial residential development in an area that is currently predominantly wooded in character. It would result in a significant reduction in tree cover and would alter the landscape character from semi-natural native woodland and would transform areas of heathland ground flora into gardens, all of which would diminish the nature conservation value of this site.

Promote Sustainable Use of Natural Resources

78. The application does not include detailed proposals for dwelling houses and it is not therefore possible to assess whether or not the overall development would promote the sustainable use of natural resources.

Promote Understanding and Enjoyment of the Area

79. The residential development is proposed on land that has to date been used on an informal basis for recreation and is of high amenity value for local residents. The development makes provision for the retention of some of the informal access routes through the development, but fails to link into any other path network provision outwith the site. It also has the potential to form a visual barrier between Dalfaber and the River Spey. It is not therefore considered to promote the understanding or enjoyment of the special qualities of the area by the general public.

Promote Sustainable Economic and Social Development of the Area

80. The proposal is for a large scale residential development, which includes an affordable housing component. It could potentially encourage a broad demographic mix of inhabitants and could therefore be viewed as having positive implications for the social development of the area.

RECOMMENDATION

That Members of the Committee support a recommendation to :

Refuse Outline Planning Permission for a residential development comprising of 104 services housing plots; all associated roads and access points; and all associated service engineering works and landscape works at north Dalfaber, Aviemore for the reasons detailed hereunder -

1. The proposed development would be premature due to the objection from Scottish Water on the grounds of the current constraints on water infrastructure serving Aviemore and uncertainty at the present time over the capacity of the existing sewer network, and in light of the unspecified period within which such constraints may be expected to be resolved.
2. The proposed development by reason of its overall layout and the extent to which that layout extends beyond lands allocated for housing and encroaches onto lands allocated for amenity woodland purposes and the extent of loss of the trees, fails to comply with provisions of Section 6.1.2 (c) and the land use zoning provision of the Badenoch and Strathspey Local Plan 1997.
3. The proposed development by reason of its overall scale and layout would result in the loss of a significant area of semi natural native woodland, and the position of the roads and house plots proposed would aggravate the negative effects of this loss of woodland by disrupting the relatively secluded and semi natural character of the area, thereby diminishing its value and opportunity for use for amenity and recreation purposes, as well as having a significant detrimental effect on the nature conservation value of the site. The development as proposed is not in accordance in particular with the first and third aims of the Cairngorms National Park.

Determination Background

This application was 'called in' by the Planning Committee of the CNPA at its meeting of 11th March 2005, following which the consultation process commenced. A detailed request for further information was issued by the CNPA planning officer (see Appendix 2 for details) on May 6th 2005. An initial response was received from the agent on May 27th 2005, detailing a number of actions that were to be undertaken by the developers in order to respond to some points of the request. The relevant information was submitted to the CNPA in November 2005, and the re-consultation process commenced. Further to receipt of consultation responses at the end of January 2006, the extent of issues raised and the implications for the development proposal were conveyed to the agent, who was provided with an opportunity to re-commence further discussions on layout / design issues. The option of further

discussions was declined, with a request on behalf of the developers that a report be progressed to the Planning Committee for determination at the meeting of February 10th 2006.

- Appendix 1 :** Details of representations.
Appendix 2 : Details of original further information request and responses received.

Mary Grier
Planning Officer, Development Control

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06 February 2005

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.