
CAIRNGORMS NATIONAL PARK AUTHORITY

Title: REPORT ON CALLED-IN PLANNING APPLICATION

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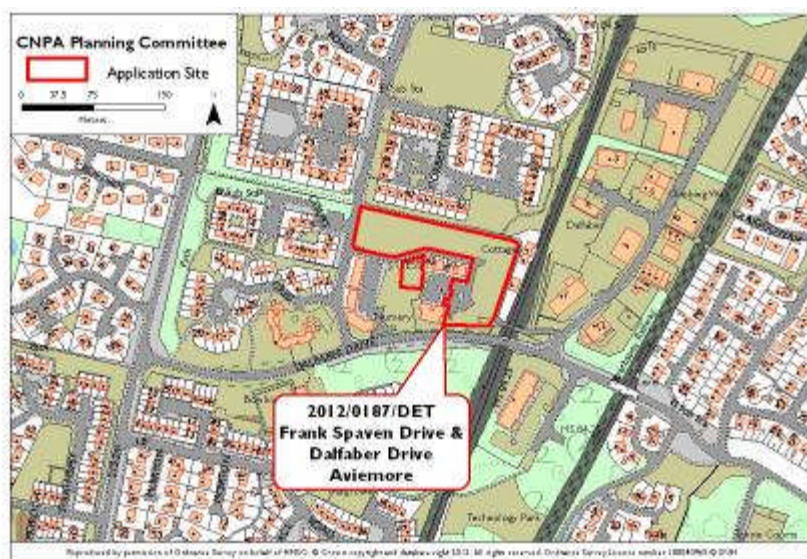
DEVELOPMENT PROPOSED: CHANGE TO PLANNING APPROVAL 07/098/CP (PART BUILT) TO ERECT 3 RETAIL UNITS WITH 3 FLATS OVER, 32 COTTAGE FLATS (INCLUDING 5 AFFORDABLE RESIDENTIAL UNITS) AND RELOCATION OF PLAY AREA / OPEN SPACE ON LAND AT JUNCTION OF FRANK SPAVEN DRIVE AND DALFABER DRIVE, AVIEMORE

REFERENCE: 2012/0187/DET

APPLICANT: RATHVEN INVESTMENTS C/O G.H. JOHNSTON BUILDING CONSULTANTS LTD.

DATE CALLED-IN: 8TH JUNE 2012

RECOMMENDATION: APPROVE WITH CONDITIONS



Grid reference : 289948 813768

Fig. 1 - Location Plan

SITE DESCRIPTION AND PROPOSAL

1. This planning application is on land close to the junction of Frank Spaven Drive and Dalfaber Drive, Aviemore in an area generally known as the Dalfaber neighbourhood centre. Planning permission is sought for changes to the planning approval granted under CNPA ref. no. 07/098/CP, with the proposed changes including the erection of 3 retail units (offices) with 3 flats over, the erection of 32 cottage flats and the relocation of the play area / open space. The previous planning approval related to the current site area and the adjacent land on which an earlier phase of the development has now been completed. The overall consent was for a residential and commercial development (consisting of 50 no. residential units of semi detached houses and flats, with 50% being affordable, a neighbourhood shop, commercial / retail units, a bar / restaurant,¹ car parking provision and two areas of open space). The residential units are now occupied and the majority of the commercial premises are trading and offer a variety of facilities, including a Costcutter supermarket, beauty salon, coffee shop, hot food take away and a crèche.

Retail / commercial

2. The three retail units are proposed in the north western corner of the site, close to the access into the main site area, and as with existing commercial facilities on the adjacent developed area the units would be oriented with their rear elevations to the public road (Frank Spaven Drive), with the front elevations facing inwards to the development. The three commercial units are proposed on the ground floor of the two storey structure. The formal development description refers to “3 retail units (offices)” and upon querying the specific purpose, the agent has advised that the applicants wish the use classes to be “as open as possible” so that they can attract as wide as possible users and operators. It is suggested that the units may be either Class 1 (non food) or Class 2 and the agent indicates in the event of planning permission being granted that they would be happy to accept a condition requiring that the uses are agreed with the Planning Authority prior to occupation. The design of the proposed two storey structure is similar to the existing mixed residential and commercial units to the south. As well as the three new retail units at ground floor level, three flats would be developed on the upper floor. The structure has been designed to create the impression of a series of buildings, with ascending roof heights from north to south. The mass of the building is also further broken up by the combination of a white render finish interspersed with areas of timber cladding. Consistent with the existing development, concrete tiles are proposed as the roof finish.



Fig. 2 : Proposed retail and flatted units

¹ A subsequent permission was granted in 2009 for alterations and a change of use to a crèche.

Layout and Design

3. A total of 35 residential units are proposed within the subject site, three of which would be the aforementioned flats above the retail / commercial element, and the remainder being described as 'cottage flats' predominantly consisting of 2 bedroom units (33 in total) and 2 no. 3 bedroom units. The proposed development would result in the addition of 10 extra residential units across the overall site area, from that approved in 07/098/CP. The previously approved developments in the area of the site which is the subject of the current planning application primarily consisted of 3 bedroom semi detached dwellings as well as a block of flats. The currently proposed cottage flats retain an appearance similar to the semi detached units, but with the internal layouts accommodating an individual flat on the ground floor and one on the upper floor. An individual entrance would be provided to serve each unit, and would be accommodated in entrance porches on the front elevations of the structures. In general, the entrance to the ground floor flats would be located on the front elevation of the porch, with the entrance to the stairs serving the upper floor flat being proposed on the side elevation. Juliet balcony features are on a number of the upper floor elevations. The combination of external finishes proposed reflects those already used on the site, including smooth render, elements of timber cladding and concrete roof tiles. Timber cladding would be stained in a range of muted tones, with examples cited being Sadolin's 'Brandy Wine', 'Burma Teak', 'Butterscotch' and 'Caramel Crisp.'



Fig. 3 : Affordable cottage flats



Fig. 4 : Cottage flats – front elevation



Fig. 5 : Cottage flats rear elevation

4. The currently identified site boundaries extend in an L shape around the northern and eastern areas of the site. As already noted the new retail / commercial element would be sited in the north western corner of the site. The cottage flats are proposed to extend along the northern and eastern side of the site, with access being provided to those units from the existing access road which is in place and already serves the earlier phases of the development. The originally approved layout included two areas of open space, the main one of which was to be positioned in the north western corner of the site, as well as a smaller area in the north eastern corner. The

currently proposed layout continues to show an area of open space in the north eastern, while it is proposed to relocate the main play area / open space to a more central position within the site. The new open space would be developed on the southern side of the access road, adjacent to the car parking area serving the existing commercial elements of the developed site. Play equipment is identified on the proposed site plan and it would occupy a large extent of the central area of the open space. Supporting information also confirms that a maintenance agreement was put in place on the earlier phase of the development and it is intended to incorporate the new open space area into this agreement.



Fig. 6 : Approved site plan (07/098/CP)

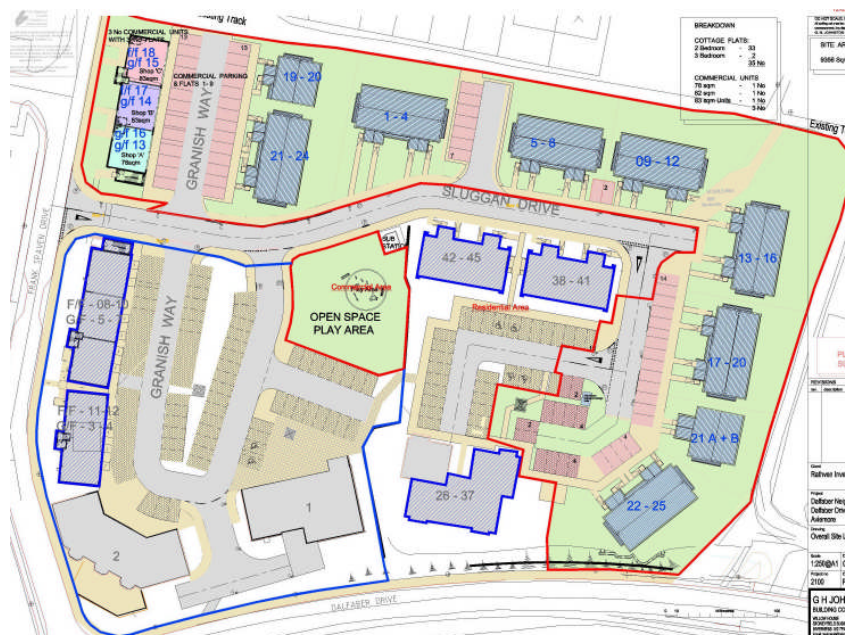


Fig. 7 : Proposed site plan, including new open space / play area in a central position



Fig. 8 : Access road, and northern area of currently proposed site

Affordable housing provision

5. The formal description of the development proposal refers to the provision of five residential units as affordable and the associated plans identify the units as the three units on the upper floor of the already described part retail structure. The remaining two affordable units would be contained within a cottage flat structure which is proposed on the opposite side of the car parking area. A change has been made to the two cottage flats in the course of this application to alter the arrangement from 2 no. 2 bedroom units to 2 no. 3 bedroom units.
6. In response to CNPA queries on the intended method of providing the affordable housing element, the agent has advised of communications with both Highland Council's housing section and also Cairn Housing Association, who were involved in the first phase of affordable housing on the larger site. The submission states that "it has been indicated that there may be funds available in the next round of funding through Highland Council, but this is by no means guaranteed" while Cairn Housing Association has confirmed that they do not have funding available.
7. It is explicitly stated in the recent submission from the agent that the applicants wish to proceed with affordable housing on the site, "but only if there is a commitment from the Highland Council or an RSL." The submission from the agent also refers to their clients wishing to "remind the Cairngorms National Park Planning Authority that they have committed to, and received, a planning approval for 100% affordable homes at the old Community Centre site at Grampian Road, and therefore this should be taken into account and credited to the site." There is a reluctance to enter into any legal agreement. Other points raised in relation to the subject of affordable housing include reference to the main purpose of the current planning application being to redesign the houses and flats in order to provide more 'locally affordable' housing that would be in a price range available to local people.

DEVELOPMENT PLAN CONTEXT

National Policy

8. **Scottish Planning Policy² (SPP)** is the statement of the Scottish Government's policy on nationally important land use planning matters. It supersedes a variety of previous Scottish Planning Policy documents and National Planning Policy Guidance. Core Principles which the Scottish Government believe should underpin the modernised planning system are outlined at the outset of **SPP** and include:
 - The constraints and requirements that planning imposes should be necessary and proportionate;
 - The system shouldallow issues of contention and controversy to be identified and tackled quickly and smoothly; and
 - There should be a clear focus on quality of outcomes, with due attention given to the sustainable use of land, good design and the protection and enhancement of the built and natural environment.
9. **SPP** emphasises the key part that development management plays in the planning system, highlighting that it should "operate in support of the Government's central purpose of increasing sustainable economic growth." Para. 33 focuses on the topic of Sustainable Economic Growth and advises that increasing sustainable economic growth is the overarching purpose of the Scottish Government. It is advised that "the planning system should proactively support development that will contribute to sustainable economic growth and to high quality sustainable places." Planning authorities are encouraged to take a positive approach to development, recognising and responding to economic and financial conditions in considering proposals that would contribute to economic growth.
10. Under the general heading of Sustainable Development, it is stated that the fundamental principle is that development integrates economic, social and environmental objectives, and that the "aim is to achieve the right development in the right place."
11. As a replacement for a variety of previous planning policy documents the new **Scottish Planning Policy** includes 'subject policies', of which many are applicable to the proposed development. Topics include economic development, rural development, and landscape and natural heritage. The following paragraphs provide a brief summary of the general thrust of each of the subject policies.
12. Economic development : Planning authorities are expected to respond to the diverse needs and locational requirements of different sectors and sizes of businesses. The planning system is encouraged to support economic development in all areas by supporting development that will provide new employment opportunities and enhance local competitiveness, and promote the integration of employment generation opportunities with supporting infrastructure and housing development.

² February 2010

13. Also in the context of economic development, planning authorities are expected to ensure that new development safeguards and enhances an area's environmental quality and where possible also promotes and supports opportunities for environmental enhancement and regeneration. Authorities are also encouraged to adopt a proactive approach to encouraging the reuse of buildings and previously developed land.
14. *Housing* : The planning system is required to enable the development of well designed, energy efficient, good quality housing in sustainable locations. In a section entitled 'Location and Design of New Development' it is advised that new housing development should be integrated with public transport and active travel networks rather than encouraging dependence on the car.
15. Para. 83 of **Scottish Planning Policy** advises that the density of new development should be determined in relation to the character of the place and its relative accessibility. SPP also recognises that through good design it is possible to achieve higher density living environments without overcrowding and the loss of amenity.
16. Paragraphs 86 – 88 of **Scottish Planning Policy** addresses the topic of 'Affordable Housing' and outlines that such housing may be in a variety of forms including social rented accommodation, mid market rented accommodation, shared ownership, and shared equity. It is also stated that "as far as possible the tenure of housing should not be discernible from its design, quality or appearance.
17. **Scottish Planning Policy** concludes with a section entitled 'Outcomes' in which it is stated that the "planning system should be outcome focused, supporting the creation of high quality, accessible and sustainable places through new development, regeneration and the protection and enhancement of natural heritage and historic environmental assets."

Strategic Policies

Cairngorms National Park Partnership Plan 2012 - 2017

18. The Cairngorms National Park Partnership Plan 2012 – 2017 is the management plan for the National Park for the next 5 years. It sets out the vision and overarching strategy for managing the Park and provides a strategic context for the Local Development Plan. Three long term outcomes have been identified to deliver the vision for the Park, to continue the direction set out in the first National Park Plan and to together deliver the four aims of the National Park. The outcomes are :
 - A sustainable economy supporting thriving businesses and communities;
 - A special place for people and nature with natural and cultural heritage enhanced; and
 - People enjoying the park through outstanding visitor and learning experiences.

19. Policies to secure the outcome of ‘a special place for people and nature with natural and cultural heritage enhanced’ are also of relevance to the current proposal. Policy 2.8 seeks to enhance the design and sense of place in new development and existing settlements. The Plan sets out a number of means by which policy 2.8 can be achieved, including enabling new development which contributes positively to a sense of place; promoting a high standard of sustainable design, energy efficiency, sustainably sourced materials and construction in new development; and supporting the retention and enhancement of the local character.

Structure Plan Policy

Highland Council Structure Plan (2001)

20. **Highland Council Structure Plan** is founded on the principles of sustainable development, which are expressed as –
- Supporting the viability of communities;
 - Developing a prosperous and vibrant local economy; and
 - Safeguarding and enhancing the natural and built environment.
- A variety of detailed policies emanate from the principles.
21. The following provides a brief summary of the policies applicable to a development of this nature. Section 2.2 of the Plan focuses on the subject of housing. It recognises that the “availability of quality housing is fundamental to social and individual well being and to creating and maintaining balanced communities.” The Plan also states that adequate provision of housing is a pre-requisite. ‘Services and Facilities’ is discussed in Section 2.4 of the Plan and it is noted that access to a good range of services and facilities is an important aspect of quality of life and that their existence also assists in supporting the local economy.
22. Section 2.14 of the Plan concentrates on the subject of landscape, stating that “no other attribute of Highland arguably defines more the intrinsic character and nature of the area than its landscape.” Similar to national policy guidance, there is a recognition that landscape is not a static feature and that the protection and enhancement of landscape and scenery must be positively addressed. **Policy L4 Landscape Character** states that “the Council will have regard to the desirability of maintaining and enhancing present landscape character in the consideration of development proposals.”
23. **Policy G2 (Design for Sustainability)** states that developments will be assessed on the extent to which they, amongst other things make use of brownfield sites, existing buildings and recycled materials; are accessible by public transport, cycling and walking as well as car; are compatible with service provision; demonstrate sensitive siting and high quality design in keeping with local character and historic and natural environments; and contribute to the economic and social development of the community.

Local Plan Policy

Cairngorms National Park Local Plan (2010)

24. The Cairngorms National Park Local Plan was formally adopted on 29th October 2010. The full text can be found at :
<http://www.cairngorms.co.uk/parkauthority/publications/results.php?publicationID=265>
25. The Local Plan contains a range of policies dealing with particular interests or types of development. These provide detailed guidance on the best places for development and the best ways to develop. The policies follow the three key themes of the Park Plan to provide a detailed policy framework for planning decisions:
- Chapter 3 - Conserving and Enhancing the Park;
 - Chapter 4 - Living and Working in the Park;
 - Chapter 5 - Enjoying and Understanding the Park.
26. Policies are not cross referenced and applicants are expected to ensure that proposals comply with all policies that are relevant. The site-specific proposals of the Local Plan are provided on a settlement by settlement basis in Chapter 6. These proposals, when combined with other policies, are intended to meet the sustainable development needs of the Park for the Local Plan's lifetime. The following paragraphs list a range of policies that are appropriate to consider in the assessment of the current development proposal.
27. *Policy 6 – Landscape* : there will be a presumption against any development that does not complement and enhance the landscape character of the Park, and in particular the setting of the proposed development. Exceptions will only be made where any significant adverse effects on the landscape are clearly outweighed by social or economic benefits of national importance and all of the adverse effects on the setting of the proposed development have been minimised and mitigated through appropriate siting, layout, scale, design and construction.
28. *Policy 16 – Design Standards for New Development* : this is one of a number of policies which is intended to encourage developers to consider how they can best include the principles of sustainable development in their proposals, and consider the impact on the environment, economy and community. Policy 16 requires that all proposals are accompanied by a design statement which sets out how the requirements of the policy have been met. The design of all development is encouraged to :
- Reflect and reinforce the traditional pattern and character of the surrounding area and reinforce the local vernacular and local distinctiveness, whilst encouraging innovation in design and materials;
 - use materials and landscaping that will complement the setting of the development;
 - demonstrate sustainable use of resources; and
 - be in accordance with the design standards and palette of materials as set out in the Sustainable Design Guide.

29. Policy 18 – Developer contributions : developments which give rise to a need to increase or improve public services, facilities or infrastructure, or mitigate adverse effects, will normally require the developer to make a fair and reasonable contribution in cash or in kind towards the additional costs or requirements.
30. Policy 19 – Contributions to affordable housing : The affordable housing policy is intended to ensure the delivery of a wide range of housing options to a wide range of households in the Park. Policy 19 requires that developments of three or more dwellings will be required to incorporate a proportion of the total number of units as affordable. Developments solely for affordable housing will be considered favourably.
31. Policy 20 – Housing development within settlements : housing proposals within settlement areas will be favourably considered where the development :
- (a) Occurs within an allocated site identified within the proposals' map; or
 - (b) Is compatible with existing and adjacent land uses, and comprises infilling, conversion, small scale development, the use of derelict or underused land or the redevelopment of land.
- All such proposals are expected to reinforce and enhance the character of the settlement, and accommodate appropriate amenity space, and parking and access arrangements, within the development site.
32. Policy 25 – Business development : proposals which support economic development will be considered favourably where the proposal is compatible with existing business uses in the area, supports or extends an existing business, or is located within an allocated site identified on the proposals' map.
33. The subject site is within the Aviemore settlement area. The site does not have a specific land use allocation. It is part of the 'white land' where a variety of uses would be open to consideration, subject to being compatible with uses in the surrounding area.

Supplementary Planning Guidance

34. In addition to the adoption of the Cairngorms National Park Local Plan (2010) on 29th October 2010, a number of Supplementary Planning Guidance documents were also adopted.

Sustainable Design Guide

35. The guide highlights the fact that the unique nature and special quality of the Cairngorms National Park and the consequent desire to conserve and enhance this distinctive character. The guidance has at its core the traditional approach to design which aims to deliver buildings which provide a resource efficient, comfortable and flexible living environment. The **Sustainable Design Guide** requires the submission of a Sustainable Design Statement with planning applications. It is intended that applicants would use the Sustainable Design Statement to demonstrate how standards set out in the Sustainable Design Checklist will be achieved.

36. One of the key sustainable design principles referred to in the document is that “future development in the Park should be sensitively located, reflect existing development pattern and setting, and respect the natural and cultural heritage of the Park.” Developments are also required to reflect traditional materials and workmanship, and take on board innovation, contemporary design and the emergence of modern methods of construction.

Developer Contributions SPG

37. The SPG on **Developer Contributions** sets out the framework for the provision of contributions per development. It sets out various payment mechanisms and states that the applicant may opt to remit the full amount due prior to the issuing of the planning permission. This course of action is widely used where the cost of putting in place a legal agreement is disproportionate to the planning gain contribution required.

CONSULTATIONS

38. **Aviemore and Vicinity Community Council** : The Community Council support the planning application and note in their consultation response that they are pleased to see the affordable housing allocation. However, it is suggested that a higher proportion of three bedroom accommodation would have better reflected the accommodation needs in Aviemore.
39. **Highland Council TEC Services** : The Roads section considered the proposal and there is no objection. A number of conditions are recommended to be attached in the event of planning permission being granted. Matters to be covered by condition include car parking requirements, and the achievement and maintenance of visibility splays.
40. **Planning Gain** : Planning Gain officials have considered the proposal and recommend that developer contributions are payable in respect of primary education, community facilities, sports pitches, and ancillary sports / recreation provision.
41. **CNPA Economic Development** : The Economic Development Officer notes that the mixed development of residential and commercial use has the potential to impact positively on the local economy. The retail units are noted as offering the potential to provide both employment opportunities and services for the community, while the housing mix would also be of benefit in ensuring the available of local accommodation for employers and employees.

REPRESENTATIONS

42. The proposal was advertised in the Strathspey and Badenoch Herald on 31st May 2012. No representations have been received.

APPRAISAL

Principle

43. The development is proposed on land on which planning permission was previously granted for a mixed use development, including commercial and residential elements. As such, the current proposal, which includes similar commercial and residential elements, is acceptable in principle. The uses would be compatible with neighbouring properties. In this context, the development proposal can be considered to accord with CNP Local Plan policy 20 (Housing development within settlements) and Policy 25 (Business Development).

Design and layout

44. The design and layout of the current proposal would result in an increase in the overall number of units on the site by 10. Although this effectively represents an increase in the development density, the site is capable of accommodating such an increase. The proposed layout generally follows the pattern of the already approved layout in the northern and eastern areas of the site. The design and external finishes of the cottage flats generally reflect the finishes and would complement the existing earlier phases of development which have been undertaken on the site.
45. The proposed new units have been designed to predominantly accommodate 2 bedroom layouts, whereas the earlier approved development included a significant proportion of three bedroom semi detached units. The consultation response from Aviemore and Vicinity Community Council refers to three bedroom properties better reflecting the accommodation needs of Aviemore. However, the case put forward on behalf of the applicants that the development has been redesigned to provide houses and flats which are more 'locally affordable' must also be considered. It is reasonable to assume that the reduced floor areas and flatted configuration of the proposed 2 bedroom cottage flats are likely to be more affordable than the previously approved three bedroom semi detached dwelling units.
46. The proposed relocation of the open space / play area to a more central position within the development is considered acceptable and would generally provide greater benefits than the originally approved layout which included the open space in the north western corner. The proposed central location has the benefit of being more easily accessible to residents within the development, offers a greater degree of natural surveillance due to its proximity to residential and commercial units, and would also be of benefit for its aesthetic properties. The extent of development which has been undertaken to date has resulted in hard surfacing being a dominant feature. The centrally positioned area of open space, together with the implementation of an appropriate landscaping strategy would all assist in enhancing the immediate landscape.

Affordable housing

47. The provision of 5 affordable units is welcomed. Comment has been sought from Highland Council's Housing Section in relation to the proposed affordable provision. However, at the time of preparing this report, no response has been received. Members will be updated verbally at the Planning Committee of 17th August in the event that any comment is received. The points raised in the recent submission from the agents, as detailed in paragraph 7, suggests that an approval for 100% affordable housing on the public hall site in Aviemore should be "taken into account and credited to this site." This is not considered appropriate. The CNPA granted planning permission under planning ref. no. 2011/0266/DET for the development of 20 affordable units on that site. The proposal and the planning application was submitted independent of any other development, and the planning permission is entirely self-contained and pertains only to development activity on that site. It is not interlinked with any other development proposal, including this current planning application.
48. The submission from the agent also notes a reluctance to engage in a legal agreement in relation to the provision of affordable housing on the subject site. Whilst a legal agreement is one possibility in order to regulate the delivery of the five identified units as affordable and guarantee their retention as affordable properties in perpetuity, it is also possible to address this matter by the use of an appropriate condition in the event of planning permission being granted. This is a method which has been deployed in relation to the previous planning permission on the larger site area, as well as on other permissions which have been granted for residential developments that include affordable housing provision.

Conclusion

49. The design changes and amendments to the layout which are proposed in this application are acceptable. The additional number of units can be accommodated on the site and the delivery of five of those units as affordable housing is welcomed.



Fig. 10 : 3d image of proposed development

IMPLICATIONS FOR THE AIMS OF THE NATIONAL PARK

Conserve and Enhance the Natural and Cultural Heritage of the Area

50. The proposal is of limited relevance to this aim. The land on which it is proposed is a form of brownfield, having been part of a larger construction site in recent years. As such, it does not have any features of significance in terms of natural or cultural heritage.
51. The addition of areas of landscaping in the new development would assist the development in blending into its setting.

Promote Sustainable Use of Natural Resources

52. The details provided in support of the development proposal do not indicate that the development would make a particular contribution to this aim.

Promote Understanding and Enjoyment of the Area

53. The relocation of the open space / playground area to a more central position within the overall development would be of benefit to residents of the development in providing easier access and improved recreation opportunities.

Promote Sustainable Economic and Social Development of the Area

54. The development of three additional commercial units in this location may encourage new businesses to establish in the area, and would provide increased employment opportunities, all of which would contribute positively to the economic development of the area.
55. The additional number of residential units, and the mix of accommodation sizes and tenures would cater for a wide range of prospective residents. As such it would make a positive contribution to the social development of the area.

RECOMMENDATION

That Members of the Committee support a recommendation GRANT planning permission for a change to the planning approval 07/097/CP to erect 3 retail units with 3 flats over, 32 cottage flats (including 5 affordable residential units) and relocation of play area / open space on land at the junction of Frank Spaven Drive and Dalfaber Drive, Aviemore, subject to :

- (a) the completion of a Section 75 Planning Obligation to secure the payment of developer contributions towards affordable housing OR the payment of the required developer contributions in advance of the release of the decision notice;

AND

- (b) subject to the following conditions :

1. The development to which this permission relates must be begun within three years from the date of this permission.

Reason: To comply with Section 58 of the Town and Country Planning (Scotland) Act 1997 as amended by the Planning etc (Scotland) Act 2006.

2. The development hereby approved, shall include, in perpetuity, 5 affordable housing units, as defined in Scottish Planning Policy (2010) and in the Cairngorms National Park 'Affordable Housing' Supplementary Planning Guidance (section 3.0). The affordable units shall comprise of unit no's 16, 17, 18, 19 and 20 as identified on dwg. no. PL002 Rev B, Affordable Housing.

No development shall commence on site until either (a) evidence of a contract between all relevant parties for the provision of and future maintenance of the development as affordable housing has been submitted for the written agreement of the Cairngorms National Park Authority acting as Planning Authority or (b) an alternative method of delivery and future maintenance of the development as affordable housing has been submitted for the written agreement of the Cairngorms National Park Authority acting as Planning Authority.

Reason: To ensure the delivery of the development as affordable housing and in the interests of promoting the economic and social development of the area.

3. Unless otherwise agreed in writing with the CNPA acting as Planning Authority, unit no's 13, 14 and 15 (Shop A, B and C) identified on the approved site layout plan, shall be restricted to three individual units of accommodation (maximum 83 sqm internal floorspace).

Reason: To define the permission and to ensure the provision of a commercial element that is of a scale appropriate to a neighbourhood centre.

4. Unless otherwise agreed in writing with the CNPA acting as Planning Authority, unit no's 13, 14 and 15 as referred to in condition no. 3, shall be restricted to two use classes - Class 1 : Shops and Class 2 : Financial, Professional and Other Services.

Reason: To define the permission and to ensure the provision of a commercial element that is of a scale and type appropriate to a neighbourhood centre.

5. Prior to the commencement of any work on site, details of the proposed phasing, implementation and construction plan (including locations of soil storage, temporary buildings, and material and machinery storage) for all elements of the development, shall be submitted for the further written approval of the CNPA acting as Planning Authority. Thereafter, the development shall be constructed and carried out in accordance with the approved phasing, implementation and construction plan.

Reason: In the interests of protecting residential amenity and to ensure that the most efficient and appropriate means of constructing the development is implemented.

6. Prior to the commencement of the development, exact details and specifications (samples may be required), shall be submitted for the written agreement of the Cairngorms National Park Authority acting as Planning Authority and all agreed specifications shall be incorporated thereafter:

- a) Finishing colour/stain of timber linings;
- b) External door colours / stains;
- c) All surfacing proposed on car parking bays, paths and any other areas of hard surfacing throughout the site; and
- d) Details of all proposed boundary treatments.

Reason: In order to give separate consideration to these matters in respect of the design, quality and character of the development and in order to retain the visual amenity of the area.

7. All landscaping and play areas shall be developed in accordance with the details contained on dwg. no. PL019 (Landscaping Layout) and the Play Park Equipment details (Issue no. PL020). All landscaping shall be undertaken within one year of the completion of the development. Any trees or shrubs that die or become seriously damaged or diseased within a period of five years from the time of planting shall be removed and replaced with other species of a similar size suited to the climate of the area, within the next planting season.

Reason : In the interests of the visual amenity of the area and in order to enhance the natural heritage of the area.

8. Front garden areas shall be maintained in an open plan format in perpetuity. Prior to the commencement of development details of all boundary treatments on the side and rear boundaries of individual plots shall be submitted for the agreement of the Cairngorms National Park Authority acting as Planning Authority.

Reason: in the interests of orderly development and visual amenity.

9. All internal access roads, parking areas and footways, (with the exception of the adopted road) shall be the subject of a suitable private management and maintenance agreement which shall be submitted to and agreed by the CNPA acting as Planning Authority, in consultation with Highland Council's Area Roads Manager, all prior to the occupation of any building served by these unadopted roads. Unless otherwise agreed in writing with the CNPA acting as Planning Authority, the private management and maintenance agreement approved shall be implemented in perpetuity.

Reason: In the interests of road and public safety and to ensure compliance with current roads standards and guidelines.

10. All public services for the development, including electrical, cable television and telephone cables, shall be located underground throughout the site.

Reason: in the interests of the visual amenity of the area.

11. Visibility, of splays of not less than 4.5 metres x 70 metres, shall be provided in both directions at the junction of the new access with Frank Spaven Drive, prior to the commencement any other works on site, and thereafter maintained free from any obstructions exceeding a height of 1 metre above the adjacent road channel levels.

Reason: In the interests of road and public safety; to ensure that all vehicles may enter and leave the site safely at all times.

12. Visibility, of splays of not less than 4.5 metres x 90 metres, shall be retained in both directions at the junction of Dalfaber Drive and Frank Spaven Drive and thereafter maintained free from any obstructions exceeding a height of 1 metre above the adjacent road channel levels.

Reason: In the interests of road and public safety; to ensure that all vehicles may enter and leave Frank Spaven Drive safely at all times.

13. Visibility, of splays of not less than 4.5 metres x 30 metres shall be provided in both directions at the junction of all internal road junctions with the adopted road, and thereafter maintained free from any obstructions exceeding a height of 1 metre above the adjacent road channel levels.

Reason: In the interests of road and public safety; to ensure that all vehicles can manoeuvre safely around the site at all times.

14. Visibility, of splays of not less than 2.5 metres x 30 metres shall be provided in both directions at the junction of the access points to each individual unadopted parking area and each individual house access and thereafter maintained free from any obstructions exceeding a height of 1 metre above the adjacent road channel levels.

Reason: In the interests of road and public safety; to ensure that all vehicles can manoeuvre safely around the site at all times.

Mary Grier

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9 August 2012

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.