

CAIRNGORMS

NATIONAL PARK AUTHORITY

DECISION NOTICE

Application Reference: 08/433/CP

Type of Application: Local Application

TOWN AND COUNTRY PLANNING (SCOTLAND) ACT, 1997, AS AMENDED BY THE PLANNING ETC (SCOTLAND) ACT 2006.

TOWN AND COUNTRY PLANNING (DEVELOPMENT MANAGEMENT PROCEDURE) (SCOTLAND) REGULATIONS 2008.

The Cairngorms National Park Designation, Transitional and Consequential Provisions (Scotland) Order 2003

National Parks (Scotland) Act 2000

APPLICANT:

Highland Council
Glenurquhart Road
Inverness

AGENT:

Architects (Housing and Property)
The Highland Council
Town House
Castle Street
Inverness
IV1 1JJ

CNPA in exercise of its powers under the above mentioned Act and Regulations

grants conditioned planning permission for:

Construction of new community school; associated access road; playing field with community park area

at;

Land to East of Football Pitch, Birch Road, Aviemore

and in accordance with the particulars contained in the accompanying application form and the following plans/drawings:

Amended Site Plan ECSC 0068 0P2, Received 31.08.2009

Site Layout Plan 0068 A-LP003D, Received 14.08.2009

Subject to compliance with the following condition(s):

- 1) **A formal planning application and detailed plans indicating all matters relating to the siting, design and external appearance and finished floor levels of all buildings, means of access thereto, existing and proposed levels across the site (including cross-**

sections details), car parking and setting down space, servicing space, cycle and bin storage, means of enclosure and landscaping and screening proposals shall be submitted for the prior approval of the CNPA acting as Planning Authority within 3 years of the date of this permission and the development must be commenced within 3 years of the date of this permission or within 2 years from the date of final approval of all the foregoing Matters specified in conditions.

Reason: To comply with Section 59 of the Planning Etc (Scotland) Planning Act 2006.

2) **The permission hereby granted shall be restricted to a building or buildings broadly located on the western half of the site and the football pitch located on the eastern half of the site, as shown on indicative drawing ECSC0068A-LP003D.**

Reason: In accordance with the application detail and to ensure that the layout is broadly in accordance with those as indicated in the supporting information.

3) **A Drainage Impact Assessment shall be submitted to the CNPA acting as Planning Authority in consultation with SEPA to demonstrate that satisfactory Sustainable Urban Drainage Systems can be accommodated on the site and provide an acceptable impact on the water environment. This shall be in accordance with the Sustainable Urban Drainage Systems Design Manual for Scotland and Northern Ireland, CIRIA C521 2000. The approved details shall be fully installed prior to the building coming into use.**

Reason: To ensure the site is adequately drained to meet Best Management Practice and to prevent pollution of watercourses.

4) **Prior to any development commencing on site, a scheme will be submitted by the Developer (at his/her expense) to deal with potential contamination on site for the prior approval of the CNPA acting as Planning Authority. No construction work must commence until such a scheme has been submitted to and approved by the planning authority, and is thereafter implemented to its satisfaction. The scheme shall contain details of proposals to deal with contamination and must include:**

a. **The nature, extent and type of contamination on site, identification of pollutant linkages and assessment of risk (ie Contaminated Land Risk Assessment and Remediation Plan).The scope and method of this assessment must be agreed in advance with the planning authority and**

undertaken in accordance with PAN33 (2000) and BSI0175:2001;

- b. Remedial Strategy (if required) to treat/remove contamination to ensure the site is fit for the uses proposed (this shall include a method statement, programme of works and proposed verification plan);
- c. Submission of a Validation Report (should remedial action be required) by the competent person employed by the developer who will validate and verify the completion of works to a satisfactory standard as agreed by the planning authority;
- d. Submission, if necessary, of monitoring statements at periods to be agreed with the planning authority for such a time period as is considered appropriate by the planning authority.

Reason: To identify and remove unacceptable risks to human health and the Environment.

5) Prior to the commencement of any development on site, a comprehensive Green Travel Plan that sets out proposals for reducing the dependency on private car use shall be submitted to and approved in writing by the for the prior approval of the CNPA acting as Planning Authority. The Travel Plan shall include:

- a. Details of the proposed sustainable transport modes;
- b. Details of the proposed monitoring schedule and reporting procedures;
- c. Details for the management of the travel plan identifying the persons responsible for implementation;
- d. Details of mode share targets;
- e. Details of proposed pedestrian and cycle infrastructure within the site and connections to the existing networks;
- f. Details of cycle parking provision and location within the site;
- g. Details of proposed measures to improve public transport facilities;
- h. Details of initiatives such as car share schemes;
- i. Details of employee locker and shower facilities;
- j. Details of travel information to be provided within the site; and
- k. Details of car parking provision and management.

Reason: In the interests of promoting sustainability and reducing car dependency.

6) Prior to any work starting in connection with the proposed development the following details shall be submitted to and approved in writing by the CNPA acting as Planning Authority, in consultation with the Roads Authority:

- a. Details of all alterations to the public highway and the provision of the internal road and footway layout shall be submitted to and agreed in writing.
- b. The new access road shall be designed and constructed in accordance with the requirements of the Highland Council's Road Guidelines for New Developments;
- c. The private road serving the Glen Centre shall be upgraded, to the satisfaction of the Planning Authority in consultation with the Road's Authority, as necessary to accommodate the additional vehicular and pedestrian traffic that will be generated by the new development;
- d. Street lighting shall be provided throughout to the satisfaction of the Council's Area Lighting Engineer;
- e. In accordance with Safer Routes to Schools principles, the introduction of a 20mph speed restriction on the main vehicular access shall be fully investigated and implemented as required, in consultation with Highland Council's Road Safety Officer;
- f. In consultation with Highland Council's Road Safety Officer and the Aviemore Primary School Safer Routes to Schools Team, pedestrian and cycle links shall be provided to link the new school with existing pedestrian and cycle links in the area;
- g. In the interests of road safety and to assist vehicular and pedestrian movements at the junction, consideration shall be given to the introduction of 4 way signals at the Muirton/Milton Park/Grampian Road crossroads;
- h. Provision for car and cycle parking, coaches, school bus services, emergency and service vehicles shall be made within the site, all in accordance with the recommendations of the Addyn Consultancy Traffic Impact Assessment dated April 2008.

Reason: In the interests of road and public safety.

- 7) The development shall be landscaped and maintained in accordance with a scheme which shall be submitted to and approved by the CNPA acting as Planning Authority before development commences. The scheme shall include indications of all existing and proposed trees and landscaped areas on the land, and details of any to be retained, together with measures for their protection in the course of the development and shall indicate the siting, numbers, species and heights (at the time of planting) of all trees, shrubs and hedges to be planted and to the extent of any areas of earthmounding, and shall ensure:-
 - (a) Completion of the scheme during the planting season next following the completion of the development.

- (b) **The maintenance of the landscaped areas in perpetuity in accordance with the detailed maintenance schedule/table. Any trees or shrubs removed, or which in the opinion of the CNPA acting as Planning Authority, are dying, being severely damaged or becoming seriously diseased within three years of planting, shall be replaced by trees or shrubs of similar size and species to those originally required to be planted.**

Reason: In order to conserve and enhance the natural heritage of the area.

- 8) **The proposed development shall not be occupied until the Highland Council have committed to a scheme of compensatory planting or suitable alternative equivalent subject to approval of the CNPA acting as Planning Authority.**

Reason: To ensure that adequate compensation for the loss of the woodland on the proposal site is suitably replaced.

- 9) **Prior to the commencement of works on site, a detailed Tree Protection Plan, in line with the requirements of BS:5837 (Trees in Relation to Construction) shall be submitted for the further written approval of the CNPA acting as Planning Authority. This Plan shall detail all areas of trees to be retained and removed, and shall indicate all measures for the protection of the retained trees from damage during the construction phase. For the avoidance of doubt, all retained trees shall be protected by Heras type fencing, fixed to the ground outwith the root protection area and crown spread. The location of fencing shall be established in advance of development commencing and shall be shown on a plan of the site.**

Reason: In order to conserve and enhance the natural heritage of the area and to safeguard as many trees as possible on the site.

- 10) **Clearance work of trees should avoid the recognised bird breeding season (March – July inclusive) unless otherwise agreed in writing with the CNPA acting as Planning Authority, and should be supervised by an ecologist to ensure no breeding birds are affected. In the event that work is required in exceptional circumstances to be undertaken during the period from March to July, a nesting bird survey shall be undertaken immediately prior to any work. If nesting birds are recorded the works shall stop until the birds have ceased nesting or a license had been obtained from the Scottish Government to permit disturbance.**

Reason: In order to protect nesting birds and in the interests of conserving and enhancing the natural heritage of the area.

11) **A woodland management plan should be drawn up to enhance the value of the area, opportunities to improve biodiversity and value of the site for species such as bats and birds alongside facilities for nature education should be investigated. Plant species within the proposed development site should be native and of local provenance.**

Reason: In order to conserve and enhance the natural heritage of the area.

12) **The existing wood ant nest located on site at NH 89818 13249 shall be protected during the construction process. The nest shall be clearly marked prior to the commencement of development and a minimum of a 5 metre buffer zone strip shall be established and maintained around the nest for the duration of construction activity.**

Reason: In the interests of conserving and enhancing the natural heritage of the area.

13) **The proposed development shall not be occupied until details of a relocated play area to be provided elsewhere in Aviemore or agreed alternative provisions to compensate for the loss of the play area on site are submitted and agreed in writing with the CNPA acting as planning authority.**

Reason: To ensure that the level of public play park provision is maintained in Aviemore.

14) **That prior to the commencement of works on site, details of the playing field and any structures and/or fencing, as well as intended access arrangements are to be submitted to and agreed in writing with the CNPA acting as planning authority.**

Reason: To ensure that the layout of the playing field is regulated.

15) **That prior to the commencement of works on site, a detailed method statement indicating the on-site constructional and operational management procedures for the continued protection, and reinstatement of all public access/recreational routes in the vicinity and affected by the development, during and after construction, shall be provided for the further written approval of the CNPA acting as Planning Authority.**

Reason: In the interests of conserving and enhancing the existing public access links in the area.

16) **Prior to the commencement of development a construction method statement and detailed proposals for the siting of the temporary construction compound, trial pits, hours of working (which should be restricted on a Saturday), scheme to mitigate the effects on sensitive premises/areas (i.e. neighbouring properties and road) of dust, noise and any contractors parking shall be submitted for the agreement of the CNPA acting as Planning Authority.**

Reason: In the interests of regulating the development and in the interests of protecting the natural heritage and visual amenity of the area.

17) **The developer shall construct the proposed development in accordance with the aims of BREEAM and endeavour to achieve the maximum BREEAM rating for the proposal.**

Reason: In order to ensure the development is constructed in line with sustainable principles.

18) **The applicant shall have regard to the cultural identity of the proposal, the school and associated community facilities, within the Cairngorms National Park and should following consultation with the local community, demonstrate this identity through the design, materials, layout and overall setting of the proposal within the National Park.**

Reason: In order to reflect the cultural identity and setting of the proposal within the Cairngorms National Park.

19) **A detailed sustainability statement pertaining to the design, construction and future operation of the building shall be submitted to the CNPA as Planning Authority and agreed in writing prior to any work commencing on site.**

Reason: To ensure that the building design and construction involve sustainable building methods, materials and operating systems consistent with minimising the impact of development on the natural environment and limiting carbon emissions.

INFORMATIVE

1. The applicant and any developer is advised that Road Construction Consent will be required in respect of any roads related works intended for adoption by the Highland Council.
2. Any additional measures deemed necessary to accord with Safer Routes to Schools principles and encourage sustainable travel to and from the school shall be provided by the applicant.
3. The use of woodland type planting around the school itself to reinforce the woodland character found around the housing in adjacent areas is encouraged. This will require close planting of trees to the building, playgrounds, around the car parking and close to the footpath. There need not be a dense under-planting of this where this might cause security issues.
4. The applicant and any developer are advised that it will be necessary to comply with the provisions of the Wildlife and Countryside Act 1981 (as amended) with respect to squirrels, that may be using buildings, trees and shrubs on the site.
5. The nests and eggs of birds are protected during the breeding season by the general provisions applying to breeding birds in Part I of the Nature Conservation (Scotland) Act 2004:

“Subject to the provisions of this Part, if any person intentionally or recklessly

 - kills, injures or takes any wild bird
 - takes, damages or destroys the nest of any wild bird while that nest is in use or being built; or
 - takes or destroys an egg of any wild bird,

He shall be guilty of an offence.”
6. Care must be taken to avoid entrapping badgers in excavations during construction and to avoid barriers to movement of badgers both during and after construction.
7. Badgers are protected by the Protection of Badgers Act 1992. This makes it an offence to:
 - Wilfully kill, injure, take, possess or cruelly ill-treat a badger, or attempt to do so
 - interfere with a sett by damaging or destroying it
 - obstruct access to, or any entrance of, a badger sett
 - disturb a badger when it is occupying a sett
8. All bat species are designated as European Protected Species protected under The Conservation (Natural Habitats, &c.) Regulations (as amended) 2007. This high level of protection reflects their vulnerability to changes by humans to the built environment or the felling of trees that they are dependent upon for roosting sites. For advice on the most appropriate means of incorporating bat roosts into the building design please contact the Bat

Conservation Trust (tel no. 01786 826792). Advice on the incorporation of bird nesting opportunities into the building design may be sought from Concern for Swifts (www.concernforswifts.com/Oportunities.asp) or alternatively liaise with the CNPA's Heritage and Land Management Group

9. The perimeter screen planting and habitat zones indicated on the site development plan should be linked around the periphery of the site as much as possible, this is important for connectivity and will increase their ecological value. Any plantings should be of native species and of local provenance. Aspen saplings from the existing woodland should be removed and relocated within these habitat zones. Guidance should be sought from an ecologist during relocating these trees. Paths created in the woodland must not be dug below ground and must be composed of porous materials to maintain the integrity of the trees.
10. Any SUDS ponds created should be planted with native aquatic plants that will encourage invertebrates and amphibians into the area. The open areas existing within the woodland could be enhanced by creating woodland glades. These habitats can be rich in biodiversity as they provide suitable habitat for wildflowers, invertebrates, deer and birds. Log piles can be created within this woodland to provide valuable habitat for fungi, invertebrates and amphibians.
11. Care should be taken to avoid the spread of invasive, non-native plant species to the site either through planting, or because of construction activities, e.g. the importing to the site of soil contaminated with seeds of any of the above species. Should it be clear that any of the above species have arrived at the site because of the development, then effectively removing them as soon as possible and disposing of them responsibly should be made the responsibility of the applicant. Equally, if any of these species occurs on the site already, then the development should not allow the species to spread off-site.

Variations: None

During the processing of the application the following variations were made to the proposal:

Section 75 Obligation: None

Reason(s) for Approval

1. The proposal is considered to accord with the aims of the Cairngorms National Park.
2. The proposal complies with the relevant provisions of the development plan and there are no material considerations that indicate otherwise.

Dated: 20 November 2009

Don McKee - Head of Planning

For details of how to appeal to Scottish Ministers regarding any aspect of this Decision Notice please see the attached notes.

**THIS IS A LEGAL DOCUMENT -
PLEASE RETAIN WITH YOUR TITLE DEEDS**

**TOWN AND COUNTRY PLANNING (SCOTLAND) ACT, 1997, AS
AMENDED BY THE PLANNING ETC (SCOTLAND) ACT 2006.
TOWN AND COUNTRY PLANNING (DEVELOPMENT
MANAGEMENT PROCEDURE) (SCOTLAND) REGULATIONS 2008.**

1. If the applicant is aggrieved by the decision of the planning authority to refuse permission in respect of the proposed development, or to grant permission or approval subject to conditions, he may appeal to Scottish Ministers under Section 47 of the Town and Country Planning (Scotland) Act 1997 within three months of the date of this notice. The appeal should be addressed to the Chief Reporter, Directorate for Planning and Environmental Appeals, 4 The Courtyard, Callendar Business Park, Falkirk FK1 1XR.
2. If permission to develop land is refused or granted subject to conditions, whether by the planning authority or by Scottish Ministers, and the owner of the land claims that the land has become incapable of reasonably beneficial use in its existing state and cannot be rendered capable of reasonably beneficial use by carrying out any development which has been or would be permitted, he may serve on the planning authority a purchase notice requiring the purchase of his interest in the land in accordance with Part 5 of the Town and Country Planning (Scotland) Act 1997.

NOTES

It should be understood that this permission does not carry with it any necessary consent from the Buildings Authority or Scottish Environment Protection Agency, or approval to the proposed development under other statutory enactments.

It should be understood that this permission does not imply

- that there are no physical restrictions upon development, such as overhead or underground services, diversion or protection of which will be the developer's responsibility, with the prior consent of the appropriate supply authority;
- that the mains water, drainage or other public services are, or will be available:
or
- that financial assistance from public funds is available towards the cost of provision of services or any aspect of the development.

Enquiries should be directed to the appropriate supply authorities.