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## CAIRNGORMS NATIONAL PARK AUTHORITY

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### **DEVELOPMENT PROPOSED:**

Spey House Phase 2 - Development of 14 no dwellings including 6no terraced houses, 4no bungalows and 4no cottage flats at Land 20M South East Of Spey House Cairngorm Technology Park Dalfaber Drive Aviemore

**REFERENCE:** 2019/0298/DET

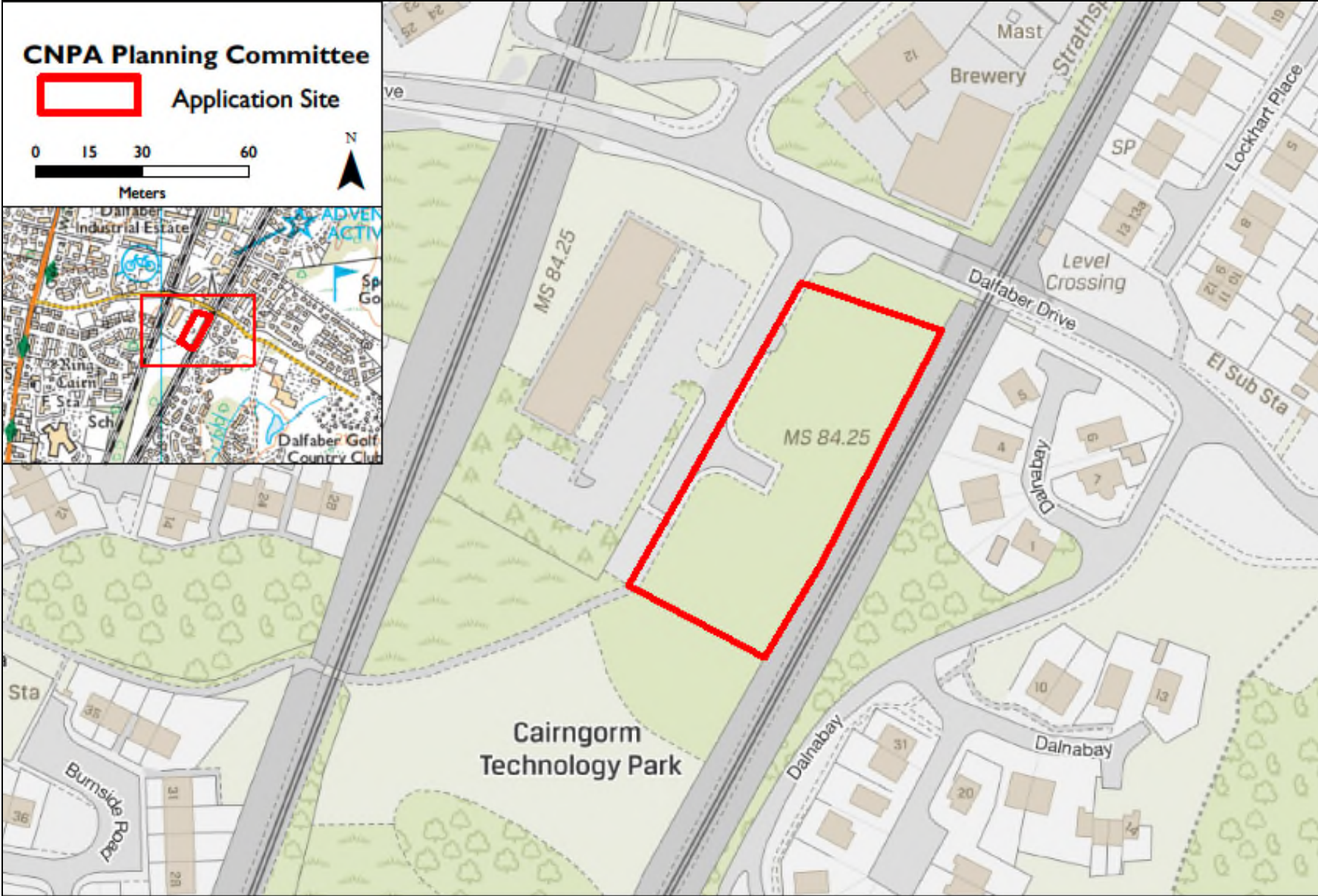
**APPLICANT:** Upland Developments

**DATE CALLED-IN:** 23 September 2019

**RECOMMENDATION:** Approve subject to conditions and developer contribution

**CASE OFFICER:** Stephanie Wade, Planning Officer

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## **SITE DESCRIPTION, PROPOSAL AND HISTORY**

### **Site Description**

1. The application site comprises approximately 0.4 hectares of recently cleared, undeveloped land, located to the east of Spey House, and to the south of Dalfaber Drive, within Aviemore. The site is bound to the east by the Strathspey Heritage Railway line and to the south by the recently approved hospital development site. The site forms part of what was originally the Cairngorm Technology Park, although the adjacent Spey House was the only business development completed at the time within the Technology Park. There are further business and industrial units on land to the north of Dalfaber Drive in a wedge between the main Inverness-Aviemore railway line and the Strathspey Steam Railway line. Beyond the Steam Railway line to the east is residential housing.
2. The site is accessed via a shared, existing private road that joins Dalfaber Drive. The road also serves the Spey House development and the Community hospital development site. This road is currently being progressed through a Road Construction Consent Order by the Highland Council for it to be considered for adoption by the Council. There are two existing access bellmouths along the private road to the development site.
3. The site is not covered by any specific environmental designations.

### **Proposal**

4. The drawings and documents associated with this application are listed below and are available on the Cairngorms National Park Authority website unless noted otherwise:  
<http://www.eplanningcnpa.co.uk/online-applications/applicationDetails.do?activeTab=summary&keyVal=PY2N1ESI0CH00>

<b>Title</b>	<b>Drawing Number</b>	<b>Date on Plan*</b>	<b>Date Received</b>
<b>Plans:</b>			
Location Plan	AL(0) 01	-	23 September 2019
Proposed Site Layout	AL(0) 02 Rev. D	23 October 2019	23 October 2019
Site Sections	AL(0) 050 Rev. A	23 August 2019	23 September 2019
Landscaping Plan	AL(0) 03 Rev. A	22 August 2019	23 September 2019
Block F-F-D Floor Plans	FFD-100 Rev. A	23 August 2019	23 September 2019
Block F-F-D External 3D Views	FFD-210 Rev. A	23 August 2019	23 September 2019

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Block F-F-D Elevations	FFD-200 Rev. A	23 August 2019	23 September 2019
Block BCCC Floor Plans	BCCC-100 Rev. A	23 August 2019	23 September 2019
Block BCCC Elevations	BCCC-200 Rev. A	23 August 2019	23 September 2019
Block BCCC 3D Views	BCCC-201 Rev. A	23 August 2019	23 September 2019
Block A-A-A-E Elevations	AAAE-200 Rev.A	23 August 2019	23 September 2019
Block A-A-A-E Floor Plans	AAAE-100 Rev. A	23 August 2019	23 September 2019
Block A-A-A-E External 3D Views	AAAE-210 Rev. A	23 August 2019	23 September 2019
Roads Construction Details	906	-	30 October 2019
Roads Kerbing Layout	905 Rev.2	11 December 2019	13 December 2019
Foul Water Drainage Sections	903 Rev.1	09 October 2019	30 October 2019
Roads Long Sections	901	24 May 2019	30 October 2019
Surface Water Drainage Sections	904 Rev.1	09 October 2019	30 October 2019
Roads Layout	900 Rev.4	06 August 2019	30 October 2019
Drainage Manhole Schedules	907	09 October 2019	30 October 2019
Flood Plan	909	02 December 2019	02 December 2019
Proposed Drainage Layout	902 Rev.6	02 December 2019	02 December 2019
Drained Areas	910	02 December 2019	02 December 2019
<b>Supporting Documents:</b>			
Design Statement			23 September 2019
Drainage Impact Assessment	A/190054	01 October 2019	30 October 2019
Affordable Housing Statement	IAIV170030	24 October 2019	31 October 2019

Confidential Document-Marketing Review 2 of 2.	IAIV170030	24 October 2019	31 October 2019
Additional Supporting Information	I90054/GRD/08 Nov2019	08 November 2019	08 November 2019
Drainage Maintenance Information			02 December 2019
Surface Water Drainage Assessment			02 December 2019
Scottish Water Capacity Review		18 June 2019	02 December 2019

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

5. The application seeks planning permission for the erection of 14 dwellinghouses with associated access, drainage, service and landscaping works. The development includes three blocks comprising: six terraced houses, 4 bungalows and 4 cottage flats. The dwellinghouses are all proposed to be affordable units with a combination of 10 social rent, 2 mid-market rent and 2 for low cost home ownership. Of the 10 social rented units, it is understood that four of these will be 'flexible' 1 bed properties which may form part of a FIT Homes Portfolio. The application details state that "these are strategically important due to their location to the new hospital and the potential client group that would be allocated." The housing accommodation schedule is as follows:

<b>Number of units</b>	<b>Number of storeys</b>	<b>Accommodation type</b>	<b>Number of bedrooms</b>
3	2	House (Type A)	3
1	2	House (Type B)	4
4	1	Bungalow (Type C)	1
2	2	Cottage Flat (Type D)	2
2	2	Cottage Flat (Type E)	3
2	2	House (Type F)	3

6. The three blocks of terraced houses are proposed to extend in a west-easterly direction across the site and are separated by the two vehicular access points into the site. The design of the terraces includes a combination of roof orientations, clad with grey roof tiles. The walls are proposed to be finished with white render and dark grey weatherboarding. The supporting Design Statement states that the "14 houses and flats proposed meet the minimum requirements for Housing for Varying Needs". The southern block (block B-C-C-C) comprises a mix of one and two storey units with the two storey element measuring 10 metres x 7 metres with a ridge height of approximately 8 metres. The single storey element of the block has a ridge height of 5 metres and measures a total length of 25 metres with a width of 13 metres. The middle block (block A-E-E-E) comprises attached, two storey units with a maximum ridge height of the block at 8 metres, an overall length of 30 metres and a maximum width of approximately 12.5 metres. The northern block (block F-F-D) also comprises two storey units with a maximum ridge height of 9 metres, an overall block length of approximately 27.5 metres and a maximum width of 11 metres.

7. 22 vehicle parking spaces are proposed to be installed within the two courtyard areas on site, served by the two access points. Each unit of accommodation is proposed with its own private garden, which includes space for cycle and refuse storage and is enclosed by a 1.8 metre high, timber fence. The eastern site boundary is proposed to comprise a mix of the 1.8 metre high, timber fencing around the garden areas and 1.8 metre high, chain link fencing for the other areas adjacent to this site boundary.
8. Regarding soft landscaping, the communal areas on site are proposed to be seeded with a grass mix and low heathland shrub planting is proposed along the road frontage of the site and within the communal parking areas. 20 rowan trees are also proposed to be planted along the road frontage on the west and three weeping cherry trees are proposed to be planted within the communal parking areas.
9. The application is supported by the following documentation:
  - a. **Design Statement:** outlines the site constraints and the design concept of the proposed development.
  - b. **Drainage Impact Assessment:** this document states that foul water from the proposed development will be drained via a separate foul only sewer which will connect to the existing Scottish Water foul network. Regarding surface water arrangements, the roof water is proposed to be drained into a private sewer within the site boundary with controlled discharge to the existing Scottish Water surface water sewer. The private parking areas are proposed to drain via porous block paving to underlying subbase which will be attenuated in trenches below the porous paving prior to discharge to the on-site surface water network. The existing drainage arrangements on site for the hammerhead access point are proposed to be retained for the proposed road access arrangements. Regarding maintenance, the hammerhead drainage is proposed to be adopted by Highland Council; Scottish Water are responsible for existing adopted sewers to the north end of the site; and the on-site surface water and foul drainage systems will not be adopted and will remain the responsibility of the developer or their appointed factor.
  - c. **Surface Water Drainage Assessment:** The report provides detailed design calculations and simulation results for both the M30 + 30% event and M200 + 30% event, noting where required the critical flood events all of which occur in the M200 + 30% event.
  - d. **Drainage Maintenance Information:** confirms that the water drainage systems will not be adopted by Scottish Water or any local authority and will therefore, in terms of maintenance, remain the responsibility of the developer or their appointed factor.
  - e. **Affordable Housing Statement:** This confirms that all the dwellings and flats proposed are for affordable housing with 10 for social rent, 2 for mid-market rent and 2 for low cost home ownership.

- f. **Confidential Market Review:** The applicants have provided a market review and appraisal in support of the application, of which contains commercially sensitive information.

10. Plans of the proposal are included within **Appendix I**.

## History

11. Earlier this year, a planning application (reference: 2019/0200/DET) was submitted for the erection of 11 houses and 4 flats on the application site. This application was withdrawn on 26 July 2019 due to the requirement for further surveys and information to be undertaken to support the proposal.
12. Of relevance is the recent planning history for the adjacent site to the west, at Spey House, which comprised Phase I of the applicant's overall development of the two sites. Permission was granted on 24 August 2018 for the change of use and conversion of the Spey House office block to form 20 flats together with the erection of 4 additional flats and associated cycle and bin stores.
13. On the adjacent site to the south of the application site, permission was granted for the erection of a community hospital (reference: 2018/0266/DET) which is currently under construction.

## DEVELOPMENT PLAN CONTEXT

### Policies

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

14. All new development proposals require to be assessed in relation to policies contained in the adopted Local Development Plan. The full wording of policies can be found at:

<http://cairngorms.co.uk/uploads/documents/Park%20Authority/Planning/LDPI5.pdf>

15. The site is designated in the Aviemore settlement statement of the Cairngorms Local Development Plan 2015 for economic development under the designation ED1- Dalfaber Industrial Estate, where it states the following: *the existing Dalfaber Industrial Estate and Cairngorm Technology Park provide opportunities for economic development proposals to support the economy of Aviemore and the surrounding area. An area of 0.5Ha to the north of Dalfaber Industrial Estate is included to allow for future expansion when the current site reaches capacity. Currently used for informal recreation, pedestrian links through the site should be protected.*”

### **Planning Guidance**

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

Policy 1	New Housing Development Non-Statutory Guidance	<b>X</b>
Policy 2	Supporting Economic Growth Non-Statutory Guidance	<b>X</b>
Policy 3	Sustainable Design Non-Statutory Guidance	<b>X</b>
Policy 4	Natural Heritage Supplementary Guidance	<b>X</b>
Policy 5	Landscape Non-Statutory Guidance	<b>X</b>
Policy 7	Renewable Energy Supplementary Guidance	
Policy 8	Sport and Recreation Non-Statutory Guidance	
Policy 9	Cultural Heritage Non-Statutory Guidance	
Policy 10	Resources Non-Statutory Guidance	<b>X</b>
Policy 11	Developer Contributions Supplementary Guidance	<b>X</b>

### **Cairngorms National Park Local Development Plan 2020**

17. The emerging Cairngorms National Park Local Development Plan (“Proposed Plan”) which will cover the period of 2020 – 2025 is currently being progressed. The proposed plan has been through a public consultation process and the formal responses have been assessed and submitted along with all other relevant materials to Scottish Ministers for examination. As the examination of the Proposed Plan is yet to start, the Proposed Plan and its contents currently carry limited weight.
18. Within the Proposed Plan, the application site forms part of a larger allocated site under C3: Land south of Dalfaber Industrial Estate. The site under the emerging local plan has been allocated for community uses and includes land currently being developed for the new Aviemore Hospital.



## CONSULTATIONS

### Summary of the main issues raised by consultees

19. **The Highland Council Flood Risk Management Team** initially objected to the application due to insufficient drainage information. Following the submission of a drainage impact assessment by the applicants, the Flood Risk Management Team, maintained their objection requesting further information to demonstrate sufficient drainage proposals for the scheme. Following the latest supporting information including flood plan/drains plans, surface water drainage assessment and drainage maintenance scheme, the Flood Risk Management Team confirmed the removal of their original objection as sufficient drainage information has been provided. The Team note that the submitted information demonstrates that the drainage system can attenuate surface water for key storm events up to the 1 in 200 year storm event (inclusive of 30% climate change) and that the minor amount of flooding that may occur during a one in 200 year event would be managed within the parking area without reaching a significant depth. The applicant has provided evidence that Scottish Water will accept surface water drainage up to 2.2 L/S from the site and the maintenance information confirms the inspection of the flow controlling orifice, bi-annually and after storm events.
20. **The Highland Council Contaminated Land Officer** notes that following a check of their records, there does not appear to be a previously contaminative use and further information or investigation for contamination is therefore not recommended.
21. **The Highland Council Transport Planning Team** provided the following comments on the latest submission details:
  - a. **Access and Layout:** Vehicular access to the development is from an existing private road that joins Dalfaber Drive. The Council has received a Road Construction Consent application for the private road to be considered for adoption by the Council, e.g. for the road to become part of the public road network. This development proposes to alter the existing road layout by shifting the 2 existing site entrances further south, as intimated in the Roads Layout. To enhance pedestrian connectivity and assist reduce traffic speeds in/out of the residential site, the preference of the Transport Planning Team and their recommendation is that driveway crossing type accesses are built rather than the proposed bellmouth arrangement;
  - b. **Visibility:** The proposed visibility splays of 2.4 metres by 45 metres as shown on the Roads Layout are acceptable.
  - c. **Parking:** Communal vehicle parking arrangements are being promoted at this development. The Transport Planning Team consider that the level of parking provision is acceptable based on 1.2 resident spaces per unit and 0.3 visitor spaces per unit equating to 21 spaces and that 22 spaces are being provided. Each residential unit has its own secure garden where bicycles can be stored.

- d. **Waste Collection:** The Transport Planning Team note that the existing access road will be the route to the proposed hospital. They consider that during waste collection operations, the free flow of traffic to the hospital will be disrupted on waste collection days, due to the proposed waste collection areas being sited on the hospital road. They therefore recommend that alternative waste collection areas are sought preferably within the development.
  - e. **Drainage:** The Team consider that the proposed drainage arrangements are acceptable.
  - f. **Adoption:** The proposed limit of adoption as illustrated on the Roads Layout Plan is considered acceptable.
  - g. **Consultation Summary:** In principle, the Transport Planning Team concludes that they support this development subject to the comments raised being resolved regarding access and layout and waste collection.
22. **The Highland Council Housing Officer** has no objection to this planning application.
23. **The Highland Council Environmental Health Officer** has no comment relating to this application.
24. **Highland Council Corporate Address Gazetteer Team (CAG)** wish to highlight to the applicant, the street naming and numbering process and encourage the applicant to submit a request in the event planning permission is granted
25. **Scottish Water** has no objection but highlight that this does not confirm that the proposed development can currently be serviced. They note that there is currently sufficient capacity in the Aviemore Water Treatment Works and there is currently sufficient capacity in the Aviemore Waste Water Treatment Works. However, they advise that once a formal connection application is submitted to the Agency after full planning permission has been granted, they will review capacity at that time and advise the applicant accordingly.
26. Scottish Water notes that regarding surface water, they will not accept any surface water connections into their combined sewer system.
27. **Network Rail** considers that the proposal will have no impact on the network rail railway infrastructure and therefore have no objections to this application.
28. **CNPA Ecology Officer** notes that the site has recently been cleared and has no current ecological interest. The Officer states that the proposed SUDs features have no additional biodiversity benefits or amenity in recommended by CIRIA Suds Manual 753. The Officer suggests integrating some swales or bio-retention areas within the communal planting areas to improve diversity and also improve retention periods within the scheme. The Officer suggests species rich grassland with a high proportion of devils bit scabious would also be more appropriate than the proposed calluna beds

and the construction of bee banks on the north and southern edge of the development are also recommended.

29. **CNPA Landscape Officer** considers that the proposed landscaping is not appropriate for the site and suggests a preferred approach of species rich grass land around the periphery of the site with a well-developed tree structure that allows for an integrated matrix of landscape areas. The Officer considers that this will add to the visual interest, enhance the building forms and provide a richer set of micro habitats for biodiversity. Tree and grass species are suggested.
30. **CNPA Outdoor Access Officer** is satisfied there are no significant concerns or considerations relating to public access from the proposal. The site presently comprises open, vacant land, bounded by the Strathspey Railway and the former Call Centre/ access road. The officer notes that the proposed development will be served by both adopted and non-adopted footways and cycle storage opportunities will be available.
31. **Aviemore and Vicinity Community Council** supports the application noting that the development is a good use for the site and the design and orientation of the buildings utilises the available space to its maximum. The Community Council's full comments can be found at **Appendix 3**.

## REPRESENTATIONS

32. Copies of all public responses can be viewed at **Appendix 2**. One letter of representation has been received from the Aviemore Health Centre who support the development of the site for housing and have no objections to the design although note concern of potential construction traffic disrupting the traffic flow to the hospital.
33. A further letter of representation has been received from the Strathspey Railway Company providing general comments on the scheme. They consider that the development is unlikely to increase road traffic over Dalfaber Level Crossing but suggest that an assessment of this should be undertaken. They also raise concern that the development may restrict the visibility of their locomotive drivers of road traffic approaching the level crossing. They confirm that the drainage details proposed should not affect the SRC and that the current smoke, steam and train noises will continue. The SRC query the boundary treatments between the proposal and their land.

## APPRAISAL

34. The main planning considerations are: the principle of development; the impact upon landscape, layout and design; the environmental impacts; access and servicing and developer contributions.

### Principle of Development

35. **Policy I: New Housing Development of the Cairngorms National Park Local Development Plan 2015** provides support for new housing development within

settlements where: they are on an identified site or where they reinforce and enhance the character of the settlement, maximising opportunities for infill, conversion, small scale development, use of derelict or underused land or the redevelopment of land. In this case, the application site lies within the defined settlement boundary of Aviemore involving the development of vacant, underused land. Under the general terms of Policy I there is policy support for housing subject to the development reinforcing and enhancing the character of the settlement, which will be considered later in this report.

36. However, under the adopted Local Development Plan 2015, the site lies within a wider designated area allocated for economic development use whereby **Policy 2: Supporting Economic Growth** applies. Criterion 2.4 of the policy states:
- a. *“proposals for the alternative use of sites or buildings currently in, or last used for economic and employment purposes will only be supported where this promotes the sustainable use of land in accordance with SPP, the NPPP and other LDP policies, and where: a) it is satisfactorily demonstrated that is not practical for financial or other reasons to continue with the existing or last economic development, or employment use; or b) the site or buildings are unsuitably located and impact adversely on the built or natural environment, local character or neighbouring properties; and/or c) the existing use can be appropriately re-located to another suitable site.”*
37. The agent has submitted additional information to demonstrate accordance with policy requirements, including a market review. The details state that the site, for commercial purposes, has been through a marketing campaign by agents Graham and Sibbald, however, there was no demand for the site. The agents also confirm that with the redevelopment of the adjacent Spey House to affordable housing together with the development of a new community hospital on the remainder of the Technology Park site, it would seem appropriate to provide further affordable housing on the application site. The compatibility of uses within the area is also a material consideration. Some commercial uses would be inappropriate in this location, such as an intensive, more industrialised, commercial use, which could adversely affect the amenity of neighbouring land uses, with particular regard to the adjacent, residential site. Therefore this limits the type of commercial development that would be acceptable on this site, notwithstanding the marketing activities that have been undertaken to demonstrate commercial demand levels. Overall, it is considered that the submitted information, on balance, adequately demonstrates that it is not practical to continue with a proposed economic use of the land as required by policy and the loss of economic development land is considered to be acceptable in this case, provided that the new use is considered appropriate and sustainable in terms of the other Local Development Plan policies.
38. It is worth noting that within the Proposed Local Development Plan 2020, the site designation is for a community use. The proposed use of this application looks to provide further affordable housing to the community. This particular site is considered to be suitably located for new housing, in principle, being in an area of mixed uses with housing to the west and further economic development land well separated to the north on the other side of Dalfaber Drive. The site is considered to be sustainably located in terms of proximity to the facilities and amenities of Aviemore. The principle of introducing housing on this site will fulfil a community housing need, delivering 100%

affordable housing on an underused parcel of land and the proposal is therefore considered to be compatible with the proposed community use designation.

39. Criterion 1.4 of **Policy 1: New Housing Development** requires that provision generally be made for 25% affordable housing on development sites. In this case, the development proposes the erection of 14 dwellings, all of which are proposed to be affordable units. The policy requirement is therefore far exceeded. The Housing Service at Highland Council has no objections to the scheme.
40. On balance, the principle of the proposal is considered to be acceptable in accordance with the requirements of Policy 1: New Housing Development and Policy 2: Economic Development of the Cairngorms National Park Local Development Plan 2015, subject to the other planning considerations outlined below.

### **Landscape Impacts, Layout and Design**

41. **Policy 5: Landscape of the Cairngorms National Park Local Development Plan 2015** presumes against development, which does not conserve and enhance the landscape character and special qualities of the National Park and in particular the setting of the proposed development. This is reinforced by **Policy 3: New Development**, which seeks to ensure that all new development is sympathetic to the traditional pattern and character of the surrounding areas, local vernacular and local distinctiveness. It is therefore clear that policy requires all new development to enhance and complement both the National Park and the character of the settlement itself, using landscape to complement the setting.
42. In this regard, the density of the development has been reduced from the previously withdrawn scheme by one unit of accommodation providing better sized amenity spaces for occupants of the dwellings. The use of different roof orientations, ridge heights, dormer features and the use of staggering the units of accommodation, helps to create visual interest and breaks up the building mass of the three blocks. The design and palette of external materials and finishes for the dwellings, references the adjacent residential development of Spey House and are considered to be in keeping with the established character of the area.
43. Regarding soft landscaping, the communal areas on site are proposed to be seeded with a grass mix and low heathland shrub planting is proposed along the road frontage of the site and within the communal parking areas. 20 rowan trees are also proposed to be planted along the road frontage on the west and three weeping cherry trees are proposed to be planted within the communal parking areas. The CNPA Landscape Officer considers that the proposed landscaping is not appropriate for the site and suggests a preferred approach of species rich grass land around the periphery of the site with the inclusion of a variety of native tree species to add to the visual interest, enhance the building forms and provide a richer set of micro habitats for biodiversity. These amendments are considered to help link the landscape character of the site with the adjacent landscaping treatment of the Community Hospital, which will enhance the sites ability to facilitate native species. These refinements can be dealt with by planning condition for the agreement and implementation of a revised landscaping plan and maintenance scheme.

44. In terms of residential amenity, **Policy 3: Sustainable Design** of the Cairngorms National Park Local Development Plan 2015 seeks to ensure that new development protects the amenity currently enjoyed by neighbours. No comments have been from neighbouring occupants regarding amenity issues. The layout of the development has been designed to minimise any potential impacts the proposal may have on neighbouring amenity adjacent residential sites, such as Spey House. This includes: impacts of overlooking, overbearing, and loss of light. It is considered that there is a good distance between the proposed dwellings and the adjacent land uses to not prejudice other future uses in the area due to the site being self-contained.
45. **Policy 3: Sustainable Design** also requires new development to provide appropriate levels of private amenity ground. In terms of the new houses themselves, they have been designed to ensure that there are no issues of overlooking windows with sufficient garden space and boundary treatments to provide privacy for all residents with ready access to the existing network of access routes within the area.
46. Whilst there will inevitably be a degree of disturbance and noise during construction this can be minimised by good construction practises and provision of a construction traffic management plan designed to set out measures to try to reduce disturbance as far as feasible.
47. On this basis, the proposal is considered to accord with Policy 3: Sustainable Design and Policy 5: Landscape of the Cairngorms National Park Local Development Plan 2015.

## Environmental Impacts

48. **Policy 4: Natural Heritage** of the Cairngorms National Park Local Development Plan 2015 seeks to ensure that there is no adverse impact upon protected species or biodiversity.
49. The application site has been recently cleared and therefore has no current ecological interest. It is considered that the conditioning of a revised landscaping scheme following any grant of planning permission provides the opportunity for the site to provide a biodiversity enhancement to the area.
50. In respect of other environmental matters there are no issues in respect of either contaminated land or flooding. The Highland Council's Environmental Health and Contaminated Land Officers have no objection to the scheme and confirm that there does not appear to be a previously contaminative use of the site.
51. In these overall circumstances and subject to appropriate planning conditions, the application is considered to comply with Policy 4: Natural Heritage and Policy 10: Resources of the Cairngorms National Park Local Development Plan 2015.

## Servicing and Access

52. **Policy 3: Sustainable Design** and **Policy 10: Resources of the Cairngorms National Park Local Development Plan 2015** set out the need for new development to be satisfactorily serviced and without harm to resources or the environment.
53. In this case, roof water is proposed to be drained into a private sewer within the site boundary with a controlled discharge to the existing Scottish Water surface water sewer. The private parking areas are proposed to drain via porous block paving to underlying subbase which will be attenuated in trenches prior to discharge to the on-site surface water drainage network. The existing drainage arrangements on site for the hammerhead access point are proposed to be retained for the proposed road access arrangements. Regarding maintenance, the bellmouth access drainage is proposed to be adopted by Highland Council; Scottish Water are responsible for existing adopted sewers to the north end of the site; and the on-site surface water and foul drainage systems will not be adopted and will remain the responsibility of the developer or their appointed factor.
54. Regarding foul drainage, the development is proposed to be served by a separate foul only sewer which will connect to the existing Scottish Water foul network. Scottish Water has no objection to the proposal. The Highland Council Flood Prevention Team has no objections to the proposal following the additional information provided by the applicants to satisfy their previous objections and it has been demonstrated that the drainage system can attenuate surface water for key storm events up to the 1 in 200 year storm event (inclusive of 30% climate change) with any minor amount of flooding being managed within the parking area, without reaching a significant depth. The CNPA Ecology Officer noted that the SUDs proposals could have been designed to deliver biodiversity and amenity benefits with opportunities to combine SUDs and amenity areas in a more imaginative way. However, the agent has confirmed that the communal planting areas are not wide enough to incorporate swales due to the size of the site and the ability to deliver a viable scheme of affordable housing.
55. Waste management provision is proposed within the curtilages for each property with two communal collection points to be located adjacent to the access road bellmouths. Concern has been raised regarding disruption to the free flow of traffic to the adjacent hospital during the waste collection periods. The supporting information confirms that the southern bellmouth has been designed to allow the refuse vehicle to turn off the main access road to service the bin location for plots 5-14, therefore this operation will not disrupt the free flow of traffic on the access road. The agent notes that there is access to the internal carpark for plots 1-4, however, the bin collection for these plots on the public road was considered by the agent to minimise the number of stops for bins to be collected and thus has been proposed to minimise disruption to traffic movement during the limited time of bin collection. The adjacent hospital is a community hospital which does not include an accident and emergency unit, and therefore the access route is not restricted and allows for vehicles to stop. Based on this, the proposed communal waste collection points are considered to be acceptable taking into account the occurrence and short duration of the activity.

56. **Policy 3:** Sustainable Design also requires that new development should include an appropriate means of access, egress and space for off-street parking. In this regard, adequate parking provision is being made whilst the site access is of suitable standard in compliance with the requirements of the Highland Council Transport Planning Team. The Transport Planning Team's preference would be for the construction of an access, which enhances pedestrian connectivity whilst assisting the reduction in traffic speeds. Supporting information has been submitted explaining the rationale for the access types proposed, which states that bellmouth design has been used to assist with refuse collection off of the main access road and the introduction of a driveway crossing here would not facilitate the refuse vehicle movements. It is also stated that the strategic enabling works to facilitate both Spey House I and the Hospital site were necessary in advance of this planning application submission, which included the construction of the bellmouths, which form part of this application, to facilitate the BT apparatus and the water connection for the adjacent developments. The bellmouth junction design is also replicated within the adjacent Spey House Phase I development and provides the required visibility and safety standards. The means of access is therefore considered to be acceptable in this case.
57. **Policy 3:** Sustainable Design also sets out that new development should be designed to maintain and maximise all opportunities for responsible outdoor access. This includes links into the existing path network and the promotion of sustainable transport methods, including making provision for the storage of bicycles and reducing the overall need to travel. The site is considered to be in a sustainable location in terms of being within walking distance of the facilities and amenities of Aviemore and within walking distance of bus stops on Dalfaber Drive, Dalnabay and Grampian Road. There is space within the domestic curtilages for cycle storage for dwelling occupants. The CNPA Outdoor Access Officer confirms that there are no concerns arising from the proposal in relation to its impact on the exercise of access rights and other routes within the area and the Officer notes that the development will be served by both adopted and non-adopted footways.
58. On this basis, the application is considered to comply with the relevant planning policies.

### Developer Contributions

59. **Policy II:** Developer Contributions of the Cairngorms National Park Local Development Plan 2015 sets out that where development gives rise to a need to increase or improve public services, facilities or infrastructure or mitigate adverse effects then the developer will normally be required to make a fair and reasonable contribution towards additional costs or requirements.
60. There are not considered to be any impacts which would require community facilities or services to be improved or increased as a result of this proposal, with the introduction of new residents helping to support the local facilities. However, the development will give rise to an impact upon primary education in terms of the capacity of Aviemore Primary School, whereby a contribution per unit will be required.



61. The applicant has been presented with the overall developer contribution figure and has indicated their agreement to this with a preference to conclude the contribution by way of an upfront payment if planning permission were granted. Subject to the payment of this contribution, the proposed development is considered to comply with Policy 11: Developer Contributions of the Cairngorms National Park Authority Local Development Plan 2015.

### **Other Issues Raised in Consultations and Representations**

62. Matters raised by consultees and contributors have been addressed throughout this report. A letter of representation has been received from Aviemore Health Centre supporting the development of the site for housing, with no objections raised regarding the design. They do raise a note of concern regarding the potential for construction traffic disrupting the traffic flow to the hospital. As suggested earlier in this report, a post determination condition is recommended requiring the agreement of a construction traffic management plan.
63. Aviemore and Vicinity Community Council support the application.
64. Network Rail and the Strathspey Railway Company (SRC) have both been consulted on the application due to their infrastructure proximity to the application site. Network Rail has no objection to the proposal. The SRC has provided general comments on the scheme but raise no specific objection. The SRC make reference to the steam/smoke and the noise associated with the train. The degree of how this may impact on residential amenity must therefore be considered. The steam train is timetabled within its published schedule to undertake three return journeys a day, from Aviemore to Broomhill station, throughout the summer tourism period and is only in operation for 16 days travel throughout November- February. The existing land use mix of commercial, residential and the train infrastructure has been established for many years and therefore it is considered that the addition of further residential properties is appropriate within the area. In addition, the intermittent nature of the train activity is considered to cause a minimal impact on the amenity of the future occupants of the dwellings. The Highland Council Environmental Health Officer has raised no objection to the scheme. The impact on amenity from the adjacent land use is, therefore, considered to be acceptable in this case. The SRC also query the boundary treatment details between the sites. This information has been provided and is considered to be acceptable.

### **CONCLUSION**

65. The proposed development will deliver much welcomed affordable housing within the settlement of Aviemore as well as bringing an allocated, underused site into a productive use. The case for losing the land for economic development has been satisfactorily made; the site is well located in relation to the settlement and it is considered that this development will not prejudice any of the existing or future adjoining land uses. The delivery of 100% affordable housing on the site is welcomed.
66. The scale, design and layout are considered to be appropriate to the site's setting subject to an appropriate level of landscaping being delivered in accordance with the

suggested landscaping amendments. This will ensure that a good setting is provided in keeping with the surrounding character of the area and will provide the residents of the development with attractive and useable amenity space.

67. The proposed development is considered to fully comply with Local Development Plan policies subject to appropriate planning conditions being imposed to achieve landscape and servicing requirements and also subject to the securing of the developer contribution. Approval is therefore recommended.

## RECOMMENDATION

**That Members of the Committee support a recommendation to APPROVE the Spey House Phase 2 - Development of 14 no dwellings including 6no terraced houses, 4no bungalows and 4no cottage flats at Land 20M South East Of Spey House Cairngorm Technology Park Dalrader Drive Aviemore subject to:**

- 1) Conclusion of a legal agreement or upfront payment regarding developer contributions in respect of primary education in Aviemore; and**
- 2) The following conditions:**

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

### Conditions

- 1. No development shall commence on site, until a Construction Traffic Management Plan is submitted to, and approved in writing by the Cairngorms National Park Authority acting as Planning Authority in consultation with the Highland Council Transport Planning Team. This plan should include details of the timings of works to reflect the need to minimise residential disturbance during construction. Thereafter the construction of the development shall be implemented in accordance with those approved details.**

**Reason:** To ensure there are no adverse impacts on the roads network in relation to road safety and that construction traffic associated with the development causes minimum disturbance to residents of the neighbouring land uses in accordance with Policy 3: Sustainable Design of the Cairngorms National Park Local Development Plan 2015.

- 2. No development shall commence until a site specific Construction Method Statement (CMS) has been submitted to and approved in writing by the Cairngorms National Park Authority acting as Planning Authority. The CMS shall include any details of site waste management including the storage of soil and construction material; and details of construction stage SUDs. Thereafter construction shall be undertaken in accordance with the approved details.**

**Reason:** To ensure that the construction of the development is satisfactorily implemented and supervised in order to ensure that there are no adverse environmental effects arising from the construction of the development in accordance with Policy 4: Natural Heritage and Policy 5: Landscape of the Cairngorms National Park Local Development Plan 2015.

3. **No Development shall commence until an updated Landscape Plan and Maintenance Programme has been submitted to and approved in writing by the Cairngorms National Park Authority acting as Planning Authority. The Landscape Plan shall be implemented in full, by a suitably qualified landscape consultant, during the first planting season following occupation of the first residential unit on site, or as otherwise agreed in writing by the Cairngorms National Park Authority, acting as Planning Authority and shall be maintained thereafter in accordance with the approved maintenance programme.**

**Reason:** In accordance with the consultation comments received by the CNPA Landscape Officer a revised landscaping scheme is required in accordance with Policy 4: Natural Heritage and Policy 5: Landscape of the Cairngorms National Park Local Development Plan 2015 to ensure that the development delivers a richer set of micro habitats to aid the biodiversity enhancement of the site whilst providing more visual interest and enhancement to the built form. The amendments are also required to help link the landscape character of the site with the adjacent landscaping treatment of the Community Hospital to facilitate the sites ability for native species.

4. No residential unit, for the development hereby permitted, shall be occupied until the boundary enclosures have been implemented in accordance with the approved plans and retained thereafter throughout the lifetime of the development hereby approved.

**Reason:** In the interests of public safety and the protection of the adjacent rail infrastructure and to ensure that the development conserves and enhances the landscape character and special landscape qualities of the National Park in accordance with Policy 3: Sustainable Design and Policy 5: Landscape of the Cairngorms National Park Local Development Plan 2015.

5. The development shall proceed in accordance with the approved phasing plan unless otherwise agreed in writing with the Cairngorms National Park Authority acting as Planning Authority.

**Reason:** To ensure that the site is developed in a planned manner that minimises impacts on landscape character and residential amenity in accordance with Policy 3: Sustainable Design and Policy 5: Landscape of the Cairngorms National Park Local Development Plan 2015.

6. The drainage scheme, of the development hereby permitted, shall be implemented and maintained in accordance with the approved details in full prior to the occupation of any dwellings within this development.

**Reason:** To ensure that satisfactory arrangements for the disposal of surface water are provided in accordance with Policy 3: Sustainable Design, Policy 4: Natural Heritage and Policy 10: Resources of the Cairngorms National Park Local Development Plan 2015.

7. No residential unit shall be occupied until the parking, access and path links are completed in accordance with the approved plans.

**Reason:** To ensure the development is appropriately serviced in the interests of road safety in accordance with Policy 3: Sustainable Design of the Cairngorms National Park Local Development Plan 2015.

8. The visibility splays of 2.4m x by 45 metres as shown on the approved Roads Layout plan shall be provided and maintained and cleared of any obstruction above 0.26m in height (measured from the level of the carriageway).

**Reason:** In the interests of road safety and to ensure safe access and egress for the development in accordance with Policy 3: Sustainable Design of the Cairngorms National Park Local Development Plan 2015.

9. Unless otherwise agreed in writing with the Cairngorms National Park Authority acting as Planning Authority, the residential units hereby permitted shall comprise 18 units of affordable housing accommodation (including social rented housing) and shall be retained as affordable housing meeting an identified, local need in perpetuity.

**Reason:** To ensure that provision is made for affordable housing in accordance with Policy provision of the Local Development Plan and that the tenure remains as considered in this application in accordance with Policy 1: Housing Development and Policy 3: Sustainable Design of the Cairngorms National Park Local Development Plan 2015.

10. Notwithstanding the provisions of Class 7 of Schedule 1 of the Town and Country Planning (General Permitted Development) (Scotland) Order 1992 (as amended), (or any Order revoking or re-enacting that Order) all boundary enclosures shall be provided in accordance with the approved plans and any proposals for other boundary enclosures shall not be carried out unless planning permission is first granted by the Planning Authority.

**Reason:** To ensure that the layout of the development fits into the setting of the immediate area in accordance with Policy 3: Sustainable Design and Policy 5: Landscape of the Cairngorms National Park Local Development Plan 2015.

## Informatives

1. The development hereby approved must commence within 3 years of the date of this decision notice. If development has not commenced within this period then this planning permission will lapse.
2. The person undertaking the development is required to give the Planning Authority prior written notification of the date which it is intended to commence the development. Attached to this decision notice is a Notice of Initiation of Development for completion and submission. Submission of this information assists the Cairngorms National Park Authority Monitoring and Enforcement Officer in monitoring active work within the area to ensure compliance with the approved details and to identify and correct any potential problems, as they arise, rather than later when it may be more difficult and more costly to rectify. Failure to give notice would constitute a breach of planning control which may result in enforcement action being taken.
3. Following completion of the development, a notification of completion shall, as soon as practicable, be given to the Planning Authority. Attached to this decision notice is a Notice of Completion of Development for completion and submission. Submission of this form will assist the Cairngorms National Park Authority Monitoring and Enforcement Officer in making a final inspection and checking compliance with the approved drawings and conditions. If the development hereby approved is to be carried out in phases, then a notice of completion should be submitted at the completion of each phase.
4. The person undertaking the development is advised that Road Construction Consent will be required from the Roads Authority (Highland Council) as per the comments of the Highland Council Transport Planning Team available on the CNPA website.
5. Construction work (including the loading/ unloading of delivery vehicles, plant or other machinery) should not take place out with the hours of 0800 hours to 1900 hours Mondays to Fridays, 0800 hours to 1300 hours on Saturdays or at any time on Sundays or Bank Holidays in order to minimise disturbance to residents in the area.
6. The person undertaking the development should note that Scottish Water is unable to reserve capacity at their water treatment works for the approved development. The person undertaking the development will need to make a formal connection application to Scottish Water who will review capacity then and advise the applicant accordingly.

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.