



Committee report

Development proposed: Erection of 3 no. houses

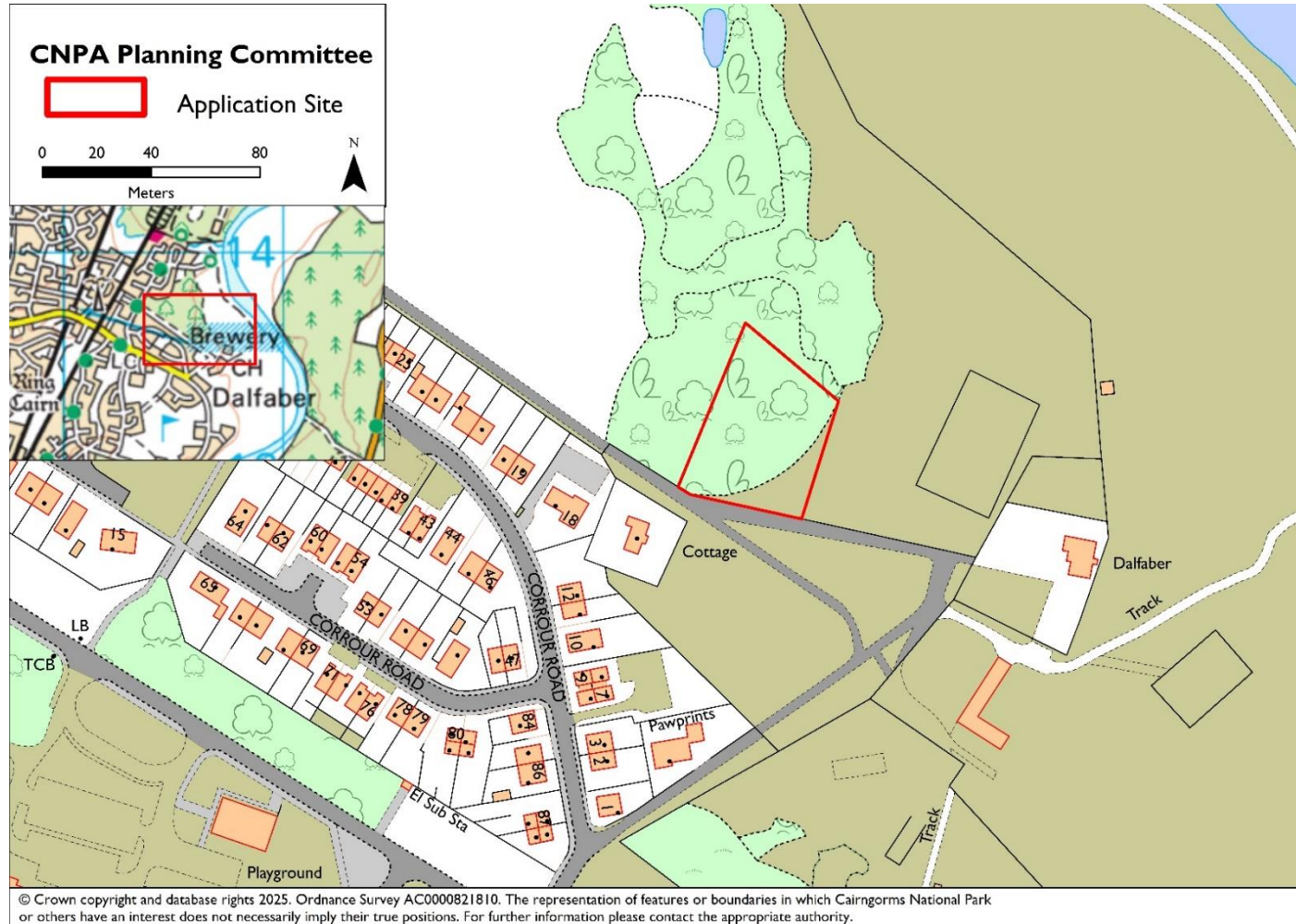
Reference: 2024/0226/DET

Applicant: Davall Developments

Date called-in: 3 September 2024

Recommendation: Approve, subject to conditions

Case officer: Colin Bryans, Senior Planning Officer



This map 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.



Site description, proposal and history

Site description

1. The proposal site constitutes a single development plot (Plot 75) of a wider residential development site, consisting of 104 dwelling houses, currently under construction. The site is located within the Aviemore settlement boundary, at the northeastern edge of the settlement.

Proposal

2. 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=S2H06USIOCP00>

Title	Drawing number	Date on plan*	Date received
Plan – House Type 02 - 3B5P Terrace Proposed GA Plans, Sections & Elevations	2277-PL-002	09/05/2024	29/08/2024
Plan – House Type 02 - 3B5P Terrace Proposed GA Plans, Sections & Elevations	2277-PL-002	09/05/2024	29/08/2024
Plan – Location Plan	2277-90-001	09/05/2024	29/08/2024
Plan – Surface water plot drainage (3 of 5)	182	20/11/2024	26/11/2024
Plan – Water main layout (2 of 3)	142	24/10/2024	26/11/2024
Plan – Foul water drainage layout (2 of 2)	121	24/10/2024	26/10/2024
Plan – Foul water drainage layout (1 of 2)	120	24/10/2024	26/10/2024
Plan – Proposed site plan	2277-PL-901	09/05/2024	17/12/2024
Plan – Plot 77 driveway parking	SK241220#7	20/12/2024	20/12/2024
Plan – Plot 76 driveway parking	SK241220#6	20/12/2024	20/12/2024
Plan – Plot 75 driveway parking	SK241220#5	20/12/2024	20/12/2024



Plan – Plot 74 driveway parking	SK241220#4	20/12/2024	20/12/2024
Plan – Plot 73 driveway parking	SK241220#3	20/12/2024	20/12/2024
Plan – Plot 72 driveway parking	SK241220#2	20/12/2024	20/12/2024
Plan – Plot 71 driveway parking	SK241220#1	20/12/2024	20/12/2024

*Where no specific day of month has been provided on the plan, the system defaults to the first of the month.

3. The proposed development is for the erection of three, three-bedroom dwellinghouses to be located on a housing plot previously consented for the development of a single dwellinghouse (PPA-270-2127 / 2018/0183/MS).

History

4. There has been an extensive history relating to housing development on this site, as follows:
 - a) **05/101/CP** – Development of 101 serviced house plots with associated roads, access points, services and landscaping (outline) at Dalfaber North, Aviemore. Refused on 16 November 2006. Approval was granted on appeal (reference P/PPA/01/8) for up to 104 houses in total. This application was also unsuccessfully challenged at the Court of Session.
 - b) **07/144/CP**– Development of 20 serviced plots at Land North West of Dalfaber Farm, Dalfaber Drive, Aviemore. Approved by Planning Committee subject to a legal agreement; this was never signed. Applicant appealed against non-determination. Appeal allowed on 11 March 2010 (reference PPA-001-2000).
 - c) **07/145/CP** – Development of 104 houses at Land North West and South of Former Steadings, Dalfaber Farm, Dalfaber, Aviemore. Approved by Planning Committee subject to a legal agreement; this was never signed. Applicant appealed against non-determination. Appeal allowed on 11 March 2010 (reference PPA-001-2001). Applications 07/0144/CP and 07/0145/CP combined cover the site of 05/101/CP.
 - d) **2013/0073/MS** – Approval of Matters Specified in Conditions 1 (Plans & Particulars), 4 (Landscaping Information re: Trees), 8 (Details required by Condition 1), 9 (Management and Maintenance Statement), 10 (Details required by Condition 1), 11 (Phasing Plan), 12 (Detailed Design Statement), 14 (Contoured Site Plan), 16 (Construction Method Statement), 17 (Management and Maintenance Statement), 19 (Programme of Archaeological Work) of Planning



Permission in Principle 07/144/CP at Land to the North West of Dalfaber Farm House, Aviemore. Application refused on legal grounds at Planning Committee on 19 February 2015. Appeal allowed on 21 March 2016 (reference PPA-001-2016).

- e) **2013/0074/MSC** – Approval of Matters Specified in Conditions 1 (Plans & Particulars), 8 (details required by Condition 1), 9 (Management & Maintenance Statement), 10 (Details required by Condition 1), 12 (Phasing Plan), 13 (Detailed Design Statement), 15 (Site Plan), 17 (Construction Method Statement), 18 (Management and Maintenance Statement), 20 (Programme of Archaeological Work) of Planning Permission in Principle - 07/0145/CP at Land North West and South of Former Steadings Dalfaber Farm, Dalfaber Drive, Aviemore. Application refused on legal grounds at Planning Committee on 19 February 2015. Appeal allowed on 21 March 2016 (reference PPA-001-2017).
- f) **2014/0397/DET** – Application under Section 42 to vary to conditions 1, 11, 12 and 21 on permission ref PPA/001/200(07/93/OUTBS (07/144/CP)) at Land North West of Dalfaber Farm, Dalfaber Drive, Aviemore. Not called in on legal grounds and dealt with by the Highland Council. Applicant appealed against non-determination. Appeal allowed on 21 March 2016 (reference PPA-270-2127).
- g) **2014/0399/DET** – Application under Section 42 to vary conditions 1, 12, 13 and 22 of consent PPA/001/2001 (07/94/OUTBS (07/0145/CP)) at Land North West and South of Former Steadings, Dalfaber Farm, Dalfaber Drive, Aviemore. Not called in on legal grounds and dealt with by the Highland Council. Applicant appealed against non-determination. Appeal allowed on 21 March 2016 (reference PPA-270-2126).
- h) **2018/0183/MSC** - Application to satisfy the conditions of Planning Permission PPA-270-2127 for residential units at land to the South of Dalfaber Farm. Application granted 15 November 2018.

- 5. The current proposal is a stand-alone application which proposes to develop a housing plot previously consented for development under the appeal decision PPA-270-2127 and subsequent matters specified in conditions application reference 2018/0183/MSC.

Habitats regulations appraisal

- 6. It is not considered that the proposed development is likely to have a significant effect upon a designated European site. As such a Habitats Regulation Appraisal is not required in this case.



Development plan context

Policies

National policy	National Planning Framework 4 (NPF4) Scotland 2045 (Officer to delete policies that are not relevant)	
Policy 1	Tackling the climate and nature crises	
Policy 2	Climate mitigation and adaptation	
Policy 3	Biodiversity	X
Policy 4	Natural places	
Policy 5	Soils	
Policy 6	Forestry, woodland and trees	
Policy 7	Historic assets and places	
Policy 8	Green belts	
Policy 9	Brownfield, vacant and derelict land, and empty buildings	
Policy 11	Energy	
Policy 12	Zero waste	
Policy 13	Sustainable transport	
Policy 14	Design, quality and place	X
Policy 15	Local living and 20-minute neighbourhoods	
Policy 16	Quality homes	X
Policy 17	Rural homes	
Policy 18	Infrastructure first	
Policy 19	Heating and cooling	
Policy 20	Blue and green infrastructure	
Policy 21	Play, recreation and sport	
Policy 22	Flood risk and water management	X
Policy 23	Health and safety	
Policy 24	Digital infrastructure	
Policy 25	Community wealth building	
Policy 26	Business and industry	
Policy 27	City, town, local and commercial centres	
Policy 28	Retail	
Policy 29	Rural development	
Policy 30	Tourism	



Policy 31	Culture and creativity	
Policy 32	Aquaculture	
Policy 33	Minerals	

Local plan policy	Cairngorms National Park Local Development Plan (2021) (Policies relevant to the assessment of this application are marked with a cross (x))	
Policy 1	New housing development	X
Policy 2	Supporting economic growth	
Policy 3	Design and placemaking	X
Policy 4	Natural heritage	X
Policy 5	Landscape	
Policy 6	The siting and design of digital communications equipment	
Policy 7	Renewable energy	
Policy 8	Open space, sport and recreation	
Policy 9	Cultural heritage	
Policy 10	Resources	
Policy 11	Developer obligations	

7. All new development proposals require to be assessed in relation to policies contained in the adopted Development Plan which comprises National Planning Framework 4 (NPF4) and the Cairngorms National Park Local Development Plan 2021. The full wording of policies can be found at:

<https://www.gov.scot/publications/national-planning-framework-4/documents/>

and at:

<https://cairngorms.co.uk/wp-content/uploads/2021/03/CNPA-LDP-2021-web.pdf>



Planning guidance

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

Policy 1	Housing supplementary guidance	X
Policy 2	Supporting economic growth non-statutory guidance	
Policy 3	Design and placemaking non-statutory guidance	X
Policy 4	Natural heritage non-statutory guidance	X
Policy 5	Landscape non-statutory guidance	
Policy 7	Renewable energy non-statutory guidance	
Policy 8	Open space, sport and recreation non-statutory guidance	
Policy 9	Cultural heritage non-statutory guidance	
Policy 10	Resources non-statutory guidance	
Policy 11	Developer obligations supplementary guidance	

Consultations

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

10. **The Highland Council Flood Risk Management Team** raised no objections to the proposal.

11. **The Highland Council Transport Planning Team** raised no objections to the proposal following the relocation of the proposed bin stance closer to the adopted road.

12. **Aviemore and Vicinity Community Council** stated that it has taken a neutral stance on the proposal whilst highlighting a number of points.

- a) The proposal of three units meets the identified local housing and economic needs;
- b) Two houses would potentially be more appropriate for the plot with different orientation;



- c) Impacts on the local roads network resulting from the additional vehicles are unclear.

Representations

- 13. A single representation has been received from a neighbouring property objecting to the proposed development on the grounds of a loss of privacy. The representee also raises concerns regarding the proximity of the proposed dwelling houses to their property's septic tank, and the increased local traffic, its impacts on the immediate road and roads network, and emergency services access.

Appraisal

- 14. Section 25 of the Town and Country Planning (Scotland) Act 1997 (as amended) requires applications to be determined in accordance with the Development Plan. This comprises the Cairngorms National Park Local Development Plan 2021, and the National Planning Framework 4. Where there is conflict between policies, NPF4 policies takes precedence.

Principle

- 15. **NPF4 Policy 16: Quality homes** states that development proposals for new homes on land allocated for housing in Local Development Plans will be supported.
- 16. **Cairngorms National Park Local Development Plan Policy 1: New housing development** states that proposals for housing will be supported where they are located on an identified allocated site.
- 17. The proposal site is located within housing allocation site H1, as allocated by the Cairngorms National Park Local Development Plan 2021 and is located within the residential development site Dalfaber Farm which was consented in March 2016 (Ref: 07/0144/CP and 17/0145/CP).
- 18. The principle of residential development on the site is established, acceptable and in this respect complies with NPF4 Policy 16: Quality homes and Cairngorms National Park Local Development Plan Policy 1: New housing development.



Affordable Housing

19. The proposed residential units are each of a modest three bedrooms in contrast to the larger single four-bedroom house currently consented for the same plot (Ref: 2018/0183/MSC).
20. The proposed houses do not constitute affordable housing as defined by the Cairngorms National Park Local Development Plan, however Policy 1.5: Affordable housing states that developments of fewer than four market houses do not have to make an onsite provision.
21. The proposed three-bedroom houses make a more appropriate and affordable contribution to meeting the identified needs of the local housing market than that of the consented development for this plot. A monetary contribution towards local affordable housing provision is not deemed necessary, on account of the wider site's affordable housing provision.
22. As such it is deemed that the proposal is in accordance with Cairngorms National Park Local Development Plan Policy 1.5: Affordable housing.

Layout and design

23. **NPF4 Policy 14: Design, quality and place** seeks to ensure that development proposals improve the quality of the area and are consistent with the six qualities of successful places:
 - a) Healthy
 - b) Pleasant
 - c) Connected
 - d) Distinctive
 - e) Sustainable
 - f) Adaptable
24. **Cairngorms National Park Local Development Plan Policy 3: Design and Placemaking** also seeks to ensure that proposals improve the quality of the area and are consistent with the six qualities of successful places. This policy also seeks to protect the amenity enjoyed by neighbours.



25. The proposed development is of a design, scale and character that is in keeping with both that of the local townscape and that of the wider consented development (Ref: 2018/0183/MSC). The materials proposed include white render, timber framed windows, composite doors and concrete roof tiles, and are appropriate for the setting, matching those of the wider consented development.
26. The roads, access and servicing arrangements remain similar to that of the approved design, with only minor amendments, and the Highland Council's Transport Planning and Flood Risk Management teams raised no objections to the proposed layout and drainage provisions.
27. The representation received raised the issue of a potential loss of privacy to the neighbouring Heather Cottage. A loss of privacy, if suffered as a result of the development proposal, would constitute a detrimental impact on neighbouring residential amenity. The proposed houses are two storey houses with windows at first floor level. The orientation of the terraced row is such that the front elevation(s) face south-south-west. The neighbouring property to which the representation relates lies southwest of the proposed development. The current consented development on this plot has a similar orientation to that of the proposed dwellinghouses and includes windows at first floor level. As such, a degree of overlooking has been deemed acceptable through the grant of planning permission 2018/0183/MSC.
28. The proposed development includes more windows at first floor level as three dwellinghouses are proposed in place of the one existing consented unit. Notwithstanding this, the impact of the proposed dwellinghouses on neighbouring privacy levels and amenity is not considered to be significantly or unacceptably beyond the baseline set by the consented development (Ref: 2018/0183/MSC). The proposed houses will be similarly distant to Heather Cottage and the degree of overlooking is in keeping with that typical of urban environments and that of the locality of the application site.
29. The proposal is therefore in accordance with NPF4 Policy 14 Design, quality and place and with Cairngorms National Park Local Development Plan Policy 3: Design and Placemaking.



Environment

30. **NPF4 Policy 3: Biodiversity** seeks to ensure that development proposals protect biodiversity, reverse biodiversity loss, deliver positive effects from development and strengthen nature networks. Development proposals must include appropriate measures to conserve, restore and enhance biodiversity, in accordance with national and local guidance.
31. **NPF4 Policy 4: Natural places** seeks to ensure that development proposals protect, restore and enhance natural assets making best use of nature-based solutions. Development that has significant adverse impacts on designated sites, after mitigation, will not be supported.
32. **Cairngorms National Park Local Development Plan Policy 4: Natural heritage** seeks to ensure that there are no adverse effects on European Protected Species and other biodiversity interests.
33. The proposal does not include any specific measures concerning biodiversity net gain. However, as the proposal seeks to develop a plot with an extant permission for a dwellinghouse located within a wider site undergoing residential development, it is necessary to consider biodiversity in that wider context. Wider issues relating to natural heritage and ecology have been addressed satisfactorily through the consideration and approval of the wider existing consent(s), and this proposed development is of a scale and nature which will not have any unacceptable detrimental impacts on biodiversity and natural heritage.
34. The proposal complies with NPF4 Policy 3: Biodiversity, NPF4 Policy 4: Natural places and Cairngorms National Park Local Development Plan Policy 4: Natural heritage.

Flooding and surface water

35. **NPF4 Policy 22: Flood risk and water management** seeks to ensure that developments are resilient to current and future flood risk.



36. A consultation response from the Highland Council's Flood Risk Management Team confirmed that there are no concerns regarding flood risk at the proposal site and that the proposed drainage design is suitable.

37. The proposal is in accordance with NPF4 Policy 22: Flood risk and water management.

Other issues raised in consultations and representations

38. The letter of objection received raises the issue of proximity to the existing septic tank of the neighbouring property.

39. The proposal seeks to develop a plot with an extant permission for a dwellinghouse. The proposed development does not constitute an expansion of the development plot beyond that of the existing consent (Ref: 2018/0183/MS). As such there will be no impacts on the neighbouring septic tank beyond that of the consented development.

Conclusion

40. The proposal development of three houses on a pre-existing residential development plot is acceptable in principle and the detail of the proposed design, layout and materials is acceptable and in keeping with the character of the area.

41. The proposed development is in compliance with the policies of National Planning Framework 4 and the Cairngorms National Park Local Development Plan 2021, and there are no material considerations which outweigh this conclusion.

Recommendation

That members of the committee support a recommendation to APPROVE the application for the erection of three houses at land north east of Heather Cottage, Dalfaber Drive, Aviemore, subject to the following conditions:

Conditions

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



1. The development to which this permission relates must be begun not later than the expiration of three years beginning with the date on which the permission is granted.

Reason: The time limit condition is imposed in order to comply with the requirements of section 58 of the Town and Country Planning (Scotland) Act 1997 as amended.

Informatives

1. The development hereby approved must commence within three 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.