
CAIRNGORMS NATIONAL PARK AUTHORITY

Title: REPORT ON CALLED-IN PLANNING APPLICATION

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DEVELOPMENT PROPOSED: ERECTION OF 22 HOUSES AND CONSTRUCTION OF ACCESS ROAD ON LAND SE OF MILLSIDE HOUSE, MILTON, AVIEMORE

REFERENCE: 10/062/CP

APPLICANT: MILTON BURN DEVELOPMENTS LIMITED

DATE CALLED-IN: 19 MARCH 2010

RECOMMENDATION: APPROVAL SUBJECT TO LEGAL AGREEMENT AND CONDITIONS

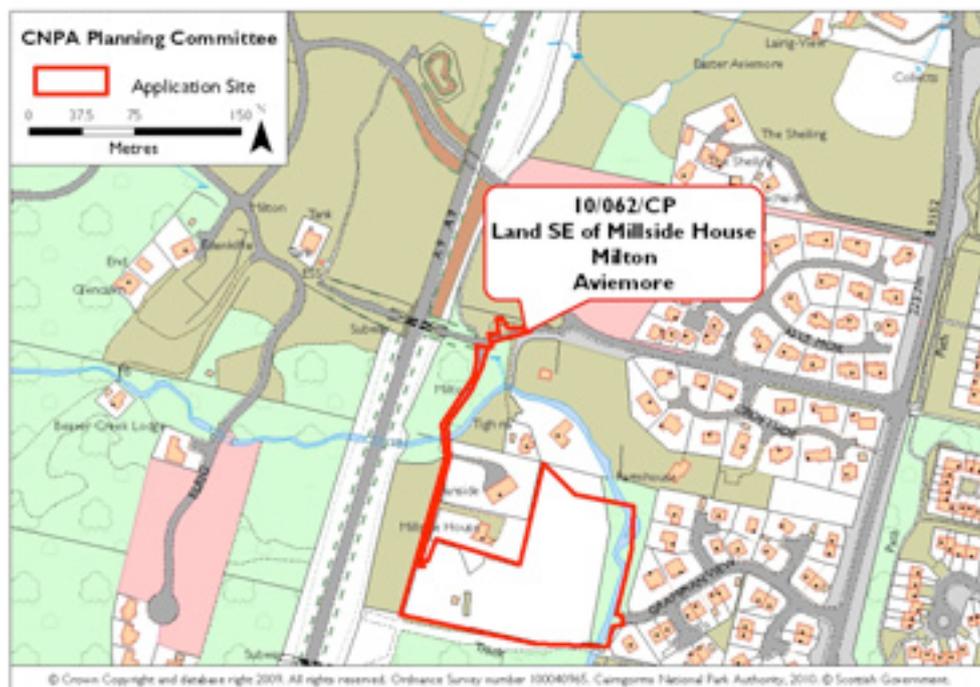


Fig. 1 - Location Plan

SITE DESCRIPTION BACKGROUND AND PROPOSAL

1. The site lies at the northern end of Aviemore, east of the A9 the majority of the site being accessed from the existing residential cul-de-sac of Grampian View. The access would cross the Aviemore (or Milton) Burn which downstream becomes part of the River Spey Special Area of Conservation (SAC). The eastern boundary of the site is formed by the burn itself. The southern boundary is immediately to the north of a footpath which currently links Grampian View with the Aviemore Orbital path. The western boundary is just inside the orbital path. Access to single large house, plot 7 (see fig 5) is gained from the Orbital path and an existing access road onto the B9152 at High Burnside. The ground gently rises to the northern part of the site which is bordered by the gardens of existing residential properties. The site contains the remains of a Grain Mill that is a feature of the Royal Commission on Ancient and Historical Monuments of Scotland National Monuments Record (fig 12).
2. This application seeks full planning permission for the erection of 22 houses. An application for 25 houses was refused by the CNPA Planning Committee in February this year (this decision has recently been appealed). This site also forms part of a previous larger application site for 25 dwellings including woodland to the south. That application was refused by Highland Council in November 2004. That proposal was in outline for 25 houses. An indicative layout plan submitted at the time showed how 25 houses could be sited. The houses were arranged generally in line with pockets of development indicated by the Badenoch and Strathspey Local Plan (see figs 2 & 14). While refusing the application because of the impacts on woodland it was indicated by Highland Council at the time that an application for the development of the upper part of the site may prove supportable. Subsequently, an outline application for the upper part of the site was submitted and called in by the CNPA. This received outline approval from the CNPA (Ref 07/393/CP) in March 2008 after members carried out a site visit. The approval was subject to a range of planning conditions. One condition placed on the permission at the advice of SEPA (Scottish Environment Protection Agency) was that the finished floor levels of any buildings on the site should be set at a minimum level of 222.7m due to potential flooding concerns. Another condition was that the western part of the site should not be developed and that the remains of an old mill on the site should be reinstated. The conditions effectively sterilised large parts of the site from being capable of development and in the applicant's view the site was not viable on this basis. SEPA has changed its position since this time on the basis of the flood risk information submitted by the applicant. This allows a much greater area of the site to be developed.
3. The applicant has requested that the proposal be placed on this planning committee agenda. This 22 house proposal is set over the 1.45 hectare site designed in a courtyard layout of 21 units accessed from Grampian View (see fig 5). A single large house (plot 7) is intended to be accessed from the north via the Aviemore orbital path. This access route would require the widening of a short section of the path south of Millside House (see fig 13). House

numbers would consist of 1-4 bed house with granny flat, 8-3 bed houses and 13-2 bed houses. In terms of affordable housing the applicant is willing to accept a Section 75 Agreement for 25% affordable provision on this site in the short term. A letter of commitment to this effect is attached at the back of the report.

4. The previous application for 25 houses was refused by the CNPA for the reasons set out below. The reasons revolved around plots 11-13 which are no longer part of the scheme. The developer has recently appealed against this refusal.
 1. *The proposal represents an overdevelopment of the site with housing numbers in excess of the numbers allocated by the Badenoch and Strathspey Local Plan. The proposal fails to give adequate respect to the scale form and density of its physical surroundings and is contrary to the Badenoch and Strathspey Local Plan 6.1.3(b), Highland Structure Plan (2001) Policy G2 Design for Sustainability and Highland Council Development Plan Policy Guidelines 2003. The proposal is also contrary to Scottish Planning Policy 3 Planning for Homes (2008).*
 2. *The siting and layout of plots 11, 12 and 13 of development fail to maintain and enhance the distinctive landscape of this part of the National Park and also fails to complement and enhance the character, pattern and local identity of the built and historic environment. Consequently the proposal is contrary to the Strategic Objectives of the National Park Plan for Landscape and Built Environment which seek to: a) maintain and enhance the distinctive landscapes across the Park; c) seek to ensure that development complements and enhances the landscape character of the Park, and d) seek to ensure that new development in settlements should complement and enhance the character, pattern and local identity of the built and historic environment.*
 3. *The proposal fails to demonstrate that an adequate surface water drainage system can be provided at the site that would not lead to unacceptable levels of ground disturbance to the detriment of the existing landform and habitat at the site. Consequently, the proposal does not accord with the environmental requirements of Policy G2 Design for Sustainability (landscape/habitat) of the Highland Structure Plan.*

**04/216/OUTBS: RESIDENTIAL DEVELOPMENT [25 DWELLINGS], LAND
WEST OF AVIEMORE BURN, OPPOSITE GRAMPIAN VIEW AND
MORLICH PLACE, AVIEMORE**

Goldcrest [Highland] Ltd

INDICATIVE SITE PLAN

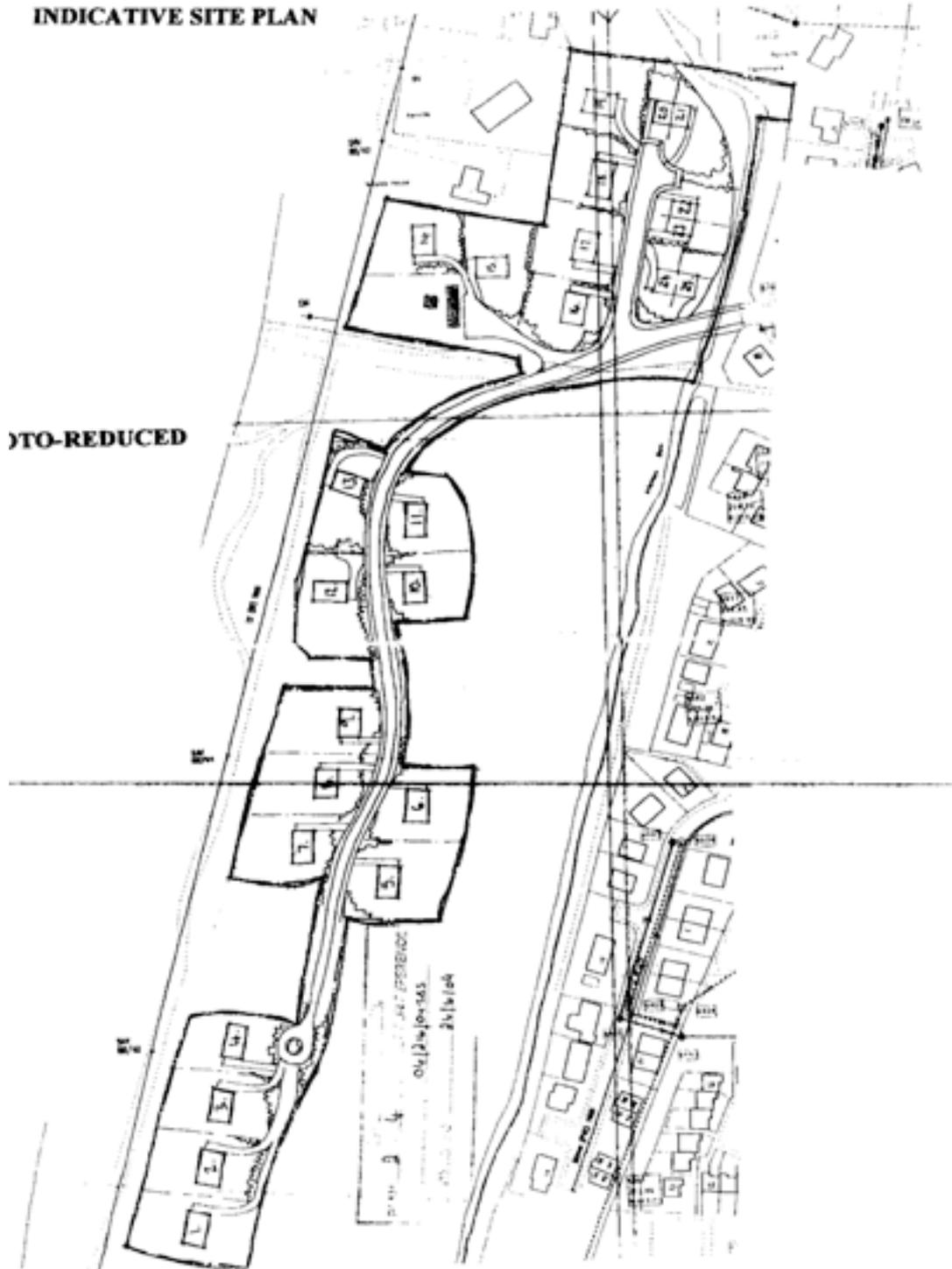


Fig. 2- Indicative layout for proposal refused by Highland Council in 2004

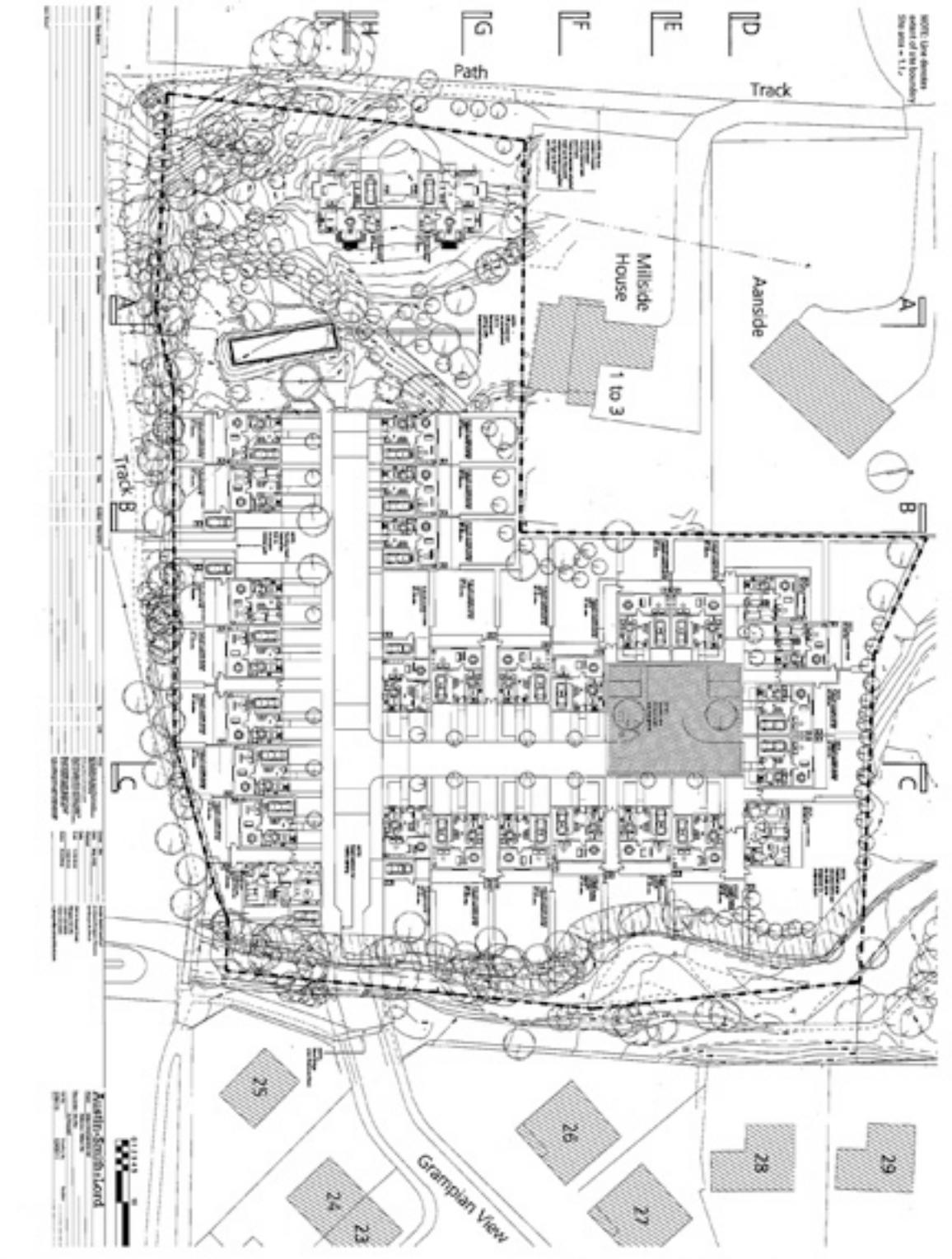


Figure. 3- Original 30 Submission Layout

5. The houses are placed along streets in a uniform manner heading west and north on the site with small front gardens, parking areas and integral garages. The street heading northwards terminates in a courtyard around which houses are arranged. The street heading westwards terminates just below the old Mill where a space is provided for the viewing and interpretation of the structure which is to be retained and stabilised in its current form. The scheme has been submitted with a Planning Statement which sets out the design principles behind the development. The first house on the site functions as a gatehouse, addressing the entrance to the site. After this the streets are lined by a series of attached 1.5 storey 2 and 3 bed houses.
6. The road heading northwards hosts a mono-pitch house on either side. A homezone approach is used to constrain the speed of cars and terminates in the courtyard area framed by 1.5 storey houses. The key design feature is that the front elevations are higher than the rear elevations. In terms of materials walls, are to be a traditional harl render with roofs in slate grey roof tiles. Windows and doors are double glazed with timber frames.
7. With regard to technical matters foul drainage is to the mains and the public water supply will be used. A geotechnical survey has been carried out to assess ground conditions. Surface water drainage from roads will require two levels of treatment and will be discharged to a swale that will then feed into the burn. Surface water run-off from plots will be attenuated within each plot. Material will be removed from the higher section of the site and deposited on the lower sections to even contours up on the site though the basic slope from the south to the north will remain. There is a spring and wet area below Millside House where some trees will be removed. This was to be developed for 3 plots as part of the earlier refused proposal but would be left as open space as part of this latest 22 house scheme. The flood risk assessment notes that this boggy area is hydraulically unconnected to the burn which is why water ponds there. The assessment recommends that this is directed to the burn. The estimation of the overall build programme is in the region of 18-24 months.

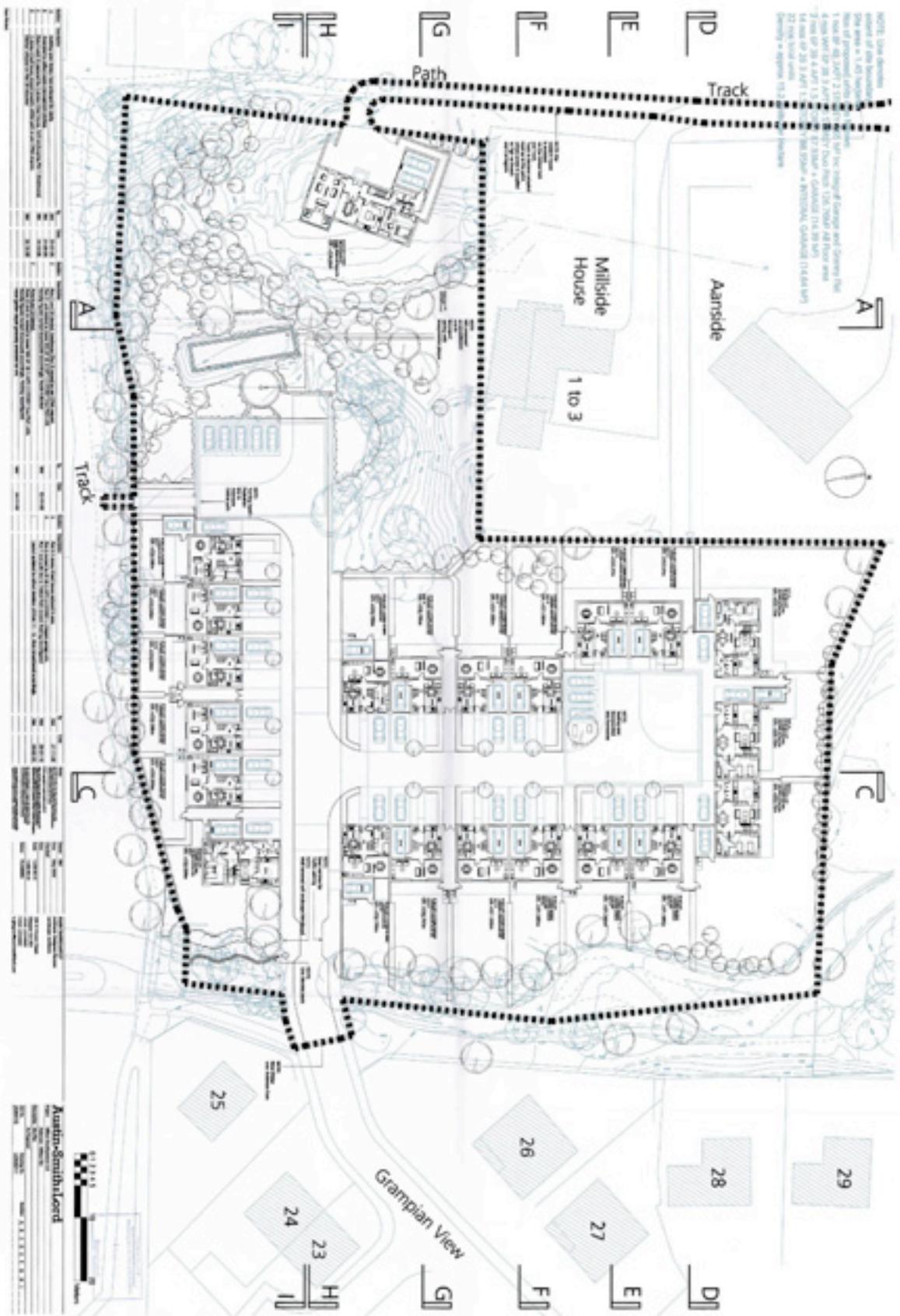


Fig. 5- Layout of 22 houses proposed by this application



Fig. 6- Grampian View exit onto B9152



Fig. 7- Access to site from Grampian View (burn in treed area)



Fig. 8- Grampian View showing exit onto B9152



Fig. 9- Southern boundary of site showing path that links Grampian View with Orbital path.



Fig. 10- Looking north into site from access



Fig. 11- Looking south over the site



Fig. 12- Showing remains of Mill



Fig. 13- Showing section of path (right of photo) that would need upgraded to track to access single house (immediately behind garage) at western side of site.

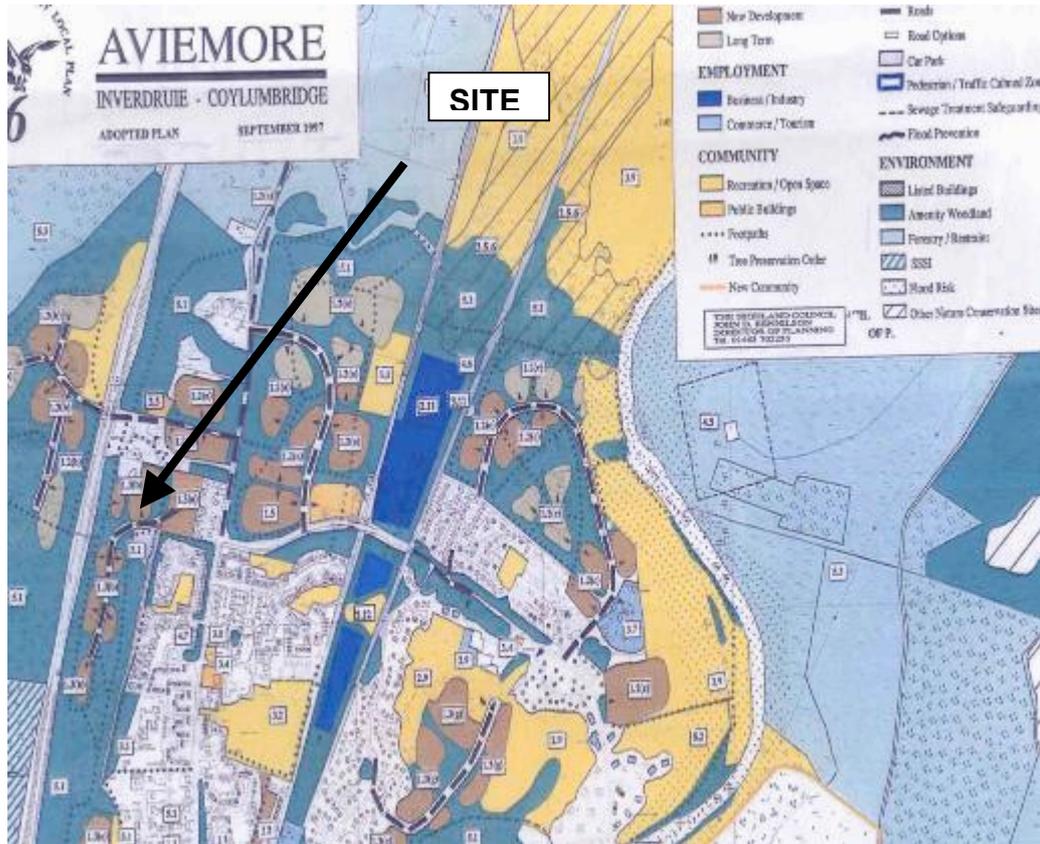


Fig. 14- Extract from Badenoch and Strathspey Local Plan 1997

PLANNING GUIDANCE AND DEVELOPMENT PLAN CONTEXT

National Guidance

8. **Scottish Planning Policy (SPP) 2010** is now contained within a single policy document published in February 2010. This effectively supersedes a range of different planning policy notes. The document sets out the purpose of planning and refers to the Scottish Government's central purpose of increasing sustainable economic growth. The document points out that the purpose of planning involves promoting and facilitating development while protecting and enhancing the natural and built environment in which we live, work and spend our leisure time. The document notes that Development Management is a key part of the planning system and should operate in support of the Government's central purpose of increasing sustainable economic growth.
9. The Town and Country Planning (Scotland) Act 1997 requires decisions to be made in accordance with the development plan unless material considerations indicate otherwise.

10. Under subject policies with regard to **Housing** (para 66 onwards). The Scottish Government is committed to increasing the supply of new homes and the planning system should contribute to raising the rate of new house building by identifying a generous supply of land for the provision of a range of housing in the right places. The planning system should enable development of well designed, energy efficient, good quality housing in sustainable locations and allocate a generous supply of land to meet identified housing need across all tenures.
11. The guidance notes that outwith the city regions, the local development plan should identify the housing land requirement and allocate a range of sites which are effective or capable of becoming effective to meet these requirements up to year 10 beyond the predicted year of plan adoption, ensuring a minimum of 5 years effective land supply at all times. Local development plans outwith city regions should also provide an indication of the possible scale and location of housing land up to year 20. Para 70 notes that new housing developments should be integrated with public transport and active travel networks, such as footpaths and cycle routes rather than encouraging dependence on the car. New streets should connect well with existing streets and with walking and cycling networks and allow for links into areas for future housing developments.
12. Para 83 notes that the density of new development should be determined in relation to the character of the place and its relative accessibility, with higher densities appropriate at central and accessible locations. Through good design it is possible to achieve higher density living environments without overcrowding or loss of amenity.
13. Para 66 **Affordable Homes** considers that affordable housing is defined broadly as housing of reasonable quality that is affordable to people on modest incomes. Affordable housing may be in the form of social rented accommodation, mid market rented accommodation, shared ownership, shared equity, discounted low cost housing for sale including plots for self build and low cost housing without subsidy. Para 88 states that authorities may seek a percentage of affordable housing contribution from developers of new housing developments where this is justified by the housing need and demand assessment. The benchmark figure is that each site should contribute 25% of the total number of housing units as affordable housing.
14. From para 125 onwards the SPP document considers **Landscape and Natural Heritage**. The guidance comments that planning authorities should take a broader approach to landscape and natural heritage than just conserving designated or protected sites. A strategic approach to natural heritage in which wildlife sites and corridors, landscape features, watercourses and areas of open space are linked together in integrated habitat networks can make an important contribution to biodiversity. The guidance goes on to note that landscape in both the countryside and urban areas is constantly changing and the aim is to facilitate positive change whilst maintaining and enhancing distinctive character.

15. Para 85 notes that meeting housing land requirements by extending existing settlements can reduce servicing costs and help to sustain local schools, shops and services.
16. **PAN 67** deals with the subject of **Housing Quality** and recognises the fact that many people want to live in a place that has a distinct identity, “rather than one that could be anywhere.” **PAN 67** advises that all development has the potential to contribute to a sense of neighbourhood and also highlights the fact that “thoughtlessly chosen standard house types and inappropriate materials look disconcertingly out of place.” In a detailed section on layout, it also urges developers to think about the qualities and characteristics of places and not consider sites in isolation. The Government’s recently published policy on
17. **Designing Streets (2010)** is a key policy document. The guidance notes that in the more recent past vehicle movement has often dominated design resulting in many streets being out of context with their location. The aim of the guidance is to reverse this trend back to the creation of successful places through good street design. The six qualities of successful places forming key considerations for street design are firstly distinctiveness, in that street design should respond to the local context. The second quality relates to a safe and pleasant environment where streets should be safe and attractive places. The third quality considers that streets should be easy to move around for all users and connect well to existing movement networks. The fourth quality is that places should be welcoming with street layout and detail encouraging positive interaction for all members of the community. Adaptability is the fifth quality in that street networks should be designed to accommodate future adaptation. The final quality is that places should be resource efficient with street design considering orientation, the integration of sustainable drainage and use attractive durable materials that can be easily maintained. In terms of street structure the guidance considers that the street hierarchy should consider pedestrians first and private motor vehicles last.

Highland Council Structure Plan

18. **The Highland Structure Plan 2001** highlights a number of salient points as well as setting out a number of broad policies applicable to the development proposed. In relation to housing, section 2.2.1 of the Plan states that “the availability of quality housing is fundamental to social and individual well being and to creating and maintaining balanced communities” and further states that “adequate provision of housing is also a pre-requisite of economic growth” whilst at the same time recognising that “it must be provided in a way which minimises the impact on the environment.”
19. **Policy G2 (Design for Sustainability)** states that developments will be assessed on the extent to which they, amongst other things; make use of brownfield sites, existing buildings and recycled materials; are accessible by public transport, cycling and walking as well as car; are compatible with service provision; demonstrate sensitive siting and high quality design in

keeping with local character and historic and natural environments; and contribute to the economic and social development of the community.

20. **Policy H5 Affordable Housing** notes that where there is a demonstrable need for affordable housing. Section 75 and other mechanisms will be used to secure developer contribution where justified.
21. **Highland Council Development Plan Policy Guidelines 2003** provide more detail on the issue of affordable housing and consider that an objective target of 25% affordable housing should normally be expected of all future developments comprising 10 or more new or converted homes.

Badenoch and Strathspey Local Plan 1997

22. Under the Aviemore section of the Plan the main priorities for Aviemore include to establish an agreed framework for major expansion and environmental enhancement of the Aviemore area; to ensure sufficient choice of building land to meet housing opportunities for all needs; to strengthen the village as a major shopping and service centre; to open up major new recreational corridors based on the river Spey and Aviemore Burn and encourage proper management and provision for public access; to transform the image and texture of Aviemore, “green up” the village and restore links with its wider setting.
23. The site is part of a larger allocated site shown on the proposals map of the Badenoch and Strathspey Local Plan shown as 6.1.3 (b) site to west of burn for 20-25 houses with approximately 13 plots in the birchwoods. Surrounding land is shown as amenity woodland (see fig 7). Set back from A9 and tree safeguards are a requirement of the allocation. Under the ‘Community’ section of the plan for Aviemore reference is made to land adjoining the Aviemore Burn and running through to the Spey margins as being allocated for open space/recreational use forming a village park and possibly incorporating a range of features and on this particular site the possible restoration of the former Meal Mill and a small car park.

Highland Council Development Plan Policy Guidelines 2003

24. Residential Layout-The council favours a balance of housing tenures and will encourage residential areas of small groups of various house types and densities. A maximum plot ratio of 30% is normally expected. However, this will vary according to the form of development. Layouts should encourage walking, cycling and the use of public transport. Every house in a development shall normally be sited within 400 metres of a bus route as standard. With regard to open space requirements on housing developments of between 16 and 75 units require a play area for children of 4-8 years within a 5 minute walk.

Cairngorms National Park Plan 2007

25. The **Cairngorms National Park Plan** sets out the strategic objectives for the Park under three headings, all of which are of relevance to the development proposal – (i) conserving and enhancing the Park; (ii) living and working in the Park; and (iii) enjoying and understanding the Park. In relation to conserving and enhancing the Park the objectives set out in the Plan include maintaining and enhancing the distinctive landscapes across the Park and ensuring that development complements and enhances the landscape character of the Park. The Plan also requires that new development in settlements and in surrounding areas should complement and enhance the character, pattern and local identity of the built and historic environment. In elaborating on this particular objective it is advised that new development should enhance the local identity, quality of public space and surrounding environment and that high quality design should be a feature of all new developments.
26. Under the heading of **Living and Working in the Park**, the Park Plan includes a specific section on Housing. Objectives include increasing the accessibility of rented and owned housing to meet the needs of communities throughout the Park and ensuring that there is effective land and investment for market and affordable housing to meet the economic and social needs of communities throughout the Park.
27. In relation to **Enjoying and Understanding** the Park the Plan recognises that enjoyment of the park area is not only relevant to those people travelling to the Park, but is part of the everyday experience of those living in and around the area. The experience of residents and visitors alike should be of the highest quality. The Plan contains a number of strategic objectives for outdoor access and recreation, which include encouraging people of all ages and abilities to enjoy and experience the outdoor environment.
28. **Cairngorms National Park Local Plan Post Inquiry Modifications May 2010 (NOTE: While not yet adopted the policies of the plan are a significant material consideration in determining proposals)**
29. **Policy 1 Natura 2000** sites considers that development likely to have a significant effect on a Natura 2000 site will be subject to an appropriate assessment. **Policy 2 National National Heritage Designations** considers that development that would adversely affect the National Park will only be permitted where it has been demonstrated that: b) the objectives of designation and the overall integrity of the designated area would not be compromised and b) any significant adverse effects on the qualities for which the area has been designated are clearly outweighed by social or economic benefits of national importance and that mitigation is provided.

30. **Policy 4 Protected Species** considers that development that would have an adverse effect on any European Protected Species will not be permitted unless there are public health, public safety or other imperative public interests reasons and there is no alternative satisfactory solution and that the development will not be detrimental to the maintenance of the population of that species concerned.
31. **Policy 5 Biodiversity** considers that development that would have an adverse effect on habitats or species identified in the Cairngorms Local Biodiversity Action Plan , UK Plan, or Scottish Biodiversity list will only be permitted where the developer can demonstrate to the satisfaction of the planning authority that the need and justification for the development outweighs the contribution of the area of habitat or species and that significant harm to the ecological integrity of the habitat or species is avoided, minimised or where unavoidable compensatory and/or management measures are provided.
32. **Policy 4 Landscape** considers that there will be a presumption against any development that does not complement and enhance the landscape character of the Park, and in particular the setting of the proposed development. Proposed development that does not complement and enhance will only be permitted where any significant adverse effects are clearly outweighed by social or economic benefits of national importance and all the adverse effects on the setting of the proposed development have been minimised and mitigated through appropriate siting layout etc...
33. **Policy 8 Archaeology** considers that there will be a presumption in favour of preserving in situ Scheduled Ancient Monuments and other identified nationally and regionally important archaeological resources, and within an appropriate setting.
34. **Policy 11 The Local and Wider Cultural Heritage of the Park** considers that there will be a presumption against development that does not protect or conserve and enhance a site, feature, or use of land of local or wider or cultural historic significance or its setting.
35. **Policy 12 Water Resources** considers that there will be a presumption against development which does not meet criteria to minimise the use of abstracted water, does not result in deterioration of current ecological status, treats surface water in accordance with SUDS Manual requirements has no significant adverse impact upon existing water and wastewater supplies. The policy notes that in relation to flooding there will be a presumption against development that does not meet the following criteria: be free from significant risk of flooding; not increase flooding elsewhere, not add to the area of land that requires flood prevention measures, does not affect the functional flood plain. The policy also contains a presumption against development which is not connected to the public sewerage network.

36. **Policy 20 Housing Development within Settlement Boundaries** is of particular relevance. This policy states that settlement boundaries have been identified which indicate the extent to which these settlements may expand during the Local Plan period and new housing development should be contained within these boundaries. Housing proposals within these settlement boundaries will be considered favourably where the development a) occurs within an allocated site identified within the proposals map; or b) is compatible with existing and adjacent land uses, and comprises infilling, conversion, small scale development, the use of derelict or underused land or the redevelopment of land. The proposal should reinforce and enhance the character of the settlement, and accommodate within the development site appropriate amenity space, and parking and access arrangements.
37. **Policy 19 Contributions to Affordable Housing** notes that developments of three or more dwellings will be required to incorporate a proportion of the total number of units as affordable housing. Where public funding is available to help provide affordable housing, between 25% and 40% of all units will be expected to be affordable. Proposals for off-site contributions will be considered where community needs or other assessments support this as a better way of meeting the housing needs of the community.
38. **Policy 16 Design Standards for New Development** considers that design of all development will seek where appropriate to minimise the effect of development on climate change, reflect and reinforce the traditional pattern and character of the surrounding area and reinforce the local vernacular and local distinctiveness while encouraging innovation, use complimentary landscaping and materials, demonstrate sustainable use of natural resources, reduce the need to travel and accord with design standards and palette of materials as set out in the Sustainable Design Guide.
39. **Policy 17 Reducing Carbon Emissions in New Development** notes that development with a total cumulative floorspace of 500 square metres or more should incorporate on-site zero and low carbon equipment.
40. **Policy 29 Integrated and Sustainable Transport Network** considers that development proposals will be favourably considered where the planning authority is satisfied that adequate consideration has been given to maintaining or improving the sustainable transport network within the Cairngorms National Park through use of methods to reduce travel dependency, promotion of sustainable transport modes, creation or linking to any existing hierarchy of travel modes based upon walking and cycling including core paths network, safe routes to school etc..
41. **The Settlement Proposals section of the plan identifies Aviemore as a Strategic Settlement. The site is not specifically allocated for any particular use in the Local Plan being white land within the settlement boundary.**

CONSULTATIONS

42. **Scottish Natural Heritage (SNH)** has commented on previous applications at the site. SNH recommended that development should be at least 5 metres from the Milton Burn, that there should be no canalisation or gabions and that all riparian trees should remain to protect the banks from erosion. SNH has previously commented on the otter survey. From the survey the report concluded that in the opinion of SNH the proposed development was not likely to result in actions contrary to the species protection elements of the Conservation (Natural Habitats &c.) Regulations 1994 (as amended) and it could therefore proceed and no licence would be required from the Scottish Government.
43. The part of the Milton Burn between grid references NH 89231 and NH 895311 which forms the southern boundary of the 'Horse field' site is not within any designated site. The Burn does become part of the river Spey Special area of conservation (SAC) but this is 1.3 km downstream of the area adjacent to this proposed development. The CD provided with the application contains a great deal of information, however, there is no new information on the designated site or European Protected Species. SNH is pleased to see that the tree survey has recommended retention of riparian woodland and additional planting to maintain the stability of the Milton Burn banks.
44. **Scottish Environment Protection Agency (SEPA)** notes that the information in the previous application for the bridge has been re-submitted as part of this proposal. SEPA remain satisfied with this aspect. The revised site plan drawing No L (00)011 detailing minimum finished floor levels for each individual plot also reflects the information previously accepted under cover of the previous application. SEPA confirm that they have no objection to this proposal and remain of the view that all issues raised during consultation on the previous application have been satisfactorily addressed. With regard to SUDS two levels of treatment will be required for road run-off.
45. **Scottish Water (SW)** has been consulted and comments that in terms of planning consent SW does not object to this application. However, planning approval does not guarantee a connection to SW infrastructure. Approval for connection can only be given by Scottish Water. SW goes on to note that Blackpark Water Treatment Works may have capacity to service the proposed development. The water network that serves the proposed development may be able to supply the new demand, however, there are possible pressure issues in the area. The waste water network that serves the proposed development may be able to accommodate the new demand. With regard to Aviemore Wastewater Treatment Works at present there is limited capacity to serve this new demand. The developer should discuss their development directly with SW. In some circumstances it may be necessary for the Developer to fund works on existing infrastructure to enable their development to connect. Should SW become aware of any

issues such as flooding, low pressure, etc the Developer will be required to fund works to mitigate the effect of the development on existing customers.

46. **Highland Council Head of Housing Development and Estates** commented previously that Highland Council would support off-site affordable housing provision at the town centre site (Kila), subject to the design meeting Scottish Government design standards for affordable housing and the housing being delivered to current cost guidelines for registered social landlords. They have suggested that the developer approaches Albyn Housing Society to discuss their proposals for the town centre site, to ensure that it is deliverable. A Section 75 Agreement would be required for the Milton site unless the developer could prove that they had entered into a contract with Albyn on the alternative site.
47. **CNPA Natural Heritage: Landscape:** The principle of housing is supported for the site. However there are significant details that require further consideration. The layout is generally introspective and does not allow for good integration with the site context. The relationship with the path to the south is considered to be poor. With regard to the pedestrian entrance onto the path from the southern side of the development the question is asked whether this could be sited at the junction of the spur road. The road entrance is dominated by building and high walling without amelioration. The change from the burn side is very abrupt and a softer approach here would be greatly beneficial. The 'gatehouse' is too close to the burn and breaks the continuity of the garden space/burn side relationship. It should be omitted and a greater emphasis placed upon tree planting in this area. The use of hedging is not a particularly characteristic boundary in Aviemore. There has been a strong emphasis on stone walling. There should be more of an emphasis upon dry stone walling particularly at the road junctions. The roofs on the rear elevations on the southern line of houses appear perfect for solar gain. A full planting plan will be required.
48. A significant number of trees would be lost on the site. Especially the alder trees to the east of the Old Mill. While this is a significant loss to the site it is possible to plant sufficient replacements to eventually compensate for this loss. The tenure of the archaeological remains and surrounding area is not explained. How this would be maintained and safeguarded is questioned. The planting in this area should be strongly reinforced.
49. **CNPA Natural Heritage Ecology:** Note that no mammal species were found resident at the site. An otter spraint was recorded along the Milton Burn but no holts or resting sites were recorded. The woodland within the north west corner of the site should be retained to maintain a wildlife corridor. Erosion is prominent along the length of the Milton Burn adjacent to the development site. Environmentally sensitive techniques must be implemented to prevent erosion. These should be agreed by SEPA and Spey Fisheries Board. The CNPA agrees with the green-bank protection system. Any methodology for stream works must be agreed by SEPA. The consultation points out that the control of non-native species is a key issue within the Park and a range of advice is provided. The applicant's planning

statement states that beech trees and private hedging will be planted. These are not native to Scotland and it is recommended that native species are used. It is recommended that bat roosts and swift nest sites could be incorporated within the design of the buildings.

50. **CNPA Visitor Services and Recreation Group (VSRG)** would like to see the developer take some responsibility for the Aviemore Orbital path both to the south and west of the site, for upgrade and maintenance. Both paths fall outwith the development site but are affected by it. From Grampian View VSRG would like to see dropped kerbs put in onto the path and the path itself upgraded as far as the bridge. The entrance and exits to the pedestrian bridge need to be ramped. However, as noted above it must be noted that these areas are outwith the control of the applicant. VSRG go onto note that with regard to the housing on the western part of the site it is not clear what works are proposed for the track to serve those houses. Concern is raised that the orbital path would be significantly affected if the track was to be made up to adoptable standard. The Planning supporting statement talks about 1.8 metre high rendered walls where plot boundaries of the properties rear gardens meet the public realm. Concerns are raised about the nature of the boundaries facing onto public paths.

51. **Highland Council Area Roads Manager** has commented on the application and recommends that a Traffic Impact Assessment be carried out. This has been done and the findings are considered acceptable. Consequently, Area Roads recommend that the following conditions are attached to any consent granted. A copy of SEPA's response pointing out that the relevant Flood Prevention Authority should be consulted has been passed to Highland Council Area Roads who provide such advice. Area Roads have confirmed that they are satisfied with the applicant's proposals in terms of drainage and flooding.

- All works to be in accordance with road construction consent guidelines
- Appropriate technical approval to be obtained for any structure to cross the burn
- The access road serving the proposed property south of Millside House shall be upgraded to the satisfaction of Highland Council. The initial length of road, to a point beyond which the road will serve no more than four dwellings in separate ownership, shall be upgraded to an adoptive standard. Ideally a turning area suitable for larger vehicles should also be provided close to the southern limit of the road. Note that this existing road forms part of the Aviemore Orbital path and part of its length will also serve as a pedestrian/cycle link to new housing at High Burnside. The design of the road will therefore require to be such that low vehicle speeds will be encouraged and pedestrians and cyclists accommodated.
- Surface water drainage measures to accord with SUDS principles to satisfy requirements of SEPA/SW

- All properties to be free from 1:200 year flood event
 - Vehicular access to each plot to be hard surfaced for a distance of at least 6 metres and gradient not to exceed 5%.
 - Visibility splays shall be provided on each side of any spur road junction. 4.5 metres back along the centre line of the road measured 30 metres in each direction from the intersection of the spur road with the main road.
 - Visibility splays to be provided at the junction of each site access with the main road or spur road. 2.5 metres back and 30 metres in either direction.
 - Within visibility splays nothing above 1 metre shall obscure drivers visibility along the splays.
 - Where curtilage parking is provided, it shall include parking and manoeuvring space for at least 2 cars so that each car may enter and leave the plot independently. Where communal parking is provided, it shall be at a rate of 1.5 spaces per dwelling.
 - Suitable pedestrian/cycle links shall be provided between the development and the existing Aviemore path network.
52. Some concern has been raised that certain details were not entirely clear. **However, Area Roads have now confirmed that they are satisfied with the layout of the development.**
53. **Highland Council Archaeology** has been consulted and comment is made that they are pleased to see that the remains of the Mill are to be retained within the proposed layout. However, it is noted that the former wheel pit (lying immediately north of the mill) is not depicted on the layout plan or in the additional birds eye perspectives. As part of the on site interpretation of this feature it is hoped that the wheel pit is cleared and covered to make it safe (e.g. with a grille) or filled-in and demarcated on the ground surface. In addition the Mill remains within the application site and still requires to be surveyed in detail by a buildings archaeologist. Consequently, a planning condition requiring a survey is recommended.
54. **The Spey Fisheries Board** points out that the River Spey and its tributaries are a Special Area of Conservation. This is because of populations of Atlantic salmon, otter, sea lamprey and freshwater pearl mussel. They are therefore afforded the very highest level of protection. It is advised that to avoid any impact on the salmon spawning period any in-river works should be carried out between 1 June and 30 September. Provided that the method for bridge construction is the same as previously suggested, using willow mattress revetments as recommended by the river Restoration centre and that the bridge proposed for construction will be clear span and set on banks behind the behind the existing water level, Spey Fisheries Board are content with the proposal.

55. **Aviemore Community Council** has been consulted upon the application and has made more expansive comments than that for the previous application for 25 units. The Community Council object to the application considering that the proposal does not fulfil the requirements of the Badenoch and Strathspey Local Plan. The Community Council quotes an objector to the 2004 outline planning application for 21 houses on the site who is the current developer for the site.
56. Concerns are raised regarding density and that the density of housing quoted at 15.7 per hectare is misleading as it is based upon the whole site including parts that cannot be built upon. The density of the area to be developed is approximately 21.5 units per hectare. The proposed development is tight and enclosed where the north part of the village on this side of the road is characterised by larger houses with good garden space. The proposal is also considered to have a detriment to the amenity of houses to the north and north west of the site.
57. Concerns are raised about parking and that it will be difficult for vehicles to enter and leave each plot independently. Garage spaces may also be used for storage reducing the number of parking spaces. Additional parking is proposed for visitors to the Mill. This will result in the loss of the pond and stream. Encouraging this parking to be used by visitors to the Mill is not sustainable visits on foot and by cycle should be encouraged. The question is asked whether this parking is to make up for poor provision elsewhere.
58. The Community Council quote Scottish Planning Policy 3 in that the site is open space that contributes to local needs and community enjoyment. It is occasionally used by locals for keeping horses and for exercising dogs. The removal of this area would not have a positive effect on the built and rural environment.
- Concerns are raised about the wet area to the south of the site where the pond and stream currently flow to. The stream passes through a wet area that is a good area for frogs and toads
 - Applicant quoted as objector to earlier proposal to site 13 houses on the site
 - Density figures misleading as part of site that the developer cannot build upon is quoted
 - New build in area is larger houses development out of character with this
 - Parking and access to plots not adequate
 - Car parking next to archaeological site does not foster cycling and walking as a means of access

- Open space contributes towards local needs and community enjoyment and is used by locals for keeping houses and walking dogs
- Will result in loss of valuable habitat and pond and stream
- Development impacts on a range of species and habitats including otters
- Environmental effects of the development, particularly upon pond removal at Milton wood have not been properly considered
- There is an opportunity to integrate the pond area with the archaeological site
- Removal of pond is not incorporating wildlife habitats into the proposal as required by the outline conditions.
- The question is raised whether an appropriate assessment has been done to show that there will be no damage to the river Spey SAC.
- A better contribution than a financial contribution to the play area would be to maintain the amenity and to pay for path improvements within Milton Wood.
- Condition set out at the outline for affordable housing needs to be strictly applied.
- Concern about upper house, plot 7, will be an imposing house that will stand above the archaeological site

REPRESENTATIONS

59. Individual objections are attached at the back of the report. A total of 21 pro forma objections have been received and are also attached at the back of the report. In summary, they raise the following issues:
- Over development
 - Reporter on CNP Local Plan suggests the site is protected from development
 - Removing wetlands and trees contravenes the first aim of the Park
 - Building 2 storey directly onto footpath disregards third aim of Park to promote understanding and enjoyment adjacent to Orbital path where there are panoramic views of the Cairngorms
 - Trees and flooded area should be protected from development
 - No more traffic should be added to the Orbital path track

- Location and design of plot 7 to high will look 3-storey
- Number of houses proposed is excessive
- Housing density calculation misleading
- 6 dwellings on an un-adopted track is contrary to planning policy H8
- House designs not appropriate given context
- Large house on plot 7 directly blocking view from orbital path
- Access track and bridge to Millside and Aanside is maintained by the owner at his expense
- Millside House is not a single house
- Millside House owner points to limited permission granted because proposal did not accord with Highland Council Policy H8.
- Concern about damage to the bridge from construction traffic
- Ground instability
- Concern about access to Meall Mill
- Proposal breaches a number of planning policies



Fig. 15- Birds eye perspective

APPRAISAL

Introduction and Principle of Development

60. The key point to note is that the site is accepted for residential development in principle by its allocation in the Badenoch and Strathspey Local Plan and by the granting of planning permission by the CNPA in principle in March 2008. The CNP Local Plan Post Inquiry Modifications is now an important material consideration. The plan shows the land as white land within the settlement which allows scope for residential development. Consequently, there is no conflict between the CNP Plan and the Badenoch and Strathspey Local Plan with regard to the provision of housing at the site in principle. Attention is drawn by objectors to the CNP Plan Inquiry Report in that reference is made by the Reporters regarding the potential expansion of the environment designation to the south of the footpath to Milton. However, the Reporters do not make clear the extent that this area might cover and have not directed a change to the settlement boundary that would be an alternative way of protecting the site if this was intended. In any case, this has to be balanced against the previously mentioned stance of the plans, and the fact that the site has outline planning consent, a fact which weighs heavily in favour of the proposal.
61. Given that the principle of residential development on the site is well established the key issues relate to the density, layout and design of what is proposed by this detailed application and how this impacts upon the environment at the site. Affordable housing and technical issues with regard to potential flooding, drainage and access are also key factors to be considered in this report.
62. As noted in the first part of the report the CNPA refused an application for 25 houses on this site in February. The reasons related to over development and the effect of plots 11-13 on the character and amenity of the area. An additional reason for refusal related to the effects of the drainage proposals for plots 11-13 on the character of the area. This amended proposal addresses the reasons for refusal by the removal of plots 11-13 (see figs 5 & 13)

Constraints of Outline Permission, Density and Layout of Development

63. Given that the principle of residential development is established at this site the main requirement is to make a recommendation on whether this detailed scheme proposed accords with existing planning policy. While this is now a full application unrelated to the outline consent many of the considerations and conditions of the outline are relevant to this application. Planning policy and the outline consent granted by the CNPA accept the principle of residential development on the site. However, the outline was significantly constrained by two particular conditions in that SEPA required that no buildings should have FFL (finished floor levels) below the 222.7 metre contour on the site (the lowest part of the site now is 219.5 m at the southern end adjacent to the path). In addition, a condition excluded the

Meall Mill and its surroundings from development at the western end of the site. This sterilised large parts of the site from development making it difficult for the applicant to bring forward a viable development proposal. SEPA previously revised their view of finished levels for houses at the site and now consider that a FFL of 222.7m at the northern end of the site (existing level approx 222.5m apart from a depression down to 220) and 219.7 at the lower point of the site would be acceptable. This renders the site as proposed developable. However, this does result in changes in levels with materials moved from the upper part of the site to the eastern (burn) side of the site. It is important that levels are stipulated as a planning condition should this proposal receive permission. For confirmation SEPA has no objection to the proposal from either the bridge or flood risk perspective.

64. The key question is whether the site can reasonably accommodate the level of development proposed. The developer has taken part in pre-application discussions with the CNPA. The Local Plan considers that the site and the birch woodland to the south would be capable of accommodating in the region of 20-25 houses with approximately 13 plots in the birchwoods. This would leave a balance of up to 12 plots for the site that is the subject of this application. The current number proposed is reduced to 22 but still well in excess of this. Objectors have deep concerns about this aspect considering the scheme to be over development. However, the application proposes smaller units in terraced forms which are perhaps a type of development that a Local Plan adopted in 1997 did not anticipate. More recent guidance from the Scottish Government asks Planning Authorities to make efficient use of housing land within and adjacent to settlements, considering that higher density developments can be achieved without compromising amenity. The developer is at pains to point out that the site does not in fact constitute a particularly high density development and their supporting statement attached at the back of this report sets out a range of densities in northern area of Aviemore. The analysis in the supporting statement sets the density for the development at 15.7 units per hectare. The adjacent Grampian View is calculated at 20.35 units per hectare. Objectors have raised concern that the calculation relates to the overall site including areas that are not to be developed. Basing the calculation only upon the developed area would increase the built density. However, it is not unreasonable for the developer to base the calculation upon the overall site area and the area not developed is clearly being put forward as open space associated with the development. This includes opening up and improving the area around the Meall Mill in a positive sense to promote understanding and enjoyment of the area. This area forms part of the application site but can be considered part of the overall site for the purposes of any density calculation. By comparison the existing development on Grampian View offers practically no public open space with all space being given over to private garden space.
65. In physical terms site can accommodate considerably more than the 11 or 12 units indicated by the Badenoch and Strathspey Local Plan. A development of 11 or 12 detached properties on the site would be unlikely to be viable but would also be an inefficient use of the land that is available for development. In terraced forms the site is capable of accommodating a level of

development in excess of that offered by the Local Plan allocation. Indeed, if any terraced form of development is considered acceptable at the site then it is logical to assume that this design approach would increase the density. The approach of providing terraced housing will provide better insulation with less use of materials and a more sustainable form of development than a development of low density detached housing.

66. Aside from density issues concern is raised by objectors that the development does not reflect the character of existing development in the area. It is true to say that the immediate area is characterised by detached and semi detached houses. However, there are plenty of examples of terraced developments in the northern part of Aviemore including Strathspey Avenue and Braeriach Court. A higher density approach than that advocated by the Badenoch and Strathspey Local Plan is accepted by officers. The courtyard approach is considered a positive design solution, echoing a more traditional, vernacular design form than more recent developments which emphasise low density development, dominated by meandering road layouts. The proposal steers away from a road dominated design solution and this is what is being sought by policy at National level and in the form of the new CNPA Plan where Policy 16 on Design Standards for New Development emphasises that proposals should reflect and reinforce the traditional pattern and character of the surrounding area. The strong two storey street frontage tapering to single storey at the rear elevations is a creative way of designing a positive and strong street frontage, creating a sense of enclosure while minimising the visual impact of the proposal from outside of the development.
67. The design of the buildings is of an unashamedly contemporary nature with a crisp clean finish in traditional harl render. The roofs would be finished in a slate like concrete tile with all window and doors to be double glazed with timber frames. Main entrances would be picked out by blue engineering brick panels. Front gardens will be landscaped by means of a single tree at the front of each plot. The designs proposed are generally appropriate for what is a contemporary design solution while the main harl finish is reflective of more traditional Scottish finishes.

Affordable Housing

68. On site provision was sought for affordable housing in the first instance. A planning condition on the outline approval required 25% provision in line with the Highland Structure Plan. This was to be on site. On site provision had been requested at the outset of this application and it has been indicated to the applicant that the CNPA achieves affordable housing on site as opposed to off-site provision in almost all instances. The applicant owns a site at Kila in the village centre which has an outline planning consent for affordable housing. The previous application for Milton suggested that this site could carry the affordable burden for Milton. However, at this moment in time 25% affordable provision is being offered on this site. A letter of commitment to this has been provided by the developer's agent and is attached at the back of the report. Should the applicant wish for this to be changed and burden of affordable provision is transferred to Kila this would

have to come back before the Planning Committee for a decision. The houses on this site for affordable provision would be identified through the Section 75 Agreement. In addition, the applicant has offered to market 4 houses on a priority basis to people living and/or working in the Park and as with other cases this is covered by planning condition.

Flooding and Surface Water Drainage

69. With regard to flooding SEPA had objected to the outline which resulted in the imposition of a planning condition that rendered much of the site undevelopable without major land raising operations in the lower part of the site. The engineers acting on behalf of the applicant have been working with SEPA who now accept finished floor levels of 219.7 m at the lower end of the site and 222.7 metres on the northern part of the site. The developer has provided a plan showing finished floor levels for all properties which are now found to be acceptable by SEPA. SEPA has also been consulted on the SUDS system and raised concern that only one level of treatment is being provided. However, it has been previously suggested that run-off from buildings will be to in plot soakaways and surface water run-off from roads will be to soakaways and then to a swale which will eventually discharge into the Milton Burn, providing two levels of treatment. This would be covered by a planning condition to ensure that it is provided. SNH, SEPA and the Spey Fisheries Board have been consulted and with specific regard to the bridge raise no objection. Concern was raised in the previous application about soakaway distances and how they would function but Highland Council Building Regulations has confirmed that a technical solution is possible. Plots 11-13 caused the most concern with regard to this issue but have been deleted from this 22 house proposal.

Access

70. The main access to the site is from Grampian View as indicated by the Badenoch and Strathspey Local Plan. The access would result in some disturbance to residents at the end of Grampian View adjacent to the burn. However, the expectation that this site would be developed has been around since 1997. A construction method statement would be required for this aspect of the development. It is likely that a temporary bridge would have to be employed to access the site and materials stored on the development side of the burn to prevent disturbance to and blocking of access to the properties at the end of Grampian View. An access from the north (High Burnside) would give access to the single plot on the western part of the site. This would require widening of a short section of the Orbital path. Concern is raised by a neighbouring objector that this does not comply with Policy H8 of the Highland Structure Plan given that the road serves more than four properties already. To comply strictly with this policy the access would need to be upgraded to adoptable standard as far as Millside House. However, the Area Roads Manager has requested that the road be upgraded to adoptable standard to a point where not more than four dwellings in separate ownership are served.

71. While of clear concern to the objector the view of the Area Roads Manager is clear in its requirement in this case. The Roads Manager has commented that there can be some flexibility with regard to this policy. The objector points to a 1997 permission for the conversion of a garage at Millside which limits the use of that conversion because of this four house rule. The objector considers that this results in a conflict between how Highland Council Officers and the CNPA would interpret this policy. However, in addition to the current view of Area Roads the context of the National Park must be considered. A road of adoptable standard being constructed to Millside House could cause increased environmental disturbance to this area. Such a proposal would have to be carefully considered. Neither the Cairngorms National Park Plan or the Cairngorms National Park Local Plan Post Inquiry Modifications require this. Both are a material consideration in deciding this proposal. In addition, design guidance at national level urges planning authorities to consider good design solutions for access and not rely upon standards driven approaches. Concern is also raised by the objector regarding an existing bridge that crosses the burn and whether this can accommodate the traffic that would be required to construct the single house. However, this is a civil matter between the owners and those that have properties served by this track. The applicant has confirmed that any damage caused would be repaired by the contractor.

IMPLICATIONS FOR THE AIMS OF THE NATIONAL PARK

Conserve and Enhance the Natural and Cultural Heritage of the Area

72. The application has raised a number of natural heritage issues. SNH requested an otter survey and this has been carried out. SNH have considered the survey and have no further comment with regard to this. A red squirrel survey and walkover habitat survey of the site has been carried out. There are no dreys on the site. The CNPA Ecologist had looked at the report previously and raised no concern. Some concern had been raised by the Heritage and Land Management Group regarding the number of tree removals. The deletion of plots 11-13 has reduced the number of tree removals.
73. This latest proposal has prompted additional concerns from the Community Council and a long list of species noted has been attached to their response. However, this list was submitted with regard to the application refused by Highland Council in 2004 which included development outside this site within the woodland to the south of the path. The developer has been asked whether the existing hydrological regime from the small pond on site through to the woodland to the south could be retained. The developer's response is contained in an e-mail dated 15 June in appendix A of this report. The developer has asked Halcrow to look at the drainage with regard to this but consider it to be unachievable due to the requirements for adoption. While it would be preferable for the pond (or part of it) there are practical requirements set out in the e-mail that would cause the developer difficulties. A natural heritage survey of the site has been carried out and it would appear

to raise no particular issues. Planting would be provided in this area by the proposed landscape condition and this could be designed to increase biodiversity. Ultimately, there must be a recognition that the site is allocated for housing by the Badenoch and Strathspey Local Plan and is shown as white land within the settlement for the purposes of the CNP Plan. There are no criteria in the plans which require the retention of this feature and it was not raised as a reason for rejecting the earlier proposal.

74. In cultural heritage terms the retention and proposed stabilisation of the Mill structure is welcomed and is a very positive aspect of the proposal. A small viewing area and space for an interpretive plaque is part of the layout plan for the proposal. Highland Council Archaeologist points out that there still needs to be a detailed survey.

Promote Sustainable Use of Natural Resources

75. This overall proposal is a relatively sustainable residential development. The majority of units are linked together in terraces which in essence is a more sustainable form of building than detached properties with fewer external walls. The terrace on the southern boundary of the site is designed so that the roofs of the buildings exhibit a significant amount of space orientated southwards this would allow for use of solar panels for hot water heating. The architect has explored a number of options with regard to adapting the houses for solar hot water and ground source heating. Underfloor heating is proposed. A planning condition is recommended to ensure that all or some of these features are actually incorporated into any final development.

Promote Understanding and Enjoyment

76. Concern has been raised about the impacts of the proposal upon the Aviemore Orbital path. The setting of the path will be changed but this is an inevitable consequence of the site being allocated in the Badenoch and Strathspey Local Plan. A link is intended from the development onto the path. The stabilisation and interpretation of the old mill will provide an additional feature for users of the path, though because of the nature of the ground it would be difficult to provide a direct link from the Orbital path to the Mill. The field forms the major part of the development and has been used by local people. However, it is in private ownership and is currently fenced off for grazing ponies. Again, the allocation in the Local Plan leads to a clear expectation of development at the site. There is no formal play area proposed by the application when Highland Council Guidelines would require this. However, the developer is willing to make a financial contribution via a Section 75 Agreement to a nearby play area at Strathspey Avenue.

Promote Sustainable Economic and Social Development

77. The proposal, in principle, follows the plan led approach of allowing housing in places allocated by the Local Plan. The layout is based on a higher density approach than that advocated by the plan. However, this results in smaller houses that may be more affordable to local people. The burden of 25% affordable housing would fall on this site unless a successful proposal is achieved on the Kila site at the centre of the village. This issue would have been considered by planning committee in future if a proposal came forward.

Conclusion

78. While there are still concerns about this application from the community several proposals have been considered at this site. The proposal is considered to provide a good quality development providing housing on an allocated site within the settlement which emphasises a homezone approach that is not dominated by roads layout. With regard to environmental concerns none of the statutory agencies have raised objection to the proposal and in cultural heritage terms the proposal would result in the stabilisation and interpretation of the Meall Mill. Importantly, this proposal addresses the reasons for refusal previously given by the Planning Committee and consequently approval is recommended subject to a Section 75 Agreement with regard to affordable housing, play area contributions and the planning conditions as set out below.

RECOMMENDATION

79. That members of the Planning Committee resolve to **GRANT Full Planning Permission** for the Erection of 22 houses and construction of access road at Land SE of Millside House, Milton, Aviemore subject to the following:

A Section 75 Agreement to cover 25% affordable housing (including timing of provision) and contributions towards play area.

B. The following planning conditions:

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

Reason: To comply with Section 59 of the Town and Country Planning (Scotland) Act 1997 as amended by the Planning etc. (Scotland) Act 2006.

2. Prior to the commencement of development, a programme of work for the evaluation, preservation and recording of any archaeological or historic features affected by the proposed development, including a timetable for investigation, all in accordance with the attached specification, shall be submitted to and agreed in writing with the CNPA acting as planning authority in consultation with Highland Council. The agreed proposals shall be implemented in accordance with the agreed timetable for investigation.

Reason: In order to protect the historic interest of the site.

3. Prior to any works being carried out on the site proposals for the interpretation of the archaeological remains at the developer's expense shall be submitted to and agreed in writing by the CNPA in consultation with Highland Council Archaeologists. The agreed interpretation scheme shall be in place within 6 months of the completion of development on the site unless otherwise agreed.

Reason: In the interests of the Parks aim of promoting understanding and enjoyment of the area.

4. The development shall provide direct path access onto the link path between Grampian View and the Aviemore Orbital path in accordance with submitted drawing L (00) 01 I Site Plan as Proposed.

Reason: In the interests of the Parks aim of promoting understanding and enjoyment of the area.

5. Prior to the commencement of the development hereby approved a report shall be submitted to the CNPA outlining measures for enhancing biodiversity at the site, including buildings. Agreed measures shall be incorporated within 6 months of the completion of buildings and in other areas shall be provided in accordance with the timing of the landscaping condition.

Reason: In the interests of the Parks aim to conserve and enhance the natural and cultural heritage of the area.

6. Prior to the commencement of the development a further otter and squirrel survey of the site shall be submitted to and agreed by the CNPA in consultation with SNH. Any mitigation requirements of this survey shall be carried out by the developer at a time to be agreed by the CNPA.

Reason: Given the time that has elapsed since the submitted survey it is important that a new survey is carried out close to the time of any development starting on the ground to ensure that these important species are protected.

7. The bridge between Grampian view and the site shall be constructed in accordance with drawing No TJMILT/001 Rev B. A detailed construction method statement for the bridge shall be submitted to and agreed by the CNPA in consultation with SEPA and SNH. Work shall then be carried out in accordance with the agreed statement.

Reason: In the interests of natural heritage and to ensure that any crossing is in accordance with the wishes of SNH/SEPA.

8. The finished floor levels of buildings shall be in accordance with Submitted Site Plan as Proposed Drawing No L (00) 011.

Reason: In the interests of flood prevention.

9. SUDS shall be in accordance with the submitted detail including two levels of treatment for road run-off. SUDS measures shall be in place and operational for any completed parts of the development prior to their occupation/use.

Reason: To ensure adequate drainage in accordance with the requirements of the SUDS manual.

10. The access to the house south of Millside House (Plot on drawing No L (00)016) shall be upgraded to the satisfaction of the CNPA acting as planning authority in consultation with Highland Council Area Roads Manager. The initial length of the road, to a point beyond which the road will serve no more than four dwellings in separate ownership, shall be upgraded to an adoptive standard.

Reason: In accordance with the requirements of the area Roads Manger.

11. The vehicular access to each plot shall be hard surfaced for a distance of at least 6 metres measured from either the nearside edge of the carriageway or from the rear edge of adjacent footway where one is present.

Reason: In the accordance with the requirements of the Area Roads Manager.

12. The gradient of each access shall not exceed 5% for the first 5 metres measured from the nearest carriageway edge and shall thereafter not exceed 10%.

Reason: In the accordance with the requirements of the Area Roads Manager.

13. Parking shall be provided as set out on drawing No L (00) 011.

Reason: In the accordance with the requirements of the Area Roads Manager.

14. The garages hereby approved shall be kept free at all times for parking of cars unless otherwise agreed by the CNPA acting as planning authority.

Reason: To ensure adequate parking within the development.

15. Prior to the commencement of development on the site a construction method statement for the site shall be submitted to and approved in writing by the CNPA. The statement shall include particular details showing how the site would be accessed to avoid disruption to residents in Grampian View, Aanside and Millside House. Access to driveways of properties on Grampian View must be maintained at all times. Indications of ground works, spoil storage areas and storage area for plant and fuels shall all be indicated. With the exception of the bridge all development/storage etc shall be a minimum of 5 metres back from the bank of the burn and the method statement shall indicate a barrier set back a minimum of 5 metres from the burn.

Reason: In accordance with the Cairngorms National Park Plan and the second aim of the Park to promote the sustainable use of the area's resources.

16. Prior to the commencement of the development hereby approved a sustainability statement shall be submitted to and approved by the statement shall include specific proposals for the incorporation of renewable energy harvesting and details of construction and insulation. The development shall be constructed in accordance with the agreed statement unless otherwise agreed.

17. Any in river work proposed for the Milton Burn shall only be carried between 1 June and 30 September.

Reason: To avoid any impact upon salmon during their spawning period.

18. Prior to the commencement of the development hereby approved a landscaping scheme shall be submitted to and approved in writing by the CNPA acting as planning authority; such a scheme to include protection measures for all trees to be retained, all boundary details and the planting of native species of where possible local origin. The landscaping shall be carried out in the first planting season (November-March) after the completion of the development unless otherwise agreed in writing by the CNPA acting as planning authority and shall be maintained for a period of 5 years. Any trees or other plants which die during this period shall be replaced during the next planting season with specimens of the same size and species unless otherwise agreed in writing with the CNPA acting as planning authority.

Reason: To ensure that the development is satisfactorily landscaped and assimilated into its surroundings.

19. A suitable management and maintenance agreement shall be established in respect of any hard or soft landscaped areas, roads, footpaths / cycle links that are not adopted by Highland Council. Details of and evidence of the maintenance agreement shall be submitted for the written agreement of the Cairngorms National Park Authority acting as Planning Authority in consultation with Highland Council prior to the commencement of development.

Reason: To ensure that any areas not adopted are adequately maintained.

20. Notwithstanding the contents of any section 75 Agreement signed in connection with this decision notice a minimum of 4 of the private housing units hereby approved shall be marketed on a priority purchase basis at a fixed price to be determined by the Developer for a period of two months from the date of first sales release to people ordinarily resident or working within the Cairngorms National Park unless otherwise agreed. Prior to the date of first sales release evidence shall be submitted to and approved by the CNPA indicating how the offer will be advertised locally. After the two months on this priority purchase basis sales can revert to the open market. After the last house covered by this condition has been occupied information shall be submitted to the CNPA to indicate the origin of the purchasers.

Reason: In accordance with the Park's aim to promote the sustainable economic and social development of the area's communities.

ADVICE NOTE

You are advised to contact SEPA regarding details of regulatory requirements.

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14 June 2010
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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.