

CAIRNGORMS NATIONAL PARK AUTHORITY

PLANNING COMMITTEE 28 DECEMBER 2007

05/306/CP

Revised Recommendation:

That Members of the Committee endorse the resolution of 14th December 2007 to:

GRANT Approval of Reserved Matters for the erection of 140 houses and associated infrastructure and landscaping on land to the north of Aviemore Highland Resort, Aviemore, Inverness-shire for Tulloch Homes (Aviemore) Ltd, subject to:

- (a) **The CNPA ensuring that the provisions of the existing and/or the revised minute of agreement with The Highland Council and Aviemore Highland Resort are applied in so far as they are applicable to development of this housing site; and**
- (b) **The following conditions -**
 1. The development hereby approved shall be commenced by 14th December 2009 (date to be amended to 2 years from whatever date decision notice is issued).
 2. This approval relates solely to the reserved matters for 140 dwelling units referred to as part of the Highland Council outline planning permission reference number 02/00007/OUTBS.
 3. All built development shall be situated outside the 1:200 year (plus climate change) flood event boundary as Drawn upon Drawing No 329406.SP02 entitled 'Aviemore Resort Development: Site Layout and Location Plan dated 10 December 2007. Prior to the commencement of development a revised site layout plan shall be submitted for the agreement of the Cairngorms National Park Authority acting as Planning Authority to demonstrate this.
 4. The development shall be carried out in phases and no phase shall be commenced until the previous phase has been completed to an extent acceptable to the CNPA acting as Planning Authority. Prior to the commencement of development a detailed phasing plan shall be submitted for the agreement and written approval of the CNPA as Planning Authority.
 5. The affordable housing units indicated on the site layout plan Drwg No 2452-P01 (unit no's 50 – 76) or such other revised site layout plan as may be submitted in compliance with condition no. 3 of this permission and including the provision of 27 affordable housing units, shall be

provided and retained as affordable in perpetuity. The units shall be completed as one contract and shall be built in the first phase of the overall development, unless otherwise agreed in writing by the Cairngorms National Park Authority acting as Planning Authority. Prior to the commencement of development and within three months of the granting of this planning permission, evidence of a contract between all relevant parties for the provision of and future maintenance of the affordable housing element on the site, shall be submitted for the written agreement of the CNPA acting as Planning Authority.

6. No buildings, structures or engineering works shall take place within the 1:200 year (plus climate change) flood event boundary as drawn upon Drawing No 329406,SP02 entitled 'Aviemore Resort Development: site Layout and Location Plan dated 10 December 2007, except as otherwise agreed in writing with the Cairngorms National Park Authority acting as Planning Authority, in consultation with SEPA. For the avoidance of doubt all permitted development rights as defined in the Town and Country Planning (General Permitted Development) (Scotland) Order 1992 are removed from any development / land within the 1: 200 year (plus climate change) flood event boundary.
7. All finished floor levels shall be set no lower than 215.2 Above Ordnance Datum (Newlyn). Prior to the commencement of development a contoured site plan indicating existing ground levels and all proposed finished floor levels shall be submitted for the written agreement of the Cairngorms National Park Authority acting as Planning Authority.
8. The existing low bridge across the burn identified in Section 5 of the flood risk Report Ref 329406-RT-0001-02 shall be removed prior to the commencement of the development.
9. Prior to the commencement of development a detailed drainage design shall be submitted for the written agreement of the Cairngorms National Park Authority acting as Planning Authority, in consultation with SEPA.
10. The final SUDS scheme for any individual phase of development shall be implemented and operational prior to the occupation of any development in that phase and all SUDS measures shall be maintained in perpetuity in accordance with this.
11. Prior to the commencement of development a detailed construction method statement shall be submitted for the agreement of the Cairngorms National Park Authority acting as Planning Authority, in consultation with SEPA, and must be implemented in full during works on site. The method statement must address the following –
 - Surface water run off – including measures to prevent erosion, sedimentation or discolouration of controlled waters should be provided, along with monitoring proposals and contingency plans;

- Timing of works – works should be undertaken to avoid periods of high rainfall;
- Fuel or chemicals – measures to ensure any fuel / chemicals from plant does not cause pollution;
- Landscaping works – planting should be undertaken to minimise run off;
- Waste – all waste streams, and estimated quantities thereof, associated with the works should be identified and measures to minimise waste production identified.

12. Prior to the first occupation of phases of the scheme with relevant requirements/works listed in the following paragraphs the works/requirements shall be completed and approved by the Cairngorms National Park Authority acting as Planning Authority in consultation with Highland Council's Area Roads Manager prior to the first occupation of the dwellings in that phase.

- (a) Visibility splays shall be provided and maintained on each side of the main site access road. These splays are the triangles of ground bounded by the first 4.5 metres along the centerline of the access road (the x dimension) and the nearside edge of the AHR road (the y dimension) measured 70 metres in either direction from the intersection with the access road.
- (b) Visibility splays of at least 4.5 metres x 30 metres shall be provided and maintained at all internal road junctions within the development.
- (c) Visibility of at least 2.5 metres x 30 metres shall be provided and maintained at all individual houses accesses.
- (d) Within the visibility splays nothing shall obscure visibility between a driver's eye height of 1.0 metres positioned at the x dimension and an object height of 1.0 metres anywhere along the y dimension.
- (e) In curtilage parking shall be provided at the rate of 2 no. parking spaces per property, except where otherwise agreed with the Cairngorms National Park Authority acting as Planning Authority.
- (f) The in curtilage car parking shall be provided so that vehicles can enter and leave each plot independently.
- (g) Where communal car parking is provided, it shall be at the rate of 1.5 car spaces per property.
- (h) The gradient of the vehicular access to each plot shall not exceed 5% for the first 5 metres measured from the rear of the adjacent footway or hard edge strip and thereafter shall not exceed 10%.
- (i) The vehicular access to each plot shall be hard surfaced for a distance of at least 6 metres from the rear of the adjacent hard edge strip, verge or footway.

13. A suitable management and maintenance agreement shall be established in respect of any play areas, 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 prior to the commencement of development. Details shall be included as to how the woodland and

open space will be retained and managed into the future allowing for public access and pathways through the site.

14. Street lighting shall be provided, as required, to the satisfaction of Highland Council's Area Lighting Manager.
15. Prior to the commencement of development, a photographic record shall be made of the remains of old buildings and / or other features affected by the development, in accordance with the attached specification, and shall thereafter be submitted for the written agreement of the Cairngorms National Park Authority acting as Planning Authority. A copy shall also be submitted to the Archaeological Section of Highland Council. No site clearance work shall take place until confirmation in writing has been received from the Cairngorms National Park Authority, in consultation with Highland Council, that the record made has been lodged and is satisfactory.
16. No dredging of the burn or its banks shall take place without the prior written agreement of the Cairngorms National Park Authority acting as Planning Authority, in consultation with Scottish Natural Heritage, SEPA and the Spey Fishery Board.
17. No installation of flood protection shall take place without the prior written agreement of the Cairngorms National Park Authority acting as Planning Authority, in consultation with Scottish Natural Heritage, SEPA and the Spey Fishery Board.
18. There shall be no barriers to the free passage of fish.
19. The burn shall not be culverted, channelized, piped or diverted.
20. No vegetation shall be removed and no building shall take place within 10 metres of the burn, in order to reduce the risk of sediment run off into the burn.
21. Prior to the commencement of development an otter survey of the burn shall be undertaken and the results submitted to the Cairngorms National Park Authority acting as Planning Authority, and also submitted to Scottish Natural Heritage. No development shall commence until receipt of written approval from the Cairngorms National Park Authority in conjunction with Scottish Natural Heritage. All development shall be carried out in accordance with any necessary actions identified.
22. The surface of all pathways through the site, other than those intended for adoption by Highland Council, shall be a permeable material in keeping with the woodland nature of the site. Prior to the commencement of development, details of the extent of pathways affected by this condition, details of the proposed surfacing and details of the proposed width shall be submitted for the agreement of the CNPA acting as Planning Authority. The path should be of a width and surface finish that could accommodate access by all abilities.

23. Prior to the commencement of development the route of the proposed pathways through the woodland area in the west of the site shall be demarcated and agreed in writing with the Cairngorms National Park Authority acting as Planning Authority, in consultation with the Forestry Section of Highland Council. The route of the proposed path shall be deviated to avoid the felling of any trees.
24. Prior to the commencement of development a revised site plan shall be submitted for the agreement of the Cairngorms National Park Authority acting as Planning Authority to show the proposed path network on the site linking into the existing path network through Milton Wood at the northern end of the site. In addition, notwithstanding the requirements of condition No. 6 of this permission and unless otherwise agreed with the Cairngorms National Park Authority acting as Planning Authority, a bridge shall be provided over the Aviemore Burn to link the overall housing site (which is the subject of this application, planning ref. no. 05/306/CP and the adjacent site, planning ref. no. 05/304/CP) with the supermarket site to the east. A detailed site layout plan together with detailed plans for the bridge shall be submitted to and approved by the CNPA in consultation with SEPA and SNH prior to the commencement of development. The agreed bridge shall be in place prior to the first opening of the supermarket unless otherwise agreed in writing by the CNPA.
25. The name of the housing development shall reflect the character, tradition and natural and cultural heritage of the area and shall be agreed in writing with the CNPA as Planning Authority prior to the commencement of development. Directional house number / name plaques in a durable, sustainable material shall be placed at each road junction within the development.
26. All public services for the development, including electrical, cable television and telephone cables, shall be located underground throughout the site. All such services shall avoid all trees and tree root systems. All such work shall be carried out prior to road surfacing and junction boxes shall be provided by the developer.
27. All new landscaping shall be carried out in accordance with the details shown on the landscaping plan (dwg. no. Horsefield/1) and the site layout plan (dwg. no. 2452-P02, Rev. E). The landscaping within each phase of the proposed development shall be completed within one year of the commencement of works within that phase. Any trees or shrubs that die or become seriously damaged or diseased within a period of five years from the time of planting shall be replaced with others of a similar size and species, suited to the climate of the area, within the next planting season.
28. All areas of trees and shrubs identified for retention on the site layout plan and landscaping plan referred to in condition no. 27 of this permission shall be temporarily fenced off for the period prior to the

commencement of any other work in that area and until the completion of all works within that phase of development, including the development of housing on individual plots.

29. Prior to the commencement of development an Arboricultural Method Statement and a full Tree Protection Plan shall be prepared by an arboriculturalist in accordance with BS 5837:2005 – Trees in Relation to Construction and submitted for the written approval of the CNPA acting as Planning Authority, in consultation with the Forestry section of Highland Council. The Tree Protection Plan shall take account of all communal woodland / open space areas.
30. An Arboricultural Consultant shall be retained to undertake arboricultural site monitoring for the duration of the construction. Monitoring shall take place at least once every month.
31. All top soil stripped in the course of development shall be stored in mounds not exceeding 1.5 metres in height and shall be retained for subsequent landscaping reinstatement of the proposed development site. All top soil shall be stripped, handled, stored and re-spread in accordance to B.S. 3882:1994 Annex N.
32. Front garden areas shall be maintained in an open plan format in perpetuity. Prior to the commencement of development details of all boundary treatments on the side and rear boundaries of individual plots shall be submitted for the agreement of the Cairngorms National Park Authority acting as Planning Authority.
33. Prior to the commencement of development details of all energy efficiency and sustainability measures to be employed in the development shall be submitted for the written approval of the Cairngorms National Park Authority acting as Planning Authority and shall be implemented thereafter.
34. The provision of a kick about pitch shall be explored prior to the commencement of development and details shall be submitted for the written approval of the Cairngorms National Park Authority acting as Planning Authority and where approved shall be developed in accordance with any submitted details and specifications.

Advice note :

The applicant/developer is advised to contact Scottish Water, which whilst not objecting to the application, has highlighted that there may be water network issues.