
CAIRNGORMS NATIONAL PARK AUTHORITY

Title: REPORT ON CALLED-IN PLANNING APPLICATION

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DEVELOPMENT PROPOSED: APPROVAL OF RESERVED MATTERS FOR THE ERECTION OF 46 HOUSES AND ANCILLARY WORKS AT PLOTS 1 – 10, 21 – 26 AND 46 – 75 ON LAND AT HIGHBURNSIDE, AVIEMORE.

REFERENCE: 07/024/CP

APPLICANT: AVIEMORE AND HIGHLAND DEVELOPMENT LTD. MYRTLEFIELD HOUSE, GRAMPIAN ROAD, AVIEMORE.

DATE CALLED-IN: 26TH JANUARY 2007

RECOMMENDATION : APPROVAL WITH CONDITIONS

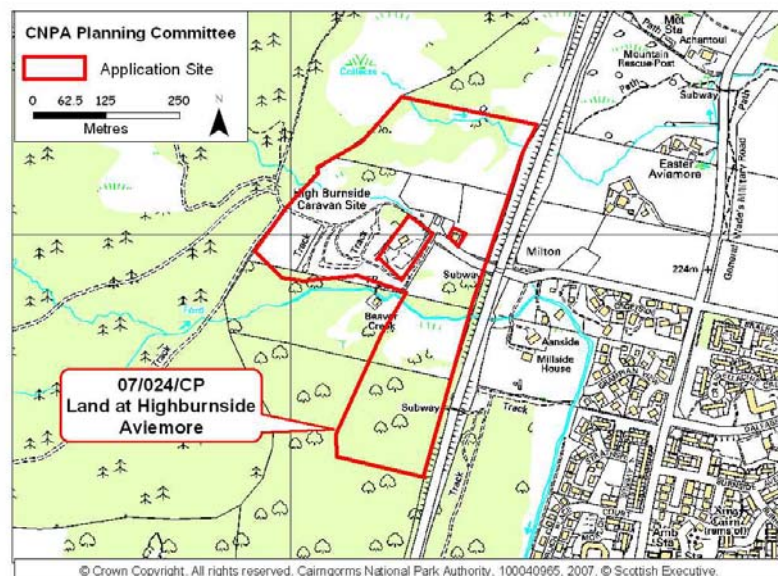


Fig. 1 - Location Plan

SITE DESCRIPTION AND PROPOSAL

1. Approval of reserved matters is sought in this current application for the development of 46 houses and associated site works on land at Highburnside, in the north of Aviemore. Members will recall the complex planning history on this land, where outline permission was originally granted by Highland Council in June 2004 for a housing development on the lands (Highland Council planning ref. no. 03/00322/OUTBS refers). A reserved matters application for masterplan approval for 75 house plots and associated services, road works and amenity ground was lodged in 2005. That application was 'called in' for determination by the Cairngorms National Park Authority (CNPA planning ref. no. 05/177/CP) and planning permission was granted in January 2006. This current application is essentially seeking permission for the detail of the dwelling houses and individual plot layouts on a portion of the overall site.
2. The proposed site is located at the northern end of Aviemore, on lands to the west of the A9 trunk road. The land is currently accessed via an existing road through the recently completed Croftside housing development and using the existing underpass at Milton.
3. The current site layout, including the position and configuration of individual plots, was permitted under masterplan approval, as well as permitting the development of roads and services. Works in relation to the latter aspect are on going at present. This current application brings forward detailed proposals for the development of 46 of the 75 permitted house plots, which correspond to the extent of Phase 1 development, as agreed with the CNPA under the conditions of the masterplan permission (planning ref. no. 05/177/CP). The plots in this current application are plots 1 to 10 and 21 – 25, all of which are located on the lower slopes of the northern part of the site; and plots 46 – 75 which are on lower ground in the south eastern area of the site, essentially running parallel to the A9, in a southerly direction from the existing access road under the Milton Burn.



Fig. 2 : View eastwards towards proposed northern plots, with A9 beyond



Fig. 3 : Southern area of the site – access road serving plots 46 – 75.

4. Prior to the commencement of development works on the site the land consisted primarily of birch woodland, interspersed with stands of aspen. It also included some limited areas of grazing land, as well as encompassing an area formerly used as the Highburnside Caravan Park. The eastern boundary of the proposed site is formed by the A9 trunk road, and to the north, south and west boundaries are framed by existing woodland (including Kinveachy Forest, which is a designated Special Protection Area and Special Area of Conservation). The site also lies adjacent to the Cairngorm Mountains National Scenic Area and Craigellachie NNR and SSSI. The land gradually rises in a westerly direction from the A9, with a 30 metre rise in ground levels from the eastern to the western boundaries of the site. The Aviemore Burn flows through the southern areas of the site, in an easterly direction. A network of informal tracks and paths have existed around the site for quite some time and the permitted masterplan layout makes provision for the retention, and in some instances the increased formalisation, of some of the paths.



Fig. 4 : Existing properties at Highburnside



Fig. 5 : Milton Underpass providing access to the area at present.

5. A number of residential properties, of varying ages and designs, exist within the Highburnside / Edenkillie area, located in central positions of the proposed development site. The properties are not in the ownership or control of the applicants and are excluded from the identified site boundaries. Access to the properties is currently taken from the existing underpass at Milton. As a condition of the masterplan approval the closure of the Milton underpass to vehicular traffic is required upon completion of the alternative road link and new underpass, the latter of which was completed in 2006.¹ In addition an area of fenced off land located to the north east of the existing dwellings is also excluded from the site area. It accommodates an existing tank partially visible above ground, which is associated with Scottish Water activities.

6. Since the granting of full planning permission for “the layout of 75 house plots, associated road works, services, amenity grounds and master plan submission” in 2006, the ownership of the site has changed from Aviemore and Highland Developments Ltd. to Tulloch Homes Ltd.. In information provided in the course of the previous planning application, Aviemore and Highland Developments Ltd. indicated that it was their intention to develop the infrastructure on the site and market the plots individually. In subsequently working out the detail of proposed phasing arrangements the applicants decided to develop the plots in phase 1 to completion, with the suggestion that the remainder of the plots on the site, most of which occur in the more elevated, westerly areas of the site, may in the future be sold for individual development. The approach being pursued by the current applicants, Tulloch Homes Ltd., differs and it has been confirmed at a recent site meeting that it is their intention to undertake construction of the overall development of the site, whilst observing the already agreed two phase arrangement.

7. In total 10 house types are proposed over the 46 plots in phase 1. A mix of three and four bedroom units are proposed. The majority are detached dwellings, with the exception of four semi detached units in the southern area of the site. The layout of each of the proposed plots includes on site car parking provision and a number of larger plots in the northern area of the site also include detached double domestic garages.

¹ Condition no. 9 of CNPA planning ref. no. 05/177/CP required “On completion of the alternative road link to the existing dwellings west of the A9 trunk road, the existing Milton underpass and its approaches shall be closed to general vehicular traffic. The underpass and its immediate approaches shall be modified to permit access for pedestrians and cyclists only. All works shall be to an adoptable standard in compliance with the requirements of Highland Council Guidelines, including positive drainage measures and street lighting. The applicant shall bear all legal, administrative and engineering costs associated with the required works.”

8. House type A is a one and three quarter storey detached design, accommodating three bedrooms, as well as an integral garage. It has a floor area of 133 square metres, excluding the garage. Vertical timber cladding is used for detailing in the area surrounding the front entrance, as well as around the dormer windows on the front and rear elevations. The roof in the front elevation has a dominant effect, as it extends a considerable length below the first floor windows, particularly over the garage area. A total of six House type A structures are proposed (plot numbers 46, 49, 51, 69, 74 and 75).



Fig. 6 : House type A – Front and rear elevations

9. House type B is a detached one and three quarter storey dwelling house. Within the main structure of the dwelling, three bedrooms are contained at upper floor level, whilst a fourth bedroom is located on the ground floor, together with a lounge, combined kitchen and dining area and a utility room, all of which has a floor area of 143 square metres. There is access from the utility room through to a garage, which is in the form of a single storey projection at the side of the dwelling. The entrance vestibule is centrally positioned and has vertical timber detailing. A total of six House type B structures are proposed, on plots 58, 62, 63, 68, 70 and 73.



Fig. 7 : House type B – Front and rear elevations



Fig. 8 : House type D (cp) front elevation



Fig. 9 : House type D – front elevation

10. House type D is a detached dwelling house, of one and three quarter storey design, with an attached garage projecting to the side. The front elevation includes a large amount of vertical timber cladding. The design, which has a floor area of 157 square metres, incorporates 4 bedrooms (3 on the upper floor), as well as a lounge and a kitchen / dining / family room, and a utility room from where access is provided to the garage. A modification of house type D (House type D(cp)) is also proposed, incorporating a car port to the side of the main dwelling, in addition to a garage. House type D and also its modified form, represent the largest proportion of any house type, totalling twelve. House types D and D(cp) are dispersed throughout the proposed layout.²
11. House type H is a detached one and a half storey dwelling house, with an attached garage. The floor plan incorporates four bedrooms, one of which is at ground floor level. In addition to the three upper floor bedrooms a study is also included. The proposed dwelling house has a floor area of 178 sq.m., excluding the garage. Three plots (53, 54 and 60) are proposed to accommodate House type H.



Fig. 10 : House type H

12. House type J is a split level dwelling, which is predominantly a one and three quarter storey design, with a floor area extending to 210 square metres. The structure is an L shape, with a two storey projecting section extending in the front elevation. This section incorporates vertical timber cladding on the façade, together with some stonework detailing alongside the floor to ceiling windows serving a lounge and family room, at ground floor and first floor respectively. French doors are proposed at the centrally positioned front entrance. A further set of double doors are located to the right of the entrance area, providing access to a decked and railed area from the kitchen / living area. The floor layout incorporates 4 bedrooms, a study, lounge, separate family room, and a kitchen / dining / living room. A total of four type J properties are proposed in the northern area of the site, on plot numbers 6, 22, 23 and 24. In addition the latter three plots also include detached garages.

² House type D proposed on plot numbers 8, 50, 56, 59, 64, 65, 66 and 67. House type D(cp) is proposed on plot numbers 7, 55, 57 and 61.



Fig. 11 : House type J – front and rear elevations

13. House type K has also been designed as a split level property and occupies a similar floor area as house type J (210 sq.m.). The front elevation has the appearance of a one and a half storey property, whilst the rear elevation is a two storey form. The T shape structure includes similar design features to House type J, including floor to ceiling windows in the rear gable projection, French doors opening onto decked areas and small non functional balconies at first floor level. The finishes include a combination of render and vertical timber cladding, as well as an external stone chimney breast. A total of four House type K structures are proposed, on plot numbers 4,5, 25 and 26, all of which occur in the more northerly area of the subject site. Detached garages are also proposed at three of the plots (5, 25 and 26) while the site layout plan shows a double garage attached to the main dwelling house on the remaining Type K plot (no. 4).



Fig. 12 : House type K – front and rear elevations

14. House type M is a one and a half storey semi detached design which incorporates three bedrooms, as well as a kitchen / dining room and a lounge. It has a floor area of 92 square metres and incorporates the same blend of external materials, including render and vertical timber cladding. Two pairs of semi detached dwellings are proposed, providing a total of four houses of this type.³

³ Plot numbers 47 and 48, and 71 and 72.



Fig. 13 : House type M, front elevation of semi detached structures

15. House type N is a detached two storey property, designed in a split level format and incorporating a double garage. It has a floor area of 213 square metres and includes 5 bedrooms, as well as an open plan library area at first floor level. Ground floor accommodation includes a kitchen / family room with utility, separate dining room and a lounge. Vertical timber cladding is proposed for detailing in a number of areas. An external chimney breast is proposed on the side elevation. An external chimney breast is proposed on the side elevation.



Fig. 14 : House type N – front and rear elevations

16. House type P is a 4 bedroom detached structure with an integral double garage. The two storey form has an internal split level layout, so that the floor level at the rear of the house is significantly higher than at the front elevation. Half of the front elevation is proposed to be clad with vertical timber, with the remainder having a render finish.



Fig. 15 : House type P – front and rear elevations

17. The final house type is a single storey structure, designed in a basic L shape, with a floor area of 122 square metres. A large projecting gabled section on the front elevation has a half render and half vertical timber clad finish. A single garage and a utility room are accommodated in a further projecting section which extends from the side of the structure. It has a lower ridgeline than the main part of the dwelling and an entire timber clad finish is proposed.



Fig. 16 : House type Q – front and rear elevations.

18. Front garden areas have an open plan format. Side boundaries, which generally extend from the front building line of each house to the rear site boundary are to be formed by a one metre high post and rail fence, while the rear boundaries are proposed to consist of a 1.8 metre high timber screen fence.
19. The location of areas of open space, smaller areas of equipped play space and a 'kick about pitch' have all been identified and permitted through the earlier masterplan approval for the site.

DEVELOPMENT PLAN CONTEXT

20. In the national context, **SPP 3 Planning for Housing** encourages the provision of well-located, high quality new housing, suggesting that good housing can support economic competitiveness, social justice and sustainable development. Para. 6 of the document stresses that housing is a key factor in defining the character of cities, towns and villages. **SPP 3** concedes that the design of new housing is not always given sufficient priority and urges that the environmental impact of housing be given much greater importance. Para. 14, in discussing the Form of Development highlights the fact that good layout is at the heart of making residential environments safe and welcoming, with pedestrian activity adding vitality and increasing the feeling of personal safety.
21. **SPP 3** also highlights the relevance of good landscape design, stressing that it can make a significant contribution to environmental quality, but cannot compensate for poor layout and design. Para. 17 is of particular relevance in this current application, where it is stated that "new development should respect and where appropriate enhance existing vegetation and other natural features. Mature trees should be retained wherever possible and replanting should be undertaken where development involves their loss." The document also suggests that developments can enhance a site's wildlife value through retention, creation or management of natural features and wildlife habitats.

22. Other national level advice is contained in **NPPG 14** on **Natural Heritage**. It strikes a positive note stating that conservation and development can often be fully compatible, and the potential for conflict can be minimised. In relation to statutory designations, and in particular National Parks, para. 33 states that “while conservation of the natural heritage will be a key objective in any National Park, the Government considers that due weight must also be given to the social and economic interests of local communities.”
23. **NPPG 14** also deals with wider natural heritage issues, outwith statutory designations, and stresses that natural heritage is found throughout the countryside, and that efforts should be made to safeguard and enhance the wider natural heritage beyond the confines of nationally designated areas. Among features listed as being of potential value in the development of habitat networks are woodlands, rovers and burns, and traditional field boundaries such as dykes or hedgerows. Para. 50 stresses the importance of trees and woodlands, both as wildlife habitats and in terms of their contribution to landscape character and quality. **NPPG 14** highlights the duty of Planning Authorities, in accordance with under section 159 of the Town and Country Planning (Scotland) Act 1997, to ensure that wherever appropriate, planning permissions make adequate provision for the preservation or planting of trees. The mechanism of safeguarding trees by means of Tree Preservation Orders is also advocated.
24. **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.
25. A detailed section on Landscape is also included in **PAN 67 Housing Quality**, which emphasises that the character and appearance of the land including its shape, form, ecology, natural features and the way they combine, is a key to designing houses that makes the most of its setting. It is advised that natural features should generally be conserved and emphasised, with additional new tree and shrub species complementing the area’s existing natural features. It also advocates the use of landscaping proposals to promote biodiversity.
26. **The Highland Structure Plan 2001** highlights a number of salient points as well as setting out a number of broad policies applicable to developments of the nature 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.”

27. **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.
28. The subject site is included within the settlement area of Aviemore as detailed in the **Badenoch and Strathspey Local Plan (1997)**. A number of distinct areas are allocated for housing purposes, with distinctions being made between ‘new development’ and ‘long term’ housing development. The majority of those areas are surrounded by land allocated as amenity woodland. In addition a portion of land in the east of the area, adjacent to the A9 trunk road is allocated for recreation / open space purposes. The existing network of pathways through the area are also identified on the settlement map.
29. In discussing Main Village Expansion Areas **Section 6.1.2 (b)** of the **Badenoch and Strathspey Local Plan** deals with the Edenkillie lands in detail, identifying it as 7.2 ha with capacity for 70 – 100 houses. Requirements for the development of the area as detailed in the Local Plan include access road widening; a second vehicular underpass; improved drainage and water storage; kick pitch and other play facilities; and footpath connections with the village via the A9 stock underpass. The Plan also requires that siting would retain the woodland habitat and ensure the satisfactory integration of dwellings with the landform.
30. Section 6.1.2 also includes general planning advice applicable to the lands identified at Edenkillie as well as other lands forming part of the Main Village Expansion Zone. It requires that housing layouts become an integral part of the village with residential enclaves absorbed within compartments of woodland and modulated according to localised physical characteristics and landforms. The stated objective is to achieve a series of sheltered neighbourhoods, “individually designed in the interests of fostering community spirit and security.” The Plan also recommends that densities ranging from 10 dwellings per hectare for larger detached properties to 25 per hectare for terraced, flatted and courtyard groupings would generally be appropriate. It advocates design features and materials and finishes drawn largely from Aviemore’s traditional buildings.

Cairngorms National Park Plan (2007)

31. 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.
32. Under the heading of Living and Working in the Park, there is 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.
33. 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.

CONSULTATIONS

34. The proposal has been assessed by **Scottish Natural Heritage** and there is no objection to the application. It is noted that the matters for approval in this application relate to the design and layout of the houses in specified plots and consequently **SNH** have no comment to make on the design of houses or the detailed location of the houses within each individual plot.
35. An official from **SEPA** has visited the site recently and examined the works which have been carried out to date, particularly in the vicinity of the Aviemore burn. No adverse findings were identified during the inspection. It was noted that some silt deposition had occurred at the downstream exit of both culverts. However this is considered minor and was not evident further downstream. In addition the details from

SEPA state that during the course of engineering works earlier in the year that the downstream catchments were inspected and found to be satisfactory.

36. **SEPA** issued a license for engineering works, specifically the culverting of the watercourses on the site. The burn diversions which were undertaken to enable the construction of the culverts are now no longer in use and have been filled in, with the burns now following their pre-works course. The comments from **SEPA** also make reference to the site contractor, who in the course of early stage discussions on the site demonstrated familiarity with **SEPA** guidance on the requirements for working in / around watercourses and mitigations required when doing so.
37. **Aviemore and Vicinity Community Council** was also consulted on the development proposal. The community council has raised a number of objections and advanced various comments in relation to the application. The following are the issues raised –
- Concern that the plans do not show the original path or the proposed link with the Craigellachie Nature Reserve;
 - Concern at the lack of play area provision and the position of the 'kick about pitch' close to the A9 trunk road;
 - A requirement that the felled trees are replaced with mature trees before the development is completed;
 - Concern that the developers are encroaching upon and possibly re-routing the Aviemore burn, which is being clogged with soil, sand and debris from the development site;
 - No evidence of affordable housing provision;
 - The "noise and pollution from the whole development site is causing considerable distress to residents and loss of business to self catering and bed and breakfast providers in the area;"
 - "Disruption to access within the site is causing concern to residents and visitors."
38. The development proposal has been assessed by the **Area Roads and Community Works** section of **Highland Council** and it is recommended that conditions are attached in the event of the granting of planning permission. Prior to works commencing in connection with the development proposal it is required that all roads related works, including drainage and flood prevention works, shall be carried out in accordance with the requirements of the Road Construction Consent (ref. R1/05/C3) and the relevant conditions attached to the Reserved Matters Planning Permission (CNPA planning ref. no. 05/177/CP).
39. The **Natural Heritage Group** of the CNPA have examined the most recent site layout plan submitted. The Plan includes remedial planting proposals to ameliorate the loss of tree felling that has occurred in some areas of the site outside the terms of the existing planning permissions. The proposed areas of planting reflect the scale and positions stipulated by **NHG** in a bid to restore some of the woodland

character, particularly of the northern area of the site. **NHG** stress that the planting shown on the site layout plan is remedial planting and is not the extent of landscaping for the site. It is in addition to landscaping details permitted in the previous planning application for approval of reserved matters for the masterplan and associated services, road works and amenity ground. **NHG** advise that the remedial planting areas will require good protection from the building works that will take place on the site. It is stated that any tree protection fence erected must be maintained intact until all building and other general landscaping works have been completed on each plot. In order to ensure successful establishment of the planted areas it is also necessary to ensure that protective fencing protects the vegetation from grazing animals, including rabbits, as well as protecting the areas from construction damage. **NHG** also recommend that any planting damaged during construction be replaced either immediately or at the next possible planting season.

40. **NHG** stress that the native tree species identified for remedial planting should be of local origin stock i.e. Strathspey seed source.
41. Reference is also made in the consultation response to the areas identified on the most recent site layout plan for burn side matting. The area and extent of matting identified is as per discussions at a recent site meeting in which CNPA officials raised concerns about potential difficulties in restoring the banks of the burn. It is noted however that there is no specification for the burn side matting and **NHG** accordingly suggest that it would be desirable to “at least get a product reference to make both approval and checking compliance on site possible.”

REPRESENTATIONS

42. No representations have been received in respect of the proposed development.

APPRAISAL

43. This is an application for the approval of reserved matters for the construction of houses and ancillary works on a number of plots where the principle of residential development has already been established through the granting of reserved matters approval for the masterplan layout and associated road works and services for the overall site area in a previous application. The issues to consider at the present time relate only to the dwelling house designs and the actual layouts of the individual plots. The overall layout, including individual plot boundaries accurately reflects the layout permitted in the previous reserved matters application.

44. As detailed in earlier sections of this report the proposed development incorporates a variety of house types and designs, on a variety of plot sizes, and could therefore have the potential to appeal to a wide cross section of potential homeowners. The designs incorporate a number of split level properties which have been designed to take account of changing ground levels on some of the plots. The majority of the designs incorporate elements of timber cladding and the applicants have recently indicated that they are amenable to sourcing this material from the local area if available. A number of the larger properties proposed in the northern area of the site also incorporate some areas of stonework. It has not been clarified at the present time whether or not this would be a natural or manufactured product, nor has the source of it been indicated. I would suggest in the event of the granting of permission that a condition is attached requiring the submission of samples for the agreement of the planning authority prior to the commencement of development.
45. The southern area of the site includes a relatively long access road serving 30 of the dwelling houses. The layout of the individual plots is such that the building line is staggered and in addition many of the houses include various forward projections, all of which add interest and variety to the potential streetscape and negate inappropriate impressions of an urbanised development in this semi rural area on the periphery of the settlement of Aviemore.
46. The manner in which site development works have been undertaken at Highburnside since the granting of planning permission for masterplan approval and associated roadworks, services and open space, has given rise to some concern. Unauthorised tree felling occurred on the site, with a number of individual plots on the hillside in the north of the site being the worst affected. The matter has been investigated by the CNPA and a site layout plan has been provided by the developers acknowledging and identifying the numbers and positions of the trees which were felled. Approximately 150 trees of varying stages of maturity were felled and this has resulted in significant exposure of much of the northern area of the site, particularly when viewed from lower lying A9 to the east.



Figs 17 and 18 : Northern hillside area of the site

47. Following investigations, negotiations and a site meeting involving CNPA officials as well as the current developers, planning agent and site contractors, amelioration measures have been proposed. In accordance with the stipulations of the CNPA's **Natural Heritage Group**, the developers have agreed to undertake planting in a number of specified locations, in an effort to restore the woodland qualities that have been lost in this area of the site. The replacement planting would occur in addition to general landscaping required to comply with the terms of the previous grant of planning permission for masterplan approval.
48. The individual plots on which the most significant extent of tree felling has occurred are part of the proposed Phase 2 development of the site, and as such permission is not being sought for their development in the course of this current application. The developers have however agreed to undertake the planting required on and in the vicinity of those plots (11 – 20) in the forthcoming planting season and have given a commitment to the erection of protective security fencing, capable of safeguarding the planted areas during the course of future construction work on the plots and in the vicinity. Belts of replacement planting are proposed to include a mix of silver birch, scots pine and aspen. Whilst the type of fencing necessary to safeguard the planted areas until the completion of development in the area has the potential to be quite prominent and not necessarily aesthetically attractive in the short term, it is nonetheless necessary in order to ensure the survival of new planting. In the longer term the strategic planting required should have the effect of restoring some of the woodland qualities of this area of the site. Planting within individual plots that are the subject of this application (1 – 10, 21 – 26 and 46 – 75) are proposed to be carried out "as soon as the planting season allows on completion of each of the houses."
49. In the course of the aforementioned site meeting concern was also raised by the CNPA in relation to potential damage to existing trees in the westernmost area of the site (in the vicinity of plots 38 – 43 in particular, where plot development is identified as being part of Phase 2 of the site). Soil which had been excavated to facilitate construction of the access road serving that part of the site had been temporarily stock piled close to the base of several trees, with the potential to cause damage to root and trunks. The developers agreed to move the soil heaps away from the trees. The site has since been re-inspected and the stock piles have been relocated an acceptable distance in order to safeguard the trees.



Fig. 19: Soil heaps in close proximity to trees in the western area of the site.

50. Other issues on which remedial action has also recently been undertaken include works in the vicinity of the burn. As detailed earlier in this report **SEPA** are satisfied that the works in the vicinity of the burn have been undertaken in accordance with the **SEPA** license. In response to concerns raised by the CNPA's **Natural Heritage Group** in relation to the condition of the banks of the burn and the need to ensure its regeneration, the developers have agreed to undertake burnside repair works and have proposed the use of bio-matting in the affected area (which primarily lies between plot no's 73 and 74). There has also been a commitment to repairing or where necessary replacing existing tree protection fencing which has been damaged. The area in which damage to the fence has occurred is in the south eastern area of the site in the vicinity of plots 67 – 73.
51. The planning history relating to the site and in particular the fragmented approach which has been taken in securing planning permission⁴ has resulted in a complex approach to the development of the site. The practicalities of proceeding with the permitted development of roads and services prior to seeking or gaining planning permission for the development of the actual plots has resulted in some interference with areas of individual plots, particularly the areas of plots in closest proximity to the road. The general method of developing the site has however altered since the involvement of Tulloch Homes Ltd., with the previously intended approach of individual plot development by purchasers⁵ now abandoned in favour of the development of the entire site as a single entity by a single developer. Given the scale of the development and the prominent and exposed nature of the site, this is a far more preferable approach, providing greater consistency in design, build quality and materials, and providing a greater opportunity for a more time efficient and coherent development and completion of

⁴ Outline permission for the entire development granted by Highland Council; subsequent application for approval of reserved matters for the masterplan approval and site works, landscaping and open space; and the current application for approval of reserved matters for the detail of development on 46 of the overall 75 plots.

⁵ The initial approach of plots being developed by individuals was later replaced by a proposal that Aviemore and Highland Developments Ltd would develop all of the plots in phase 1 as a single entity, as well as the possibility of some of the phase 2 plots, with the remainder of phase 2 plots being developed by individuals.

the entire site. The current developers accept the concerns which have been expressed by the CNPA in relation to the negative effects of the development process on the site to date and as detailed in the foregoing paragraphs are actively making efforts to address the issues.

IMPLICATIONS FOR THE AIMS OF THE NATIONAL PARK

Conserve and Enhance the Natural and Cultural Heritage of the Area

52. The proposed development of 46 house plots within the permitted development site would result in the loss of further areas of trees within some of the individual plots and would therefore cumulatively give rise to further erosion of the woodland character of the area. The effects can however be mitigated by appropriate planting within the areas affected, in addition to the planting to be undertaken in other areas of the site.

Promote Sustainable Use of Natural Resources

53. No definitive detail has been provided on the sourcing of materials for the proposed dwelling houses and it is not therefore possible to determine whether or not the development would promote the sustainable use of natural resources. It has however been indicated that the applicants are amenable to sourcing all timber cladding products from the Park area if available.

Promote Understanding and Enjoyment of the Area

54. The proposed residential development is proposed on land that has to date been used on an informal basis for recreation. The development, whilst not contributing directly to promoting the understanding or enjoyment of the area, does make provision for a system of pathways, linked to the Aviemore Orbital Path and other informal path networks to the west of the site, and in doing so, in conjunction with the extent of area to be retained as communal open space / woodland, would allow for the continuation of opportunities for the enjoyment of the area by the general public.

Promote Sustainable Economic and Social Development of the Area

55. The development does not include any affordable housing provision. However, having regard to the variety of house types and sizes it could potentially encourage a broad demographic mix of inhabitants. It could therefore be viewed as having positive implications for the social development of the area.

RECOMMENDATION

56. That Members of the Committee support a recommendation to :

Grant approval of reserved matters for the erection of 46 houses and ancillary works at plots 1 – 10; 21 – 26 and 46 – 75 on land at Highburnside, Aviemore, subject to the following conditions -

1. The development hereby approved shall be commenced by 1st December 2009.
2. This approval relates solely to the reserved matters for the erection of 46 houses and ancillary works at plots 1- 10; 21- 26 and 46 – 75 as identified on the masterplan granted approval of reserved matters under planning reference 05/177/CP, as originally permitted under outline planning permission Highland Council reference 03/00322/OUTBS. Nothing contained in this proposal or this notice shall be deemed to affect or vary the conditions imposed on that outline planning permission or approval of reserved matters.
3. Prior to the commencement of any works in connection with the proposed development, the following works shall be completed and approved by the CNPA acting as Planning Authority, in consultation with the Roads Authority at Highland Council –
 - all roads related works, including drainage and flood prevention work, shall be carried out in accordance with the requirements of Road Construction Consent, ref. R1/05/C3 and the relevant conditions attached to the Reserved Matters planning permission, ref. 05/177/CP.
4. Planted areas identified on the site layout plan submitted to the Cairngorms National Park Authority acting as Planning Authority on 11 June 2007 (dwg. no. 2531-110 rev A) on and in the vicinity of plot no's 12 – 20, as well as the proposed areas of planting to the rear of plot no's 22 – 24 shall be undertaken in the next planting season following this decision. The remaining areas of remedial planting, as well as individual trees identified for planting within plots shall be planted in the post construction phase prior to any of the dwelling units being occupied. All native tree species identified for remedial tree planting shall be of local origin stock. All planting referred to in this condition is in addition to the planting scheme permitted under planning reference no. 05/177/CP. 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.

5. Protective fencing shall be provided around all planted areas specified in condition no. 4 of this permission upon their completion. The fencing shall remain in place and be maintained for the duration of construction works in the vicinity and until completion of all development in that area. Full specifications of the type of protective fencing shall be submitted for the agreement and written approval of the Cairngorms National Park Authority acting as Planning Authority prior to the commencement of any development permitted in this application.
6. Prior to the commencement of any of the proposed works, the following details and specifications for finishing materials, and where required samples, shall be provided for the further written approval of the Cairngorms National Park Authority acting as Planning Authority;
 - External windows and doors;
 - External stonework;
 - Wet dash render for the walls;
 - External timber cladding.
7. The proposed burn side matting shall be provided as soon as possible and no later than 31st October 2007. Prior to the installation of the matting detailed specifications shall be submitted for the agreement and written approval of the Cairngorms National Park Authority acting as Planning Authority.
8. The vehicular access to each plot shall be hard surfaced for the first 6 metres measured from the nearside edge of the adjacent access road. Detailed specifications of the hard surfacing shall be submitted for the approval and written agreement of the CNPA acting as Planning Authority prior to the commencement of development.

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21st June 2007

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