
CAIRNGORMS NATIONAL PARK AUTHORITY

Title: REPORT ON CALLED-IN PLANNING APPLICATION

Prepared by: MARY GRIER, PLANNING OFFICER
(DEVELOPMENT MANAGEMENT)

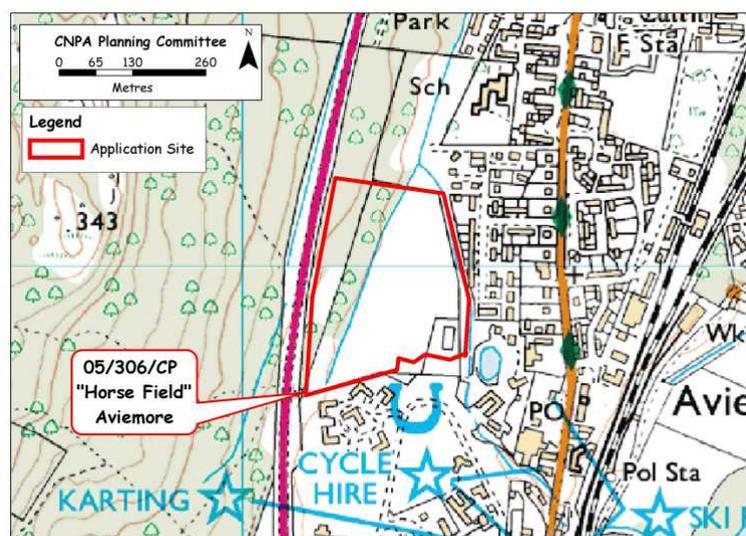
DEVELOPMENT PROPOSED: APPROVAL OF RESERVED MATTERS FOR THE ERECTION OF 140 HOUSES AND ASSOCIATED INFRASTRUCTURE AND LANDSCAPING ON LAND TO THE NORTH OF AVIEMORE HIGHLAND RESORT, AVIEMORE, INVERNESS-SHIRE.

REFERENCE: 05/306/CP

APPLICANT: TULLOCH HOMES (AVIEMORE) LTD.,
STONEFIELD HOUSE, INVERNESS, IV2 7PA.

DATE CALLED-IN: 15TH JULY 2005

RECOMMENDATION : DEFER



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Fig. 1 - Location Plan

SITE DESCRIPTION AND PROPOSAL

1. This application is for approval of reserved matters for the erection of 140 houses and associated infrastructure and landscaping. The subject site is located on land to the north of Aviemore Highland Resort in an area known locally as 'the Horsefield' or 'the Ponyfield' and was used in the past as a golf course associated with the Old Aviemore Hotel. The overall site area extends to approximately 20 acres and is bounded to the west by the A9 Trunk Road, by an area of open ground to the north and by the Aviemore Burn and existing residential development on Craig-na-Gower Avenue to the east. The majority of the southern site boundary is bounded by properties within the Scandinavian Timeshare Village, with the remainder of the southern site boundary adjoining a portion of land which is also the subject of a current application by the same applicants (Tulloch Housing (Aviemore) Ltd.) for a development of 21 dwelling units (CNPA planning ref. no. 05/304/CP refers).



Fig. 2 : View of proposed site, looking westwards

2. The proposed 140 unit residential development in this application includes a variety of dwelling houses and flats. Properties are proposed in groups, with some located within courtyards and cul de sacs, while others have direct access from the principle access route around the site. A total of fourteen property types have been proposed, as summarised in table 1.
3. The layout and general design of the development has altered in the course of this application. The initial submission included a large courtyard type layout in a central position on the proposed site, comprising of four blocks, each made up of linking structures of two and three storeys, with the majority being of three storey form. The three storey element had a ridge height of approximately 11 metres, with finishes of dry dash render, together with timber cladding detailing and brick basecourse and soldier courses. Similar finishes were also proposed on other house types. The central 'courtyard' type area predominantly consisted of hard surfacing, accommodating communal car parking facilities. The parking areas were interspersed with small areas of planting with other, quite limited areas of communal open

space curtailed to the outer areas i.e. between the outer facing elevations of the apartment blocks and the main access road which encircled the central area. The central area of the development as originally proposed contained 63 apartments / flats, while a further 16 apartments / flats were proposed within the affordable housing element in the western area of the site. Much of the remainder of the development, with the exception of a number of terraced properties within the affordable housing element, consisted of either detached or semi detached properties. At least 15 of the dwellings proposed towards the eastern area of the site were positioned to result in encroachment into the canopy edge of the existing birchwood plantation.



Fig. 3 : Currently proposed site layout (within area identified by red line boundary)

4. The current proposal (which was amended in response to CNPA requests for alterations) although increasing the overall number of flats / apartments from 78 to 80 units, utilises a different design concept, which essentially accommodates the flats within lower level, smaller scale structures many of which resemble conventional dwelling houses, as opposed to the original approach of prominently positioned, large scale apartment blocks. The number of three storey structures now proposed has been limited (being used primarily as a type of 'bookend' feature in the central courtyard area), and the design concept introduces a mix of finishes which minimises the overall visual effect of the structures. The courtyard element has been retained in a similar central position within the layout to that originally proposed, and areas of hard standing and car parking have been broken up and concealed

to a greater extent than previously proposed. The majority of the apartments / flats, have direct access to small areas of open space, some of include play areas. In addition the structures accommodating the flats are generally located within a short distance of larger areas of open space and play areas, and are linked to the areas via a network of pathways. Bicycle storage buildings have also been incorporated into the layout at various locations, primarily adjacent to the flatted units.



Fig. 4 : central courtyard area accommodating property types K,N,M and R

5. In compliance with the requirements of the outline planning permission relating to the site, the current proposal makes provision for affordable housing. The extract from the proposed site layout plan (please refer to Fig. 4 above) shows 26 units in the eastern area of the site which have been identified as affordable housing. The units consist of a mix of semi detached and terraced structures, accommodating a combination of flats and conventional housing. Private garden areas are provided to serve each of the units and car parking provision is in a centrally located communal form. The indication at the present time is that Cairn Housing Association will be involved in the delivery of affordable housing.
6. Supporting information indicates that surface finishes throughout the development will be varied, particularly between parking areas and running surfaces. Absorbent block pavements are proposed for use in the parking areas. Minor cul de sacs will also be distinguished by different coloured surfacing, the exact details of which are proposed to be agreed with the Roads Authority in the course of securing Roads Construction Consent. The differentiation in colour surfacing is intended to act as a form of traffic calming and create a type of pedestrian priority atmosphere. A factoring arrangement is proposed to be put in place in relation to the maintenance of all open space and communal areas of the site.

7. An arboricultural impact statement and a detailed landscaping plan have been submitted in support of the planning application. The arboricultural impact statement notes that the wooded area in the west of the site consists entirely of mature birch trees, which are considered to have an average remaining life expectancy of approximately 20 years, with the majority being in reasonable health at the present time. The statement also notes that all of the trees are covered by the Highland Council Tree Preservation Order HRC 42, Aviemore Mountain Resort, Aviemore.

8. The arboricultural impact statement includes a number of recommendations in order to ensure the protection of trees on the site, including the erection of protective fencing around trees to form a Root Protection Area in accordance with British Standard guidelines. It is also noted in the statement that the proposed layout would not require any significant changes to existing ground levels within the Root Protection Area. Concern was raised in the course of the CNPA assessment that the originally submitted layout plan proposed houses under the existing tree canopy in the western area of the site. The layout was revised in response to this, with the houses in question being moved eastwards out of the tree canopy.

9. A detailed landscaping plan has been submitted and is accompanied by a landscaping specification. Proposals are included to supplement the existing woodland with the planting of native species. A large number of landscaped areas of varying scales are proposed within the built area. The landscaping specification also includes detailed proposals for maintenance in the establishment phase of the landscaping, as well as long term landscape maintenance proposals.

Table 1 : Summary of house / flat types.

House type	Floor area / bedrooms	No. of units	Description
A	4 bed house	3	Detached split level 2 storey dwelling house with integrated garage.
B	3 bed house	12	Detached 1 ½ storey dwelling house with integrated garage.
C	3 bed house	16	Semi detached 1 ¾ storey dwelling house. Projecting gabled section in green vertical timber cladding.
D	3 bed house	2	Semi detached single storey dwelling with main entrance in gable end elevation. Vertical timber cladding for detailing purposes on large gable feature on front elevation.
E	2 bed house (63.1m ²)	4	Semi detached single storey dwelling.



Fig. 6 : House type B – 3 bedroom



Fig. 7 : House type C – 3 bedroom semi detached



Fig. 8 : House type D – 3 bedroom semi detached



Fig. 9 : House type E – 2 bedroom semi detached



Fig. 10 : House type F – 1 bedroom



Fig. 11 : House type G – 2 bedroom terraced



Fig. 12 : House type H – 3 bedroom corner unit between house types F and G

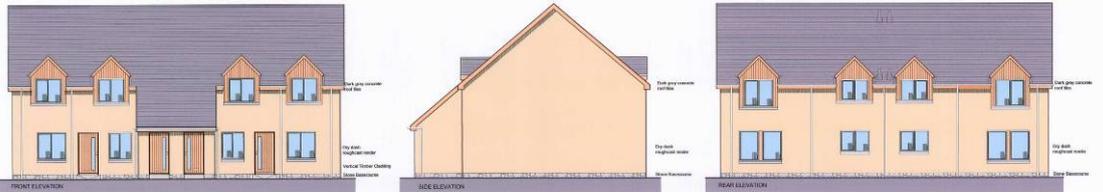


Fig. 13 : Type I - 2 bedroom flats on each floor



Fig. 14 : Type J – two bedroom flatted units on each of the ground and upper floors



Fig. 15 : Type K – three bedroom semi detached



Fig. 16 : Type M – 2 bedroom flatted units on each floor



Fig. 17 : Type N – 2 bedroom flatted units on each of the ground and upper floors



Fig. 18 – Type R – 3 x 2 bedroom flatted units on the ground and upper floors

Site History

10. Outline planning permission exists on the subject site for 140 houses. The permission was granted as part of an 'outline planning application to amend existing Masterplan permission at the Aviemore Centre, Aviemore' (Highland Council planning reference number 02/00007/OUTBS refers). The permission included a stipulation that 20% of the housing units were provided as affordable housing. The masterplan approval also included conditions requiring that buildings be generally two and three storey in height, with a limited number of high quality external materials utilised for external finishes.¹

DEVELOPMENT PLAN CONTEXT

National Guidance

11. 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.
12. **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.
13. **SPP7 – Planning and Flooding** describes flooding as a natural phenomenon which cannot entirely be prevented and has an important role in the natural environment. Paragraph 2 advises that planning authorities must take the probability of flooding from all sources and the risk involved into account in determining planning applications. Developers are also expected to take responsibility by "undertaking

¹ The condition specifically referred to harling, natural dressed stone, high quality cast stone and stained timber boarding. Slate or lead were detailed for roof finishes, and the use of coated zinc sheeting was also suggested for use in 'exceptional circumstances.'

flood risk assessments and drainage assessments where required” and “implementing agreed measures to deal with flood risk.”

14. The planning policy expressed in **SPP7** is based on a number of principles including developers and planning authorities giving consideration to the possibility of flooding from all sources, new development being free from significant flood risk from any source, and new developments not materially increasing the probability of flooding elsewhere.
15. Paragraph 44 of **SPP7** advises that flood risk is a material planning consideration. In the concluding comments of SPP7 it is stated that the “Scottish Executive expects developers and planning authorities to deal very seriously with flooding, to take an informed approach to decision making and to err on the side of caution where flood risk is an issue.”
16. 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.”
17. **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, rivers and burns, and traditional field boundaries such as dykes or hedgerows. Para. 50 emphasises 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 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.
18. **PAN 65 – Planning and Open Space** describes open space as a valuable asset which is important for our quality of life. It concedes that the future growth of settlements will have implications for open space, but advises that this should not lead to a loss of amenity and should place a greater emphasis on the need for a “well-distributed, well-connected and accessible quality of open space.” **PAN 65** details the

various types of open space including amenity greenspace,² public parks and gardens, green corridors and natural / semi natural greenspaces.³ Para. 44 of **PAN 65** states that emphasis and importance attached to open space in development plans should be reflected in development control decisions and warns that “the credibility of the planning system can be significantly undermined when policies on the protection and provision of open space are set aside, without sound and clear justification.”

19. **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.
20. 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.
21. **Planning Advice Note 76**, entitled **New Residential Streets**, provides advice on the design of better quality residential streets. It suggests that the design of a successful place begins with an understanding of how new housing can be connected to both the movement and settlement patterns of the area. Consequently it requires that any new development layout takes into account the wider context of the surrounding area, having regard to its local character and built form.
22. In order to create a sense of identity **PAN 76** places emphasis on creating a hierarchy of street character types (such as a combination of ‘through’ streets, linked cul de sacs and courtyards), the careful choice of materials in combination with other factors such as plant species, as well as the use of signage to enhance place identity. The interlinked issues of movement, traffic speed and road safety are also addressed.

² Greenspace refers to landscaped areas providing visual amenity or separating different buildings or land uses for environmental, visual or safety reasons i.e. road verges or greenspaces in business parks, and used for a variety of informal and social activities.

³ Natural / semi natural greenspaces are defined as areas of undeveloped or previously developed land with residual natural habitats or which have been planted or colonised by vegetation and wildlife, including woodland and wetland.

It is suggested that 'home zones'⁴ have the potential to form a key element in many residential layouts.

Highland Council Structure Plan (2001)

23. **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."
24. **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.

Badenoch and Strathspey Local Plan (1997)

25. The subject site is included within the settlement area of Aviemore as detailed in the **Badenoch and Strathspey Local Plan (1997)**. A number of zones are allocated for housing purposes. The Local Plan describes the zones as 'infill housing' opportunities and details 4.6 hectares of land (described as 'Centre lands') as having capacity for 120 houses. The three identified residential zones are allocated as 'amenity woodlands.' Section 6.5.1 of the Local Plan states that the main objective of the Amenity Woodland is "to create a major landscape framework within and adjoining Aviemore to achieve extensive and robust improvements in the structure and amenity of the village, and better integration with the surrounding environment." Section 6.5.1 also refers to the fact that Highland Council have placed a Tree Preservation Order on the entirety of the 'centre lands'.⁵
26. A large portion of the eastern area of the identified site adjacent to the Milton Burn is identified in the Local Plan for Recreation / Open Space. The area is part of a 16 hectare tract of land intended to link and form a village park running from Edenkillie to Inverdrue. Features detailed for inclusion in the Village Park include a system of lit / landscaped walk ways and cycle paths, informal woodland and riverside amenities and

⁴ PAN 76 defines a 'home zone' as a street or group of street which are designed to give informed priority to pedestrians or cyclists rather than vehicles. The aim is to improve the quality of life for a local community by turning their streets into public spaces rather than merely being movement corridors.

⁵ 'Centre lands' refers to the Aviemore Highland Resort

also suitable flood protection and landscaping measures, including access to bunding along the burn edge.

27. A small area of the site, close to the south eastern corner is identified in the Badenoch and Strathspey Local Plan for Commerce / Tourism. The Plan includes a detailed section on Employment and sections 6.2.1 to 6.2.8 deals with the 'Commercial – Village Centre' aspects. In general, the Plan supports "major redevelopment of the Aviemore Centre to revitalise the village and reaffirm its status as an international visitor destination." Section 6.2.3 details the intended development strategy for the northern area of the centre lands as including mixed residential uses with good screening and separation from the A9; a major part of the linear park / walkway and open space corridor by the burn; and in relation to the pocket of land within the subject site which is allocated for commerce / tourism, the Plan suggests 'tourist accommodation overlooking the lochan.'

Cairngorms National Park Plan (2007)

28. 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.
29. 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.
30. 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

31. **Scottish Water** does not object to the planning application, although the consultation response emphasise that any planning approval granted by the Planning Authority does not guarantee a connection to Scottish Water. It is noted that Blackpark Water Treatment Works “may have sufficient capacity to service the proposed development” although there may be issues within the water network that serves the proposed development. Similar comments are made in relation to waste water issues, where the Aviemore Waste Water Treatment Works “may have capacity to service the development.” There may however be capacity issues within the waste water network and in this regard Scottish Water comment that the developer has already been in consultations and has been advised that there may be a requirement for a Drainage Impact Assessment to be undertaken.
32. **SEPA** have been consulted on the development proposal on a number of occasions. It was noted in the initial response that the proposal involves connection of the foul drainage to the public sewer and SEPA accordingly have no objection to this “provided that the drainage arrangements are approved by Scottish Water.”
33. Further information was however requested on a number of other issues at that time, primarily relating to surface water drainage. Upon receipt of the information a second consultation response was received from **SEPA** in December 2005. In terms of surface water drainage **SEPA** considered the surface water drainage scheme “insofar as its interests are concerned” acceptable. The consultation response noted that run-off from roads would be to infiltration pits connected to an infiltration trench, run off from roofs would be to individual soakaways in property cartilages and parking areas would have porous block paving. The response from **SEPA** stated that the proposal was acceptable in terms of water quality and provides the required level of treatment for surface water run-off from the residential development.
34. **SEPA** also requested in the event of the granting of planning permission that a number of conditions be attached including a requirement that a SUDS scheme for any individual phase of development must be implemented and operational prior to the occupation of any development in that phase in order to prevent potential pollution of controlled waters. The recommendation also included a further condition requiring the submission of a detailed construction method statement for the particular site, to be agreed with the Planning Authority in consultation with SEPA, prior to the commencement of development. The method statement is required to address the temporary measures proposed to deal with surface water run-off during construction and prior to the operation of the final SUDS.

35. Notwithstanding the above detailed consultation responses, the most recent consultation response received from SEPA raised issues in relation to flooding potential. Further to a request from SEPA in November 2007 a Flood Risk Assessment was carried out by the engineers acting on behalf of the applicants. On the basis of the information currently contained in the Flood Risk Assessment SEPA are maintaining an objection to the proposal, on the grounds that "it may place buildings and persons at risk of flooding contrary to the provisions of national planning policy guidance and advice." SEPA have recommended that further information is required in order to address the currently unresolved concerns on this matter.
36. **Scottish Natural Heritage** has assessed the proposal and the consultation response is one of objection "because there is likely to be a significant effect on salmon, which is one of the interests of the River Spey SAC." SNH concede however that the objection can be removed in the event that a number of conditions are applied to any planning permission, with compliance of the conditions avoiding significant effects on the interests of the SAC. The conditions include no dredging of the burn or its banks without prior agreement; no installation of flood protection without the prior written agreement of SNH, SEPA and the Spey Fishery Board; no barriers to the free passage of fish; and no vegetation to be removed and no building within 10 metres of the burn in order to reduce the risk of sediment run off into the burn.
37. In response to roads issues, the **Area Roads and Community Works Division** recommend a number of conditions to be attached in the event of the granting of planning permission. Two of the key conditions would necessitate the carrying out of works on land which is outside the site boundary and would require the adjacent landowners to carry out works stipulated in a Section 75 legal agreement associated with the previously granted outline permission for a masterplan approval on Aviemore Highland Resort lands. The currently recommended condition requires that "no development shall commence until the appropriate terms of the registered minute of agreement, dated 18th December 2003, between Highland Council, Aviemore Highland Resort and others, have been addressed to the satisfaction of Highland Council." The agreement effectively requires the provision of a link road, to be constructed to adoptable standards, through Aviemore Highland Resort lands.
38. Other conditions of a more standard nature, recommended by the **Area Roads and Community Works** section include all internal roads serving more than four dwellings to be designed and constructed to a suitable standard for adoption; the provision of and maintenance of visibility splays on each side of the main site access road; the achievement of adequate visibility splays at all internal road junctions; conditions regarding the gradient of vehicular access to each plot; surfacing requirements for each plot; the establishment of a suitable management and maintenance agreement in respect of any play areas,

hard or soft landscaped areas, roads and footpaths / cycle links that are intended for adoption; and street lighting to be provided to the satisfaction of Highland Council's Area Lighting Manager.

39. The consultation response also includes comments in relation to car parking provision and it is noted that curtilage parking should be provided at the rate of 2 parking spaces per property and in a manner that allows vehicles to enter and leave each plot independently. It is noted that the submitted proposals do not satisfy the requirement for independent access and egress. It is conceded however that a "surfeit of communal parking is indicated and the overall parking provision appears to be adequate." It is also accepted where required, that communal parking and manoeuvring space shall be provided at a rate of 1.5 car parking spaces per property.
40. A response from Highland Council's **Forestry Officer** reference was made to the fact that the woodland to the west and south east of the application site is subject to Tree Preservation Order HRC 42. Concern was raised in respect of the originally submitted site layout plan, where the Forestry Officer noted that at least 12 dwellings proposed in the western area of the site would require felling within the Tree Preservation Order. The layout was subsequently amended to address this issue as detailed in an earlier section of this report.
41. **Aviemore and Vicinity Community Council** have been consulted on the development proposal and state that they are "reasonably happy with the density and design of the dwellings" and also note that the "mature woodland at the top end of the site has been secured, and that the all abilities path will be linked with the orbital footpath." The Community Council response raises concerns about the proposed flood prevention measures and the effect that they would have on the houses in Craig na Gower Avenue and also express concern about pollution of the burn stating that "there will be a lot of surface water going somewhere." The Community Council also query who will be responsible for the maintenance of the all abilities footpath and the community grassed areas.
42. The proposal has been examined by the **CNPA's Housing Officer** and the consultation response makes reference to the likely involvement of Cairn Housing Association in the affordable housing element of the development. It is noted that a total of 33 units are proposed for affordable housing purposes between this site and the site immediately adjacent, which is the subject of a current application for full permission for 21 dwelling units. Of the 33 units proposed for affordable purposes, the Housing Officer notes it has been indicated in discussions with the Housing Association that 18 units would be for 'Homestake' homeownership, whilst the remaining 15 units would provide rented accommodation.

43. The CNPA's **Visitor Services and Recreation Group** examined the development proposal and commented that the site is well used by Aviemore residents and is criss crossed with a number of desire line paths. **VSRG** noted in particular that a route on the western edge of the site connects into Milton Wood and that this route is part of the network of formal and informal paths that comprises the Aviemore Orbital. The response from **VSRG** noted that the plans identify the provision of a path circulating the proposed development, from which paths link inwards towards the proposed housing area. It is recommended that the path connect to the existing Orbital route, as well as connecting to the remainder of the Aviemore Highland Resort lands. The comments from the **Visitor Services and Recreation Group** also recommend against the use of bitmac on the proposed informal paths that would be created around the site, as this type of surfacing would inappropriately urbanise the site, particularly where the route passes through the open birch woodland on the western side of the site area.
44. The CNPA's **Natural Heritage Group** has assessed the proposal from the perspectives of landscape and ecology. Reference is made to the site being within 50 metres of the Craigellachie Site of Special Scientific Interest (SSSI) and National Nature Reserve (NNR). **NHG** comment that the ecological interest of the neighbouring SSSI is closely associated with its broadleaved woodland, which supports several species of plant and invertebrate, as well as many woodland bird species. It is considered that the substantial broadleaved woodland cover located along the western edge of the site is a significant component of the wider woodland habitat matrix centred on the SSSI. It is accepted that the proposed layout is such that development would largely occupy the central and eastern part of the site. In addition it is noted that the birch stands in the west would be retained largely intact and extensive tree planting is also proposed on the western side of the site, which is welcomed.
45. **NHG** comment that where some of the footpaths are proposed through the birch stands and would appear to require the felling of several trees. There is no indication that these are poor specimens and **NHG** consequently recommend that the paths should be re-routed to minimise tree removal. It is also recommended that any construction works under the tree canopies should be undertaken by hand and that all existing trees must be properly fenced in accordance with BS5837:2005, prior to any work commencing on the site.
46. The consultation response from the **Natural Heritage Group** discusses the 'impact significance and compliance to Park aims' and considers on the whole that the proposals are a reasonable fit to the site. The overall impact on the area would be neutral in that housing is appropriate for the area and much of the community benefit, such as open space provision and opportunities for pedestrian movement, in and around the site will be retained. **NHG** also comment that one area

of the site which has been degraded by tipped material would be improved as a result of the development. A number of suggestions are also made in the NHG response in order to minimise negative impacts associated with the proposal and enable the site to provide a more positive impact on the area. Suggestions included the creation of a larger, less fragmented area of open space to the east of plot numbers 30 – 46, by the omission of the loop road. The layout has been revised to reflect this suggestion. NHG also recommended that all new planting should only local origin species, such as silver birch and aspen.

REPRESENTATIONS

47. A number of representations have been received in respect of the proposed development. Sam and Browyn Crymble⁶ of Craig-na-Gower Avenue object on a number of grounds. They question what measures have been taken with regard to issues raised by the objectors at the stage of outline planning permission regarding the flooding history of the burn and the potential for further flooding of the properties along the burn. Reference is also made to the “low lying boggy area” of the site adjoining the burn which acts as an overflow area for the burn during wet weather. The objectors refer to their house having previously flooded. The objectors also observe that the site “appears to come right up to the burn” and in order to protect their privacy request that consideration be given to the creation of a buffer zone of trees / shrubs of at least 10 metres along the burn. Reassurance is also sought that a number of raised banks of earth above the normal height of the field would ultimately be at the level of the field and not on top of the raised banks.
48. In a second letter received from Sam and Bronwyn Crymble four further grounds of objection are raised.⁷ They express concern about perceived inaccuracies on the site layout plan, in particular that the properties and their boundaries on Craig-na-Gower Avenue are not shown in their entirety and in addition several of the property numbers displayed are incorrect. The second point raised refers to the potential flood risk to properties in Craig-na-Gower Avenue. It is suggested that the figures quoted in relation to projected rainfall and projected percolation, run-off and anticipated depth of flooding are “totally inaccurate” and that the research fails to take account of the effect of snow melt as opposed to precipitation and “does not register the large catchment area with attendant snow fields that the burn serves.” The authors of the letter also object to the proposal to build three storey blocks on the site, stating that they are not in keeping with other residential buildings in the area and “will cause an additional eyesore to this blighted development.” Finally the objectors express the view that the proposal to “build so many houses on this plot is wrong and will

⁶ Letter dated 28th June 2005.

⁷ Letter of objection dated 4th July 2005.

destroy the environment that the planners appear to be seeking to create.”

49. Avril and Arthur Lay, also of Craig-na-Gower Avenue express “grave concern” in their letter of objection⁸ about the proposed development. Details provided in the application on the rainfall and flooding history of the site for the past 10 years is questioned, with the objectors stating that they have witnessed water levels well in excess of this and have provided a surveyor acting for the applicants with photographic records. Reference is made to occasions just outside the ten year period where many properties in Craig-na-Gower flooded to a “depth of five to six feet.” It is also stated that the water in the lower part of the proposed site at that time was over two metres deep.
50. Mr. and Mrs. Lay refer in their submission to the proposals for backfilling in the area, together with the building of paths and roadways and a barrier to prevent water from the burn affecting the new site. The objectors query where all the water from the burn that currently uses this area as its natural flood plain is going to go. It is suggested that it can only go in one direction towards the existing houses and school. The authors of the letter strongly object to any building of houses or infrastructure that involves backfilling of any kind in the lower area of the site. It is also questioned whether or not the Council will adopt the recommended maintenance regime to control the water from the site. The letter of objection also makes reference to the three storey flats proposed at the centre of the site, describing them as excessive. The letter also describes the historic use of the subject site as an amenity area (golf course and later used for trekking horses and by people for walking and leisure), and also where wildlife abounds. It is stated that “the use of this whole area would be a loss” but the “main concern must be for the increased risk of flooding to the existing houses along the burn.”
51. Drainage issues are also the main concern in a letter from Mrs. E.R. McLeod of Craig-na-Gower Avenue.⁹ Reference is made to the flooding of the subject site with excess water from the burn in the past and concern is expressed that the development would result in water “no longer having anywhere to go, but be forced onto properties in Craig-na-Gower Avenue.”
52. Flooding issues are also raised by George Gordon of Craig-na-Gower Avenue.¹⁰ He makes reference to his property having flooded in the past, as well as flooding occurring in the lowest areas of the field in which the development is proposed.

⁸ Letter dated 8th July 2005.

⁹ Letter dated 5th July 2005.

¹⁰ Letter dated 2nd July 2005.

53. A submission¹¹ from R.D. and E.A.M. Sefton of Craig-na-Gower Avenue is accompanied by photos showing their back garden, the adjacent burn and the subject site under (a) snow cover and (b) flooding in the latter areas. It is stated in their submission that the lower reaches of the field “turn into a duck pond every year as flash floods and snow melt forces its way down towards the Spey.” The objectors are seeking re-assurance from the applicants engineers that they would “suffer no adverse consequences from this build.”
54. Christel Grant of Craig-na-Gower Avenue objects¹² to the proposed three storey housing stating that it would be totally out of keeping with the area. She questions why the housing could not be in “keeping with the style of the Scandinavian Village”. Detached or semi detached bungalows are also suggested so that “the whole development would blend in and help to be an attractive holiday resort.”
55. A number of points are raised in a letter of objection¹³ from Paul and June Masson, also of Craig-na-Gower Avenue, relating to this application and also the associated application on adjacent land for 21 houses (as detailed in paragraph 1 of this report). The proposal for a total of 161 dwellings in the area is described as “too many for the space available.” Concern is also expressed about noise and dust disturbance for a considerable time during construction, the lack of privacy from walkers on the perimeter path, the loss of safe recreation “green space” within walking distance, and the impact of the three storey properties on the objectors view. As with most of the letters of objection concern is also raised with regard to the effects of construction on the water level in the burn, and the objectors particular concern is the depression immediately opposite their property.”
56. Ms. Lorraine Keyes of Craig na Gower Avenue has raised concerns in e-mail correspondence¹⁴ on behalf of herself and other residents in relation to flooding issues. Reference is made to the burn having “burst its banks on both sides every year to a larger or lesser degree, and was at its worst in November last year.” Ms. Lays queries what will happen if development occurs on the field which currently soaks up the water. It is also commented that the burn is in “need of dredging / widening and the side ‘walls’ of earth are eroding each year.”
57. A representation has also been received from the Highland Cycle Campaign¹⁵ requesting that secure internal cycle storage be provided. It is also suggested in the submission that a common provision amounting to at least one cycle space per residential unit is the minimum acceptable.

¹¹ Letter dated 3rd July 2005.

¹² Letter dated 12th July 2005.

¹³ Letter dated 6th July 2005.

¹⁴ Original e-mail to Highland Council dated 23 July 2007 and received by the CNPA in September 2007.

¹⁵ Letter dated 14th July 2005.

APPRAISAL

Principle

58. The development proposal is on land which has been identified in the existing Badenoch and Strathspey Local Plan for 'infill housing.' In addition, as this is an application for approval of reserved matters, the principle of the development of 140 houses has already been accepted and matters to be determined in this application should therefore relate primarily to the detail of design and layout. However, in the course of assessing this application the issue of flooding has come to the fore. Potential flooding issues within and on lands in the vicinity of the site therefore warrant further close examination at the time of writing this report.

Design and Layout

59. However, setting aside the flooding issue temporarily, I propose to briefly discuss the detail of the design and layout in this application for approval of reserved matters. The site layout plan initially submitted closely followed an indicative plan which formed part of the outline permission for masterplan approval on the overall Aviemore Highland Resort lands (granted by Highland Council in September 2003). As detailed in earlier sections of this report various concerns were raised in the course of the assessment of this proposal, including the impact of the development on the extensive woodland area in the west of the site, the fragmentation of areas of open space within the proposed built area particularly due to the road layout, the need to maintain recreational opportunities especially informal access opportunities in and around the site, the scale and impact of the three storey buildings at the core of the proposed built area, and also other general design issues, including external finishes and surface finishes, the need to introduce further detailing on properties, as well as designing double aspect properties at key locations within the development. Several amendments were made to the overall layout and design concept in order to address the concerns raised and I consider the amendments acceptable.
60. The layout makes provision for a series of pathways in and around the site, as well as using variations in surface finishes in some areas in order to create a more pedestrian friendly environment. Linkages with other path networks in the area will also be facilitated. This approach has the dual benefit of facilitating continued recreation and access opportunities on the site thereby contributing to the enjoyment of the area by the general public. In creating opportunities for pedestrian activity the development proposal is also consistent with **SPP3 Planning for Housing** which encourages pedestrian activity as a means of adding vitality and increasing the feeling of personal safety in new residential developments.

61. The layout has been designed to concentrate development in the open area of the site, thereby avoiding the extensive birch woodland area in the west, which is a strong natural feature of the site. The retention of the woodland will also provides a backdrop to the development and provide valuable natural screening of the developed area from the adjacent A9. Retention and enhancement of the woodland area through additional planting is further evidence of consistency with national planning guidance, particularly as **SPP 3** requires new developments to respect and enhance existing vegetation and natural features.
62. As detailed in previous sections of this report (please refer to Table 1 and Figures 5 – 18) the development includes a wide variety of housing units, from flats through to terraced, semi detached and detached properties, of varying sizes, which have the potential to cater for the demands of a broad demographic. Concerns have been raised in letters of objection about the number of units proposed, as well as suggestions that three storey properties in this area are ‘excessive.’ In terms of the numbers of units proposed, the development is consistent with the outline planning permission granted on the site and the outline permission also included a condition requiring that buildings be generally two and three storey in height. In my view the layout demonstrates an understanding of and attempts to follow the existing settlement patterns in the area. As detailed in paragraph 21 of this report **PAN 76 New Residential Streets** suggests that new housing development should connect to the settlement patterns of the area and take into account the wider context of the surrounding area. I accept that the development proposal may not create conventional ‘new residential streets’, but the layout is one which reflects an understanding of the context in which it is proposed, on land which is on the periphery of a relatively small settlement in a rural area, where the pattern of existing development is generally low density, single family dwellings. Although the proposed development includes a significant proportion of flats, many of those units have the external appearance of conventional dwelling houses, having been incorporated into two storey semi detached and terraced buildings. The remainder of the flats are located within a mix of two and three storey buildings, the latter of which have been limited. In my view the positioning of the three storey structures at key locations within the proposed built area would add visual interest and has the potential to create interesting streetscapes and points of identity. The overall scale of the three storey structures is also appropriate to the development and could be considered a form of visual linkage between for example the relatively low density, predominantly single storey properties to the east in Craig na Gower Avenue, and many of the larger, commercial scale structures within the Aviemore Highland Resort to the south.

Roads Issues

63. Reference has been made in paragraph 37 of this report to the consultation response from the Highland Council's Area Roads and Community Works division. The proposal is generally acceptable from a roads perspective subject to the conditions set down. However, since the submission of this application in 2005, a major obstacle to its progression (and also the progression of a proposal for a supermarket on neighbouring land, which is the subject of a current application before the CNPA) has been the requirement to see moves towards a link road being built through the Aviemore Highland Resort from its southern entrance to the Northern Link Road. A detailed transport assessment was recently submitted in connection with the application for the supermarket in an attempt to demonstrate that the level of traffic involved in the supermarket and housing proposal does not, on its own, justify the provision of a road through the resort at this stage. However, in recent days the Area Roads Manager has expressed concern about the detail of that transport assessment, which has shaped the opinion as expressed in the consultation response, whereby the view is being maintained that the road should be provided prior to the commencement of development of the housing proposal (and also before the supermarket could trade). If this is the case then the requirements of the original Section 75 Agreement on the outline by Highland Council would stand and this housing proposal could not commence until the road is provided.
64. At the time of writing this report this is an issue that is again under review by the Area Roads Manager at Highland Council. Investigation is underway to assess whether or not the this housing proposal, as well as the supermarket on neighbouring lands could be allowed some leeway for opening/occupation without the need for the immediate provision of a link road. Should the terms of the original agreement be changed then there may be a need for a revised, or new Section 75 Planning Agreement to which the CNPA would be signatories and any further comments from Highland Council Area Roads Manager will be reported at the meeting.

Flooding Issues

65. The concerns regarding flooding have been detailed in foregoing sections of this report and at the time of writing this report SEPA continue to maintain an objection to the development proposal on the grounds that "it may place buildings and persons at risk of flooding contrary to the provisions of national planning policy guidance and advice." The indication from SEPA at the present time is that additional information is required. In order to address the concerns of SEPA, it may be necessary to modify the currently proposed layout. Notwithstanding the earlier sections of this appraisal which accept the principle of the development and generally endorse the layout and design of the proposal, it remains necessary to have regard to the fact that flood risk is a material consideration in determining any planning application, and also to acknowledge that it is clearly a point of concern

in the area, as expressed in the various letters of objection. In light of this being a significant unresolved issue, the only recommendation which I consider it appropriate to make in relation to this application at this time is that consideration of the application should be deferred in order to allow the flooding issues to be explored to the satisfaction of SEPA. I consider that such an approach is entirely consistent with national guidance as expressed in **SPP7 Planning and Flooding** which advises developers and planning authorities to “deal very seriously with flooding, to take an informed approach to decision making and to err on the side of caution where flood risk is an issue.”

IMPLICATIONS FOR THE AIMS OF THE NATIONAL PARK

Conserve and Enhance the Natural and Cultural Heritage of the Area

66. The proposal, although resulting in a substantial residential development on previously undeveloped land, has been designed to safeguard the woodland character of the western area of the site and continues to allow for the retention of significant areas of open space. It would therefore assist in conserving the natural heritage of the site. In addition the proposal involves additional planting proposals, much of which are native species, which would have the potential to enhance the natural heritage of the area. The development is also not considered to have any significant effect on the adjacent Special Area of Conservation subject to compliance with a number of conditions set out by Scottish Natural Heritage.

Promote Sustainable Use of Natural Resources

67. No definitive detail has been provided on the sourcing of materials for the proposed dwelling houses although supporting information indicates that the timber for the proposed cladding would be locally sourced where possible.

Promote Understanding and Enjoyment of the Area

68. The proposed residential development is 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, makes provision for a system of pathways, linked to the Aviemore Orbital Path, 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

69. The proposed development includes a component of affordable housing and a Housing Association have expressed their commitment to managing this aspect of the proposal. In addition the proposed development includes a wide variety of unit types and sizes, which could potentially encourage a broad demographic mix of inhabitants.

The development could therefore be viewed as having positive implications for the social development of the area.

RECOMMENDATION

That Members of the Committee support a recommendation : - defer a decision on this application for Approval of Reserved Matters for the construction of 140 dwelling houses and infrastructure and landscaping on land to the north of Aviemore Highland Resort, Aviemore, Inverness-shire and seek further information on the following points - .

- 1. Information with regard to potential flood risk to allow SEPA to remove their objection.**
- 2. Further comments from Area Roads and Community Works Manager in relation to the requirement of a distributor road through the Resort.**

Determination Background :

This application was called in by the Cairngorms National Park Authority on 15th July 2005. A period of consultation ensued and further to receipt of consultation responses and an assessment of the proposal, it was necessary to request additional information on a number of points, as well as some amendments to the originally proposed layout and design concept. The amendments to the layout and designs were progressed through a series of meetings involving the applicants, agent and CNPA officials at various stages in 2006. Issues regarding the potential provision of a distributor road through the Aviemore Highland Resort remained unresolved and there is still uncertainty on this matter at the present time. In addition the issue of flooding remains unresolved at the present time.

**Mary Grier
6 December 2007**

planning@cairngorms.co.uk

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.