
CAIRNGORMS NATIONAL PARK AUTHORITY

Title: REPORT ON CALLED-IN PLANNING APPLICATION

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(DEVELOPMENT MANAGEMENT)

DEVELOPMENT PROPOSED: FULL PERMISSION FOR THE ERECTION OF 21 HOUSES, ASSOCIATED INFRASTRUCTURE AND LANDSCAPING ON LAND ON THE NORTH SIDE OF AVIEMORE HIGHLAND RESORT.

REFERENCE: 05/304/CP

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

DATE CALLED-IN: 15TH JULY 2005

RECOMMENDATION : DEFER

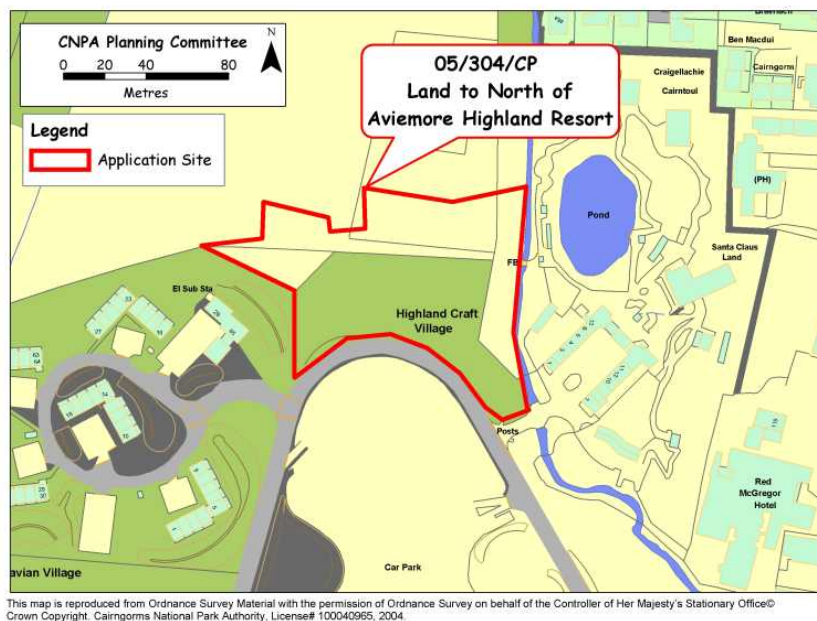


Fig. 1 - Location Plan

SITE DESCRIPTION AND PROPOSAL

1. Full permission is sought in this application for the erection of 21 houses, associated infrastructure and landscaping. The subject site is located on land to the north of Aviemore Highland Resort. The site is bounded to the west by the Scandinavian Timeshare Village and to the north by a large area of open ground which is the subject of a current application by the same applicants (Tulloch Homes (Aviemore) Ltd., in which permission is being sought for approval of reserved matters for 140 dwelling units – CNPA planning ref. no. 05/306/CP refers). The eastern boundary of the subject site is formed by the Aviemore Burn with a partially cleared area beyond that being the site of a proposed supermarket (CNPA planning ref. no. 04/120/CP refers). The southern boundary of the site is formed by the existing internal access road through the Aviemore Highland Resort (AHR) with a large area of hard surfacing beyond that which is described on site plans as a ‘temporary car park.’ Much of the subject site is currently dominated by the temporary presence of mounded earth and spoil heaps which were transferred to the land following clearance of other sites in the vicinity.



Fig. 2 : Proposed site - looking westwards (Scandinavian Timeshare Village visible to left)



Fig. 3 : Western area of proposed site (looking west towards A9)

2. Permission is sought for 21 dwelling units, consisting of a mix of detached and semi detached dwelling houses, together with flats arranged on upper and ground floors within groups of two storey terraced properties. The dwelling houses are separated from the apartment units by the main access road running through the site in a

relatively central position. The road is proposed to continue northwards to provide access to the aforementioned 140 unit application site adjacent. The currently proposed development essentially forms the entrance to a larger housing development, and the overall design concept and layout has been devised to complement and indeed echo the characteristics of the larger scheme, ultimately having the potential to appear as one integrated development.

- Of the 21 units proposed, five dwelling houses are proposed on the western side of the central access road, and consist of 3 detached properties (house type B) with the two remaining dwellings in a semi detached form (type C). Type B properties are 1 ½ storey three bedroom dwellings, with an integrated garage. The exterior has a predominantly roughcast render finish, with vertical timber cladding used for detailing purposes. A narrow basecourse of stonework is also incorporated. The proposed roof finish consists of dark grey concrete tiles. The external finish of the Type C semi detached dwellings is similar, although timber cladding is proposed in a green finish, as opposed to the natural colour of Type B. Internally, the dwelling houses accommodate a three bedroom layout. A belt of planting is proposed along the western boundary of this area of the site i.e between the rear garden boundary of the properties and the actual site boundary. At its narrowest point the proposed planted area extends to a width of approximately 5 metres, and at some locations the proposed area of planting ranges in width between 15 and 20 metres.



Fig. 4 : House Type B - 3 bedroom detached

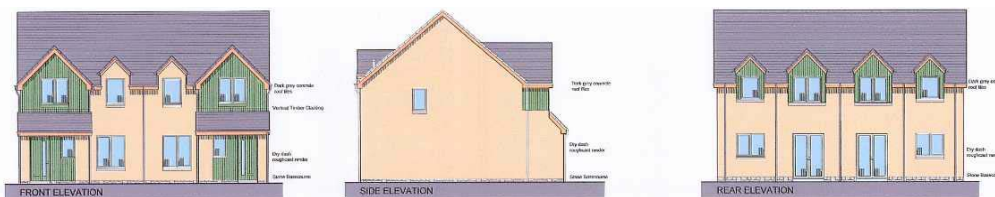


Fig. 5 : House Type C – 3 bedroom semi detached

- On the eastern side of the access road, the remaining 16 housing units are proposed in two blocks, arranged either side of a centrally positioned communal car parking area, which includes parking provision for twenty four vehicles. Units 6 – 11 are accommodated in the western most block, which consists of three adjoining type N structures. Each of the Type N structures are two storey and contain an individual two bedroom flat on each of the ground and upper floors. Independent access is provided to each of the units, with the ground floor area accessed from a centrally positioned door in the front

elevation. The upper floor apartment is accessed from a door in a projecting porch in the front elevation, which leads directly to the flight of stairs giving access to the upper floor. Exterior finishes consist of roughcast render, with timber cladding used for detailing purposes, together with a stone basecourse. Visual interest is added to the rear elevation, which has maximum visibility from the access road, by the use of blue stained timber cladding on central panels surrounding some of the windows and also an increase in the depth of the stone basecourse, where it is extended from the standard 0.2 metres used in the front elevation to a depth of 1 metre.

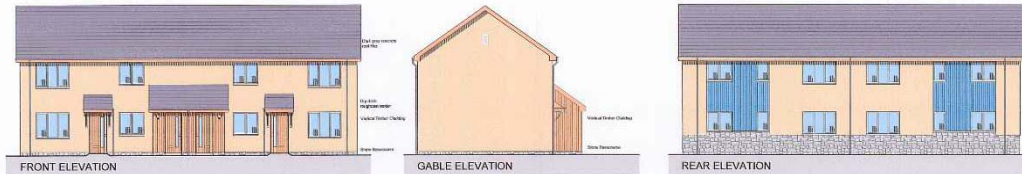


Fig. 6 : Type N – 2 bedroom flats / apartment units

- The remaining units (no's 12 – 21) are positioned to the south east of the communal car parking area and the overall block comprises of 2 Type N structures, a centrally placed Type O structure and a further Type N structure at the end of the block. The corner positioned Type O structure is a two storey design, incorporating a slightly projecting gabled section in the centre of the rear elevation. The outer elements of the Type O structure are angled to create the corner effect, essentially acting as a pivot point for the entire block. A similar combination of external finishes (render, timber cladding and stone basecourse) is also used in this structure, with timber detailing in blue. The Type O structure accommodates a total of four apartments, each comprising of two bedrooms, bathroom, lounge and separate kitchen area. Two units are proposed at ground floor level and the remaining two at upper floor level, with all units having independent access.

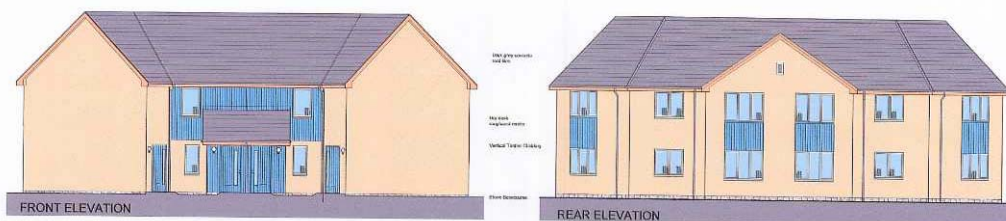


Fig. 7 : Type O – 2 bedroom flats / apartment units

- Each of the two blocks either side of the communal car parking area are surrounded by areas of communal open space. To the front of the units, pathways lead directly from the car parking area to each individual door. A play area is proposed in the north eastern corner of the overall site area. The site layout plan identifies significant areas of planting adjacent to the AHR internal road / northern link road adjacent to the southern boundary and also along much of the eastern boundary adjacent to the Aviemore burn. A walkway is also proposed to run close to the eastern boundary and extend into the adjacent site, from

where it would ultimately allow for linkages into the existing network of pathways in the Milton Wood area and beyond that to connect with the Aviemore Orbital footpath.



Fig. 8 : Layout of proposed site (edged red)

7. It is proposed to connect the development to the public sewer network and public water supply, with surface water being dealt with by the use of surface water drainage systems (SUDS). Supporting information indicates that surface finishes will be varied, particularly between parking areas and running surfaces. Absorbent block pavements are proposed for use in the parking areas. 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.
8. A total of 6 units have been identified for affordable housing provision. The units identified for this purpose are numbers 6 – 11, all of which are located within a two storey terraced block. Car parking provision is in a communal form at the front of the properties. The indication at the present time is that Cairn Housing Association will be involved in the delivery of affordable housing.

9. The subject site formed part of the lands within the Aviemore Highland Resort on which outline permission for a masterplan permission was granted some years ago. The indicative uses identified for the subject site deviated from the land use allocations of the Badenoch and Strathspey Local Plan (1997) showing car parking provision and a hospitality and residential complex in place of the amenity woodland and recreation / open space allocations of the Plan. The deviation to allow development in this area was apparently accepted due to the fact that provision was made elsewhere within the masterplan area for the equivalent open space provision. A similar situation prevails at the present time in that an application is currently under consideration by the Cairngorms National Park Authority, in which outline permission is being sought for a mixed use development including retail, leisure, commercial, business/office, holiday lodges and residential (CNPA planning ref. no. 07/445/CP refers), which includes provision for a village green and other elements of open space at alternative locations within Aviemore Highland Resort lands.

DEVELOPMENT PLAN CONTEXT

National Planning Policy

10. 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.
11. **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 states 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.
12. **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

risked involved into account in determining planning applications. Developers are also expected to take responsibility by “undertaking flood risk assessments and drainage assessments where required” and “implementing agreed measures to deal with flood risk.”

13. 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.
14. 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.”
15. 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.”
16. **NPPG 14** also deals with wider natural heritage issues, outwith statutory designations, and stresses that natural heritage is found throughout the countryside, and advises 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.
17. **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,¹ public parks and gardens, green corridors and natural / semi natural greenspaces.²

18. **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.
19. 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.
20. **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.
21. 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. It is suggested that ‘home zones’³ have the potential to form a key element in many residential layouts.

¹ 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.

² 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.

³ 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.

Highland Structure Plan (2001)

22. **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.”
23. **Policy G2 (Design for Sustainability)** states that developments will be assessed in 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)

24. The Badenoch and Strathspey Local Plan (1997) details the land use allocations applicable to this site. The portion of the western area of the site, closest to the ‘Scandinavian Holiday village,’ is allocated as ‘amenity woodland,’ which links with other tracts of similarly zoned land to the north. Section 6.5.1 of the Plan provides details of the background to the amenity woodland allocation, stating that the main objective in such areas 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.” This section of the Plan also details the fact that Highland Council have placed a Tree Preservation Order on the entirety of the lands in the Centre lands (i.e. lands now included within the Aviemore Highland Resort).
25. Much of the remainder of the site is allocated in the 1997 Local Plan for ‘Recreation / Open Space.’ According to the Plan this area was intended to form part of a linear park / walkway and open space corridor by the burn. A small area of the site is also identified for ‘Commerce / Tourism’ purposes.

Cairngorms National Park Plan (2007)

26. 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.

27. 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.
28. 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

29. **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.
30. **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.”

31. 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 will have porous block paving. The response from **SEPA** stated that the proposal was acceptable in terms of water quality and it provides the required level of treatment for surface water run-off from the residential development.
32. **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 includes 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.
33. Notwithstanding the above detailed consultation responses from **SEPA**⁴, the most recent consultation response has raised issues in relation to flooding potential. Further to this response 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.
34. **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

⁴ Received in October and December 2005.

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.

35. A consultation response from **Aviemore and Vicinity Community Council** makes a number of points in relation to both the current application and the associated application for 140 units on the adjacent lands. Concern is expressed about the proposed flood prevention measures and the effect that such measures will have on the houses in Craig-na-Gower Avenue, as well as concern over pollution into the burn. The Community Council state that they are “reasonably happy with the density and the designs of the dwellings”. The consultation response also notes that an all abilities footpath will be linked to the orbital footpath. Some concern is expressed about the maintenance of the footpaths and it is queried whether or not responsibility will be “passed to the owners or to Highland Council”. A similar question of maintenance responsibility is raised in relation to the grass areas.
36. 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 landowner (Aviemore Highland Resort) to carry out works stipulated in a Section 75 legal agreement relating to the previously granted outline permission for a masterplan approval through Aviemore Highland Resort lands. The 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.
37. Other conditions of a more standard nature, which are 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.

38. 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 however 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.
39. 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. The Housing Officer notes that a total of 33 units are proposed for affordable housing purposes over the combined area of this site and the adjacent site to the north which is the subject of a current application for the approval of reserved matters for 140 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.
40. The CNPA’s **Visitor Services and Recreation Group** examined the development proposal and their assessment is in the context of the relationship of the proposal to the larger residential proposal on adjoining land. The comments in relation to the overall area refer to it being well used by Aviemore residents and criss crossed with a number of desire line paths. The response from VSRG noted that the plan identifies the provision of a path through the eastern area of the site, which links with other proposed paths circulating the proposed development, with points linking inwards towards the proposed houses. 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.
41. The CNPA’s **Natural Heritage Group** has assessed the proposal from the perspectives of landscape and ecology and similar to the comments from the **Visitor Services and Recreation Group** have considered the development proposal in the wider context of its relationship with the proposal for 140 dwelling units on the adjoining land. The consultation response 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 of the site and adjacent land (i.e. which is the subject of the aforementioned planning application for 140 housing units) will be retained, for example the open space provision and pedestrian movement. **NHG** specifically comment in relation to he

subject site that it has been degraded by tipped material and this situation would be improved as a result of the proposed development.

REPRESENTATIONS

42. A number of representations have been received in respect of the proposed development. Montague Evans, Chartered Surveyors have made a submission on behalf of their clients, the Scandinavian Village Limited. The main point of concern “centres around the lack of structural landscaping between the existing boundary of the Scandinavian Village and the proposed development site.” It is stated that Scandinavian Village do not object to the principle of this development but are keen to ensure that an appropriate level of landscaping is maintained, separating the new residential development from the established time-share village. Reference is made to previous masterplans indicating “structure planting including trees / screening landscaping of between 20 and 30 metres around the Scandinavian Village boundary and future buildings. It is suggested in the event of consideration being given to the granting of planning permission for the proposed development that conditions are imposed requiring the creation of suitable landscaping early in the life of the development, in order to allow trees and shrubs to mature. It is also suggested that conditions are imposed requiring the provision of adequate fencing along the mutual boundary, “in order to discourage unauthorised access” onto the lands of the Scandinavian Village.
43. A letter of representation from June and Paul Masson of Craig-na-Gower Avenue raises an objection in respect of the overall development proposals by Tulloch Homes in this area i.e. the current application for 21 dwellings and also the application for 140 units (CNPA planning ref. no. 05/306/CP). It is suggested in the submission that the 161 dwellings proposed are “too many for the space available.” Other concerns include the disturbance, noise and dust generation likely for a considerable time during construction; the effects of construction on the water levels in the burn; issues of privacy from walkers along the perimeter path; loss of vegetation on the field side of the burn; and the loss of a safe recreation green space within walking distance. The submission letter is also accompanied by a photo showing a view of flooding of the Milton Burn and the Horsefield in early Spring, as viewed from the objectors property on Craig na Gower Avenue.
44. The letter of representation from Cristal Grant, also of Craig-na-Gower Avenue, makes reference to both the application on the subject site and also the application for approval of reserved matters for 140 dwelling units on the adjoining land. Comments relevant to the subject site include a query as to why the housing could not be in “keeping with the style of the Scandinavian Village”. In addition detached or semi detached bungalows are also suggested so that “the whole development would blend in and help to be an attractive holiday resort.”

45. A submission from Sam and Bronwyn Crymble of Craig-na-Gower Avenue appears to relate primarily to the application for 140 dwellings units on adjacent land and indeed the same objection letter has been submitted in relation to that application. The points raised include reference to a number of inaccuracies on the site map, specifically where “properties in Craig na Gower Avenue and their boundaries are not shown in their entirety and several of the numbers displayed are incorrect”; the building of three storey blocks on the site would not be in keeping with other residential buildings in the area and “will cause an eyesore to this blighted development”; and the view is expressed that the proposal to build so many houses on this plot “is wrong and will destroy the environment.” Significant concern is also expressed in relation to flooding risks. The authors of the letter state that they have severe reservations about the base data used for rainfall projections and also the projected figures for percolation, run-off and anticipated depth of flooding. The objectors detail their own personal experiences in the 15 years that they have lived in their property, stating that the highest risk of flooding occurs in Spring when a rise in temperature, coupled with rainfall causes a rapid thaw and consequent run-off. It is stated that this in conjunction with the frozen ground limiting the amount of absorption of surface water has led to much greater depths of water on the site than indicated.

APPRAISAL

Principle

46. Foregoing sections of this report have referred to a variety of land use allocations on this site, primarily ‘amenity woodland’ and ‘recreation / open space,’ as detailed in the Badenoch and Strathspey Local Plan (1997). However, as also detailed, previous outline permissions granted on this land as part of a masterplan approval for the overall Aviemore Highland Resort accepted the principle of development on the site. In terms of the current application, I feel that it is necessary to take into account a number of factors in considering the principle of the proposed housing development on this land - (i) the acceptance of development on this land contrary to the land use allocations identified in the 1997 Local Plan, as per the outline permission for masterplan approval in 2003; (ii) the fact that the site at present does not contain any woodland element which would render it ‘amenity woodland’ nor is it being used or indeed capable of use for recreational purposes at the present time due to its existing condition which includes unsightly spoil heaps and also in practical terms due to its limited size; (iii) its relationship to other land in the vicinity, in particular the large area immediately to the north which is the subject of a current application for approval of reserved matters for 140 houses; (iv) the site location in the context of the currently proposed new masterplan for the Aviemore Highland Resort, which is also under consideration at the present time by the CNPA; and (v) the proposed layout which makes provision for open space and recreation opportunities on the site and also providing linkages to similar opportunities on neighbouring land.

47. As detailed in paragraph 2 of this report the currently proposed development is intended to form the entrance to a larger housing development, and the overall design concept and layout has been devised to complement and echo the characteristics of the larger scheme proposed on adjacent land, and ultimately appear as one integrated development. Given that the principle of the larger development of 140 houses on the adjacent land has already been established through the granting of outline planning permission (which included an indicative layout identifying the access route through the subject site) it is difficult to envisage how any real benefits could be achieved in insisting that this small parcel of land, on the edge of a larger housing development and with an access road potentially running through it, remain undeveloped in an attempt to maintain adherence to an out of date land use allocation, where that allocation has not been upheld in previous planning decisions relating to this land.
48. In accepting the principle of the proposed development of 21 dwelling units on this land, the pattern of development would be consistent with proposals for the adjacent land to the north, and would also be consistent with the pattern of existing development on adjacent land to the west in the Scandinavian Timeshare Village. In the case of the current proposal, there are many similarities in layout to the Scandinavian Timeshare Village. For example, the majority of the proposed properties are set back from the existing main access road through Aviemore Highland Resort, to allow for green areas and landscaping to be created as a visual enhancement of the area.
49. The proposed layout makes provision for relatively large areas of open space provision in the eastern area of the site, adjacent to the Milton Burn. The provision of a new walkway is also identified in this area, which would link with other paths proposed on the adjacent larger housing site. The overall proposed system of paths would allow for connections to the existing path network through Milton Wood and beyond to the Aviemore Orbital Path. The combination of open space and pathways on the subject site, particularly when considered in the context of their relationship with the proposed similar development in the wider area, would continue to allow for open space provision and recreational opportunities, whilst also accommodating the twenty one proposed dwelling units. Having regard to all of the foregoing factors, it is my view that the principle of residential development, of the scale and layout currently proposed, is acceptable.

Roads Issues

50. Reference has been made in paragraph 36 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.

51. 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

52. 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

53. Having regard to the present condition of the site on which the development is proposed, which has been degraded by the tipping of excavated material from elsewhere, the development represents an opportunity to enhance the present condition of the site.

Promote Sustainable Use of Natural Resources

54. No definitive detail has been provided on the sourcing of materials for the proposed dwelling houses although the intention has been expressed that the timber for the proposed cladding would be locally sourced where possible.

Promote Understanding and Enjoyment of the Area

55. 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, does make provision for a path close to the Milton burn, which would link with other proposed paths and ultimately link with the Aviemore Orbital Path. This 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

56. 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 mix 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 Full Permission for the erection of 21 houses, associated infrastructure and landscaping on land on the north side 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.

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6 December 2007

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