

CAIRNGORMS NATIONAL PARK AUTHORITY

DEVELOPMENT PROPOSED:

Re-location of sewer pumping station at Land north-west Of Dalfaber Farm
Dalfaber Drive Aviemore Highland

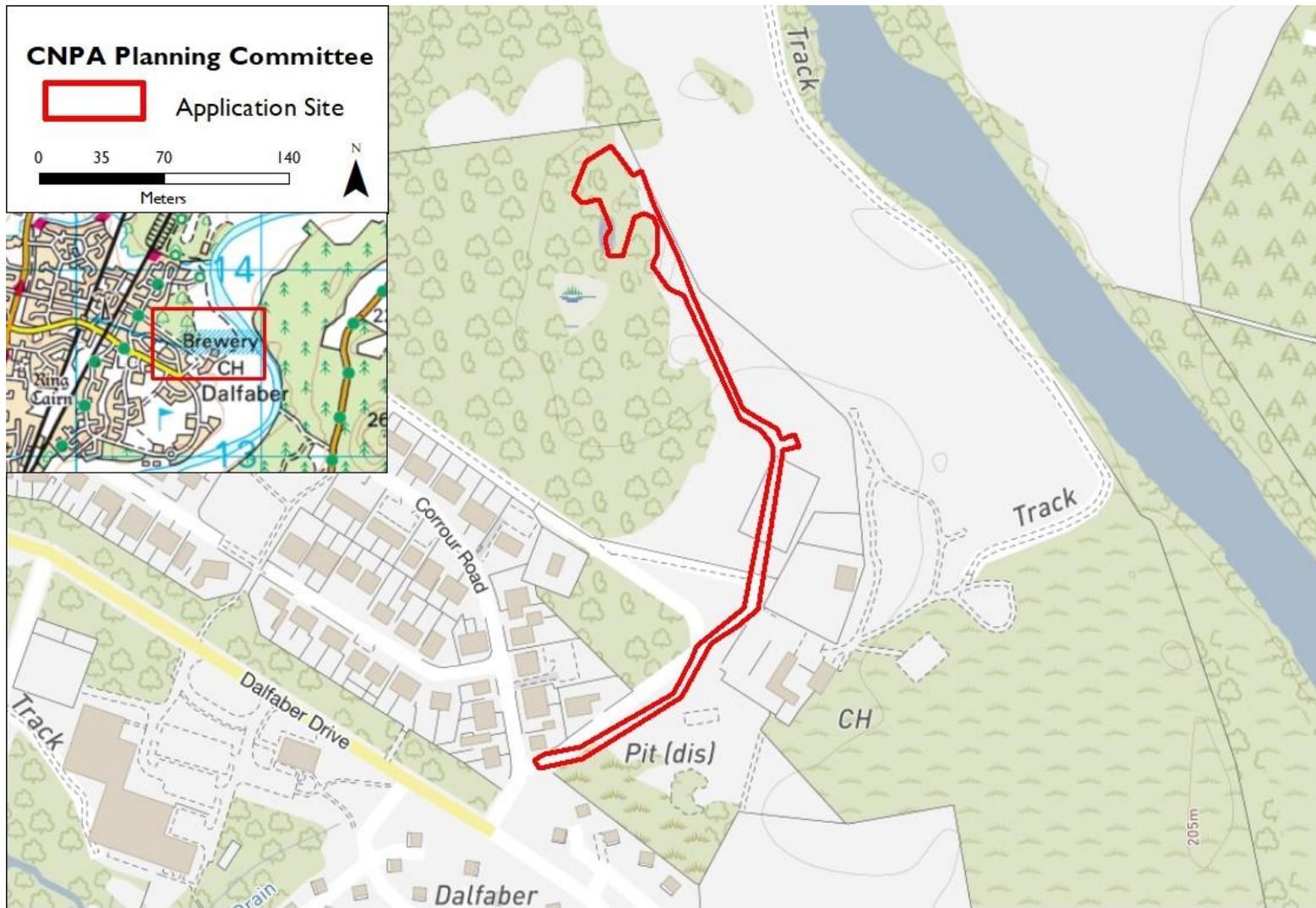
REFERENCE: 2022/0167/DET

APPLICANT: Mr Martin Forbes, Scotia Homes Ltd

DATE CALLED-IN: 16 May 2022

RECOMMENDATION: Approve subject to conditions

CASE OFFICER: Emma Bryce - Planning Manager (Development Management)



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SITE DESCRIPTION, PROPOSAL AND HISTORY

Site Description

1. This application relates to land which lies within a site allocated for housing under H2 within the adopted Cairngorms National Park Local Development Plan 2021 and with recently implemented consents for housing development. The overall area of the site extends to 11.2 hectares and lies to the north-east of Aviemore, 350m west of the River Spey. The site is within the Cairngorm Mountain National Scenic Area.
2. The overall area of land is bounded to the north-west, west and south-west by the existing residential developments in Dalfaber. The character of these residential areas varies from detached properties set within individual plots to the north with higher density semi-detached properties, holiday lodges and 'four-plex' units to the south. The application site is undulating in nature and bounded by the golf course and open land to the east and south, which includes woodland and grassland habitats, and a wetland area.

Proposal

3. The drawings and documents associated with this application are listed below and are available on the Cairngorms National Park Authority website unless noted otherwise:

<https://www.eplanningcnpa.co.uk/online-applications/simpleSearchResults.do?action=firstPage>

Title	Drawing Number	Date on Plan*	Date Received
Plan - LOCATION PLAN	3920/K2/01-002C	08/03/22	16/05/22
Plan - SITE LAYOUT	3920/K2/00-011C	08/03/22	16/05/22
Plan - SITE DRAINAGE MASTERPLAN	B7826 030	31/03/22	11/07/22
Plan - ACCESS ROAD AND SWEPT PATH	B7826 125	20/09/22	31/10/22
Plan - EARTHWORKS LAYOUT AND SECTIONS	B7826 SK220920#1	29/09/22	31/10/22
Plan - TREE PROTECTION AND FELLING	DRA-2203-PS	15/09/22	31/10/22
Plan - PLAN AND SECTION	C1743 001-01	30/06/21	19/08/22
Plan - KIOSK AND PLINTH DETAIL	C1743 001-03	30/06/22	19/08/22
Other - CONSTRUCTION METHOD STATEMENT	DRA - 2209-PSC	19/09/22	31/10/22

*Where no specific day of month has been provided on the plan, the system defaults to the 1st of the month.

4. It is proposed to re-locate a sewer pumping station, which will serve a previously approved residential development, to alternative location within the development site.

The proposal is for the formation of a grass mound which will provide a base for a concrete platform. This will accommodate a brown equipment kiosk measuring 3.1m (length) x 0.76m (width) x 1.7m (height), a service vehicle parking bay and access to below ground apparatus. A vehicle turning area adjacent to this is also proposed which will be finished in a cellular paving system to allow grass to grow through. It is proposed to plant nineteen new trees in the immediate vicinity of the pumping station.

History

5. There has been an extensive history relating to housing development on this site, as follows:

Application reference	Details	Outcome
05/101/CP	Development of 101 serviced house plots with associated roads, access points, services and landscaping (outline) at Dalfaber North, Aviemore	Refused on 16 November 2006. Approval was granted on appeal (reference P/PPA/01/8) for up to 104 houses in total.
07/144/CP	Development of 20 serviced plots at Land North West of Dalfaber Farm, Dalfaber Drive, Aviemore.	Approved by Planning Committee subject to a legal agreement; this was never signed. Applicant appealed against non-determination. Appeal allowed on 11 March 2010 (reference PPA-001- 2000)
07/145/CP	Development of 104 houses at Land North West and South of Former Steadings, Dalfaber Farm, Dalfaber, Aviemore	Approved by Planning Committee subject to a legal agreement; this was never signed. Applicant appealed against non-determination. Appeal allowed on 11 March 2010 (reference PPA-001-2001).
10/028/CP	Section 42 application to extend time limit for approval of matters specified in condition permission P/PPA/01/8 (05/101/CP) at Land North West of Dalfaber Farm, Dalfaber Drive, Aviemore	Application withdrawn 25 March 2010
10/063/CP	Reserved matters application for 85 serviced plots P/PPA/01/8 (05/101/CP) at Land North West of Dalfaber Farm, Dalfaber Drive, Aviemore	Application withdrawn 25 March 2010.
2013/0073/MSC	Approval of Matters Specified in Conditions of Planning Permission in Principle 07/144/CP at Land to the	Application refused on legal grounds at Planning Committee on 19 February 2015. Appeal allowed on 21

	North West of Dalfaber Farm House, Aviemore	March 2016 (reference PPA-001-2016)
2013/0074/MSC	Approval of Matters Specified in Conditions of Planning Permission in Principle - 07/0145/CP at Land North West and South of Former Steadings Dalfaber Farm, Dalfaber Drive, Aviemore.	Application refused on legal grounds at Planning Committee on 19 February 2015. Appeal allowed on 21 March 2016 (reference PPA-001-2017)
2014/0397/DET	Application under Section 42 to vary to conditions 1, 11, 12 and 21 on permission ref PPA/001/200(07/93/OUTBS (07/144/CP)) at Land North West of Dalfaber Farm, Dalfaber Drive, Aviemore.	Not called in by CNPA. Applicant appealed against non-determination by Highland Council. Appeal allowed on 21 March 2016 (reference PPA-270- 2127).
2014/0399/DET	Application under Section 42 to vary conditions 1, 12, 13 and 22 of consent PPA/001/2001 (07/94/OUTBS (07/0145/CP)) at Land North West and South of Former Steadings, Dalfaber Farm, Dalfaber Drive, Aviemore	Not called in by CNPA. Applicant appealed against non-determination by Highland Council. Appeal allowed on 21 March 2016 (reference PPA-270-2126).
2017/0463/DET	Application to satisfy Condition 2b of planning permissions PPA-001-2016 and PPA-001-2017 for 75 residential units at Land North West of Dalfaber Farm, Dalfaber Drive, Aviemore.	Application withdrawn 9 May 2018.
2018/0183/MSC	Application to satisfy the conditions of Planning Permission PPA-270-2127 for residential units at land to the South of Dalfaber Farm at Land South Of Dalfaber Farm Dalfaber Drive, Aviemore	Application approved.
2018/0184/MSC	Application to satisfy the conditions of Planning Permission PPA-270 – 2126 for residential units located at Land North West of Dalfaber Farm, Dalfaber Drive, Aviemore.	Application approved.
2019/0040/MSC	Application to install half barriers to Dalfaber level crossing, in accordance with Condition 20(c) of 07/0093/OUTBS	Application approved.
2019/0041/MSC	Application to install half barriers at Dalfaber level crossing, in accordance with Condition 21(c) of 07/00094/OUTBS	Application approved.
2019/0011/MSC	Application for allocation of affordable housing units, in accordance with Condition 21 of 07/00093/OUTBS, in conjunction with application reference 18/06859/MSC.	Application approved.

2019/0042/MSC	Application for allocation of affordable housing units, in accordance with Condition 22 of 07/00094/OUTBS, in conjunction with application reference 18/05857/MSC.	Application approved.
2019/0012/MSC	Application for the restoration of a dwelling house in accordance with Condition 23 of 07/00094/OUTBS (as amended by 14/03675/S420	Application approved.
2021/0307/DET	Erection of 9 houses, garages, re-alignment of road and landscaping	Application approved
2021/0390/DET	Demolition of derelict farmhouse and erection of single dwelling house at Dalfaber Farm,	Application approved

Habitats Regulations Appraisal

6. A Habitats Regulations Appraisal (HRA) has been undertaken (18/05/22) to consider the effects of the proposal upon the conservation objectives of the River Spey Special Area of Conservation (SAC). The full appraisal is attached at **Appendix 2**.

7. The Habitat Regulations Appraisal concluded that the proposed development at Dalfaber is unlikely to have a significant effect on the protected sites at the River Spey SAC. In this instance, the qualifying interests are freshwater pearl mussel, sea lamprey, Atlantic salmon,. The River Spey SAC is located across the Spey Valley Golf Course, with no direct water course connectivity. Due to the intervening golf course and topography, there are no indirect effects likely from the proposed development, and associated infrastructure. Therefore, there are no effects on habitats and supporting processes of the qualifying interests.

DEVELOPMENT PLAN CONTEXT

Policies

National Policy	Scottish Planning Policy 2014	
Strategic Policy	Cairngorms National Park Partnership Plan 2022 - 2027	
Local Plan Policy	Cairngorms National Park Local Development Plan (2021) Those policies relevant to the assessment of this application are marked with a cross	
POLICY 1	NEW HOUSING DEVELOPMENT	
POLICY 2	SUPPORTING ECONOMIC GROWTH	
POLICY 3	DESIGN AND PLACEMAKING	X
POLICY 4	NATURAL HERITAGE	X
POLICY 5	LANDSCAPE	X
POLICY 6	THE SITING AND DESIGN OF DIGITAL COMMUNICATIONS EQUIPMENT	
POLICY 7	RENEWABLE ENERGY	
POLICY 8	OPEN SPACE, SPORT AND RECREATION	
POLICY 9	CULTURAL HERITAGE	

POLICY 10	RESOURCES	X
POLICY 11	DEVELOPER OBLIGATIONS	

8. All new development proposals require to be assessed in relation to policies contained in the adopted Local Development Plan. The full wording of policies can be found at:

<https://cairngorms.co.uk/wp-content/uploads/2021/03/CNPA-LDP-2021-web.pdf>

Planning Guidance

9. Supplementary guidance also forms part of the Local Development Plan and provides more details about how to comply with the policies. Guidance that is relevant to this application is marked with a cross.

Policy 1	New Housing Development Non-Statutory Guidance (2015)	
Policy 2	Supporting Economic Growth Non-Statutory Guidance	
Policy 3	Design and Placemaking Non-Statutory Guidance	X
Policy 4	Natural Heritage Supplementary Guidance	X
Policy 5	Landscape Non-Statutory Guidance	X
Policy 7	Renewable Energy Supplementary Guidance	
Policy 8	Sport and Recreation Non-Statutory Guidance	
Policy 9	Cultural Heritage Non-Statutory Guidance	
Policy 10	Resources Non-Statutory Guidance	X
Policy 11	Developer Contributions Supplementary Guidance	

CONSULTATIONS

Summary of the main issues raised by consultees

10. **Scottish Water** has no objections to the proposals but suggest the applicant completes a Pre-Development Enquiry form ensuring that the development can be serviced and contacts Scottish Water regarding the proposed drainage plan. They confirm that the development would be fed from Aviemore Water Treatment Works, although capacity will have to be reviewed once permission is granted for the scheme.
11. According to existing records, the development proposals impact on existing Scottish Water assets. The applicant must identify any potential conflicts with Scottish Water assets and contact the Asset Impact Team via the Customer Portal to apply for a diversion. The applicant should be aware that any conflict with assets identified may be subject to restrictions on proximity of construction Surface water.
12. **NatureScot** has stated that the site is located approximately 110m from the River Spey Special Area of Conservation (SAC) and Site of Special Scientific Interest (SSSI), and it is unlikely that the proposed development will have a significant effect on any qualifying interests for the River Spey SAC, either directly or indirectly. Given that there is no direct link between the development site and the River Spey, further assessment is not required.

13. **Highland Council Contaminated Land Officer** has stated that there are no concerns regarding potential contamination within the proposed development site. Therefore, in this instance, a contaminated land condition is not required.
14. **Highland Council Flood Risk Management Team** has stated that the change in the location of the pumping station will make no significant negative change to any identified flood risk issues and therefore, they have no objection to the proposals.
15. **Highland Council Forestry Officer** has not made any comments on the proposed development.
16. **CNPA Landscape Officer** is satisfied that the information and detail provided with the application enabled a full assessment of the proposed development and that it has been designed and will be carried out to minimise local landscape and visual effects to an acceptable level on the National Park.
17. **CNPA Ecology Officer** has stated that the proposal will not have any significant adverse ecological impacts on the site and surrounding area. However revised tree protection measures and a design scheme for the proposed mound and its encroachment into the wetland area have been requested to form part of a Construction Method Statement.
18. As a result of a previous survey, no protected species have been found and given the small size of the site, any risk to protected species is negligible. However, protected species may migrate to the site and therefore, there is a risk of habitat disruption and disturbance for protected species during the construction and ground modelling phases. On order to eliminate any risk to protected species pre-works surveys should be carried out for badgers and bats, and Species Protection Plans implemented as required.
19. All works should take place out of the breeding bird season and if this is not possible, a pre-works survey should be carried out, and a protection plan for any nests found.
20. **Aviemore Community Council** have not made any comments on the proposed development.

REPRESENTATIONS

21. There have been no representations submitted as a result of this application.

APPRAISAL

22. The main planning considerations are considered to be the principle of development; the impact upon the landscape; environmental impacts; access and servicing.

Principle of Development

23. The principle of development on this site has already been established through the approval of planning permission in principle and the subsequent applications for matters specified in conditions for a residential development – see the relevant history detailed above. A more recent detailed application (2021/0307/DET) included the location of a pumping station and associated infrastructure to serve the wider housing development. The proposed pumping station, albeit in a slightly revised location, is therefore considered to be acceptable in terms of principle, subject to compliance with other relevant Local Development Plan policies.

Landscape Impacts

24. **Policy 5: Landscape** of the Cairngorms National Park Local Development Plan 2021 presumes against development which does not conserve and enhance the landscape character and special qualities of the National Park and in particular the setting of the proposed development. This is reinforced by **Policy 3: Design and Placemaking** which seeks to ensure that all new development is of high standard.
25. It is recognised that any development within this location is likely to result in some local adverse landscape and visual effects. The development will result in the formation of a small mound to accommodate the structure and the vehicular access and adjacent turning space. It will also involve the removal of three trees. However, the development, has been designed to ensure these effects will be kept to a minimum. Planting of an additional nineteen trees is proposed immediately adjacent to the site and are therefore considered acceptable in accordance with Policy 5: Landscape of the Cairngorms National Park Local Development Plan.

Environmental Impacts

26. **Policy 4: Natural Heritage** of the Cairngorms National Park Local Development Plan 2021 seeks to restrict development that would have adverse impacts on natural heritage interests, designated sites or protected species and where this cannot be avoided that appropriate mitigation measures are implemented. **Policy 10: Resources** of the Cairngorms National Park Local Development Plan 2021 requires that all development should avoid unacceptable detrimental impacts on the water environment and should demonstrate that any impacts can be adequately mitigated.
27. It is considered that the proposed development will not have any significant adverse ecological impacts on the site and the wider area, nor will there be any significant adverse impacts on species of conservation concern in relation to the current proposals. The development will result in the removal of three trees, however, compensatory planting will mitigate against the loss of these trees and any adverse impact on the wider woodland. The introduction of works to form the ground levelling mound will potentially damage the root protection areas of some of the existing trees and will partially encroach into the adjacent wetland area. It is therefore recommended that suitably worded condition requiring a Construction Method Statement which includes measures to protect these trees and the design of the mound to take cognisance of the wetland area and the likely impact on it.

28. The site is relatively small and although no protected species have been found, there is potential for protected species to still use the site. The proposed development will cause disturbance and potentially harm protected species' habitats. As such, it is recommended that a condition requiring pre-works surveys to be carried out for badgers and bats, and Species Protection Plans be attached to any consent granted.
29. There may also be a risk of impact to breeding birds, and, therefore, all works should take place out with the breeding birds' season. If this is not possible, a pre-works survey should be carried out, and a protection plan for any nests found.
30. Subject to the recommended conditions, it is considered the proposals will comply with Policy 4: Natural Heritage and Policy 10: Resources of the Cairngorms National Park Local Development Plan 2021.

Access and Servicing

31. **Policy 3: Design and Placemaking** of the Cairngorms National Park Local Development Plan 2021 sets out the need for new development to be satisfactorily accessed.
32. The pumping station will be accessed via the approved main spine road through the housing development site. There is sufficient space proposed for a service vehicle to access the site and manoeuvre to enable it to egress in a forward gear addressing any road safety implications in accordance with Policy 3: Design and Placemaking.

CONCLUSION

33. The development is considered to comply with all the relevant policies of the Cairngorms National Park Local Development Plan 2021. There are no material considerations which would warrant refusal. Approval is therefore recommended subject to appropriate planning conditions.

RECOMMENDATION

That Members of the Committee support a recommendation to APPROVE the Re-location of sewer pumping station at Land northwest Of Dalfaber Farm Dalfaber Drive Aviemore Highland subject to the following conditions:

Those conditions listed below in bold text are suspensive conditions, which require to be discharged prior to implementation of the development.

Conditions

- I. **No development shall commence on site until a Construction Method Statement (CMS) and programme of works has been submitted to and approved in writing by the Cairngorms National Park Authority acting as Planning Authority. The CMS shall include but not be limited to:**
 - a) **Details of tree and root protection measures (to meet BS5837);**

b) Design details of the proposed ground levelling mound;

The construction of the development shall thereafter be implemented in accordance with approved details.

Reason: To ensure that construction methods will not have an adverse impact on the landscape setting or ecological quality of the development site in accordance with Policy 4: Natural Heritage and Policy 5: Landscape of the Cairngorms National Park Local Development Plan 2021

- 2. No development shall commence on site until a survey of previously used badger sets and the surrounding area within 30m of the proposed development site, is carried out by a suitably qualified experienced surveyor following NatureScot guidance (available via <http://www.nature.scot/doc/standing-advice-planning-consultations-baders>). If evidence of badger is found, a protection plan identifying appropriate mitigation measures based on the survey results shall be submitted to and approved in writing by the Cairngorms National Park Authority acting as Planning Authority.**

Reason: To avoid adverse effects on protected species and comply with protected species legislation in accordance with Policy 4: Natural Heritage of the Cairngorms National Park Local Development Plan 2021.

- 3. No development shall commence on site until a survey of bat roost potential within all trees identified for removal is carried out by a suitably qualified experienced and licensed surveyor following NatureScot guidance (available via <http://www.nature.scot/doc/standing-advice-planning-consultations-bats>). If bat roosts are found, a protection plan identifying appropriate mitigation measures based on the survey results shall be submitted to and approved in writing by the Cairngorms National Park Authority acting as Planning Authority.**

Reason: To avoid adverse effects on protected species and comply with protected species legislation in accordance with Policy 4: Natural Heritage of the Cairngorms National Park Local Development Plan 2021.

- 4. All felling, ground preparation and construction works should take place out with the breeding bird season (March to August inclusive). If this is not possible, then a pre-start breeding bird survey must be carried out by a suitably qualified and experience ecologist to confirm that no breeding birds will be disturbed must be completed.**

Reason: To avoid harm to breeding birds, and to comply with species protection legislation, in accordance with Policy 4: Natural Heritage of the Cairngorms National Park Authority Local Development Plan 2021.

Informatives

1. The development hereby approved must commence within 3 years of the date of this decision notice. If development has not commenced within this period then this planning permission will lapse.
2. The person undertaking the development is required to give the Planning Authority prior written notification of the date which it is intended to commence the development. Attached to this decision notice is a Notice of Initiation of Development for completion and submission. Submission of this information assists the Cairngorms National Park Authority Monitoring and Enforcement Officer in monitoring active work within the area to ensure compliance with the approved details and to identify and correct any potential problems, as they arise, rather than later when it may be more difficult and more costly to rectify. Failure to give notice would constitute a breach of planning control which may result in enforcement action being taken.
3. Following completion of the development, a notification of completion shall, as soon as practicable, be given to the Planning Authority. Attached to this decision notice is a Notice of Completion of Development for completion and submission. Submission of this form will assist the Cairngorms National Park Authority Monitoring and Enforcement Officer in making a final inspection and checking compliance with the approved drawings and conditions. If the development hereby approved is to be carried out in phases, then a notice of completion should be submitted at the completion of each phase.
4. Construction work (including the loading/unloading of delivery vehicles, plant or other machinery) should not take place out with the hours of 0800 hours to 1900 hours Mondays to Fridays, 0800 hours to 1300 hours on Saturdays or at any time or Bank Holidays to minimise disturbance to residents in the area.
5. In order for Scottish Water to conduct a full appraisal of the proposals, the applicant should complete a Pre- Development Enquiry (P.D.E.) Form, and submit to Scottish Water via the customer portal, or contact Development Services.
6. In relation to conditions 2, 3 and 4, if any badger sets, bat roosts or breeding birds would be disturbed by the development, then a licence from NatureScot would be required to allow that disturbance. For more information see:
<https://www.nature.scot/professional-advice/protected-areas-and-species/licensing>.

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.