



# Committee report

## Development proposed:

Erection of 2no. houses on Plots 58 (58A and B) at 34 Farm Road, Aviemore, PH22 1AP

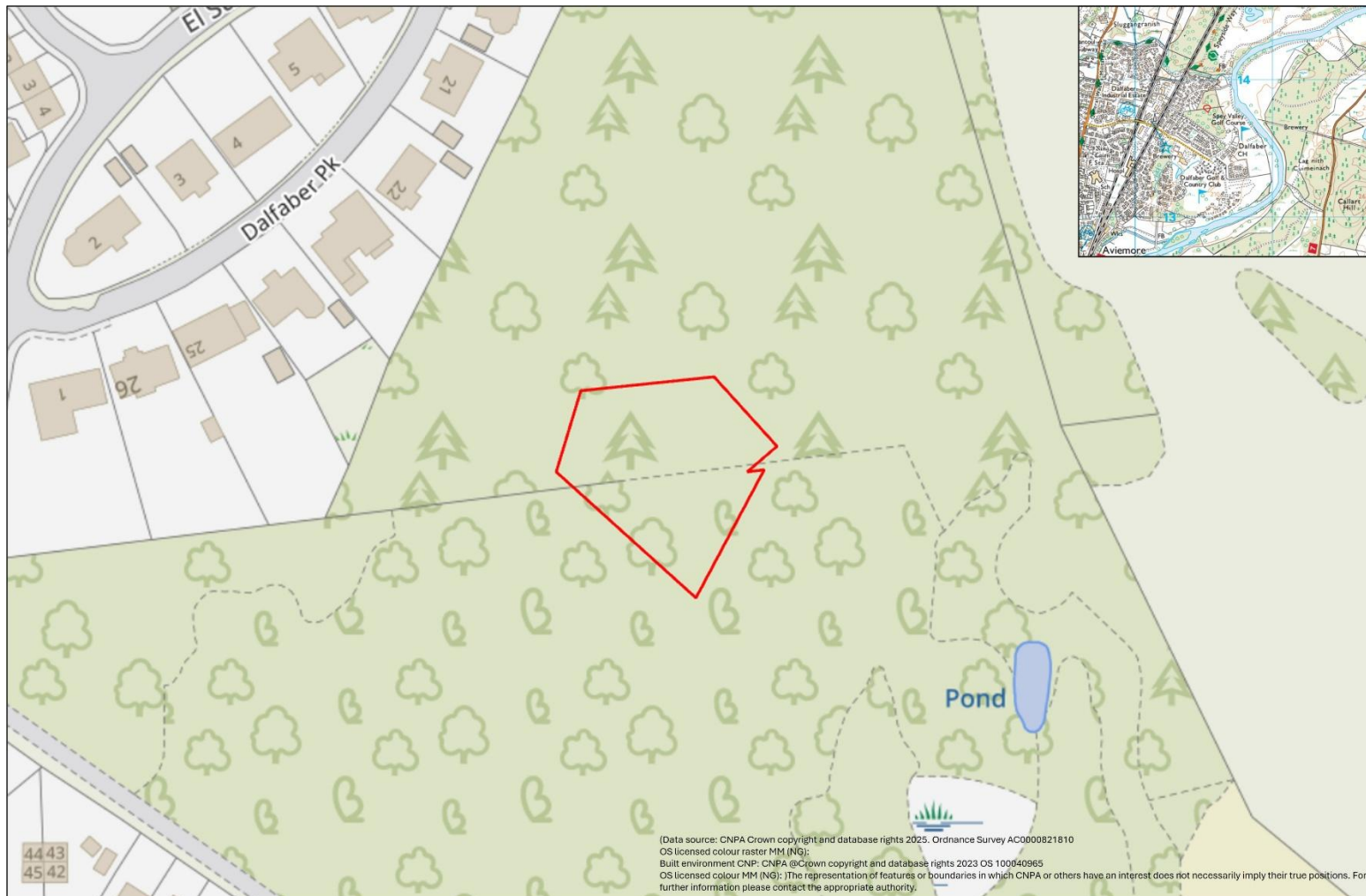
**Reference:** 2025/0083/DET

**Applicant:** Davall Developments

**Date called-in:** 08 April 2025

**Recommendation:** Approve subject to conditions and a legal agreement

**Case officer:** Colin Bryans, Senior Planning Officer



This map 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.



## Site description, proposal and history

### Site description

1. The proposal site constitutes two development plots of a wider residential development site, originally consisting of 104 dwelling houses, currently under construction. The site is located within the Aviemore settlement boundary, at the northeastern edge of the settlement.

### Proposal

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

<http://www.eplanningcnpa.co.uk/online-applications/applicationDetails.do?activeTab=summary&keyVal=S2H06USI0CP00>

Title	Drawing number	Date on plan*	Date received
Plan – Location plan	2277-90-003 Rev B	20/02/2025	14/04/2025
Plan – Site plan	2277-PL-911 Rev B	25/02/2025	14/04/2025
Plan – Proposed elevations sheet 1	AV HT133-DET LH-200-ELE- 001	25/02/2025	14/04/2025
Plan – Proposed floor plans	AV HT133-DET LH-230-01- 001	25/02/2025	14/04/2025
Plan - Proposed Elevations: Sheet 1	AV HT133-DET RH-200-ELE- 001	25/02/2025	14/04/2025
Plan – Proposed floor plans	AV HT133-DET LH-230-01- 001	25/02/2025	14/04/2025



Plan – Surface water plot drainage (5 of 5)	184 Rev G	21/02/2025	22/07/2025
Plan – Private drainage details (1 of 2)	185 Rev F	14/07/2023	22/07/2025
Plan – Private drainage details 92 of 2)	186 Rev A	12/11/2024	22/07/2025

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

3. The proposed development is for the erection of 2 no. three bedroom dwellinghouses to be located on a housing plot previously consented for the development of a single dwellinghouse (PPA-270-2127).

## History

4. There has been an extensive history relating to housing development on this site, as follows:
  - a) 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. This application was also unsuccessfully challenged at the Court of Session.
  - b) 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).
  - c) 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). Applications 07/0144/CP and 17/0145/CP combined cover the site of 05/101/CP.
  - d) 2013/0073/MSC – Approval of Matters Specified in Conditions 1 (Plans & Particulars), 4 (Landscaping Information re: Trees), 8 (Details required by Condition 1), 9 (Management and Maintenance Statement), 10 (Details



- required by Condition 1), 11 (Phasing Plan), 12 (Detailed Design Statement), 14 (Contoured Site Plan), 16 (Construction Method Statement), 17 (Management and Maintenance Statement), 19 (Programme of Archaeological Work) of Planning Permission in Principle 07/144/CP at Land to the North West of Dalfaber Farm House, Aviemore. Application refused on legal grounds at Planning Committee on 19 February 2015. Appeal allowed on 21 March 2016 (reference PPA-001-2016).
- e) 2013/0074/MSC – Approval of Matters Specified in Conditions 1(Plans & Particulars), 8 (details required by Condition 1), 9 (Management & Maintenance Statement), 10 (Details required by Condition 1), 12 (Phasing Plan), 13 (Detailed Design Statement), 15 (Site Plan), 17 (Construction Method Statement), 18 (Management and Maintenance Statement), 20 (Programme of Archaeological Work) 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).
  - f) 2014/0397/DET – Application under Section 42 to vary to conditions 1, 11, 12 and 21 on permission ref PPA-001-2000 (07/93/OUTBS (07/144/CP)) at Land North West of Dalfaber Farm, Dalfaber Drive, Aviemore. Not called in on legal grounds and dealt with by the Highland Council. Applicant appealed against non-determination. Appeal allowed on 21 March 2016 (reference PPA-270-2127).
  - g) 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 on legal grounds and dealt with by the Highland Council. Applicant appealed against non-determination. Appeal allowed on 21 March 2016 (reference PPA-270-2126).
  - h) 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. Application granted 15 November 2018.



## Habitats regulations appraisal

5. It is not considered that the proposed development is likely to have a significant impact upon a designated European Site. As such, a Habitats Regulations Appraisal (HRA) is not required in this case.

## Development plan context

### Policies

National policy	National Planning Framework 4 (NPF4) Scotland 2045	
	Policies relevant to this application are marked with a cross (x)	
Policy 1	Tackling the climate and nature crises	X
Policy 2	Climate mitigation and adaptation	
Policy 3	Biodiversity	X
Policy 4	Natural places	
Policy 5	Soils	
Policy 6	Forestry, woodland and trees	
Policy 7	Historic assets and places	
Policy 8	Green belts	
Policy 9	Brownfield, vacant and derelict land, and empty buildings	
Policy 11	Energy	
Policy 12	Zero waste	
Policy 13	Sustainable transport	
Policy 14	Design, quality and place	X
Policy 15	Local living and 20 minute neighbourhoods	
Policy 16	Quality homes	X
Policy 17	Rural homes	
Policy 18	Infrastructure first	
Policy 19	Heating and cooling	
Policy 20	Blue and green infrastructure	
Policy 21	Play, recreation and sport	
Policy 22	Flood risk and water management	X
Policy 23	Health and safety	
Policy 24	Digital infrastructure	



Policy 25	Community wealth building	
Policy 26	Business and industry	
Policy 27	City, town, local and commercial centres	
Policy 28	Retail	
Policy 29	Rural development	
Policy 30	Tourism	
Policy 31	Culture and creativity	
Policy 32	Aquaculture	
Policy 33	Minerals	

<b>Strategic policy</b>	<b>Cairngorms National Park Partnership Plan 2022 – 2027</b>	
<b>Local plan policy</b>	<b>Cairngorms National Park Local Development Plan (2021)</b> Policies relevant to this application are marked with a cross (x)	
Policy 1	New housing development	<b>X</b>
Policy 2	Supporting economic growth	
Policy 3	Design and placemaking	<b>X</b>
Policy 4	Natural heritage	<b>X</b>
Policy 5	Landscape	<b>X</b>
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	<b>X</b>
Policy 11	Developer obligations	<b>X</b>

6. All new development proposals require to be assessed in relation to policies contained in the adopted Development Plan which comprises National Planning Framework 4 (NPF4) and the Cairngorms National Park Local Development Plan 2021 (LDP). The full wording of policies can be found at:

<https://www.gov.scot/publications/national-planning-framework-4/documents/>

and at:

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





## Planning guidance

7. Supplementary guidance also supports 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 (x).

Policy 1	Housing supplementary guidance	X
Policy 2	Supporting economic growth non-statutory guidance	
Policy 3	Design and placemaking non-statutory guidance	X
Policy 4	Natural heritage non-statutory guidance	X
Policy 5	Landscape non-statutory guidance	X
Policy 7	Renewable energy non-statutory guidance	
Policy 8	Open space, sport and recreation non-statutory guidance	
Policy 9	Cultural heritage non-statutory guidance	
Policy 10	Resources non-statutory guidance	X
Policy 11	Developer obligations supplementary guidance	X

## Consultations

8. A summary of the main issues raised by consultees now follows:
9. **Highland Council Archaeology Officers** raised no concerns regarding the proposal.
10. **The Highland Council Flood Risk Management Team** raised no concerns with the proposal.
11. **Aviemore Community Council** made a neutral representation raising the issue of affordable housing provision and contributions and how this proposal may affect the affordable housing contributions agreed for the wider development.

## Representations

12. No representations were received.





## Appraisal

13. Section 25 of the Town and Country Planning (Scotland) Act 1997 (as amended) requires applications to be determined in accordance with the Development Plan. This comprises the Cairngorms National Park Local Development Plan 2021 (LDP), and the National Planning Framework 4 (NPF4). Where there is conflict between policies, NPF4 policies take precedence.

## Principle

14. **NPF4 Policy 1 Tackling the nature and climate crisis** states that when considering all development proposals significant weight will be given to the global climate and nature crises.
15. **NPF4 Policy 16: Quality homes** states that development proposals for new homes on land allocated for housing in LDPs will be supported.
16. **LDP Policy 1: New housing development** states that proposals for housing will be supported where they are located on an identified allocated site.
17. The proposal site is located within housing allocation site H1, as allocated by the LDP, and is located within the consented residential development site. The principle of residential development on the site is established, acceptable and in this respect complies with NPF4 Policy 16: Quality homes and LDP Policy 1: New housing development. The principle of the proposed development located on a site subject to an existing consent, within an existing settlement and within easy walking distance of amenities, is also considered to be in accordance with the principle of NPF4 policy 1, subject to compliance with other detailed policies.

## Affordable housing

18. The proposed houses do not constitute affordable housing as defined by the LDP, however **LDP Policy 1.5: Affordable housing** states that developments of fewer than four market houses do not have to make an onsite provision.
19. Given, however, that this application proposes to develop two houses on a plot previously consented for one house as part of a wider residential development, which itself was subject to an affordable housing provision requirement, it is



appropriate that this application makes a proportionate contribution to affordable housing provision.

20. With the total number of units being delivered on the wider site now increasing, it is appropriate to capture this uplift and the subsequent uplift in affordable housing contributions through a legal agreement in accordance with the adopted LDP, which stipulates a 45% affordable housing requirement for sites in Aviemore.
21. As such, a legal agreement to secure a commuted sum of £9,675 is proposed, which represents 45% of the current commuted sum rate for a single affordable housing plot. This has been discussed and agreed with the applicant.

### **Layout and design**

22. **NPF4 Policy 14: Design, quality and place** seeks to ensure that development proposals improve the quality of the area and are consistent with the six qualities of successful places: healthy; pleasant; connected; distinctive; sustainable; and adaptable.
23. **LDP Policy 3: Design and placemaking** also seeks to ensure that proposals improve the quality of the area and are consistent with the six qualities of successful places.
24. **LDP Policy 5: Landscape** presumes against development that does not conserve and enhance the landscape character and special qualities of the National Park and in particular the setting of the proposed development.
25. The proposed development is of a design, scale and character that is in keeping with both that of the local townscape and that of the wider consented development. The scale and massing of the proposed development will also have little to no tangible impact on the landscape character or special qualities of the National Park.
26. The materials proposed include white render, uPVC framed windows, uPVC doors and concrete roof tiles, and are appropriate for the setting. The proposed



development will not appear incongruous within the setting of the wider consented development.

27. The roads, access and servicing arrangements remain similar to that of the approved design, with no consequential changes.
28. The proposal is therefore in accordance with NPF4 Policy 14: Design, quality and place and with LDP Policy 3: Design and placemaking and Policy 5: Landscape.

## **Environment**

29. **NPF4 Policy 3: Biodiversity** seeks to ensure that development proposals protect biodiversity, reverse biodiversity loss, deliver positive effects from development and strengthen nature networks. Development proposals must include appropriate measures to conserve, restore and enhance biodiversity, in accordance with national and local guidance.
30. **NPF4 Policy 4: Natural places** seeks to ensure that development proposals protect, restore and enhance natural assets making best use of nature-based solutions. Development that has significant adverse impacts on designated sites, after mitigation, will not be supported.
31. **LDP Policy 4: Natural heritage** seeks to ensure that there are no adverse effects on European Protected Species and other biodiversity interests.
32. The proposal does not include any specific measures concerning biodiversity net gain. However, as the proposal seeks to develop a plot with an extant permission for a dwellinghouse located within a wider site undergoing residential development, it is considered that biodiversity enhancement solely in relation to this application is not required.
33. Similarly, wider issues relating to natural heritage and ecology have been addressed satisfactorily through the consideration and approval of the wider existing consent(s), and this proposed development is of a scale and nature which will not have any unacceptable detrimental impacts on biodiversity and natural heritage.



34. The proposal therefore complies with NPF4 Policy 3: Biodiversity, NPF4 Policy 4: Natural places and LDP Policy 4: Natural heritage.

### **Flooding and surface water**

35. **NPF4 Policy 22: Flood risk and water management** seeks to ensure that developments are resilient to current and future flood risk.
36. **LDP Policy 10: Resources** requires all development should be free from flood risk, not increase the risk of flooding elsewhere.
37. There are no concerns regarding flood risk at the proposal site and the proposed drainage design remains largely as previously consented.
38. The proposal is in accordance with NPF4 Policy 22: Flood risk and water management and LDP Policy 10: Resources.

### **Developer Obligations**

39. **LDP Policy 11: Developer obligations** of the Cairngorms National Park Local Development Plan 2021 sets out that where development gives rise to a need to increase or improve public services, facilities or infrastructure or mitigate adverse effects then the developer will normally be required to make a fair and reasonable contribution towards additional costs or requirements.
40. The applicant has agreed to the payment of a financial contribution towards affordable housing provision. No other planning obligations are required in this instance.

### **Conclusion**

41. The proposal development of two houses on a pre-existing residential development plot is acceptable in principle and the detail of the proposed design, layout and materials is acceptable and in keeping with the character of the area.
42. The proposed development complies with the relevant policies of NPF4 and the LDP and, subject to an appropriate legal agreement to secure the necessary



affordable housing contribution, there are no material considerations which outweigh this conclusion.

## **Recommendation**

That members of the committee support a recommendation to **APPROVE** the application for the erection of 2no. houses on Plots 58 (58A and B) at 34 Farm Road Aviemore PH22 1AP, subject to:

1. Conclusion of a legal agreement to secure a financial contribution towards affordable housing provision.
2. The recommended conditions.



## Conditions

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

1. The development to which this permission relates must be begun not later than the expiration of three years beginning with the date on which the permission is granted.

**Reason:** The time limit condition is imposed in order to comply with the requirements of section 58 of the Town and Country Planning (Scotland) Act 1997 as amended.

## Informatives

1. 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.
2. 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.
3. 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.