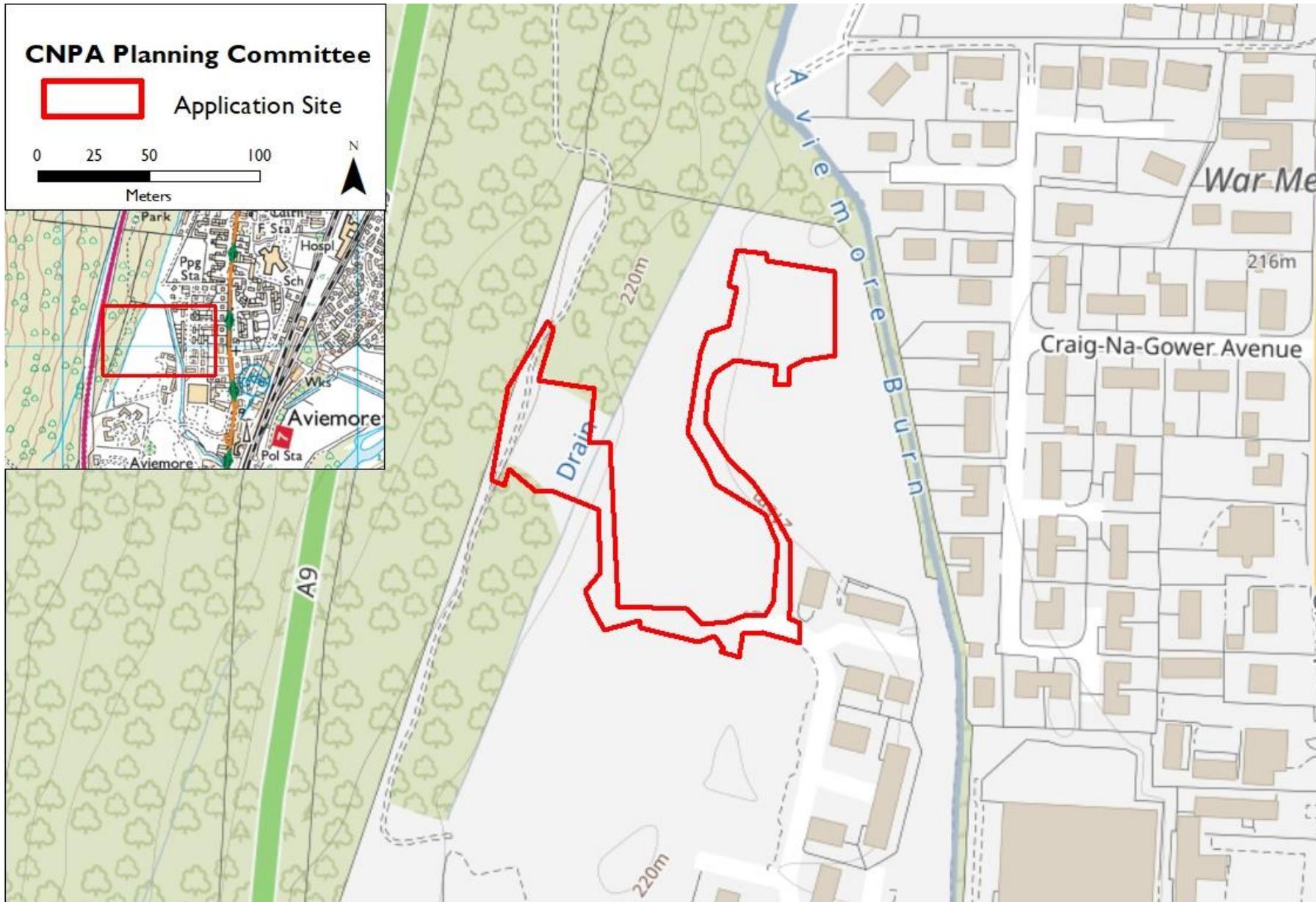


CAIRNGORMS NATIONAL PARK AUTHORITY

DEVELOPMENT PROPOSED:

Erection of 3 flats, omission of 3 houses, relocation of footpath and associated works (amendment to 05/00209/REMBS) at Horse Field To North Of Scandinavian Village The Aviemore Centre Grampian Road Aviemore Highland

REFERENCE: 2023/0019/DET
APPLICANT: Tulloch Homes Ltd
DATE CALLED-IN: 16 January 2023
RECOMMENDATION: Approve, subject to Conditions
CASE OFFICER: Stephanie Wade Planning Officer



SITE DESCRIPTION, PROPOSAL AND HISTORY

Site Description

1. The application site known as “the Horsefield” is located on land to the north of Aviemore Highland Resort which is currently under development for housing. The overall site area extends to approximately 20 acres and is bounded to the west by the A9 Trunk Road, to the north by an area of open ground and to the east by Aviemore Burn and residential dwellings. The majority of the southern site boundary is bound by properties within the Scandinavian Timeshare Village.

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=RODCI9SI0CP00>

Title	Drawing Number	Date on Plan*	Date Received
PLANS			
Plan - Location Plan	4479-02-007	01/10/22	13/01/23
Plan - Site Layout Plan - Phase 3	4479-02-008 Rev.B	01/03/23	24/03/23
Plan - Elevations Plan - Block 4	4479-01-120 Rev.A	01/03/23	24/02/23
Plan - General Plan - Plans and Sections - Block 4	4479-01-119 Rev.A	01/03/23	24/03/23
SUPPORTING INFORMATION			
Other - Design and Supporting Statement	V1	06/12/22	13/01/33

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

3. The application looks to make alterations to the original permission of 05/306/CP which are listed below:

- a) **Deletion of 3no. Type A houses on plots 36-38 and relocation of the footpath connection to the Aviemore Orbital path.** This alteration looks to remove the 3 x detached, two storey dwellings of House A design which comprised a split level, 4 bedroom property. The ground is proposed to be open space and the connecting footpath to the orbital path has been realigned to avoid the trees. The amended path route also allows for a shallower incline in the path. The applicant has stated that the reason for this alteration is due to a water main which runs along the west edge of the site and the requirement for the houses to have a lot of engineering works to accommodate the split level design which would cause impacts on the water main and the existing trees. For this reason, the applicant has decided to relocate the number of units elsewhere on site.
 - b) **Block 4 changed from 2-storey to 3-storey, forming 3No. additional flats.** Block 4 is located within the northern area of the development and is proposed to have an additional storey added to it to create a further 3 x 2-bedroom flats.
 - c) **Changes to Block 4 parking and servicing.** A larger bin/ cycle store has been included on the northern elevation of block 4 to accommodate the increased requirements arising from the additional flats. The road turning head to the south of Block 4 has been relocated to allow the construction of 5no. extra parking spaces to serve the additional units. To accommodate this change, there has been minor adjustments made to the end of the driveways at renumbered plots 52-53.
 - d) **Houses on plots 39-58 renumbered to plots 36-55.**
4. Plans of the proposal are included within **Appendix 1.**

History

5. Outline planning permission was granted on the subject site for 140 houses under Highland Council planning reference: 02/00007/OUTBS for "outline planning application to amend existing Masterplan permission at the Aviemore Centre." The permission included a stipulation that 20% of the housing units were provided as affordable. The masterplan approval included conditions requiring that buildings be generally two and three storeys in height with a limited number of high quality external materials utilised for external finishes.
6. Approval for reserve matters for the erection of 140 houses and associated infrastructure and landscaping on the subject site was permitted by the CNPA under application reference 05/306/CP in 2008. Concurrently with that application and on land adjoining the immediate south, approval for the development of 21 dwelling units was also granted under reference 05/304/CP. The affordable housing units were erected and work paused on developing the remainder of the site until earlier this year with non-material

variations being submitted in the meantime to seek minor changes to external finishes of buildings, internal layouts, landscaping and minor changes to the road configuration in response to transport planning requirements. The two permissions 05/304/CP and 05/306/CP are being developed as one large development in phases.

7. Application ref. 2021/0355/DET was submitted and approved by Committee Members in January 2022 for the “Change of House Types on plots 21-24, relocation of house on plot 20 and change of boundary line between plots 19 and 20 forming part of (05/306/CP)”.

DEVELOPMENT PLAN CONTEXT

Policies

National Policy	National Planning Framework 4 (NPF4) Scotland 2045	
POLICY 1	Tackling the Climate and Nature Crises	
POLICY 2	Climate Mitigation and Adaptation	
POLICY 3	Biodiversity	
POLICY 9	Brownfield, Vacant and Derelict Land, and Empty Buildings	
POLICY 14	Design, Quality and Place	
POLICY 16	Quality Homes	
POLICY 22	Flood Risk and Water Management	
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	X
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	X

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	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

Summary of the main issues raised by consultees

10. **Highland Council Transport Planning Team** has no objection the removal of the three dwellings and addition of the flats, although note that changes are required to the Roads Construction Consent and therefore recommend a planning condition for the approval of the RCC changes prior to the commencement of the amended works. The Team welcomes the additional parking space provision for the flatted units. The Team originally recommended a planning condition to agree the details of the additional bin and bike storage requirements and requested clarification on the position of bins for emptying and distance to their storage area.
11. Following the agent's submission of the additional information as requested, the Roads Officers recommend a condition requiring the shared bin and bike store incorporates a secure lockable entry gate into the store that only residents will have a means of accessing. It is noted that the refuse collection point (RCP) is located directly adjacent to the ground floor flat of the south western corner of the altered block. Given bins will have to be left here on collection days, it may not be welcomed by the future occupants of this flat.

Should the RCP have to be relocated, this will have to be done at the expense of the Developer or ongoing owner/operator of this flatted block and will have to be agreed by the Council's Local Waste and Roads Authority.

12. **Highland Council Flood Risk Management Officer** has no objection to the scheme, noting that the proposed changes will not have an impact on flood risk or drainage.
13. **CNPA Ecology Officer** notes that the site is already active construction. The changes to the development (omission of three proposed buildings and realigning footpath) have not changed any of the impacts to already identified ecological constraints. The current planning conditions are satisfactory to protect any existing natural heritage.
14. **CNPA Landscape Officer** has no objections noting that the omission of the three units on the western side of the development is welcomed, allowing the footpath to avoid the trees on site and retains more open space. The changes to the flat unit do not significantly change its footprint. However, it does require additional carparking and some minor changes to the landscape around it. Neither is of landscape significance.
15. The main change is the increase in height of the flat building from two to three floors, possibly an increase of 2.5-3.0m. The design is the same otherwise including a tall, pitched roof. This will make the building a bit more prominent on the site but still seen in context of the other new builds on the site. The nearest residential property is approximately 40m from the building. At this distance, the higher building will be more visible, but it is not likely to make a significant change in the landscape character or the visual amenity beyond the currently approved application.
16. **Aviemore Community Council** were consulted but provided no comments.

REPRESENTATIONS

17. The application was advertised when first submitted. A total of 5 letters of public representations have been received- 4 objecting and 1 noting general comments. A copy of the full comments can be found within **Appendix 2**. A summary of the comments received follows below:
 - a) Concern relating to flooding impact arising from the wider development; and building within the flood plain.
 - b) Concern regarding the visual impact of creating a three-storey structure.
 - c) Concern regarding drainage impacts.
 - d) Concern regarding overlooking, loss of privacy.
 - e) Light pollution.
 - f) Over development.

- g) Noise disturbance from parking.
- h) Not in keeping with the area.
- i) Concern regarding housing becoming second homes.

APPRAISAL

18. The main planning considerations in relation to this application, an amendment to the previously approved development (ref 05/306/CP) are: the principle; design, scale and landscape impacts, impact on ecology, servicing and parking arrangements, impact on flooding and drainage and developer contributions.

Principle of Change in Dwelling Mix

19. The application looks to change the accommodation type for three units within the residential development. The change involves the loss of three detached, 4 bedroomed dwellings and the addition of three 2-bedroomed flats, by way of an additional storey to a flatted block.
20. **Policy 1.4: Designing for Affordability and Specialist Needs** of the Cairngorms National Park Local Development Plan 2021, states that residential developments will be required to provide a mix of dwelling types and sizes to help secure a balanced housing stock, with an emphasis on smaller dwellings. **Policy 16: Quality Homes** of NPF4 supports development for new homes that improve affordability and choice by being adaptable to changing and diverse needs, and which address identified gaps in provision.
21. The National Park has a disproportionately high proportion of larger and detached housing, which has resulted in a housing stock that is poorly equipped to meet arising housing needs. A key part of Policy 1.4 is ensuring that both affordable and market housing focuses on delivering smaller dwellings in terms of numbers of bedrooms and public rooms. The existing development provides a range of house types with nearly an even split on the number of houses to the number of flats on site. The change from three larger units to provide smaller units of accommodation, is therefore welcomed for this development of 128 dwellings, and accords with Policy 1.4 of the Cairngorms National Park Local Development Plan 2021, and Policy 16: Quality Homes of NPF4.

Impact on Design and Landscape

22. **Policy 3: Design and Placemaking** of the Cairngorms National Park Local Development Plan 2021 seek to reinforce and enhance the character of the existing settlement and encourage new development to be sympathetic to the traditional pattern and character of the area. **Policy 5: Landscape** looks to

ensure that proposals do not adversely impact the landscape character and setting of the area, including visual impacts. **Policy 14: Design, Quality and Place** of NPF4 requires development proposals to improve the quality of an area and meet the six qualities of successful places. The omission of the three units on the western side of the development is welcomed allowing the footpath to avoid the trees and retain more open space.

23. The proposed change of the flatted block from 2 storey to 3 storey is in keeping with the established design, scale, and massing of other plots within the housing development. This flatted block design and scale is already permitted on site within the housing development, and although the increase in height would make the building more prominent, it would be seen in the context of the other new builds on site. The nearest residential property is approximately 40m from the building. At this distance, the higher building will be more visible, but it is not likely to make a significant change in the landscape character or the visual amenity beyond the currently approved application. On this basis, the proposal is considered to accord with Policy 3: Design and Placemaking and Policy 5: Landscape of the Cairngorms National Park Local Development Plan 2021 and Policy 14: Design, Quality and Place of NPF4.

Impact on Ecology

24. **Policy 4: Natural Heritage** of the Cairngorms National Park Local Development Plan 2021 seeks to ensure that there is no adverse impact upon designated areas, protected species or biodiversity. The proposed change of house type mix does not significantly affect the level of ecological effects compared to the existing consent, and the omission of the western units will benefit the ecological interests by increasing the vegetated area and protecting the existing trees from development impacts. The proposal is therefore considered to accord with Policy 4: Natural Heritage of the Cairngorms National Park Local Development Plan 2021.

Residential Amenity

25. **Policy 3: Design and Placemaking** of the Cairngorms National Park Local Development Plan 2021 seeks to ensure that developments protect the amenity currently enjoyed by neighbours. A couple of letters of concern have been received from neighbouring properties relating to the potential impact the enlarged flatted block would have on their amenity. The nearest residential properties are situated on Craig-Na-Gower Avenue, to the north-east and east of Block 4. Separating Block 4 and the residential dwellings outwith the site is the burn, vegetated ground, and tree cover. As previously stated, the nearest neighbouring dwelling is some 40m away from Block 4 and at this distance, together with the natural screening provided by tree

cover and vegetation, the alteration to Block 4 is not considered to give rise to any adverse impacts on overlooking or loss of privacy.

26. Concern has also been raised regarding noise impacts arising from vehicles parking. As stated above, there is a good distance between Block 4 and its associated parking spaces and the residential dwellings which bound the east side of the site. The introduction of an additional floor on Block 4 does not introduce new car parking spaces beyond the eastern build line of Block 4. The additional flats are therefore not considered to cause any adverse noise impacts.

Servicing and Access

27. **Policy 3: Design and Placemaking** and **Policy 10: Resources** of the Cairngorms National Park Local Development Plan 2021 sets out the need for new development to be satisfactorily serviced and without harm to resources of the environment.
28. The additional flatted units do not introduce any change to the approved access, or drainage arrangements. The Highland Council Flood Risk Management Officer has no objections, noting that the proposed changes will not have an impact on flood risk or drainage.
29. Regarding road matters, the proposal would involve changes to parking arrangements previously approved. Highland Council Transport Planning Team have no objections to the proposal subject to a planning condition to ensure that the Roads Construction Consent is amended to accord with the planning application details. Adequate waste and bicycle storage has been provided to serve the additional flats. In these overall circumstances the proposed access and servicing arrangements for the scheme are acceptable and in accordance with Policy 3: Design and Placemaking and Policy 10: Resources of the Cairngorms National Park Local Development Plan 2020.

Developer Contributions

30. **Policy 11: Developer Obligations** of the Cairngorms National Park Local Development Plan 2021 states that where development creates a need to increase or improve public services, facilities, or infrastructure, or mitigate adverse effects, the developer will be required to make a fair and reasonable contribution in cash or in kind towards additional costs or requirements. The Policy also requires contributions to affordable housing.
31. Developer contributions were originally sought with the original permission, which included the affordable housing contribution for the development site. As the proposal does not change the number of dwellings to be erected on site, the application would not give rise to any additional affordable housing

contributions. As the proposal includes a reduction in bedroom numbers, no additional Education contributions are required.

Other Issues Raised in Consultations and Representations

32. All matters raised by consultees and third parties have been addressed above. No comments have been received from the Community Council on this occasion.
33. Concern has been raised regarding the development becoming second homes. The site has an established history in the Local Development Plans of providing housing to meet the needs of Aviemore. The restriction of housing to local people has not been possible since the issuing of the Chief Planner's letter on occupancy conditions and rural housing dated 4th November 2011, which states, "The Scottish Government believes that occupancy restrictions are rarely appropriate and so should generally be avoided." The letter does not allow occupancy restrictions to be issued simply on the grounds of the potential use of the dwelling, the origin of the occupier or the workplace of the buyer. The approach of implementing occupancy restrictions on dwellings has therefore not been taken elsewhere in larger housing schemes in the Park and there is no specific evidence to justify its approach here. As the site is included within the Badenoch and Strathspey control zone for short term lets, any potential use of a residential unit for holiday letting accommodation would be assessed by a planning application.

CONCLUSION

34. The proposed alterations are minor in nature and are not considered to alter the substance of the application and the changes do not alter the consideration or matters raised under the approved scheme. The provision of small residential units is welcomed.
35. In these overall circumstances the works are considered to comply with all relevant policies of the Cairngorms National Park Local Development Plan 2021 and the collective aims of the National Park. There are no other material considerations which would warrant the refusal of planning permission. Approval and the granting of consent is therefore recommended subject to the recommended planning conditions.

RECOMMENDATION

<p>That Members of the Committee support a recommendation to Approve the Erection of 3 flats, omission of 3 houses, relocation of footpath and associated works (amendment to 05/00209/REMBS) at Horse Field To North</p>
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Of Scandinavian Village The Aviemore Centre Grampian Road 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

- 1. No development shall commence until confirmation is submitted to and approved by the Cairngorm National Park Authority, acting as Planning Authority, in consultation with the Highland Council Transport Planning Team that approval of the amended Roads Construction Consent ref.19/04215/RCC has been obtained.**

Reason: To ensure that the necessary road construction permissions accord with the details approved under the planning permission.

2. This permission is an amendment to the permission 05/306/CP. The development permitted must therefore be undertaken in strict accordance with the approved plans, documents, and conditions as outlined on the following decision notices:
 - a. 05/306/CP;
 - b. 2021/0355/DET; and
 - c. 2023/0019/DET.

Reason: The application permitted is an amendment to a live permission which is currently being implemented on site. The proposed amendments are required following implementation of the approved scheme. The approved plans, documents, and conditions of the original scheme 05/306/CP, plus its 2021 amendment, are therefore relevant and must be adhered to in addition to the approved plans, documents and conditions attached to this permission.

Informatives

1. The development hereby approved must commence within three years of the date of this decision notice. If it has not commenced within this period, then this planning permission consent shall lapse.
2. The person undertaking the development is required to give the Planning Authority prior written notification of the date on 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 the 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.

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.