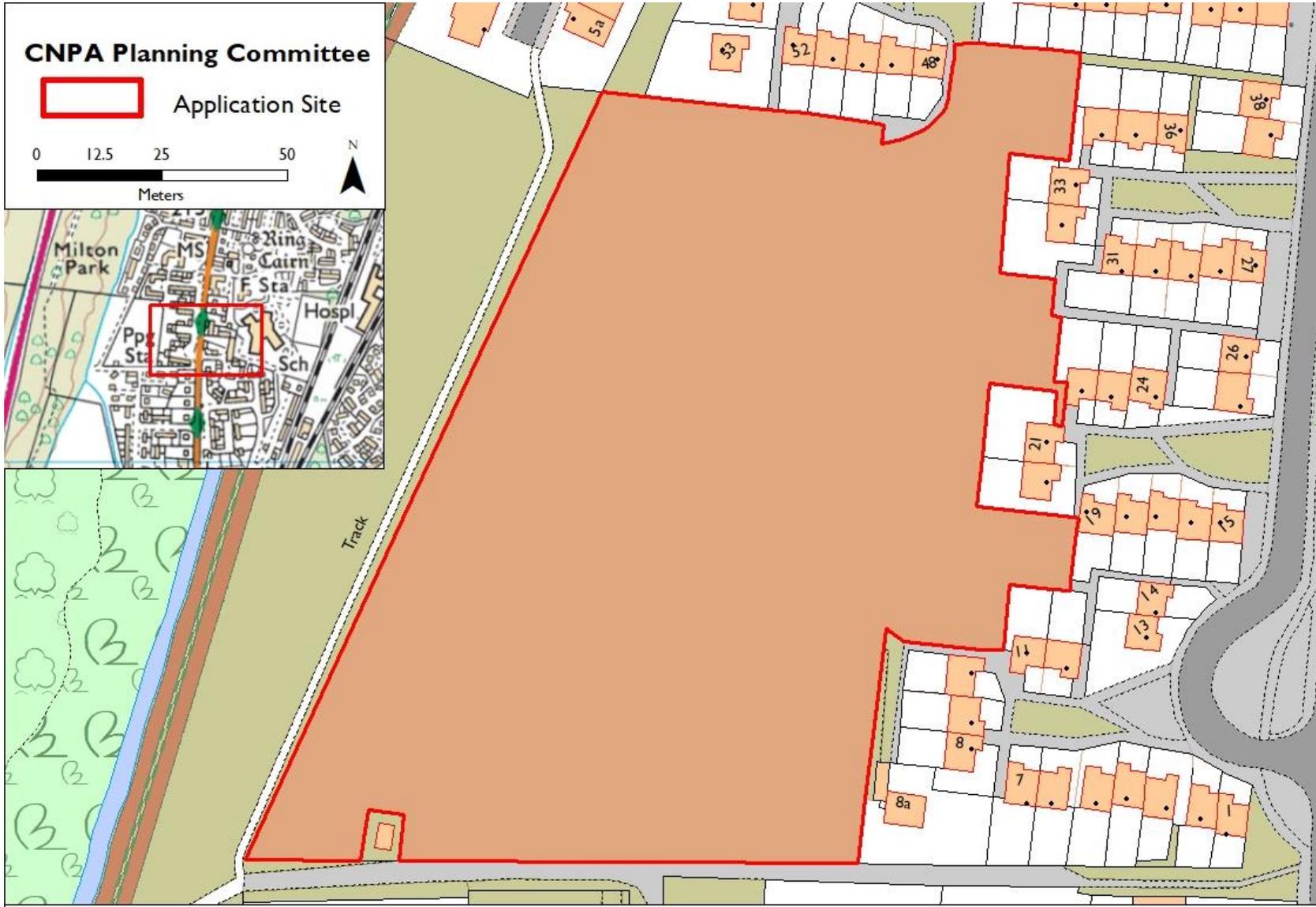


CAIRNGORMS NATIONAL PARK AUTHORITY

DEVELOPMENT PROPOSED:

Erection of 12no. houses at Former Aviemore Primary School Milton Park Aviemore Highland PH22 1RR

REFERENCE: 2023/0056/DET
APPLICANT: The Highland Council - Housing
DATE CALLED-IN: 13 February 2023
RECOMMENDATION: Approve, subject to Conditions
CASE OFFICER: Stephanie Wade, Planning Officer



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SITE DESCRIPTION, PROPOSAL AND HISTORY

Site Description

1. The application site is the former Aviemore Primary School. It is accessed from the B9152 Grampian Road, through the existing terraced housing of Milton Park. The site contains some derelict structures of the former school including some foundations, hard standings, and metal fencing. The site is being reclaimed by rough vegetation including small scots pine and birch, and there is a line of trees including birch, cherry, and willow on the eastern boundary. The Aviemore Burn runs parallel to the western site boundary, with heavily wooded land beyond this, steeply sloping up towards the A9 trunk road. The site is surrounded by residential housing on the other three boundaries. The school buildings were demolished several years ago, and the site has remained vacant since. The site is identified as having a fluvial flood risk, and other potential constraints include below ground peat and established trees along the eastern site boundary.

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=RPIFHASI0CP00>

Title	Drawing Number	Date on Plan*	Date Received
PLANS			
Plan – Location Plan	DIHD2102 8_C0017_ ZZ_ZZ_DR _A_00.90. 01 Rev.01	23/11/2022	10/02/2023
Plan – Proposed Site Plan	DIHD2102 8_C0017_ ZZ_ZZ_DR _A_00.02. 01 Rev.04	29/06/2023	29/06/2023

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Plan – House Type 01 – 2B3P Flats Proposed GA Plans & Elevations	DIHD2102 8_C0017_ ZZ_ZZ_DR _A_01.02. 01 Rev.01	23/11/2022	02/05/2023
Plan – House Type 02 – 2B4P Semi Proposed GA Plans & Elevations	DIHD2102 8_C0017_ ZZ_ZZ_DR _A_02.02. 01 Rev.01	23/11/2022	02/05/2023
Plan – Cross Sections	217012- 02 Rev.B	03/04/2023	02/05/2023
Plan – Standard Details	217012- 05	17/11/2022	02/05/2023
Plan – Detention Basin Details	217012- 06 Rev.A	03/04/2023	02/05/2023
Plan- Pre-Development Areas- (Existing Impermeable) Areas	217012- 07 Rev.A	03/04/2023	02/05/2023
Plan – Pre-Development Areas – Greenfield areas to be developed	217012- 08 Rev.A	03/04/2023	02/05/2023
Plan – Post-Development Areas (Impermeable)	217012- 09 Rev.A	03/04/2023	02/05/2023
Plan – Surface Water Sewer Long Section	217012- 10 Rev.A	03/04/2023	02/05/2023
Plan – Flood Route Layout	217012- 14 Rev.A	03/04/2023	02/05/2023
Plan – Areas for Adoption	217012- 13 Rev.A	03/04/2023	02/05/2023
Plan – Road and Kerbing Layout	217012- 12 Rev.B	04/07/2023	11/07/2023
Plan – Drainage Details	217012- 11 Rev.B	05/07/2023	11/07/2023
Plan – Proposed 3D Visuals	DIHD2102 8_C0017_ ZZ_ZZ_DR _A_00.02. 02 Rev.3	31/07/2023	31/07/2023

SUPPORTING INFORMATION			
Other – Design and Access Statement	2094 Rev.A	01/07/2023	28/07/2023
Other – Tree Survey	675584/G M/001		10/02/2023
Other – Flood Risk Assessment	9982	18/01/2023	02/05/2023
Other – Drainage Impact Assessment	217012 Rev.A	03/04/2023	02/05/2023
Other – Compensatory Flood Storage	13155 Rev.A	06/04/2023	02/05/2023
Other – Ecological Survey	675584/E M/004	14/12/2022	05/05/2023

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

3. This application seeks planning permission for the erection of 12 units of affordable housing, together with the creation of associated parking, access, servicing, and landscaping works. The new units look to be constructed on raised ground to the eastern site area, on land formerly used for the primary school. All units are proposed as affordable housing with four ground floor, wheelchair accessible flats. The housing accommodation schedule is as follows:

Number of Units	Design Type	Type of Affordable Housing	Number of Bedrooms
8	Cottage flat in two storey building.	Social rent	2
4	Semi-detached, two storey houses	Social rent	2

4. The dwellings and cottage flats take form from two-storey, semi-detached buildings, with dual pitched roofs and spacing between each cluster to break up massing. The design includes lean-to entrance canopies and porches and a simple palette of external finishes comprising white, rendered elevations with elements of charcoal coloured, timber-effect cladding, dark grey concrete roof tiles and feature coloured doors. Windows are proposed to be dark grey coloured alu-clad.
5. Vehicular access will utilise the existing road network from Grampian Road through Milton Drive to the site, with car parking for the new dwellings provided along the western side of the access road. A total of 18 parking spaces have been indicated on the plan to serve the dwellings. On the eastern

side of the access road, the proposal includes upgrades to the former primary school overflow parking area which is currently open tarmac. The proposal seeks to formalise parking spaces within this area installing 55 marked vehicular parking spaces, together with landscaping and path upgrades. Electric Vehicle charging provision is provided at a ratio of 1 parking space per property. A series of paths including stepped and ramp accesses are proposed to be installed within the raised land area to provide access from the car parking to the dwellings. A SUDs detention basin is proposed to be installed to the immediate south of the dwellings, with vehicular access and a pedestrian path linking the development to the south.

6. Each unit of accommodation is served by a private garden, with each flat having a minimum 1.7m clothesline for outdoor drying facilities. Cycle storage for each unit of accommodation can be catered for within each of the private garden areas serving the units. 1 cycle hoop is to be installed for visitor cycles adjacent to the flats. The private garden spaces will also provide refuse bin storage for each unit. Heating is proposed to be provided by air source heat pumps.
7. Regarding drainage, the scheme looks to connect to the public sewer infrastructure for foul drainage. For surface water, new impermeable areas will be collected and directed to the proposed SUDs attenuation basin prior to discharge at a controlled rate to an existing Scottish Water sewer. The scheme includes a limited landscaping proposal which comprises the planting of seven new trees and areas of grass.
8. A detailed flood risk assessment highlighted that the proposed development at the former Aviemore Primary School site is located within the functional floodplain of the Aviemore Burn. To align with the requirements of planning policy and consultation, the residential development platform will be raised to a safe elevation above the design flood level, including freeboard allowance. To offset the effect of floodwater displacement, a compensatory flood storage area has been iteratively tested and designed, resulting in a predicted neutral or better effect on flood risk to the site and surrounding area. An outline design has been prepared, proposing to lower the open area of ground to the west of the proposed housing, creating a naturally varying ground surface, supporting a variety of natural grassland and wetland habitats, and optimising landscape and amenity value.
9. Plans of the proposal can be found at **Appendix 1**.

History

10. The site has remained vacant for several years following the demolition of the former primary school.

Habitats Regulations Appraisal

11. A Habitats Regulations Appraisal [HRA] has been undertaken to consider the effects of the proposal upon the conservation objectives of the European Sites as listed within the document - attached at **Appendix 2**. The European sites potentially affected are the River Spey Special Area of Conservation and the Kinveachy Forest Special Protection Area.

12. For the Kinveachy Forest SPA, and its capercaillie qualifying interests, the document concludes that there will be no direct or indirect effects on the habitats, their structures or function or supporting processes, due to the location of the proposed development on a brownfield site within a settlement, remote from the Special Protection Area. For the River Spey SAC, the documents concludes that a Pollution Prevention Plan should be secured by condition to ensure there would not be an adverse effect on site integrity of the River Spey arising from the construction works.

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 4	Natural Places	
POLICY 5	Soils	
POLICY 6	Forestry, Woodland and Trees	
POLICY 9	Brownfield, Vacant and Derelict Land, and Empty Buildings	
POLICY 12	Zero Waste	
POLICY 13	Sustainable Transport	
POLICY 14	Design, Quality and Place	
POLICY 15	Local Living and 20 Minute Neighbourhoods	
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 DEISGN 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

13. 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. 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>

14. The red line boundary includes land allocated within the Local Development Plan for Community Uses under allocation C2: Former School Playing Fields. The LDP states that “the land at the former school playing fields should be protected from inappropriate development. The land adjacent to the old primary school is therefore allocated for community use.” It also confirms that the site has a medium to high probably of flood risk.

Planning Guidance

15. 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

16. **NatureScot** are satisfied with the conclusions of the HRA that concludes there will be no effect on the integrity of protected sites.
17. **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 for wastewater and drinking water. They confirm that the development would be fed from Aviemore Water Treatment Works, and there is currently sufficient capacity to serve the development.
18. **SEPA** has no objection subject to the inclusion of a planning condition. The Team requests the condition to ensure that the Compensatory Storage area is protected from development in perpetuity with any modifications to the design being agreed in consultation with SEPA and the Council's Flood Team. SEPA also request to be consulted should any amendments be made to the Compensatory Storage Outlined Design Document, as submitted. The Team also highlights that there will be no dry access during the 1 in 200 year including climate change flood event. They note there is dry access up to this point and maximum depths on the accesses at the higher return period event are 0.3m with low velocities and for an estimated 1hr duration. They also note that the flow pathways through the urban area during this event are complex and representation of risk may be conservative.
19. **Highland Council Contaminated Land team** note that records indicate the site formerly included the Aviemore Primary School which has been demolished. The Team request evidence that the asbestos containing material was appropriately removed and disposed of prior to demolition. In the absence of this evidence, an assessment for asbestos across the site where demolition material may be present will be required. Further information on the heating system is also required. The Officer recommends the inclusion of a planning condition for the prior agreement of a scheme to deal with potential contamination on site.
20. **Highland Council Flood Risk Management Team** has no objection to the scheme subject to the inclusion of planning conditions. The Team note that the development is adjacent to the Aviemore Burn and so is potentially at medium to high risk of fluvial flooding. The application is supported by a Flood Risk Assessment [FRA] and a Supporting Compensatory Storage Outline Design Report. The development is on raised ground to ensure that the

houses are not at risk of flooding during a 1 in 200 year plus climate change flood event. To ensure that there is no increase in flood risk to others, compensatory storage will be provided within the site to ensure there is no loss in floodplain capacity. The FRA demonstrates that this can be achieved without increasing flood risk to others. The Team requests a planning condition for the prior agreement of the final compensatory storage design.

21. Regarding drainage matters, the Team has no objections subject to the inclusion of a planning condition that the final surface water drainage design is submitted for review and approval.
22. **Highland Council Environmental Health Officer** has no objection to the development subject to conditions being attached to any consent. The condition is for the pre-commencement agreement of measures to reduce construction noise and dust suppression.
23. **Highland Council Forestry Officer** notes the existing juvenile and poorly formed mixed broadleaves along the eastern edge of the site. The Officer notes that the scheme looks to remove these trees to accommodate the development. The Officer also notes that the proposed path link to the south will also affect two existing trees and recommends that further landscaping and maintenance details, tree protection details and additional planting in line with NPF4 should be provided.
24. **Highland Council Transport Planning Team** has no objections to the scheme subject to the inclusion of planning conditions and informative, as outlined below. The Team requests a condition for the agreement of a Construction Traffic Management Plan. They note that the full extent of the road adoption will need to be agreed through the corresponding Road Construction Consent and an Informative is recommended to highlight this requirement to the applicant. They state that the new footway between the parking and the housing would not be adoptable as its remote from the carriageway. This area would therefore need to be maintained by the applicant but can be resolved through the RCC process. The Team welcomes the enhancing and formalising of the existing residential parking area to provide an additional 55.No parking spaces and notes that the spaces serving the dwellings themselves meets the minimum standards and that the carrying distances between the bin stores and uplift points complies with the carrying distance guidance.
25. Regarding road drainage matters, the Team note that the Flood Risk Management Team has not raised objection to the drainage arrangements for this development.
26. **CNPA Ecology Officer** originally requested further surveywork to be submitted to include tree protection information and a bat potential roost

survey of the garage building within the application site. Following this, the garage has been removed under a separate Highland Council proposal and the tree containing the bat box is not due to be felled. A pre-construction check of the bat box is required by condition as well as pre-construction surveys for red squirrel, pine marten and breeding birds. Tree protection measures and the production of a pollution prevention plan are also to be conditioned.

27. **CNPA Landscape Officer** notes the existing site context, which includes derelict structures and self-seeding rough vegetation. The Officer considers that the design, scale, and massing of the housing is appropriate for its setting. The housing is set in a line which would enclose the residential area forming a street character. The development of the former school site and the associated former overflow parking area will comprise an improvement in the character of the site. The connection with the core path network will be maintained and the size of the housing development is modest and in character within its context. The Officer considers that the landscaping proposed would benefit from further planting and the SUDs element provides an opportunity for a wetland landscape scheme. The Officer therefore requests the agreement of a landscape plan and maintenance scheme, lighting information and a construction method statement.
28. **CNPA Outdoor Access Officer** notes the inclusion of a path link from the proposed development's SUDs basin to the core path LBS41 which runs along the southern site boundary. The Officer welcomes its inclusion and following the submission of additional information the Officer confirms that adequate information has now been provided regarding its construction and maintenance.
29. **Aviemore and Vicinity Community Council** support the application noting that the introduction of new local authority housing in an area suffering from a chronic housing shortage is very much welcomed. The proposed site is considered an eyesore, at present, and the development will enhance the wider area. The Community Council also note the concerns from some residents regarding the impact of additional traffic and loss of car parking and hope that these issues can be addressed. A copy of their full comments can be found at **Appendix 3**.

REPRESENTATIONS

30. The application was advertised when first submitted. A total of eight public representations have been received in respect of this application. This includes six letters of objection and two letters noting general remarks about the scheme. Copies of all the third-party representations can be found at **Appendix 4**. The following comments have been made:

- a) Concern regarding the groundworks and construction works and the potential impacts of this on the structural integrity of the surrounding properties.
- b) Concern regarding the proximity of the dwellings to the existing homes to the north of the site.
- c) Concern regarding construction taking place within a known flood area.
- d) Reference to previous flooding.
- e) Concern regarding the height of the proposed dwellings being overbearing due to the land raising required.
- f) Concern regarding potential loss of light to homes and gardens to the north.
- g) Concern regarding parking within the area especially for those who do not have an allocated parking space, and the displacement of vehicles.
- h) Concern regarding noise impacts arising from the development.
- i) Reference to the site's allocation as a community use.
- j) Proposed flats would be out of character.
- k) Dwellings would overshadow existing houses.
- l) Concern regarding vehicular access for emergency and larger vehicles to the site.
- m) Concern regarding the increase in traffic and the associated noise, light and air pollution as well as safety concerns.

29. Following the submission of the amended scheme that reduced the number of units on site, a further comment making general remarks was received. The respondent considers that the proximity of the housing to the closest row of houses at Milton Park leave very little access at the rear of the properties, where the path is planned. They consider the previous width of the school car park to have been a more appropriate amount of space and would help ongoing parking issues in the area. They consider that the planned parking spaces do not fit with the reality of sporadic vehicle parking. They also consider the access to the site is difficult in winter snow.

APPRAISAL

- 31. Section 25 of the 1997 Act as amended requires applications to be determined in accordance with the Development Plan. This now comprises the Cairngorms National Park Local Development Plan 2021, and the National Planning Framework 4. Where there is conflict between policies, NPF4 policies will be used.
- 32. The main planning considerations are the principle of development, the impact upon landscape, siting and design, the environmental impacts, flooding, access and servicing, and impacts on amenity.

Principle

33. **Policy 9: Brownfield, Vacant and Derelict Land and Empty Buildings** of NPF4 supports development proposals which result in the sustainable reuse of brownfield land including vacant and derelict land. In determining whether the reuse is sustainable, the biodiversity value of the brownfield land which has naturalised should be taken into account.
34. The application site covers an area of approximately 1.7 ha and is located within the settlement of Aviemore. The site is the former location of Aviemore Primary School which was demolished and remained vacant ever since. The site includes former foundations and has been reclaimed in places by rough vegetation and juvenile tree growth around the periphery which are of poor form. The proposed redevelopment of this site is therefore considered to accord with Policy 9 of NPF4 taking to account the presently low biodiversity value.
35. **Policy 16(f): Quality Homes** of NPF4 states that development proposals for new homes on land not allocated for housing within the LDP will only be supported in limited circumstances where:
- a) The proposal is supported by an agreed timescale for build out; and
 - b) The proposal is otherwise consistent with the plan spatial strategy and other relevant policies including local living and 20-minute neighbourhoods; and
 - c) The proposal is for the delivery of less than 50 affordable homes as part of a local authority supported affordable housing plan.
36. **Policy 1: New Housing Development** of the Cairngorms National Park Local Development Plan 2021, supports proposals for housing where they are located:
- a) On an identified allocated site; or
 - b) Within an identified settlement boundary.
37. The policy further requires that housing meets the needs of the settlement, and it reinforces and enhances the character of the settlement. The application site is in the identified settlement boundary of Aviemore and the red line boundary includes land allocated within the Local Development Plan for Community Uses under allocation C2: Former School Playing Fields. The LDP states that "the land at the former school playing fields should be protected from inappropriate development. The land adjacent to the old primary school is therefore allocated for community use". The proposed use of the site looks to provide further affordable housing to the community as delivered by the Local Authority as part of their affordable housing plan. This site is suitably located for new housing, in principle, being in an existing

residential area. The site is sustainably located in terms of proximity to the facilities and amenities of Aviemore.

38. **Policy Criterion 1.5: Affordable Housing** requires developments of 4 or more dwellings within Aviemore to provide 45% of the total number of dwellings on the development site as affordable housing units. The principle of introducing housing on this brownfield site, will fulfil a community housing need, deliver 100% affordable housing on an underused parcel of land and the proposal is therefore considered to be compatible with the proposed community use allocation.
39. On balance, the principle of the proposal is acceptable in accordance with the requirements of Policies 9 and 16 of NPF4, together with Policy 1: New Housing Development of the Cairngorms National Park Local Development Plan 2021, subject to the other planning considerations outlined below.

Landscape Impacts, Layout and Design

37. **Policy 14: Design, Quality and Place** of NPF4, promotes well designed developments that make successful places by taking a design-led approach and applying the Place Principle. Proposals should be consistent with the six qualities of successful places: healthy, pleasant, connected, distinctive, sustainable, and adaptable.
38. **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. **Policy 1: New Housing Development** and **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, whilst encouraging innovative design and finishes.
39. The wider site is subject to flood risk which has influenced the design and layout of the scheme to a developable area along the eastern boundary only. The siting of the dwellings takes a linear form on land raised by approximately 1m. In this regard, the density of the development has been reduced from the original submission to consider the developable area of the site, following the flood survey work. The design, scale, and massing of the housing is appropriate for its setting. The housing is set in a line which would enclose the residential area forming a street character. The development of the former school site and the associated former overflow parking area will comprise an improvement in the character of the site. The connection with the

core path network will be maintained and the size of the housing development is modest and in character within its context.

40. In accordance with **Policy 16(c): Quality Homes** of NPF4 the housing mix of the scheme improves affordability and choice by being adaptable to changing and diverse needs. This includes the provision of affordable homes and accessible units.
40. Regarding soft landscaping works, the proposal includes a limited planting strategy as submitted. In accordance with the CNPA Landscape Officer's response, and in accordance with Policy 3 (Biodiversity) of NPF4, a planning condition is recommended to be attached to any subsequent decision, seeking the agreement of a revised landscaping scheme and maintenance strategy to provide more biodiversity enhancement within the site. Additional tree planting is also recommended by the Council's Forestry Officer, which can be incorporated into any revised landscaping plan.
41. Subject to the inclusion of the recommended planning conditions, the proposal is considered to accord with Policy 3: Design and Placemaking, Policy 1: New Housing Development and Policy 5: Landscape of the Cairngorms National Park Local Development Plan 2021 and Policies 3, 14 and 16 of NPF4.

Environmental Impacts

42. **Policy 1: Tackling the Climate and Nature Crises** of NPF4 requires that significant weight is given to the global climate and nature crisis when consideration is given to new development. **Policy 3: Biodiversity** seeks to ensure that development will conserve, restore and enhance biodiversity. **Policy 4: Natural Places** seeks to protect, restore and enhance natural assets including protected areas.
43. **Policy 4: Natural Heritage** of the Cairngorms National Park Local Development Plan 2021, seeks to ensure there are no adverse impacts upon designated areas, protected species, or biodiversity, whilst **Policy 10: Resources** sets out the need to fully consider impacts on flooding and water resources.
44. Regarding European sites, the HRA concludes that there would be no direct or indirect effects on the Kinveachy Forest SPA, and subject to the securement of a pollution prevention plan by way of a condition, the proposal would not have an adverse effect on site integrity of the River Spey SAC.
45. Regarding protected species and habitats, the CNPA Ecology Officer has no objection to the scheme and the proposal is considered to have a negligible

impact on ecological interests. The Officer recommends pre-construction ecological checks which are to be included as planning conditions.

46. The Officer recommends ecological enhancements which could be incorporated into the scheme ranging from installation of bat boxes to enhancement of woodland connectivity and planting of wildflower meadows within the landscape design. These recommendations are to be secured through the planning condition seeking the revised landscaping plan.
47. Regarding arboricultural impacts, the proposal would look to remove approximately 8 trees on site. These are a mix of moderate and low quality. Removal of woodland is only permitted where it complies with the Scottish Government's Control of Woodland Removal Policy and where the removal of the woodland would achieve clearly defined benefits. This Policy stance is reiterated within **Policy 6(c)** of NPF4. None of the trees form part of any ancient semi-natural woodland or any woodland recorded in the Ancient Woodland Inventory. The proposed public benefit of providing affordable housing to meet the community needs, on an existing, brownfield site, is considered, on balance to outweigh the local contribution of the subject trees and a planning condition is recommended for compensatory planting is recommended, as part of the revised landscaping scheme. In addition, a condition is recommended to agree the tree protection measures for the trees to be retained on site.
48. Given this, the proposal is considered to comply with Policy 4: Natural Heritage and Policy 10: Resources of the Cairngorms National Park Local Development Plan 2021, and policies 3 and 6 of NPF4.

Flooding, Drainage and Water Issues

4. Concern has been raised by public representations of construction within a known flood area. **Policy 10: Resources** of the Cairngorms National Park Local Development Plan 2021 requires that all development should be free from medium to high risk flooding, not increase the risk of flooding elsewhere, not add to the area of land requiring flood prevention measures and not affect the ability of the functional flood plain to store or move flood waters. Developments should incorporate SUDs as proportionate to the scale and nature of the development. The policy also requires that all development should avoid unacceptable detrimental impacts on the water environment.
49. **Policy 2: Climate mitigation and adaptation** of NPF4 requires that development is sited and designed to adapt to current and future risks from climate change. The proposed development is adjacent to the Aviemore Burn and so is potentially at medium to high risk of fluvial flooding. Concern has been raised by public representations regarding the flood impact arising from this development occurring on a known flood plain. The site is a former

Primary School which under SEPA's "Flood Risk and Land Use Vulnerability Guidance" is classed as a 'Most Vulnerable Use', whilst the proposed change to housing is classed as a 'Highly Vulnerable Use'. Under NPF4, development in at risk areas can be supported if they are for 'redevelopment of an existing building or site for an equal or less vulnerable use', and in this case the proposal is of a less vulnerable use.

50. **Policy 22** of NPF4 states that, in such cases it will be demonstrated by the applicant that:
- a) All risks of flooding are understood and addressed;
 - b) There is no reduction in floodplain capacity, increased risk for others, or a need for future flood protection schemes;
 - c) The development remains safe and operational during floods; flood resistant and resilient materials and construction methods are used;
 - d) And future adaptations can be made to accommodate the effects of climate change.
51. The submitted Flood Risk Assessment and Compensatory Storage measures demonstrates that the proposal meets the criteria of NPF4 and both SEPA and the Council's Flood Officer have not objected to the proposal subject to conditions.
52. Regarding drainage matters, **Policy 22** of NPF4 requires development proposals to manage all rain and surface water through sustainable urban drainage systems (SUDS), which should form part of and integrate with proposed and existing blue and green infrastructure. The development proposes that surface water from new impermeable areas will be collected and directed to a SUDS attenuation basin prior to discharge at a controlled rate to an existing Scottish Water sewer. Regarding foul waste, this will be dealt with by connection to the public sewer network. It is considered that there are technical solutions to the flooding and drainage issues on the site and appropriate conditions are proposed.
53. Regarding water connections, the proposal would be connected to the mains water in the area, of which Scottish Water have no objections but require the applicant to submit a formal application to them following the granting of any permission to review capacity.
54. On this basis, the proposal is acceptable in relation to water, drainage and flooding matters in accordance with Policy 10: Resources of the Cairngorms National Park Local Development Plan 2021 and Policy 22 of NPF4.

Contaminated Land and Environmental Health Considerations

55. **Policy 9 (Brownfield, Vacant and Derelict Land and Empty Buildings)** of NPF4 states that development proposals must demonstrate that the land is or can be made, safe and suitable for the proposed new use if the land is known or suspected to be contaminated. **Policy 10: Resources** of the Cairngorms National Park Local Development Plan 2021 states that development affecting contaminated land will be considered favourably where assessments are undertaken to identify actual and potential impacts, on site and off site, of all stages of development proposals on the risks to human health and to the Park's biodiversity, geodiversity, hydrology and other special qualities.
56. The site is brownfield and the Contaminated Land Team understand that some of the former structures on site contained asbestos. The Team therefore recommends the inclusion of a planning condition for the prior agreement of a scheme to deal with potential contamination on site, to ensure the site is suitable for redevelopment.
57. Regarding construction processes, several public representations have raised concern about construction works impacting their amenity by way of noise, dust, and construction hours. The Environmental Health Officer acknowledges planning conditions are not used to control the impact of construction noise as similar powers are available to the Local Authority under Section 60 of the Control of Pollution Act 1974. Generally, people are tolerant of construction noise during typical working hours which are taking place between 8am to 7pm Monday to Friday and am to 1pm Saturdays. Works for which noise is inaudible at the curtilage of any noise sensitive property could still be carried out out-with these times. The Officer does recommend the inclusion of a planning condition for a detailed construction noise assessment should works be required outwith the above-mentioned timescales.
58. Notwithstanding whether a construction noise assessment is required, it is expected that the developer/contractor will employ the best practicable means to reduce the impact of noise from construction activities, and a planning condition is recommended to demonstrate how this will be implemented. A scheme for construction work dust suppression is also recommended as a planning condition on any subsequent decision.
59. Concern has also been raised by public representation regarding construction vibration works affecting structural integrity of the surroundings properties. The proposal is for the construction of residential dwellings, with land regrading works. The construction process is likely to utilise normal construction practices associated with the construction of this type of development and vibration levels of machinery will be within the remits of best practice guidelines. To safeguard amenity, a Construction Method

Statement is recommended by condition to ensure that machinery and construction practices are appropriate and compatible with the surrounding land uses together with a Construction Traffic Management Plan to reduce disturbance as far as feasible.

Access

60. **Policy 13: Sustainable Transport** of NPF4 supports developments that provide direct, easy, segregated, and safe links to local facilities via walking, wheeling, and cycling networks before occupation. **Policy 15: Local Living and 20-minute neighbourhoods** supports development which contributes to local living and the Place Principle and where, among other things, there is the opportunity for sustainable modes of transport including high quality walking, wheeling and cycling networks. **Policy 3: Design and Placemaking** of the Cairngorms National Park Local Development Plan 2021 seeks to promote sustainable transport methods and active travel and maximise opportunities for responsible outdoor access.
61. The development provides a road layout with extended footways and is within acceptable walking and cycling distance from local amenities and public transport links. The development has good permeability with a path link through the site to the Core Path LBS41 to the south of the development.
62. **Policy 3: Design and Placemaking** of the Cairngorms National Park Local Development Plan 2021 also states that all new development must include an appropriate means of access, egress, and space for off street parking.
63. The road layout makes use of the linear access to the rear of the existing properties and the former school parking to provide vehicular access to the new houses. This road is proposed to be adopted by the Council and the full extent of that will be determined through the separate Road Construction Consent process, which the Roads Team recommend is included as an informative, to ensure that no works commence on constructing such roads until the RCC Approval has been issued.
64. Concern has been raised by public representatives regarding the marking of formal parking spaces within the area. The latest layouts retain 18 parking space for the new housing and reconfigures the former school parking area which is currently used by other neighbouring residents to formalise the space into 55 marked vehicular parking spaces. The formalisation of this space is welcomed and provides better road safety with a clear distinction of vehicular parking and access routes. A planning condition is also recommended for the prior agreement of a construction traffic management plan to ensure that traffic movements associated with the development do not cause adverse impacts to the wider area, residential amenity, or road network.

65. Concern has also been raised by public representatives regarding the increase in vehicles associated with the development and the accessibility of larger vehicles such as emergency response vehicles. The site was formally used as a primary school which would have generated significantly more traffic and vehicle numbers than the use now proposed. Regarding larger vehicle access, the proposal makes no changes to the existing road access from Grampian Road through Milton Park to the site, which meets Council standards. The access for larger vehicles remains as it is as present. The Transport Planning Team has no concerns on either matter.
66. Subject to the recommended conditions it is considered that the proposals comply with Policy 13: Sustainable Transport and Policy 15: Local Living and 20-minute neighbourhoods of NPF4 and Policy 3: Design and Placemaking of the Cairngorms National Park Local Development Plan 2021.

Impact on Neighbouring Amenity

67. In terms of residential amenity **Policy 3: Design and Placemaking** of the Cairngorms National Park Local Development Plan 2021 seeks to ensure that new development protects amenity currently enjoyed by neighbouring occupants to sites and affords sufficient private amenity ground and off-street parking with the development. **Policy 14: Design, Quality and Place** of NPF4 does not support developments that would be detrimental to the amenity of the surrounding area.
68. Concern has been raised by public representatives regarding the proposal's proximity to the northern adjacent dwellings at Milton Park, and the potential for the proposal to be overbearing, cause overshadowing and loss of light.
69. The development is proposed within the northeast section of the wider site to help provide flood betterment to existing homes. There is over 14m separation between the cottage flats and the dwellings to the north of the site, with no windows on the gable ends to remove any overlooking concerns. Most of the units are over 37m away from the proposed homes, with their gardens and access paths separating the buildings. Land has been graded up and all access paths and steps designed to minimise visual impact. The density and distance between the buildings is appropriate and equal to or greater than existing proximities found to similarly orientated homes in the adjacent area. Taking this into account, the proposal is not considered to cause any adverse impact on sunlight, privacy, overlooking or overshadowing in accordance with Policy 3: Design and Placemaking of the Cairngorms National Park Local Development Plan 2021 and Policy 14 of NPF4.
70. Regarding amenity space for the occupants of the proposal, the garden sizes associated with each unit of accommodation have been limited in size due to

the amount of land raising that was available without impacting the floodplain. Private garden spaces are not allowed to be constructed within the flood plain area, and the garden sizes were therefore reduced to the minimal permissible functional areas allowed under Highland Council's 'Firm Foundations' Design Brief. The outdoor amenity space provides more of a functional purpose by providing space for washing lines, bike, and bin storage for each unit of accommodation rather than larger scale private garden areas. On this basis, the proposal is considered to accord with Policy 3: Design and Placemaking of the Cairngorms National Park Local Development Plan 2021.

Developer Contributions

71. **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 where applicable and where no affordable housing is provided on site.
72. The development will give rise to potential impacts upon primary education in terms of the capacity of Aviemore Primary School, whereby a contribution per unit, as per Highland Council guidance on developer contribution, will be required. The applicant has been made aware of this and subject to its payment, the development complies with Policy 11: Developer Contributions of the Cairngorms National Park Local Development Plan 2021.

Other Issues Raised in Consultations and Representations

73. All matters raised by consultees and third parties have been addressed above.

CONCLUSION

74. The redevelopment of the former Aviemore School site will bring this vacant, derelict site back into use. The introduction of housing will fulfil a local need which will benefit the local community, through the provision of social rental units and properties suitable for disabled occupants. The development is sympathetically designed and will enhance the existing layout and character of the village. Any remaining points of detail that have not been sufficiently addressed will be resolved through the imposition of suitable conditions. Subject to these recommended conditions and the payment of the developer contribution figure, the proposed development is considered to comply with the policies contained within the adopted Cairngorms National Park Local Development Plan 2021 and approval is therefore recommended.

RECOMMENDATION

That Members of the Committee support a recommendation to APPROVE the Erection of 14no. houses at Former Aviemore Primary School Milton Park Aviemore Highland PH22 1RR subject to:

- a) the payment of the developer contribution towards primary education facilities; and the
- b) 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 on site, until a finalised surface water drainage design has been submitted to and approved in writing by the Cairngorms National Park Authority, acting as Planning Authority in consultation with the Highland Council Flood Risk Management Team. The details shall include confirmation from Scottish Water that they will accept the surface water discharge into the existing sewer together with confirmation they will vest the new network. The works shall thereafter be implemented in accordance with the approved scheme.**

Reason: To ensure that the drainage is appropriate to meet the needs of the scheme and to ensure confirmation from Scottish Water that they will accept the surface water discharge into the existing sewer and are prepared to vest the new network in accordance with Policy 22: Flood Risk and water management of NPF4 and Policy 10: Resources of the Cairngorms National Park Local Development Plan 2021.

2. **No development shall commence until details of the final compensatory storage design have been submitted to and approved in writing by the Cairngorms National Park Authority in consultation with SEPA and the Highland Council Flood Risk Management Team. The details shall include:**
 - a) Pre and post development ground level drawings;
 - b) Maintenance details;

The works shall thereafter proceed and be maintained in accordance with the approved details and implemented in full prior to the first occupation of the dwellings.

Reason: To ensure that the proposal maintains the amount of flood storage in compensation to the flood plain in accordance with Policy 22: Flood Risk and

water management of NPF4 and Policy 10: Resources of the Cairngorms National Park Local Development Plan 2021.

- 3. No development shall commence on site, until details of a Noise and Dust Management Plan have been submitted to and approved in writing by the Cairngorms National Park Authority, acting as Planning Authority, in consultation with the Highland Council Environmental Health Officer. The details shall include, but not be limited to:**
- a) Details of how the best practicable measures will be implemented to reduce the impact of construction noise at noise sensitive locations.**
 - b) details of the proposed scheme for the suppression of dust during construction.**
 - c) A detailed construction noise assessment should the construction work take place outwith the recommended hours of 8am to 7pm Monday to Friday and 8am to 1pm on Saturdays.**

The development shall thereafter be undertaken in strict accordance with the approved document.

Reason: In the interests of residential amenity in accordance with environmental health and Policy 14: Design, quality and place of NPF4.

- 4. No development shall commence on site until a fully detailed landscaping scheme both hard and soft landscaping proposals and the future maintenance and management of the proposed scheme has been submitted to and approved in writing by the CNPA acting as Planning Authority. This shall include, but not be limited to:**
- a) Hard landscaping material specification;**
 - b) Soft landscaping plant and tree species including planting specifications (species, number, size and planting mix);**
 - c) Details of soft landscaping works for the wider site located within the flood zone;**
 - d) Details of compensatory tree planting;**
 - e) Details of the biodiversity enhancement measures;**
 - f) Details of tree protection measures for trees to be retained on site.**

Thereafter the development shall be implemented in accordance with those approved details and not later than the expiry of the next planting season following commencement of the development or within such time as approved by CNPA acting as Planning Authority.

Reason: To ensure the long-term retention of an appropriate landscaping setting, enhanced biodiversity and to ensure the development will not have an adverse impact on the landscape setting or ecological quality of the development in accordance with Policy 3: Biodiversity and Policy 4: Natural Places of NPF4 and

Policy 4: Natural Heritage and Policy 5: Landscape of the Cairngorms National Park Local Development Plan 2021.

- 5. No development shall commence until pre-construction surveys are carried out by a suitably qualified ecologist for red squirrel, pine marten and breeding birds (if works are to be undertaken during the breeding bird season of March to August - inclusive). The results, together with any associated Species Protection Plans shall be submitted to and approved in writing by the Cairngorms National Park Authority acting as Planning Authority. Thereafter all mitigation measures shall be implemented in accordance with any approved species protection plans and overseen by a suitably qualified Ecological Clerk of Works.**

Reason: To determine the effects of the proposals on the ecology of the site and to inform mitigation measures for protected species during construction works in accordance with Policy 3: Biodiversity and Policy 4: Natural places of NPF4 and Policy 4: Natural Heritage of the Cairngorms National Park Authority Local Development Plan 2021.

- 6. 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) The approach to site preparation, soils management, restoration and reinstatement;**
 - b) Construction stage SUDs;**
 - c) Reference to the pre-construction ecology checks and subsequent species protection plans if required;**
 - d) Construction pollution prevention measures;**
 - e) Programme of works.**

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

Reason: A Construction Method Statement must be agreed prior to the commencement of any works to ensure that work on site proceeds without damage to the environment in accordance with policy 3: Biodiversity, Policy 4: Natural Places, Policy 9: Brownfield land, vacant and derelict land and empty buildings and Policy 12: Zero waste of NPF4 and Policy 4: Natural Heritage and Policy 10: Resources of the Cairngorms National Park Local Development Plan 2021.

- 7. No development shall commence on site until a Construction Traffic Management Scheme has been submitted to and approved in writing by the Cairngorms National Park Authority, acting as Planning Authority, in**

consultation with the Highland Council Transport Planning Team. The Plan shall include but not be limited to:

- a) Restriction of construction traffic to approved routes and the measures to be put in place to avoid other routes being used;
- b) Timing of construction traffic to minimise impact on local communities particularly at school start and finishing times, on days when refuse collection is undertaken, on Sundays and during local events;
- c) A code of conduct for HGV drivers to allow for queueing traffic to pass;
- d) Emergency arrangements detailing communication and contingency arrangements in the event of vehicle breakdown;
- e) Arrangements for the cleaning of wheels and chassis of vehicles to prevent material from construction sites associated with the development being deposited on the road;
- f) Arrangements for cleaning of roads affected by material deposited from construction sites associated with the development;
- g) Arrangements for signage at site accesses and crossovers and on roads to be used by construction traffic to provide safe access for pedestrians, cyclists, and equestrians.
- h) Details of information signs to inform other road users of construction traffic.
- i) Arrangements to ensure that access for emergency service vehicles are not impeded.
- j) Traffic arrangements in the immediate vicinity of temporary construction compound.
- k) Monitoring, reporting and implementation arrangements.
- l) Arrangements for dealing with non-compliance, and
- m) Details of HGV movements to and from the site.

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

Reason: To ensure there are no adverse impacts on the road network in relation to road safety and that construction traffic associated with the development causes minimum disruption to residents in accordance with Policy 13: Sustainable Transport and Policy 15: Local Living and 20 minute neighbourhood of NPF4 and Policy 3: Design and Placemaking of the Cairngorms National Park Local Development Plan 2021.

8. No development shall commence on site until a scheme to deal with potential contamination on site has been submitted to and agreed in writing by the Cairngorms National Park Authority in consultation with the Highland Council Contaminated Land Officer. The scheme shall include:
 - a) the nature, extent and type of contamination on site and identification of pollutant linkages and assessment of risk (i.e. a land contamination investigation and risk assessment), the scope and method of which shall be submitted to and agreed in writing by with the Planning Authority,

and undertaken in accordance with PAN 33 (2000) and British Standard BS 10175:2011+A2:2017 Investigation of Potentially Contaminated Sites - Code of Practice;

- b) the measures required to treat/remove contamination (remedial strategy) including a method statement, programme of works, and proposed verification plan to ensure that the site is fit for the uses proposed;
- c) measures to deal with contamination during construction works;
- d) in the event that remedial action be required, a validation report that will validate and verify the completion of the agreed decontamination measures;
- e) in the event that monitoring is required, monitoring statements shall be submitted at agreed intervals for such time period as is considered appropriate by the Planning Authority. No development shall commence until written confirmation has been received that the scheme has been implemented, completed and, if required, monitoring measurements are in place, all to the satisfaction of the Planning Authority.

Reason: To ensure that the site is suitable for redevelopment, given the nature of previous uses/processes on the site in accordance with Policy 9: Brownfield land, vacant and derelict land and empty buildings of NPF4 and Policy 10 of the Cairngorms National Park Local Development Plan and

- 9. No unit shall be constructed on site until details of the provision of bat and bird boxes throughout the site have been submitted to and approved in writing by Cairngorms National Park Authority acting as Planning Authority. Thereafter the development shall be implemented in accordance with those approved details. The boxes shall then be maintained and retained in situ.

Reason: To ensure the provision of enhanced opportunities for bird and bat roosting in accordance with Policy 3: Biodiversity and Policy 4: Natural places of NPF4 and Policy 4: Natural Heritage of the Cairngorms National Park Local Development Plan 2021.

- 10. Unless otherwise agreed in writing with the Cairngorms National Park Authority acting as Planning Authority, the residential units as shown on the approved plans will remain in perpetuity as affordable housing units.

Reason: To ensure affordable housing provision is delivered in accordance with Local Development Plan Policy and that the tenure of these units remains the same as assessed in this application in accordance with Policy 16: Quality homes of NPF4 and Policy 1: New Housing Development and Policy 3: Design and Placemaking of the Cairngorms National Park Local Development Plan 2021

- 11. No lighting shall be installed on site until details (position, type and intensity) have been submitted to and approved in writing by the Cairngorms National

Park Authority acting as Planning Authority. The lighting, if being provided, shall be installed, and operated in strict accordance with the approved plans.

Reason: To ensure that the development does not adversely affect European Protected Species including the commuter bats in accordance with Policy 4: Natural Heritage of the Cairngorms National Park Local Development Plan 2021.

12. Notwithstanding Condition 2, and prior to the first occupation of the dwellings hereby permitted, a plan shall be submitted to and agreed in writing by the Cairngorms National Park Authority acting as Planning Authority, in consultation with SEPA, identifying the area of the compensatory flood storage area. Thereafter, no further works or development shall take place within this area, as identified on the approved plan, other than the works permitted in accordance with Condition 2.

Reason: To ensure that the flood compensatory storage area is protected from development in perpetuity to ensure the flood area is retained at the functioning level permitted by this development in accordance with Policy 22: Flood risk and water management of NPF4 and the SEPA consultation response.

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. The applicants should submit a formal connection application to Scottish Water following the granting of planning permission for review of the availability of capacity. They will also require to contact Scottish Water's Assets Impact Team with regard to any Scottish Water infrastructure on the application site.
5. Construction work (including the loading/unloading of delivery vehicles, plant or other machinery) should not take place outwith 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.
6. Road Construction Consent (RCC) will be required from Highland Council as the Local Roads Authority for the new roads being built through this development. The process of applying for an RCC is set out on Highland Council website. No works should commence in constructing such roads until an RCC Approval has been issued by Highland Council as the Local Roads Authority.

CAIRNGORMS NATIONAL PARK AUTHORITY
Planning Committee Item 8 11/08/2023

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.