
CAIRNGORMS NATIONAL PARK AUTHORITY

DEVELOPMENT PROPOSED:

Erection of 9 houses, garages, re-alignment of road and landscaping at Land 75M SE Of Paw Prints, Corroul Road, Aviemore

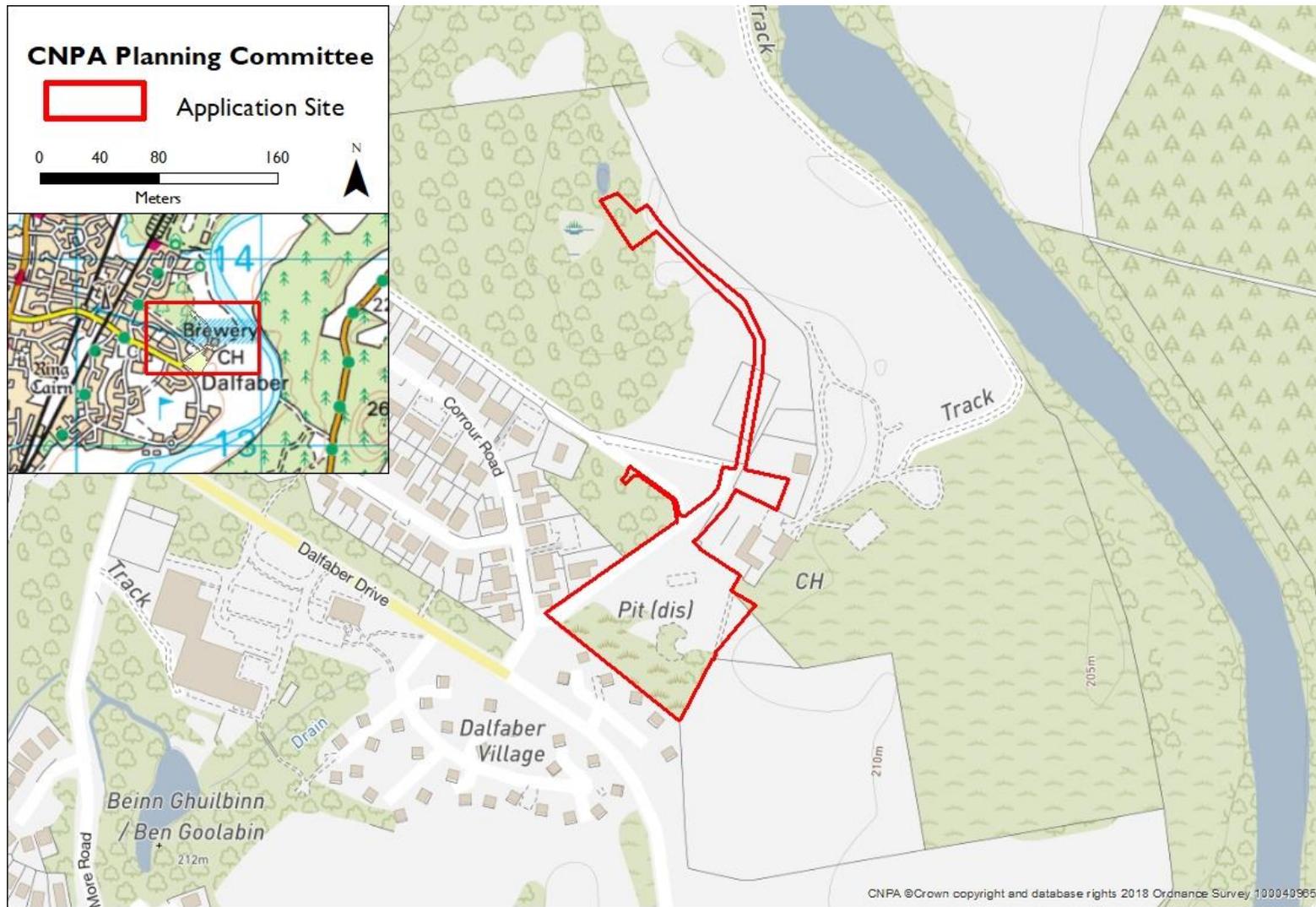
REFERENCE: 2021/0307/DET

APPLICANT: Scotia Homes Ltd

DATE CALLED-IN: 11 October 2021

RECOMMENDATION: Approve subject to conditions

CASE OFFICER: Alan Atkins - Planning Officer



SITE DESCRIPTION, PROPOSAL AND HISTORY

Site Description

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

Proposal

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

<http://www.eplanningcnpa.co.uk/online-applications/applicationDetails.do?activeTab=summary&keyVal=R0518ZSI0BY00>

Title	Drawing Number	Date on Plan*	Date Received
PLANS			
Plan – Location Plan	3920/K2/00-0/H	05/09/21	11/10/21
Plan – Site Layout Plan	3920/K2/00_03C	05/09/21	11/10/21
Plan – Floor Elevation Plan	3920/K2-07	28/11/17	11/10/21
Plan – Garage Plan	3920/03/100	Sept 2021	11/10/21
Plan – General Plan	3920/K2/02-06A	28/11/17	11/10/21
Plan – General Plan	3920/K2/02-08A	28/11/17	11/10/21
Plan – General Plan	3920/K2/02-10A	28/11/17	11/10/21
Plan – General Plan	3920/K2/02-13A	28/11/17	11/10/21
Plan – General Plan	3920/K2/02-15A	28/11/17	11/10/21

Plan – General Plan	3920/K2/02 -16A	28/11/17	11/10/21
Plan – Tree Protection Plan	DRA – 2166 –TP - 01	29/07/21	11/10/21
Plan – Landscaping Plan	PO1	July 2021	11/10/21
Plan – General Planting Plan	PO2	July 2021	11/10/21
Plan- Landscape Strategy Plan	334-PO1-B		28/01/2022
Plan – Detailed Planting Proposals	334-PO2-B		28/01/2022
SUPPORTING INFORMATION			
Archaeological Report			11/10/21
Design Statement			11/10/21
Flood Risk Assessment Part 1			11/10/21
Flood Risk Assessment Part 2			11/10/21
Preliminary Ecological Appraisal	DRAV- 2107- PEA		11/10/21
Site Investigation Report Part 1			03/11/21
Site Investigation Report Part 2			03/11/21
Site Investigation Report Part 3			03/11/21

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

4. This application proposes the realignment of the primary access road into the site. This will now lie further to the south, providing more space and privacy to an existing property (Pawprints). The proposals also include the re-configuration of seven new dwellings to the south site and a change in house type of six of these. Changes to the rear garden depths at plots 38 and 39 (adjacent to the existing farmhouse) are also proposed.
5. Plans of the proposals are included in **Appendix I**.

History

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

Application reference	Details	Outcome
05/101/CP	Development of 101 serviced house plots with associated roads, access points, services and landscaping (outline) at Dalfaber North, Aviemore	Refused on 16 November 2006. Approval was granted on appeal (reference P/PPA/01/8) for up to 104 houses in total.

07/144/CP	Development of 20 serviced plots at Land North West of Dalfaber Farm, Dalfaber Drive, Aviemore.	Approved by Planning Committee subject to a legal agreement; this was never signed. Applicant appealed against non-determination. Appeal allowed on 11 March 2010 (reference PPA-001- 2000)
07/145/CP	Development of 104 houses at Land North West and South of Former Steadings, Dalfaber Farm, Dalfaber, Aviemore	Approved by Planning Committee subject to a legal agreement; this was never signed. Applicant appealed against non-determination. Appeal allowed on 11 March 2010 (reference PPA-001-2001).
10/028/CP	Section 42 application to extend time limit for approval of matters specified in condition permission P/PPA/01/8 (05/101/CP) at Land North West of Dalfaber Farm, Dalfaber Drive, Aviemore	Application withdrawn 25 March 2010
10/063/CP	Reserved matters application for 85 serviced plots P/PPA/01/8 (05/101/CP) at Land North West of Dalfaber Farm, Dalfaber Drive, Aviemore	Application withdrawn 25 March 2010.
2013/0073/MSC	Approval of Matters Specified in Conditions of Planning Permission in Principle 07/144/CP at Land to the 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)
2013/0074/MSC	Approval of Matters Specified in Conditions of Planning Permission in Principle - 07/0145/CP at Land North West and South of Former Steadings Dalfaber Farm, Dalfaber Drive, Aviemore.	Application refused on legal grounds at Planning Committee on 19 February 2015. Appeal allowed on 21 March 2016 (reference PPA-001-2017)
2014/0397/DET	Application under Section 42 to vary to conditions 1, 11, 12 and 21 on permission ref PPA/001/200(07/93/OUTBS (07/144/CP)) at Land North West of Dalfaber Farm, Dalfaber Drive, Aviemore.	Not called in by CNPA. Applicant appealed against non-determination by Highland Council. Appeal allowed on 21 March 2016 (reference PPA-270- 2127).
2014/0399/DET	Application under Section 42 to vary conditions 1, 12, 13 and 22 of consent PPA/001/2001 (07/94/OUTBS (07/0145/CP)) at Land North West and South of Former Steadings, Dalfaber Farm, Dalfaber Drive, Aviemore	Not called in by CNPA. Applicant appealed against non-determination by Highland Council. Appeal allowed on 21 March 2016 (reference PPA-270-2126).

2017/0463/DET	Application to satisfy Condition 2b of planning permissions PPA-001-2016 and PPA-001-2017 for 75 residential units at Land North West of Dalfaber Farm, Dalfaber Drive, Aviemore.	Application withdrawn 9 May 2018.
2018/0183/MSC	Application to satisfy the conditions of Planning Permission PPA-270-2127 for residential units at land to the South of Dalfaber Farm at Land South Of Dalfaber Farm Dalfaber Drive, Aviemore	Application approved.
2018/0184/MSC	Application to satisfy the conditions of Planning Permission PPA-270 – 2126 for residential units located at Land North West of Dalfaber Farm, Dalfaber Drive, Aviemore.	Application approved.
2019/0040/MSC	Application to install half barriers to Dalfaber level crossing, in accordance with Condition 20(c) of 07/0093/OUTBS	Application approved.
2019/0041/MSC	Application to install half barriers at Dalfaber level crossing, in accordance with Condition 21(c) of 07/00094/OUTBS	Application approved.
2019/0011/MSC	Application for allocation of affordable housing units, in accordance with Condition 21 of 07/00093/OUTBS, in conjunction with application reference 18/06859/MSC.	Application approved.
2019/0042/MSC	Application for allocation of affordable housing units, in accordance with Condition 22 of 07/00094/OUTBS, in conjunction with application reference 18/05857/MSC.	Application approved.
2019/0012/MSC	Application for the restoration of a dwelling house in accordance with Condition 23 of 07/00094/OUTBS (as amended by 14/03675/S420	Application approved.

Habitats Regulations Appraisal

7. A Habitats Regulations Appraisal [HRA] has been undertaken (5/08/21) to consider the effects of the proposal upon the conservation objectives of the European Sites of the Cairngorms Special Protection Area. The full appraisal is attached at **Appendix 2**.
8. The Habitat Regulations Appraisal concluded that the proposed development at Dalfaber is unlikely to have a significant effect on the protected sites at the River Spey SAC and Kinveachy Forest SPA. In this instance, the qualifying interests are freshwater pearl mussel, sea lamprey, Atlantic salmon, Capercaillie and Scottish crossbill. The River Spey SAC is located across the well – used Spey Valley Golf Course, with no

direct water course connectivity. Due to the intervening golf course, and topography, there are no indirect effects likely from the proposed development, and associated infrastructure. There, there are no effects on habitats and supporting processes of the qualifying interests.

DEVELOPMENT PLAN CONTEXT

Policies

National Policy	Scottish Planning Policy 2014	
Strategic Policy	Cairngorms National Park Partnership Plan 2017 - 2022	
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	SPORT AND RECREATION	
POLICY 9	CULTURAL HERITAGE	
POLICY 10	RESOURCES	X
POLICY 11	DEVELOPER CONTRIBUTIONS	X

9. 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

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

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

Policy 11	Developer Contributions Supplementary Guidance (2015)	X
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CONSULTATIONS

Summary of the main issues raised by consultees

11. **Transport Scotland** has stated that it does not advise against the granting of planning permission.
12. **Scottish Water** has stated that there are no objections to this planning application. However, the applicant should be aware that this does not confirm that the proposed development can currently be serviced. Scottish Water has carried out a Capacity Review and can confirm the following:
 - a) This proposed development will be fed from Aviemore Water Treatment Works. Unfortunately, Scottish Water is unable to confirm capacity currently, so to allow a full appraisal of the proposals, it is suggested that the applicant completes a Pre-development Enquiry (PDE) Form and submits it directly to Scottish Water via the Customer Portal or contact Development Services. In terms of waste water capacity, there is currently sufficient capacity for a foul only connection in the Aviemore Waste Water Treatment works, to service the development. However, it should be noted that further investigations may be required to be carried out once a formal application has been submitted to Scottish Water.
 - b) According to existing records, the development proposals impact on existing Scottish Water assets. The applicant must identify any potential conflicts with Scottish Water assets and contact the Asset Impact Team via the Customer Portal to apply for a diversion. The applicant should be aware that any conflict with assets identified may be subject to restrictions on proximity of construction Surface water.
 - c) For reasons of sustainability and to protect its customers from potential future sewer flooding, Scottish Water will not accept any surface water connections into its combined sewer system. There may be limited exceptional circumstances where Scottish Water would allow such a connection for brownfield sites only. However, this will require significant justification from the customer taking account of various factors including legal, physical, and technical challenges. In order to avoid costs and delays where a surface water discharge to a combined sewer system is anticipated, the developer should contact Scottish Water at the earliest opportunity with strong evidence to support the intended drainage plan prior to making a connection request.
13. **NatureScot** has stated that they agree with the conclusions of the Habitat Regulations Assessment, and have no further comments to make
14. **Highland Council Contaminated Land Officer** has noted that records indicate that a former farm refuse tip is present on the site and is located within the site boundary of the above development. Land contamination issues may be present as a result and therefore appropriate conditions are recommended to address this issue.

15. **Highland Council Floods Team** initially objected to the proposals on the grounds of a lack of flood risk and drainage information. Following the submission of an amended Drainage Impact Assessment and Flood Risk Assessment, the Flood Risk Management Team removed their objection to the proposals. The updated Flood Risk Assessment includes the latest information on the fluvial flood risk to the site, and is considered to be acceptable. The modelled levels for the River Spey remain unchanged, and no other sources of flooding are shown to pose a significant threat. However, in order to ensure that no development connected to flood plain of the River Spey is below 208.34m, and that no house is constructed with a finished floor level of lower than 209.94m, a suitable worded condition should be included that all levels should be as per the Flood Risk Assessment
16. In terms of the proposed re-alignment of the access road, the Flood Risk Management team is satisfied with the revised Flood Risk Assessment, and has no objection. However, give the latest proposals, and site layout changes, a suitably worded condition should be included that a revised and finalised Drainage Impact Assessment is submitted for the approval of the Flood Risk Management Team.
17. **Highland Council Transport Planning Team** stated that there are no objections to the principle of realigning the main access road into the site, or the new house types and their proposed points of access, and that they are working directly with the developer to finalise design details based on those changes. This includes the access arrangements to the existing property named Pawprints and the types of traffic calming features proposed for the new access roads. Such design details are being reviewed and agreed through the corresponding Road Construction Consents (RCC's) for the new roads being built. They should not impact on the road alignment or the property changes proposed in this application.
18. The driveway designs for Plots 02 & 36 need to be at least 5.5m wide to safely accommodate 2 cars. In this instance, the single integrated garage proposed would not count towards the 2 spaces required for each plot. Subject to confirmation of the above highlighted point, there are no objections to the proposals within this application. However, the applicant must recognise that final design details for the roads will be agreed through the RCC process.
19. **Corporate Address Gazetteer** has stated that the applicant should be aware of the street naming and numbering process (SNN) which can be found on the Highland Council's website. When an SNN request is received the details are passed onto the Ward Manger who will consult the Local Members and Community Council. Therefore, it is encouraged that the applicant/agent submits a request for the naming of a new street in the event that planning permission and/or Construction Consent has been granted.
20. **CNPA Landscape Officer** has acknowledged that proposal lies within a site allocated for housing within the LDP for which it has been established that there is landscape capacity for development. Therefore, the key issues are the siting and design of the scheme. In this regard, it is assessed that the proposal would result in some

adverse local landscape and visual effects, primarily due to the removal of some existing mature trees that contribute to the local landscape character and SLQs.

21. The re-location of plots 1, 2 and 33-37 will result in some increased effects from additional tree removal but this may be limited and compensated with careful siting, design and new planting. In the south of the site, the proposals for new tree and hedge planting are welcomed, and the proposals relate positively to the distinct characteristics and qualities of the landscape.
22. The landscape and visual effects of the proposal will also depend on the method of construction and how the site is managed and maintained over time. Therefore, landscape management and maintenance proposals for up to at least 5 years following construction, including care of existing and proposed trees, hedges, shrubs and grassland, should be submitted. Furthermore, a management and maintenance plan (or Habitat Management Plan) is required to accompany the landscape plan. A Construction Method Statement, including the approach to site preparation, is also required.
23. The proposed development would be viewed mainly by local residents along Corroul Road and visitors to Dalfaber village, in addition to people playing golf, and by people carrying out local recreation, including walking through the adjacent woodland, and along the track between the golf club and Dalfaber Park.
24. Based on the material submitted, it is predicted that the proposals will result in some local landscape and visual effects. The proposed realigned access road would make the access road further from the residence of Pawprints but, in doing this, and not reducing the total number of house plots, would involve the removal of eight existing trees, south of the road, and nine on or north of the road.
25. The proposed tree planting is welcome, particularly the standard trees which will have significant amenity value within a relatively short timescale. The planting proposals will take into full consideration the RPA's of existing trees, and the planting densities of the proposed hedges around the house plots are appropriate for the size of woodland and species involved. The details of the proposed shrub beds are in – keeping with the landscape character of the site, and local landscape features. Furthermore, the proposed hedge planting is welcomed, but it should comprise mainly of hazel, holly, elder and /or rose, or beech, and not field maple, hawthorn and spindle tree. The proposed species are not commonly found in the Cairngorms, and are unlikely to thrive.
26. The plans show several 'proposed 2m wide 'swale' but no details are provided on how these would fit with the SuDS or planting scheme. It is advised that planting proposals are developed for the swales which incorporate wetland plants which would contribute positively to the local landscape, following good practice guidance such as produced by CIRIA .
27. **CNPA Ecology Officer** has stated that with some minor changes to the landscaping scheme, overall, the proposal will not have any significant adverse ecological impacts over and above the original consented scheme. Some further survey work is required i.e. for reptiles. Clarification and further work is required to the

landscaping scheme. Overall, there are not considered to be any significant adverse impacts on species of conservation concern in relation to the current proposals.

28. There is scope for the scheme to provide mitigation and compensation for lost habitat, and scope to provide some ecological benefit through enhanced woodland planting, species rich grassland, bee nesting sites, bird and bat boxes if managed appropriately.
29. All trees were assessed for presence of any potential roost features for bats. This survey work gave a comprehensive overview of the habitats on the site and potential for protected species. The survey work was out-with the optimal season to confirm presence of species such as reptiles and key invertebrates species, but the report is sufficient to determine habitat quality for species of conservation concern, and what mitigation and compensation is required.
30. The shrubs and woodland edge elements of the proposals have been removed, which is welcome. However, it is noted that the Detailed Planting Proposals include areas of amenity grass (shaded green) located in the undercarriages of the trees on site. This type of planting is not appropriate as the undercarriages of trees should not be re-seeded. Therefore, it is recommended that a suitably worded condition is included that a revised planting scheme is submitted showing the omission of the areas of amenity grass. Furthermore, any shrub/s seeded areas must complement the existing ground flora.
31. In light of the submitted ecological information, it is considered that:
 - a) There is no evidence of otter, pine marten, red squirrel, water vole, wildcat or schedule I birds using the site. Impact on these species will be negligible.
 - b) Habitats within the proposal area may support common garden bird species.
 - c) There are 10 previously used badger setts across the whole site. There are no signs of recent use (there is likely to be too much disturbance from local residents and dog walkers for the woodland to be optimal for badgers). 5 of these sites are within the proposed boundary of the current application or within 30m of the boundary (and would require a licence to disturb if badgers returned to use them). 2 of these disused setts would require destruction due to overlap with the current proposal. Lack of badger presence within the site means that impact of the proposal will be negligible.
 - d) There is suitable habitat for reptiles within the current proposal area. The proposal could result in direct mortality of reptiles and also loss of habitat. Additional survey work is required prior to construction commencing, and if reptiles are found to be present, additional mitigation will be required.
 - e) Small Scabious Mining Bee has been recorded on the site, including the proposal area, in the past. Further survey work is required to determine if there is suitable habitat within the proposal area.
 - f) A Habitat Management Plan is required to implement and manage habitats within the proposal i.e. to provide habitat for Small Scabious Mining Bee

- g) A plan detailing the provision of bird nest boxes is required.
 - h) A Habitat Management Plan is required which ties together the management of the landscape scheme and the key species habitats (grassland and woodland)
 - i) There are no SUDS shown on any of the plans, and it is, therefore, not clear how surface water will be treated and stored prior to outflow from the site. 2m swales are shown on the landscape plan, but it is not clear if / how these will be vegetated.
32. **CNPA Outdoor Access Team** has stated that having considered this application for planning permission (which it is noted is a limited revision to a previously approved development, being subject to out input on 11/07/18), there are no comments to make in respect of matters pertaining to statutory access rights.

REPRESENTATIONS

33. There have been no representations received for this application.

APPRAISAL

34. The main planning considerations are considered to be: the principle of development; the impact upon landscape, siting and design; the environmental impacts; access and servicing impacts, and developer contributions.

Principle of Development

35. **Policy I: New Housing Development** of the Cairngorms National Park Local Development Plan 2021 supports new housing development only where it is located within an identified settlement boundary subject to that development meeting the requirements for the settlement and reinforcing and enhancing the character of the settlement
36. Planning permission in principle was granted on appeal for the two sites at Dalfaber Farm in March 2016 - see Appendix 1(b) 1 Location Plan. Furthermore, all subsequent applications for matters specified in conditions have now been approved, including the provision of affordable housing in compliance with policies relevant at the time. Given that application is for a small revision to the layout that has detailed planning permission and has been implemented and does not increase the number of units on the site, it is not considered appropriate to seek and additional affordable housing contribution. The principle of the development is considered to be acceptable in terms of Policy I: New Housing Development, subject to compliance with other relevant Local Development Plan policies.

Landscape Impacts

37. **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.
38. It is noted that the proposals will result in some landscape effects, primarily due to the removal of mature trees that contribute positively to the landscape character of the local area. It is proposed to remove a total of eight trees to facilitate the re- alignment of the access road. However, any resulting impact on the local landscape character will be mitigated by the proposed planting, and retaining other trees on the site.
39. The reconfiguration of the layout of five of the proposed new dwellings in the south site will also require the removal of trees. However, any landscape impacts will be compensated with the detailed planting proposals that have been submitted. The amended planting scheme has been designed to relate positively to the distinct characteristics of the area. The proposed planting is considered appropriate in terms of density, species type, and numbers. In particular, the design of the proposed hedges around the house plots is in – keeping with the landscape character of the site. Furthermore, the proposed hedge planting is welcomed, but it should comprise mainly of hazel, holly, elder and /or rose, or beech, and not field maple, hawthorn and spindle tree, as per the submitted planting proposals. The proposed species are not commonly found in the Cairngorms, and are unlikely to thrive. A suitably worded condition will be included that a revised planting scheme is submitted which will show a more appropriate species mix for the proposed hedging. Therefore, any potential landscape impacts will be fully, and appropriately addressed.
40. The proposed development will not introduce any notable detrimental changes to the landscape character of the site and immediate area, and is therefore considered to comply with Policy 5: Landscape, of the Cairngorms National Park Local Development Plan 2021.

Siting and Design

41. **Policy 3: Design and Sustainable Placemaking** of the Cairngorms National Park Local Development Plan 2021 states that all developments must be designed to be sympathetic to the traditional pattern and character of the surrounding area, local vernacular and local distinctiveness, whilst encouraging innovation in design and use of materials. All materials and landscaping should complement the setting of the development.
42. In this instance, the reconfiguration of the layout of the seven units in the south site will result in safer driveway access and an enhanced outlook. Furthermore, the amended layout will not result in any loss of amenity for the any of the properties involved, including loss of light and privacy. The re-configuration will result in a more traditional residential layout. The proposed houses are of a standard design and use a palette of materials that has already been approved. Furthermore, the proposed changes to the garden depths of the two houses in the north site is acceptable and will

not have an adverse impact on the design of the overall scheme. The proposals are considered to comply with Policy 3: Design and Sustainable Placemaking of the Cairngorms National Park Local Development Plan 2021.

Environmental Impacts

43. **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.
44. The submitted plant species list includes a diverse mix of wet loving plants that will provide a valuable corridor of habitat for insects, and will add to the visual amenity of the site. The Detailed Planting Proposals shows that the undercarriage of the existing trees has been shaded in green to denote area of amenity grassland. However, this is not appropriate and all undercarriages of trees must be left as existing and not re-seeded. Furthermore, in order to prevent any disturbance to the roots of the trees, all adjoining seeded areas should complement the existing ground flora and not replace it. A suitably worded condition will be included that an amended planting scheme is submitted, showing that the undercarriages of all trees are left as existing and not re-seeded.
45. Given the proposed loss of trees, there will be a loss of habitat for reptiles, birds, bees and bats. Therefore, a suitably worded condition is recommended requiring a Habitat Management Plan is submitted for the key habitats of woodland and grassland. Furthermore, suitably worded, suspensive condition will be required that a reptile survey is submitted to determine the population of reptiles on site and to include mitigation measures where required.
46. Given the presence and potential loss of suitable habitat for mining bees, a suitably worded, suspensive condition is also recommended that a Species Protection Plan for the small scabious bee is submitted. Furthermore, there is suitable habitat for badgers on-site which could be affected by the proposals. Therefore, a suitably worded condition will be included that a Mammal Protection Plan (including pre-commencement surveys) is submitted.
47. Although there will be some environmental impact as a result of the proposed development, the improved woodland planting scheme and proposed bird and bat boxes will provide scope for ecological gain, and off- set any loss of habitat.
48. The proposed development will not introduce any notable detrimental changes to the ecology of the site and immediate area. On this basis, and subject to suspensive conditions being included, the proposal is considered to accord with Policy 4: Natural Heritage of the Cairngorms National Park Local Development Plan 2021.

Servicing and Access

49. **Policy 10: Resources**, of the Cairngorms National Park Local Development Plan 2021 sets out the need to fully consider impacts on flooding and water resources.

50. In terms of surface water drainage, the proposals will result in the development of areas of impermeable surfacing, particularly in the re- alignment of the access road, and reconfiguration of seven of the houses in the south site, and their associated roads and driveways. An updated Drainage Impact Assessment has been submitted, which takes into consideration the latest proposals. However, in light of changes in the layout, a suitably worded condition is recommended requiring a revised and finalised Drainage Impact Assessment is submitted for the review and approval of Highland Council Flood Risk Management Team.
51. The application site is adjacent to the 1 in 200 year storm event flood plain of the River Spey. The site is, therefore, at a medium to high risk of flooding from this source. However, an updated Flood Risk Assessment has been submitted, which has fully assessed the risk of flooding from the River Spey and has shown that no other sources of flooding pose a significant threat. However, a suitably worded planning condition will be included to ensure that no development connected to the flood plain of the River Spey is located below a level of 208.34m, and that no house is constructed with a finished floor level of lower than 209.94m, as per the recent Flood Risk Assessment.
52. Regarding water connections, the proposal would be connected to the mains water in the area. Scottish Water has no objections but require the applicant to submit a formal application to them following the granting of any permission to review capacity. In order to confirm capacity at the Aviemore Water Treatment Works, a Pre-Development Enquiry Form (PDE) should be submitted to Scottish Water.
53. It is confirmed that the site is not at risk of flooding from any source nor will it impact on any neighbouring residential properties in terms of flooding. Subject to suspensive conditions being included, the proposal is considered to comply with Policy 10: Resources of the Cairngorms National Park Local Development Plan 2021.
54. Policy 3: Design and Placemaking of the Cairngorms National Park Local Development Plan 2021 states that all new development must include an appropriate means of access, egress and space for off street parking.
55. The proposed development will be accessed via Corroul Road, Dalfabur Road and then by the proposed primary access road. The proposed re-alignment of the primary access road to the south will afford more privacy to an adjacent residential property and will encourage reduced speeds along the road when compared to the linear nature of the existing, approved layout. The occupation of houses in wider sites are linked via a legal agreement to an upgrade of the Dalfaber Railway crossing for safety reasons. A condition can be applied to this consent to ensure no units are occupied unless the crossing is considered to meet the necessary standards.
56. There is adequate off street vehicular parking provision to serve the scheme and it is considered that the application satisfies the roads requirements of Policy 3: Design and Placemaking of the Cairngorms National Park Local Development Plan 2021.

Contaminated Land

57. **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 also to the Park's biodiversity, geodiversity, hydrology and other special qualities.

58. In this instance, a former farm refuse tip is presently located within the site boundary of this development. This being the case, contamination issues may be present. In light of this, suitably worded suspensive conditions are recommended requiring a scheme to identify and address potential contamination issues to be submitted and that no development shall commence on site until written confirmation is received that the scheme has been completed, implemented and all required mitigation measures are in place. Furthermore, given the nature of part of the site, and to assess potential contamination issues, a suspensive condition will be included that a full site history, with past uses of the site should be submitted. Therefore, subject to suspensive conditions being included, the proposal is considered to comply with Policy 10: Resources of the Cairngorms National Park Local Development Plan 2021.

Developer Contributions

59. **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.
60. In this instance, the application is for a changed layout to a development granted permission in principle at a point in time when the decision-maker did not consider contributions necessary. However, there is a projected need for additional primary education facilities with Aviemore and all new housing developments are required to make a contribution. It is appropriate to seek a contribution to primary education facilities. With the provision of an appropriate contribution to primary education facilities, the application is considered to be in accordance with Policy 11: Developer Obligations of the Cairngorms National Park Local Development Plan 2021.

CONCLUSION

61. The application to re-align the main access road, reconfigure the layout of seven residential units and to alter the garden ground of two residential units is considerable acceptable. The development will not introduce any significant landscape or environmental impacts subject to the recommended conditions. Furthermore, the proposals do not introduce any physical changes which would result in any additional habitat loss. Any remaining points of detail, in particular relating to contaminated land and drainage, which have not been sufficiently addressed will be resolved through the imposition of suitable conditions. Subject to the inclusion of the aforementioned planning conditions, the proposal is considered to accord with the relevant local development plan policies of the 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 9 houses, garages, re-alignment of road and landscaping at Land 75M SE Of Pawprints Corrou Road Aviemore, 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 on site until a Landscape Management and Maintenance Plan for up to at least five years following construction, including care of existing and proposed trees, hedges, shrubs and grassland, is submitted to, and agreed in writing by, the Cairngorms National Park Authority, acting as Planning Authority.**

Reason: To protect the ecological interests of the area and limit the visual impact of the proposal in accordance with Policies 4: Natural Heritage and Policy 5: Landscape of the Cairngorms National Park Local Development Plan 2021.

2. **No development shall commence on site until revised planting proposals showing that the majority of the hedge planting comprises of hazel, holly, elder, and / or rose, or beech, and not field maple, hawthorn and spindle tree, as per the submitted plan, is submitted to, and agreed in writing by, the Cairngorms National Park Authority, acting as Planning Authority.**

Reason: To ensure that the hedge planting comprises of species that are commonly found within the Cairngorms National Park, and that thrive locally in accordance with Policy 4: Landscape of the Cairngorms National Park Authority Local Development Plan 2021.

3. **No development shall commence on site until a Construction Method Statement, including the approach to soils management and restoration is submitted to, and agreed in writing by, the Cairngorms National Park Authority, acting as Planning Authority.**

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

4. **No development shall commence on site until a Habitat Management Plan, which combines the management of the landscape scheme and the key habitats of grassland and woodland, is submitted to, and agreed in writing by, the Cairngorms National Park Authority, acting as Planning Authority.**

Reason: To ensure that all planting, and ongoing woodland management are appropriate to the site and surrounding area, in accordance Policy 4: Natural Heritage of the Cairngorms National Park Local Development Plan 2021.

5. **No development shall commence on site until a Reptile Survey is carried out between March and October, and submitted to, and agreed in writing by, the Cairngorms National Park Authority, acting as Planning Authority.**

Reason: In order to determine the effects of the proposals on the ecology of the site and to inform mitigation measures for reptiles during construction works in accordance with Policy 4: Natural Heritage of the Cairngorms National Park Authority Local Development Plan 2021.

6. **No development shall commence on site until a Species Protection Plan for small scabious bee is submitted to, and agreed in writing by, the Cairngorms National Park Authority, acting as Planning Authority. This will include the creation of an alternative habitat for the bee within the development site.**

Reason: To determine the effects of the proposals and to ensure the development does not have a detrimental impact on this protected species and that appropriate operational mitigation proposals are in place in accordance with Policy 4: Natural Heritage of the Cairngorms National Park Local Development Plan 2021.

7. **No development shall commence on site until a Mammal Protection Plan, including pre-commencement surveys for badgers, mitigation measures to prevent harm to protected mammals during construction and a plan detailing the provision of bat boxes, is submitted to, and agreed in writing by, the Cairngorms National Park Authority, acting as Planning Authority.**

Reason: In order to determine the effects of the proposals on the ecology of the site and to provide mitigation measures thereof, in accordance with Policy 4: Natural Heritage of the Cairngorms National Park Authority Local Development Plan 2021.

8. **No development shall commence on site until a plan detailing the provision of bird nest boxes is submitted to, and agreed in writing by, the Cairngorms National Park Authority, acting as Planning Authority.**

Reason: To ensure the provision of enhanced opportunities for bird nesting in accordance with Policy 4: Natural Resources of the Cairngorms National Park Local Development Plan 2021.

9. **No development shall commence on site until revised planting proposals, showing the removal of all areas of amenity grass (shaded green on the submitted planting plan), located in the undercarriages of the trees on site, are submitted to, and agreed in writing by, the Cairngorms National Park Authority, acting as Planning Authority,**

Reason: To ensure that the undercarriages of the existing trees are not re-seeded, in accordance with Policy 4: Natural Heritage of the Cairngorms National Park Authority Local Development Plan 2021.

10. **No development shall commence on site until a scheme to deal with any potential on-site contamination has been submitted to, and agreed in writing by, the Cairngorms National Park Authority, acting as Planning Authority**

Reason: In order to determine the nature, extent and type of any contamination on site, and all appropriate mitigation measures required, both before and during construction, and monitoring thereafter in accordance with Policy 10: Resources of the Cairngorms National Park Authority Local Development Plan 2021.

11. **No development shall commence on site until confirmation is submitted to, and agreed in writing by, the Cairngorms National Park Authority, acting as Planning Authority, that the contaminated land scheme has been completed, implemented and any monitoring measures are in place**

Reason: To ensure any contamination on site has been suitably addressed through appropriate remediation in accordance with Policy 10: Resources of the Cairngorms National Park Authority Local Development Plan 2021.

12. **No development shall commence on site until a full site history of all former uses of the site is submitted to, and agreed in writing by, the Cairngorms National Park Authority, acting as Planning Authority.**

Reason: In order to assess any potential on-going contamination issues remaining from the past uses of the site, in accordance with Policy 10: Resources of the Cairngorms National Park Authority Local Development Plan 2011.

13. **No development shall commence on site until a revised and finalised Drainage Impact Assessment is submitted to, and agreed in writing by, the Cairngorms National Park Authority, acting as Planning Authority.**

Reason: To ensure that any surface water drainage requirement complies with the principles of SUDS in order to protect the water environment in accordance with Policy 3: Design and Placemaking and Policy 10: Resources of the Cairngorms National Park Local Development Plan 2021.

14. **No development shall commence on site until the CNPA confirms in writing that an agreed financial contribution towards increased primary education facilities in Aviemore has been received by Highland Council as education authority, or that a legal agreement to provide an agreed financial contribution towards increased primary education facilities in Aviemore has been secured with either Highland Council as education authority or the CNPA acting as Planning Authority.**

Reason: To ensure the impact of the development on primary education facilities is mitigated in accordance with Policy 11: Developer Obligations of the Cairngorms National Park Local Development Plan 2021.

15. No house shall be occupied on site until either the Dalfaber level crossing over the Strathspey Rail line has been upgraded to a half barrier crossing in accordance with the details specified by the Office for Rail Regulation (ORR), or the CNPA confirms in writing that it has received written confirmation from the ORR and Highland Council that the crossing is safe for use by the additional residents of the houses approved in this consent.

Reason: In order to ensure safe access for residents and other users of the level crossing in accordance with Policy 3: Design and Placemaking of the Cairngorms National Park Authority Local Development Plan 2021.

16. No development that is connected to the flood plain of the River Spey is to be constructed below 208.34m, and that no house is constructed with a finished floor level of lower than 209.94m

Reason: In order to ensure that the proposed development is not at risk of flooding in accordance with Policy 10: Resources of the Cairngorms National Park Authority Local Development Plan 2021.

Informatives

1. The development hereby approved must commence within 3 years of the date of this decision notice. If development has not commenced within this period then this planning permission will lapse.
2. The person undertaking the development is required to give the Planning Authority prior written notification of the date which it is intended to commence the development. Attached to this decision notice is a Notice of Initiation of Development for completion and submission. Submission of this information assists the Cairngorms National Park Authority Monitoring and Enforcement Officer in monitoring active work within the area to ensure compliance with the approved details and to identify and correct any potential problems, as they arise, rather than later when it may be more difficult and more costly to rectify. Failure to give notice would constitute a breach of planning control which may result in enforcement action being taken.
3. Following completion of the development, a notification of completion shall, as soon as practicable, be given to the Planning Authority. Attached to this decision notice is a Notice of Completion of Development for completion and submission. Submission of this form will assist the Cairngorms National Park Authority Monitoring and Enforcement Officer in making a final inspection and checking compliance with the approved drawings and conditions. If the development hereby approved is to be carried out in phases, then a notice of completion should be submitted at the completion of each phase.

4. You are advised that the approval of the Highland Council Roads Authority is required for any works affecting the public road and for any road construction consent or any other requirements under the Roads legislation.
5. 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.
6. In order for Scottish Water to conduct a full appraisal of the proposals, the applicant should complete a Pre- Development Enquiry (P.D.E.) Form, and submit to Scottish Water via the customer portal, or contact Development Services.

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.