
CAIRNGORMS NATIONAL PARK AUTHORITY

Title: REPORT ON CALLED-IN PLANNING APPLICATION

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(PLANNING OFFICER,
DEVELOPMENT MANAGEMENT)**

DEVELOPMENT PROPOSED: To erect 5 houses, Coylumbridge, Aviemore.

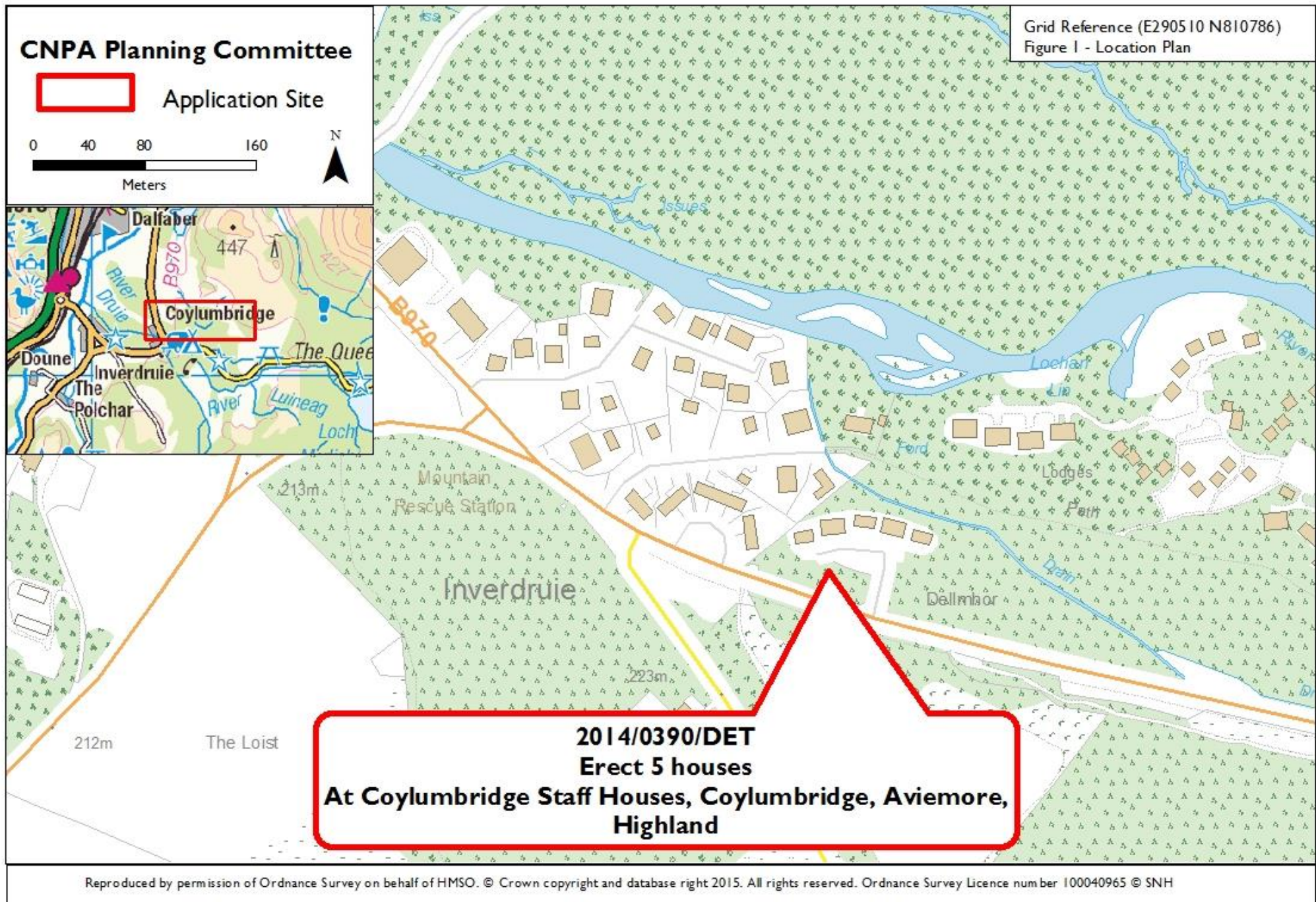
REFERENCE: 2014/0390/DET

REASON FOR CALL IN: Housing development of five or more residential units within a settlement and located in an area of environmental constraints.

APPLICANT: Cairngorm Properties Ltd

DATE CALLED-IN: 22 December 2014

RECOMMENDATION: **APPROVAL SUBJECT TO CONDITIONS and S75 to secure affordable housing contribution**



SITE DESCRIPTION AND PROPOSAL

- I. 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=NGOKYMSI0C000>

| Title | Drawing Number | Date on Plan | Date Received |
|--|-----------------------|---------------------|----------------------|
| Location Plan | PL.100 | 10 Nov 2014 | 22 Dec 2014 |
| Site Plan | PL.101 | 10 Nov 2014 | 22 Dec 2014 |
| Typical Floor Plans | PL.103 | 10 Nov 2014 | 22 Dec 2014 |
| Typical Elevations and Section | PL.104 | 10 Nov 2014 | 22 Dec 2014 |
| Visual Images | PL.105 | 10 Nov 2014 | 22 Dec 2014 |
| Site Drainage Plan | PL.102 | 10 Nov 2014 | 22 Dec 2014 |
| Design, Access & Sustainability Statement | | Nov 2014 | 22 Dec 2014 |
| Tree Constraints Data | | 28 Sep 2014 | 22 Dec 2014 |
| JWC Dellmhor Tree Constraints | I4/04551/FU L 000002 | 04 Nov 2014 | 22 Dec 2014 |
| JWC Dellmhor Tree Removals SUPERSEDED | I4/04551/FU L 000003 | 04 Nov 2014 | 22 Dec 2014 |
| JWC Dellmhor Tree Protection Plan | I4/04551/FU L 000001 | 04 Nov 2014 | 22 Dec 2014 |
| JWC Dellmhor Replanting Proposal | I4/04551/FU L 000004 | 04 Nov 2014 | 22 Dec 2014 |
| JWC Dellmhor Tree Removals REVISED LAYOUT | | 14 March 2015 | 14 March 2015 |
| Landscaping Plan | | 23 Jan 2015 | 23 Jan 2015 |
| Remedial Tree Works Recommendations | | 29 Jan 2015 | 31 March 2015 |
| JWC Dellmhor TPP with TP Line Amended | | 14 March 2015 | 31 March 2015 |
| Reply to Forestry Officer Comments of 26/02/2015 | | | 20 March 2015 |
| Drainage Impact Assessment & SUDS Strategy | | January 2015 | March 2015 |
| Presence & Absence Survey | RR.AMunro. | 27 Jan | 31 March |

| | | | |
|--|----------------------|-----------------|------------------|
| | Dellmhor.Ec V.1.0 | 2015 | 2015 |
| Site Plan Visibility Splays | | 10 Jan 2015 | 12 May 2015 |
| Economic Feasibility Study WSD | | 4 Aug 2015 | 7 Aug 2015 |
| Arboricultural Impact of Proposed Development | | 28 July 2015 | 7 August 2015 |
| JWC Dellmhor Landscaping Revised 29072015 | JWCRP | 24 June 2015 | 7 August 2015 |
| JWC Dellmhor TPP With TP with TP line amended | | 29 July 2015 | 7 Aug 2015 |
| JWC Dellmhor Tree Constraints | | 04 Nov 2014 | 7 Aug 2015 |
| JWC Dellmhor Tree Removals on Revised Layout | | 29 July 2015 | 7 Aug 2015 |

Development Proposal

2. The site subject to this planning application forms part of the wider developments along the Ski Road between Inverdrue and Coylumbridge. **See Figure 1 Location Plan.** There are 10 relatively modern properties in a crescent arrangement to the west, with other properties to the north-west, and the Coylumbridge holiday accommodation and complex to the north and east of the site **See Figure 2 – Satellite image of site**

3. The proposal is for the erection of 5 new detached properties within the development site immediately adjacent to a number of existing dwellings. The layout would see 4 properties located south of the existing housing, being 2 gable facing the Ski Road, and two further properties (1 of which is set back) lying parallel to the Ski Road. The 5th property would be located east of the existing building line adjacent to the most easterly property **See Figure 3 – Proposed site plan.** The development site is defined by an old post and wire fence along with trees and scrub, beside the footpath along the Ski Road.

4. The 7 existing properties immediately north and partially west of the proposed new housing were originally constructed around 1984 by Coylumbridge Hotel as staff accommodation. The applicant acquired the site in 2014. Along with the woodland setting and Ski Road, the existing buildings form a prominent feature. The 7 existing units are single storey detached and semi-detached properties between 77 and 102m² and ridge heights of 6.4 and 7.2m. The existing properties have been subject to extensive renovations following acquisition by the applicant, including renewed/upgraded insulation, windows, doors, wiring, plumbing, and external porch areas etc., finished with fresh decoration inside and out. The exterior walls are whitewashed with contrasting timber detailing.



Figure 2 – Satellite image of site



5. A Design and Access Statement was submitted by the agent on behalf of the applicant, outlining the approach to design for the site. The statement outlines the site context as being partly wooded with mature Scots pine lining the B970 road from Aviemore to Coylumbridge, with mixed woodland lying to the North and East of the site boundaries. The site is accessed by an existing 3.50m wide private road from the B970 Aviemore to Coylumbridge road with pedestrians to the site currently sharing the road access. Parking for the property is available on site.
6. The proposal would utilise private foul drainage tying into the existing private drain. Surface Water Soakaways (SuDS) are proposed within the road area to minimise impacts upon the trees subject to retention.
7. The 5 new houses are of a contemporary design but incorporate traditional vernacular and materials. The floor area will be similar in all 5 units at around 75m² ground floor and 65m² first floor area with ridge heights at 7.3m. Relatively narrow 6.5m wide gables are intended to minimise the visual mass. Sustainable design and construction methods and materials are chosen, including glazed areas for solar gain, a concrete slab floor for thermal mass with under floor heating, and highly insulated air tight timber frame construction and timber windows and floors with high U values. External cladding would be Scottish larch timber boarding and thin coat acrylic render on backing board **See Figure 4 – Extract from visual images.**

Figure 4 – Extract from visual images



8. The supporting information states that the site is not prone to flooding and the proposal is not expected to contribute to flooding in the general area.

9. There is hard standing proposed for wheelie bins and a composting bin for food waste and the hammer head turning area would accommodate a refuse vehicle for collection. There would also be an external log store to serve wood burning stoves that are intended for each property.
10. There is no anticipated issue of ground contamination on the site.
11. In terms of general site landscaping the proposal would require the removal of some existing trees which are detailed in the submitted report and drawings by Jacqueline Waring Treeplanning. It is proposed that re-planting would occur within the site to replace those trees lost to enhance the visual amenity of the property and encourage biodiversity (the tree survey and proposals have been subject to revision as a result of advice from CNPA landscape and ecology).
12. No initial wildlife surveys had been carried out at the time of submission but a later survey report was submitted and considered.

Site History

13. There is no planning history recorded for the development site. The refurbishment works to the existing Coylumbridge Staff Houses were completed as Permitted Development.

DEVELOPMENT PLAN CONTEXT

National policy

14. **Scottish Planning Policy** (SPP, revised 2014) sets out national planning policies that reflect Scottish Ministers priorities for the operation of the planning system and for the development and use of land. Under planning law, planning applications must be determined according to the development plan unless material considerations indicate otherwise. The content of SPP is a material consideration in planning decisions that carries significant weight. The SPP promotes consistency in the application of policy across Scotland whilst allowing sufficient flexibility to reflect local circumstances.
15. The SPP sits alongside four other Scottish Government planning policy documents:
 - a) The **National Planning Framework** (NPF) which provides the statutory framework for Scotland's long term spatial development. The NPF sets out the Scottish Government's spatial development policies for the next 20 to 30 years;
 - b) **Creating Places**, the policy statement on architecture and place, containing the Scottish Government's policies and guidance on the importance of architecture and design;
 - c) **Designing Streets**, a policy statement putting street design at the centre of placemaking. It contains policies and guidance on the design

- of new or existing streets and their construction, adoption and maintenance; and
- d) **Circulars**, which contain policy on the implementation of legislation or procedures.

Strategic Policies

Cairngorms National Park Partnership Plan (2012-2017)

16. The Cairngorms National Park Plan sets out the vision and overarching strategy for managing the National Park and provides focus and priorities at a time of limited financial resources. The Plan also provides a strategic context for the Local Development Plan and shows how the four aims of the National Park can be achieved together. It sets out the strategic direction and priorities for the Park.
17. Three long term outcomes for the Park are set out as follows:
- a) A sustainable economy supporting thriving businesses and communities;
 - b) A special place for people and nature with natural and cultural heritage enhanced; and
 - c) People enjoying the park through outstanding visitor and learning experiences.

These outcomes address the interaction of the three main characteristics of the National Park these being that the Park is an internationally important area for nature conservation; a fragile rural economy, and an internationally known tourism destination. Recognising the relationship of these outcomes is at the heart of the National Park. A series of work programmes to help deliver the outcomes is set out in the Plan.

Local Plan Policy

Cairngorms National Park Local Development Plan (2015)

18. 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: <http://cairngorms.co.uk/park-authority/planning/local-development-plan>. Key policies relevant to the proposed development are summarised below:
19. Policy 1: New Housing Development the aim of the policy is to maintain high quality places where communities can be sustainable and thrive which is key to the long term success of the National Park. Settlement boundaries indicate the extent to which identified settlements may expand during the next five years. All new housing developments should be contained within these boundaries. Proposals will be supported where they reinforce and enhance the character of the settlement, maximising opportunities for infill, conversion, small scale development, use of derelict or underused land or the

redevelopment of land. The policy also seeks to secure contributions towards affordable housing provision. The level of affordable housing required as a contribution on developments of four or more open market dwellings will generally be no more than 25% of the total number of units. Proposals for less than four open market dwellings will also be required to make a payment towards the meeting of housing need in the local area. Proposals for offsite contributions will be considered where community needs assessments, or similar assessments, support this as a better way of meeting the housing needs of the community.

20. Policy 2: Supporting Economic Growth seeks to ensure that sustainable growth in the economy of the park is at the heart of supporting our communities, helping them become and remain vibrant and attractive places for people to live and work. The economy of the National Park is based on a number of sectors, including land management, tourism, recreation etc. The policy aims to assist existing businesses and create a flexible framework whilst ensuring that new development is supported by robust and 'fit for purpose' infrastructure, which makes access to the wider economy as simple as possible. This must all be achieved in a way which protects the special qualities that make the park an attractive place to invest.
21. Policy 3: Sustainable Design A design statement must accompany all development proposals to demonstrate how the proposal has been designed to:
- a) minimise the effect of the development on climate change;
 - b) be sympathetic to the traditional pattern and character of the surrounding area, whilst encouraging innovation in design and materials;
 - c) use materials and landscaping that will complement the setting of the development;
 - d) make sustainable use of resources;
 - e) enable recycling and composting;
 - f) promote sustainable transport methods;
 - g) improve or add to public and amenity open space;
 - h) maintain and maximise responsible outdoor access;
 - i) protect neighbouring amenity;
 - j) include appropriate access, parking, and private amenity;
 - k) create opportunities to further biodiversity and promote ecological interest.

Implementation of the policy will take into account the impact the development has on its site, its setting, and the surrounding landscape. The development must reflect its setting in terms of siting, scale and design.

22. Policy 4: Natural Heritage ensures that development conserves and enhances the outstanding natural heritage of the National Park. It offers the necessary level of protection from adverse development and enables enhancement. It supports the international reputation of the Cairngorms National Park as a high quality place for nature and the contribution of the National Park to

Scottish biodiversity targets. It also enhances the special qualities which make the Cairngorms an attractive place to live and work. Development that would adversely affect the Cairngorms National Park will only be permitted where it will not adversely affect the integrity of the area or the qualities for which it has been designated, or any such adverse effects are clearly outweighed by social, economic or environmental benefits of national importance, and compensated by the provision of features of commensurate or greater importance than those that are adversely affected. Development that would have an adverse effect on any European Protected Species will only be permitted in cases of special justification.

23. Policy 5: Landscape does not seek to keep landscapes unchanged, but to ensure that they evolve in ways that conserve and enhance the special qualities. In practice this means making the most of every opportunity that comes as a result of a development proposal to ensure that development conserves and enhances the distinctive characteristics we value, making changes where opportunities for enhancement exist, and avoiding change that would erode the characteristics that make the Park a special place. The policy supports development that contributes to landscape enhancement and protects against development that would erode the landscape qualities we value.
24. Policy 10: Resources ensures that new development or engineering works requiring planning permission protects our important resources. The policy aims to reduce the overall resource use footprint of the National Park, protect resources where appropriate and ensure we use and manage natural resources in an effective way. The policy seeks to ensure a suitable development in respect of water resource implications, flooding, sewerage, and waste minimisation.
25. Policy 11: Developer Contributions development which gives rise to a need to increase or improve public services, facilities or infrastructure, or mitigate adverse effects, will normally require the developer to make a fair and reasonable contribution towards the additional costs or requirements. Such contributions will be consistent with the scale and nature of the development.

Supplementary Guidance

26. Current supplementary guidance on sustainable design, natural heritage and landscape sets out issues to be considered and these are largely reflected in the Supplementary Guidance recently approved by the Planning Committee which is passed onto Scottish Ministers with a view to future adoption.

CONSULTATIONS

27. **Community Council** the Aviemore and Vicinity Community Council support the application

28. **CNPA Landscape Officer** concluding advice – with careful site accommodation works to protect the majority of trees on the site during construction, the proposed 5 new houses will complement the landscape character of this part of the park. A sensitive planting plan and management programme will enhance the character of this little bit of woodland and conserve the special landscape qualities of the wooded approach to the mountains. A tree impact assessment and revised landscape planting and management plan are required to secure this outcome. The following must be included as conditions to be submitted and agreed in consultation with CNPA:

- a) Design details for garden boundaries.
- b) Revised landscape plan including details of species, specification, protection and on-going management.
- c) Removal of roadside boundary fence.
- d) Plan and detail for footpath link.
- e) Design details for site entrance.
- f) Proposed lighting plan bearing in mind that any essential lighting should be low-key, low level, and downward facing.

The development would have a local effect on landscape and visual amenity, but has the potential to be addressed by appropriate mitigation measures. In the event of planning permission being granted, conditions are required to address potential impacts and provide landscape enhancement.

29. **CNPA Ecological Advisor** 20 mature and semi-mature trees to be lost under the footprint of the new houses and gardens. There would be a loss of mature juniper. There are no protected species on the constraints check.
30. Although tree loss is undesirable, the proposal has been designed to reduce loss of mature trees and the loss of 20 trees (some of which are non-native species) will have a relatively minor impact on the connectivity and diversity of the woodland surrounding the development. There is predicted to be a loss of a small number of mature juniper which is undesirable but the impact of this loss is low. Compensation is required in the form of planting and non-native species removal, in addition to the submitted “replanting plan”. The proposal is not considered to have protected species constraints – the trees highlighted for removal are not considered to have potential to support bat roosts and no red squirrel drays were found. Red squirrel feeding signs were noted under tree 406, a spruce, with this tree to be retained. A single wood ant nest was found adjacent to the main access point on the fence line bordering the front of the site. The fence is proposed to be retained. Dead branches are proposed to be removed from retained trees – this must only be carried out where there are health and safety implications in order to avoid loss of valuable deadwood habitat. It should be noted that due to the proximity of the Cairngorms SPA, of which Capercaillie is a qualifying feature, the CNPA will conduct a screening exercise for an Appropriate Assessment, as part of the Habitats Regulation Appraisal process. Conditions are proposed should planning permission be granted.

31. **Highland Council Forestry Initial Response** following initial consultation, the forestry officer raised concerns over apparent felling in plots 10, 11, and 12 during the refurbishment and modification of the existing houses (7 within the development area). There is also concern over:
- a) the amount of felling proposed within the development area;
 - b) the approach to tree protection as part of the development;
 - c) the separation between dwellings and trees;
 - d) the loss of trees within the visibility splay area;
32. The Highland Council Forestry Officer is concerned that the proposal represents an over-development of the site at the expense of the existing trees/woodlands which are visually significant on the side of the Ski Road and are listed in the ancient woodland inventory. He was also concerned that the application does not accurately reflect the impact there would be on trees and that the proposed level of retention in close proximity to construction and dwellings would result in damage to existing trees during construction and pressure to remove further trees should consent be granted.
33. The agent provided a response to the HC return. They stated that there would be a high proportion of trees removed within the site but that this should be seen in the wider context of the woodland setting. They also suggested that the more specific information being sought was not critical to the consideration of the proposal. Layout and construction implications were revised. Construction options were also discussed and close association between property and trees on plot 12 was to allow for the 402 tree retention. The agent asserts that as a result of maintaining the woodland setting, light levels may be restricted. This is consistent with the current relationship between the existing properties and trees within the site area. They also refer to the transport planning team who do not require the removal of the mature trees for visibility and who are happy with the proposal. Replanting locations can be amended but competition is characteristic of a woodland setting.
34. **Highland Council Forestry Second Response** concern still expressed that the proposal represents an over-development of the site at the expense of existing trees/ woodlands which are visually significant on the side of the Ski Road and are listed in the Ancient Woodland Inventory. They are also concerned that the application does not accurately reflect the impact there would be on trees. There is further concern that the proposed level of retention in close proximity to proposed construction and residential dwellings would result in damage to existing trees during construction and pressure to remove further trees should consent be granted. They are therefore still not in a position to support this application.
35. **Highland Council Transport Planning** Following initial consultation Highland Council Transport Planning asked for further information from the applicant to respond fully to the application.

36. Further to additional information received from the applicant Highland Council Transport Planning have no objection to this application and recommend the following condition, to ensure that all works undertaken meets the requirements of the Roads Authority, is attached to any consent:
- a) No water shall discharge onto the public road
 - b) The visibility splay of x dimension 9 metres and Y dimension 120 metres as shown on drawing no. PL. 107 is provided whilst maintaining the mature trees and removing low level shrubs.
37. **Highland Council Flood Team Initial Response** objects to the planning application due to the lack of information regarding flood risk and drainage.
38. Additional information was provided by the applicant in response to the HC consultation return.
39. **Highland Council Flood Team Second Response** maintains an objection due to the lack of information regarding flood risk.
40. The applicant provided further detail of the ground conditions and photographs of the feature shown on mapping as a watercourse to demonstrate that it was in fact a drainage ditch.
41. **Highland Council Flood Team Second Response** following a review of photos identifying the watercourse as being a surface water ditch, a Flood Risk Assessment is not required.

REPRESENTATIONS

42. When deciding an application for planning permission, the authority must also take into consideration representations received timeously under the provisions.
43. No representations have been received.

APPRAISAL

Principle

44. When determining a planning application the planning authority is required to make the determination in accordance with the provisions of the development plan unless other material considerations indicate otherwise. This creates a presumption in favour of development proposals which are in accordance with the provisions of the development plan.
45. The proposed new housing is, for the most part, contained within the Inverdrue settlement boundary. A small part of the proposed development area lies outside the boundary line shown on the settlement plan, being part of plots 10 and 11, and plot 12. However, the settlement boundary in this instance does not follow a strong ground feature or defining edge, and as the

proposal consolidates the existing building group, being 7 dwellings within a woodland clearing - **See Figure 5 – Existing development** - the slight extension outside of the settlement boundary is not considered significant in planning policy terms and for the most part would be contained within a cleared site area - **See Figure 6 – Plot 12**. Therefore the principle of residential development contained within, and immediately adjoining the Inverdrue settlement boundary is accepted.



Figure 5 – Existing development



Figure 6 – Plot 12

Landscape and Environmental Impacts

46. Whilst the principle of residential development consolidating the settlement of Inverdrue is accepted, the proposal must demonstrate that there are no unacceptable landscape and environmental impacts.
47. In terms of **landscape character and visual amenity**, the CNPA Landscape Officer has undertaken a site inspection and considered the proposals. The site is within Dellmhor, and is part of the development that continues along the Ski Road between Inverdrue and Coylumbridge. Woodland is an incredibly important component of the landscape in this area and forms a backdrop to the settlements with roadside trees being important in the landscape experience of the Ski road journey. The site itself is characterised by mature pine trees and a few broad leaved trees with an under-storey of juniper and grassland **See Figure 7 – Photo to the site from the Ski Road**. The proposed site is close to, and visible from the Ski Road and the logging way cyclepath/foot way, and the pavement on the north side of the road. It is opposite the unclassified road to Blackpark and Tolluchgrue, and the access track to Rothiemurchus sand and gravel quarry. The whole area is well used by walkers, cyclists, runners and horse riders and the wider area is criss-crossed by tracks and paths which are very popular for recreation.



Figure 7 – Photo to the site from the Ski Road

48. One of the main issues associated with the development is the potential impact upon woodland setting, tree loss and the associated impacts upon landscape character and visual amenity. The Highland Council Forestry Officer is concerned that the proposal would constitute overdevelopment of the site with an unacceptable level of tree loss, and introduces further potential for tree loss upon the completion of the development as a result of overshadowing and building encroachment. This is an understandable concern. Notwithstanding this view, the CNPA officers from planning, landscape, and ecology have undertaken a detailed site inspection and close consideration of the merits of the proposal. It is considered that whilst some tree loss is inevitable, the extent of the tree loss would not be significant in terms of the wider woodland setting and would allow for the removal of some non-native species. There is also the opportunity for appropriate re-planting to a schedule to be agreed by the CNPA in a manner that would enhance the landscape and visual amenity of the site and immediate area. Furthermore, and on account of the existing built context and partially cleared site, as well as the standard of the proposed layout, design, and mitigation proposed, the development would be complementary to the landscape setting and not have any significant detrimental impact upon the landscape character and visual amenity in this part of Inverdrue and Coylumbridge.

49. It is accepted that the proposal would introduce change to the immediate landscape character and visual amenity of the site and immediate area, and that the proposal is prominently located along the popular Ski Road. However, the layout of the proposal, along with the design and material choice, would serve to mitigate any change. The general modest scale and traditional form of the proposed housing, and importantly the use of Scottish Larch for cladding, with small contrasting areas of white render, would enhance the existing built form, and soften the visual impact of the existing property on wider public views across the site and from the public road. The design of the housing is considered well suited to the woodland setting. Opportunities to remove non-native species and secure appropriate boundary treatments, including the removal of the unsightly post and wire fence should also be taken and is seen as a positive move.
50. In conclusion with careful site accommodation works to protect the majority of trees on the site during construction, the proposed 5 houses will complement the landscape character of this part of the Park. A sensitive planting plan and management programme will enhance the character of this little bit of woodland and conserve the special landscape qualities of the wooded approach to the mountains. A tree impact assessment and revised landscape planting and management plan, together with some specific details of garden and site boundaries and lighting proposals, are required to secure this outcome and should be conditioned to any consent for final agreement.
51. In terms of **ecology**, there are 20 mature and semi-mature trees to be lost under the new footprint of the houses and gardens, with some loss of mature juniper. There are no protected species constraints within the development area. However, it should be noted that due to the proximity of the Cairngorms SPA, of which Capercaillie is a qualifying feature, the CNPA have completed a screening exercise for Appropriate Assessment under regulation 48 of the Conservation (Natural Habitats, &c) Regulations 1994 (as amended). It is concluded that no likely significant effects would occur. The screening is attached as Appendix 2.
52. The arboriculture survey highlights 20 trees for felling which fall directly within, or a significant portion of the root area within, the development boundary. These include 14 Scots pine, 2 spruce, 1 cypress and 1 birch. Although this tree loss is undesirable, the proposal has been designed to reduce loss of mature trees and the loss of these 20 trees will have a minor impact on the connectivity and diversity of the woodland surrounding the development. The majority of large mature trees on the fringes of the site are being retained, maintaining the “woodland feel” of the development.
53. The CNPA ecologist notes that tree 0375 has been highlighted for felling. This is a large mature Scots pine which stands amongst similar sized trees in the street front. This tree has a number of dead branches and according to the arboriculture report has been highlighted for felling due to the potential for insect boring pests. Trees such as this are important ecologically, as the natural decay created by insect attack or storms creates habitat for other invertebrate species, nesting birds and fungi. Unless the tree is proven to be

unstable it should be retained. Dead branches that pose a health and safety risk can be removed but dead wood should otherwise be left in situ. A condition is proposed to be attached to any consent requiring a further assessment of this tree condition prior to any agreement for felling to be issued. As part of a revised submission the applicant has confirmed that the tree would be subject to retention **See Figure 8 – Tree 0375 for retention.**



Figure 8 – Tree 0375 for retention

54. There would be some loss of juniper within the site that would have a low ecological impact and is significant within the site and adjoining land only. The re-planting scheme has taken account of this in response to the CNPA advice and as a consequence juniper now forms part of the planting schedule.
55. A presence and absence survey was provided in support of the application. No red squirrel drays have been found within trees within the development boundary though some feeding evidence was noted. None of the trees highlighted for felling are considered to be suitable for roosting bats. No wood ant nests were found during the survey (Jan 2015), but during the site inspection on 20th April, a single active wood ant nest was found beside the pavement, near the main access point. This nest is on the boundary of the development and outside the construction and tree felling area and sits adjacent to one of the fence posts. Any replacement of the fence, or the removal of the existing fence, should be undertaken carefully to avoid damage to the nest.
56. Compensation for tree loss is required. This is normally requested on a replacement of 3 trees for every semi-mature and mature tree lost so that some enhancement is also achieved. For this proposal a total of 60 replacement trees are required. A revised replanting scheme taking account of this and suggested modifications was suggested following initial consultation. As a result a revised plan incorporating CNPA guidance has been submitted with a 5 year establishment maintenance responsibility to apply and include replacement of failures **See Figure 9 – Revised landscaping plan**. This is to form part of a requirement for a detailed planting scheme and tree impact assessment to be submitted for approval by condition and is intended to address and respond to the best practice guidance being offered by the CNPA through their ecologist and landscape architect. If the recommendations are followed, the planting will enhance the structure of the woodland and its ecological value.
57. In respect of flood risk to the site and adjacent land, and the foul drainage provision for the properties, the Highland Council flooding and drainage engineers are satisfied that there would be no risk of surface water flooding as a result of the development, and that there is no history of flooding on the site. Foul drainage is proposed for a private connection with the existing properties and this would be controlled through building standards and SEPA.
58. The proposed residential development, as previously stated is adjacent to existing residential development, with other residential and tourism development nearby, all being located within a wider woodland setting. It is considered that the proposal is wholly compatible with the established land use in the area.

generally be no more than 25% of the total number of units. Furthermore, proposals for offsite contributions will be considered where community needs assessments or similar assessments support this as a better way of meeting the housing needs of the community.

61. The benchmark contribution for a development of 4 or more houses is 25%. In this instance the benchmark contribution would be to provide 1 unit on site or £25,000 per unit (sum of £125,000). Should the proposal have been for less than 4 open market dwellings then a lesser cash contribution would be sought to be put towards the delivery of affordable housing in another location. This finance would be ring fenced for affordable housing contribution in the relevant secondary school catchment area or housing market area.
62. The value of the financial contribution is specifically related to the value of the site being developed. The guide for this financial contribution, as previously stated, is £25,000 per unit for developments of 4 or more houses. This may however vary due to the location and value of the development and the specifics of the site. Supplementary Guidance suggests a pragmatic approach towards the payment of contributions would be available where significant costs in the delivery of the development occur.
63. The planning application was submitted stating that the applicant considered the site to be unsuitable for on-site affordable housing provision, but did not provide evidence in support of the assertion. The CNPA planning and housing officer entered into discussions with the agent and the applicant seeking further information to judge the best and most practicable delivery towards affordable housing.
64. The applicant has considered the options and has subsequently submitted further information in support of their suggested off-site contribution. The applicant has consulted both Albyn Housing Society Ltd and The Highlands Small Communities Housing Trust (HSCHT) to establish their interest and levels of payment on one of the 5 units being provided on site at Dellmhor.
65. HSCHT have provided an indication of payment which the applicant's cost consultants have used to prepare a financial study, indicating a level of profit for the option to provide 1 on-site unit. The feasibility study/cost analysis determines that a benchmark contribution of 1 on site unit, or £125,000 cash contribution (25k x 5 units) renders the development infeasible for the applicant. This cost analysis is attached to the Appendix to be treated as commercial in confidence for information only. The applicant states that they rely on adequate profit margins on private developments to compensate for tight profit margins through highly competitive tendering in the construction industry.
66. A supporting letter was submitted following a more detailed consideration of affordable housing. To ensure the success of the development the applicant urges the CNPA to consider off-site contribution and reiterate that HSCHT and Albyn are supportive in principle for an offsite contribution. The

applicant suggests that they may contribute to the infrastructure works associated with any future affordable housing developments. This has been considered but judged to be a less secure and deliverable outcome than a cash contribution to be managed by Highland Council as part of affordable housing delivery.

67. Whilst developer performance is not material to the planning assessment, the applicant wishes the CNPA to recognise that Allan Munro Construction Ltd are a long established company employing 25 people directly and supporting many local sub-contractors and businesses. They have already delivered around 50 affordable units locally and have developments in the pipeline which will be providing affordable homes in the Aviemore and Kincaig areas.
68. The agent states that they have endeavoured to create a development at Dellmhor which recognises the requirements of the CNPA design criteria and moves away from the generic developer's type of housing. Should this development prove successful it will provide confidence to be more creative with developments in the future. The applicants have already renovated the seven existing unkempt and bland houses on the site demonstrating their intentions for the quality of the proposed development.
69. Having reviewed the scale of the proposal, submitted cost analysis, site constraints (being a small woodland development site), and contact with a registered social landlord and housing trust, the CNPA consider that in this instance an appropriate mechanism for affordable housing delivery, taking account of the policy and guidance allowances for a pragmatic consideration of development viability in association with affordable housing, would be an off-site cash contribution to the Highland Council for affordable housing delivery in Badenoch and Strathspey. Having account of the cost analysis, a sum of £50,000 has been negotiated for contribution to maintain a viable development.
70. The summary is an agreement for £50k total payable to Highland Council to be used for Affordable Housing in Badenoch and Strathspey, payment in two stages of £25k on sale or occupation (whichever comes first) of the third house and £25k on sale or occupation (whichever comes first) of fifth house. This would be secured through a S75 legal agreement to be concluded before consent is granted, which if not concluded within 3 months of the committee date (18th September), would see the application referred back to committee with a recommendation for refusal.
71. Whilst it would be preferable to secure on-site affordable housing provision, it should be noted that the CNPA have no record of a pre-application approach by the applicant to discuss the development proposal. This approach would be encouraged as an opportunity to consider the design and delivery options available that may assist in on-site affordable housing provision as the preferred mechanism for affordable housing delivery. Notwithstanding this, it is considered that a satisfactory agreement has been reached in principle subject to legal agreement for a cash contribution in this instance.

Other Material Considerations

72. Whilst the cost of the proposed development is not a material consideration in itself, assessment of the financial viability of the proposed development is. In this case, and in respect of the implications that the level of affordable housing contribution would have on the viability of the development proposal, financial viability is best carried out by the developer and most planning authorities do not have the expertise to make such an assessment. The planning consequences of the financial viability should nevertheless be considered. Lack of financial viability can in some developments lead to abandonment before completion, sterilising a site from development and leaving the planning authority with the problem of how the site should be managed. This would be regrettable given the prominence of the site location.
73. It should also be noted that the role of planning in enabling and facilitating development, with a greater understanding of development viability being crucial, is emphasised in Government Guidance. With this in mind the CNPA, through the adopted LDP, seek to secure and assist in the delivery of developments of the highest design standard.

CONCLUSION

74. The development proposal, being subject to planning conditions, is designed to a standard that would maintain and enhance the landscape and visual amenity within the Dellmhor area along the Ski Road. The development would reinforce and enhance the character of the Inverdruie and Coylumbridge settlements, maximising the opportunity for infill adjacent to an established building group. It has been demonstrated that a sustainable approach to design will deliver a high standard of development befitting the prominent location within the Park, with no adverse impacts upon ecology being apparent. Furthermore, the developer has agreed in principle to provide a reasonable and proportionate cash contribution towards affordable housing that would not compromise the development viability and delivery of open market housing within the park. Therefore the proposal complies with the relevant provisions and intent of adopted planning policy and there are no other material considerations that warrant the setting aside of adopted policy.

IMPLICATIONS FOR THE AIMS OF THE NATIONAL PARK

Conserve and Enhance the Natural and Cultural Heritage of the Area

75. The development is of a high standard of design, and as a result of appropriate layout, scale, design and material detailing, and on account of the measures for tree retention and compensatory planting, the development would conserve and enhance the natural and cultural heritage of the park.

Promote Sustainable Use of Natural Resources

76. It is demonstrated that the principles of sustainable design and best use of resources have been applied to the design of the development proposal. The land uptake is kept low, adjacent to an established building group and the proposal would share the existing services whilst incorporating energy efficient measures in construction.

Promote Understanding and Enjoyment of the Area

77. The wider woodland setting is maintained and compensatory planting would enhance the woodland character. The proposal would have a neutral impact upon the understanding and enjoyment of the area.

Promote Sustainable Economic and Social Development of the Area

78. The proposal would contribute to direct employment through construction and provide accommodation for residents (whether permanent or temporary) which in turn will support the local economy.

RECOMMENDATION

That Members of the Committee support a recommendation to GRANT PLANNING PERMISSION for the erection of 5 houses subject to the conclusion of a S75 legal agreement securing a cash contribution towards affordable housing within the Badenoch & Strathspey area:

- I Notwithstanding the approved details, development shall not commence until a detailed Tree Impact Assessment and Site Landscaping Plan is submitted to and approved in writing by the CNPA acting as planning authority. The Tree Impact Assessment and Landscaping Plan shall include, but not be restricted to, the following information:
- a) Precise details of tree protection measures during construction, having account of the change in levels, access for vehicles and plant, and the management of material and spoil during construction;
 - b) A detailed landscaping and planting plan including details of species, specification, protection and on-going management;
 - c) Measures for the placing of dead wood around the site to encourage invertebrate;
 - d) Plan and details of a pedestrian link to the public footpath via the south-west corner of the development site;
 - e) Methods for the careful removal of the roadside boundary fence and measures to safeguard the wood ant nest at the edge of the site;
 - f) Design details for the site entrance;
 - g) Proposed lighting plan demonstrating a low-key, low level approach to downward facing lighting;
 - h) Precise details of the garden/site boundary treatments to each property.

Reason: To ensure that the development has minimal impact upon the landscape and visual amenity of the immediate area, and in the interest of ecology, as precise details of landscape treatment have yet to be agreed.

- 2 Notwithstanding the approved details, development shall not commence until a Construction Method Statement (CMS) detailing the location and extend of the construction compound for the storage of plant and equipment and staff welfare facilities has been submitted to and approved in writing by the CNPA acting as planning authority.

Reason: to ensure that the construction compound and welfare facilities required during the construction phase of the development do not encroach on adjacent woodland or tree protection areas as defined under condition 1 above.

- 3 Notwithstanding the provisions of The Town and Country Planning (General Permitted Development) (Scotland) Order 2011 Part 1 Class 1, Class 2, Class 3, Class 4, Class 5, Class 6 A – M; and Part 2 Class 7, (or any Order revoking or re-enacting that Order with or without modification) there shall be no works, as prescribed under the terms of said order and classes, undertaken to the dwelling houses and within their domestic curtilage, without the prior written express consent of the CNPA as planning authority.

Reason: the development is approved as a designed scheme within a sensitive woodland setting; the removal of certain permitted development rights would maintain the design standards on the site in this prominent location within the National Park in the interest of landscape and visual amenity.

- 4 The access to the site shall be designed to ensure that no surface water shall discharge onto the public road.

Reason: in the interests of road safety.

- 5 Notwithstanding the approved details and prior to the commencement of development, the visibility splay of X dimension 9 metres and Y dimension 120 metres as shown on drawing no. PL. 107 shall be provided and maintained for the lifetime of the development.

Reason: In the interests of road safety to ensure adequate visibility for entrance to and exit from the site.

- 6 Notwithstanding the approved details, no trees contained within the approved development boundary shall be cut down, topped, lopped, uprooted or otherwise damaged for the lifetime of the development without the prior written express consent being granted by the CNPA acting as planning authority. Unless otherwise agreed in writing by the CNPA or where the works are urgently required in the interests of health and safety.

Reason: To safeguard the woodland setting and limit the visual impact upon the general amenity of the site environs forming part of the prominent location within the wider woodland landscape.

Informatives:

- 1 Prior to the commencement of development, a notice of the intended date of initiation of development shall be submitted to the CNPA acting as Planning Authority and such notification shall contain the information set out in the 'Notification of Initiation of Development' Notice as appended, pursuant to Section 27A(1) of the Town & Country Planning (Scotland) Act 1997.
- 2 Following the completion of the development, a notification of the completion shall, as soon as practicable, be submitted to the CNPA acting as Planning Authority and such notification shall contain the information as set out in the 'Notification of Completion of Development' Notice as appended, pursuant to Section 27B(1) of the Town & Country Planning (Scotland) Act 1997.
- 3 The access visibility requirement under condition 5 of this consent does not entail the removal of mature trees to the boundary of the site.

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