
CAIRNGORMS NATIONAL PARK AUTHORITY

DEVELOPMENT PROPOSED:

Change of use and conversion of office block to form 20 flats and erection of 4 flats, cycle stores and bin stores at Spey House Cairngorm Technology Park Dalfaber Drive Aviemore Highland PH22 1PB

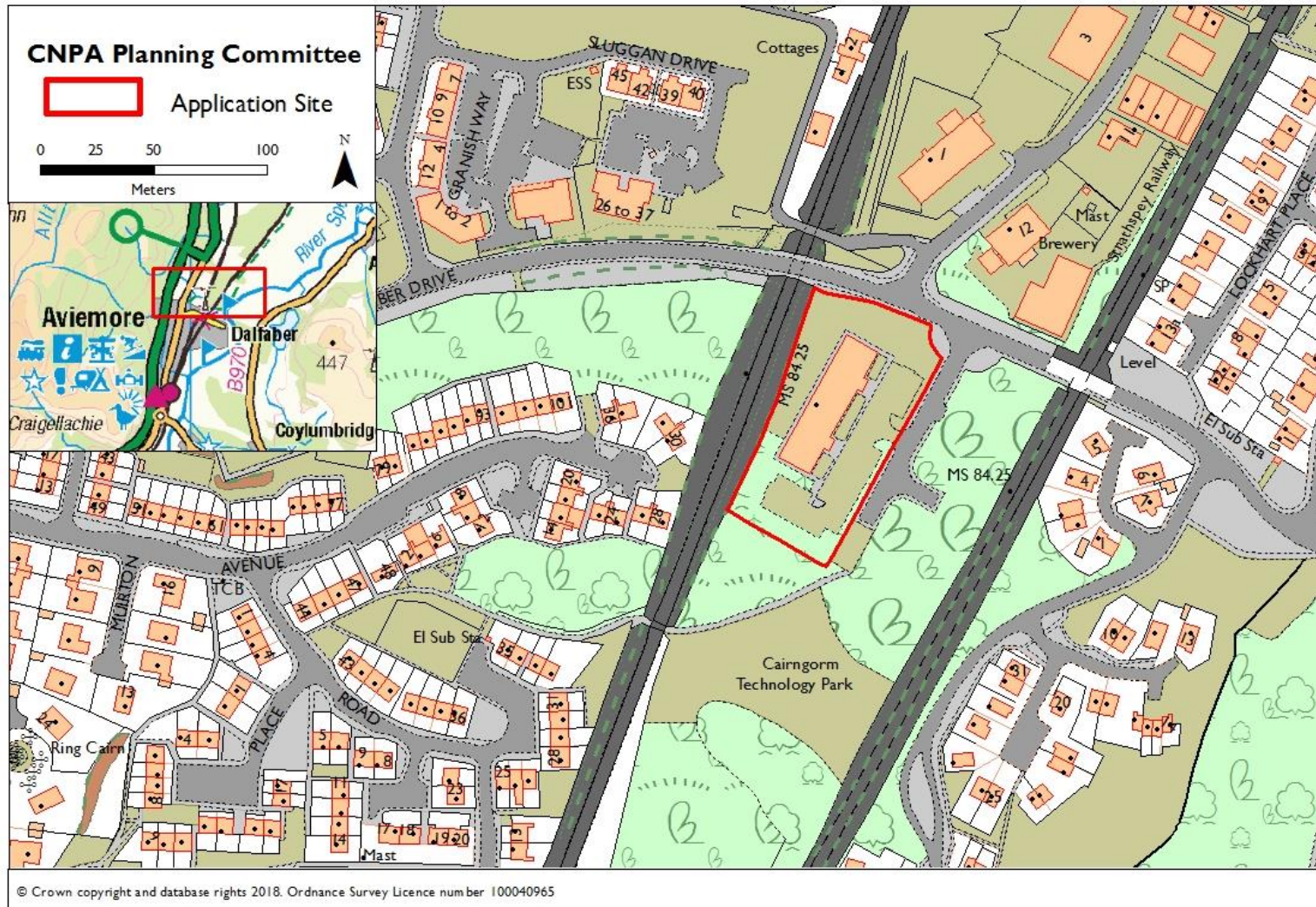
REFERENCE: 2018/0027/DET

APPLICANT: Upland Properties Ltd

DATE CALLED-IN: 22 January 2018

RECOMMENDATION: Approve subject to conditions and developer contributions

CASE OFFICER: Katherine Donnachie, Planning Officer and Gavin Miles Head of Planning and Communities



SITE DESCRIPTION, PROPOSAL AND HISTORY

Site Description

1. The site is located south of Dalfaber Drive within Aviemore. It is situated at the entrance to what was originally called the Cairngorms Technology Park, though only the development within this application was ever built on the site. There are further business and industrial units on land to the north of Dalfaber Drive in a wedge between the main Inverness-Aviemore railway line and Strathspey Steam Railway line. The site itself is bounded to the west by the Inverness rail line with housing and open space beyond this. Undeveloped land lies to the east, on the other side of the park access road, and to the south. On the far (east) side of the Technology Park lies the Strathspey Steam Railway line. The land to the south of the site between the two rail lines has been the subject of pre-application inquiries for a new health care facility.
2. There is an existing vacant two storey building on the site, previously used as a call-centre then as offices. This building is located in the north east part of the site set back from the access road with car parking to the front and side. There is extensive tree planting and landscaping around the site with banking leading up to Dalfaber Drive and then on the other side of the building down to the vacant land on the technology park. There is also banking to the rear leading toward the railway line.
3. There is an existing vehicular access to the east leading onto the wider site access with footpath alongside this road. The site access comes off this road. To the far south west, outwith the application site, there is an informal desire line path linking under the railway line to the housing developments and green areas on the other side of the railway.

Proposal

4. 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=P2LJGHSIOBY00>

Title	Drawing Number	Date on Plan*	Date Received
Plan - External Bin Store	AA(9)09		22/01/18
Plan - Site Plan and proposed Landscaping	AL(0)003 REV J	11/07/19	
Plan - Proposals Overlaid On Existing Survey	AL(0)006	Nov 17	22/01/18
Location Plan - Location Plan	AL(0)01	01/01/17	22/01/18
Plan - Existing Site Layout Plan	AL(0)02	Nov 17	22/01/18

Title	Drawing Number	Date on Plan*	Date Received
Plan - Existing Floor Plan	AL(0)100 REV A	11/12/17	22/01/18
Plan - Existing Elevation Plan	AL(0)101		22/01/18
Plan - Proposed Elevation Plan	AL(0)111 REV B	11/01/18	22/01/18
Plan – Converted Building Proposed Floor Plan	AL(0)120 REV C	11/04/18	
Plan - Proposed Elevation Plan	AL(0)121 REV B	11/01/18	22/01/18
Proposed Cottage Flats	AL(0)200 REV C	11/07/18	
Site Sections	AL(0)122 Rev A	13/07/18	
Albyn Housing Confirmation		1/03/18	
Design Statement by Norr Consultants			
Littleborough Shelter			
Transportation Statement	A/170313	March 2018	
Transportation Statement Addendum	A/170313	May 2018	
Compensatory Tree Planting		16/07/18	
Tree Removals and TPP	Rev E	16/07/18	
Revised Tree Data		16/07/18	
Revised Replanting specification		16/07/18	
Drainage Statement	A/170313		
Bat Survey and Assessment Issue 1		June 2018	
Understanding your Tree Constraints Survey Document			

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

5. This application originally sought full planning permission for the change of use of the existing office block (Class 4) to houses (class 9) and the erection of a block of six flats within the curtilage of the existing building.
6. It is proposed to convert the office block into twenty flats which will be a mixture of one and two bedroom units. These will be provided in two separate blocks within the building split down the middle with two entrances from the front. Changes to the exterior of the building are proposed including alterations to the window proportions/fenestration and reduction in number of windows on gables. New windows are proposed to be aluminium, coloured board panel features are to be introduced, along with photovoltaic panels on the rear elevation of the roof, and existing walls are to be re-rendered. Details of the proposed alterations and elevations are included in **Appendix I- Plans**.
7. As noted earlier it was originally proposed to erect a block of six new flats to the south of the existing office, on an area presently used for car parking. However during consideration of the application this Service raised concerns regarding the layout in

terms of impact on trees and amenity, and the application was amended to remove two of the new flats. Accordingly it is now proposed to erect a two storey block of four Cottage Flats.

8. This block will be of hipped roof design. Proposed finishes are grey roof tiles, white render walls, brick basecourse, grey aluminium window frames and coloured timber board cladding. Sections have been submitted to demonstrate how this new block will sit in the streetscape relative to the existing building and the banking to the south. Plans and sections are included in **Appendix I**.
9. It is proposed to continue to use the existing large parking area at the front of the site for car parking, with some areas of landscaping proposed within this area. A total of 36 car parking spaces will be provided including 2 disabled spaces. The existing access point onto the technology park access road will continue to be used.
10. New path links are proposed to the east of the new housing block onto the internal technology park road, and to the north from the existing car park direct onto Dalfaber Drive. Bin storage is proposed to be located to the south of the access road into the application site. 3 cycle stores are also proposed close to the housing blocks – refer to site plan in **Appendix I**. Landscaping is also detailed on the site plan showing areas of new planting with native species and indicating trees to be retained.
11. It is proposed to connect to public water and drainage systems. Surface water will be disposed of by means of the existing arrangements for the converted block given that this element does not involve any changes. For the new block surface water will be treated by filter strips. The system will be maintained by the developer or their appointed factor with a maintenance regime provided.
12. Supporting material has been submitted over a number of iterations of the layout, following requests from this Service and consultees for sufficient information in order to properly consider the proposals. Key material includes:
 - a) Drainage statement
 - b) Transportation Statement and Addendum including Residents Travel Information Pack
 - c) Bat Survey confirming no bat roosts
 - d) Design Statement
 - e) Tree protection information
 - f) Statement from Albyn Housing confirming that all units would be delivered as affordable housing for them and comprising a mixture of social rentals, shared equity and mid-market rental. The majority of the properties (20 of the 26 originally proposed) were to be social rented.
13. A supporting business statement was also submitted which explains the unsuccessful efforts made to secure commercial users for the building. This sets out that the building was originally built by Highland and Islands Enterprise for commercial and industrial use on the basis of pre let. It was used as a call-centre up until 2011, with part of the reason for closure being difficulties in staff recruitment. The building was then sold to an investment company who went into receivership. Other options were then investigated with the property extensively marketed throughout Scotland, and a 12 month “to let” marketing campaign undertaken which was unsuccessful in attracting

users. The property was sold to the current users in 2014. They relocated their offices to a small part of the ground floor in an attempt to attract other office users. However despite approaches to other agencies (including the NHS) there has been no further interest in the building.

History

14. There have been a number of applications on this site, all determined by the Highland Council as follows:
- a) 00/00244/FULBS Alterations and erection of smoker's bothy – approved November 2000
 - b) 02/00040/ADVBS Display of advertisements approved April 2002
 - c) 06/00002/FULBS Extension of access road approved 2006
 - d) 17/00200/NDOM7- A building warrant application to demolish the existing building was granted by the Highland Council in 2017
 - e) CNPA PRE/2017/0030 –There has also been a major application pre application inquiry for a new community hospital, health and social care facility on land to the south with proposal of application notice submitted to the Highland Council. This was reported to the November 2017 meeting of the CNPA Planning Committee when members noted the officer response and made suggested additions for passing onto to the Highland Council.

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 (2015) 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	X
POLICY 3	SUSTAINABLE DESIGN	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

15. 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/uploads/documents/Park%20Authority/Planning/LDPI5.pdf>

16. The site lies within the settlement boundary of Aviemore as designated in the Cairngorms Local Development Plan 2015 and is part of a wider area leading southwards designated for Economic Development - ED2.

Planning Guidance

17. 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	X
Policy 2	Supporting Economic Growth Non-Statutory Guidance	X
Policy 3	Sustainable Design Non-Statutory Guidance	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	X

CONSULTATIONS

Summary of the Main Issues raised by Consultees

18. **Network Rail** does not object in principle to the proposed development providing conditions are attached relating to trespass proof fence alongside railway; surface and foul water treatment systems not located within 10 metres of railway line; noise impact assessment undertaken in relation to rail noise with any attenuation implemented; and landscaping plan to avoid certain deciduous trees close to the railway line. They further advise that all construction works be carried out in a safe manner which does not disturb the operation of the railway with their Asset Protection Engineers contacted for advice.
19. **Scottish Natural Heritage** note that there are natural heritage interests of international importance close to the proposed site in term of the Kinveachy Forest, Abernethy Forest, Craigmore Woods, and Anagach Woods Special Protection Areas (SPA). An appropriate assessment will be required as there is likely to be a significant effect on breeding Capercaillie in these SPAs. However it is not considered that the integrity of these sites will be adversely affected by the proposals given (1) the small scale of the development compared to the population of Aviemore and the numbers of people already recreating in the woods (2) the potential increase in residents is unlikely

to result in any change to existing patterns of recreation or increased disturbance and (3) suitable recreational routes already exist which avoid sensitive habitats and which are easily accessible from the site.

20. **Scottish Water** has no objection noting that there is presently sufficient capacity in the Aviemore Water Treatment Works. They are currently unable to confirm capacity at the Aviemore Waste Water Treatment Works and will require the applicants to complete a Pre-Development Enquiry (PDE) Form.
21. **SEPA** note that the site lies outwith the fluvial flood outline of their flood maps, although parts of the site have been identified as being at risk of surface water flooding. In most cases surface water flooding will be managed through appropriate drainage and as such they advise that the local flood risk team be consulted.
22. **Highland Councils Flood Risk Management Team** has no specific concerns regarding flood risk, noting that they have no record of flooding at the site. They accept the conclusion of the Drainage Impact Assessment that there will be no net increase in hardstanding on the site and no increase in surface water discharge. They request that a condition be attached requiring that the name of the responsible party for the maintenance of surface water drainage system is supplied to the planning authority and that the planning authority is informed of any subsequent changes of the responsible party.
23. **Highland Council (Corporate Address Gazetteer) CAG Team** advise that the applicant should submit a request for the naming of a new street/flatted development once Planning Permission and Road Construction Consent has been granted.
24. **The Highland Council Contaminated Land Team** advise that they do not hold any information to indicate that the site is potentially contaminative. However they note that supporting material with the application indicates that it is assumed that there is made up ground here which will be investigated at the detailed design stage. As soft landscaping is proposed the Team would be interested to see the results of any trial pit logs to review the suitability of the soil.
25. **The Highland Council Environmental Health Service and Forestry Officer** were consulted and no response has been received to date.
26. **The Highland Council Housing Service** was consulted with respect to any comments on the need/demand for affordable housing and whether they were involved in provision. No response has been received to date.
27. **The Highland Council Transport Planning Team** objected to the original proposals on the basis of lack of information relating to transport impacts, including the relationship to future developments such as a proposed health care facility to the south which will share access and was the subject of a “major” pre application inquiry. Information was also sought on visibility, control of industrial estate access which is

currently private, secure cycle provision, bin storage, disabled parking, pedestrian/cycle connections and active travel links.

28. On receipt of further information, provided over three additional submissions, the Team advise they accept that the new proposals will be likely to generate lower peak period trips than the existing permitted office use. They also accept that suitable visibility splays can be achieved on site and recommend that a condition be attached to any consent to ensure this is delivered. The parking layout is also considered satisfactory. However the proposed design of the secure cycling parking will need to meet Cycling by Design guidance with planning condition required to ensure this and ensure complete provision. The Team welcome revised proposals for active travel connections. However they note that the link from block A onto the estate road will require to be a minimum of 2.5 metres wide to cater for use by pedestrians and cyclists with the existing footway on the north west side of this spine road extended south-west up to the extent of the current carriageway of this road. Conditions will be required to this end.
29. A revised location for bin storage was originally sought to minimise residents' walking distances and to avoid refuse lorries disturbing the junction onto Dalfaber Drive and the site access itself. The Team's concerns remain in this regard and they require a suitable planning condition to ensure delivery of suitable arrangements.
30. The Team also have noted that the agent has explained that the technology park existing access road is privately owned by the applicant and is the process of being sold to the NHS to facilitate their future health care facility proposals to the south with access rights to Spey House to be maintained in perpetuity. However the Transport Team have highlighted the importance of any such agreement also retaining rights for service vehicles too, in order to ensure future servicing of the application site.
31. The Team has also previously highlighted that if the healthcare facility proceeded in the future on land to the south then they would be looking for good active travel connections into that site from Dalfaber Drive. This could include converting any existing accesses with the private estate road from junctions where vehicles have priority to footway crossings where pedestrians using footways would have priority. Whilst this is not a reason to resist the current application, the Team initially highlighted that it would be useful to know if the applicants would be willing to convert their access in this manner as required. This was clarified in the agents' responses which was welcomed by the Transport Team who have undertaken to make the health care developers aware of the applicants willingness in this regard when any application comes in, agreeing that this would be the best time to achieve this objective.
32. **CNPA Ecology Officer** initially identified the need for a bat survey as the existing building was capable of supporting bats along some of the trees on site. The Officer also highlighted the need for tree protection information and mitigation for loss of trees, together with revisions to the SUDS scheme in order to improve biodiversity and amenity, for example use of bio-retention/rain garden areas as opposed to the proposed filter strips. This could also provide mitigation for tree loss. A Construction Method Statement (CMS), to be informed by an Arboricultural Impact Assessment, was also sought.

33. On receipt of further information including bat survey and tree survey the Officer initially welcomed the additional planting proposed with the buffer zone proposal on that iteration of plans, and confirmed that the bat survey was comprehensive and had demonstrated that there was no evidence of bats emerging or re-entering the property whereby no mitigation would be required in relation to the conversion works. Given that pipistrelle bats had been noted in the area the Officer noted that it would be a biodiversity enhancement if bat bricks were provided in the new block.
34. The Ecology Team has also carried out a Habitat Regulations Appraisal (HRA) in view of the potential for the development to increase recreation levels in Kinveachy Special Protection Area (SPA) which is approximately 2 km from the development and the Cairngorms SPA which is approximately 4 km from the development. This HRA considered the impacts on NATURA sites in relation to likely significant effects in relation to these SPAs in terms of increased disturbance to Capercaillie and indirect effects upon other SPAs in the area. It was concluded that the development will not result in significant disturbance to Capercaillie and will not have a significant effect on any other conservation objective or upon the integrity of the sites. No mitigation is required.
35. The HRA is attached as **Appendix 2**.
36. **CNPA Landscape Officer** commented on the original submission for six new units and conversion of existing building noting that the site lies in a predominantly industrial/commercial townscape with visual links to the wider landscape character that frames the town's setting. The established landscaping around the site results in the existing building being relatively screened and integrated into the wider townscape/landscape. In order to assess the impact of the proposed new development further information was sought including site sections and tree protection information.
37. Initially in response the applicants proposed providing a buffer of new planting outwith the application site on the southern edge to mitigate the impacts of loss of existing planting, but subsequently revised the layout to reduce the new block to four units, together with provision of tree protection and landscaping information. Following consideration of this information the Officer now advises that on the positive side less trees will now be lost with more space to accommodate more planting and amenity space. However the submitted information only highlights trees to be lost and does not consider the loss of other planting which contribute to the effectiveness of the "green screen" here and there is a lack of information on maintenance.
38. The Officer concludes that the revision is an improvement on the original submission in that it seeks to retain more of the existing landscape character and the visual contribution which the trees make to the site and its surroundings. Further thought needs to be given to the deliverability and effectiveness of the new planting and planning conditions are recommended to this end to cover detailed landscape scheme, construction method statement, tree protection and long term maintenance.
39. **CNPA Outdoor Access Team** initially requested further information on how the proposals supported active travel, particularly in the context of the current Active

Aviemore project which seeks to assist people to travel actively in Aviemore. The applicants' agent responded to highlight that revised plans now showed path links to Dalfaber Drive and to the south east corner of the site to improve connectivity with secure cycle storage also shown. The agent highlighted the existing desire line under the railway to the south east could not be improved as this is on land outwith the applicants' control, the expectation being that this improvement may be delivered with the hospital proposals.

40. The Access Team have now advised that they are content with these measures.
41. **Aviemore and Vicinity Community Council** initially objected to the proposed development due to lack of clarity with regards to the affordable housing provision, traffic management and waste bins. They noted that while disappointed with the proposed change of use from economic development land to housing they accepted that there is little demand for the present building which has lain empty. Consequently they consider the proposed use to be appropriate and may help address housing problems in Aviemore. They also requested to be heard at Committee.
42. Following submission of further information from the applicants the Community Council has now confirmed that their objections are removed. They further note that the affordable housing provision should be seen as a standalone provision and not seen as making up affordable provision for any other developments.
43. Their comments are attached as **Appendix 3**

REPRESENTATIONS

44. The application was advertised in the local press and no representations have been received.

APPRAISAL

Principle- General

45. Policy I: New Housing Development of the Cairngorms National Park Local Development Plan 2015 provides support for new housing development within settlements where they are on an identified site or 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. In this case the application site lies within the defined settlement boundary of Aviemore involving the conversion of a vacant building and the erection of new housing on part of the site currently used for car parking. As such the site may be considered to be a brownfield one. Accordingly under the general terms of Policy I there is policy support for housing subject to the development reinforcing and enhancing the character of the settlement which will be considered later in this report.
46. However the application site lies within a wider area designated in the Aviemore settlement statement within the Cairngorms Local Development Plan 2015 economic

development use whereby Policy: Supporting Economic Growth applies. Specifically part 2.4: Protecting Existing Sustainable Economic Activity applies which states that:

“Proposals for the alternative use of sites or buildings currently in, or last used for, economic and employment purposes will only be supported where this promotes the sustainable use of land in accordance with SPP, the NPPP and other LDP policies, and where: a) it is satisfactorily demonstrated that it is not practical for financial or other reasons to continue with the existing or last economic development or employment use; or b) the site or buildings are unsuitably located and impact adversely on the built or natural environment, local character or neighbouring properties; and/or c) the existing use can be appropriately re-located to another suitable site.”

47. As outlined earlier in the proposals section, information to fully consider compliance with this policy has been provided in relation to the previous uses of the existing building, details of how the site has been marketed for business use and why is it no longer considered suitable for future business use. It is considered that this information has, on balance, adequately demonstrated that it is not practical to continue with economic use here as required by policy whereby the loss of economic development land is considered acceptable in principle provided the new use is considered appropriate and sustainable in term of other Local Development Plan policies. Accordingly the details of the layout, siting, servicing and design will now be considered in terms of compliance with all other relevant Local Development Plan policies.

Principle of Housing on This Site

48. As noted earlier Policy I: New Housing Development of the Cairngorms National Park Local Development Plan 2015 supports new housing within settlements with the loss of economic development land considered to have been justified in this case. This particular site is considered to be suitably located for new housing in principle being in an area of mixed uses with housing to the west and further economic development land well separated to the north on the other side of Dalfaber Drive, sustainably located in terms of proximity to the facilities and amenities of Aviemore. Provided sufficient landscaping is delivered on site, which is also necessary to help protect the amenity of future residents, it is considered that the site is a suitable one for housing.
49. Also of relevance here is the fact that the development will deliver 100% affordable housing on a redundant site which is a material land use planning consideration in this instance. In this regard Policy I.4: Contribution towards Affordable Housing requires that provision generally be made for 25% affordable housing provision on site which is far exceeded with the current submission.
50. In these circumstances the principle of housing here is considered to comply with relevant policies and the detail of the layout will now be considered.

Landscape Impacts, Layout and Design

51. Policy 5: Landscape of the Cairngorms National Park Local Development Plan 2015 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.

52. In this case the density of the development has been reduced following discussion with the footprint of the new block reduced to accommodate 4 units only. This has enabled more of the original setting to be retained and allowed for more amenity/green space for use by future residents. The expanse of car parking has been broken up a little which is also beneficial. Providing a high quality landscape scheme is delivered on site and care is taken to retain and protect those trees which are not in the way of the new development it is considered that there is potential to conserve the landscape character here over time.
53. In terms of residential amenity Policy 3: Sustainable Design of the Cairngorms National Park Local Development Plan 2015 seeks to ensure that new development protects the amenity currently enjoyed by neighbours. In this case the development will not adversely affect any householders in the area and being on a self-contained site which has potential to retain the landscape setting it is not considered that it will prejudice other future uses in the area.
54. Also in terms of siting Policy 3: Sustainable Design and Policy 1: New Housing Development of the Cairngorms National Park Local Development Plan 2015 seeks to ensure that new development reinforces and enhances the character of the settlement. In this case the design of the alterations to the existing building are appropriate, whilst the design and finishes of the new building will fit in well with the existing one and will not be out of place in the wider area. Accordingly the proposals are considered to comply with relevant Local Development Plan policies.

Environmental Impacts

55. Policy 4: Natural Heritage of the Cairngorms National Park Local Development Plan 2015 seeks to ensure that there is no adverse impact upon protected species or biodiversity.
56. In this regard the impacts on European Protected Species (bats) and upon NATURA sites have been fully considered as set out in the consultations section and there are no adverse impacts, with no further mitigation required. It is however considered that the opportunity should be taken to enhance biodiversity interests through the provision of bat boxes, enhanced trees planting to mitigate for loss of trees and finally improvements to the SUDS scheme to capitalise on the potential biodiversity and amenity benefits for wildlife and residents alike. This can be secured by planning conditions in the event of the application being supported.
57. In respect of other environmental matters there are no issues in respect of either contaminated land or flooding whereby the application complies with Policy 10: Resources of the Cairngorms National Park Local Development Plan 2015 too, which sets out the need to fully consider impacts on flooding, contaminated land and water resources.

General Servicing

58. Policy 3: Sustainable Design and Policy 10: Resources of the Cairngorms National Park Local Development Plan 2015 set out the need for new development to be satisfactorily serviced and without harm to resources or the environment.
59. The proposed SUDS scheme is acceptable to the Council Flood Prevention Team in technical terms (subject to details of the factoring being provided). The CNPA Ecology Adviser noted it could have been designed to deliver greater biodiversity and amenity benefits, with opportunities to combine SUDS and amenity areas in a more imaginative way. However, most of the site already exists and the intention is modify it as little as possible to provide affordable housing as efficiently as possible
60. With respect to waste management the location of the bin storage is largely acceptable to the relevant consultee in terms of being accessible for refuse vehicles to pick up waste. However this location is very prominent at the access point into the site whereby it is essential that the design and landscaping of the bin storage is appropriate and of a high quality. In the event of the application being supported suitable planning conditions can be imposed to this end.
61. In these overall circumstances the application is considered to comply with Policies 3: Sustainable Design and 10: Resources.

Access, Parking and Sustainable Travel Issues

62. Policy 3: Sustainable Design of the Cairngorms National Park Local Development Plan 2015 sets out that new development should be designed to maintain and maximise all opportunities for responsible outdoor access including links into the existing path network and to promote sustainable transport methods including making provision for the storage of bicycles and reducing the overall need to travel.
63. In this regard the site is considered to be in a sustainable location in terms of being within walking distance of the facilities and amenities of Aviemore and within ready walking distance of bus stops on Dalfaber Drive, Dalnbay and Grampian Road, with the railway station accessible by bus or cycling at just over 1.6 km away. Opportunities to enhance the ability of future residents to use non-motorised transport have been taken with new links to the existing network proposed along with provision of cycle stores. In the event of the application being supported appropriate planning conditions can be imposed to secure delivery of this site infrastructure and to ensure the design is appropriate.
64. Policy 3: Sustainable Design also requires that new development should include an appropriate means of access, egress, levels of private amenity ground and space for off-street parking. In this regard adequate parking provision is being made whilst the site accesses are of suitable standard in compliance with the requirements of the Roads Service subject to imposition of appropriate planning conditions.
65. On this basis the application is considered to comply with relevant planning policies.

Developer Contributions

66. Policy 11: Developer Contributions of the Cairngorms National Park Local Development Plan 2015 set out that where development gives rise to a need to increase or improve public services, facilities or infrastructure or mitigate adverse effects then the developer will normally be required to make a fair and reasonable contribution towards additional costs or requirements.
67. In this case there are not considered to be any impacts which would require community facilities or services to be improved or increased. Indeed the introduction of new residents would help support the facilities of Aviemore. However the development will give rise to a potential impact upon primary education whereby a contribution per unit, as per Highland Council guidance on developer contributions, will be required. The applicants have indicated agreement to this and would prefer to conclude this by way of an upfront payment if planning permission were granted.
68. On this basis the proposed development is considered to comply with Policy 11: Developer Contributions.

CONCLUSION

69. The proposed development will deliver much welcomed affordable housing within the settlement of Aviemore as well as bringing a vacant building back into productive use. The case for losing economic development land has been satisfactorily made, the site is well located in relation to the settlement and it is not considered that this development will prejudice any future economic development proposals in the vicinity being self-contained within its own setting.
70. Following on from the reduction in the number of new units to free up more space for protecting trees and provision of more open space, the design and layout of the development is considered to be appropriate to its setting. This is subject to an appropriate level of landscaping being delivered and also, importantly, to retention of as many existing trees as possible to help provide immediate landscaping for the new planting to build upon over time. This will ensure not only that a good setting is provided, but that the residents have attractive and useable amenity open space. This amenity and biodiversity objectives can be further enhanced by provision of a good quality SUDS scheme and these matters can be adequately addressed by appropriate planning conditions.
71. In this case the housing is also considered to be sufficiently far from existing housing to preserve residential amenity and the site is capable of being satisfactorily serviced and accessed subject to planning conditions as requested by consultees.
72. On this basis the proposed development is considered to comply with Local Development Plan policies subject to appropriate planning conditions being imposed to achieve landscape, ecological and servicing requirements and also subject to an appropriate legal agreement or upfront payment to secure necessary developer contributions.

RECOMMENDATION

That Members of the Committee support a recommendation to grant FULL PLANNING PERMISSION for the Change of use and conversion of office block to form 20 flats and erection of 4 flats, cycle stores and bin stores at Spey House Cairngorm Technology Park Dalfaber Drive Aviemore Highland PH22 1PB for subject to:

- (1) Conclusion of a legal agreement or upfront payment regarding developer contributions in respect of primary education in Aviemore.**
- (2) The following conditions:**

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

Conditions

1. **No development shall commence until (a) details of the provision and ongoing maintenance of visibility splays measuring 2.4 metres by 80 metres to the west and 2.4 metres by 90 metres to the west, as measured at the junction of the existing technology park access road onto Dalfaber Drive and (b) confirmation that the 85thile speeds on the western approach to this junction are sufficiently low to warrant the reduced splay distance to the west (and if this is not the case then details of traffic sign and road marking traffic management scheme for the western approach to Dalfaber Drive) have been submitted to and approved in writing by the Cairngorms National Park Authority acting as Planning Authority in consultation with the Highland Council Transport Planning Team.**

No residential unit shall be occupied until these works have been implemented in accordance with the approved details and maintained thereafter in accordance with the approved details throughout the lifetime of this consent.

Reason: In the interests of road safety to ensure that safe access is provided to the site and that the development is appropriately serviced in accordance with Policy 3: Sustainable Design of the Cairngorms National Park Local Development Plan 2015.

2. **No development shall commence until details of a revised scheme for the disposal of surface water by means of a SUDS scheme have been submitted to and approved in writing by the Cairngorms National Park Authority acting as Planning Authority in consultation with the Aberdeenshire Council Flood Risk and Coastal Protection Team. This scheme shall reflect the following requirements:**
 - a) **Provision of measures to promote biodiversity for example bio-retention and rain garden;**
 - b) **Provision of details of the party responsible for the ongoing maintenance with any changes to the subsequent maintenance**

- responsibilities to be notified in writing to the Cairngorms National Park Authority acting as Planning Authority; and
- c) The need for the SUDS systems to be located 10 metres away from the railway line to the west.

The surface water drainage arrangements shall thereafter be implemented in accordance with the approved plans and maintained in accordance with the approved details throughout the lifetime of the development hereby approved.

Reason: To ensure that satisfactory arrangements for the disposal of surface water and foul drainage are provided in accordance with Policy 3: Sustainable Design, Policy 4: Natural Heritage and Policy 10: Resources of the Cairngorms National Park Local Development Plan 2015 and to protect the stability of the adjacent railway cutting and the safety of the rail network.

3. **No development shall commence until a site specific Construction Method Statement (CMS) has been submitted to and approved in writing by the Cairngorms National Park Authority acting as Planning Authority. The CMS shall reflect the requirement to ensure that all ground works and construction ensure that trees to be retained are fully considered, with details of how hand cutting will be undertaken alongside the proposed new path to the north of the site. Thereafter construction shall be completed in accordance with the approved CMS.**

Reason: To ensure that a suitable landscape setting is maintained, biodiversity is enhanced and that the development conserves and enhances the landscape character and special qualities of the National Park in accordance with Policy 5: Landscape and Policy 4: Natural Heritage of the Cairngorms National Park Local Development Plan 2015

4. **No development shall commence until a fully detailed landscape and tree protection scheme has been submitted to and approved in writing by the Cairngorms National Park Authority acting as Planning Authority. This scheme shall include the following requirements:**
- a) **Detailed landscape scheme showing all trees to be retained (including measures for their protection) and trees/shrubs to be planted. Full details of species, number, location, sizes and planting distances to be provided. Hard landscaping to be included. These details to also reflect the comments of Network Rail regarding species of deciduous trees close to the railway line**
 - b) **Details of landscaping around the proposed bin store**
 - c) **Details of any earthworks**
 - d) **Details of finishes and construction of hard landscaping and parking area**
 - e) **Maintenance and management details.**
 - f) **Implementation timetable reflecting the requirement for new planting to be undertaken in the first planting season following occupation of the first residential unit on site.**

The landscaping and tree retention shall be implemented in accordance with the approved details, and maintained thereafter in accordance with the approved details throughout the lifetime of the development hereby approved

Reason: To ensure that a suitable landscape setting is established and maintained, biodiversity is enhanced and that the development conserves and enhances the landscape character and special qualities of the National Park in accordance with Policy 5: Landscape and Policy 4: Natural Heritage of the Cairngorms National Park Local Development Plan 2015

- 5. No development shall commence until details of the proposed boundary enclosures, including the requirement for a trespass proof fence alongside the boundary with the railway line to the west, have been submitted to and approved by the Cairngorms National Park Authority acting as Planning Authority. No residential unit shall be occupied until the boundary enclosures have been implemented in accordance with the approved plans and retained thereafter throughout the lifetime of the development hereby approved**

Reason: In the interests of public safety and the protection of Network Rail infrastructure and to ensure that the development conserves and enhances the landscape character and special qualities of the National Park in accordance with Policy 5: Landscape of the Cairngorms National Park Local Development Plan 2015.

- 6. No development shall commence until a Noise Impact Assessment in relation to rail noise has been submitted to and approved in writing by the Cairngorms National Park Authority acting as Planning Authority in consultation with the Highland Council Environmental Health Service. This assessment shall address how any identified potential nuisance to residents from rail noise is to be attenuated. Thereafter no residential unit shall be occupied until any identified attenuation measures have been implemented in accordance with the approved plans and retained thereafter throughout the lifetime of the development hereby approved.**

Reason: To ensure that residents of the development do not experience undue disturbance arising from nearby noise sources in accordance with Policy 3: Sustainable Design of the Cairngorms National Park Local Development Plan 2015.

- 7. No development shall commence until details of the design, siting and finishes of all bike and bin stores have been submitted to and approved in writing by the Cairngorms National Park Authority acting as Planning Authority in consultation with the Highland Council Transport Planning Team. This shall include provision of additional bike storage near the entrance to Block A and siting of bin stores to minimise residents walking distance and to avoid refuse vehicles blocking accesses.**

Thereafter no residential unit shall be occupied until the stores have been constructed in accordance with the approved plans and retained thereafter throughout the lifetime of the development hereby approved.

Reason: To ensure that the development supports active travel and sustainable waste management in accordance with Policy 3: Sustainable Design of the Cairngorms National Park Local Development Plan 2015.

8. **No development shall commence until revised details of the proposed path link from Block A onto the technology park access road and the extension of the existing footpath alongside this road have been submitted to and approved in writing by the Cairngorms National Park Authority acting as Planning Authority in consultation with the Highland Council Transport Planning Team. These details shall reflect the requirement for the link from block A onto the technology park road to be a minimum of 2.5 metres wide to cater for use by pedestrians and cyclists and for the existing footway on the north west side of this spine road to be extended south-west up to the extent of the current carriageway of this road.**

Thereafter no residential unit shall be occupied until these works have been constructed in accordance with the approved plans and retained thereafter throughout the lifetime of the development hereby approved.

Reason: To ensure that the development supports active travel in accordance with Policy 3: Sustainable Design of the Cairngorms National Park Local Development Plan 2015.

9. No development shall commence on the construction of the new block of four flats until details of bat bricks to be installed in the building are submitted to and approved in writing by the Cairngorms National Park Authority acting as Planning Authority. No residential unit in this block shall be occupied until the bricks are installed in accordance with the approved plans and thereafter retained in situ throughout the lifetime of the development hereby approved.

Reason: To ensure the provision of enhanced opportunities for bat roosting in accordance with Policy 4: Natural Resources of the Cairngorms National Park Local Development Plan 2015.

10. The residential units hereby approved shall be retained as affordable housing comprising a mix of social rented housing, shared equity and mid-market rental.

Reason: To ensure that provision is made for affordable housing and that the tenure remains as considered in this application in accordance with Policy 1: Housing Development and Policy 3: Sustainable Design of the Cairngorms National Park Local Development Plan 2015.

11. No residential unit shall be occupied until the occupiers are provided with a Residents Travel Information Park based upon the details contained within the approved Transportation Statement.

Reason: To help support active travel in accordance with Policy 3: Sustainable Design of the Cairngorms National Park Local Development Plan 2015.

12. No residential unit shall be occupied until it is connected to public water and drainage supplies.

Reason: To ensure that the development is appropriately serviced in accordance with Policy 10: Resources and Policy 3: Sustainable Design of the Cairngorms National Park Local Development Plan 2015.

13. No residential unit shall be occupied until the parking, access and path links are completed in accordance with the approved plans.

Reason: To ensure that the development is appropriately serviced and supports active travel in accordance with Policy 3: Sustainable Design of the Cairngorms National Park Local Development Plan 2015.

14. The development hereby approved shall be constructed in accordance with the approved plans and sections.

Reason: To ensure that the development conserves and enhances the landscape character and is sympathetic to the character of the area in accordance with Policy 5: Landscape and Policy 3: Sustainable Design of the Cairngorms National Park Local Development Plan 2015.

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 on which it is intended to commence the development. Attached to this decision notice is a Notice of Initiation of Development for completion and submission. Submission of this information assists the Cairngorms National Park Authority Monitoring and Enforcement Officer in monitoring active work within the area to ensure compliance with the approved details and to identify and correct any potential problems, as they arise, rather than later when it may be more difficult and more costly to rectify. Failure to give notice would constitute a breach of planning control which may result in enforcement action being taken.
3. Following completion of the development, a notification of the completion shall, as soon as practicable, be given to the Planning Authority. Attached to this decision notice is a Notice of Completion of Development for completion and submission. Submission of this form will assist the Cairngorms National Park Authority Monitoring and Enforcement Officer in making a final inspection and checking compliance with the approved drawings and conditions. If the development hereby approved is to be carried out in phases, then a notice of completion should be submitted at the completion of each phase

4. The person undertaking the development should note that it is understood that the existing technology park access road is privately owned by the current applicant and is in the process of being sold to the NHS to facilitate future proposals on land to the south. Any such transfer of ownership will need to ensure that rights for services vehicles (e.g. refuse vehicles) to access the Spey House site are retained.
5. The person undertaking the development should note that if a healthcare facility proceeds in the future on land to the south, then good active travel connections into that site from Dalfaber Drive will be required which could include converting any existing accesses with the private estate road from junctions where vehicles have priority to footway crossings where pedestrians using footways would have priority. The current developer/landowner for Spey House has confirmed willingness to facilitate these works and the person undertaking the development should be made aware of this commitment.
6. The person undertaking the development will require to contact Network Rail's Asset Protection Engineers at 151 St Vincent Street, Glasgow, G2 5NW, tel: 0141 555 4352 email: AssetProtectionScotland@networkrail.co.uk regarding construction works to ensure that these are conducted in a safe manner in relation to the operation of the adjacent railway.
7. You are advised that if any work is proposed to start during the bird breeding season (April to August) then pre construction checks for breeding birds must be undertaken.
8. The person undertaking the development requires to contact Scottish Water regarding connections to water and drainage supplies. A Pre-Development Enquiry form should be submitted to the agency – more details on their website. The person undertaking the development should note that Scottish Water are unable to reserve capacity at their works and once a formal application is submitted, after full planning permission has been granted they will review the capacity.
9. Construction work 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 on Sundays or Bank Holidays in order to minimise disturbance to residents in the area.
10. The person undertaking the development is advised that the Highland Council Contaminated Land Team would be interested to see the results of any trial pit tests at the detailed design stage to provide advice on the suitability of the soil for any proposed soft landscaping- e mail land.contamination@highland.gov.uk.

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.