

CAIRNGORMS NATIONAL PARK AUTHORITY

Title: REPORT ON CALLED-IN PLANNING APPLICATION

Prepared by: ROBERT GRANT, PLANNING OFFICER

DEVELOPMENT PROPOSED: PLANNING APPLICATION TO VARY CONDITION 1 RELATING TO TIME LIMITS TO EXTEND FOR A FURTHER 3 YEARS - 04/211/CP AT LAND NORTH OF CAIRNGORM HOTEL, GRAMPIAN ROAD, AVIEMORE

REFERENCE: 09/011/CP

APPLICANT: LAUREL GRANT LLP C/O CB RICHARD ELLIS

DATE CALLED-IN: 23 JANUARY 2009

RECOMMENDATION: GRANT PLANNING PERMISSION FOR A PERIOD OF THREE FURTHER YEARS, SUBJECT TO CONDITION.

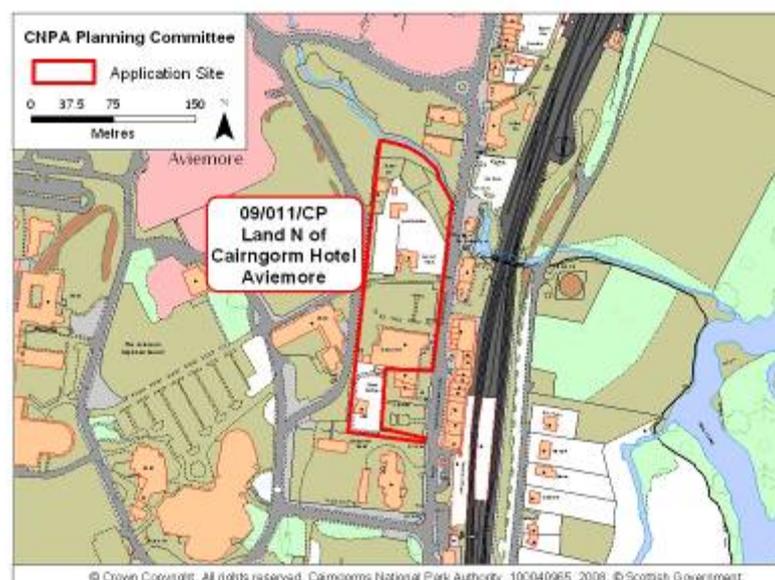


Fig. 1 - Location Plan

SITE DESCRIPTION

1. The site comprises some 1.5 hectares and is located on the west side of Grampian Road, Aviemore. It extends from the boundary with the Village Green and a property known as Kila in the south to the Aviemore/Milton Burn in the north and is bounded to the west by the Aviemore Highland Resort (AHR) development. The site has a number of component parts that have been assembled (from south to north) for the purposes of the application:
 - The former Clunie Cottage;
 - The access to the south of the Edwardian terrace of shops;
 - The existing Tesco store and car park;
 - The lane by Laurel Bank linking to AHR;
 - The bungalow Meall Buidhe;
 - The Scout Hall;
 - Sunnylea – a clear site adjoining Aviemore Burn.

2. The site has an approximately 4 metre increase in level between Grampian Road in the east and the AHR service road to the west. It is fairly level south to north although there is a sharp dip of 4 metres or so at the northern end by the burn. The Edwardian parade of shops and village green, both to the south of Tesco, are not included in the site. Existing accesses from Grampian Road to the site comprise the driveway immediately to the south of the parade of shops, Tesco's servicing and car park, the road giving access to Laurel Bank that also continues as pedestrian access through to AHR, and access to the Sunnylea site and Meall Buidhe by the burn.

PLANNING HISTORY

3. In January 2006, the CNPA granted outline planning permission - 04/211/CP for retail and community use. This included a standard time-limited suspensive condition requiring a formal application and detailed plans (reserved matters) relating to the siting, design and external appearance of all buildings, means of enclosure and landscaping proposals to be submitted for approval of the CNPA within 3 years of the date of consent and the commencement of the development within 2 years from the date of final approval of those reserved matters.
4. The application was accompanied by indicative plans and a Design Statement; a Traffic Assessment, Retail Impact Assessment, Habitat Assessment, a Tree Survey, a Flood Risk Assessment and a supporting planning statement. The outline permission established the principle only and did not give consent to any specific level of retail provision or design, scale or layout of the development, that being left for a future reserved matters application.
5. For further information, an application for full planning permission - 06/431/CP for the 'Development of retail facilities with associated car parking and servicing' was considered independently by the CNPA from the outline permission and consent subsequently granted on 4 January 2008, a s.75 on transport contributions is yet to be signed off and consent issued. This current application would not alter the status of this detailed planning application.

THE PROPOSAL

6. This planning application seeks to vary the condition restricting submission of reserved matters to a period within 3 years of the outline planning permission (04/211/CP) being granted.
7. The applicant seeks permission to extend the terms of the 3 year time-limit for the submission of reserved matters for a further 3 years. Condition 1 of the outline planning permission granted on 13 January 2006, restricted the submission of reserved matters until 13 January 2009, this application seeks to extend that period for a further 3 years from the date any permission is granted. For clarification no other matter is considered here, further planning applications will be required to bring forward the proposals – the extant conditions and s.75 legal agreement remain in place.
8. For clarity the wording of condition 1 is included below:

1. A formal planning application and detailed plans indicating all matters relating to the siting, design and external appearance of all buildings, means of access thereto, means of enclosure and landscaping proposals shall be submitted for the prior approval of the Planning Authority within 3 years of the date of this consent and the development must be commenced within 5 years of the date of this permission or within 2 years from the date of final approval of all the foregoing Reserved Matters.

DEVELOPMENT PLAN CONTEXT

National Planning Policy

9. **Scottish Planning Policy 8 Town Centres and Retailing**
SPP8 focuses on the importance of town centres and retailing, recognising that retailing contributes to economic growth. The policy supports the Scottish Government priority of growing the economy as well as wider issues related to social justice, transport, health and environment. The Government is committed to land use policies that secure vital and viable town centres, which provide economic, social, health and environmental benefits for the wider community. The key policy objectives for town centres are to: promote distinct, competitive places and encourage regeneration, in order to create town centres that are attractive to investors and suited to the generation of new employment opportunities; create a climate that enables all sectors of the community to have access to a wide choice of shopping, leisure and other services.
10. The guidance goes on to consider that in rural areas a range of shops and other facilities should be provided in small towns, villages and other accessible locations. These locations form an important part of a network as the uses provide vital local community and economic services. As paragraph 9 of **Scottish Planning Policy 15 Planning for Rural Development** indicates planning policy should support the vital role of these centres.
11. It further states that planning authorities and developers should adopt a sequential approach to selecting sites for retail and commercial uses, unless guidance within this policy or the development plan provides for particular exception. The principles underlying the sequential approach also apply to proposals to expand, or change the use of existing developments, where the proposals are of a scale or form sufficient to change their role and function. The sequential approach requires that locations are considered in the following order; i) town centre sites; ii) edge of town centre sites; iii) other

commercial centres identified in the development plan; iii) out of centre sites in locations that are, or can be made, easily accessible by a choice of modes of transport.

Cairngorms National Park Plan 2007

12. In terms of the Park Plan, of particular relevance are the outcomes relating to safeguarding built heritage with new buildings complementing/enhancing their setting, and the Park as an economic asset to the wider regional economy.
13. Relevant Strategic Objectives are those relating to maintenance and enhancement of distinctive landscapes, development complementing landscape/settlement character, focus settlement growth in main settlements, and create conditions conducive to business growth and investment consistent with the Park's special qualities.

Highland Structure Plan 2001

14. **Policy R1 (Shopping Hierarchy)** states that development proposals which consolidate the shopping hierarchy and enhance the role of individual settlements as shopping centres will be supported. **Policy R2 (Every Day Shopping Needs)** states that development which safeguards and enhances the local provision of facilities to meet everyday needs will be encouraged, and proposals which potentially undermine such provision will not normally be permitted. **Policy R4 (Major Foodstores)** states that in small towns foodstore provision will normally be located within town centres and where they are adjudged to pose a potential risk to the vitality and viability of local services, the development will not normally be permitted. **Policy R5 (Town Centre Shopping)** states that retail development in town centres will generally be encouraged and proposals which are adjudged to undermine the vitality and viability of existing town centres will be resisted. **Policy G2 (Design for Sustainability)** states that developments will be assessed on the extent to which they meet a range of sustainability criteria. **Policy G3 (Impact Assessments)** states that where environmental and/or socio-economic impacts are likely to be significant by virtue of nature, size or location then the appropriate impact assessments will be required from developers. **Policy G4 (Community Benefit and Commitment)** states that the Council will expect developments to benefit the local community and contribute to the wellbeing of the Highlands, whilst recognising wider national interests. **Policy TC9 (Car Parking)** requires car

parking provision to be carried out in accordance with the council's standards.

Badenoch and Strathspey Local Plan 1997

15. The principles of the Aviemore section of the **Badenoch and Strathspey Local Plan** seek to strengthen the village as a major shopping and service centre and to promote the economic renaissance of the village. The site is allocated on the Proposals Map of the **Badenoch and Strathspey Local Plan** for commerce and tourism (this effectively includes retail uses) with part of Sunnylea identified as car parking and including of a strip of recreation/open space and a footpath by the burn.

Aviemore Masterplan 1997

16. This document was adopted by the Highland Council in 1997 as supplementary planning policy deriving from the then recently adopted Badenoch and Strathspey Local Plan. The thrust behind the Masterplan was to integrate the current AHR site with the centre of the village by taking the focus to the west away from Grampian Road.

CONSULTATIONS

17. **The Highland Council Area Roads Manager** has no comment to make on the application.
18. **Aviemore Community Council** have not returned comment on the application.

REPRESENTATIONS

20. Two letters of objection have been received related to the application, from G.H. Johnston and Paul and Williamsons respectively, both on behalf of Aviemore Highland Resort Limited, copies of both are attached (**Appendix 1A & 1B**). The objections are on the following grounds:
 - The plans indicate access required is by a private road owned and operated by AHR and the applicants have no legal right to take access from it;
 - Access to the site will be part of a S.75 legal agreement to be agreed and signed as part of the AHR application, thereby the proposals are premature.

APPRAISAL

21. The principle of development has been previously assessed through the previous planning applications, with outline planning permission granted on 13 January 2006. This included a standard time-limited suspensive condition (condition 1) requiring a formal reserved matters application and detailed plans to be submitted prior to 13 January 2009, this application seeks to extend that period for a further 3 years from the date any permission is granted.
22. The principle of development has been previously assessed through the previous planning applications, with outline planning permission granted on 13 January 2006. The applicant highlights that it has not been possible to take forward the permission due to current market conditions; however they wish to keep alive the principle of the development in this location, providing certainty and that the extant planning permission could be implemented when a retailer or developer wishes to prepare further reserved matters.
23. At the time of determination, a range of issues and considerations were assessed related to design, the level of retail provision, traffic impact and access along with a number of other matters. Overall development plan policy - The Highland Council Structure Plan, the Deposit Cairngorms Local Plan, the Badenoch and Strathspey Local Plan and the Aviemore Masterplan all support the principle of retail development in this location and led to the decision to grant outline planning permission in 2006 for an unspecified level of retail use. The design concept was the subject of considerable comment and discussion involving CNPA officials, A&DS and the applicants.
24. In policy terms it is considered that there are no new issues to be raised and that the proposal continues to comply with the provisions of the Highland Council Structure Plan and the Badenoch and Strathspey Local Plan and the Cairngorms National Park Local Plan. Similarly, no new other issues arise, including site changes or other considerations which have materially altered the context of the planning permission. It is considered that the proposal is reasonable in that it gives flexibility, certainty and reaffirms the acceptability of the principle of development; the opportunity to extend the time limit and submission period for planning applications is often done in such a manner. Overall this application raises no new issues or concerns, approval is recommended

25. A number of issues remain outstanding – further detailed plans and other reserved matters relating to siting, design, external appearance of all buildings, means of access, means of enclosure and landscaping require to be submitted for prior approval of the CNPA. **This application seeks only to extend the period within which these reserved matters can be submitted.**
26. A number of additional suspensive conditions were attached to the original planning permission; these would remain in place after any approval of the period for reserved matters to be submitted.

Issues Arising From Representations

27. AHR have stated that they are unwilling to grant access over their land, however, since receipt of these letters the AHR application for Mixed Use Development (08/241/CP) has been approved by the committee subject to satisfactory completion of a S.75 agreement which includes provision for access arrangements for this application. Access to the site is to be part of a S.75 legal agreement to be agreed and signed as part of the AHR application, which was determined at planning committee on 6 February 2009 and granted planning permission subject to revised drawings, resolution of outstanding issues, s.75 agreement and suspensive conditions. Any subsequent discussion/negotiation would then be a matter for the relevant parties. This is considered to allay any concerns over access constraints arising from ownership issues.

Conclusion

28. This application seeks permission to vary the terms of condition 1 of the granted outline planning permission 04/211/CP, extending the period for submission of reserved matters details for a further period of 3 years.
29. The applicant highlights that it has not been possible to take forward the permission due to current market conditions; however they wish to keep alive the principle of the development in this location, providing certainty and that the extant planning permission could be implemented when a retailer or developer wishes to prepare further reserved matters.
30. In policy terms it is considered that there are no new issues to be raised and that the proposal. No new other issues arise, including site changes or other considerations which have materially altered the context of the planning permission.

31. Representation has been received on behalf of AHR regarding access constraints arising as a result of site ownership issues. It is considered that these have been resolved in the main. Access to the site is to be part of a S.75 legal agreement to be agreed.
32. It is considered that the proposal is reasonable in that it gives flexibility, certainty and reaffirms the acceptability of the principle of development; the opportunity to extend the time limit and submission period for planning applications is often done in such a manner. Overall this application raises no new issues or concerns, approval is recommended to ensure the implementation of this important development is accommodated as best as possible.
33. A number of issues remain outstanding – further detailed plans and other reserved matters relating to siting, design, external appearance of all buildings, means of access, means of enclosure and landscaping require to be submitted for prior approval of the CNPA. A number of additional suspensive conditions were attached to the original planning permission; these would remain in place after any approval of the period for reserved matters to be submitted.
34. In conclusion, it is recommended that planning permission is granted.

IMPLICATIONS FOR THE AIMS OF THE NATIONAL PARK

Conserve and Enhance the Natural and Cultural Heritage of the Area

35. Overall it is considered that a well-executed development of this type can contribute positively to this aim. The development will provide an opportunity to enhance the natural heritage in the vicinity of the burn in particular.

Promote Sustainable Use of Natural Resources

36. Location next to the local transport interchange and proximity of residential areas mean that there is potential for less use of the private car, although the development does still offer a considerable amount of parking. There is the prospect of fewer vehicle journeys to Inverness etc. Conditions can make it more sustainable in use of resources than might otherwise have been the case.

Promote Understanding and Enjoyment

37. There is potential to make a positive contribution if a detailed scheme consolidates and enhances opportunities for public access between the site and AHR and enhances the range of retailing available for residents and visitors.

Promote Sustainable Economic and Social Development

38. The development will offer increased choice and shopping opportunities that do not currently exist within the area. There is the prospect of some additional employment and, in the case of the smaller retail units, opportunities for new local businesses. In tandem with other developments in the village it has potential to enhance the role of Aviemore within the region. It is considered that the proposal will contribute positively to this aim.

RECOMMENDATION

39. That Members of the Committee support a recommendation to:

GRANT Full Planning Permission to vary condition 1 relating to time limits; extending for a further 3 years subject to:

a) The following condition:

1. A formal planning application and detailed plans indicating all matters relating to the siting, design and external appearance of all buildings, means of access thereto, means of enclosure and landscaping proposals shall be submitted for the prior approval of the Planning Authority within 3 years of the date of this consent and the development must be commenced within 5 years of the date of this permission or within 2 years from the date of final approval of all the foregoing Reserved Matters.

**Robert Grant
21 April 2009**

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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.