
CAIRNGORMS NATIONAL PARK AUTHORITY

Title: REPORT ON CALLED-IN PLANNING APPLICATION

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(DEVELOPMENT CONTROL)

DEVELOPMENT PROPOSED: APPROVAL OF RESERVED MATTERS FOR ERECTION OF 8 FLATS AND RETAIL DEVELOPMENT (3 UNITS), VACANT LAND (FORMER FILLING STATION) GRAMPIAN ROAD, AVIEMORE

REFERENCE: 06/086/CP

APPLICANT: MR. A. GRANT, PER AGENT (PAUL DEVLIN ARCHITECT, ALLT BEAG, DALRACHNEY, CARRBRIDGE)

DATE CALLED-IN: 24 MARCH 2006

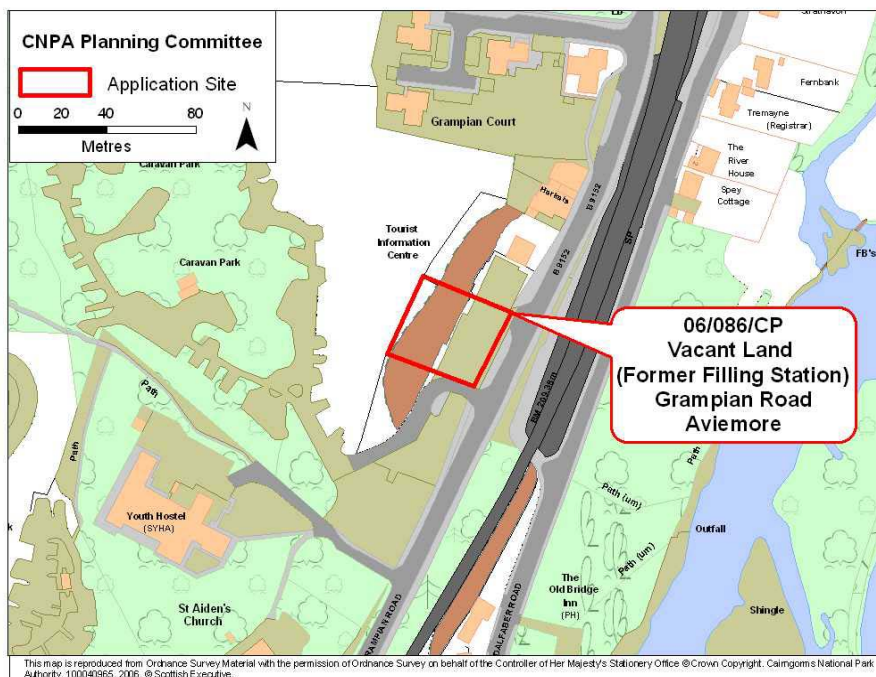


Fig. 1 - Location Plan

SITE DESCRIPTION AND PROPOSAL

1. The Committee will recall this site and a previous application for Outline Planning Permission granted by the CNPA at the Planning Committee of 13 January 2006 (Planning Paper 3). This Outline Planning Permission (04/414/CP) was for the erection of a retail unit and 8 flats on the site. The approval was subject to conditions which covered issues such as SUDS, on site contamination, restriction of amount of retail space, minimum number of car parking spaces, provision of internal cycle storage space, tree protection, and roads matters. The application which is the subject of this report is the Reserved Matters application following the granting of the Outline.
2. The site is sized at 0.2 HA and is located on the west side of Grampian Road as it passes through Aviemore but to the south of the main commercial core of the town (approximately 300m from the railway station). The site currently lies vacant. It was the location of a former "Shell" petrol filling station which ceased trading over 8 years ago. All the former filling station buildings and structures have been removed from the site leaving an open hard surfaced area of flat ground adjacent to the road. The boundaries of the site also include a steep slope which rises up to the west where it then levels out into a mature wooded area which lies within the boundaries of the Aviemore Highland Resort. This wooded area is the subject of a Tree Preservation Order. The slope is naturally regenerating with pine and birch trees. To the north of the site lies the now redundant former Tourist Office building and to the south lies more vacant land which provides an access route through to the southern parts of the Aviemore Highland Resort which is situated on the higher ground to the west. This access is not a main route into Aviemore Highland Resort and is for emergency purposes only. There are two accesses serving the site directly off Grampian Road.



Fig. 2 Site viewed from Grampian Road

3. The detailed proposal now submitted follows the design concept produced as indicative information at the time of the outline application. The residential accommodation is proposed within a series of 4 towers and linking blocks. These towers and linking blocks are positioned on the sloping embankment to the rear of the site and down the north east boundary. The accommodation is in a mixture of two, three and four storeys. The residential accommodation comprises 8 properties (6 x 3 bedroom and 2 x 2 bedroom). Some of the basements are to be used for bin and cycle storage areas and the properties all have individual saunas. The retail unit which is positioned to the front of the site, facing Grampian Road, is a 2 storey building comprising a total floor area of useable retail space of approximately 340 sqm. The drawings indicate 3 retail units with individual staff space and refuse storage. Parking for a total number of 24 cars is shown, 8 of which are located within lockable garaging (for residents only) positioned at the ground level under some of the residential blocks. The plans indicate a zone of tree protection on the upper part of the slope where existing mature trees are to be retained. In addition, tree planting is proposed within the development which includes a roof terrace above the garaging and trees positioned along the road frontage. Finishing materials for the buildings are larch or stained redwood vertical timber cladding and some wet harling for the walls, and copper sheeting for the roofs. One point of vehicular access is proposed at the south side and there is the provision of a right of access through the site to the land to the south. A 3-dimensional axonometric drawing of the proposal is attached as Fig. 3.

4. As stated at the Outline stage and for information purposes, the site and the adjoining land to the south have been the subject of previous planning applications. Land to the immediate south of the site was the subject of an application for a restaurant and car park which was dismissed at an appeal in 1996. In his decision notice, the reporter concluded that the policy background at that time discouraged new development on this frontage unless accompanied by tree planting and other landscaping sufficient to radically tone down the urban elements proposed. It was also stated that the scale of development proposed did not provide enough space for meaningful landscaping being extended or brought forward as reasonably demanded by the policy background and that the proposal therefore represented unacceptable over-development. In 1998, an outline application on the current site for a drive through fast food retail unit was refused by Highland Council. Indicative details proposed a single storey building to the rear of the site which would have involved engineering operations to remove a considerable amount of the slope to the rear with car parking on the flat area to the front adjacent to the road. The application was refused on the basis that it represented unacceptable overdevelopment, in particular the earthworks to the slope which would have resulted in the loss of mature and regenerating trees with inadequate space left for replacement tree planting. This was not seen as being in compliance with Local Plan policy.

DEVELOPMENT PLAN CONTEXT

5. In the **Highland Structure Plan 2001, Policy G2 (Design for Sustainability)** states that developments will be assessed on the extent to which they, amongst other things, are compatible with service provision; are accessible by public transport, cycling and walking as well as by car; maximise energy efficiency in terms of location, layout and design; make use of brownfield sites, existing buildings and recycled materials; impact on individual and community residential amenity; impact on habitats, species, landscape etc; demonstrate sensitive siting and high quality design; promote varied, lively and well-used environments; and contribute to the economic and social development of the community. **Policy R1 (Shopping Hierarchy)** states that development proposals that consolidate the shopping hierarchy and enhance the role of individual settlements as shopping centres will be supported. **Policy R5 (Town Centre Shopping)** advises that retail development in town centres will generally be encouraged. Development proposals which are judged to undermine the vitality and viability of existing town centres will be resisted.
6. **Structure Plan Housing Strategies** aim to steer demand for housing development to appropriate locations within settlements. **Policy L4 (Landscape Character)** requires regard to be had to the desirability of maintaining and enhancing present landscape character in the consideration of development proposals. **Policy TC9 (Car Parking)** advises that car parking provision associated with development proposals shall be carried out in accordance with general maximum standards. In appropriate situations, in order to promote more integrated transport and quality of environment, it may be possible to enter into agreements with developers to receive commuted payments in lieu of on-site parking provision.
7. In the **Badenoch and Strathspey Local Plan 1997**, in its section on **Settlement Policy Objectives**, it is stated that Aviemore remains the main growth point in the area. It has the strongest economic prospects and is best located for purposes of commuting from other areas. This centrality also means that the settlement is poised to support major new shopping, cultural and administrative functions in the future. In addition, it states that qualitative design has also been lacking in much of the development of the last 25 years, and this must be rectified in forthcoming schemes. **General Policy 2.2.1 (a) (Economic Development)** provides encouragement for new economic development where this is consistent with the maintenance of a clean environment. **Policy 2.5.4. (Woodland and Trees)** seeks to protect existing trees and established woodland areas which are important landscape, wildlife and amenity features. Generally, development should not be sited within 20m of the trunks of large and mature trees.

8. The **Aviemore Settlement Statement** provides the main priorities for Aviemore. These include, amongst other things, the promotion of the economic renaissance of the village incorporating high quality design; the strengthening of the village as a major shopping and service centre; the improvement of traffic circulation, parking and servicing arrangements whilst giving over more of the village centre to the pedestrian; and the transformation of the image and texture of Aviemore, by “greening up” the village, and restoring links with its setting and wider environment. **Policy 6.1.1. (Urban Design Strategy)** seeks to promote improvements in the quality and design of Aviemore’s built environment and its relationship with adjoining countryside in accordance with the principles of **Gillespie’s Urban Design Strategy**, where these are consistent with the Local Plan. Conformity will be expected with the main design principles embodied in the Strategy insofar as these relate to building grain, fabric, building hierarchy, scale and lines, open spaces and trees, views and streetscape.
9. The site itself is not designated for any particular use in the **Badenoch and Strathspey Local Plan**. However, the wooded area to the west is covered by **Policy 6.5.2. (Amenity Woodland and Trees)**. This policy seeks to safeguard and encourage active management of trees and woodlands important to the structure of the village. A Tree Preservation Order has been placed on the entirety of the Aviemore Highland Resort Lands. Another related policy is **Policy 6.4.3(a) (Grampian Road Enhancement)**. This seeks to encourage a package of measures designed to improve “first impressions” of Aviemore. These include re-defining the main village approaches, notably new “gateways” to the north and south of the village, at the Dalfaber junction and immediately beyond the Four Seasons Hotel (now the MacDonald Four Seasons). These should be coupled with wider enhancement alongside the B9152 to achieve a more successful transition between built-up area and the countryside.
10. **For information purposes only, the Cairngorms Draft Cairngorms National Park Plan: Priorities for Action 2007-2012** puts forward 7 priorities for the National Park. One of these is “Conserving and Enhancing the Park’s Biodiversity and Landscapes”. Work within this priority includes enhancing the Park’s landscapes, identifying and enhancing habitat networks, enhancing the condition of designated sites within networks, and protecting biodiversity. Another priority is “Making Tourism and Businesses Sustainable”. Work within this priority includes supporting strong businesses with high quality standards, managing the impacts of tourism and business, improving environmental performance, and supporting entrepreneurship and business development. Finally a third priority is “Making Housing Affordable and Sustainable”. Work within this priority includes increasing supply and accessibility, promoting effective co-ordination and co-operation, and improving the quality and sustainability of design. **Please note the Draft Park Plan is not a land use development plan and carries no material weight at this stage.**

11. **Again, for information only, the CNPA Consultative Draft Local Plan**, leaves the site within a **General Policy 1 Area**. This states that development will be permitted if it is unlikely to have a significant adverse effect on the aims of the National Park or any of its special qualities. The **Aviemore Settlement Statement** states that the Local Plan should seek ways to concentrate general development within the drawn boundary of the town, to consolidate the community. Housing will develop within existing settlement boundaries on sites allocated within the Plan or make use of infill/brownfield sites. The existing shopping/commercial core of Aviemore is protected from any proposals to reduce the stock of business properties, or adversely affect existing businesses. A **new Aviemore Masterplan** will identify sites and opportunities for enhancement and development. There is concern that retailing is concentrating on visitor needs, and not those of the local community.

CONSULTATIONS

12. Consultations carried out at the time of the Outline application remain relevant. However some consultees have been re-consulted on this Reserved Matters application.
13. **Highland Council's Contaminated Land Officer** initially stated that because of its former use as a filling station, the applicant was required to submit, by way of an assessment of potential contamination issues, evidence that the site is suitable for its proposed use. This should be consistent with the requirements of PAN33 and BS10175. The applicants submitted a soil and gas survey report but the **Contaminated Land Officer** stated that this did not satisfy the requirements. However, following an examination of PAN33 and following discussion with **Highland Council**, it was agreed that, because the application was an outline proposal, the matter of contaminated land could be dealt with by planning condition, if the application was approved. Condition No. 4 of the Outline Permission covers this aspect. The requirement for contamination investigations and mitigation contained in the condition is that the work shall be carried out **prior to the commencement of work on site**. If permission is granted, the matter will therefore continue. However, for information, the applicants have commissioned specialists in this field and a Phase 1 Land Quality Assessment has been submitted to Highland Council's Contaminated Land Officer. A response on this report does raise some issues in particular in relation to a sampling strategy.

14. **SEPA** initially objected to the outline proposal. Although recognising that the site is a restricted one, they wished to see the incorporation of SUDS for surface water drainage from hardstanding areas, car parking areas and roofwaters. The applicants carried out percolation tests and a report from an engineer demonstrated that a full soakaway could be accommodated on site. **SEPA** found this acceptable. They wished conditions imposed which require the implementation of the SUDS. Condition Nos. 2 & 3 of the Outline Permission cover this aspect. These require the submission of full SUDS details again **prior to the commencement of works on site. On the current proposal, SEPA have therefore reiterated their request that SUDS are implemented and operational before occupation of the development. They also advise that as from 1 April 2006, most surface water discharges will be covered by The Water Environment (Controlled Activities) (Scotland) Regulations 2005.**
15. The **CNPA's Natural Heritage Group** stated at the Outline stage that the proposed buildings will be against the backdrop of Scots Pine and that it would appear that several trees would be felled. Within the boundary of the site, this would not necessarily impact on the integrity of the woodland but would reduce the size of the overall habitat. However, this is unlikely to be significant to the overall habitat.
16. **Aviemore & Vicinity Community Council** have updated their response from the time of the Outline application which did not object but advised that they did not have enough information to assess the development in full. **On the current proposal, they have stated that, although not normally happy with any four storey building in Aviemore, they feel that height is not an issue in this location. However, they do not want this application to create a precedent for future development at other locations in the village. They also state; they are surprised there is no provision for lift access; they are concerned at the narrowness and size of the bedrooms; they think disability access will be difficult; they are surprised that there is no provision for affordable accommodation; they wish to see the retention of as many trees as possible; and they feel the use of natural materials will be attractive.**
17. **Highland Council's Former Area Planning & Building Control Manager**, at the Outline stage and under delegated powers, stated that advice given at the pre-application stage was generally supportive. The intention to plant trees at the edge of the road and to retain trees and plant new trees within the development itself would go some way to meeting the aspirations of the "Gillespie Strategy" that the woodland should be drawn down to the roadside. This also reflects the "Gillespie" view that avenue tree planting nearer to the roadside along the frontage would be appropriate. He felt that the architect has made significant attempts to try and deal with the matter of the trees to the west side which are the subject of the TPO. In addition, he advised that recent Scottish Executive guidance looks to have designs rooted in

their landscape and that there is a need to plan buildings in groups rather than on their own. The guidance also suggests that there is a need to design and plan in the expectation that social, economic and technological conditions will change. He felt that the proposal was a radical approach to attempt to achieve these. Development Briefs should be a basis for dialogue and not a prescriptive substitute for it and he therefore stated that it might be argued that the approach taken is an evolution of the "Gillespie" Design for Aviemore. Also, he stated that guidance makes the point that much of what makes or mars a settlement is the continued application of roads and planning standards for reasons far removed from any consideration of design. The question that arises is whether or not the approach set out in the submitted "Design Statement" at the Outline stage will lead to a design of lasting quality. He felt the materials chosen reflect advice and his view was that the success of the design depends on the manner in which trees are retained at the site and integrated into the development. He emphasised that the application was an outline proposal and details such as that could be the subject of conditions of any planning approval.

18. At the outline stage, **Highland Council's Area Roads Manager** maintained an objection to the proposal on the basis that the indicative layout and amount of development proposed on the site represented over development. The required amount of car parking provision based on current standards was not met and they did not feel that the location or type of development proposed was justification for reducing the standards by the levels proposed. However, following consideration of the issues, my recommendation at the time of the Outline, was that a reduction in the number of spaces was acceptable and this was agreed by the Committee. **On the current proposal, Highland Council's Area Roads Manager, has stated that notwithstanding his previously stated concerns regarding the overall level of parking provision, in principle, he is satisfied with the general detail of the development now proposed. However, he asked for further clarification on the arrangements for larger service vehicles and the detail of how the development connects to the existing private access road to the south side of the site. Subject to clarification of these matters he recommends standard conditions relating to site access upgrade, footpath modification, visibility splays, drainage and street lighting. He does also though request a condition stating that the retail element of the development operates non food retail only.**
19. **Highland Council's Senior Forestry Officer** advised at the outline stage that he had considerable concerns about the indicative flatted proposals to the rear of the site and their impact on the trees which he considered to be visually dominant and locally important. Despite the submission of an Arboricultural Impact Assessment, (which he viewed as well considered and presented), he still felt that the scale of the indicative development was too high, resulting in an unacceptable loss

of the existing tree cover (directly and indirectly) and with limited opportunity for any meaningful replacement planting. Following an assessment of the issue at the outline stage (and indicative amendments to the amount of buildings on the site), support was given in my recommendation and by the Committee, but subject to a condition (no. 9) that all the measures for the protection of trees and the construction of the development stated in the arboriculturists report be implemented. **On the current proposal, Highland Council's Forestry Officer has advised that to ensure the measures are followed, consideration should be given to the production and agreement of an Arboriculturists Method Statement and Tree Protection Plan, as alluded to in the Arboricultural Impact Assessment. The successful execution of the Protection Plan should be assisted by adequate supervision during works. A scheme for the supervision on site during works should be submitted for further approval.**

20. **Architecture and Design Scotland (A&DS) have advised that the current scheme appears largely unchanged from what was presented at the Outline stage and therefore the comments set out in their report at that time remain essentially the same. On the basis of the submitted information, they feel unable to offer any supplementary advice.** The following comments were therefore made by A & DS at the outline stage on the basis of the indicative layout and building design. They are quoted as a direct repeat of those stated in my report on the outline application. They consider the site, due to its location on the main B9152, and as a potential entry gateway to the village, as of considerable importance. They consider that the proposal will have a significant impact on the village but that the proposed development's intended role as a gateway could be a notable success. They question the viability of the retail units, given their perceived distance from the centre. The drawings show a street frontage here with a glazed canopy oversailing the pavement but they view this as rather banal and not necessarily appropriate for a "gateway" building. It is the form of this retail building and its relationship to both the street edge and the car park that needs to be developed.
21. The sense of arrival from the south is currently underplayed and anything that improves it, and at the same time regenerates a derelict site is welcomed. They suggest that visitors come to Aviemore primarily to explore surrounding areas and to shop and therefore early evidence of a good quality retail development would be encouraging but it must be sustainable. The limitations of the site and its economic viability, it is suggested, might be better served by reducing (or removing) the retail component and increasing the number of apartments. In relation to parking, they state that the design appears to have been predicated by traffic engineer requirements for parking and service vehicle manoeuvring. They feel that this approach restricts available options and should be given lesser significance in the genesis of the design. No allowance has been made for parking for wheelchair

users but any new building should screen the parking rather than expose it from those approaching from the south. Certainly the new trees along the roadside will enhance the pedestrian realm but some reconfiguration of the layout and house types could help address other concerns. They also state that no communal garden, amenity or drying areas have been indicated which begs the question about fostering residents' involvement and sense of ownership and responsibility.

22. They feel the proposed choice of materials (larch boarding & copper roofing) is appropriate given its role as an interstitial zone between rural and village life. They suggest that more information is required on the existing trees and the impact of the development on the stability of the embankment but that if successful, the relationship with nature could enrich the proposal. To conclude, A&DS commend the applicant for promoting an interesting and contemporary approach for this important site, but they have a number of concerns including its impact on the existing trees and the feasibility of the retail premises. Aviemore's inclusion in the Cairngorms National Park places a general presumption against any development which would have an adverse visual impact and there is a need to conserve and enhance the natural and cultural heritage of the area. This mixed use development has potential but if it is to succeed, it needs to display the same ambition, quality of finishes and attention to detail that is displayed in Sverre Fehn's pioneering "Villa Busk" project.
23. **The CNPA's Housing Policy Officer** has stated that having looked at the design and layout of the properties, the towers would suggest they have been built to take advantage of the views and with the inclusion of saunas, she can only assume these are for holiday lets or second homes. It is unfortunate that it is not possible to ask for some affordable houses or at least ask that some of the people who take on the retail units be allowed to live in the accommodation.
24. **Highland Council's Area Housing Manager** has stated that he is aware that the application is for Reserved Matters and there is no condition on the outline regarding the provision of affordable housing. He is also aware that at the present time, there is no requirement for any developer to provide any proportion of affordable housing below 10 units. However, he asks that consideration is given to requesting the developer to provide perhaps one of the units as affordable housing. The reason for this request is that at present, there is a lack of land for future developments and consideration should be given to providing affordable housing on brown field sites. This site may be an opportunity.

REPRESENTATIONS

25. One representation has been received. The Highland Cycle Campaign continues to seek the provision of cycle storage and parking space within the development. **A copy is attached for information.**

APPRAISAL

26. Although the previous application was submitted in an outline format, there was a considerable amount of indicative information submitted, including a "Design Statement" in line with PAN 68 (Design Statements), about the design concept and the potential layout and type of buildings envisaged. It was known that the final design would be based on the indicative design shown at that time, but being an application for outline permission, it did not form an integral part of the considerations. The major issues at that time therefore related to the principle of permitting the amount of development being proposed on the site, and the implications of that for parking provision, tree retention and space for additional landscaping. The importance of tree retention and space for additional planting within the development was a direct result of the aspirations of planning policy for the area, as contained in the Badenoch and Strathspey Local Plan and the Gillespie's Urban Design Strategy. This seeks to "naturalise" the approaches to the centre of Aviemore from the south, by suggesting that woodland be drawn down towards the road with the possibility of avenue planting along the roadside. Following a thorough assessment of these issues, the outline permission was granted subject to conditions. The principle of a mixed use development, encompassing retail space of a certain size and a certain number of residential properties, has therefore been established. The issues that therefore require to be assessed on the current proposal include, affordable housing, how the detailed design proposals impact on the townscape and adjacent sites, and how the proposal addresses in detail the issues of parking, tree retention, and space for additional tree planting.

Affordable Housing

27. When determining the outline permission, the Planning Committee examined the issue of affordable housing provision for this site and agreed to the addition, in Condition No. 1, of a requirement to supply information on the feasibility of providing on site affordable housing or off site contributions. **This was despite the fact that there was no specific statutory development plan policy which required either of these provisions. Highland Council's Structure Plan policy only requires the provision of affordable housing on developments of 10 or more houses.** Nevertheless, as required by Condition No. 1 of the outline permission, the applicant has provided a report on this aspect and for information purposes this is attached (Fig 4). The report sets out the reasons why affordable housing cannot be

delivered or required in relation the proposed development. The conclusion which is based on planning policy, points of law and specific site considerations, advises that, without a specific condition at the outline stage requiring affordable housing, it is difficult for the CNPA to insist upon this now or resist the development on this basis. **While I acknowledge the requests from the CNPA's Housing Policy Officer and Highland Council's Area Housing Manager for further consideration of affordable housing provision, I am in agreement with the findings of the applicant's report. From a planning point of view, at this stage it would only be possible to use the aims of the National Park to justify a requirement for affordable housing provision or contributions towards it elsewhere. However, as considered at the outline stage, without the back up of statutory planning policy in the area, I cannot recommend this line of action. Insisting on affordable housing at the Reserved Matters stage would also introduce a material change to the development approved at the outline. This could be challenged.**

Design

28. In its current state, the site does little to enhance the approaches to the centre of Aviemore from this side. However, because of its position, it is an important location. Any development on this site therefore requires to be of high quality because it would become a focal point. The current proposal is based on the indicative design concepts shown at the outline stage but it has been developed further to take account of requirements for parking, tree retention and the creation of additional space for new landscaping. From an urban design point of view, there is no doubt that the proposal will have a visual impact but I continue to feel that the design will provide a positive, albeit more contemporary, contribution to the area. It could be argued that, because of the restricted nature of the site and the density of development proposed, the buildings are "borrowing" space from adjoining land which is not part of the proposal or within the applicants control. It may therefore prejudice, to a certain extent, the form of potential development on the adjoining brownfield sites. However, I feel that the benefits of permitting this design proposal, which will remove a site which is providing a negative visual impact at present, outweigh any concern in this regard. The towers will be visually dominant in the area but the use of timber cladding set against the backdrop of trees is considered to be entirely appropriate. In this context though, exact colour and detailing of all finishes require to be further considered but this can be dealt with through the imposition of conditions.
29. Recent national policy guidance on design of new buildings seeks to improve the quality of architectural design and encourages more contemporary and individual design solutions where appropriate. While Architecture and Design Scotland raised some detailed issues on the indicative design promoted at the outline stage, they have not added to their comments on the detailed proposal. Their overall assessment at

the outline was generally positive and I feel that the applicant has developed the design further to accommodate some of the issues raised before. Within a National Park context, I feel it is appropriate to move design standards forward and at the same time, where appropriate, encourage individuality. I feel this site can accommodate the type and nature of buildings proposed and that it could act as a good example of quality urban design.

Parking, Access and Trees

30. The issues of parking provision, tree retention and space for new tree planting were significant issues when we were considering the appropriateness of the amount of development sought at the outline stage. The detailed proposal has considered these issues further.
31. Condition No. 5 of the outline permission required the provision of 24 parking spaces within the development. The current proposal meets this requirement. Additional information has been provided about turning and manoeuvring space for service vehicles and it has been clarified that the access through the site to the south (where there is a right of access) will not be compromised. This access is for emergency purposes only.
32. Two issues though do arise in relation to access and parking requirements. The first is that Highland Council's Area Roads Manager has requested that a condition be imposed restricting the use of the retail units to non food uses only. There is no distinction between food and non food retail uses (apart from hot food takeaway) in the Use Classes Order. Class 1 (Retail) covers both. The thinking behind the suggested restriction is that non food retail uses would have less potential for requiring car parking because it would not have the same specific destination type trade as food retail. Bearing in mind that the Area Roads Manager maintained an objection to the level of parking provision at the outline stage, it is understandable that he would wish to seek some further acknowledgement of his concern at the detailed stage. It is the case that the Council's parking standards would require more spaces for food retailing. At the outline stage though, while an indication that the retail element would be for 2 or 3 smaller units was given, the applicant did not request that this should form any part of the formal approval. Nor was there any request by Highland Council's Area Roads Manager for a condition restricting the retail to non food retail only. All that was subsequently approved was 410 sqm of retail space. Nevertheless, the current proposal is for 3 modest sized units rather than 1 larger shop. The intention therefore is to provide smaller units which are not likely to be of interest to larger food retailers. Taking account of this, the fact that the proposal meets the conditional requirement for 24 spaces and most importantly that there is no condition on the outline permission restricting retail uses, it is not deemed possible or necessary to impose a condition that requires non

food retail only. This would again introduce a material change to the nature of the outline permission.

33. The second issue is that of visibility splays. The outline indicated, in line with the aspirations of Gillespie's Urban Design Strategy for the area, avenue tree planting along the Grampian Road frontage. The current proposal confirms this intention. Condition No. 10 of the outline permission requires the provision of visibility splays but it was known that any tree planting along the site frontage would interfere with this requirement. As such, the wording of the condition included, "unless otherwise agreed". The proposed tree planting in this location will cause a degree of obstruction to visibility from the proposed access but depending on the particular species of tree, this can be minimised. In this instance, I believe that the provision of avenue tree planting would form an important and beneficial element to the streetscape here. Since it also meets with the terms of policy for "naturalising" the approaches to Aviemore centre and is supported by Architecture and Design Scotland and the Highland Council's Former Area Planning manager, I still feel that tree planting along the frontage should continue to be promoted.
34. Finally, there is the issue of tree retention and new tree planting. The layout of buildings proposed does not encroach on the Tree Protection Zone required in the Arboriculturists Impact Assessment for the existing mature trees on the upper part of the embankment. The layout of the development has also allowed for more space for new planting – one area in the form of a landscaped roof terrace. Planning policy seeks to "draw woodland down towards the road". I feel that subject to conditions requiring further details of the tree planting and landscaping proposals, there is the right balance between built and natural forms and that the overall treed context will, in time, be retained.

Conclusion

35. To conclude, the proposal does not raise any implications for the terms of the outline permission conditions or for planning policy. I continue to feel that this development will provide both economic benefits as well as a quality urban and architectural design solution. I feel it will contribute positively to the area.

IMPLICATIONS FOR THE AIMS OF THE NATIONAL PARK

Conserve and Enhance the Natural and Cultural Heritage of the Area

36. The development will improve the urban townscape in this location and therefore enhance the cultural built heritage of the area. The scale of development now proposed will allow for an adequate balance between built form and the need for tree retention and a more naturalised landscape in this location.

Promote Sustainable Use of Natural Resources

37. The use of timber cladding promotes the sustainable use of renewable materials. The design of the buildings will allow for energy conservation, weathering and shelter as well as solar gain from the south. Being of a high density, it makes efficient use of available brownfield land and being located within a settlement it also presents opportunities to minimise car travel.

Promote Understanding and Enjoyment of the Area

38. The development does not have any implications for this aim.

Promote Sustainable Economic and Social Development of the Area

39. The development provides positive implications in terms of this aim. The provision of retail space in a location close to the commercial core is unlikely to impact on the viability of existing shops and could add to the general desire for improving the economic renaissance of Aviemore.

RECOMMENDATION

40. **That Members of the Committee support a recommendation to:**

Grant Reserved Matters Approval for Erection of 8 No. Flats and Retail Development (3 No. Units), Vacant Land (Former Filling Station), Grampian Road, Aviemore, subject to the following conditions:

- 1. The development to which this permission relates must be begun within five years from the date of this permission.**
- 2. That prior to the commencement of works on site and further to the requirement for the protection of trees on the site through the implementation of the measures in the Scottish Arboricultural College Arboricultural Impact Assessment (3 November 2005), an Arboricultural Method Statement and Tree Protection Plan, as required by Section 7 of BS5837:2005 (Trees in Relation to Construction), shall be prepared and submitted for the further written approval of the CNPA acting as Planning Authority following consultation with Highland Council.**

3. In addition to Condition No. 2 above, prior to the commencement of works on site, a scheme for the supervision of the arboricultural protection measures, shall be submitted for the further written approval of the CNPA acting as Planning Authority, following consultation with Highland Council. Such a scheme shall be appropriate to the scale and duration of the works, and shall include details of, induction and personnel awareness of arboricultural matters, identification of individual responsibilities and key personnel, timing and methods of site visiting, record keeping and updates, and procedures for dealing with variations and incidents.

4. The development (including the site frontage with Grampian Road) shall be landscaped and maintained in accordance with a scheme which shall be submitted to and approved by the CNPA acting as Planning Authority before development commences. The scheme shall indicate the siting, numbers, species and heights (at the time of planting) of all trees, shrubs and hedges to be planted, and shall ensure:-
 - (a) Completion of the scheme during the planting season next following the completion of the development, or such other date as may be agreed in writing with the CNPA acting as Planning Authority.
 - (b) The maintenance of the landscaped areas in perpetuity in accordance with the detailed maintenance schedule/table. Any trees or shrubs removed, or which in the opinion of the CNPA acting as Planning Authority, are dying, being severely damaged or becoming seriously diseased within three years of planting, shall be replaced by trees or shrubs of similar size and species to those originally required to be planted.

5. That prior to the commencement of works on site, full details and specifications (including samples and/or working drawings where appropriate) for the following external works and finishing materials, shall be submitted for the further written approval of the CNPA acting as Planning Authority:
 - (a) All proposed wall and roof finishes, including colours.
 - (b) All proposed window and door finishes, including glazing areas for the retail units, garage doors, and colours.
 - (c) All proposed external access stairs, balconies and canopies.
 - (d) All hardstanding areas, including footpaths, vehicular access and parking areas.

6. That prior to the commencement of any other works on site, the site access shall be upgraded at its junction with Grampian Road to the satisfaction of Highland Council's Area Roads Manager, and in line with full details which shall be submitted for the further written approval of the CNPA acting as Planning Authority, following consultation with Highland Council's Area Roads Manager.
7. That prior to the commencement of any other works on site, the existing Grampian Road footway fronting the site shall be modified/upgraded to the satisfaction of Highland Council's Area Roads Manager, in line with full details which shall be submitted for the further written approval of the CNPA acting as Planning Authority, following consultation with Highland Council's Area Roads Manager.
8. That no water from the development shall be permitted to discharge on to the public road.

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29 May 2006

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