
CAIRNGORMS NATIONAL PARK AUTHORITY

Title: REPORT ON REVISIONS TO CALLED-IN
PLANNING APPLICATION

Prepared by: NEIL STEWART, PLANNING OFFICER
(DEVELOPMENT MANAGEMENT)

DEVELOPMENT PROPOSED: FULL PLANNING PERMISSION FOR
RESIDENTIAL AND COMMERCIAL
DEVELOPMENT, INCLUDING PUBLIC
BAR/RESTAURANT, LAND AT
JUNCTION OF FRANK SPAVEN DRIVE
AND DALFABER DRIVE, AVIEMORE

REFERENCE: 07/098/CP

APPLICANT: RATHVEN INVESTMENTS LTD. C/O G.H.
JOHNSTON BUILDING CONSULTANTS,
WILLOW HOUSE, STONEYFIELD
BUSINESS PARK, INVERNESS

DATE CALLED-IN: 23 MARCH 2007

RECOMMENDATION: GRANT, SUBJECT TO CONDITIONS

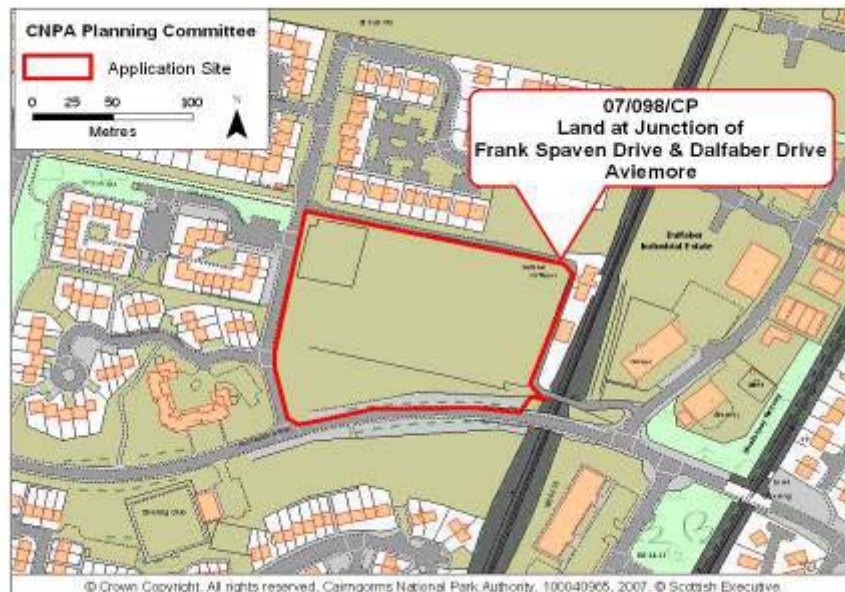


Fig. 1. Location Plan

BACKGROUND

1. Members of the Committee will recall this planning application from July 2007, where it was agreed to grant full planning permission for a mixed residential and commercial development at a vacant site at the junction of Dalfaber Drive and Frank Spaven Drive in Aviemore. The approval was subject to two matters being adequately resolved before issuing the decision notice. These related to mechanisms for the delivery of the required 50% affordable housing element being agreed, and the provision of developer contributions to Highland Council to help with the future upgrade of the Dalfaber Drive/Grampian Road junction (both potentially requiring a S75 legal agreement).
2. **This short report is not to present the case in full again, but is to update the Committee on the current situation, and advise on amendments received to the proposals approved in July 2007. I am therefore also seeking the Committee's agreement to the approval of the proposed changes to the scheme and subsequent amendments to the terms and conditions of approval.**



Fig. 2. Site looking south eastwards towards Dalfaber Drive



Fig. 3. Site looking north westwards towards existing housing and Frank Spaven Drive

Fig. 4. Revised Site Layout Plan





Fig. 5. Revised Site Elevations

APPRAISAL

Proposal and Assessment of Revisions

3. To summarise, in July 2007, in line with my recommendation, the Committee agreed to grant full planning permission for:
 - 50 no. residential units (50% affordable) (13 no. 3 bedroom semi-detached houses, and 37 no. 2 bedroom flats)
 - 1 no. neighbourhood shop;
 - 5 no. commercial/retail units;
 - 1 no. bar/restaurant with beer garden;
 - associated car parking space, access roads and landscaping; and
 - 2 no. areas of open space (one reserved for future community/commercial development as a second phase).

4. The applicants have entered discussions with Cairn Housing Association regarding the affordable housing provision on the site. As a result, there has been a need to change the design and layout of the affordable housing buildings to accommodate the requirements of Cairn. There has also been a desire by the developers to alter the design of some of the private housing to improve the overall design and build quality. Following discussions with the developers, some additional changes to the private housing designs were requested and these have been included in the submissions. There are also some

minor changes to the commercial buildings. **However, there are no changes to the number of residential units proposed or the floorspace of any of the retail/commercial elements.** The changes are summarised below and include:

- redesign of the semi-detached private houses to include a small conservatory, revised timber porch design, additional timber wall cladding to garage, central chimney detail, and window fenestration revisions;
- redesign and re-positioning of both affordable housing blocks, including reduction in scale and size of the buildings, introduction of some chimney details, timber wall cladding and more traditional window fenestration, and introduction of some solar panels;
- redesign of the private flatted block, including revised layout, configuration and footprint, introduction of solar panels, changes to configuration of timber clad and glazed entrance and staircase area, and provision of more balcony space;
- minor redesign of the bar/restaurant, including use of slate to the roof, introduction of gable truss and timber sprocket eaves detailing, use of some cast stone, changes to window, entrance porch and door configuration and fenestration;
- minor changes to roof materials (part standing seam zinc roof) to neighbourhood shop building;
- minor changes to the small retail unit/flatted buildings including reconfiguration of entrances and staircases, and some changes to external materials.
- the introduction of a dividing stone wall between the residential and commercial areas, and a reconfiguration of some internal parking and road areas.

5. The revisions to the layout and design of the buildings are materially significant. However, because the previous scheme's decision notice had not been issued, there is no need to require a completely new planning application. In this respect though, the applicants have been required to renotify neighbours of the changes and I have re-consulted Highland Council's Area Roads Manager.
6. **Highland Council's Area Roads Manager** has advised that he has little to add to their initial consultation responses at the time of the original proposal. It should now be possible to extend the limits of adoption for the main access road to the junction opposite Plots 12 and 13, but this can be addressed through the Roads Construction Consent process. It may now be advisable to make some provision for disabled parking within the communal residential parking area (2 no. strategically placed widened bays should suffice). They are also content to accept the developer contribution to the off-site road junction upgrade by an "upfront" payment which would be returned if a contract for the works is not let within 10 years of the substantial completion of road works at the proposed development.

7. **At the time of writing, one letter of representation to the amendments has been received. This is copied with this report. The issue raised relates to the future use of the open space area – Phase 2, on the plan. The concern is that it will be for community or youth club use and that this would not be compatible with surrounding residential areas.**

8. In respect of the changes, I consider that, on the whole, they constitute improvements. The relationship between some of the affordable housing and the private housing is improved in terms of consistency of design. The appearance of some of the blocks is simplified but at the same time this does not diminish the general quality. In particular, I consider the overall appearance of the semi-detached housing to be a considerable improvement. It is perhaps unfortunate that the sense of courtyard enclosure is diminished in the residential areas on the east side of the development. However, a positive approach to forming a streetscape is created along the access road on the north side of the site. The introduction of solar panels is also a positive. There are also higher standards of design and external materials proposed for the bar/restaurant building which is sited in a prominent position at the junction of Dalfaber Drive and Frank Spaven Drive. I do not consider that there are any adverse impacts on the amenity of the adjacent properties as a result of the changes. The concern about the potential future community use of the open area at the entrance to the site, raised by the representee, is acknowledged, but it is one which I do not consider can be sustained in planning terms. The policy designation for the entire site in the Local Plan is for mixed community and residential uses. The open area is specifically reserved in order to comply with this policy and in order to see if other proposed community facilities come to fruition elsewhere in Aviemore in the meantime. If they do and it is demonstrated that this “reserved area” is no longer required for community uses, then alternative uses could be considered at that time.

Affordable Housing Delivery

9. Following the Committee approval in July 2007, at the request of the applicants, the S75 process for delivering the required 50% affordable, was commenced. However, it has now been confirmed that discussions between the developer and Cairn Housing Association have progressed positively. The current position is that a formal tender has been submitted for approval with Communities Scotland for a Housing Association Grant for the development. Subject to receiving planning permission, and formal tender approval, Cairn Housing Association have confirmed that they will **definitely** be entering into a Design and Build Contract for the delivery of the 50% affordable element. On approval, they anticipate that formalities in concluding contract documentation will follow early in the new financial year. In

total therefore 25 affordable units will be provided – 17 rental and 8 low cost home ownership (Homestake).

10. On this basis, I am satisfied that there is enough clarity on the provision of the required affordable housing to permit the replacement of the S75 procedure with suspensive planning conditions. These conditions will ensure the 50% provision as part of the overall development, but will also require written evidence of the formal contract between Cairn Housing Association and the developer, **prior to the commencement of works on site (see conditions 2 & 3).**

Developer Contribution to Junction Upgrade

11. The developer has agreed to pay the required developer contribution to the future upgrade of the Dalfaber Drive and Grampian Road junction. With the agreement of Highland Council's Area Roads Manager in place, the payment will be made prior to the issuing of any planning permission. On written confirmation of receipt of the developer contribution, and the terms of the agreement for the monies being spent, from Highland Council, any planning permission granted by the Committee, can be issued without the need for a S75 agreement.

Conclusion

12. I am content that the revisions to the proposal are acceptable and that no issues are raised in relation to compliance with planning policy. The confirmed delivery of the 50% affordable element through Cairn Housing Association, is a positive element in relation to the social and economic development of the area. **Subject to the revision of some of the previously approved conditions, to take account of the current circumstances, I am content to continue to recommend approval but now without the need for a S75 agreement.**

RECOMMENDATION

13. **That the Committee agree a recommendation to:**

Grant Full Planning Permission for Residential and Commercial Development Including a Public Bar/Restaurant, Land at Frank Spaven Drive and Dalfaber Drive, 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. The development hereby approved shall incorporate a minimum of 50% affordable housing units. Unless otherwise agreed in writing with the CNPA acting as Planning Authority, no development shall commence on site until the developer has entered into a design and

build contract with a social housing provider, or equivalent, to deliver the affordable housing units within Communities Scotland benchmark costs and built to Communities Scotland housing for variable needs standards.

3. Prior to the commencement of any works on site, written evidence of the design and build contract required by Condition No. 2 above, shall be submitted for the further written approval of the CNPA acting as Planning Authority. The affordable housing units shall be built as an integral element of the overall development, and shall be completed and available for occupation, prior to the completion of all other on site works associated with the implementation of the development hereby approved.
4. That unless otherwise agreed in writing with the CNPA acting as Planning Authority, the commercial and retail units approved on the ground floors of the buildings (Blocks D) on the approved site layout plan, shall be restricted to five individual units of accommodation (maximum 83 sqm internal floorspace each).
5. Notwithstanding the provisions of the Town and Country Planning (Use Classes) (Scotland) Order 1997, and unless otherwise agreed in writing with the CNPA acting as Planning Authority, the 5 individual commercial and retail units stipulated by Condition No. 4 above, shall be restricted to two units (Class 1 – Shops) and three units (Class 2 – Financial, Professional and Other Services).
6. That prior to the commencement of any work on site, details of the proposed phasing, implementation and construction plan (including locations of soil storage, temporary buildings, and material and machinery storage) for all elements of the development, shall be submitted for the further written approval of the CNPA acting as Planning Authority. Thereafter, the development shall be constructed and carried out in accordance with the approved phasing, implementation and construction plan.
7. That unless otherwise agreed in writing with the CNPA acting as Planning Authority, the area of open space hatched in green on the approved site layout plan (drawing no. PL001, Rev M), at the entrance to the site, shall be reserved for future community uses as a second phase, and as such shall be kept free from any permanent development in association with the implementation of the rest of the development hereby approved.
8. That prior to the commencement of works on site, a programme of archaeological work for the preservation and recording of any archaeological features affected by the proposed development, including a timetable for investigation, all in accordance with the attached specification, shall be submitted to and require the written approval, of the CNPA acting as Planning Authority, following

consultation with Highland Council's Archaeology Unit. All arrangements thereby approved shall be implemented by the developer at his expense in accordance with the approved timetable for investigation.

9. Subject to the submission and further written approval of revisions to the submitted Sustainable Urban Drainage proposals (to accommodate the amended layout on approved drawing no. PL001, Rev M), the Sustainable Urban Drainage proposals for each part of the development hereby approved, shall be constructed, implemented and be operational, prior to the occupation of that part of the development, all to the satisfaction of the CNPA acting as Planning Authority, following consultation with SEPA and Highland Council's Area Roads Manager.
10. The development 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 on site. 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 to the extent of any areas of earthmounding, 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.
11. That, in addition to condition no. 10 above, prior to the commencement of works on site, a fully detailed scheme for the on-going management and maintenance of all open and landscaped areas, outwith private garden areas, shall be submitted for the further written approval of the CNPA acting as Planning Authority. Thereafter, unless otherwise agreed in writing with the CNPA acting as Planning Authority, the agreed management and maintenance scheme shall be implemented in perpetuity, all to the satisfaction of the CNPA acting as Planning Authority.
12. That the area of open space in the north east corner of the site, hatched in blue on the approved layout plan (drawing no. PL001, Rev M) shall be provided with play equipment, prior to the completion of the development hereby approved. Exact details shall be submitted for the further written approval of the CNPA acting as Planning Authority, prior to the installation of the play equipment.

13. Notwithstanding the details shown on the approved drawings, prior to the commencement of works on any particular building or phase of development, full working drawings (as submitted for building warrant approval) of that building or phase of development, shall be submitted for the further written approval of the CNPA acting as Planning Authority.
14. Notwithstanding the details shown on the approved drawings, exact details and specifications for the following, shall be submitted for the further written approval of the CNPA acting as Planning Authority prior to their use/construction on site (additional samples/drawings may be required);
 - a. all proposed roof and wall finishes (including colours), for all approved buildings;
 - b. all proposed boundary enclosures (including walls and fences);
 - c. all proposed hardstanding materials for the unadopted roads, parking areas, and footpaths;
 - d. all proposed external refuse stores/facilities;
 - e. the exact siting and design of all proposed recycling bin areas;
 - f. the finishing materials for the external beer garden.
 - g. all proposed energy efficiency and sustainable design technologies employed.
15. That the main internal access road and its contiguous footways, from its junction with Frank Spaven Drive to, and including, the turning head at House Plot 13, shall be designed and constructed to an adoptable standard in compliance with Highland Council's Road Guidelines for New Development.
16. That all internal access roads, parking areas and footways, (not including the adopted road required by condition no. 15 above) shall be the subject of a suitable private management and maintenance agreement which shall be submitted to and agreed by the CNPA acting as Planning Authority, in consultation with Highland Council's Area Roads Manager, all prior to the occupation of any building served by these unadopted roads. Unless otherwise agreed in writing with the CNPA acting as Planning Authority, the private management and maintenance agreement approved shall be implemented in perpetuity.
17. That the parking areas associated with each individual element of the development, all in accordance with those shown on the approved site layout plan (drawing no. PL001, Rev M), shall be constructed and completed, prior to the occupation of the individual elements of the development that the parking areas serve. In addition, a minimum of 2 no. disabled parking bays shall be provided within the residential parking area.

18. That prior to the commencement of any works on site, the developer shall undertake and submit to the CNPA acting as Planning Authority, a photographic and condition survey of Frank Spaven Drive from its junction with Dalfaber Drive to at least the northern edge of the existing track bounding the northern perimeter of the site. On completion of the construction works, the developer shall undertake and submit a further photographic and condition survey and shall thereafter be required to repair any damage caused during the construction works, as agreed with, and to the satisfaction of, the CNPA acting as Planning Authority, following consultation with Highland Council's Area Roads Manager.
19. Visibility, of splays of not less than 4.5 metres x 70 metres, shall be provided in both directions at the junction of the new access with Frank Spaven Drive, prior to the commencement any other works on site, and thereafter maintained free from any obstructions exceeding a height of 1 metre above the adjacent road channel levels.
20. Visibility, of splays of not less than 4.5 metres x 90 metres, shall be retained in both directions at the junction of Dalfaber Drive and Frank Spaven Drive and thereafter maintained free from any obstructions exceeding a height of 1 metre above the adjacent road channel levels.
21. Visibility, of splays of not less than 4.5 metres x 30 metres shall be provided in both directions at the junction of all internal road junctions with the adopted road, and thereafter maintained free from any obstructions exceeding a height of 1 metre above the adjacent road channel levels.
22. Visibility, of splays of not less than 2.5 metres x 30 metres shall be provided in both directions at the junction of the access points to each individual unadopted parking area and each individual house access and thereafter maintained free from any obstructions exceeding a height of 1 metre above the adjacent road channel levels.
23. That prior to the commencement of any other works on site, unless an alternative timescale is agreed in writing with the CNPA acting as Planning Authority following consultation with Highland Council's Area Roads Manager, a 2 metre wide roadside footway shall be provided along the full lengths of the Frank Spaven Drive and Dalfaber Drive frontages of the site.

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26 March 2008
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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.