
CAIRNGORMS NATIONAL PARK AUTHORITY

Title: **REPORT ON CALLED-IN PLANNING APPLICATION**

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DEVELOPMENT MANAGEMENT)**

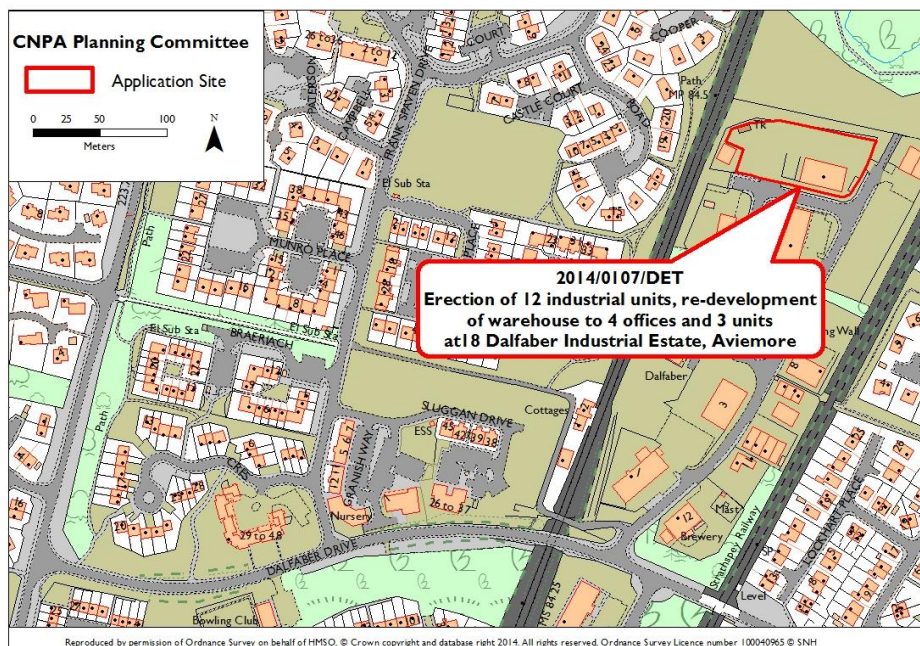
DEVELOPMENT PROPOSED: Erection of 12 industrial units (Class 4); re development of warehouse to 4 offices (Class 4) and 3 units (Class 4) at 18 Dalfaber Industrial Estate, Dalfaber Drive, Aviemore

REFERENCE: 2014/0107/DET

APPLICANT: Spey Valley Hire Centre

DATE CALLED-IN: 7 April 2014

RECOMMENDATION: **APPROVAL SUBJECT TO
CONDITIONS AND DEVELOPER
CONTRIBUTIONS**



Grid reference: (E/290232, N/813967)

Fig. 1 - Location Plan

SITE DESCRIPTION AND PROPOSAL

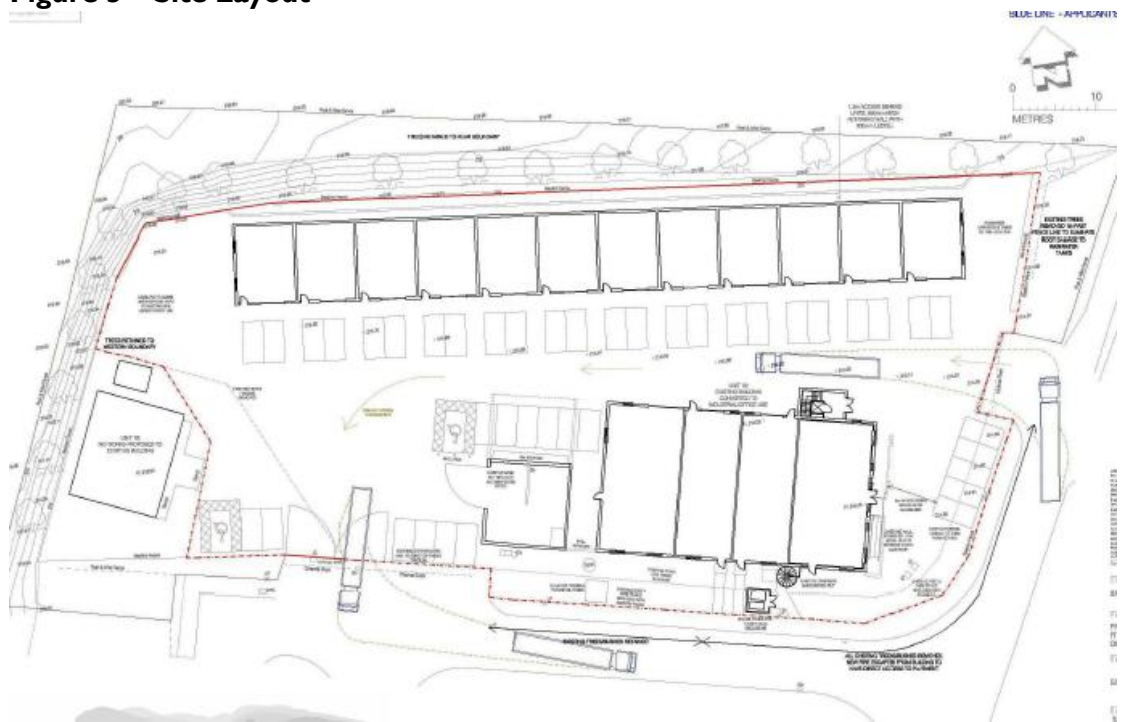
1. This application seeks full planning permission to erect twelve new Class 4 industrial units and redevelop the existing building by splitting it to form four offices and three industrial units (all designated class 4 uses), on an existing site within the Dalfaber Industrial Estate, Aviemore. Class 4 use covers both office uses and “light” industrial uses, which is defined as an industrial use that can be carried out without detriment to amenity.
2. The site is currently occupied by the Spey Valley Hire building; this use having relocated elsewhere on the industrial estate. There is a large yard and car parking area adjacent to this existing building and two site accesses. The site is located at the northern end of the industrial estate. The estate road stops to the north east of the site with a track through to woodland beyond and equestrian land.
3. The site is bounded to the north by an embankment with established trees and vegetation and to the east (beside the estate roadway/cul de sac) by security fence and further landscaping. To the south of the site is further planting and on the other (south) side of the estate access road there are further industrial units. To the west of the current site is another industrial unit, also under the applicants’ control (unit 16)
4. Surrounding land uses are industrial and commercial apart from the equestrian uses to the north, on the other side of the landscaped embankment and outwith the industrial estate. **Figure 2** below shows the general context of the site

Figure 2 – Site Context



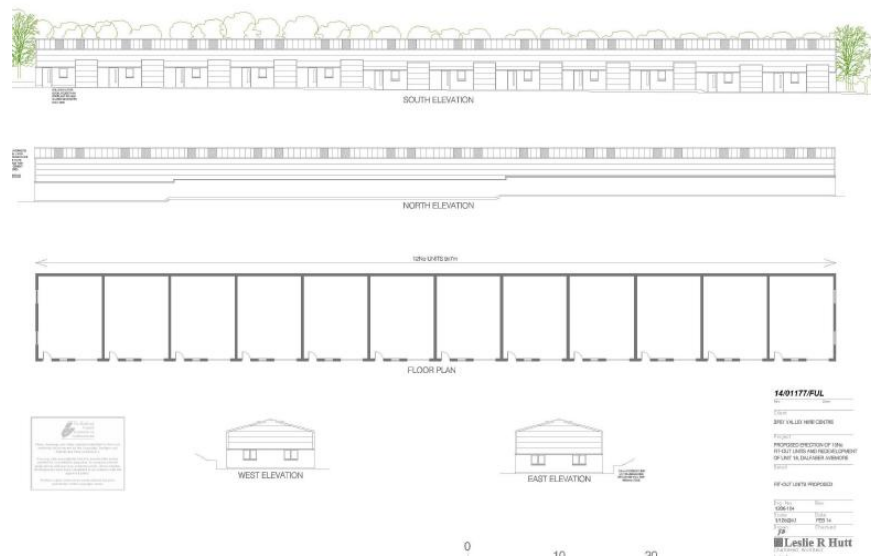
5. It is proposed to alter the access arrangements by amending the existing double width access on the south site boundary which serves the adjoining unit at number 16 and providing a single access to both sites. A one way system is proposed with access into the overall site via the existing opening (with improved visibility) from the east and exit via the altered access to the south. This will result in the loss of some landscaping. Following discussions additional/compensatory planting is now proposed. Drainage will be to public sewers with surface water disposed of by way of sustainable urban drainage system. A copy of the proposed site layout is shown in **Figure 3** below.

Figure 3 – Site Layout



6. The proposed new building will be located in the northern part of the site. It is of standard design with pitched roof. It will comprise a building split into 12 individual units, each measuring some metres by 9 metres by 7 metres. Each unit will have two dedicated parking spaces adjacent. Proposed finishes are either grey or green steel cladding with lower walls finished with smooth cement roughcast. The units are intended as starter units for small businesses and it is understood that the applicant has had some interest in the proposals to date. Proposed elevations and layout are shown in **Figure 4** below.

Figure 4 – Elevations of new industrial Units.



7. The existing main building currently contains a warehouse and retail unit and is of profiled sheeting and harling construction. It is proposed to re-clad the building and make changes to the exterior (doors/windows) to accommodate the new uses as shown in **Figure 5** below. Three new industrial units and one office unit will be formed on the ground floor and three new office units at upper floor level. New security fencing is proposed around the site.

Figure 5 Elevations of Alterations to Existing Building



8. The application was supported by a detailed geo environmental report addressing previous uses of the site and potential contamination issues. This included a ground investigation to assess the geo technical and environmental conditions at the site. This concluded that the site was suitable for industrial/commercial use and included recommendations for construction details in terms of use of made up land, type of foundations to be used and protection of any new water pipework.
9. A Transport Statement was also submitted which explained the access strategy for the site, namely to alter the arrangements on the south side to provide one single access to the whole site rather than the two at present

which serve sites 16 and 18. A one way system is proposed within the site with entry from the east and exit to the south with supporting information provided to show how this will work. The Statement also covers car and cycle parking issues and outlines how the site is located in terms of links (vehicular, public transport and pedestrian/cyclist) to the settlement. It compares existing and proposed uses for this site and concludes that the proposals will not have a material impact on transport and traffic in the area.

10. Following discussion with this Service, a Drainage Impact Assessment was also submitted. This concluded that ground conditions were suitable for disposal of surface water. Roads and parking area surface water will be collected and directed to a new drainage channel to gravel filled soakaways. Foul sewage to be disposed off to sewers. Roof water from the new units will be collected and conveyed to a rainwater harvesting tank and will then be re-used for toilets/sinks in the units.

Site History

11. There have been a number of applications on this site as follows:
 - 01/00289/FULBS – planning consent granted by the Highland Council to the current applicants for the change of use of a former haulage yard to wholesale builders merchant’s premises in 2002.
 - 06/00065/FULBS – temporary consent granted for siting of mobile office unit granted by the Highland Council on site to east of the above building within this site. This was subject to a condition regarding relocation of parking spaces.
 - 08/00114/FULBS – renewal of consent for siting of mobile office unit granted by the Highland Council in 2008 for further two year period.
 - 08/003/FULBS – erection of industrial unit granted planning permission by the Highland Council in 2008 at 16 Dalfaber Industrial Estate, on land to the west of the current site. This effectively subdivided the wider Spey Valley Hire site and a new access to the new site was granted with this proposal. Consent was subject to a condition that the fencing between units 16 and 18 did not extend into the landscaped area on the northern perimeter of the site with no tree felling other than that required for access permitted. This building has been constructed.
 - Prior to this in the 1990s consent was granted for the overall industrial estate.
 - There was also pre application discussion on this proposal with the Highland Council who advised of information to be submitted and issues to be addressed in relation to landscaping, roads and contaminated land. The general principle of the proposal was considered to be satisfactory.

DEVELOPMENT PLAN CONTEXT

National policy

12. **Scottish Planning Policy** (SPP, revised 2014) sets out national planning policies that reflect Scottish Ministers priorities for the operation of the planning system and for the development and use of land. Under planning law, planning applications must be determined according to the development plan unless material considerations indicate otherwise. The content of SPP is a material consideration in planning decisions that carries significant weight. The SPP promotes consistency in the application of policy across Scotland while allowing sufficient flexibility to reflect local circumstances.

The SPP sits alongside four other Scottish Government planning policy documents:

- The **National Planning Framework** (NPF) which provides the statutory framework for Scotland's long term spatial development. The NPF sets out the Scottish Government's spatial development policies for the next 20 to 30 years;
- **Creating Places**, the policy statement on architecture and place, containing the Scottish Government's policies and guidance on the importance of architecture and design;
- **Designing Streets**, a policy statement putting street design at the centre of placemaking. It contains policies and guidance on the design of new or existing streets and their construction, adoption and maintenance; and
- **Circulars**, which contain policy on the implementation of legislation or procedures.

Strategic Policies

Cairngorms National Park Partnership Plan (2012-2017)

13. The Cairngorms National Park Partnership Plan 2012 – 2017 is the management plan for the National Park for the next 5 years. It sets out the vision and overarching strategy for managing the Park and provides a strategic context for the Local Development Plan. Three long term outcomes have been identified to deliver the vision for the Park, to continue the direction set out in the first National Park Plan and to together deliver the four aims of the National Park. The outcomes are:

- A sustainable economy supporting thriving businesses and communities;
- A special place for people and nature with natural and cultural heritage enhanced; and
- People enjoying the park through outstanding visitor and learning experiences.

Policies to secure the outcome of 'a special place for people and nature with natural and cultural heritage enhanced' are of relevance and Policy 2.8 which seeks to enhance the design and sense of place in new development and existing settlements.

Local Plan Policy
Cairngorms National Park Local Plan (2010)

14. The Cairngorms National Park Local Plan was formally adopted on 29th October 2010. The full text can be found at :
<http://www.cairngorms.co.uk/parkauthority/publications/results.php?publicationID=265>
15. The Local Plan contains a range of policies dealing with particular interests or types of development. These provide detailed guidance on the best places for development and the best ways to develop and all relevant policies of the Plan apply. In this case the site lies within the settlement boundary of Aviemore and is within an area specifically designated as EDI which sets out that the existing Dalfaber Industrial Estate provides opportunities for economic development proposals to support the economy of Aviemore and the surrounding area. The following paragraphs list a range of the key policies that are appropriate to consider in the assessment of the current development proposal.
16. *Policy 25 – Business Development* specifies that development proposals which support economic development will be considered favourably where the proposal is compatible with existing business uses in the area and is located within an allocated business site.
17. *Policy 18 – Developer contributions* sets out that developments which give rise to a need to increase or improve facilities or infrastructure or will normally require the developer to make a fair and reasonable contribution in cash or in kind towards the additional costs or requirements. Further detail is provided in the Supplementary Planning Guidance on Developer Contributions.
18. *Policy 14 – Contaminated Land* sets out that development proposals on land which is contaminated or suspected of being contaminated will only be supported where site specific assessments to identify any risks have been undertaken with effective remediation action taken to ensure there are no significant detrimental effects on the Park's special qualities or off site
19. *Policy 6; Landscape* sets out that there will be a presumption against development which does not conserve and enhance the landscape character of the National Park unless any significant adverse effects are outweighed by social or economic benefits of national importance and all adverse effects can be mitigated.

20. *Policy 16: Design Standards for Development* sets out the design standards to be met with new development and is supported by supplementary planning guidance in the form of the sustainable design guide
21. *Policy 12: Water Resources* seeks to ensure that resources are used sustainably, connection is made to public sewers and surface water is treated in accordance with SUDS principles.
22. *Policy 29: Integrated and Sustainable Transport Network* seeks to ensure that adequate consideration is given to maintaining or improving the sustainable transport network and requires submission of transport assessment where impacts are considered to be significant. This should cover local transport impacts.

Supplementary Planning Guidance

23. In addition to the adoption of the Cairngorms National Park Local Plan (2010) on 29th October 2010, a number of Supplementary Planning Guidance documents were also adopted. With this application the key document is the the *Sustainable Design Guide* which sets out the principles to be considered when planning new development in the Park.

CONSULTATIONS

24. **The CNPA Economic Development Manager** has considered the potential economic impact of the proposal and highlights that due to the significance of micro businesses in the Park (87% of businesses in the Park are micro businesses employing less than 10 people), there is a need to create affordable incubation spaces with flexible lease arrangements to help these businesses, and sole traders, to realise their potential for growth. Provision of such business units with necessary infrastructure for high speed broadband connection would encourage further economic activity.
25. It is noted that there is a lack of information on the form of users/business plan with this current application. However it is welcomed in general terms as addressing a recognised failure in the local market for business incubation units and potential increase in affordable premises.
26. **Aviemore and Vicinity Community Council** has no objections to the proposals.
27. **The Planning Gain Team (Aberdeenshire Council)** has considered the impact of the proposed development upon local services and amenities and assessed that a developer contribution towards environmental and access improvements generally relating to core paths in the area is appropriate in this case. (The applicant is agreeable to this.)
28. **Highland Council Forestry Officer** has been consulted. Following receipt of revised plans reducing the impacts upon existing landscaping around the site and making provision for compensatory planting the Officer has no

objection to the application subject to imposition of appropriate planning conditions regarding tree protection during construction and provision of detailed landscape plan.

29. **Highland Council Contaminated Land Team** has been consulted and noted that the site has an historic use associated with oil storage which may have resulted in land contamination. They raised no objection subject to a planning condition being attached requiring provision of a detailed scheme of investigation for contamination. They are now considering the material already submitted by the applicant to see if this fulfils this requirement and an update will be provided at the Committee meeting. Meantime their suggested planning condition can be attached in the event of consent being granted.
30. **Highland Council Transport Planning Officers** have no objection to the principle of the development and agree that the impact upon the local road network should be minimal with the access strategy and parking proposals all satisfactory. They sought additional information on surface drainage proposals and consider this information to be acceptable subject to conditions being imposed regarding sizing of drainage pipework. They also recommend that, as part of the revised access proposals on the southern site boundary, the existing footway be extended across the part of the site where one of the existing accesses is to be blocked up, and that all damage to existing footways attributable to the existing user is made good.
31. **Scottish Water** was consulted on the original submission and had no objections subject to standard comments regarding the applicants contacting them about connections. They have been re- consulted on the surface water drainage proposals and their comments are awaited at the time of writing.
32. **Highland Council's Flood Prevention Unit** has been consulted on the surface water drainage proposals and their comments are awaited at the time of writing.

REPRESENTATIONS

33. No representations have been received.

APPRAISAL

Principle

34. The principle of industrial units on designated industrial land fully accords with Local Plan Policy 25 on Business Development, subject to suitable layout, design and servicing. As noted by our Economic Development Manager the proposed starter units have the potential to help micro businesses in the area which is greatly welcomed.
35. The previous use of the site may have given rise to contamination but this has been dealt with by submission of a detailed report, as noted earlier, which

concludes there should not be any particular issues hence the application can comply with Policy 14 on Contaminated Land.

Servicing

36. The layout meets the requirements of the Roads Service subject to appropriate conditions regarding provision of parking, access and footpath link extension. The applicant is willing to extend the footpath as suggested and submitted a revised site plan to show this. Comments regarding requiring the applicants to rectify any damage to the roads network attributable to their existing operations are noted but it is considered this could be both difficult to identify and to enforce in land use planning terms in relation to the current proposal. A condition is recommended to require the provision of cycle parking. The proposal therefore complies with Policy 29 on Integrated and Sustainable Transport Network.
37. The other main servicing issue relates to disposal of surface water and provision of a suitable system as now proposed should also help with any future issues regarding damage to the roads network. At the time of writing the final comments on consultees on the submitted information is awaited, but these should be available by the time of the Committee meeting and any additional requirements can be included as planning conditions if required to ensure compliance with Policy 12 on Water Resources.
38. A condition is recommended to ensure the provision of adequate and appropriate storage, segregation and collection of waste associated with the development.
39. Finally in relation to general servicing issues, the applicant is agreeable to payment of developer contribution in the event of the application being approved. The proposal therefore complies with Policy 18 on Developer Contributions.

Layout and Design

40. The site is very well located in relation to Aviemore with good vehicular and pedestrian links and the new buildings relate well to the existing layout on site. Sufficient space for parking and access is proposed and the design is simple and functional, entirely appropriate to this location with the alterations to the existing building representing a visual improvement. Appropriate materials, fencing and screening details are dealt with by condition.
41. Following discussion it has been agreed to retain key landscaping around this site and where loss of existing trees are required for access improvements , appropriate compensatory planting has been agreed in principle. Accordingly the proposals are considered to comply with Policy 6 on Landscape and Policy 16 on Design Standards.

Conclusion

42. The proposed development will provide enhanced industrial provision within Aviemore. This supports national and local planning policies for economic development and is welcomed. The design, servicing and layout are all acceptable subject to conditions to cover amongst other matters landscaping. Overall this development is considered to fully comply with Local Plan policies and the aims of the National Park, and approval is therefore recommended.

IMPLICATIONS FOR THE AIMS OF THE NATIONAL PARK

Conserve and Enhance the Natural and Cultural Heritage of the Area

43. The proposals lie within an established industrial estate with the design and layout fitting in satisfactorily. Providing trees to be retained are protected and compensatory planting carried out the proposal should not detract from this aim.

Promote Sustainable Use of Natural Resources

44. The proposed development uses a brownfield site which is inherently more sustainable than developing a greenfield site. Measures have been included in this submission such as rainwater harvesting and re-use which also support this aim. Finally, there may be opportunities during construction to use locally sourced materials to support this aim.

Promote Understanding and Enjoyment of the Area

45. The proposed development does not directly relate to this aim but does not detract from understanding and enjoyment. Indirectly by making provision for new employment opportunities it offers the opportunity for greater economic strength for the workforce employed there to enjoy the National Park.

Promote Sustainable Economic and Social Development of the Area

46. The proposal fully supports this aim by providing self starter industrial units which will help new businesses to establish which will be of benefit to economic and social development in terms of job opportunities and flexibility of provision, as well as enhancing industrial provision in the National Park. Furthermore, during construction there should be opportunity for economic opportunities for local firms in terms of building works and provision of materials.

RECOMMENDATION

That Members of the Committee support a recommendation to GRANT FULL PLANNING PERMISSION FOR the Erection of 12 industrial units (Class 4); re development of warehouse to 4 offices (Class 4) and 3 units (Class 4) at 18 Dalfaber Industrial Estate, Dalfaber Drive, Aviemore subject to :

(a) The applicants entering into either an appropriate legal agreement or making an upfront payment relating to developer contributions. (Contributions to be directed towards environmental and access improvements in the area)

(b) The following planning conditions:

- I. No development shall commence until a detailed landscape scheme has been submitted to and approved by the Cairngorms National Park Authority (CNPA) acting as Planning Authority. This shall include details of all trees to be retained, those to be removed and replacement planting based upon the indicative principles shown on drawing no. 1206-100 Revision L. This shall include details of species, size and planting distance of all new planting; details for protection of existing trees during construction (in accordance with BS5837:2012 Trees in Relation to Design, Demolition and Construction); and details of the proposed future maintenance. The landscape scheme shall be implemented in accordance with the approved plans in the first planting season following occupation or completion (whichever is the sooner) of the first unit on the development and shall thereafter be maintained in accordance with the approved maintenance details. Any trees or shrubs removed, or which in the opinion of the 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. All existing trees shall be protected in accordance with the approved scheme throughout construction and thereafter throughout the lifetime of this consent unless otherwise agreed with the Cairngorms National Park Authority (CNPA) acting as Planning Authority.

Reason: To ensure the development fits in with and enhances the amenity of the surrounding area in accordance with Local Plan policies.

2. No development shall commence until details of the extension of the existing footway on the south boundary of the site across the closed up access (including surfacing) have been submitted to and approved by Cairngorms National Park Authority (CNPA) acting as Planning Authority in consultation with the Roads Authority. No unit shall be occupied until the footway is completed in accordance with the approved details.

Reason: In the interests of road safety in accordance with Local Plan Policies

3. No development shall commence until details of the design and position of cycle racks to accommodate 8 cycles have been submitted to and approved by Cairngorms National Park Authority (CNPA) acting as Planning Authority in consultation with the Roads Authority. No unit shall be occupied until the cycle rack provision is completed in accordance with the approved details.

Reason: In the interests of promoting sustainable travel in accordance with Local Plan Policies

4. No development shall commence until details of the proposed arrangements for the storage, segregation and collection of waste have been submitted to and approved by Cairngorms National Park Authority (CNPA) acting as Planning Authority in consultation with the Waste Management Authority. No unit shall be occupied until the provision is completed in accordance with the approved details.

Reason: In the interest of promoting sustainable waste management in accordance with Local Plan Policies

5. No development shall commence until a scheme to deal with potential contamination on site has been submitted to and approved by the Cairngorms National Park Authority (CNPA) acting as Planning Authority in consultation with the Highland Council Contaminated Land Unit. This scheme shall include:

- a. The nature, extent and type of contamination on site and identification of pollutant linkages and assessment of risk (i.e. a land contamination investigation and risk assessment), the scope and method of which shall be submitted to and agreed in writing by with the Planning Authority, and undertaken in accordance with Planning Advice Note 33 (2000) and British Standard BS 10175:2011+A1:2013 Investigation of Potentially Contaminated Sites - Code of Practice;
- b. The measures required to treat/remove contamination (remedial strategy) including a method statement, programme of works, and proposed verification plan to ensure that the site is fit for the uses proposed;
- c. Measures to deal with contamination during construction works;
- d. in the event that remedial action be required, a validation report that will validate and verify the completion of the agreed decontamination measures;
- e. In the event that monitoring is required, monitoring statements shall be submitted at agreed intervals for such time period as is considered appropriate by the Planning Authority.
- f. No development shall commence until written confirmation has been received that the scheme has been implemented, completed and, if required, monitoring measurements are in place, all to the satisfaction of the Planning Authority.

Reason: To ensure that the site is suitable for redevelopment, given the nature of previous uses/processes on the site and in accordance with Local Plan policies on contaminated land.

5. No development shall commence until details of the proposed fencing for the site, including screening for the proposed oil tank on the south boundary of the site, have been submitted to and approved by Cairngorms National Park Authority (CNPA) acting as Planning Authority. No unit shall be occupied until the provision is completed in accordance with the approved details.

Reason: To ensure the development fits in with and enhances the amenity of the surrounding area in accordance with Local Plan policies.

6. No development shall commence until revised plans of the disposal of all surface water by means of a sustainable urban drainage solution have been submitted to and approved by the Cairngorms National Park Authority acting as Planning Authority in consultation with Highland Council's Flood Prevention Unit to show the detailed design of the proposed drainage channels. No unit shall be occupied until the scheme shall is implemented in accordance with the approved details and certified as being compliant by a suitably qualified professional. The scheme shall thereafter be maintained in accordance with the approved details.

Reason: To ensure that surface water is dealt with in a manner appropriate to the environment in accordance with Local Plan policies

7. No unit shall be occupied until the access and parking arrangements have been completed in accordance with the approved plans.

Reason: In the interests of road safety in accordance with Local Plan Policies

8. No work shall commence on the construction of any of the units hereby approved until samples (or brochures) of the proposed finishes (roof, walls and windows/doors) have been submitted to and approved by the Cairngorms National Park Authority acting as Planning Authority. The buildings shall thereafter be constructed in accordance with these details.

Reason: To ensure the development fits in with and enhances the amenity of the surrounding area in accordance with Local Plan policies.

ADVICE NOTES:

- I. In accordance with section 58(1) of the Town and Country Planning (Scotland) Act 1997 (as amended), this permission lapses on the expiration of a period of 3 years beginning with the date on which this permission is granted unless the development to which this permission relates is begun before that expiration.

2. It is recommended that construction work (including the loading/unloading of delivery vehicles, plant or other machinery) should not take place outwith 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

3. The developer should refer to the comments of the Highland Council Traffic and Transport Team (available on the CNPA website) relating to making good damage to the roads network

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Date: 24 June 2014

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.