

CAIRNGORMS NATIONAL PARK AUTHORITY

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

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DEVELOPMENT PROPOSED: **IMPROVEMENT AND ALTERATIONS TO EXISTING FOOTPATH/ROADWAY, LAND 40M SW OF LAUREL BANK, GRAMPIAN ROAD, AVIEMORE**

REFERENCE: **2011/0324/DET**

APPLICANT: **MACDONALD AVIEMORE HIGHLAND RESORT**

DATE CALLED-IN: **14 OCTOBER 2011**

RECOMMENDATION: **APPROVAL WITH CONDITIONS**

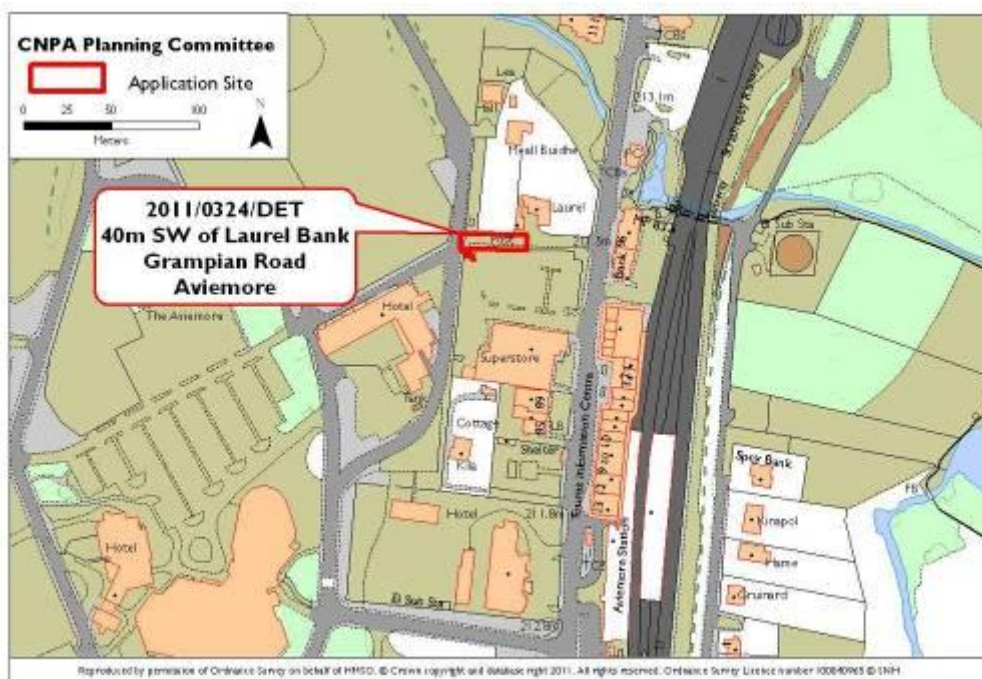


Fig. I - Location Plan

SITE DESCRIPTION AND PROPOSAL

1. This application relates to a site between a property known as Laurel Bank and the existing Tesco Car Park. The site consists of a tarmaced lane that links Grampian Road with the Aviemore Highland Resort Site to the west (see figure 1). The lane is core path LBS 67 in the National Park Core Paths Plan.
2. In the autumn of 2004 the CNPA refused planning permission for the erection of a 2m high fence at the West end of Laurel Bank. The fence effectively stopping pedestrian access between the resort and part of Grampian Road. Later an Enforcement Notice was served on Aviemore Highland Resort for the removal of the fence. Aviemore Highland Resort appealed and a Reporter from the Scottish Government Reporters Unit ruled that the small section of fence restricting access between Laurel Bank and the Resort be removed. However, the Reporter did recognise that the applicants were within their rights to erect a 1 metre high fence in this position without the need for planning permission. This resulted in a 1 metre high fence at the boundary between the resort and Laurel Bank (fig 3 below).



Figures 2 & 3. – View towards site from Grampian Road and view of fence to the resort lands.

3. Members will be aware that the CNPA granted permission for a significant mixed use development proposal at the resort including retail, hotel extensions, housing and amenity areas. This consent was subject to a planning condition that before any development commences further drawings are to be submitted for the upgrading and enhancement of the access between Aviemore Highland Resort and Laurel Bank.
4. The proposal is to remove the fence seen at figure 2 and open up access between Grampian Road and Laurel Bank. Works would include easing the gradient between the lane and the resort lands to allow easier access by removing the step down from the lane into the resort. The plan can be seen at figure 4 and shows a new pedestrian footway at 3 metres in width surfaced with concrete block pavers and banks to either side with a bark mulch deposited on either side. The link to Tesco is retained with the same block paver treatment. Pedestrian safety barriers will be placed at the junction of the path with the Resort road.

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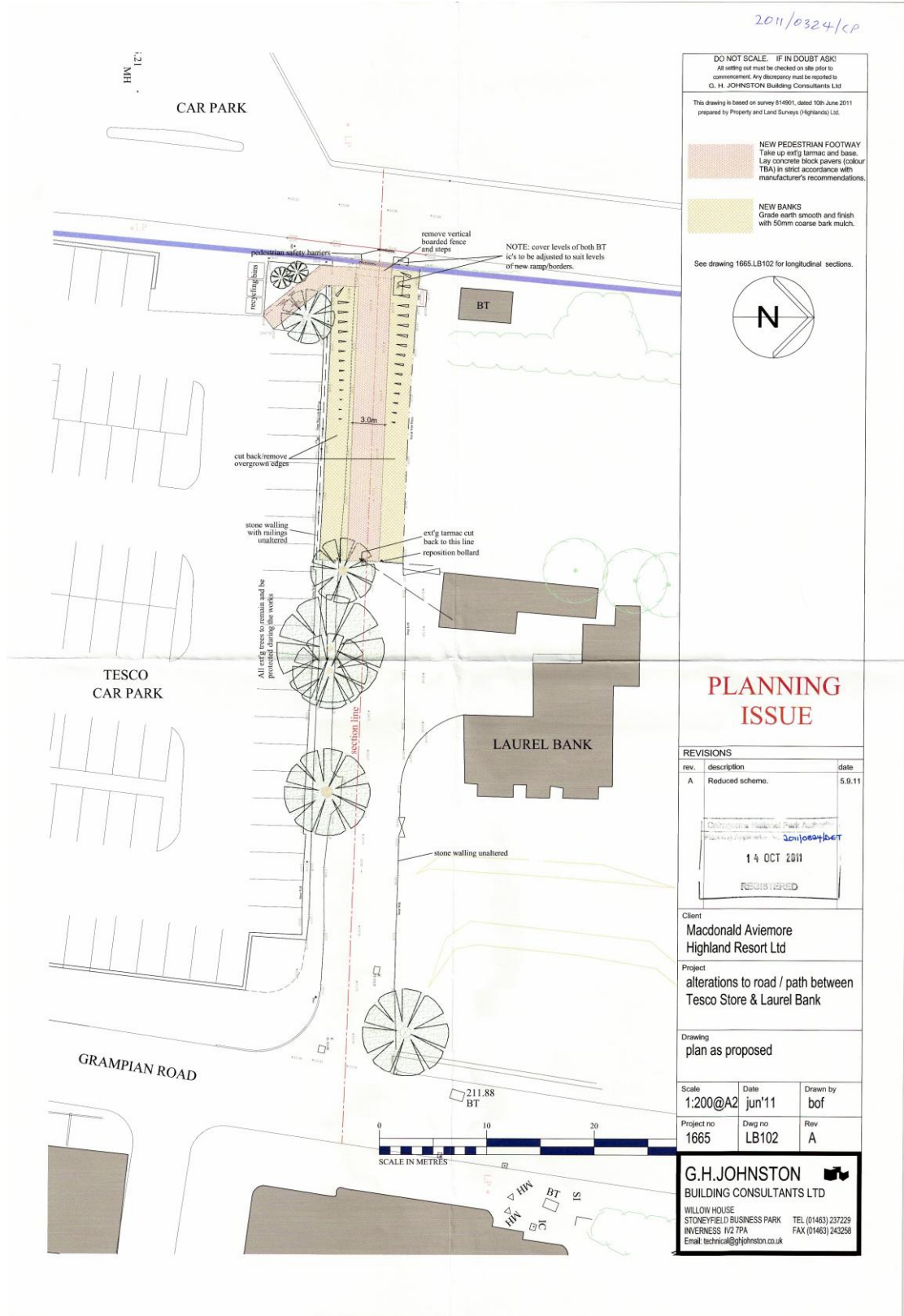


Figure. 4-Proposed Plan Showing Path Detail

DEVELOPMENT PLAN CONTEXT

National policy

5. **Scottish Planning Policy¹ (SPP)** is the statement of the Scottish Government's policy on nationally important land use planning matters. It supersedes a variety of previous Scottish Planning Policy documents and National Planning Policy Guidance. Core Principles which the Scottish Government believe should underpin the modernised planning system are outlined at the outset of **SPP** and include:
 - The constraints and requirements that planning imposes should be necessary and proportionate;
 - The system shouldallow issues of contention and controversy to be identified and tackled quickly and smoothly; and
 - There should be a clear focus on quality of outcomes, with due attention given to the sustainable use of land, good design and the protection and enhancement of the built and natural environment.
6. **SPP** emphasises the key part that development management plays in the planning system, highlighting that it should “operate in support of the Government's central purpose of increasing sustainable economic growth.” Para. 33 focuses on the topic of Sustainable Economic Growth and advises that increasing sustainable economic growth is the overarching purpose of the Scottish Government. It is advised that “the planning system should proactively support development that will contribute to sustainable economic growth and to high quality sustainable places.” Planning authorities are encouraged to take a positive approach to development, recognising and responding to economic and financial conditions in considering proposals that would contribute to economic growth.
7. Under the general heading of Sustainable Development, it is stated that the fundamental principle is that development integrates economic, social and environmental objectives, and that the “aim is to achieve the right development in the right place.”
8. As a replacement for a variety of previous planning policy documents the new **Scottish Planning Policy** includes ‘subject policies’, of which many are applicable to the proposed development. Topics include open space and physical activity, and landscape and natural heritage. The following paragraphs provide a brief summary of the general thrust of each of the subject policies.
9. **Scottish Planning Policy** concludes with a section entitled ‘Outcomes’ in which it is stated that the “planning system should be outcome focused, supporting the creation of high quality, accessible and sustainable places through new development, regeneration and the protection and enhancement of natural heritage and historic environmental assets.” Planning

¹ February 2010

authorities are required to be clear about the standard of development that is required. Quality of place not only refers to buildings, but also how the buildings work together as well as the relationships between buildings and spaces. Design is highlighted as an important consideration and planning permission may be refused solely on design grounds.² Finally it is stated that the planning system should be “judged by the extent to which it maintains and creates places where people want to live, work and spend time.”

10. The Government’s policy on **Designing Streets (2010)** is a key policy document and was based on earlier guidance ‘Designing Places’. The guidance notes that in the more recent past vehicle movement has often dominated design resulting in many streets being out of context with their location. The aim of the guidance is to reverse this trend back to the creation of successful places through good street design. The six qualities of successful places forming key considerations for street design are firstly distinctiveness, in that street design should respond to the local context. The second quality relates to a safe and pleasant environment where streets should be safe and attractive places. The third quality considers that streets should be easy to move around for all users and connect well to existing movement networks. The fourth quality is that places should be welcoming with street layout and detail encouraging positive interaction for all members of the community. Adaptability is the fifth quality in that street networks should be designed to accommodate future adaption. The final quality is that places should be resource efficient with street design considering orientation, the integration of sustainable drainage and use attractive durable materials that can be easily maintained. In terms of street structure the guidance considers that the street hierarchy should consider pedestrians first and private motor vehicles last.

Highland Council Structure Plan

11. Policy G2 Design for Sustainability of the Highland Structure Plan considers that amongst others proposed developments will be assessed on the extent to which they demonstrate sensitive siting and high quality design; promote varied, lively and well used environments which will enhance community safety and security; accommodate the needs of all sectors of the community and contribute to the social and economic development of the community.

Cairngorms National Park Plan Local Plan

12. 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/planning/localplan/pdf/19-Aug-10-Local-Plan-with-PIMs-included-for-web-23-Aug.pdf>
13. 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. The policies follow the three key

² Para. 256.

themes of the Park Plan to provide a detailed policy framework for planning decisions:

- Chapter 3 - Conserving and Enhancing the Park;
 - Chapter 4 - Living and Working in the Park;
 - Chapter 5 - Enjoying and Understanding the Park.
14. Policies are not cross referenced and applicants are expected to ensure that proposals comply with all policies that are relevant. The policies are intended to meet the sustainable development needs of the Park for the Local Plan's lifetime. The following paragraphs list a range of policies that are appropriate to consider in the assessment of the current development proposal.
 15. **Policy 6 Landscape** considers that there will be a presumption against development that does not complement and enhance the landscape character of the National Park.
 16. **Policy 16 Design Standards for New Development** considers that design of all development will seek, where appropriate to reflect and reinforce the traditional pattern and character of the surrounding area; will use materials and landscaping that will complement the setting of the development; reduce the need to travel; protect neighbouring amenity; be in accordance with the Sustainable design guide.
 17. The site is located adjacent to an area allocated as AV/ED3 on the settlement map of the Local Plan for Aviemore. The text to ED3 notes that Aviemore Highland Resort will continue to develop and enhance its facilities. Closer links with the village centre should be developed and will be highlighted by the revised Aviemore Design Framework.
 18. The CNP Local Plan is the subject of an appeal under section 238 of the Town and Country Planning (Scotland) Act 1997 against the decision of the CNPA to adopt the CNP Local Plan 2010. The Appeal will be decided by the Court of Session and is a material consideration. Therefore, account has been taken of the Appeal in the determination and recommendation made in respect of this application.

CONSULTATIONS

19. **Highland Council Area Roads Manager** has safety road safety concerns with regard to conflict between pedestrians and vehicles using the access which has problems with parking. It is recommended that the following conditions are attached to any consent that the CNPA may give.
 - Delineation of pedestrian area with bollards along Laurel Bank access to discourage vehicles using the pedestrian area. A suitable management and maintenance agreement should be sought for the future maintenance of the measures proposed.

- The existing footway across the access with Grampian Road shall be constructed in accordance with Drawing No SDB3 in the Access to Single House and Small Housing Developments May 2011 document. A traffic sign shall be erected at the entrance to Laurel Bank stating “ No vehicles except for access”.
 - The existing dashed road markings at the junction of Laurel Bank and Grampian Road shall be removed.
 - A suitable refuse point shall also be established close to the public road for the property known as Laurel Bank.
20. **Aviemore and Vicinity Community Council** comment that this path should have been opened years ago.
21. **CNPA Landscape Officer** has commented that the opening up of the path is welcomed. The proposed works constitute “tidying up” of what is existing with no investment in enhancement. Consequently, a simple landscaping plan should be required by planning condition. The plan should include trees and shrubs including scots pine, birch, juniper and aspen to be planted either side of the path together with a schedule for maintenance.
22. **CNPA Access Officer** comments that the removal of the fence will be of direct benefit to those wishing to move between the Resort grounds and the town centre. The application proposes improved access to Tesco car park; a levelling of the gradient and the installation of a safety barrier where the path emerges onto the Resort ring road- all these measures are welcome. Opportunities are missed however, to improve the site with planting, soft landscaping, directional signage and lighting.

REPRESENTATIONS

23. One representation has been received (attached at back of this report) from Laurel Bank. There is no objection to the opening of the path. However, since the closure of the path cars now park in the lane resulting in a constant stream of traffic with no place to turn other than the driveway of Laurel Bank. The lane was not designed for parking but the consequence is that the occupiers of Laurel Bank now wish to erect a fence along their boundary to protect their privacy. The opening up of the path will lead to conflict between pedestrians and vehicles.

APPRAISAL

24. In determining this planning application regard is to be had to the development plan and the determination shall be made in accordance with the plan unless material considerations indicate otherwise. This section of the report considers the principal of what is proposed, followed by

addressing concerns about potential for conflict between vehicles and pedestrians. This is followed by an assessment of the proposal in terms of design and landscaping before the conclusion.

Principle

25. The principle of what is being proposed by this application in opening up this particular link between the Resort and Grampian Road is welcomed. This being something that the CNPA has sought to achieve for a number of years. The opening up of the access will allow pedestrian movement directly between Grampian Road and the Resort which should be to the economic advantage of the resort and the village as a whole. The Aviemore section of the CNP Local Plan specifically seeks closer links between the resort and village. This proposal undoubtedly complies with that policy statement.
26. The proposal itself will allow easier access for all pedestrians using the lane. This is because a long, shallow ramp will replace the step down from the lane to the resort land.

Potential conflict between pedestrians and vehicles

27. While supportive of the principle of the proposal the neighbour at Laurel Bank has expressed concern that vehicles continue to use the lane despite the only vehicle right of access being to their property. This use by vehicles results in cars being turned in the driveway of Laurel Bank which is private property. Concern is raised that the use by vehicles will conflict with encouraging more pedestrian movement along the lane. The agent has indicated a willingness to assist with measures that would discourage vehicles from driving up the lane with the exception of those bound for Laurel Bank itself. The Area Roads Manager holds similar concerns and has requested a number of measures including no access for vehicles signage, refuse bin storage for the property known as Laurel Bank as well as markings on the ground separating pedestrians from vehicles.

Design and Landscape

28. In general terms the measures proposed will assist in reducing conflict between pedestrians and vehicles. However, it is important that any measures proposed are acceptable in terms of Policy 22 Design Standards for New Development and that they also accord with the principles of Scottish Government Guidance on Designing Streets. This guidance sponsors a move away from more heavily engineered solutions and solutions that rely upon signage. Consequently, a planning condition is recommended to cover this issue. The condition would seek a solution that involves a limited intervention. This could be by the removal of the highway markings at the junction coupled with a change in surface material or the continuation of the pavement area across the access using a material that differs to the

normal road surface. Placing signage indicating that vehicle access is for Laurel Bank only would also be a consideration as part of the condition.

29. The detail of the proposal includes removing the tarmac at the western end of Laurel Bank and replacing this with block pavers, the colour of which would be agreed by planning condition. The changes do result in a small improvement visually but as noted by the Landscape Officer further improvement could be made by planting some trees and shrubs either side of the path. This need not be onerous in terms of cost but would assist in ensuring that the proposal conserves and enhances in accordance with CNP Local Plan Policy 6 Landscape and also ensure that it meets Policy 16 Design Standards for New Development.

Conclusion

30. Overall, the application is welcomed and once implemented will significantly enhance the connection between the resort and the village. The first condition recommended is the standard time limit condition for commencement of works. However, Condition No 18 of the planning permission for the large mixed use development at AHR requires the access/path to be open before any commercial development is started.

IMPLICATIONS FOR THE AIMS OF THE NATIONAL PARK

Conserve and Enhance the Natural and Cultural Heritage of the Area

31. The proposal results in limited environmental improvement to the area and conditions proposed will assist in this.

Promote Sustainable Use of Natural Resources

32. The opening up of the link will increase footfall between the resort facilities and those on Grampian Road. This will reduce the chance that people may use cars to move between the resort and wider village.

Promote Understanding and Enjoyment of the Area

33. The opening up of the access will allow better access and improve foot access from the north and east of the village to the resort and beyond, including access to the Craigellachie National Nature Reserve.

Promote Sustainable Economic and Social Development of the Area

34. The greater footfall between the wider village and the resort should promote the economic and social development of the village.

RECOMMENDATION

35. That Members of the Committee support a recommendation to **GRANT** Planning Permission for improvements/alterations to existing footpath/roadway, land 40 metres SW of Laurel Bank, Grampian Road, Aviemore subject to the following conditions:

1. The development to which this permission relates must be begun within three years from the date of this permission.

Reason: to comply with Section 58 of the Town and Country (Planning) Scotland Act 1997 or as amended by the Planning etc. Scotland Act 2006.

2. Prior to the commencement of development, a simple landscaping plan shall be submitted for the written agreement of the Cairngorms National Park Authority acting as Planning Authority. The landscaping plan shall include proposals for the planting of local origin, native tree species (such as scots pine, birch, aspen and juniper, including details of the siting, numbers, and heights of species at the time of planting).

The landscaping and maintenance programme shall thereafter be implemented and maintained in accordance with the approved plan. The plan 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 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 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.

Reason: In the interests of assimilating the pathway into the surrounding townscape and to ensure that the proposal accords with Policy 6 'Landscape' of the Cairngorms National Park Local Plan.

3. Prior to the commencement of any works a plan shall be submitted to and approved by the CNPA acting as Planning Authority illustrating measures that would discourage the use of the access lane between Grampian Road and the end of the eastern boundary of the application site shown on approved drawing No LBI02 rev A. The measures shall include:

- Removal of existing junction road markings;
- Change in surface/extension of Grampian Road pavement across Laurel Bank access;
- Consideration of potential for limited signage to be used (access only/no parking);
- Limited landscaping interventions on lane to west of area of works.

Reason: To ensure that cars are discouraged from using/parking on the lane in the interests of reducing conflict between pedestrians and vehicles and to enhance the pedestrian environment between Grampian Road and Aviemore Highland Resort.

4. Prior to the commencement of development a sample of the block pavers shall be submitted to and agreed by the CNPA acting as planning authority.

Reason: In the interests of the visual amenity of the area and to ensure that the material accords with Policy 22 Design Standards for Development.

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22 December 2011

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.