
CAIRNGORMS NATIONAL PARK AUTHORITY

Title: REPORT ON CALLED-IN PLANNING APPLICATION

Prepared by: JACK MCGOWAN
(PLANNING OFFICER,
DEVELOPMENT MANAGEMENT)

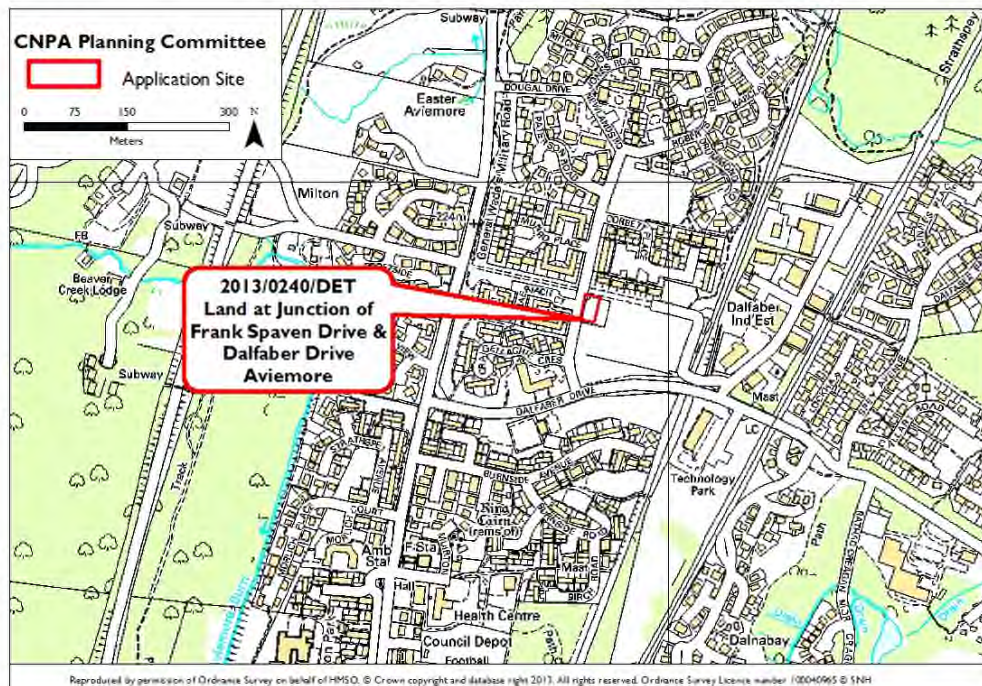
DEVELOPMENT PROPOSED: ERECTION OF BLOCK OF 6 NO. FLATS (AVIEMORE – FRANK SPAVEN DRIVE/GRANISH WAY)

REFERENCE: 2013/0240/DET

APPLICANT: RATHVEN INVESTMENTS
C/O G.H. JOHNSTON BUILDING CONSULTANTS LTD.

DATE CALLED-IN: 12TH AUGUST 2013

RECOMMENDATION: APPROVAL SUBJECT TO CONDITIONS



Grid reference: 289884 E 813816 N

Fig. 1 - Location Plan

SITE DESCRIPTION AND PROPOSAL

1. Planning Permission is sought to erect a two storey block of 6 flats with associated off street car parking and landscaping on a vacant site located to the east of Frank Spaven Drive to the north of its junction with Sluggans Drive. The site forms part of a larger development site originally granted planning permission (07/098/CP) in 2008 for a mixed use development comprising residential, retail, bar/restaurant, car parking and open space uses. The area generally known as the Dalfaber neighbourhood centre is now partially developed. A subsequent Planning Permission (2012/0187/DET) was granted in August 2012 to amend part of the proposed development located to the north and east of Sluggans Drive. The approved changes comprise the erection of a two storey block with 3 retail units on the ground floor and 3 flats on the upper floor, the erection of 32 cottage flats and the relocation of the proposed play area to a more central location within the neighbourhood. The three upper flats plus two cottage flats on the east side of Granish Way were identified for affordable housing under the amended scheme approved in 2012. The layout of the proposed development approved in August 2012 provides a new access road to be known as Granish Way. This scheme provides 26 parking bays to serve both the housing and retail/commercial units.
2. The current application is in effect an application to change the approved block of 3 retail units and 3 flats above into a block of 6 flats with the same footprint. It also includes 9 off street parking spaces for the six flats in accordance with current standards. A supporting letter submitted by the agent explains that there is no demand for further retail or commercial lets in this area at the present time and that the terms of existing units to the south of Sluggans Drive have had to be adjusted to reflect the economic climate. The letter explains that the proposal for six flats would be an alternative to the combined scheme of housing and retail and would allow an alternative option for implementation to be pursued in accordance with market conditions. It is also noted in the letter that Highland Council had confirmed that they would not take on any further flats above commercial development for affordable housing. Discussions have however now taken place to investigate the possibility of the whole block of six flats being utilised for affordable housing.
3. The amended proposal incorporates the same access road but reduces the proposed car parking bays to eighteen within the courtyard to serve the 6 cottage flats already approved on the east side of the road as well as the amended block of 6 flats on the west side of the road. The courtyard incorporates two disabled parking bays and a 'Sheffield' type bicycle stand for visitors. Timber lean to structures to accommodate bins and bicycle storage for residents will be erected on each gable of the new housing block. A third will be located to the north of the block alongside a proposed timber boundary fence. New hedging and a low ranch style fence to protect the amenity of ground floor flats are proposed along the frontage of the development facing Frank Spaven Way. The current application site in

relation to the partially completed Dalfaber neighbourhood centre and site still to be developed under planning permission 2012/0187/DET is illustrated in Fig 2. A more detailed plan of the proposed layout with associated off street car parking and landscaping is illustrated in Fig 3.

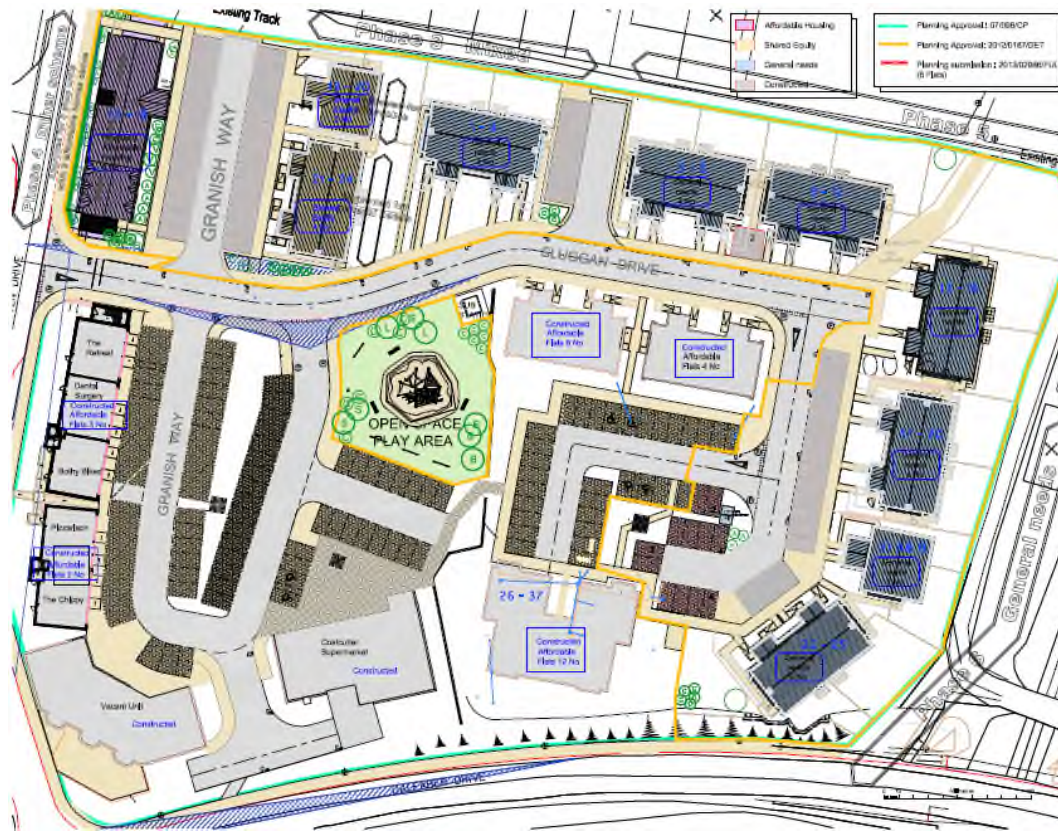


Fig 2: Overall Site Layout (applications 07/098/CP and 2013/0240/DET)

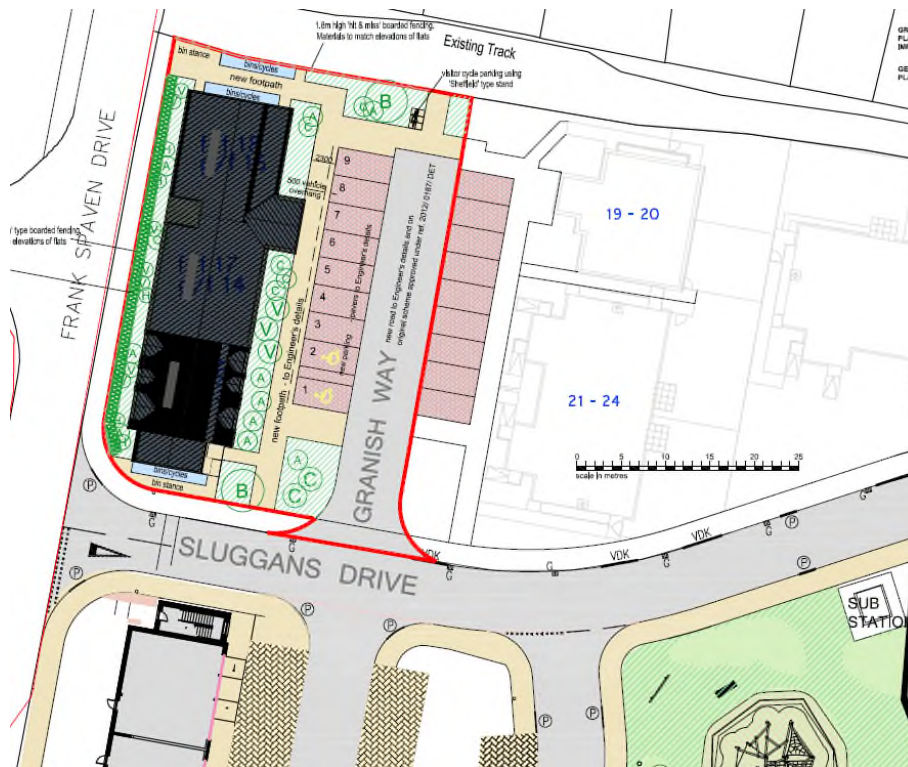


Fig 3: Proposed Site Layout (application 2013/0240/DET)

4. The design of the proposed two storey structure is similar to the existing block to the south of Sluggans Drive in terms of scale, materials, detailing and roof pitch etc. Taken together both blocks would form an entrance into the Dalfaber neighbourhood centre providing a range of local services and amenities as well as a variety of housing types. Like its neighbour, the proposed development has been designed to create the impression of a series of buildings with ascending roof heights. The external materials comprise a combination of white render, timber cladding and concrete roof tiles.



Fig 4: Proposed Elevation to Granish Way



Fig 5: Proposed Elevation to Frank Spaven Drive

5. Taken together with the amendment approved in 2012 the balance of the original Dalfaber neighbourhood scheme still to be developed will comprise 38 residential units. This will comprise 32 cottage flats and the two storey block with 6 flats proposed under the current application.
6. The proposed accommodation in the area still to be developed under applications 2012/0187/DET and 2013/0240/DET will therefore comprise: 6 two bed flats, 30 two bed cottage flats and 2 three bed cottage flats.
7. The original scheme for the whole site approved in 2008 (ref: 07/098/CP) incorporated an area of open space with play equipment on the area subsequently approved for flats and retail units in 2012. The open space/play area was relocated to a more central position within the overall Dalfaber neighbourhood centre. The approved scheme incorporates play equipment and a maintenance agreement. (See Fig 2)

Affordable Housing Provision

8. The development approved under application 2012/0187/DET included five affordable housing units. In this scheme two cottage flats at numbers 19-20 Granish Way and three flats above the retail units at 16, 17 and 18 Granish Way were identified as the affordable units. Highland Council has however subsequently confirmed that they will not take on the accommodation above the retail units as affordable housing. The agent has confirmed that the six cottage flats at numbers 19- 24 Granish Way were approved for shared-equity funding through a scheme promoted by the Scottish Government. Unfortunately they could not be built in time and the funding was withdrawn. The Scottish Government has announced a new shared equity housing scheme and the same house have been put forward for funding.
9. Approaches were made to Highland Council to consider funding under their affordable housing programme for the six flats in the current application. At the time of writing Highland Council had indicated that funding under the current programme for affordable housing would not be available. In order comply with the requirements of the Planning Gains Service it would therefore seem appropriate to impose a condition requiring details of affordable housing provision or an equivalent cash sum to be submitted to and agreed by the Cairngorms National Park Authority.

DEVELOPMENT PLAN CONTEXT

National Policy

10. **Scottish Planning Policy (SPP)** is the statement of the Scottish Government's policy on nationally important land use planning matters. 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 should allow 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.
11. **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.” 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. **SPP** includes ‘subject policies’, which are applicable to the proposed development. These include economic development, rural development, and landscape and natural heritage. The following paragraphs provide a brief summary of the general thrust of relevant subject policies.
12. **Economic Development:** Planning authorities are expected to respond to the diverse needs and locational requirements of different sectors and sizes of businesses. The planning system is encouraged to support economic development in all areas by supporting development that will provide new employment opportunities and enhance local competitiveness, and promote the integration of employment generation opportunities with supporting infrastructure and housing development. Planning authorities are also expected to ensure that new development safeguards and enhances an area's environmental quality and where possible promotes and supports opportunities for environmental enhancement and regeneration. Authorities are also encouraged to adopt a proactive approach to encouraging the reuse of buildings and previously developed land.
13. **Housing:** The planning system is required to enable the development of well designed, energy efficient, good quality housing in sustainable locations. In terms of the ‘Location and Design of New Development’ it is advised that new housing development should be integrated with public transport and active travel networks rather than encouraging dependence on the car.

14. **SPP** advises that the density of new development should be determined in relation to the character of the place and its relative accessibility. **SPP** also recognises that through good design it is possible to achieve higher density living environments without overcrowding and the loss of amenity.
15. **SPP** addresses the topic of 'Affordable Housing' and outlines that such housing may be in a variety of forms including social rented accommodation, mid market rented accommodation, shared ownership, and shared equity. It is also stated that "as far as possible the tenure of housing should not be discernible from its design, quality or appearance.

Strategic Policies

Cairngorms National Park Partnership Plan 2012 – 2017

16. 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 Par. These are designed to deliver the four aims of National Parks in Scotland and include:

- 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.

17. Specific policy priorities to help deliver the long term outcomes of the Partnership Plan that are relevant to a new build development within an urban area include:

Policy 1.2 seeks to enable sustainable patterns of settlement growth, infrastructure and communications by (a) consolidating the role of Aviemore, Ballater, Grantown-on-Spey, Kingussie and Newtonmore as well as a new community at An Camas Mor, as the most sustainable places for future growth and the focus of housing supply while maintaining the integrity of designated sites.

Policy 2.8 seeks to enhance the design and sense of place in new development and existing settlements by (a) enabling new development which contributes positively to the sense of place, (b) promoting a high standard of sustainable design, energy efficiency, sustainability sourced materials and construction in new development, and (c) supporting the retention and character of local character.

Highland Council Structure Plan (2001)

18. The Highland Council Structure Plan is founded on the principles of sustainable development, which are expressed as:
1. Supporting the viability of communities;
 2. Developing a prosperous and vibrant local economy; and
 3. Safeguarding and enhancing the natural and built environment.

Section 2.2 focuses on the subject of housing. It recognises that the “availability of quality housing is fundamental to social and individual well being and to creating and maintaining balanced communities.” The Plan also states that adequate provision of housing is a pre-requisite.

Section 2.14 considers landscape and states that: “no other attribute of Highland arguably defines more the intrinsic character and nature of the area than its landscape.” The plan recognises that landscape is not a static feature and that the protection and enhancement of landscape and scenery must be positively addressed.

Specific policies relevant to the current application include:

Policy L4 Landscape Character states that “the Council will have regard to the desirability of maintaining and enhancing present landscape character in the consideration of development proposals.”

Policy G2 Design for Sustainability states that developments will be assessed on the extent to which they, amongst other things make use of brownfield sites, existing buildings and recycled materials; are accessible by public transport, cycling and walking as well as car; are compatible with service provision; demonstrate sensitive siting and high quality design in keeping with local character and historic and natural environments; and contribute to the economic and social development of the community.

Local Plan Policy

Cairngorms National Park Local Plan (2010)

19. All new development proposals require to be assessed in relation to policies contained in the adopted local plan. The full wording of policies relevant to the current application can be found at: <http://cairngorms.co.uk/park-authority/about-us/publications/?publicationID=265>. Relevant policies are summarised below:

Policy 16 – Design Standards for New Development: sets out design standards to be met in new developments and is supported by Supplementary planning guidance in the form of the Sustainable Design Guide.

Policy 6 – Landscape: stipulates 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.

Policy 18 – Developer Contributions: requires that developments which give rise to a need to increase or improve public services, facilities or infrastructure, or mitigate adverse effects, will normally require the developer to make a fair and reasonable contribution in cash or in kind towards the additional costs or requirements.

Policy 19 – Contributions to Affordable Housing: requires that developments of three or more dwellings will be required to incorporate a proportion of the total number of units as affordable. Developments solely for affordable housing will be considered favourably.

Policy 20 – Housing Development within Settlements: supports proposals within settlement areas where the development is compatible with existing and adjacent land uses and comprises infill development, conversion, small scale development, and use of derelict or underused land or the redevelopment of land. Proposals should reinforce and enhance the character of the settlement and accommodate within the site appropriate amenity space parking and access arrangements.

Supplementary Planning Guidance (SPG)

20. **Sustainable Design Guide:** The SPG Sustainable Design Guide requires the submission of a Sustainable Design Statement with planning applications. It is intended that applicants would use the Sustainable Design Statement to demonstrate how standards set out in the Sustainable Design Checklist will be achieved. One of the key sustainable design principles referred to in the document is that “future development in the Park should be sensitively located, reflect existing development pattern and setting, and respect the natural and cultural heritage of the Park.” Developments are also required to reflect traditional materials and workmanship, and take on board innovation, contemporary design and the emergence of modern methods of construction.
21. **Developer Contributions:** The SPG on Developer Contributions sets out the framework for the provision of contributions per development. It sets out various payment mechanisms and states that the applicant may opt to remit the full amount due prior to the issuing of the planning permission. This course of action is widely used where the cost of putting in place a legal agreement is disproportionate to the planning gain contribution required.

CONSULTATIONS

Aviemore and Vicinity Community Council – No response to date

22. **Highland Council TEC Services – Roads:** In response to the application as first submitted concern was raised about the lack of turning provision for service vehicles, the need to locate refuse collection points adjacent to public roads, the need for visitor cycle provision, the restriction of the public footway caused by cars overhanging the pavement and the proximity of flat doors onto the public footway, and the need to apply for Roads Construction Consent prior to works commencing on site. The plans were subsequently amended on two occasions and TEC Services now satisfied that their concerns have been addressed. They have however re-iterated that the access road known as Granish Way will not be adopted.
23. **Highland Council TEC Services - Contaminated Land:** No response to date.
24. **Highland Council TEC Services - Environmental Health:** No response to date.
25. **Planning Gain:** The Planning Gain Service has considered the proposal and recommended that developer contributions are payable in respect of affordable housing, sports pitches and ancillary sports/recreation provision. The affordable housing can be delivered on site or a financial contribution.
26. **Scottish Water:** No objection on the basis of current information and a separate application being made for connection to Scottish Water's infrastructure. It is noted that the existing water treatment works will be able to supply the new demand but that the waste water treatment works has limited capacity. The developer is therefore advised to discuss the application with Scottish Water. It is noted that a totally separate drainage system will be required and that a sustainable urban drainage system (SUDS) will be required if the system is to be considered for adoption. Further advice is given about connections to the public sewer and water mains, building over or obstructing access to existing infrastructure and the potential of contaminated land issues that may affect the site.
27. **CNPA Economic Development:** It is noted that anecdotal evidence would suggest that there is a demand for 'affordable' business premises in Aviemore and that the cost of existing premises is high. It is also noted that the area is characterised by an ageing population, a high proportion of second homes and high house prices. It is suggested that these factors in conjunction with fluctuating seasonal employment levels can lead to population drift which usually leads to a more elderly and less active population. It would therefore be of interest to economic policy to understand the rationale behind the decision to move from commercial to residential use.

REPRESENTATIONS

28. The proposal was advertised in the Strathspey and Badenoch Herald on 15th August 2013. No representations have been received.

APPRAISAL:

29. **Principle:** The application site forms part of an approved scheme granted planning permission on 08/08/2012 to amend an earlier proposal granted planning permission on 23/06/2008. The amended scheme was granted subject to the payment of a developer contribution. The required payment has been made and the decision notice for that development was issued in 2013. The current proposal seeks permission to change the mixed two storey block comprising 3 retail units and 3 flats into 6 flats. The principle of housing development has been established on this site and can therefore be considered to be in compliance with the terms of Cairngorms National Park Local Plan Policy 20 – Housing Development within Settlements.
30. **Design and Layout:** The approved layout for the remaining area of the Dalfaber neighbourhood centre comprises 32 cottage flats and a separate two storey block containing 3 ground floor retail units with 3 two bedroom flats on the upper floor. A new access road known as Granish Way to serve both the 6 approved cottage flats on the eastern side and the 3 retail units and 3 flats on the western side form part of the approved scheme. The current application proposes 6 flats with the same footprint and incorporates the new access road (Granish Way) into the application. The number of parking spaces is reduced from 26 to 18 to reflect the requirements of the amended proposal and the requirements of the approved cottage flats. The position of the proposed 2 storey block has been adjusted slightly to ensure that the public footpath meets current standards and takes into account vehicles overhanging the footpath.
31. Amended plans incorporating 600mm high ‘ranch’ type boarded fencing and mixed hedging along the frontage facing Frank Spaven Drive were submitted during the course of the application. This should help protect the privacy of rooms on the west side of the building. A range of shrubs are now proposed along the eastern side of the building to protect privacy of rooms facing the footpath and parking area. This type of design has already been completed nearby along Sluggans Drive where cottage flats are close to the public road and parking spaces are located behind the buildings. While not ideal the proposed layout reflects the pattern of development already completed as part of neighbourhood centre development.
32. There are no private amenity areas associated with the amended scheme but it should be borne in mind that a large open space amenity space with central play area will be formed as part of the neighbourhood centre.

33. The design and external finish of the two storey block reflects the finishes in the adjacent block to the south of Sluggans Drive where completed retail units with flats above form part of the neighbourhood centre. The block has been designed to create the impression of a series of buildings with ascending or stepped roof heights and the external materials will be a combination of white render, timber cladding and concrete roof tiles.
34. Affordable Housing: The approved scheme was granted subject to the payment of a developer contribution and an agreement to provide 5 affordable housing units. Recent correspondence from the agent indicates that 6 affordable housing units will be provided in the proposed cottage flats on the east side of Granish Way. It is intended that these units will be provided under a Scottish Government shared equity scheme. Despite physical links in terms of design the current application is independent in terms of assessment and a separate contribution will be required. On the basis that the number of units in the overall development will increase by 3, Planning Gains has stated that a further contribution will be required. This can be done by providing an onsite provision or the payment of an equivalent. Details of the actual number of units or an equivalent cash sum will be discussed and agreed at a later date. Scottish Government guidance now recommends the use of planning conditions to secure affordable housing contributions. An appropriate condition is therefore proposed.
35. In addition to affordable housing the Planning Gain Service require a financial contribution in respect of sports pitches and ancillary sports/recreation provision. A specific sum has been calculated and the agent has confirmed that this will be paid in full prior to the planning decision notice being issued.

CONCLUSION:

36. It is considered that the proposed change from residential and retail to residential with minor design changes is acceptable. The additional number of smaller flatted units is likely to cater for local demand and will assist in the completion of the Dalfaber neighbourhood centre. Planning permission for the current application will then give the developer the option of implementing the 2012 scheme including the retail units or the new scheme without the retail units. The actual scheme to be implemented will depend on market circumstances at the time.

IMPLICATIONS FOR THE AIMS OF THE NATIONAL PARK:

Conserve and Enhance the Natural and Cultural Heritage of the Area

37. The land on which it is proposed is a form of brownfield land, having been part of a larger construction site in recent years. As such, it does not have any features of significance in terms of natural or cultural heritage.

Promote Sustainable Use of Natural Resources

38. The details provided in support of the development proposal do not indicate that the development would make a particular contribution to this aim.

Promote Understanding and Enjoyment of the Area

39. The relocation of the open space/playground area to a more central position within the overall development would be of benefit to residents of the development in providing easier access and improved recreation opportunities.

Promote Sustainable Economic and Social Development of the Area

40. The additional number of two bedroom residential units within the overall development would cater for a wider range of prospective residents. As such it would make a positive contribution to the social development of the area.

RECOMMENDATIONS:

THAT MEMBERS OF THE COMMITTEE SUPPORT A RECOMMENDATION TO GRANT PLANNING PERMISSION FOR THE ERECTION OF BLOCK OF SIX FLATS AT GRANISH WAY, AVIEMORE SUBJECT TO:

- a) **The completion of a Section 75 Planning Obligation or alternative legal agreement to secure the payment of developer contributions towards sports pitches and ancillary sports/recreation provision OR the payment of the required developer contributions in advance of the release of the decision notice;**
- b) **and the following conditions:**
 - i. **Affordable Housing:** Unless otherwise agreed with the Cairngorms National Park Authority acting as Planning Authority, the housing at units 13-18 Granish Way shall be retained as affordable housing (as defined in PAN 2/2010), or a scheme providing for an equivalent financial value shall be discharged. Furthermore no work shall commence on the erection of the houses until details of the contractual arrangements for the provision of the affordable housing, including method of procurement, the affordable housing provider and timescale, have been submitted to and accepted by Cairngorms National Park Authority acting as Planning Authority.

Reason: To ensure the delivery of the development as affordable housing and in the interests of promoting the economic and social development of the area.

2. **Construction Plan:** 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 Cairngorms National Park Authority acting as Planning Authority. Thereafter, the development shall be constructed and carried out in accordance with the approved phasing, implementation and construction plan.

Reason: In the interests of protecting residential amenity and to ensure that the most efficient and appropriate means of constructing the development is implemented.

3. **Finishes:** Prior to the commencement of the development, exact details and specifications (samples may be required) of proposed external finishes shall be submitted to and approved in writing by the Cairngorms National Park Authority acting as Planning Authority prior to use on site. These include:
- a) Finishing colour/stain of timber linings;
 - b) External door colours / stains;
 - c) All surfacing proposed on car parking bays, paths and any other areas of hard surfacing throughout the site; and
 - d) Details of all proposed boundary treatments.

Reason: In order to give separate consideration to these matters in respect of the design, quality and character of the development and in order to retain the visual amenity of the area.

4. **Landscaping:** All landscaping areas shall be developed in accordance with the details contained on drawing no. BW502 Rev A and shall be undertaken prior to the occupancy of the flats. Any trees or shrubs that die or become seriously damaged or diseased within a period of five years from the time of planting shall be removed and replaced with other species of a similar size suited to the climate of the area, within the next planting season.

Reason: To protect the privacy of the flatted development and in the interests of the visual amenity and natural heritage of the area.

5. **Roads:** All internal access roads, parking areas and footways, (with the exception of the adopted road) shall be the subject of a suitable private management and maintenance agreement which shall be submitted to and agreed by the Cairngorms National Park Authority (CPNA) 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.

Reason: In the interests of road and public safety and to ensure compliance with current roads standards and guidelines.

6. **Services:** All public services for the development, including electrical, cable television and telephone cables, shall be located underground throughout the site.

Reason: In the interests of the visual amenity of the area.

7. **Visibility:** 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.

Reason: In the interests of road and public safety; to ensure that all vehicles can manoeuvre safely around the site at all times.

Jack McGowan

planning@cairngorms.co.uk

30 October 2013

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.