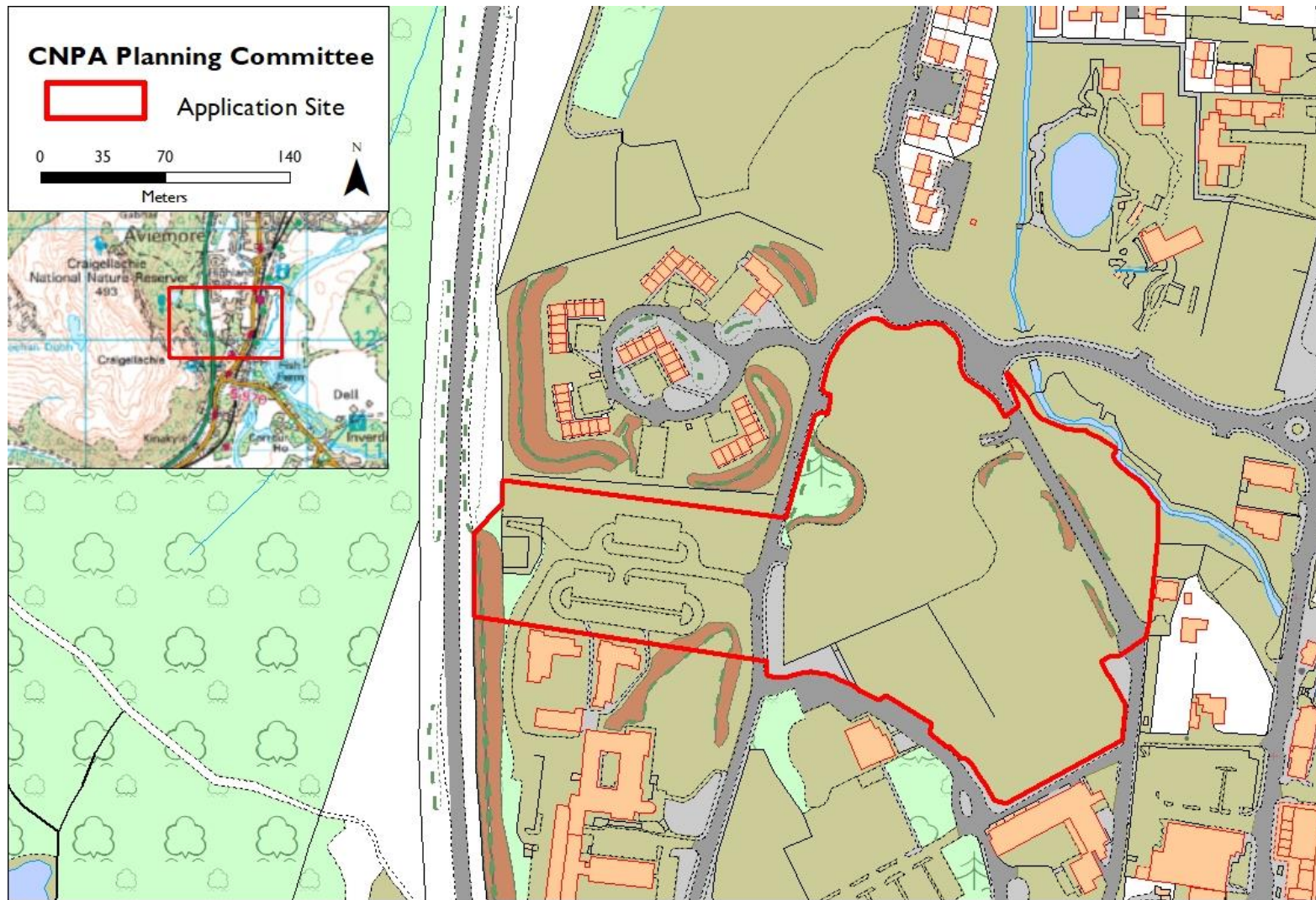


CAIRNGORMS NATIONAL PARK AUTHORITY

DEVELOPMENT PROPOSED:

Residential development, staff accommodation and infrastructure at
The Aviemore Centre Grampian Road Aviemore Highland

REFERENCE: 2023/0030/PPP
APPLICANT: Macdonald Resorts Ltd
DATE CALLED-IN: 23 January 2023
RECOMMENDATION: Approve, Subject to Conditions and Legal Agreement
CASE OFFICER: Gavin Miles, Head of Strategic Planning



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SITE DESCRIPTION, PROPOSAL AND HISTORY

Site Description

1. The application site is situated in Aviemore and forms part of the MacDonald Highland Resort. The site occupies an area of 5.39 hectares and is bordered to the north by the A9 road, and the B9152 and Aviemore town centre to the south. The Scandinavian Village holiday accommodation is located to the north west of the site, with the main hotel complexes of the MacDonald Highland Resort to the south. To the east is a Tesco supermarket, other existing retail units, and residential dwellings along Grampian Road. There is a new residential development, that is currently under construction, located to the north of the development site. The site can be accessed from the north east and south east via Grampian Road. The Core Path (LBS 145) runs adjacent to the western boundary of the site.
2. The topography of the site is mainly flat, with bunds of grassland. There are some clusters of native and coniferous trees, and the whole site is covered by a Tree Preservation Order. Most of the site consists of intermittently used hardstanding and car parking surrounded by local access roads to the Resort.
3. Under the planning hierarchy, this application is classified as a major development.

Proposal

4. The drawings and documents associated with this application are listed below and are available on the Cairngorms National Park Authority website unless noted otherwise:

<http://www.eplanningcnpa.co.uk/online-applications/applicationDetails.do?activeTab=summary&keyVal=ROOQQZSI0CP00>

Title	Drawing Number	Date on Plan*	Date Received
PLANS			
Plan - Location Plan	10143/PL 01	15/12/22	20/01/23
Plan - Site Layout Plan	10143/PL 02	15/12/22	20/01/23

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Plan - Topographical Plan.	10018694 8		23/01/23
Plan - Tree Constraints Plan (sheet 3)	10018694 9	06/07/22	20/01/23
Plan - Tree Constraints Plan (Sheet 4)	10018695 0	06/07/22	20/01/23
Plan - Tree Constraints Plan (Sheet 5)	10018695 1	06/07/22	20/01/23
SUPPORTING INFORMATION			
Other - Design and Access Statement.	10018694 3	01/12/22	20/01/23
Other - Drainage Impact Assessment Part 1.	GMC22- 1015 Revision B	15/12/22	05/09/23
Other - Drainage Impact Assessment Part 2.	GMC22- 1015 Revision B	15/12/22	05/09/23
Flood Statement Report Parts 1-3	v1.0	01/08/23	16/08/2023
	10018695 6	16/12/22	20/01/23
Other - Pre- application Consultation Report Part 1.	10018695 7	01/12/22	20/01/23
Other - Pre- application Consultation Report Part 2.	10018695 8	27/09/22	20/01/23
Other - Supporting Statement.	10018694 7	01/12/22	20/01/23
Other - Tree Data Schedule.	10018695 2		20/01/23
Other - Confidential Preliminary Ecological Appraisal.	10018697 3		23/01/23
Other – Transport Assessment	v.01	02/05/23	05/05/23

*Where no specific day of month has been provided on the plan, the system defaults to the 1st of the month.

5. This application seeks planning permission in principle for the construction of a residential development. The design statement states that the dwellings would include a mix of private/ affordable and staff accommodation units with associated infrastructure and landscaping. The proposed residential development will be located on one of the

flatter areas of the resort site to avoid raised landforms. There are a total of 180 residential units proposed, which will be of a contemporary design and a medium density. There will be a wide range of accommodation types including two storey units with two-four bedrooms, and flatted units with one-two bedrooms. The housing mix would also include a range of detached and semi-detached units. The proposed staff accommodation will be located in the area south of the Scandinavian Village. Affordable housing will be provided on site and will be aimed at mid-market affordable rent delivery. The proposals also include feature walls, open green space and appropriate landscaping.

6. Indicative plans of the proposal are included within **Appendix 1**.

History

7. Within the wider MacDonald Highland Resort, there are several applications running concurrently to this application which are outlined below:
 - a) 2022/0328/PPP – Planning permission in principle for the erection of holiday apartments at land west of Cairngorm Hotel. Application submitted on 03/10/2022 and approved by the CNPA Planning Committee in August 2023.
 - b) 2022/0241/DET – Alteration and extension to MacDonald Aviemore Hotel. Application submitted 13/07/2022 and approved by the CNPA Planning Committee in August 2023.
 - c) 2023/0004/DET – Change of use of land for siting of 27 lodges, access road, landscaping at site of dry ski slope, MacDonald Resort. Application submitted on 9th January 2023 and currently under consideration by the CNPA.
8. As required for major developments, a Proposal of Application Notice, for this application proposal was submitted to and reported to CNPA Committee under reference: PRE/2022/0015.

Pre-application Consultation [PAC]

9. For this major application, the PAC report describes the extend of pre-application consultation with the local community including a public event and it reflects the requirements of the Proposal of Application Notice as served on CNPA. The PAC confirms that approximately 25 people attended the public drop-in sessions and that a range of comments were received.

Habitats Regulations Appraisal

10. A Habitats Regulations Appraisal [HRA] has been undertaken to consider the effects of the proposals upon the conservation objectives of the Natura Sites as listed in Appendix within the document attached at **Appendix 2**. The HRA concludes that the development will not affect the integrity of any Natura sites.

DEVELOPMENT PLAN CONTEXT

Policies

National Policy	National Planning Framework 4 (NPF4) Scotland 2045 Officer will delete policies that are not relevant	
POLICY 2	Climate Mitigation and Adaptation	
POLICY 3	Biodiversity	
POLICY 4	Natural Places	
POLICY 6	Forestry, Woodland and Trees	
POLICY 9	Brownfield, Vacant and Derelict Land, and Empty Buildings	
POLICY 12	Zero Waste	
POLICY 13	Sustainable Transport	
POLICY 14	Design, Quality and Place	
POLICY 15	Local Living and 20 Minute Neighbourhoods	
POLICY 16	Quality Homes	
POLICY 20	Blue and Green Infrastructure	
POLICY 21	Play, Recreation and Sport	
POLICY 22	Flood Risk and Water Management	
POLICY 25	Community Wealth Building	
Strategic Policy	Cairngorms National Park Partnership Plan 2022 – 2027	
Local Plan Policy	Cairngorms National Park Local Development Plan (2021) Those policies relevant to the assessment of this application are marked with a cross	
POLICY 1	NEW HOUSING DEVELOPMENT	X
POLICY 2	SUPPORTING ECONOMIC GROWTH	
POLICY 3	DESIGN AND PLACEMAKING	X
POLICY 4	NATURAL HERITAGE	X
POLICY 5	LANDSCAPE	X
POLICY 6	THE SITING AND DEISGN OF DIGITAL COMMUNICATIONS EQUIPMENT	

POLICY 7	RENEWABLE ENERGY	
POLICY 8	OPEN SPACE, SPORT AND RECREATION	X
POLICY 9	CULTURAL HERITAGE	
POLICY 10	RESOURCES	X
POLICY 11	DEVELOPER OBLIGATIONS	X

11. All new development proposals require to be assessed in relation to policies contained in the adopted Local Development Plan. The full wording of policies can be found at:

<https://cairngorms.co.uk/wp-content/uploads/2021/03/CNPA-LDP-2021-web.pdf>

12. Within the Cairngorms National Park Local Development Plan 2021, the site forms part of a wider allocated area for 'mixed use', under allocation Aviemore- M1. The Aviemore Highland Resort is a large site in the centre of Aviemore. It currently has a range of different uses including hotels and holiday accommodation, retail, recreation, and housing and has undergone significant development to create the resort it is today. The allocation offers an opportunity for the enhancement and diversification of the current uses, including the provision of additional housing, retail, recreation, and employment spaces. There is also a Development Brief for the site, which is non statutory planning guidance provided details on site constraints and opportunities and development requirements.

Planning Guidance

13. Supplementary guidance also forms part of the Local Development Plan and provides more details about how to comply with the policies. Guidance that is relevant to this application is marked with a cross.

Policy 1	Housing Supplementary Guidance	X
Policy 2	Supporting Economic Growth Non-Statutory Guidance	
Policy 3	Design and Placemaking Non-Statutory Guidance	X
Policy 4	Natural Heritage Non-Statutory Guidance	X
Policy 5	Landscape Non-Statutory Guidance	X
Policy 7	Renewable Energy Non-Statutory Guidance	
Policy 8	Open Space, Sport and Recreation Non-Statutory Guidance	X
Policy 9	Cultural Heritage Non-Statutory Guidance	
Policy 10	Resources Non-Statutory Guidance	X
Policy 11	Developer Obligations Supplementary Guidance	X

CONSULTATIONS

Summary of the main issues raised by consultees

14. **NatureScot** have been consulted on the Habitats Regulations Appraisal for the proposal but at the time of report writing have not commented on it.
15. **Scottish Water** has no objections to the proposals but suggest the applicant completes a Pre-Development Enquiry form ensuring that the development can be serviced and contacts Scottish Water regarding the proposed drainage plan. They confirm that the development would be fed from Aviemore Water Treatment Works, although capacity will have to be reviewed once permission is granted for the scheme.
16. According to existing records, the development proposals impact on existing Scottish Water assets. The applicant must identify any potential conflicts with Scottish Water assets and contact the Asset Impact Team via the Customer Portal to apply for a diversion. The applicant should be aware that any conflict with assets identified may be subject to restrictions on proximity of construction Surface water.
17. **SEPA** have no objections subject to the inclusion of planning conditions. The Team notes that the submitted Flood Statement Report indicates that the relate heigh difference between the Aviemore Burn and the proposed site can be inferred as between 3.66 to 7.31 m from the level information set to local datum. The Team is therefore satisfied that it has been demonstrated that there is sufficient difference between the height of the banks of the Aviemore Burn and the height of the development. The Flood Statement also notes that any out of bank flow arising from a blockage of the culvert under Santa Claus Drive upstream of the site would preferentially flow to the east of the site, before eventually returning to the Burn. Based on this, the site is unlikely to be at flood risk from the Aviemore Burn and request the inclusion of planning conditions for the submission of an updated topographic plan and a condition to secure a buffer strip along all water features.
18. **Highland Council Contaminated Land** have stated that they have no objections to the proposed development. However, given that the proposed development is for a residential use, a condition is recommended that a contamination site investigation is carried out to determine whether any previous infrastructure has been safely

decommissioned and removed without contaminating the underlying soil.

19. **Highland Council Flood Risk Management Team** is satisfied that revised information on flood risk and drainage impacts has demonstrated that development on the site would be acceptable in principle. They have no objection to the proposed development subject to the inclusion of appropriate conditions to apply to later applications for detail.
20. **Highland Council Transport Planning Team** have no objection to the development subject to conditions to ensure the detail of internal roads, parking standards and active travel routes is approved in consultation with the Transport Planning Team.
21. **Transport Scotland** has no objection to the development subject to conditions to ensure the safe and efficient operation of the trunk road network.
22. **CNPA Ecology Officer** has stated that the proposed development has the potential to result in an impact on trees, due to felling or damage during construction. This being the case a tree protection plan / arboriculturist method statement, with plans to retain as many trees as possible, should be submitted. A condition is recommended that any landscaping plans should include a maintenance plan for at least 5 years post completion, to include details of panting and re-planting of any failed trees.
23. The site has the potential for breeding birds, with the existing trees and areas of hardstanding likely to support a number of breeding species such as oystercatcher. Given that there is the potential for nests to be damaged or destroyed during construction, a condition is recommended that construction should commence out with the nesting season (March to mid – August inclusive) In addition, lighting management plan for the whole development should be submitted to prevent unnecessary illumination of the remaining habitats that border the site.
24. In terms of protected species, there is evidence of red squirrel feeding within the site boundary, and therefore, a condition is recommended that a pre-construction survey is conducted following NatureScot guidance. Furthermore, a pre- construction survey of the Aviemore Burn and any suitable terrestrial habitats for otter should be conducted following NatureScot guidance.

25. Given that the proposed development extends to the boundaries of the site, including the proximity to the Aviemore Burn, the lower reaches of which form part of the River Spey SAC and support otter, a pollution prevention plan should be submitted, including full details of mitigation for protecting the Aviemore burn during construction and operation of the development.
26. **CNPA Landscape Officer** is satisfied that the allocated site has the capacity for development and that conditions covering the detail of further applications can ensure the development is appropriately designed.
27. **Highland Council Forestry Officer** – has no objection to the proposed development as long as trees are appropriately incorporated and protected within the detailed design of the development and suggests conditions to ensure that.
28. **CNPA Outdoor Access Team** have stated that both the core path and right of way that run through the application site will need to be protected during both the construction phase and upon completion of the development. Details of any diversions (temporary or permanent) to either of the routes will need to be submitted to the Outdoor Access Team for comment / approval.
29. Appropriate pedestrian crossing points / traffic calming measures are required where the proposed west access road crosses the core path and right of way. Furthermore, access paths should be created from the closed road ends in order to link to existing paths on site. Full specifications of all new paths will be required, including description, materials, design and maintenance proposals. In addition, information should be provided on how public access can be incorporated into the proposed development, with particular reference to the existing, informal path that runs through the woodland to the west of the Scandinavian Village. In light of this, it is recommended that an Outdoor Access Strategy is submitted prior to the determination of this application. Agent has been informed of comments and required, additional information on 16.02.2023
30. **Aviemore and Vicinity Community Council** have objected to the proposed development on the following grounds: (full copy available to view at **Appendix 3**):
 - a) The proposed staff accommodation is being included in the number of allocated affordable units.
 - b) There should be a higher proportion of affordable housing in this development.

REPRESENTATIONS

31. The application was advertised when first submitted. There have been six letters of objection submitted because of this application. Copies of all the third-party representations can be found at **Appendix 4**. The following is a summary of the objections:
- a) The proposed development site is at risk from flooding.
 - b) The proposed three storey dwellings will have an adverse impact on the residential amenity of the residents of the Scandinavian Village.
 - c) The proposed development may have an adverse impact on the existing trees on site.
 - d) The proposed development may have an adverse impact on any protected species found locally.
 - e) The proposed development may have an impact on roads safety and congestion.
 - f) There will be an impact on the Aviemore Orbital Path.
 - g) The proposed development is inappropriate for the town of Aviemore and is not in scale with the surrounding area.
 - h) The proposal will have an adverse impact in the infrastructure of Aviemore.

APPRAISAL

32. Section 25 of the 1997 Act as amended requires applications to be determined in accordance with the Development Plan. This now comprises the Cairngorms National Park Local Development Plan 2021 (LDP), and the National Planning Framework 4 (NPF4). Where there is conflict between policies, NPF4 policies will be used.

Application for Planning Permission in Principle

33. This PPP application seeks to establish only whether the principle of the proposed residential development is acceptable on the MacDonald Aviemore Resort site. If the principle of development is considered acceptable, the detail of the development approved in principle will be established and consent through further application to address matters specified in conditions that must be submitted and approved within statutory time limits. Those applications would be called in and determined by the CNPA Planning Committee acting as planning authority.

Housing

34. **Policy 16: Quality Homes** of NPF4 notes that proposals for new homes on land allocated for housing will be supported. **Policy 1: New Housing Development** of the Cairngorms National Park Local Development Plan 2021 supports proposals for housing where they are located on an identified allocated site; or within an identified settlement boundary.
35. The application site is in the identified settlement boundary of Aviemore and forms part of a wider site allocation under reference M1-Aviemore. This LDP states that the allocation offers the opportunity for the enhancement and diversification of the current uses, including the provision of additional housing, retail, recreation, and employment spaces. The site therefore represents one of the allocations which contributes to the overall housing land supply of the Local Development Plan. The proposal is for housing on part of site that is allocated for a range of uses including housing so is considered acceptable in principle subject to matters of detail and any other impacts of development.
36. **Policy 16: Quality Homes** of NPF4 and **Policy 1.5: Affordable Housing** of the Cairngorms National Park Local Development Plan 2021 require appropriate contributions to affordable housing to be provided through developments. The proposal indicates a willingness to provide the 45% target required by the LDP within Aviemore but does not provide sufficient detail and clarity on the nature of the affordable housing or its delivery. An appropriate condition will ensure that no development can commence until the details of the affordable housing and the mechanisms for delivery have been submitted to and approved in writing by the CNPA. Subject to that condition, the principle of the development is considered to comply with **Policy 16: Quality Homes** of NPF4 and **Policy 1.5: Affordable Housing** of the Cairngorms National Park Local Development Plan 2021.
37. In relation to the total number of housing units that could be built on the site, the applicant has provided information to support a figure of 180 units as an indication of the site capacity. This figure is not part of the description of the development and the application does not seek to set a specific number of units which could be fewer or greater than 180 depending on the size of units and form of development. Nevertheless, both Transport Scotland and the Highland Council Transport Planning team require that a condition is imposed limiting the number of units to 180 unless they are consulted and agree to a greater number. This is on the basis of the transport impact assessment provided and the modelling within it based on 180 units.

Biodiversity, protected sites, trees and woodland

38. **Policy 3: Biodiversity, Policy 4: Natural places and Policy 6, Forestry woodland and trees** of NPF4, as well as **Policy 4: Natural Heritage** of the Cairngorms National Park Local Development Plan 2021 all provide protection for biodiversity and protected species, trees and woodland in addition to support for proposals that enhance habitats and nature networks.
39. The proposed development site is a mixture of managed grassland, hard standing areas, and some areas of trees and planted woodland. The trees and woodland on the south of the site are protected by a wide tree preservation order (ref.HRC42) that covers much of the resort land. An area on the northeastern boundary drops down a steep wooded slope to the Aviemore/Milton burn that is part of the River Spey SAC and acts as a corridor for species including otter. No protected species were identified during initial ecological surveys of the site, but there is potential for a range of bird species to breed on the site, the woodland could be used by bats and red squirrel, and the Milton burn corridor could be used by otter in particular.
40. Nevertheless, most of the site currently has a relatively low ecological value and the areas of greater value, including woodland and protected could be incorporated within a detailed application(s) with further enhancements to ensure strong networks of habitats on the site. Conditions requiring standard pre-commencement checks and method statements to prevent harm to protected species and the qualifying features of the River Spey SAC will ensure that there are no effects on their integrity. Subject to appropriate conditions to ensure the detail conserves and enhances the biodiversity of the site, the proposal is considered to comply with Policy 3: Biodiversity, Policy 4: Natural places and Policy 6, Forestry woodland and trees of NPF4, as well as Policy 4: Natural Heritage of the Cairngorms National Park Local Development Plan 2021

Landscape Character

41. **Policy 5: Landscape** of the Cairngorms National Park Local Development Plan 2021 seeks to conserve and enhance the landscape character and special landscape qualities of the National Park. The site lies within the built area of Aviemore and looks to utilise previously developed land. By virtue of inclusion within the LDP as a mixed use allocation, it has already been accepted that this is a suitable development site in landscape terms and subject to an acceptable layout and good landscaping secured at MSC stage, the proposal

would accord with Policy 5: **Landscape** of the Cairngorms National Park Local Development Plan 2021.

Contaminated Land

42. **Policy 9: Brownfield, vacant and derelict land and empty buildings** of NPF4 supports development proposals that result in the sustainable reuse of vacant and derelict land and requires that development proposals must demonstrate that land is or can be made safe from contamination by previous uses for the new use. **Policy 10: Resources** of the Cairngorms National Park Local Development Plan 2021 also requires that contaminated land is appropriately managed to avoid harm to new uses of the site or the wider environment.
43. Highland Council's environmental health team have recommended a condition requiring site investigations to demonstrate that the site is safe for the proposed development that will ensure the proposal complies with Policy 9 **Brownfield, vacant and derelict land and empty buildings** of NPF4 and Policy 10: **Resources** of the Cairngorms National Park Local Development Plan 2021.

Design and Placemaking, Sustainable Transport and Active Travel

44. **Policy 13: Sustainable Transport, Policy 14: Design, quality and place and Policy 15: Local Living and 20 minute neighbourhoods** of NPF4 as well as **Policy 3: Design and Placemaking** of the Cairngorms National Park Local Development Plan 2021 support development that creates successful places, is safe and well serviced for all people, particularly by active travel and well connected to local services and facilities.
45. Given that the application is for permission in principle on a site where the principle of development is signalled by its allocation for development in the LDP, it is inevitable that conditions will specify the detail required to demonstrate compliance with these policies, but the following points highlight some relevant matters that the detail will need to take account of. The indicative site layout provided with the application does not address those matters and will not be approved if the application is granted consent.
46. The location of the proposed development is central to Aviemore; close to most of its shops, to existing bus services, to the railway station and to a range of core paths and promoted paths through and near the site. In principle, a development in this location could be designed to

incorporate and integrate successful active and vehicle travel options for the needs of all users, without causing harm to the surrounding road and active travel network so this would be a further matter to be covered by condition.

47. However, the addition of up to 180 residential units on the site will increase the numbers of people using vehicles and active travel options throughout Aviemore. The pressure on Grampian Road in particular, from through traffic, local traffic and visitors, both using vehicles and walking and cycling has been recognised in recent studies as part of the C2030 project and the earlier Active Aviemore project.
48. It is a shared objective of the Park Authority, Highland Council and other public bodies to improve active travel and reduce traffic congestion and conflict in and around Aviemore. The proposed development site is located in unique position that could support travel improvements in Aviemore for all users and help make Aviemore and the development proposed a more successful place. It is therefore important that the detail of any proposal takes account of and demonstrates that it will contribute appropriately to wider plans that create a more successful Aviemore town centre that this site is part of.
49. Subject to appropriate conditions the development is considered to comply with Policy 13: Sustainable Transport, Policy 14: Design, quality and place and Policy 15: Local Living and 20 minute neighbourhoods of NPF4 as well as Policy 3: Design and Placemaking of the Cairngorms National Park Local Development Plan 2021.

Blue and Green infrastructure, Play and Recreation

50. **Policy 20: Blue and green infrastructure** and **Policy 21: Play, recreation and sport** of NPF4 and **Policy 3 Design and Placemaking** and **Policy 8: Open Space, Sport and Recreation** of the Cairngorms National Park Local Development Plan 2021 support the incorporation of blue and green infrastructure, play facilities, open space and wider recreation opportunities to developments. The development of the detail for the site will provide opportunity to integrate the most valuable parts of the site and create addition well-managed spaces for formal and informal enjoyment of the development by its residents and visitors as well as improving links from and across the site to other recreation opportunities. Subject to appropriate conditions the developed is considered to comply with Policy 20: Blue and green infrastructure and Policy 21: Play, recreation and sport of NPF4 and Policy 3 Design and Placemaking and Policy 8: Open Space, Sport and Recreation of the Cairngorms National Park Local Development Plan 2021.

Flooding and Drainage Issues

51. **Policy 22: Flood risk and water management** of NPF4 and **Policy 10: Resources** of the Cairngorms National Park Local Development Plan 2021 each provide protection from flooding and require that surface water is appropriately managed. The application has been supported by sufficient information on flood risk and drainage to satisfy SEPA and the Highland Council that the site is not at risk of flooding and could be developed without increasing flood risk elsewhere. Subject to appropriate conditions to ensure approval of suitable technical details, the development is considered to comply with **Policy 22: Flood risk and water management** of NPF4 and **Policy 10: Resources** of the Cairngorms National Park Local Development Plan 2021.

Community Wealth Building

52. **Policy 25: Community wealth building** of NPF4 supports development that is consistent with local economic priorities and development linked to community ownership and management of land. The applicant has submitted statements on community wealth building and community benefit that explain how the development proposed is intended to support the economy of Aviemore through the provision of housing directly targeted to local need in particular and therefore support the economy of Aviemore. At this stage of permission in principle, it is clear that the development could support community wealth building and contribute to the success and enjoyment of Aviemore, but that only the detail of further application(s) will demonstrate whether that is the case and the scale of that contribution. Subject to appropriate conditions the development is considered to comply with Policy 25: Community wealth building of NPF4.

Waste

53. **Policy 12: Zero Waste** of NPF4 and **Policy 3: Design and Placemaking and Policy 10: Resources** of the Cairngorms National Park Local Development Plan 2021 require that waste is minimised in accordance with the waste hierarchy and that information on waste management at all stages of the development is provided. These are all matters that require to be addressed in detail and can be secured through appropriate conditions. Subject to those conditions, the development is considered to comply with **Policy 12: Zero Waste** of NPF4 and **Policy 3: Design and Placemaking and Policy 10: Resources** of the Cairngorms National Park Local Development Plan 2021.

Planning Obligations

54. **Policy 18: Infrastructure first** of NPF4 and **Policy 11: Developer Obligations** of the Cairngorms National Park Local Development Plan 2021 require that the impacts of development proposals on infrastructure should be mitigated and that if necessary, planning conditions, obligations or other legal agreements should be used to secure the mitigation.
55. At this point of the principle of development, without the detail of a proposal and the facilities and contribution to Aviemore available, the only impact on infrastructure that be accurately identified is one of impacts on education provision. Aviemore Primary School is close to capacity and all new housing development in Aviemore is required to make a set contribution per unit towards increasing school infrastructure capacity and basis of that contribution rate per unit can be established now through agreement.
56. It is possible that other impacts on infrastructure or services will be identified through the preparation or determination of detailed matters and that further or supplementary agreements will be required to mitigated other impacts at future stages, but a at this point in time, subject to a legal agreement covering primary education contribution rates, the proposals is considered to comply with Policy 18: Infrastructure first of NPF4 and Policy 11: Developer Obligations of the Cairngorms National Park Local Development Plan 2021.

CONCLUSION

57. The proposed development sits on part of a site that is allocated for mixed uses including residential accommodation, so the principle of development is easily established. There are no issues raised through the application that could not be addressed through applications for the detail of development that can be secured by condition and the development has potential to make a positive contribution to the economy of Aviemore and quality of life of people living, working and visiting Aviemore so is recommended for approval subject to conditions.

RECOMMENDATION

That Members of the Committee support a recommendation to approve planning permission in principle for Residential development, staff accommodation and infrastructure at The Aviemore Centre Grampian Road Aviemore Highland subject to a legal agreement covering education contributions and the following conditions:

Conditions in bold relate to matters that require applications to be made to the planning authority for further consent, approval or agreement in terms of Section 59 1(b) of the Town and Country Planning (Scotland) Act 1997(as amended).

Conditions

1. The development hereby approved shall begin no later than 5 years from the date of this decision notice.

Reason: Permission for the development has been granted in principle only and is subject to the timescales and other limitations of section 59 of the Town and Country Planning (Scotland) Act 1997 (as amended).

2. **No development shall commence until a site-wide layout plan has been submitted to and approved in writing by the planning authority in consultation with Highland Council Transport Planning team. The site-wide layout plan shall include details of:**
 - a) **Block information for residential units and plots, gardens, open spaces, play facilities and green and blue networks and SuDS.**
 - b) **A north to south spine road route capable of linking Santa Claus Road to the north with Grampian Road to the south, close to the location of the Aviemore railway station;**
 - c) **The full internal road layout incorporating the spine road and principles of Designing Streets and demonstrating that it prioritises the needs of pedestrians, cyclists and those with special requirements ahead of motor vehicles; is designed for a speed limit of 20mph with traffic calming features to limit speeds to 10mph;**
 - d) **Parking design to demonstrate that the necessary vehicle parking standards and turning areas will be provided;**
 - e) **Cycle parking spaces and storage facilities to demonstrate that sufficient provision is made in every phase of development;**
 - f) **Electric vehicle infrastructure to be provided without compromising the required width of paths and pavements.**

Reason: To ensure that the development has a layout and design which is compatible with its surroundings, provides safe and easy access for all user and contributes to the future success of Aviemore and its centre in accordance with Development Plan policies.

- 3. No development shall commence in respect of any individual plot until plans and particulars of the site layout, design, including elevations, plan views, external finishes and the incorporation of biodiversity enhancements such as bird and bat boxes or bricks of the plot have been submitted to and approved by the Cairngorms National Park Authority, acting as Planning Authority. These details shall incorporate proposed finished ground floor levels relative to an identifiable fixed datum located outwith the application site. Thereafter the development shall be implemented in accordance with the approved details.**

Reason: To ensure that the development has a layout and design which is compatible with its surroundings and in accordance with Development Plan policies.

- 4. No development shall commence until an Affordable Housing Delivery Plan has been submitted to and approved in writing by the planning authority. The Affordable Housing Delivery Plan shall:
 - a) Include details of the plots and units that will be used as affordable homes;**
 - b) Demonstrate that a minimum of 45% or the total number of units on the site will be affordable homes;**
 - c) Include details of the mechanisms that ensure affordability of the affordable units for initial and subsequent occupiers;**
 - d) Provide a schedule for the delivery of affordable housing to ensure that all affordable housing is completed prior to the occupation of the final 40 units on the site.****

Thereafter the development shall be implemented and occupied in accordance with the approved Affordable Housing Delivery Plan.

Reason: To comply with the policies of the Development Plan in respect of affordable housing.

- 5. No development shall commence until a full landscape scheme for the development has been submitted to and approved by the Planning Authority. The landscape scheme shall include:**

- a) A full Tree Survey Report including schedule, Tree Constraints Plan, Arboricultural Impact Assessment, Tree Protection Plan and Arboricultural Method Statement, all in accordance BS 5837:2012 (Trees in Relation to Design, Demolition and Construction)
- b) Existing landscaping features, trees and vegetation to be retained;
- c) Details of new green and blue networks incorporating woodland and species-rich grassland within the site including:
 - i. a green corridor at least 20m wide connecting the Milton burn with existing woodland on site and the western edge of the site.
 - ii. a minimum 6m buffer from the top of the bank of the Milton burn where no development or construction activity will take place;
 - iii. the incorporation of street trees,
- d) Details of boundary treatment, surface treatments and landscaping;
- e) A scale planting plan and schedule showing species, locations, numbers and size at planting or seed mixes, with native species used unless in formal gardens.
- f) Existing and proposed ground levels in relation to an identified fixed datum;
- g) Location, design and materials of proposed walls, fences and gates;
- h) A programme for the timing of landscape implementation and a detailed 5-year maintenance plan incorporating replacement of failed planting species.

Thereafter the development shall be implemented in accordance with the approved landscape scheme.

Reason: To ensure the development creates attractive spaces for people and nature in accordance with the policies of the Development Plan.

6. No development shall commence until a final drainage design, including the design and appearance of SuDS, has been submitted to and approved by the Planning Authority in consultation with Highland Council Flood Planning Team. The final drainage design must be in accordance with the drainage strategy and will require to be supported by ground investigations if any infiltration features are proposed to demonstrate that conditions are suitable for their use. The drainage design should be in accordance with Sewers for Scotland so that the infrastructure can be vested by Scottish Water and/or The Highland Council. Thereafter the development shall proceed in accordance with the final drainage design.

Reason: To ensure the development is adequately drained and does not increase flood risk in accordance with Development Plan policies.

- 7. No development shall commence until details for the provision and maintenance of proposed areas of communal open space and equipped play area(s) within the development have been submitted to and approved by the planning authority. The details shall comprise:**
- a) A plan showing the location and extent of communal open space and equipped play areas;**
 - b) Specification of play equipment to be installed, including surface treatments and any means of enclosure, designed in accordance with the provisions of BS5696 (Play Equipment Intended for Permanent Installation Outdoors);**
 - c) Details of the timing of the implementation of the play area(s) in relation to the phasing of the development;**
 - d) A maintenance schedule for communal open spaces and equipped play areas in accordance with the provisions of BS5696 including details of on-going inspection, recording and procedures for detailing and defects.**

The communal open space and equipped play area(s) shall be provided in accordance with the duly approved details and shall be retained and maintained to the specified standards thereafter.

Reason: To secure provision of communal open space and equipped play areas within the development in accordance with the Development Plan.

- 8. No development shall commence until a trunk road boundary layout plan has been submitted to and approved in writing by the planning authority in consultation with Transport Scotland. The layout plan shall show the proposed position of buildings, all ancillary development (including access, hardstanding areas, drainage design and SUDS), along with the areas to be reserved free of development as necessary for the delivery of the A9 Dalraddy to Slochd Dualling Scheme. The areas to be retained free of development shall be identified in accordance with Transport Scotland's Drawing No. A9P11-AMJ-HAW-H_ZZZZZ_AW-SK-RD-0038 Rev. P01.1, as docketed to this planning permission.**

Thereafter the development shall be carried out in accordance with the approved layout plan, and the areas reserved for the delivery of the A9 Dalraddy to Slochd Dualling Scheme shall be retained free of development unless, and until, it is otherwise confirmed in writing

with the Planning Authority, in consultation with Transport Scotland, that these areas are no longer required for that purpose.

Reason: To ensure that the future improvement of the trunk road network is not prejudiced.

- 9. No development shall commence until details of the landscaping treatments and fencing or other boundary treatments along the trunk road boundary have been submitted to and approved in writing by the planning authority in consultation with Transport Scotland. The details must demonstrate that the landscaping and fence or other boundary treatments along the trunk road boundary can all be installed and maintained from within the development site and without requiring access to the trunk road.**

Thereafter the development shall be carried out in accordance with the approved details.

Reason: To ensure that there will be no distraction to drivers on the Trunk Road and that the safety of the traffic on the Trunk Road will not be diminished and to minimise the risk of pedestrians and animals gaining uncontrolled access to the trunk road with the consequential risk of accidents

- 10. No development shall commence until an external lighting plan has been submitted to and approved in writing by the planning authority in consultation with Transport Scotland. The lighting plan shall ensure light pollution is minimised and minimises disturbance to bats as well avoids distraction or dazzle to drivers on the trunk road. Thereafter the development shall be implemented in accordance with the approved external lighting plan.**

Reason: To ensure that external lighting is provided in ways that provide safety and security without disturbance to bats and that there will be no distraction or dazzle to drivers on the Trunk Road and that the safety of the traffic on the Trunk Road will not be diminished.

- 11. No development shall commence until details of measures to accommodate public transport within the public road network of the site have been submitted to and approved in writing by the planning authority in consultation with the Highland Council Transport Planning Team. Thereafter, the measures shall be provided in accordance with the approved details.**

Reason: To comply with the policies of the Development Plan in respect of sustainable transport.

12. No development shall commence until a scheme to deal with potential contamination on site has been submitted to and agreed in writing by the Planning Authority in consultation with the Highland Council Contaminated Land team. The 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 PAN 33 (2000) and British Standard BS 10175:2011+A2:2017 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.

Thereafter, no development shall commence until the Planning Authority has confirmed in writing, in consultation with the Highland Council Contaminated Land team, that the approved contaminated land scheme has been implemented, completed and, if required, monitoring measurements are in place, all to the satisfaction of the Planning Authority.

Reason: To ensure the development is safe and to comply with the policies of the Development Plan in respect of contaminated land.

13. No development shall commence until details for the arrangement for the storage, separation and collection of waste from the site, including provision for the safe pick-up by refuse collection vehicles, have been submitted to and approved in writing by the planning authority, in consultation with the Highland Council Transport Planning Team. Thereafter, the approved provision shall be implemented prior to the first occupation of the dwellings which it is intended to serve.

Reason: To ensure that satisfactory arrangements have been made for dealing with waste on site in accordance with the policies of the Development Plan

14. No development shall commence until the following construction management documents have been submitted to and agreed in writing by the planning authority in consultation with the Highland Council Transport Planning Team:

- a) A site-specific Construction Environment Management Plan including:**
 - i. Pre-construction checks by a suitably qualified ecologist for protected mammals (otter and red squirrel) and for breeding birds if works take place during bird breeding seasons.**
 - ii. If required, the provision of species protection plans.**
 - iii. A Pollution Prevention Plan with site specific measures to prevent pollution by fuels, oils, other chemicals or sediment to the Milton/Aviemore Burn.**
- b) Site Waste Management Plan;**
- c) Construction Traffic Management Plan;**
- d) Soils Management Plan.**

Thereafter, the provisions of these plans shall be adhered to during the construction period unless any subsequent variation thereof is agreed in writing by the planning authority.

Reason: To minimise construction impacts on biodiversity and the environment, prevent pollution, ensure road safety and amenity in accordance with the policies of the Development Plan.

15. There shall be no drainage connections to the trunk road drainage system.

Reason: To ensure that the efficiency of the existing trunk road drainage network is not affected.

16. Unless otherwise agreed in writing by the Planning Authority, in consultation with Transport Scotland and the Highland Council Transport Planning team, the number of residential units permitted within the development shall not exceed 180.

Reason: To ensure that the scale of development does not exceed that assessed by the supporting Transport Assessment, and to ensure that the scale and operation of the proposed development does not adversely affect the safe and efficient operation of the trunk road network

Informatives

Timescales and Procedures for Applying for Requisite Approvals

1. An application for requisite approval may be made for different matters and different parts of the development at different times. Each application shall be made in writing and must:
 - a) identify the planning permission to which it relates;
 - b) contain a description of the matter in respect of which the application is made;
 - c) state the name and address of the applicant and, where an agent is acting on behalf of the applicant, the name and address of that agent;
 - d) be accompanied—
 - i. where the application relates to the alteration or construction of buildings, other structures or roads or to landscaping, by plans and drawings describing the matter in respect of which the application is made;
 - ii. where any neighbouring land is owned by the applicant, by a plan identifying that land; and
 - iii. by any fee payable under the Fees Regulations.
2. If development has not begun at the expiry of the period of five years from the date of this decision the planning permission in principle lapses in terms of Section 59 (2A) of the Town and Country Planning (Scotland) Act 1997 (as amended).
3. The person undertaking the development is required to give the Planning Authority prior written notification of the date on which it is intended to commence the development. Attached to this decision notice is a Notice of Initiation of Development for completion and submission. Submission of this information assists the Monitoring and Enforcement Officer in monitoring active work within the area to ensure compliance with the approved details and to identify and correct any potential problems, as they arise, rather than later when it may be more difficult and more costly to rectify. Failure to give notice would constitute a breach of planning control which may result in enforcement action being taken.
4. Following completion of the development, a notification of the completion shall, as soon as practicable, be given to Cairngorms National Park Authority, acting as Planning Authority. Attached to this decision notice is a Notice of Completion of Development for

completion and submission. Submission of this form will assist the Cairngorms National Park Authority Monitoring and Enforcement Officer in making a final inspection and checking compliance with the approved drawings and conditions. If the development hereby approved is to be carried out in phases, then a notice of completion should be submitted at the completion of each phase.

5. You are required to apply to Highland Council for Roads Construction Consent (RCC) under section 21 of the Roads (Scotland) Act 1984 to progress a formal application for the road to become a publicly adopted local. The extent of road needing to be adopted would also have to include the new roads infrastructure proposed to serve these 4 new residential homes, again requiring a formal RCC Application to the Local Roads Authority.

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.