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## CAIRNGORMS NATIONAL PARK AUTHORITY

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

**Prepared by:** DON MCKEE HEAD OF PLANNING

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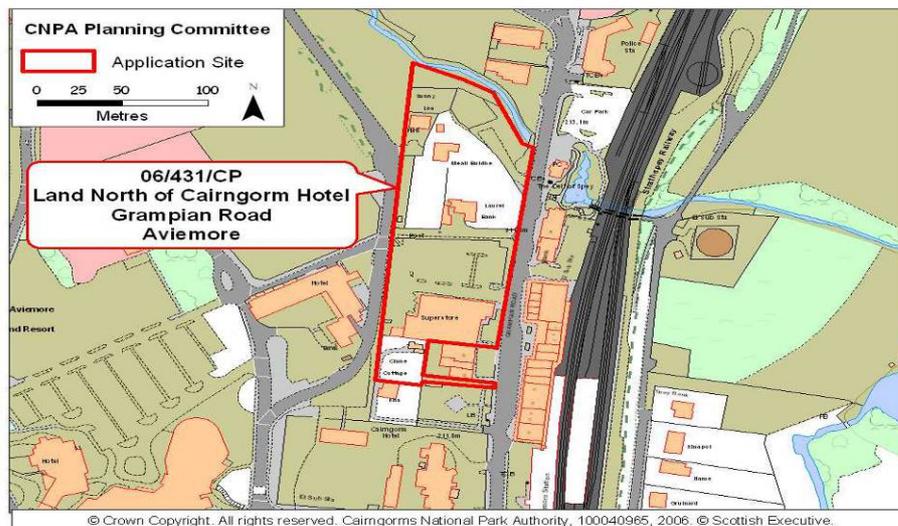
**DEVELOPMENT PROPOSED:** DEVELOPMENT OF RETAIL FACILITIES WITH ASSOCIATED CAR PARKING AND SERVICING : LAND NORTH OF CAIRNGORM HOTEL, GRAMPAN ROAD, AVIEMORE

**REFERENCE:** 06/431/CP

**APPLICANT:** LAUREL GRANT LIMITED C/O WILLIAM FULCHER, 4, THE SQUARE, WIMBORNE, DORSET

**DATE CALLED-IN:** 20 OCTOBER 2006

**RECOMMENDATION:** GRANT PLANNING PERMISSION SUBJECT TO CLARIFICATION OF BAT ISSUES, RECEIPT OF SATISFACTORY REVISED DRAWINGS, A SECTION 75 AGREEMENT AND CONDITIONS



**Fig. 1 - Location Plan**

## SITE DESCRIPTION

1. The site comprises some 1.5 hectares and is located on the west side of Grampian Road. It extends from the boundary with the Village Green and a property known as Kila in the south to the Aviemore/Milton Burn in the north and is bounded on the west by the Aviemore Highland Resort development. The site has a number of component parts that have been assembled (from south to north) for the purposes of this application:
  - The former Clunie Cottage;
  - The access to the south of the Edwardian terrace of shops;
  - The existing Tesco store and car park;
  - The lane by Laurel Bank linking to AHR;
  - The bungalow Meall Buidhe;
  - The Scout Hall;
  - Sunnylea – a clear site adjoining Aviemore Burn.

A series of photographs of the site are attached to this report.  
**(Appendix 1)**

2. The site has an approximately 4 metre increase in level between Grampian Road in the east and the AHR service road to the west. It is fairly level south to north although there is a sharp dip of 4 metres or so at the northern end by the burn. The Edwardian parade of shops and village green, both to the south of Tesco, are not included in the site. Existing accesses from Grampian Road to the site comprise the driveway immediately to the south of the parade of shops, Tesco's servicing and car park, the road giving access to Laurel Bank that also continues as pedestrian access through to AHR, and access to the Sunnylea site and Meall Buidhe by the burn.

## PLANNING HISTORY

3. In January 2006 CNPA granted outline planning permission (04/211/CP) for retail and community use on a site that substantially included the elements listed above along with a bungalow known as Kila to the south of the site. Kila is currently the subject of a separate planning application for residential development that will come before Members in due course and is intended to represent the community element referred to above.
4. The previous application was accompanied by indicative plans that were similar to the current proposals in terms of scale, layout and many aspects of the overall design concept. However, the outline permission was for the principle only and did not give consent to any specific level of retail provision, that being left for the reserved matters application.

5. As the details of the site are not precisely the same, the current application is for full planning permission and not for approval of reserved matters. Consequently there is no direct linkage with the terms of the outline planning permission, although the applicants have indicated in the various documents submitted with this application that they have sought to comply with its requirements.

## **THE PROPOSAL**

6. In addition to the submitted drawings a Traffic Assessment, Retail Impact Assessment, Habitat Assessment, Tree Survey, Flood Risk Assessment and a Design Statement accompanied the application. The difference in level between Grampian Road and the AHR site has been the applicant's principle influence in developing the form of the scheme.
7. The detail of the design for this development has changed since the original submission following discussion between the applicant's agents and CNPA officers and with input from reviews by an Architecture + Design Scotland (A+DS) panel.

### **The Original Submission (Appendix 2)**

8. The original submission in October 2006 incorporated the applicants' responses to the A+DS comments on the indicative scheme lodged with the outline application. The site was effectively dealt with in two equal parts separated by the access road from Grampian Road to Laurel Bank/AHR.
9. To the north, a pedestrian concourse is proposed with access to five retail units (total 39000 sqft) serviced by a concealed road to the west with a turn-round at the north end of the site. This is all accommodated underneath a new deck that is level with and accessed from the road on the eastern boundary of the AHR site. This deck area will accommodate a car park for 216 vehicles, constructed of permeable material, with a reservoir beneath as part of the SUDS system and car bays defined by trees in planters to provide screening with balustrades planters on the perimeters. This element of the scheme will have a 4.5m high frontage to Grampian Road reducing by a metre as that road rises to the north. The concourse will be set back from the edge of the existing pavement and will be enclosed by a colonnade and folding glass screens to give security/weather protection, but allow for retraction in fine weather. The area between the building and the burn to the north will be landscaped and include a pool and a through footpath from Grampian Road to AHR to the east.
10. The access road to Laurel Bank is retained and enhanced as part of the proposal to give access to upper levels of the development and AHR from Grampian Road.

11. To the south of this access, the height of the deck is increased to 6m by excavating to 1.5m below Grampian Road and car parking on two levels inserted below. This allows for 170 vehicles on a mezzanine level and 175 vehicles at the lower level. The applicants acknowledge that this creates a façade to Grampian Road that is alien to Aviemore and it is proposed to overclad by a variety of means and landscape on the frontage to break up its repetitive nature.
12. The access to this car parking and servicing for the northern element of the development will be created by ramping down the existing access from Grampian Road immediately adjoining and to the south of the Edwardian terrace of shops.
13. On this element of the deck, level with AHR, it is proposed to provide a single-storey retail winter garden to provide to provide a 43000sq ft retail unit with a double-curved glass and metal roof and wall clad in metal or glass panels dependent on location. This unit will be accessed from the decked car park to the north and the ramped access from Grampian Road. The service yard will be to the south of the unit and accessed from the AHR site.
14. The development involves the removal of the Scout hall, the bungalow Meall Buidhe, and the Victorian villa Laurel Bank. It was a condition of the outline planning permission that consideration be given to the retention of Laurel Bank as part of any detailed proposal for the site. In the Design Statement accompanying the application there is reference to this and the applicants' reasons for not being able to retain the building. The reasons given include its relatively poor condition, unsympathetic extension, non-listed status, better examples nearby on Grampian Road, its central position on the site, and the fact that the scheme is dependent on capitalising on the difference in level between Grampian Road and the AHR site.

### **Revised Submission (Appendix 3)**

15. The original submission was considered at an A+DS Design Review Panel in February 2007 and was the subject of some criticism. A+DS acknowledged that there had been some minor alterations in response to their previous comments at the outline stage, but stated that they did not go far enough and a fundamental reworking was required. Over the next few months CNPA officers discussed with the applicants the potential for addressing various concerns and in October 2007 a revised scheme was submitted.
16. The original ethos remains with the northern element consisting of five retail units with a car parking deck over and the southern element predominantly consisting of car parking with a deck and single large retail unit over. There have, however, been significant changes with particular regard to specific comments made by A+DS and others:

- Reduction in the datum of grade to reduce the height of the development relative to Grampian Road.
- The northern part of the development has been pulled southwards and the facades fragmented to address concerns at the transition from Grampian Road to Milton Burn.
- The additional enhancement of the area by the burn for landscaping and the footpath link as a result of the above.
- The level of car parking has been reduced to 191 spaces on the northern upper deck and 229 spaces over 3 levels below deck to the south.
- Enhanced planting/screening on the deck level car park.
- Replacement of the glass winter garden roof over the supermarket with a curving wave form green roof over the bulk of the building rising from Grampian Road to AHR.
- A lower zinc clad pitched roof for the element of the building closest to the Edwardian terrace of shops.
- The previous “dead frontage” of the car park to Grampian Road now contains an additional five small retail units.
- A break is introduced between the mass of the building and the Edwardian terrace of shops with a pedestrian access to car parking flanked by an additional two small retail units at right angles to the terrace.
- The turning circle in the service yard for the large retail unit has been reduced to lessen the impact on the site at Kila to the south and the yard will be screened by patinated copper or woven stainless steel mesh to minimise the bulk, the height spiralling from 3m by AHR to 2.1m behind the Edwardian terrace.
- The access from Grampian Road to AHR/Laurel Bank is enhanced as a public space with planting, seating and lighting. At the eastern end of this access a pedestrian-orientated square is proposed for Grampian Road to link the new shops with the existing ones on the opposite side. The applicants have suggested that this could be done by raising the level of that section of road to that of the pavement and surfacing with high-quality paving materials. A smaller square would be created at the western end at the entrance to the supermarket building.

## DEVELOPMENT PLAN CONTEXT

### National Planning Policy

17. **Scottish Planning Policy 8 Town Centres and Retailing** This focuses on the importance of the town centre and the key issues, particularly retailing that contribute to their economic growth. The policy supports the Scottish Government top priority of growing the economy as well as wider issues related to social justice, transport, health and environment. Retail and leisure provision are fundamental to the concentration of other activities within town centres. These two sectors of the economy are strongly linked, as well as to others such as

culture and tourism. All are key contributors to the Scottish economy and are significant providers of employment.

18. The Government is committed to land use policies that secure vital and viable town centres, which provide economic, social, health and environmental benefits for the wider community. The key policy objectives for town centres are to: promote distinct, competitive places and encourage regeneration, in order to create town centres that are attractive to investors and suited to the generation of new employment opportunities; create a climate that enables all sectors of the community to have access to a wide choice of shopping, leisure and other services and for gaps and deficiencies in provision to be remedied; improve physical quality and sustainability of out town centre environments; support development in existing accessible locations or in locations where accessibility can be improved.
19. The guidance goes on to consider that in rural areas a range of shops and other facilities are provided in small towns, villages and other accessible locations. These locations form an important part of a network as the uses provide vital local community and economic services. Their loss can therefore have a severe impact not only on small settlements but also on the surrounding rural hinterland. As paragraph 9 of **Scottish Planning Policy 15 Planning for Rural Development** indicates planning policy should support the vital role of these centres.
20. The guidance states that planning authorities and developers should adopt a sequential approach to selecting sites for retail and commercial uses, unless guidance within this policy or the development plan provides for particular exception. The principles underlying the sequential approach also apply to proposals to expand, or change the use of existing developments, where the proposals are of a scale or form sufficient to change their role and function. The sequential approach requires that locations are considered in the following order; i) town centre sites; ii) edge of town centre sites; iii) other commercial centres identified in the development plan; iii) out of centre sites in locations that are, or can be made, easily accessible by a choice of modes of transport.
21. In most cases the definition of town centre will include the retail core, which consists of the primary and secondary retail areas. Where development for town centre uses is proposed within a town centre assessment of its impact on the viability of similar uses in that centre will not be necessary.
22. All retail, leisure and related developments are required to provide a high degree of accessibility, by a range of models including public transport. They should be located close to existing access networks that have potential to accommodate higher density development, or where accessibility can be improved by developer or public funding.

23. Para 27 of the Guidance considers that It is essential that town centres provide a high quality inclusive and safe environment if they are to remain attractive and competitive. Well –designed public spaces and buildings which are fit for purpose, comfortable, safe, attractive, accessible, energy efficient and durable can improve the health, vitality and economic potential of town centres. The Scottish Government attaches priority to securing high design standards in all new development and development plan policies. The design of all proposals, including landscaping, parking provision and changes to the public realm, streetscape and open space should take account of the local environment. Designs which fail to integrate the development with its surroundings, because of scale, materials and appearance and those which fail to create effective links with the surrounding urban fabric, should be refused planning permission.
24. **Scottish Planning Policy 17 Planning for Transport (SPP17)** notes that an approach to integrated land use and transport planning should be prioritised according to the following principles, walking, then cycling, followed by public transport and then cars. Under walking the guidance notes that new development should be accessible on foot, both in internal layout and in external connections.
25. **SPP20 Role of Architecture and Design Scotland** The Scottish Government has attached increased importance to design and quality of place over the last few years through policy statements such as *A Policy for Architecture and Designing Places*. SPP20 reinforced this by introducing the new body Architecture and Design Scotland (A&DS) to champion excellence in architecture and the built environment. Guidance is given on the supportive role that A&DS will offer to all involved in the development process as well as the circumstances and manner in which they can give advice. There is reference in SPP20 to **Planning Advice Note (PAN) 68 Design Statements**, a mechanism that enables the applicant to explain in a structured format why a selected design solution is the most suitable in the circumstances.

### **Cairngorms National Park Plan 2007**

26. In terms of the 25 year outcomes of particular relevance are those relating to safeguarding built heritage with new buildings complementing/enhancing their setting, and the Park as an economic asset to the wider regional economy.
27. Relevant Strategic Objectives are those relating to maintenance and enhancement of distinctive landscapes, development complementing landscape/settlement character, focus settlement growth in main settlements, and create conditions conducive to business growth and investment consistent with the Park's special qualities.

### Highland Structure Plan 2001

28. **Policy R1 (Shopping Hierarchy)** states that development proposals which consolidate the shopping hierarchy and enhance the role of individual settlements as shopping centres will be supported. **Policy R2 (Every Day Shopping Needs)** states that development which safeguards and enhances the local provision of facilities to meet everyday needs will be encouraged, and proposals which potentially undermine such provision will not normally be permitted. **Policy R4 (Major Foodstores)** states that in small towns foodstore provision will normally be located within town centres and where they are adjudged to pose a potential risk to the vitality and viability of local services, the development will not normally be permitted. **Policy R5 (Town Centre Shopping)** states that retail development in town centres will generally be encouraged and proposals which are adjudged to undermine the vitality and viability of existing town centres will be resisted. **Policy G2 (Design for Sustainability)** states that developments will be assessed on the extent to which they meet a range of sustainability criteria. **Policy G3 (Impact Assessments)** states that where environmental and/or socio-economic impacts are likely to be significant by virtue of nature, size or location then the appropriate impact assessments will be required from developers. **Policy G4 (Community Benefit and Commitment)** states that the Council will expect developments to benefit the local community and contribute to the wellbeing of the Highlands, whilst recognising wider national interests. **Policy TC9 (Car Parking)** requires car parking provision to be carried out in accordance with the council's standards.

### Badenoch and Strathspey Local Plan 1997

29. The principles of the Aviemore section of the **Badenoch and Strathspey Local Plan** seek to strengthen the village as a major shopping and service centre and to promote the economic renaissance of the village. The site is allocated on the Proposals Map of the **Badenoch and Strathspey Local Plan** for commerce and tourism (this effectively includes retail uses) with part of Sunnylea identified as car parking and including of a strip of recreation/open space and a footpath by the burn. **Policy 6.2.8** refers to the allocation of land for shopping, office and tourist uses and states that schemes should retain existing buildings where these are deemed to make a significant contribution to the local townscape. It goes on to state that greater compactness and consolidation of Aviemore's commercial core is a design priority and encouragement will be given to increasing the density of the built form, infilling vacant/underused sites, redevelopment and facelift of properties to achieve extensive upgrading of the environment. **Policy 6.4.3** encourages environmental improvement and enhancement of Grampian Road. **Policy 4.4** allocates land at, *inter alia*, Sunnylea for car parking with reference to a landscaped walkway and possibly some built development

### Aviemore Masterplan 1997

30. This document was adopted by the Highland Council in 1997 as supplementary planning policy deriving from the then recently adopted Badenoch and Strathspey Local Plan. The thrust behind the Masterplan was to integrate the current AHR site with the centre of the village by taking the focus to the west away from Grampian Road. The Masterplan proposed the relocation of the village green from the north of Cairngorm Hotel to land within the resort and the area on the west of the current application site to be developed with shopping and a visitor attraction all orientated towards the centre to the west. Strong pedestrian and vehicle links were shown between Grampian Road and the centre through the application site. There was an intent to take much of the traffic off Grampian Road and through the AHR site.

### CONSULTATIONS

31. **Scottish Natural Heritage** has commented that the site is adjacent to the Milton Burn which immediately downstream from the site is designated as part of the River Spey SAC. The proposal has potential to have significant impact on the qualifying interests of the site, including salmon and otter, but this can be avoided if work is undertaken strictly in accordance with a number of conditions. In earlier comments **SNH** had made reference to bats, but these were not repeated in later comments and clarification is being sought at the time of writing. **SNH** supports the provision of a footpath alongside the burn linking Grampian Road with AHR. **SNH** commented on landscape aspects of the original submission and drew attention to the landscape context, the aspirations of the Aviemore Masterplan and the need for high standard of design.
32. **Scottish Environmental Protection Agency** has commented on SUDS and Flood Risk aspects of the application and has had a dialogue with the applicant on these issues. **SEPA** request that a number of conditions and regulatory advice for the applicant are attached to any grant of planning permission. **SEPA** has been seeking clarification of whether works relating to improvements to the riverside will require to be regulated by it under the Water Environment (Controlled Activities) (Scotland) Regulations 2005 (CAR). The applicant has submitted details and **SEPA** has confirmed that this is acceptable subject to a condition.
33. **Scottish Water** does not object to the application as their is currently adequate water supply and sewerage capacity, but, as with other recent applications in the vicinity, there may be network issues and it cannot guarantee a connection to **Scottish Water** infrastructure until a satisfactory solution is identified by the developer.
34. **The Highland Council contaminated land officer** has no comment.

35. **The Highland Council Head of Planning and Building Standards** commenting on the original submission has no objections from a policy perspective and acknowledges that attempts have been made to integrate the development into the surrounding area and to minimise its visual impact. Perhaps the impact of the continuous frontage to Grampian Road could be minimised by integration of design features. It is not felt that the development will detrimentally affect the setting of Cairngorm Hotel and the railway station listed buildings. It is regretted that Laurel Bank is to be lost. In light of all these comments the Highland Council offers no objection.
36. **The Highland Council Forestry Officer** points out that some of the trees lie within or adjacent to the AHR TPO but in the wider context of the development it is accepted that these trees will be lost.
37. **The Highland Council Area Roads Manager** has been involved in discussions with the applicant since the outline application. It is understood that the current position is that there are no issues of principle with the proposal, but several matters of detail.
- Access to the supermarket service yard and above deck parking is from a road within AHR and this road will require to be brought up to an adoptable standard before the applicants could use it for this purpose.
  - It has to be demonstrated that adequate forward visibility will be available on the access road leading to the lower parking areas/service area and that a car and larger service vehicle will be able to safely pass at any point on the road.
  - Clarification is required of vehicular access to the rear of the existing Grampian Road shops.
  - The structural and engineering works required at the interface of the development and the AHR access road are still not clear.
  - The developer shall liaise with the Council's public Transport Officer regarding implications for local transport services. The developer shall contribute financially or in kind towards any improvements to local services deemed necessary.
  - Parking provision falls well short of maximum parking standards. In lieu of this Highland Council will accept a commuted sum equivalent to £2500 for every parking space less than the national maximum standard.
  - Cycle parking and parent and child parking should also be included and this may further reduce parking spaces and increase the commuted sum. Cycle parking should be covered and the racks should be "Sheffield" type or similar.
  - It is noted that the road/footpath north of the existing supermarket is to be replaced by a pedestrian link that is stepped and will therefore no longer be suitable for all abilities.
  - Subject to approval of SEPA on the findings of the Flood Risk Assessment there is no objection to drainage and flood alleviation measures.

- Should planning permission be granted, detailed programmes and method statements shall be submitted for approval of the planning authority in consultation with the roads authority prior to the start of any demolition or construction works at the site.
38. **Cairngorms Chamber of Commerce** commenting on the original submission state that the design is modern and futuristic, the design will be a significant improvement generally to the main street, the new building does not appear to dwarf the retail units opposite although this is difficult to judge from the drawings, the parking provision will help ease the current shortage, servicing at the rear and top layer of parking are good design, access to the AHR ring road will help ease traffic on the main street, the increase in population will benefit from more retail, the right mix of retail is needed to benefit people to shop locally whereas at present much goes to Inverness, the proposal provides for suitable use of land part of which is currently an eyesore. Commenting on the revised submission the **CCC** stated that it supports the application.
39. **Aviemore Community Council** commenting on the original submission states that it feels quite comfortable with the plans and asks that provision is made for the linear Path project to be included as this would improve the lives of residents at the north end of the village who could walk to the shops away from the busy Grampian Road. **ACC** also discussed the possibility of having two supermarkets in the same area of the village and is apprehensive at the consequences should one fail and leave a large empty retail space, although excited about the rewards of fierce competition. **ACC** commented on the revised submission with queries relating to need for clarity on the access issues and the length of building time for the project. The consensus of **ACC** was that this vastly improved innovative design could serve the needs of residents and visitors to Aviemore.  
**(Appendix 4)**
40. **Architecture + Design Scotland** reviewed the preliminary designs that accompanied the outline application in November 2005. It reviewed the original submission in February 2007 and the revised submission at a Design Review Meeting in Aviemore in November 2007. In **A+DS's** report of November 2005 there were concerns at the indicative design in terms of scale and mass, impact on townscape, the qualitative experience at street level, site permeability, respect for existing building stock/settlement patters, and lack of any meaningful notion of creating a quality public realm. **A+DS** encouraged a fundamental reworking to achieve a design suitable for a National Park. In considering the original submission in February 2007 **A+DS** recognised that certain aspects of the design had been altered in response to its original concerns, but it had not significantly improved and fundamental reworking was still required. Following this review the applicants spent some time revising the scheme in light of the **A+DS** comments. **A+DS** reviewed the revised scheme in November 2007

and acknowledged that aspects of the design have altered in response to original concerns. **A+DS** support the reduction in car parking numbers, the activation of the ground floor along Grampian Road and improvements made in relation to the space bordering the burn.

41. However, **A+DS** has concerns at both macro and micro levels, and continue to question whether the design is of an appropriate standard for a National Park. **A+DS** is concerned at macro level that the design has been produced in isolation of a new masterplan that has been commissioned for Aviemore. It recommends that the project team, and everyone involved with this project, liaise with the appointed masterplanners to ensure that the design is as good as it can be to implement strategic ambitions for the wider area.
42. **A+DS** encourages collaboration and 'joined up thinking' to ensure a positive interface with, and activated frontage along, neighbouring properties, and in particular the boundary with the Aviemore Highland Resort. At micro level consideration should be given to how the sense of containment is maintained along the length of Grampian Road. This is weak where the decreasing height of development is considered against the rising street level. **A+DS** also continues to have concerns about the extent of overshadowing resulting from overhangs in this area. It suggests that the impact of traffic movements, both to and from Grampian Road, and at the upper road, will be detrimental to the pedestrian enjoyment of these areas and to neighbouring properties. We are particularly concerned at the impact of car and servicing movements on the village green and adjacent 'social housing', and would wish to see further detail of any remedial works that might be proposed to reduce the visual and noise impact of vehicles. **A+DS** suggests that a number of detailed design considerations would benefit from further development including:
- how the rear of the Edwardian shops is serviced;
  - how the block facing towards the Edwardian shops and village green is resolved, and articulated at Grampian Road;
  - how the two storey retail units might continue (north) for the full length of the street frontage to Grampian Road;
  - how the public space along the burn is further developed;
  - how the elevation facing the Aviemore Highland Resort is activated as a frontage;
  - the viability and appropriateness of the village green site for social housing, and how this is accessed;
  - consistency of materials and detailing across the design, and how these integrate with the wider area;
  - the detail of the roof over the supermarket / retail area; and,
  - explanation as to how the 'underground' servicing and car park areas are ventilated, and how this impacts on the design.

43. **A+DS** in its conclusion restates the concerns highlighted above and states its support for the ambition to regenerate and integrate retailing and other uses in a revitalised town centre. It welcomes the significant improvements made, and the willingness to involve A+DS in the development of the design. **A+DS** wishes to be consulted on any further amended design, and to be informed at the earliest possible opportunity should the planning authority be minded to recommend approval of a design that does not address our concerns.
44. **CNPA Economic & Social Development Group** wishes to leave advice on the impact of the additional retail capacity to the assessment by the specialist planning consultant retained by CNPA.
45. **CNPA Visitor Services and Recreation Group** wish Laurel bank Lane to be retained as an important link route from the town centre into the main resort for pedestrian access. A multi-user access route alongside the burn would be a positive addition and one that they would strongly encourage, There should be provision for cycle storage/locking facilities close to the entrance to the retail centre.
46. **CNPA Natural Heritage and Land Management Group** had a number of concerns in relation to the original submission, namely: relationship of the design with its surroundings and appropriateness in a village setting, the lack of active frontage on the car park wall to Grampian Road, vegetation to decked car park insignificant, insufficient consideration of the burn side, more detail needed of how trees will be established on the parking deck, reflectivity of roof materials and expansive car park significant when viewed from a distance. There was concern that the change in character of the site will be dramatic and the existing feeling of village/holiday resort replaced by something more urban. In commenting on the revised submission **NHLMG** acknowledged improvements in the scheme, namely: the basic palette of materials is good and reflects in part the new development by the station, the green roof to the supermarket is a much better solution, the profile of the supermarket roof will allow more visibility of the mountains, articulation and use of shops on road frontage makes a much better active frontage, extension of the footway surface across Grampian Road will improve connectivity of the development and help it integrate into the existing street scene, there is clearer division between the two units in the development that will help reduce the appearance of a single massive building. **NHLMG** consider the heavy overhang in front of the retail units is still too dominant, further improvements are needed to the planting concept on the car park deck, more use of local species is needed, a more naturalistic approach is needed to the area by the burn, a sedum roof is not the most appropriate and indigenous vegetation should be considered, and the single frontage could be broken up more to provide courtyards/intimate spaces. Overall **NHLMG** consider further improvements are needed in the architectural form and landscape strategy.

## REPRESENTATIONS

47. A letter of objection is attached from Paul and Williamson on behalf of Aviemore Highland Resort Limited (**Appendix 4**). AHR object on the following grounds:
- The proposal is fundamentally flawed.
  - The plans indicate access off a “Ring Road” to the west of the site. This is a private road owned and operated by AHR and the applicants have no right to take access to it.
  - AHR own the strip of land to the north of the proposed store.
  - AHR have no intention of granting the applicants access across land owned by them.
  - Any consent granted will be ineffective since the applicants will not be able to implement it.
  - The application should be refused.
  - The applicants have not served notice on AHR either as a neighbouring occupier or as the owner of land to which the application relates.
48. Tesco Stores Limited has submitted a representation (**Appendix 4**). They are not formally objecting, but wish it to be noted that they are not working on the application with the applicant or agent and have no plans to implement the planning permission should it be granted.

## APPRAISAL

49. The Highland Council Structure Plan, the Badenoch and Strathspey Local Plan and the Aviemore Masterplan all support the principle of retail development in this location and led to the decision to grant outline planning permission in 2006 for an unspecified level of retail use. The detail of the submitted scheme now has to be assessed against the same documents, as well as relevant National Planning Policy, in terms of the design solution, the level of retail provision and the traffic impact.

### Level of Retail Provision

50. Under the guidance of SPP8 Town Centres and Retailing consideration must be given to what is known as the sequential test. This requires that developers illustrate that their proposals meet the test by showing that there are no town centre sites available where the use proposed can be accommodated. On 14 December 2007 the CNPA resolved to approve applications for reserved matters and outline planning permission for supermarkets on a site at its closest less than 100 metres from this site. It was accepted that the AHR site was a town centre site and it is considered that this site also is a town centre site. The sequential test is not considered relevant to this proposal, just as it was not considered relevant to that on the AHR site. This is a town centre site for the purposes of Scottish Planning Policy.

51. CNPA engaged the services of a retail planning consultant to assist with the assessment of this element of the proposal. The summarised version of his conclusions is as follows:

- i) The assessment prepared by RPS for the Laurel Grant Partnership (LGP) considers the impact of a foodstore of 4,181 sq m gross and a further 3,252 sq m gross of floorspace selling comparison goods.

**Convenience Floorspace: Proposed Foodstore**

- ii) There are some points of concern about the assessment that relate to the proposed foodstore. In particular, the assessment is based on the assumption that two large foodstores of around 4,000 sq m gross could trade in Aviemore, assuming that the proposal for a foodstore on the Aviemore Highland Resort (AHR) site went ahead. Given the volume of expenditure on convenience goods in Strathspey and Badenoch, even allowing for expenditure by tourists, this seems an unlikely scenario. Secondly, the assessment does not disaggregate the turnover in the proposed store between convenience sales and comparison sales. As a result, the estimated convenience turnover of the store is unduly high.
- iii) Proposals for the provision of additional convenience floorspace in Strathspey and Badenoch need to be considered in the context of existing shopping patterns. The data from the Cairngorms National Park Transport Audit (Colin Buchanan, 2006) indicates that around 37% of convenience expenditure is lost to larger foodstores in Elgin and Inverness. Taking account of the leakage and the overall volume of convenience expenditure in the catchment, there is justification for the provision of a larger foodstore in Aviemore. Such a store would be more convenient for local residents and would reduce the need to travel outwith the catchment for main food shopping. In turn, this would convey environmental and transportation benefits.
- iv) There is no dispute with the general conclusion in the RPS assessment that the local convenience goods stores would not suffer an unduly high level of impact with the opening of a new foodstore. This reflects the volume of expenditure in the catchment and the ability of a larger foodstore to capture leakage. This conclusion must be tempered by the fact that small traders are continuing to close throughout Scotland as a consequence of strong competition from the major food retailers. The larger foodstores have a significant advantage in terms of the convenience of one-stop shopping and low prices.

### **Comparison Shopping**

- v) It is more difficult to ascertain what the effects of additional comparison floorspace will be because the data in the Transport Audit is insufficiently detailed as to give a clear picture of existing shopping patterns. A comparison of expenditure and turnover suggests that as much as three-quarters of comparison expenditure is lost to centres outwith the catchment. The extent to which the additional floorspace can capture leakage will depend on the types of goods being sold. For example, speciality/tourist retailing would have less of an effect on leakage than mainstream retailing focused on clothing, shoes and household goods. Non-food floorspace in a large foodstore would stock goods in the latter categories and as such would help to stem the leakage of non-food expenditure from the catchment. The provision of additional comparison retailing is not regarded as a sensitive issue.
52. Although the assumption by the applicants that Aviemore can support two large foodstores may be questioned, there is no dispute that a larger store is justified. Given that sequentially the AHR site and this site are both town centre locations there can be no preference between the sites. Both sites effectively had existing stores, Tesco in this instance, and an extant planning permission for AHR. The decisions on 14 and 28 December reinforce the latter. As was made clear at the meeting on 14 December, the market will determine which planning permissions are implemented and operators would not develop a site if it were not going to generate sufficient turnover. The consultant also considers that impact on existing local convenience goods stores will not be unduly high and comparison retailing is not an issue. Overall the retail impact of the proposal is considered to be acceptable, and the precise split between convenience and comparison can be dealt with by a condition should other aspects of the proposal prove to be satisfactory.

### **Traffic Issues**

53. For this level of development to be accommodated on the site the Area Roads Manager requires access to the development to be taken from both Grampian Road and Aviemore Highland Resort. The scheme has been developed and submitted within this context and a suspensive condition would be required if the application is approved to the effect that no development can take place until such time as arrangements are in place to provide the necessary access from AHR.
54. Although there is a reduction in the amount of car parking there is still a significant level of provision and the Area Roads Manager is content to accept a commuted sum in lieu. This will either require a Section 75 Agreement or the amount to be paid to Highland Council prior to the issue of any planning permission.

55. There is no issue with the principle of the development, but there are matters of detail that can be accommodated by condition and/or revised drawings. The particular point regarding the stepped access on "Laurel Bank Lane" has been resolved as the applicant has confirmed it is both stepped and ramped thereby giving access to all abilities.

### Issues Arising From Representations

56. The letter from Tesco clearly states that it is not an objection. However, having been received, it is a representation and has therefore been included within this report. The application is for development of a certain level of retail floorspace: the occupier it is not a planning issue.
57. The letter from Paul and Williamsons on behalf of AHR is an objection to the development. It raises a procedural point regarding correct service of statutory notices at the time of application particularly as AHR own "Laurel Bank Lane". The applicant is adamant that this was done, but the application form did not state that notice had been served on AHR as an owner. This has now been rectified and the applicant has served the appropriate notice and submitted a revised form.
58. AHR state that they are unwilling to grant access over their land. The applicants maintain that they have a strategy for being able to achieve access. Whether or not to grant planning permission with a suspensive condition is a matter for the CNPA as Planning Authority. Any subsequent discussion/negotiation would then be a matter for the relevant parties.

### Retention of Laurel Bank

59. At the time of the previous application there was a general desire for the Victorian villa known as Laurel Bank to be retained as part of any development if this was at all possible. The reasons given by the applicant for not being able to do this have been given earlier in the report. There is no attempt to say that the building is structurally unsound, but rather that its location on the site, non-listed status and existence of better examples elsewhere on Grampian Road do not merit its retention in the context of the proposal applied for. It is clear that Laurel Bank could not be retained without a complete re-think of the design concept and level of development that could be accommodated on this site. Other traditional buildings have already been removed to allow for existing development in the village centre. Relevant policy is found in **Policy 6.2.8** of the **Badenoch and Strathspey Local Plan** which refers to the allocation of land for shopping, office and tourist uses and states that **schemes should retain existing buildings where these are deemed to make a significant contribution to the local townscape**. The proposal fits with the allocation of land for shopping in this policy, so the determining

consideration is whether Laurel Bank makes a significant contribution to the local townscape sufficient to merit a refusal of planning permission. If the building made a significant contribution in terms of architectural heritage it is likely that it would have listed status. Whilst it may be desirable to see it retained it is considered that this cannot be insisted on in this instance given other policy considerations. What is important is that any new building on the site has to be of a high quality.

### **Sustainability**

60. The applicant has submitted a Sustainability Statement (**Appendix 5**). Whilst this is confirmation that thought has been given to a range of sustainability issues the detailed implementation will have to be the subject of conditions if planning permission is granted.

### **Natural Heritage Issues**

61. These all relate to the area in and around the Milton Burn. SNH and SEPA have requested a number of conditions to protect relevant interests and these will be attached to any planning permission. There is a specific issue in relation to bats outstanding as indicated earlier in this report and the position of SNH on this will be advised at the meeting as proper account has to be taken of the provision for bats in the Habitats Regulations

### **Design Issues**

62. The design concept has been the subject of considerable comment and discussion since the indicative proposals were submitted at outline stage. Much of the discussion has been in respect of the apparent scale of the development and the fact that there is nothing comparable within Aviemore or indeed within the Park. It is important that the scheme is looked at within the context of its surroundings, particularly the topography and the significant difference in level between Grampian Road and AHR, and, to a lesser extent, the rise in Grampian Road to the north as the site falls towards the burn.
63. In terms of height the southern end of the development is seen against the backdrop of the Academy Hotel to the west and is lower than that building in both the original and revised submissions. Notwithstanding that, there was a concern that the proposed glass roof was unduly dominant, both in the context of Grampian Road and when viewed from higher ground outside the village. There is consensus that the revised roof form is an improvement and it is considered that the curved green roof addresses this concern both in terms of appearance and proportions.

64. The relationship with the Edwardian terrace of shops to the south was a concern and the revised proposal has introduced a clear break in form so that there is a transition in height between new and old. Pedestrian access to car parking from Grampian Road had been an issue and in dealing with it the applicants have introduced 2 additional units at right angles to the Edwardian terrace. The Grampian Road elevation of this element still requires some fine-tuning.
65. A very significant concern on the original scheme had been the long non-active elevation to Grampian Road in the southern element of the development with only the decked car parking behind. The revised scheme introduces a number of small retail units on this frontage. This has resulted in the significant loss of car parking spaces, as has the improvement to the edges of the north deck parking. Although of some concern to the Highland Council Area Roads Manager, there is a general welcome from other parties as it was felt that the form of the scheme was in part being driven by the need to meet certain parking standards.
66. The service yard to the south of the supermarket is level with the road on the AHR perimeter. The appearance of this when viewed from the village green and any housing developed on the adjoining Kila site has been a concern. It is considered that the measures proposed by the applicant in terms of minimising the size of area required and the careful attention to detail on the boundary treatment are the best that can be achieved. The view from Grampian Road will be an oblique one and partially screened by existing mature trees. If permission is granted for this proposal the detail of the relationship with proposed housing will be considered in the context of that application – the applicant being the same.
67. The scheme has always included the retention of “Laurel Bank Lane” as a link between Grampian Road and AHR. This is in line with the intent of the Aviemore Master Plan. It was felt that there was potential to make more of this link as a public space and the revised submission has done this, both in terms of the route itself and also by creating a small square by the supermarket entrance and a larger one on Grampian Road. The latter would require collaboration with the Highland Council Area Roads Manager who has indicated that he is supportive of the idea and is willing to work with the applicant on it.
68. It had always been the applicant’s intention to landscape the area by the burn and to provide a footpath link to AHR. The revised submission pulls the development further away from the burn and the elevations of the small retail units have been altered to improve the transition from Grampian Road to the burn.

69. It is accepted by A+DS and CNPA staff that there have been significant improvements to the design of this scheme since the original submission. A+DS wish to see further substantial changes to the design as they still consider the development does not integrate sufficiently well with the wider context of central Aviemore and that at micro level there are a number of detailed issues in the design that still require resolution.
70. The existing Aviemore Masterplan provides the context for development of the central area of the village. The intention was to provide a new village green immediately to the west of this application site as a focus for development of the surrounding sites. It was proposed to have a network of roughly parallel streets consisting of Grampian Road, the existing AHR eastern ring road, the proposed North-South link through AHR and the existing western loop in the AHR site. The links from Grampian Road to AHR were to be strengthened with the south access to AHR augmented with one at the northern end, and enhanced "Laurel Bank Lane", a path by the burn and another route via Kila to the north of the Cairngorm Hotel. The current application site was intended to accommodate car parking accessed off Grampian Road and retail development to the AHR frontage.
71. Developments within AHR over the years have resulted in some divergence from this original concept and the work currently being carried out by Land Use Consultants on a revised Masterplan will in due course provide an up to date document that reflects current circumstances. Looking at this application in the context of the existing Masterplan some aspects fit better than others. The use of the lane as a public space between the two elements of the development and linking Grampian Road and AHR is in accordance as is the link by the burn and the use of that feature as public domain. The development will provide substantial public car parking although not in the same form as the Masterplan. There will be retail frontage onto the AHR site as the proposed supermarket will abut it, but at present this is not active frontage. If this application is approved the applicants will have to submit revised drawings to take this on board. Overall, there is mixed compliance with the detail of the Masterplan, but it is considered that there is sufficient adherence to the founding principle of allowing for integration between the existing centre and AHR. It is therefore felt that with relatively modest revisions to the design the "macro context" of the proposal is acceptable despite the comments of A+DS.
72. The detail of the design has improved significantly since the original submission. The A+DS Panel that met in Aviemore in November acknowledged this in the discussion with the applicant's architect and was supportive of many of the changes that had been made, whilst suggesting further improvements to the scheme. The resulting report gives a more negative assessment than was conveyed at the meeting of the Panel. Some matters such as the precise use of materials in different parts of the development and the detail of the public space by

the burn can be dealt with by condition. Issues such as servicing to the rear of the Edwardian terrace of shops and the fine detail of the element of the new development to the north of this building require further drawings to be submitted. A+DS considered that there should be 2 storey retail units for the full length of the frontage on to Grampian Road. At present the proposed retail development in the north is single storey with car parking on the deck above and the relative height reduces as Grampian Road rises. A+DS consider that this would give a sense of enclosure to Grampian Road, but the contrary view could be taken that minimising the height here maintains views to the mountains to the west and contributes to integration with AHR. The applicants have already prepared a sketch scheme showing some 2 storey development as suggested by A+DS, but it is considered that the design is more successful without it and it is felt that this is one aspect where revised drawings should not be required if the application is approved. Concerns at overshadowing from the overhangs in this area can, however, be addressed.

### **Conclusion**

73. The level of retail provision can be justified. Any outstanding issues relating to highways can be resolved by condition and Section 75 Agreement. The loss of Laurel Bank is considered to be justified within the wider context and the opportunity to achieve a successful comprehensive redevelopment of the area. Notwithstanding concerns from A+DS, it is considered that the design makes imaginative use of the site and, subject to revised drawings to cover relatively minor considerations, can deliver a high quality contemporary development in the centre of the largest settlement within the Park. Careful attention to detail in the execution of a development of this scale and nature is essential and appropriate conditions will be required.
74. In policy terms it is considered that there is compliance with the provisions of the Highland Council Structure Plan and the Badenoch and Strathspey Local Plan. As has been stated there is mixed compliance with the Aviemore Masterplan, but this is also the case with other recent significant developments and there is an opportunity for the forthcoming revised Masterplan to take account of and build on this development and other recent decisions. Given the length of time since this application was submitted, it is not felt proper to delay a decision on it until after the revised Masterplan has been produced. There is not considered to be any conflict between the proposal and the aspirations in the National Park Plan.
75. There is the issue of whether any planning permission can be implemented in light of the objection from the adjoining land owner regarding access. As the land is outside the control of the applicant it is not possible to condition that works are carried out for upgrading of access etc. There is a requirement in a condition to be attached to the AHR Masterplan permission application (07/445/CP) that a road shall

be constructed to up to the eastern boundary of the site to allow for future connection to adjoining development sites on Grampian Road. Advice from the CNPA solicitor is that it is appropriate to use a suspensive condition if there is a prospect of compliance being achievable, if not there is the option to refuse planning permission. The applicants are aware of the AHR objection and are adamant that they have a strategy to secure access and their solicitor has indicated that they are prepared to accept a suspensive condition. AHR will in implementing a masterplan permission have to ensure a road is available to allow for access to this site. The detail of how this can physically be achieved will be dependent on dialogue between the two parties. It is therefore proposed to recommend an appropriately worded suspensive condition.

76. In conclusion, it is recommended that planning permission is granted subject to satisfactory clarification of the position regarding bats on the site, receipt of revised drawings to address outstanding design issues, a Section 75 Agreement for the commuted sum in lieu of car parking, and a number of conditions to take account various matters raised in this report.

## **IMPLICATIONS FOR THE AIMS OF THE NATIONAL PARK**

### **Conserve and Enhance the Natural and Cultural Heritage of the Area**

77. There is an obvious loss to cultural heritage of the area with the removal of Laurel Bank. The development will provide an opportunity to enhance the natural heritage in the vicinity of the burn in particular. Overall it is considered that a well-executed development of this type can contribute positively to this aim.

### **Promote Sustainable Use of Natural Resources**

78. Whilst there will be some use of local materials and opportunities for energy and water conservation, a building of this character and scale will not overall contribute positively to this aim. Location next to the local transport interchange and proximity of residential areas mean that there is potential for less use of the private car, although the development does still offer a considerable amount of parking. There is the prospect of fewer vehicle journeys to Inverness etc. Conditions can make it more sustainable in use of resources than might otherwise have been the case.

### **Promote Understanding and Enjoyment**

79. The development as a whole will not contribute a lot to this aim, but reinforcement of routes through the site and the creation of public space by the burn are positive aspects.

## **Promote Sustainable Economic and Social Development**

80. The development will offer increased choice and shopping opportunities that do not currently exist within the area. There is the prospect of some additional employment and, in the case of the smaller retail units, opportunities for new local businesses. In tandem with other developments in the village it has potential to enhance the role of Aviemore within the region. It is considered that the proposal will contribute positively to this aim.

## **RECOMMENDATION**

81. That Members of the Committee support a recommendation to:

**GRANT Full Planning Permission for Development of Retail Facilities with Associated Car Parking and Servicing : Land North of Cairngorm Hotel, Grampian Road, Aviemore subject to:**

- a) **Clarification of the need for any additional bats survey and consequent measures to be incorporated in the development.**
- b) **Receipt of satisfactory revised drawings providing active frontage to the AHR elevation of the supermarket, clarification of the relationship with the Edwardian terrace of shops and servicing to those shops, reduction of the overhang on the Grampian Road frontage of the 5 retail units, and resolution of access issues from Grampian Road raised by the Highland Council Area Roads Manager.**
- c) **A Section 75 Agreement to secure the provision of a commuted sum to be agreed by the Highland Council Area Roads Manager in lieu of car parking spaces, such sum to be used for the provision of parking elsewhere within Aviemore and a contribution towards local public transport services to be agreed with the Highland Council Public Transport Officer.**
- d) **The following conditions:**
  1. The development to which this permission relates must be begun within five years from the date of this permission.
  2. No development whatsoever, including removal of existing buildings/structures or trees on the site, shall take place until access to the site from Aviemore Highland Resort for the service yard and above deck parking area is in place in accordance with details to be submitted to and agreed in writing beforehand with the CNPA acting as Planning

Authority in consultation with the Highland Council Area Roads Manager. Such details shall include the contractual arrangements that allow access in perpetuity and the work necessary to ensure that the road from the public highway to the site is to an adoptable standard to the satisfaction of the Highland Council Area Roads Manager.

3. Prior to the commencement of development details indicating the split between convenience and comparison floorspace within the deck level supermarket shall be submitted to and agreed in writing with the CNPA acting as Planning Authority. The agreed split shall be retained thereafter unless otherwise agreed in writing by the CNPA acting as Planning Authority.
4. Prior to the commencement of development detailed working drawings for all external elevations and external surfaces including paths, parking and other open areas, and incorporating a precise specification for the use of all external materials, shall be submitted to and agreed in writing by the CNPA acting as Planning Authority.
5. The development shall be landscaped and maintained in accordance with a scheme which shall be submitted to and approved by the CNPA acting as Planning Authority before development commences. The scheme shall include indications of all existing trees and details of any to be retained, together with measures for their protection in the course of the development. The scheme shall indicate the siting, numbers, species and heights (at the time of planting) of all trees, shrubs and hedges to be planted in the area by the burn (including the extent of any areas of earth mounding), on the above deck car parking area, and in other locations within the development and shall ensure:-
  - (a) Completion of the scheme during the planting season next following the completion of the development, or such other date as may be agreed in writing with the 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 five years of planting, shall be replaced by trees or shrubs of similar size and species to those originally required to be planted.
6. Precise details of the green roof to the supermarket including the type of species and specification for planting and ongoing maintenance shall be submitted to and agreed in writing with the CNPA acting as Planning Authority before development commences.
7. Prior to the commencement of development a Green Travel Plan shall be submitted to and agreed in writing with the CNPA acting as Planning Authority. The plan shall indicate how walking, cycling and use of public transport for both customers and staff shall be promoted by the development. Such details shall include cycle parking, staff showers,

the any bus stop/lay-by and provision of information in store, in relation to public transport in the area as advised by the Highland Council Public Transport Officer. Agreed measures shall be implemented in full within 6 months of the opening of any of the retail units approved unless otherwise agreed in writing by the CNPA acting as Planning Authority.

8. Details of car parking spaces for parent/child and disabled use, including the number, specification and location, shall be submitted to and agreed in writing with the CNPA acting as Planning Authority before development commences.
9. The precise specification for the combined stepped and ramped access on "Laurel Bank Lane" from Grampian Road to AHR, including its permanent availability as a public space, shall be submitted to and agreed in writing with the CNPA acting as Planning Authority before development commences.
10. Prior to the commencement of development, a photographic record shall be made of Laurel Bank in accordance with a specification to be agreed beforehand and this record shall thereafter be submitted for the written agreement of the Cairngorms National Park Authority acting as Planning Authority. A copy shall also be submitted to the Conservation Architect of the Highland Council. No site clearance work shall take place until confirmation in writing has been received from the Cairngorms National Park Authority, in consultation with Highland Council, that the record made has been lodged and is satisfactory.
11. No development or other works, including excavation, and the planting or removal of trees/vegetation, shall take place within 7.5 metres of the Milton Burn unless otherwise agreed in writing by CNPA acting as Planning Authority in consultation with SEPA and SNH.
12. Prior to the commencement of works on site a detailed site specific construction method statement shall be submitted to and agreed in writing by the CNPA acting as Planning Authority in consultation with SEPA. The method statement shall be implemented in full during works on the site. The statement shall address the following issues:
  - Surface water run-off, including measures to prevent erosion, sedimentation or discoloration of controlled waters, shall be provided along with monitoring proposals and contingency plans;
  - Timing of works shall be undertaken to avoid periods of high rainfall;
  - Fuel or chemicals - measures to ensure any fuel chemicals from plant do not cause pollution;
  - Landscaping works - planting shall be undertaken to minimise run-off;

- Waste - all waste streams associated with the works should be identified.
  - Within the method statement particular emphasis shall be placed on how the above measures relate to the Milton Burn adjoining the site.
13. The Surface Water Drainage for the development shall be provided in accordance with the proposals set out in Appendix B of the Halcrow Flood Risk Assessment Report dated 4 July 2007. The final SUDS scheme for any individual phase of the development shall be submitted to and agreed in writing by the CNPA acting as Planning Authority in consultation with SEPA and shall be implemented and operational prior to occupation of any development in that phase in order to prevent pollution of controlled waters
  14. Finished floor levels shall be constructed 500mm above the 1 in 200 year flood level estimate unless otherwise agreed in writing by the CNPA acting as Planning Authority in consultation with SEPA.
  15. Any lighting scheme for the development shall be submitted to and approved by the Planning Authority prior to the first opening of any element of the development. Thereafter, lighting shall be in accordance with the approved scheme unless otherwise agreed by the CNPA acting as Planning Authority.
  16. A pedestrian crossing over Grampian Road at the end of "Laurel Bank Lane" and incorporating revisions to the road level and surface treatment indicated on the submitted drawings shall be provided in accordance with a full specification to be submitted to and agreed in writing with the CNPA acting as Planning Authority in consultation with the Highland Council Area Roads Manager. The crossing shall be in place prior to the first opening of any element of the development unless otherwise agreed in writing by the CNPA acting as Planning Authority.
  17. There shall be no works whatsoever to the Milton Burn unless otherwise agreed in writing by the CNPA acting as Planning Authority in consultation with SEPA and SNH. In particular the burn shall not be channelized, culverted, piped or diverted and there shall be no barriers to the free passage of fish or otter along the burn.
  18. In order to protect otters there shall be no night time working during the construction of the development. Night time is defined as 2 hours before sunrise and 2 hours after sunset, or 8am to 6pm whichever is the longer period. Any operation outwith these hours will require a licence from the Scottish Government.

19. Insofar as it may be within the control of the applicant and any subsequent developer the existing obstructing fence at the west end of the existing "Laurel Bank Lane" to the north of the existing Tesco car park, and connecting Grampian Road with the AHR site, shall be removed prior to the commencement of development unless otherwise agreed in writing by the CNPA acting as Planning Authority.
20. Prior to commencement of the development details shall be submitted to and agreed in writing with the CNPA acting as Planning Authority for the detailed layout and provision of the area by the Milton Burn as a community space. This shall include the precise timescale for its provision and arrangements for ensuring its permanent availability for community use at no cost to the community and the detailed specification for the full length of the footpath through the site. The community space and footpath shall be provided in accordance with the approved details unless otherwise agreed in writing with the CNPA acting as Planning Authority.
21. Notwithstanding the sustainability statement submitted with the application, before development commences a full sustainability report/plan for the development shall be produced by an energy/sustainability consultant to be submitted to and approved in writing by the CNPA acting as Planning Authority. The report/plan shall make a substantial contribution to reducing the carbon footprint of the building and shall consider issues of energy efficiency, re-use of materials, recycling, on-site micro generation and wildlife friendly measures to be incorporated in the design. Measures contained within the report/plan shall be agreed between the CNPA acting as Planning Authority and the developer. Agreed measures shall be implemented in full within 6 months of the opening of any element of the development and retained thereafter unless otherwise agreed by the Planning Authority.

## **Informatives**

Standard SEPA and Scottish Water Informatives

**Don McKee**  
**4 January 2008**

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