
CAIRNGORMS NATIONAL PARK AUTHORITY

Title: REPORT ON CALLED-IN PLANNING APPLICATION

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DEVELOPMENT PROPOSED: ERECTION OF 1, 652 SQ METRE RETAIL PAVILION (AMENDED PROPOSAL)

REFERENCE: 04/504/CP

APPLICANT: AVIEMORE HIGHLAND RESORT

DATE CALLED-IN: 5 November 2004



Fig. 1 - Location Plan

SITE DESCRIPTION AND PROPOSAL

1. The Planning Committee granted consent for a 1, 280 square metre retail pavilion in September, last year attached to the Osprey Building close to the entrance to the Aviemore Highland Resort complex. This application is an amended proposal on the same site for a 1, 652 sq metre retail pavilion. The unit would be on basically the same footprint as the earlier approved scheme but with a small extension to the front to accommodate a toilet area. Essentially, the extra retail floorspace is achieved by this together with the removal of lobby areas from the earlier consent and the introduction of a mezzanine floor. This time the proposal seeks, in part a food/drink retail consent. Some concern was raised with the applicants regarding the amount of food retail intended and that there would be concerns regarding an open food retail consent for the whole of the building as this could feasibly allow the building to become a supermarket (although this may be unlikely given the physical location of the building) which could have more significant retail impact upon existing shops in Aviemore.
2. As a result of the above the applicants have provided some covering information, which states that the proposal includes a limited range of high quality food and beverages. The extent of this area is around 223 square metres. The remaining area will be for the display and sale of retail goods as per the earlier approved application.
3. The basic footprint and design of the building is as per the earlier approval and based upon an oval shape with a low-level single storey floor area with central mezzanine and a shallow zinc roof with light lantern along the ridge. A walk around colonnade is no longer included in this design and there is generally less glazing on the external faces of the building. A total of 100 car parking spaces are proposed by this application.
4. **At an earlier Planning Committee meeting in Tomintoul members raised concerns regarding access to the building for the less able and also in relation to the design of the building by comparison with the previously approved proposal. Concern was also raised regarding trees that had been felled in front of the building.**
5. **In response to this, the applicant has made some changes to the scheme by including a specified drop off point at the front of the building for the less able, this is located adjacent to a ramp leading down to the front entrance. The applicants have also submitted a statement which points out that there are no restrictions on disabled access with both entrances having level access to doors at less than 1:28 gradient or better.**
6. **The Planning Committee also raised concerns regarding the design of the building and that it was not of the same quality as that previously approved. The applicants have departed from the previous approval and are now at an advanced stage of construction**

with this design proposal. The applicant does not want to make large design changes to the building. However, some smaller changes have been agreed with the addition of an enclosing 1 metre high walkway fence around the building. In addition, a pergola structure has been added to the western entrance. The agent has now illustrated how display panels would be fixed to the blank render areas of the building to add visual interest. However, it should be noted that these would have to be subject to a separate advertisement consent application. The latest drawings super impose the existing tree cover in front of the building and illustrate how the panels would be broken up and seen in the context of tree cover.

7. As a result of concerns raised by members in relation to enforcing the amount of food and drink floorspace within the building a revised floor layout plan has been submitted indicating the area to be used for food and drink purposes.
8. A letter has been sent to the agents for the scheme that all work now being carried out is at their own risk and could be subject to enforcement action.

DEVELOPMENT PLAN CONTEXT

9. Policy R1 (Shopping Hierarchy) considers that development proposals, which consolidate the shopping hierarchy and enhance the role of individual settlements as shopping centres will be supported. **Policy R5 of the Highland Structure Plan** considers that retail development in town centres will generally be encouraged. Development proposals, which are adjudged to undermine the vitality and viability of existing town centres, will be resisted. **Policy G3 (Impact Assessments) of the Highland Structure Plan** considers that where the environmental or socio economic impacts of a proposed development are likely to be significant by virtue of nature, size or location then the appropriate impact assessments will be required from the developers. **Policy G2 (Design for Sustainability) of the Highland Structure Plan** takes into account issues relating to species, landscape, design, security and social and economic development, cultural heritage and air quality. **Policy TC9 of the Highland Structure Plan (Car Parking)** considers that car parking provision associated with development proposals shall be carried out in accordance with the Council's general maximum car parking standards.
10. 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). **Policy 2.2.1 (a) of the Badenoch and Strathspey Local Plan** states that

the council will encourage and attract new economic development where it is consistent with the maintenance of a clean environment.

11. National Planning Guidance in the form of National **Planning Policy Guideline 8 Town Centres and Retailing (NPPG 8)** sets down a range of guidance and criteria recommended in the assessment of retail proposals, of key relevance is the reference to the sequential approach whereby developments should show that they can be accommodated in town centre locations rather than outside of those centres.

CONSULTATIONS

12. **Highland Council Area Roads and Community Works Manager** has requested 19 additional car parking spaces, other than this there are no objections to the development. Extra spaces have been incorporated in line with the above comments.
13. **SEPA** note that foul drainage is to be to the mains system, SEPA has no objection to this. Further information is requested regarding sustainable urban drainage system for the site. This has been supplied and SEPA have no objection to the application, subject to a construction method statement condition.

REPRESENTATIONS

14. **Aviemore Community Council** felt that whether there was a need for a bigger complex will be determined by business people who will trade where it is best for business. Concern is raised that there is no obvious access for deliveries and waste disposal and there is a lack of pedestrian access to the buildings. There is no obvious access flow and no people flow. The only access from the village is by car. The Community Council consider that the developer should build pedestrian and cycle roads apart from the favoured vehicle access area.

APPRAISAL

15. The key principle of consideration with this application, as with the earlier proposal is the introduction of the retail element and the effect that this may have upon other shopping centres and communities within the National Park. More detailed issues of consideration include the siting and design of the building and the car parking provision. This report assesses the application in the same way as the earlier report; the key principle difference is the introduction of the food/drink element to the proposal.
16. The Outline Masterplan originally allowed under Highland Council Planning Permission ref No BS/1999/28 for 5,000 square metres of retail provision within the resort. This was subsequently deleted from the proposals by an

amended masterplan approval that extinguished this element, but allowed for a 2,787 square metre supermarket. This is the subject of another application called in by the Park and currently under consideration for an increase in floorspace. The Freedom Inn originally held approximately 500 square metres of retail space and an application last year for approximately 1,200 square metres of retail floorspace at the Inn was withdrawn and is effectively substituted by the current application. This application means an increase in retail at the resort of approximately 1,152 square metres (above what was originally accommodated at the Freedom Inn). The agent considers that the retail originally allowed for under the Outline Masterplan easily exceeded the amount proposed here. However, from the information made available by Highland Council it would appear that while there is a history of greater retail space being consented at the site, there would appear to be no valid existing outline permission to cover the extra floorspace being proposed here.

17. In response to this the agent has pointed out that as noted above the resort originally held consent for approximately 5,000 square metres of retail. However, this was essentially sacrificed in favour of a 2,787 square metre outline approval for a supermarket on Grampian Way. The agent stresses the point that a full retail impact assessment of the 5,000 square metre proposal was carried out in 1999 and a further retail impact assessment in relation to the supermarket was also carried out. The key points of this assessment noted that the retail provision for the supermarket adopted a sequential approach, essentially meaning that the site proposed adopted a town centre location in line with the general intentions of Government policy, which seeks to concentrate retail units in existing centres. The agent for the application has provided an additional retail statement with this scheme pointing out that the proposal satisfies the sequential approach set down in NPPG8 by locating new development within the Aviemore Centre.
18. The pavilion can be considered to accord with this policy approach as whether it is considered as a centre, or edge of centre is largely academic because it is clearly within less than 5 minutes walk of the railway station and the existing surrounding retail and commercial uses close to the station. Given this the proposal can be considered to pass the tests set down in NPPG 8 in relation to the sequential approach. Indeed it may well reinforce the shopping importance of Aviemore overall rather than undermine it as the pavilion would be likely to result in additional shared trips to the pavilion and the existing shops within Aviemore. In addition, the site is allocated on the Proposals Map of the Local Plan as being for commerce and tourism, which, essentially includes retail uses. The agent also points out that the scheme accords with the overall aims of directing investment into town centre and edge of centre locations.
19. The key difference between this application and that, which received consent from the Planning Committee last year, is the introduction of a food/drink retail element. The amount proposed equates to just 223 sq metres of food/drink retail floorspace and this small area is for specialised

food retail including high quality refrigerated produce. This element of the proposal also includes a unique self dispensing method for alcoholic drinks and the applicants have made an application to the Highland Council licensing board.

20. In the light of the above the use proposed complies in principle with the policies contained within the Local Plan. Government guidance in the form of NPPG 8 considers that retail impact assessments should be provided for schemes of 2,500 square metres and over. It is also relevant to note that the scale increase in the proposal of 1,652 square metres (223 sq metres of which would be dedicated to food/drink) is relatively limited, and well below the 2,500 sq metre threshold set down in the guidance. This limited level of retail increase at the site would be most unlikely to harm existing retail provision in Aviemore or at any of the settlements within Badenoch and Strathspey. In addition, it is important to note that the kind of shops proposed would be very much in line with the overall tourism offer of the resort (which will generate its own demand for such shops) and would be unlikely to be the sort that would compete openly with more local service shops such as newsagents, chemists and small food shops. Nonetheless, a planning condition will ensure that the pavilion remains generally in non-food retail use with the food retailing element set at a ceiling of 300 square metres by condition No 7, as a food-retailing element may raise different concerns in terms of retail impact, servicing and parking.
21. Aviemore Community Council considers that the need for the complex will be determined by business people. In relation to this, I understand that most of the floorspace has already been let. Concern is also raised regarding pedestrian and cycle access. However, it must be noted that the Area Roads Manager has raised no concerns in relation to this. In addition the latest landscaping plan received shows a lorry delivery area and pedestrian access with a pedestrian crossing over the loop road which allows pedestrian access onto the entrance road at the side of the Cairngorm Hotel. Cycle parking is sought by condition in line with other planning approvals at the resort. In relation to parking the Area Roads Manager now holds a parking and traffic impact statement for the whole of the site and has no objection to the application subject to the introduction of an additional 19 car parking spaces, which have been agreed by the applicant.
22. With the exception of the small front extended toilet area the footprint of the building is as per the earlier application, given this no general objection is raised to the siting and footprint of the pavilion. However, the contractor has felled approximately 9 small to medium size scots pine trees that were to remain under the previous approval, the agent and contractor had been told not to remove these trees without providing a full tree survey and replacements. However, this advice was ignored. As a result of this I have requested a landscaping plan prior to the determination of the application. This plan has been supplied and shows landscaped areas together with replacement trees for those removed and is considered

acceptable in terms of its detail. Some of the landscaping indicated around the car parking areas has already been carried out.

- 23. At the earlier Tomintoul meeting members raised concern in relation to access to the building for the less able and the Local Access Panel have been consulted with regard to such issues. The Access Panel contacted the office and would not be able to respond within the timescales offered. However, it was pointed out that this is normally dealt with through building control procedures and that a Highland Council Building Control Officer was part of the Panel and would be consulting directly with the Access Panel on such matters. Any resulting amendments to the design would be secured by post decision revisions to any approved plans in the normal manner.**
- 24. As noted by the earlier report the design of this building is perhaps not of the quality of that previously approved. However, when the earlier design was approved the applicants had no end users specified for the building. Since that approval occupants have been identified and raised concerns regarding the glazed colonnade walkway and this has resulted in it being removed from the proposal. This latest design includes less glazing than the original. However, as a result of concerns raised by the Planning Committee the applicants have responded with some design changes, a formal walkway is now incorporated around the oval shape of the building with an enclosing timber fence. A pergola has also been added to the west car park entrance to the building. In addition, the applicants have superimposed images upon the elevations of graphics panels that would be subject to a separate advertisement consent application. The tree cover in front of the site breaks up these images.**
- 25. While I am still of the view that this design is not of the same quality as that approved earlier I am of the view that the proposal is more than acceptable with the minor changes proposed. The ridge height of the building is now lower than the previous approval and is seen in the context of trees fronting the site.**
- 26. In relation to the scale and materials of the building it is important to note that this is essentially an extension to the main Osprey building and in this respect uses the same facing and roofing materials with the addition of glazed sections. This general approach would seem entirely in context with the existing Osprey Building, which the pavilion is subordinate to. This taken together with the reduced ridge height, additional landscaping and intended graphics panels means that I am content with the design as now proposed despite the attractions of the earlier approval. It is important to note that the basic footprint of the building is very similar to that approved earlier and to that illustrated in the outline masterplan. Given this, it would seem that the only real difference is the removal of the colonnade and some sections of glazing. In my view this difference is not so**

great to warrant a justified refusal and it may be unreasonable to be so prescriptive to insist upon these detailed design elements. This is particularly the case given that the CNPA has no stated design policy at this stage.

27. While I am of the view that the scheme is acceptable, this does not excuse the applicants from departing from the earlier construction plans to develop a pavilion that has not received planning consent. A strongly worded letter is recommended to be sent to the applicant, again pointing out the risks of implementing schemes without planning permission and this will be framed in the context of the other schemes for the resort still resting with the authority, which have not yet received planning permission and upon which work has not yet started.
28. Members of the Planning Committee also raised some concerns in relation to trees that have been felled at the site. To ensure that no further trees are removed a condition is suggested and investigations are taking place regarding the potential for placing tree preservation orders on the remaining trees at the site, although given that the building is largely constructed it is unlikely that any further trees will be under threat. A full landscaping plan has been supplied indicating more than equivalent replacement trees.

IMPLICATIONS FOR THE AIMS OF THE PARK

Conserve and Enhance the Natural and Cultural Heritage of the Area

29. The proposal is located on a piece of open ground within the resort, the siting of the building means that there would be little impact on any factors of natural heritage apart from the removed trees for which replacements are now proposed. The building on what is currently barren rough ground would be likely to enhance the cultural heritage of the area by providing a contemporary building of interesting design.

Promote Sustainable Use of Natural Resources

30. A short sustainability statement has been submitted with this application pointing out that the pavilion is to be constructed in a lightweight frame that minimises use of materials with the roof finished in an entirely recyclable zinc aluminium material. The statement points out that the pavilion has been designed to maximise natural ventilation with outside air being drawn in at the eaves and ventilated at the ridge with mechanical ventilation only providing support at times of high demand. Low-level hot water under floor heating is being provided and PIR detectors with low energy bulbs will further reduce the general energy consumption of the building. A sustainable urban drainage system is incorporated for the whole site.

Promote Understanding and Enjoyment of the Area

31. The retail provision would help to promote enjoyment of Aviemore. Whether the proposal would increase understanding of the area would to some extent depend on whether any visits were part of linked trips to the wider park and its educational/interpretation facilities.

Promote Sustainable Economic and Social Development of the Area's Communities

32. The proposal is part of the wider Aviemore Highland Resort proposals which represent a considerable investment into the area that would provide employment opportunities as well as a wider range of facilities for local people and tourists.

RECOMMENDATION

33. That Members of the Committee support a recommendation to: **GRANT PLANNING PERMISSION** for the erection of a 1,652 square metre retail pavilion at Aviemore Highland Resort, subject to the following conditions.

- (i) A site landscaping plan shall be submitted to and require the approval of the Cairngorms National Park Authority acting as planning authority prior to the building hereby approved being first brought into use showing the species, number and size of all plants. The approved planting scheme shall be implemented in the first planting season following the completion of the building and all plant failures in the following 5 year period shall be replaced in kind to the satisfaction of the Cairngorms National Park Authority acting as planning authority thereafter. The developer shall use predominantly mature plant species for the said landscaping scheme.
- (ii) Prior to the building hereby approved being first brought into use details of refuse storage and recycling storage facilities shall be submitted to and approved by the Cairngorms National Park Authority acting as planning authority. The agreed details shall be provided and be ready for use prior to the first occupation of the building hereby approved.
- (iii) A scheme of sheltered, secure cycle parking for staff and visitors shall be submitted to and approved in writing by the Cairngorms National Park Authority acting as planning authority prior to the building hereby approved first being brought into use. The agreed scheme shall be provided and be ready for use prior to the first occupation of the building hereby approved.
- (iv) Prior to the building first being brought into use the access way, parking and servicing arrangements shall be completed to the satisfaction of the Cairngorms National Park Authority acting as planning authority in consultation with the Highland Council Area Roads Manager.

- (v) The Class 3 food and drink element of the pavilion hereby approved shall not exceed 300 square metres unless otherwise agreed in writing by the Cairngorms National Park Authority acting as planning authority.
- (vi) Prior to the building first being brought into use a parking plan shall be submitted to and approved by the Cairngorms National Park Authority acting as planning authority indicating the position of the 3 disabled parking spaces proposed close to the retail pavilion hereby approved. The spaces indicated by the approved plan shall be available for use prior to the pavilion first being brought into use.
- (vii) Prior to the building hereby approved first being brought into use a detailed method statement including the following shall be submitted to and approved in writing by the Cairngorms National Park Authority acting as Planning Authority in consultation with SEPA. a) details relating to surface water run-off including measures to prevent erosion, sedimentation or discolourisation of controlled waters should be provided, along with monitoring proposals and contingency plans. b) timing of works to avoid periods of high rainfall. c) Measures to ensure that that any fuels or chemicals from plant do not cause pollution. d) all waste streams associated with the works shall be identified. The scheme shall be implemented in accordance with the approved details.
- (viii) Any scheme for the external lighting of the building shall be submitted to and approved in writing by the Cairngorms National Park Authority acting as planning authority prior to any lighting scheme being implemented.
- (ix) No trees on the site shall be lopped, topped or felled without the prior written permission of the Cairngorms National Park Authority acting as Planning Authority.

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