
CAIRNGORMS NATIONAL PARK AUTHORITY

Title: REPORT ON CALLED-IN PLANNING APPLICATION

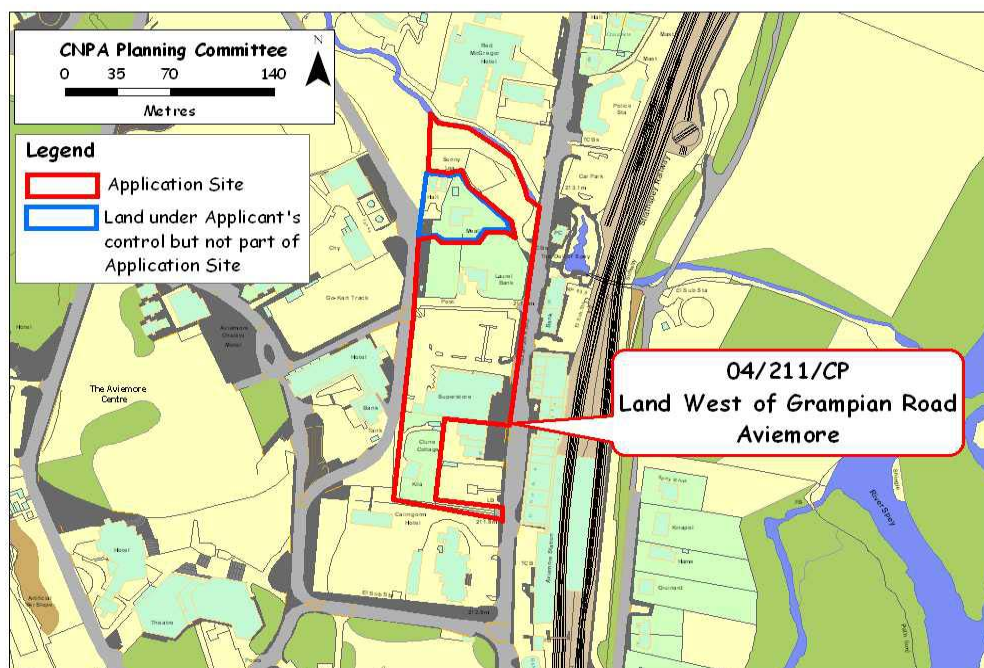
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DEVELOPMENT PROPOSED: DEVELOPMENT OF RETAIL AND COMMUNITY USE WITH ASSOCIATED CAR PARKING ETC., LAND WEST OF GRAMPIAN ROAD, AVIEMORE (OUTLINE PLANNING PERMISSION)

REFERENCE: 04/211/CP

APPLICANT: LAUREL GRANT LIMITED LIABILITY PARTNERSHIP

DATE CALLED-IN: 23 APRIL 2004



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Fig. 1 - Location Plan

SITE DESCRIPTION AND PROPOSAL

1. The site comprises some 1.6 hectares and is located on the west side of Grampian Road. It extends from the boundary with Cairngorm Hotel 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:

- Kila a 1950's property;
- The existing Tesco store and car park;
- Laurel Bank – a substantial Victorian villa;
- Sunnylea – a clear site adjoining Aviemore Burn.

Closely related to the site are Meall Buidhe, accessed from Grampian Road and the AHR site, and the Scout Hall, accessed from AHR. Both are under the control of the applicant, but excluded from this current application. A series of photographs of the site are attached to this report.

2. The site has a 3–4 metre increase in level between Grampian Road and the AHR service road to the west. It is fairly level, with some undulation, south to north although there is a sharp dip of 4 metres or so at the northern end by the burn. The late Victorian/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 to Kila with the trees on the Cairngorm Hotel boundary on its southern side, 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.
3. The application is for outline permission although some indicative details had been submitted with a view to demonstrating a type of design option that the applicant considered could be achieved on the site. The applicant had stressed that this was not an exclusive solution. The indicative detail submitted had led to much comment and observation, and the applicant subsequently agreed to amend the application to one for general outline consent with conditions covering the **full range** of specificity of the proposals.
4. The initial application, although indicative in respect of design, was specific on the amount of retail floorspace requested, namely 4180 m² (44993 sq ft) of supermarket and 3592 m² (38664 sq ft) of other retailing. This in turn gave rise to provision for around 500 car parking spaces. As a result of discussions and consultation responses during the course of the application, the applicant has confirmed that the proposal is no longer for a specific level of retail floorspace and the amendment to the application described at the end of the previous paragraph will apply to this aspect also.

5. Although the application refers to community use in addition to retailing there are no specific proposals at this stage. The applicant has indicated a desire, should outline planning permission be granted, to work with Aviemore Community Council to develop this aspect at a detailed stage in line with the needs of the community.
6. The amendment to the nature of the application means that it can now be determined as one for outline planning permission for development for retail and community use within the defined area with all aspects of design and precise extent of retailing and community use reserved for a further application should this one be approved.

DEVELOPMENT PLAN CONTEXT

Scottish Executive Policy NPPG8 Town Centres & Retailing

7. This contains a range of guidance and criteria recommended in the assessment of retail proposals, particularly the sequential approach whereby town centres are the first choice for locating new retail development both with a view to maintaining their vitality/viability and maximising accessibility and use of public transport. NPPG8 also advocates the use of Retail Impact Assessments (RIA) to support applications for large retail developments. *Inter alia*, a RIA should take account of the impact of developments on small rural settlements and locally important neighbourhood centres. There is similar support for the provision of a Transport Impact Assessment (TIA) for significant proposals.
8. NPPG8 contains specific guidance in respect of shops in small towns and rural areas:
 - *Government policy seeks to promote a healthy rural economy and this should be taken into account by planning authorities when dealing with applications for new retail development....Planning policies should be supportive of local facilities in small towns and villages which provide an effective and valuable service to the local community.*
 - *[Small rural town centres] should continue to provide not only for food, but also comparison shopping and should be the preferred location, especially for supermarkets. Where rural town centres are not serving the community well, and there is a significant amount of travel by car to other larger centres, then proposals for new retail developments should be encouraged in or near the town centre...*
 - *In small towns and villages there is therefore a clear presumption in favour of central locations for new developments.*
9. The August 2005 Consultation Draft of **Scottish Planning Policy (SPP) 8** reinforces the above.

SPP17 Planning for Transport

10. This guidance seeks to locate significant travel generating uses where they can support more sustainable travel patterns. It is recommended that planning permission should not be granted for such uses where:
- immediate links for walking/cycling are not able to be made available;
 - public transport is more than 400 metres away;
 - reliance on the private car would be encouraged;
 - there would be likely to be a detrimental effect on the capacity of the strategic road and/or rail network;
 - a Transport Assessment does not include any satisfactory mechanism for meeting sustainable transport requirements.
11. SPP17 requires councils to define a set of maximum parking standards, but for a range of developments (including that applied for in this instance) national maximum parking standards are laid down and applications have to be referred to Ministers if a council wishes to grant approval with less restrictive standards.

SPP20 Role of Architecture and Design Scotland

12. The Scottish Executive 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.

The Highland Council Structure Plan 2001

13. **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

14. 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

15. 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.

For Information Only – Consultative Draft Cairngorms National Park Local Plan 2005

16. The site is shown as a live application. There is a draft proposal to update the Masterplan. **Policy 32** states that new proposals for retail development will be favourably considered where they conform with the

Masterplan and RIA may be required to ensure that there will be no adverse impact on the locale or shops in nearby villages.

CONSULTATIONS

17. By way of clarification, the responses to several of the consultations were based on the level of floorspace originally envisaged and the design concept shown on the indicative drawings: both of these issues have no bearing on the application as it now stands.
18. **Scottish Natural Heritage** were consulted as the site lies close to both the River Spey Special Area of Conservation and the Cairngorms National Scenic Area. In their initial response **SNH** raised no objection, but had some comments to make. They required more information on the proposals for water drainage and the design of buildings and levels in relation to the burn. From a landscape impact perspective they highlighted the prominence and sensitivity of the site and recommended that the indicative size, layout and design submitted with the application should only be approved if CNPA considers that it is compatible with the intention of design policy for Aviemore as set out in Gillespies Study and the Masterplan, if it is capable of meeting high design standards, if it can be made to be in an appropriate scale to the surrounding buildings and its setting in a Highland village, and if it can be made compatible with the best aspects of the character of Aviemore.
19. Having been informed of the current amended nature of the application **SNH** have indicated that they are happy for the application to go forward so long as their concerns are safeguarded by conditions requiring any building set back from the burn with a buffer between the two, access from Grampian Road to the AHR site on a footpath alongside the burn or on a balcony to the edge of the building, and any building to be of appropriate scale and design with reference to traditional buildings.
20. **Architecture and Design Scotland (A&DS)** were consulted in line with the advice in SPP20 because of the significance of the application in terms of Aviemore and the indicative design information that had been submitted with the application. A Design Review meeting (at which CNPA was represented) was held at the **A&DS** office in Edinburgh on 8th November where the applicant gave a presentation of the proposals and the **A&DS** Panel had the opportunity to ask questions and discuss the application prior to giving its views. **A&DS** concluded by stating that they could not at present support the outline application. This view was based on the indicative proposals before **A&DS** at the time and now that these are no longer on the table the detailed critique is not wholly relevant. Some of the **A&DS** comments can however apply to the principle of developing this site:

- There was discussion of the Masterplan and its reference to mixed use development that follows street frontage building lines. It was felt that this townscape pattern should be respected and adopted in any developed proposal and a Townscape Study be undertaken to identify the inherent characteristics of the village and similar Speyside settlements to allow different options to be appraised;
 - The loss of Laurel Bank was of concern;
 - The proposal needs to mediate between the large-scale set piece buildings of the Aviemore Highland Village and the small-scale piecemeal nature of Grampian Road properties;
 - The relationship between any new building and the existing terrace of shops has to be dealt with sensitively;
 - Site permeability for pedestrians, especially east to west, and the notion of a public realm in a privately owned environment are important issues;
 - There is scope for ambition and imagination in addressing the points raised above as part of any developed design solution.
21. The **Scottish Environmental Protection Agency (SEPA)** originally objected to the outline planning application on the basis that the surface water drainage (SUDS) proposals were insufficiently detailed and were not satisfactory. **SEPA** notes that the applicant now proposes that all matters are reserved, including floorspace and drainage, and understands that this means the proposed site layout, photomontage and floorspace plans are no longer relevant to consideration of the application and no details are to be determined within the red line. On this basis **SEPA** does not object to the proposed use and will require appropriate SUDS for the site to be detailed at full application stage, noting that the land take for SUDS has yet to be identified. **SEPA** requests that a condition is attached to any grant of outline planning consent requiring the Planning Authority to agree detailed surface water drainage proposals prior to commencement of development and that they be implemented prior to occupation of any development. **SEPA** is pleased to note the proposed offline pond for surface water run off and requests that an appropriately sized pond is incorporated in SUDS proposals as well as SUDS measures prior to discharge to the pond and full SUDS measures for any part of the site not draining to the pond.
22. **Scottish Water** raise no objections stating that a public water supply and public sewer are available although off site works may be necessary to effect connections.
23. Two letters from **Aviemore and Vicinity Community Council** are attached, one based on the application as originally submitted and the other on the indicative design information that no longer forms part of the application. The letters raise concerns and questions from the community relating to the detail of development on the site. It is understood verbally from the Community Council that there is no

objection to the principle of development on the site, but that it should include a requirement for some sort of provision for the community.

24. **The Highland Council Area Roads and Community Works Manager** had been considering his response in light of a Transport Assessment (TA) submitted by the applicant when the proposal was still for some 80000 sq ft of retail floorspace. He had considered that there were issues in relation to various points within the TA as well as specific concerns on, for example, access for service vehicles, retention of trees, access from the AHR site, protection of the right of way by Tesco. The revised status of the application now means that he is able to confirm his agreement to the principle of development on the site with all detailed aspects relating to highways reserved for subsequent approval. He has suggested a number of conditions that he considers should be attached to any outline permission.
25. **CNPA Natural Heritage Group** have considered the proposal including the submitted Habitat Assessment and the, now superseded, indicative design drawings. Whilst accepting the scope offered by the site in terms of offering potential for redevelopment that creates a revitalised and positive town centre, the initial recommendation was for refusal based on what was considered to be the inappropriateness of the indicative design concept. With the changed status of the application there is now support subject to a development brief for the site and environs informed by community consultation and reference to A&DS and setting out the following:
- The scale of built development appropriate to the site, in terms of ground coverage and height;
 - The requirement for space between the Grampian Road and new buildings;
 - Design concepts which create effective retail space while helping to harmonise the positive features of the existing town centre, with special reference to the Victorian Heritage (such design may be innovative rather than a copy of the old).
 - The desirability of incorporating “Laurel Bank” and the three Victorian shops into the new development in a meaningful way;
 - The landscaping and amenity requirements of open space including retention of selected trees in various parts of the site, retention of the alders along the burn at the northern end of the site, and meaningful use of the current public gardens as a buffer between the new development and the Cairngorm Hotel;
 - Meaningful and desirable pedestrian links between the Grampian Road and the Macdonald Highland Resort;
 - Impact on views from the mountains.
26. **CNPA Economic and Social Development Group** have considered the proposal from both the economic and cultural heritage perspectives. The former involved scrutiny of the Retail Impact Assessment (RIA) submitted by the applicant prior to the deletion from the application of the reference to a specific level of floorspace. It was

considered that the RIA supported a case for increased retail provision, but there was a question as to whether both the Laurel Grant and AHR supermarket developments would be viable, if both were developed. It was felt that both should be considered alongside each other.

27. In terms of cultural heritage **E&SDG** would ask that due consideration be given to the fact that this proposal would involve the demolition of the Laurelbank villa, which is of local architectural merit. It is also specifically referred to in Ann Glen's 'The Cairngorm Gateway'(p119), as follows:

“So three times a week John Mackintosh, alias Jock Groat, and his wife, appeared each carrying baskets. Meat was sold in four pennyworths, equivalent to the old Scottish coin known as a groat - hence the nickname. Only some cuts of mutton and eggs were available. Jock's business grew and in time he acquired a pony cart. Once across the bridge over the Spey, the road to Inverdrue was lined by giant fir trees giving a cathedral like, gloomy aspect to the route. It was here that Jock had an encounter with a capercaillie - the cocks are as big as turkeys and can be madly aggressive. Wielding his whip in defence, Jock cowered in the cart as the big bird - 'the biggest boogar' of its kind he had ever seen - repeatedly attacked him. In time trade prospered sufficiently for Jock to have the handsome villa 'Laurelbank' built about 1900 in Aviemore.”

28. **CNPA Visitor Services and Recreation Group** considered the access implications of the proposal and concluded that it would be important to maintain existing public access through the site and consider possibilities for improving linkages e.g. alongside Aviemore/Milton Burn.

REPRESENTATIONS

29. **Network Rail**, in response to a neighbour notice from the applicant confirmed that they have no objection in principle provided any works are carried out in accordance with their guidance document which they have provided direct to the developer.
30. **Highland Cycle Campaign** ask that the development contain secure enclosed cycle parking for at least 20% of staff, sheltered parking for at least 20% of users, access design for walkers/cyclists as per NPPG17, and engineering measures to restrict speeds to 20mph.

APPRAISAL

31. Many of the detailed issues raised by this application concerned the indicative design concept and level of retail floorspace that formed part of the original submission. The appropriateness and scale of the indicative design were the subject of considerable dialogue with the

applicants and consultees as highlighted in this report. Although the design was indicative, the specific amount of floorspace applied for raised issues, not only about the extent of any impact on the existing retailing base in the area, but also in terms of the nature of any design solution required to accommodate that level of floorspace and the impact on landscape/townscape, transport network, surface water drainage etc. The current amended status of the application now means that the precise extent of retail development and the various implications arising from it can be dealt with as part of a future reserved matters application if it is considered that the principle is acceptable.

32. The Highland Council Structure Plan, the Badenoch and Strathspey Local Plan and the Aviemore Masterplan all support the principle of the application and the latter two documents also give indications of factors that should be taken into account as part of any detailed scheme. The existence of a 18770 sq ft Tesco supermarket and a planning permission in 2001 for a heritage centre development on the Sunnylea site by the burn also indicate an acceptance of the principle of retail/commercial development on much of the application site.
33. The consultation responses from Architecture and Design Scotland, Scottish Natural Heritage and CNPA Natural Resources Group all raise concerns at the potential adverse landscape impact of an inappropriate development on the site and the importance of realising the potential offered by development in a way that respects the better and traditional aspects of the character of Aviemore. If the principle is accepted it is considered that this can be achieved by means of a condition requiring any detailed application to be accompanied by a full design statement (as per PAN 68), informed by a townscape study and community consultation, demonstrating the rationale behind the proposed design solution for the site.
34. Linked to the above is the issue of the retention of Laurel Bank. The property is not listed and Aviemore is not a conservation area, but it is clear that the building is of some character and, as can be seen from the reference in *The Cairngorm Gateway*, it has cultural significance. It would be desirable if any detailed scheme could retain and integrate the property in a sympathetic way. Similarly, the relationship with the terrace of shops and Cairngorm Hotel to the south of the site is an important consideration in any design solution. These are now matters that can be highlighted at this stage and addressed as part of a subsequent detailed proposal.
35. The highway implications are an important element in consideration of development on this site. A Transport Assessment was submitted during the course of the application prior to the deletion of the requirement for the specific level of floorspace. The Highland Council had various questions outstanding in relation to this assessment and the implications of servicing shops from both the Grampian Road access by the Cairngorm Hotel and from AHR to the rear. With the

change in application status these issues will still require to be addressed, but this can be done in the context of the specific design and amount/type of floorspace that form part of a future detailed submission. The conditions proposed by Highland Council clearly highlight what is required.

36. The pedestrian right of way alongside Tesco that connects Grampian Road to AHR will have to be accommodated as part of any development of the site. The decision on the appeal against the enforcement notice for the AHR fence has consolidated this link which is clearly shown in the Local Plan and Masterplan. A detailed design would need to demonstrate retention of the link in a meaningful and identifiable way. The Local Plan, Masterplan, SNH consultation response and the previous decision in relation to Sunnylea highlight the importance of the public access alongside the burn and this would again be requirement of any detailed scheme.
37. The application includes unspecified community facilities. The applicant has offered to involve the Community Council in the design process and asked it to identify what it considers appropriate in terms of community provision. For its part the Community Council has found it difficult to comment in the absence of a detailed scheme. Some sort of community provision is certainly in line with Policy G4 of the Structure Plan and it is reasonable to expect a significant development such as this to contribute. This could be in the form of public space(s) or a community room/hall, but the precise nature of the provision would have to be considered as part of the detailed design process and involve community consultation.
38. Meall Buidhe and the Scout Hall are within the control of the applicant, but are not within the current application site although it surrounds them on all but the west (AHR) side. If outline planning permission is granted one can envisage a scenario where a full detailed application could come forward including the current site and the two aforementioned properties. In the meantime, the assumption has to be that they remain, in which case it is important that a detailed design protects their amenity and, in the case of Meall Buidhe, any right of access from Grampian Road.
39. SNH and SEPA have some concerns regarding the detail of the surface water drainage and the impact on the burn which connects to a SAC. These points can be addressed by conditions.
40. Although the site is within the centre of Aviemore it both contains and adjoins a number of trees that could be retained and incorporated within any development. There is a substantial row of trees on the southern boundary by Cairngorm Hotel and others to the north of Tesco and in the Sunnylea site by the burn.

41. Overall, it is considered that this site is one which could benefit from development and make a positive contribution to the centre of Aviemore and help realise some of the ambitions of the Masterplan in terms of enhancing the quality of built environment/public space as well as integrating and reinforcing links between AHR and Grampian Road. There is considerable potential, as recognised by many of the consultees, and it is essential that this is taken forward in a structured way as part of a fully inclusive design process with a view to achieving the standard of development that should be expected in a National Park.

IMPLICATIONS FOR THE AIMS OF THE NATIONAL PARK

Conserve and Enhance the Natural and Cultural Heritage of the Area

42. With appropriate conditions it is possible to highlight the considerations that a detailed design solution needs to take into account to contribute positively to this aim. The potential is there, but this is dependent on safeguarding and enhancing tree cover, the relationship of a detailed design with Laurel Bank and other traditional buildings, the landscape impact of an eventual design, and measures taken to protect and make the most of the burn.

Promote Sustainable Use of Natural Resources

43. Again difficult to evaluate at this stage, but conditions can be attached making it clear that any development is expected to make some positive contribution. There is a potential to use local timber, local suppliers, local labour and to create an energy efficient development. It has to be accepted, however, that the majority of materials in any development are likely to come from outside the Park. In addition, it is possible that provision of retail opportunities that may currently be located outside the area could result in some reduction of car journeys.

Promote Understanding and Enjoyment of the Area

44. There is potential to make a positive contribution if a detailed scheme consolidates and enhances opportunities for public access between the site and AHR and enhances the range of retailing available for residents and visitors.

Promote Sustainable Economic and Social Development of the Area

45. Could be positive if the range of retailing opportunities is enhanced without detriment to existing provision elsewhere in the Park. The inclusion of community facilities could contribute positively to the social development of the area.

RECOMMENDATION

That Members of the Committee support a recommendation to **GRANT Outline Planning Permission** for development of retail and community use on land west of Grampian Road subject to the following conditions:

1. A formal planning application and detailed plans indicating all matters relating to the siting, design and external appearance of all buildings, means of access thereto, means of enclosure and landscaping proposals shall be submitted for the prior approval of the Planning Authority within 3 years of the date of this consent and the development must be commenced within 5 years of the date of this permission or within 2 years from the date of final approval of all the foregoing Reserved Matters.
2. The detailed application referred to in Condition 1 shall be accompanied by a Design Statement in the form advised in Scottish Executive Planning Advice Note 68. The Design Statement shall, *inter alia*, demonstrate how the submitted design solution has been informed by a detailed assessment of the site characteristics and levels, a townscape study, meaningful community consultation and the ethos of integration with the Aviemore Highland Resort site that underpins the Aviemore Masterplan 1997. Furthermore, the submitted design solution shall have regard to the feasibility of retaining and incorporating the Victorian property known as Laurel Bank, take account of the relationship with the late Victorian/Edwardian terrace of shops to the south of Tesco and the Cairngorm Hotel which adjoins the southern boundary of the site, and demonstrate measures taken to safeguard the setting, amenity and access of Meall Buidhe and the Scout Hall that are partially enclosed by the site.
3. The detailed application referred to in Condition 1. shall clearly demonstrate how the development will make a positive contribution to the sustainable use of resources both in its construction and subsequent operation in terms of use of locally sourced materials, local labour, energy efficiency and water/waste minimisation.
4. For the avoidance of doubt the detailed application referred to in Condition 1. shall be accompanied by a Retail Impact Assessment that is specific to the design solution and level of floorspace applied for.
5. The detailed application referred to in Condition 1. shall incorporate provision for community use that takes account of the outcome of prior consultation between the applicant and Aviemore & Vicinity Community Council.
6. The landscaping proposals forming part of the detailed application referred to in Condition 1. shall include a detailed survey of all trees and hedging on the site. This survey shall be displayed on a site layout plan and include an identification of the existing tree species, an

estimation of their height and spread of branches, and their location within the site accurately plotted (any trees around the perimeter which overhang onto the site shall also be included). Those trees which it is proposed to fell or remove, shall be separately identified. Furthermore from the date at which this outline planning permission is granted, no trees on the site shall be felled, uprooted or damaged. Trees on the site shall only be felled, lopped or topped with the prior written approval of the Cairngorms National Park Authority acting as Planning Authority.

7. The detailed application referred to in Condition 1 shall include provision for a landscaped area around the Aviemore/Milton Burn with pedestrian access through from Grampian Road to the land to the west.
8. The detailed application referred to in Condition 1 shall include an open buffer area between the built development and the Aviemore/Milton Burn and specify the impact of the development in a manner sufficient to allow a full assessment of any effects on the qualifying interests of the site in relation to the nearby River Spey Special Area of Conservation.
9. The detailed application referred to in Condition 1 shall include detailed measures for the retention of the established pedestrian right of way between Tesco and Laurel Bank that connects Grampian Road to the AHR land to the west.
10. The detailed application referred to in Condition 1 shall include full working details of the method of on-site disposal of all surface water drainage. This shall include an offline pond, the measures proposed prior to discharge to the pond and measures for any part of the site not draining to the pond. This shall all be in accordance with the Sustainable Urban Drainage Systems Design Manual for Scotland and Northern Ireland, CIRIA C521 2000, to the satisfaction of the Cairngorms National Park Authority acting as Planning Authority in consultation with the Scottish Environment Protection Agency.
11. The details submitted in furtherance of Condition 10. shall demonstrate how the Aviemore/Milton Burn will be dealt with to ensure that there will be no risk of flooding to the proposed development, nor any increased risk of flooding to properties upstream or downstream of the development.
12. For the avoidance of doubt the detailed application referred to in Condition 1 shall be supported by a comprehensive transport assessment, including a traffic impact assessment to determine the impact of the development on the surrounding road network. The transport assessment shall be based on the submitted design and level of floorspace and take account of all existing and planned development in the surrounding area.

13. The detailed application referred to in Condition 1 shall include access provision generally accord with the requirements of the Aviemore Masterplan and shall not adversely affect access arrangements for existing and planned developments nearby, including the proposed Aviemore Transport Interchange. It is anticipated that access to the new development will not be exclusively from Grampian Road and that some degree of access will be required from the Aviemore Highland Resort road network.
14. Any additional traffic calming and /or engineering works, deemed necessary to accommodate the development, shall be provided at the developer's expense and to the satisfaction of the Cairngorms National Park Authority acting as Planning Authority in consultation with the Roads Authority.
15. The detailed application referred to in Condition 1 shall include appropriate parking and manoeuvring space, commensurate with the scale and nature of the development, for staff, customer and service vehicles.
16. Design and construction certification shall be provided, to the satisfaction of the Cairngorms National Park Authority acting as Planning Authority in consultation with the Roads Authority, for all structural and engineering works relevant to the public road network and for any flood prevention measures required.

Informative to Applicant

For the avoidance of doubt and by way of clarification, this outline permission is based on the application as amended by e mail from the agent dated 7th December 2005, that is for "*general outline consent with conditions covering the full range of specificity of the proposals*". Furthermore it is also considered appropriate to highlight at this stage that, should a subsequent detailed approval be forthcoming, it is possible that there may be a requirement for the applicant and any other relevant parties to enter into an agreement under Section 75 of the Town and Country Planning (Scotland) Act 1997 to secure community facilities and certain off site infrastructure works for highways, water supply and sewerage.

Determination Background:

This application was called in on 23rd April 2004. Following an assessment of the information submitted as part of the application, the applicant was requested in June 2004 to provide a range of additional information to allow for full consideration of the proposal. It took the applicant several months to respond to this request and, as a consequence of dialogue, to commission further work including a Retail Impact Assessment, a Transport Assessment, a Habitat Assessment and additional visual representation of the submitted indicative design concept. This was prepared and submitted in September 2005 thereby allowing further consideration by CNPA officers and various

consultees. A number of issues and questions arose from this process as detailed in the report. In order to achieve a situation where the application could be brought before the Planning Committee with a positive recommendation, the applicant amended it in December 2005 to enable all matters of detail, including design and level of floorspace, to be considered as part of a future application should the principle of retail and community use be accepted.

Don McKee

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6th January 2006

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Photo 1 Southern End of Site – Access to Kila Cairngorm Hotel on left/Village Green on right



Photo 2 Existing Tesco Store and Terrace of Shops to left



Photo 3 Tesco Car Park & Laurel Bank



**Photo 4 Right of Way to AHR Between
Tesco & Laurel Bank**



Photo 5 Laurel Bank



Photo 6 Meall Buidhe with Sunnylea to right



Photo 7 Sunnylea with Aviemore/Milton Burn on right



Photo 8 Aviemore/Milton Burn Sunnylea to left



Photo 9 Access to Scout Hut & Meall Buidhe from AHR



**Photo 10 From AHR incl. Barrier by Pedestrian
Right of Way**