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## CAIRNGORMS NATIONAL PARK AUTHORITY

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

**Prepared by:** NEIL STEWART, PLANNING OFFICER  
(DEVELOPMENT CONTROL)

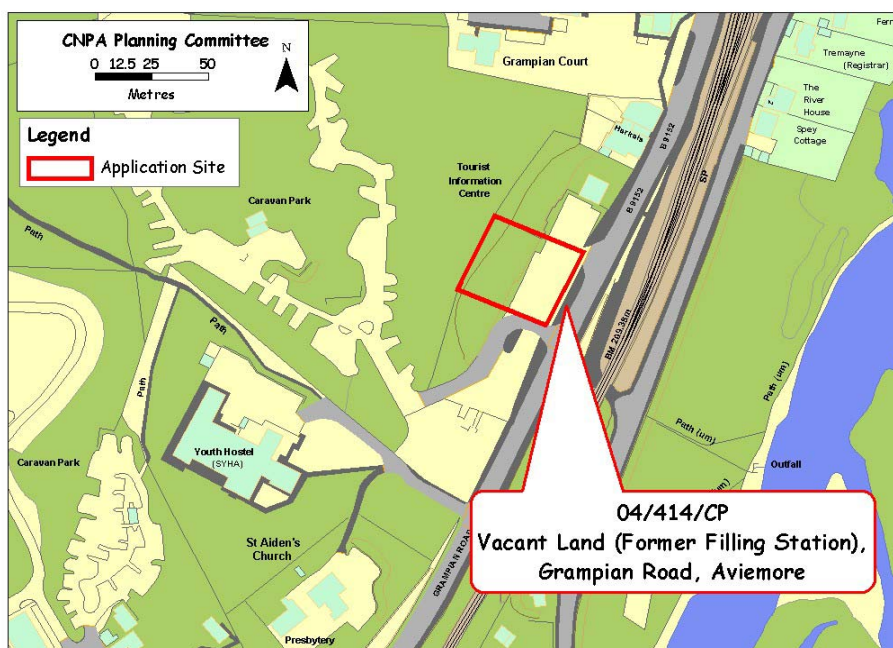
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**DEVELOPMENT PROPOSED:** OUTLINE PLANNING PERMISSION FOR ERECTION OF RETAIL UNIT AND 8 NO. FLATS, VACANT LAND (FORMER FILLING STATION) GRAMPIAN ROAD, AVIEMORE

**REFERENCE:** 04/414/CP

**APPLICANT:** MR. A. GRANT, PER AGENT (PAUL DEVLIN ARCHITECT, ALLT BEAG, DALRACHNEY, CARRBRIDGE)

**DATE CALLED-IN:** 27 AUGUST 2004



**Fig. 1 - Location Plan**

## SITE DESCRIPTION AND PROPOSAL

1. **The Committee will recall that a report on this application was prepared for the Planning Committee of 2 December 2005 but that at the applicant's request, the application was not considered, and formally deferred, in order to allow further discussion/negotiation on outstanding matters of concern. This report updates this previous report and provides a further recommendation.**
2. The site to which this application relates is sized at 0.2 HA and is located on the west side of Grampian Road as it passes through Aviemore but to the south of the main commercial core of the town (approximately 300m from the railway station). The site currently lies vacant. It was the location of a former "Shell" petrol filling station which ceased trading over 8 years ago. All the former filling station buildings and structures have been removed from the site leaving an open hard surfaced area of flat ground adjacent to the road. The boundaries of the site also include a steep slope which rises up to the west where it then levels out into a mature wooded area which lies within the boundaries of the Aviemore Highland Resort. This wooded area is the subject of A Tree Preservation Order. The slope is naturally regenerating with pine and birch trees. To the north of the site lies the now redundant former Tourist Office building and to the south lies more vacant land which provides an access route through to the southern parts of the Aviemore Highland Resort which is situated on the higher ground to the west. There are two accesses serving the site directly off Grampian Road.



3. The application has been submitted in outline format. However, the applicant has provided a considerable amount of detailed information about the potential layout and design of buildings and parking areas on the site, and how the development would deal with the existing slope and trees. This information has been submitted in the form of an indicative site layout and a "Design Statement" which provides information on history and context, site analysis and response, design principles, and tree and bank engineering. This "Design Statement" emphasises the influence of contemporary Scottish and Scandinavian

reference points for the indicative design of the buildings, in particular, Norwegian Architect Sverre Fehn's multi-national award-winning "Villa Busk" project which is a house that sits on a rocky steep pinewood on the outskirts of Oslo. The "Design Statement" also includes two and three dimensional drawings accompanied by text. In addition to this, further to concerns about the impact on trees on the site, a detailed report from an arboriculturist has been submitted. This provides an accurate record of the trees on site, and identifies the maximum number of trees that may be retained and how they will be protected. It also identifies opportunities for new planting.

4. The **original indicative** drawings and information showed 550sqm of retail space accommodated in an "L" shaped building adjacent to the roadside but with a new avenue of trees planted along the road edge to define a new pedestrian route behind. **Following discussions, the applicants have amended the amount of retail space proposed to 410 sqm.** The flats would be created by constructing a series of inter-related towers of differing heights on the slope to the rear of the site. Indicative site sections show these structures built out from the existing slope with a minimum amount of regrading and retaining wall works. The highest tower would be four storeys high. Between the retail and residential elements of the proposal would be the car parking and servicing areas with access taken from the south side of the site, and access retained to the sites to the south. It is the intention to retain as many trees on the site as possible and in particular retain the natural backdrop. With this proposed layout, the arboriculturist's report indicates the removal of 15 trees of varying ages and heights. Eight of these would be on the higher part of the slope. The **original indicative** layout showed the provision of 12 car parking spaces but there would also be 8 lock-up garages built underneath the flatted buildings. The total number of parking spaces was therefore 20. **The amendment to the amount of retail space proposed has now created some indicative additional space on the site and an amended indicative site plan shows an additional four car parking spaces being formed. The indicative total number of car parking spaces now proposed is 24 (includes 8 car ports).** In addition, the extra area on the site provided by the reduction in the retail element allows for more space for replacement planting and amenity space. Although, these are matters of detail, building materials envisaged include extensive use of timber with some harling for walls, and dull green copper roofs.
5. The site and the adjoining land to the south have been the subject of previous planning applications. Land to the immediate south of the site was the subject of an application for a restaurant and car park which was dismissed at an appeal in 1996. In his decision notice, the reporter concluded that the policy background at that time discouraged new development on this frontage unless accompanied by tree planting and other landscaping sufficient to radically tone down the urban elements proposed. It was also stated that the scale of development

proposed did not provide enough space for meaningful landscaping being extended or brought forward as reasonably demanded by the policy background and that the proposal therefore represented unacceptable over-development. In 1998, an outline application on the current site for a drive through fast food retail unit was refused by Highland Council. Indicative details proposed a single storey building to the rear of the site which would have involved engineering operations to remove a considerable amount of the slope to the rear with car parking on the flat area to the front adjacent to the road. The application was refused on the basis that it represented unacceptable overdevelopment, in particular the earthworks to the slope which would have resulted in the loss of mature and regenerating trees with inadequate space left for replacement tree planting. This was not seen as being in compliance with Local Plan policy.

## DEVELOPMENT PLAN CONTEXT

6. In the **Highland Structure Plan 2001, Policy G2 (Design for Sustainability)** states that developments will be assessed on the extent to which they, amongst other things, are compatible with service provision; are accessible by public transport, cycling and walking as well as by car; maximise energy efficiency in terms of location, layout and design; make use of brownfield sites, existing buildings and recycled materials; impact on individual and community residential amenity; impact on habitats, species, landscape etc; demonstrate sensitive siting and high quality design; promote varied, lively and well-used environments; and contribute to the economic and social development of the community. **Policy R1 (Shopping Hierarchy)** states that development proposals that consolidate the shopping hierarchy and enhance the role of individual settlements as shopping centres will be supported. **Policy R5 (Town Centre Shopping)** advises that retail development in town centres will generally be encouraged. Development proposals which are judged to undermine the vitality and viability of existing town centres will be resisted.
7. **Structure Plan Housing Strategies** aim to steer demand for housing development to appropriate locations within settlements. **Policy L4 (Landscape Character)** requires regard to be had to the desirability of maintaining and enhancing present landscape character in the consideration of development proposals. **Policy TC9 (Car Parking)** advises that car parking provision associated with development proposals shall be carried out in accordance with general maximum standards. In appropriate situations, in order to promote more integrated transport and quality of environment, it may be possible to enter into agreements with developers to receive commuted payments in lieu of on-site parking provision.

8. In the **Badenoch and Strathspey Local Plan 1997**, in its section on **Settlement Policy Objectives**, it is stated that Aviemore remains as the main growth point in the area. It has the strongest economic prospects and is best located for purposes of commuting from other areas. This centrality also means that the settlement is poised to support major new shopping, cultural and administrative functions in the future. In addition, it states that qualitative design has also been lacking in much of the development of the last 25 years, and this must be rectified in forthcoming schemes. **General Policy 2.2.1 (a) (Economic Development)** provides encouragement for new economic development where this is consistent with the maintenance of a clean environment. **Policy 2.5.4. (Woodland and Trees)** seeks to protect existing trees and established woodland areas which are important landscape, wildlife and amenity features. Generally, development should not be sited within 20m of the trunks of large and mature trees.
9. The **Aviemore Settlement Statement** provides the main priorities for Aviemore. These include, amongst other things, the promotion of the economic renaissance of the village incorporating high quality design; the strengthening of the village as a major shopping and service centre; the improvement of traffic circulation, parking and servicing arrangements whilst giving over more of the village centre to the pedestrian; and the transformation of the image and texture of Aviemore, by “greening up” the village, and restoring links with its setting and wider environment. **Policy 6.1.1. (Urban Design Strategy)** seeks to promote improvements in the quality and design of Aviemore’s built environment and its relationship with adjoining countryside in accordance with the principles of Gillespie’s Urban Design Strategy, where these are consistent with the Local Plan. Conformity will be expected with the main design principles embodied in the Strategy insofar as these relate to building grain, fabric, building hierarchy, scale and lines, open spaces and trees, views and streetscape.
10. The site itself is not designated for any particular use in the **Badenoch and Strathspey Local Plan**. However, the wooded area to the west is covered by **Policy 6.5.2. (Amenity Woodland and Trees)**. This policy seeks to safeguard and encourage active management of trees and woodlands important to the structure of the village. A Tree Preservation Order has been placed on the entirety of the Aviemore Highland Resort Lands. Another related policy is **Policy 6.4.3(a) (Grampian Road Enhancement)**. This seeks to encourage a package of measures designed to improve “first impressions” of Aviemore. These include re-defining the main village approaches, notably new “gateways” to the north and south of the village, at the Dalfaber junction and immediately beyond the Four Seasons Hotel (now the MacDonald Four Seasons). These should be coupled with wider enhancement alongside the B9152 to achieve a more successful transition between built-up area and the countryside.

11. **For information only, the CNPA Consultative Draft Local Plan**, leaves the site within a **General Policy 1 Area**. This states that development will be permitted if it is unlikely to have a significant adverse effect on the aims of the National Park or any of its special qualities. The **Aviemore Settlement Statement** states that the Local Plan should seek ways to concentrate general development within the drawn boundary of the town, to consolidate the community. Housing will develop within existing settlement boundaries on sites allocated within the Plan or make use of infill/brownfield sites. The existing shopping/commercial core of Aviemore is protected from any proposals to reduce the stock of business properties, or adversely affect existing businesses. A **new Aviemore Masterplan** will identify sites and opportunities for enhancement and development. There is concern that retailing is concentrating on visitor needs, and not those of the local community.

## CONSULTATIONS

12. **Highland Council's Contaminated Land Officer** initially stated that because of its former use as a filling station, the applicant was required to submit, by way of an assessment of potential contamination issues, evidence that the site is suitable for its proposed use. This should be consistent with the requirements of PAN33 and BS10175. The applicants submitted a soil and gas survey report but the **Contaminated Land Officer** stated that this did not satisfy the requirements. However, following an examination of PAN33 and following discussion with **Highland Council**, it was agreed that, because the application is an outline proposal, the matter of contaminated land could be dealt with by planning condition, if the application is approved.
13. **SEPA** initially objected to the proposal. Although recognising that the site is a restricted one, they wished to see the incorporation of SUDS for surface water drainage from hardstanding areas, car parking areas and roofwaters. The applicants carried out percolation tests and a report from an engineer demonstrates that a full soakaway can be accommodated on site. **SEPA** now finds this acceptable. They wish conditions imposed which require the implementation of the SUDS.
14. The **CNPAs Natural Resources Group** have stated that the proposed buildings will be against the backdrop of Scots Pine and that it would appear that several trees would be felled. Within the boundary of the site, this would not necessarily impact on the integrity of the woodland but would reduce the size of the overall habitat. However, this is unlikely to be significant to the overall habitat.

15. **Aviemore & Vicinity Community Council** have stated that they do not have enough information to assess the development but that the need to fell trees is a concern. As many trees as possible should be retained. They also wonder if the site is suitable for housing and if the proposed design and materials will be suitable for the whole area. However, they also state that they like the use of wood.
  
16. **Highland Council's Former Area Planning & Building Control Manager** has advised, under delegated powers, that advice given at the pre-application stage was generally supportive. The intention to plant trees at the edge of the road and to retain trees and plant new trees within the development itself would go some way to meeting the aspirations of the "Gillespie Strategy" that the woodland should be drawn down to the roadside. This also reflects the "Gillespie" view that avenue tree planting nearer to the roadside along the frontage would be appropriate. He feels that the architect has made significant attempts to try and deal with the matter of the trees to the west side which are the subject of the TPO. In addition, he advises that recent Scottish Executive guidance looks to have designs rooted in their landscape and that there is a need to plan buildings in groups rather than on their own. The guidance also suggests that there is a need to design and plan in the expectation that social, economic and technological conditions will change. He feels that the proposal is a radical approach to attempt to achieve these. Development Briefs should be a basis for dialogue and not a prescriptive substitute for it and he therefore states that it might be argued that the approach taken is an evolution of the "Gillespie" Design for Aviemore. Also, he states that guidance makes the point that much of what makes or mars a settlement is the continued application of Roads and Planning standards for reasons far removed from any consideration of design. The question that arises is whether or not the approach set out in the submitted "Design Statement will lead to a design of lasting quality. He feels the materials chosen reflect advice and his view is that the success of the design will depend on the manner in which trees are retained at the site and integrated into the development. He emphasises that the application is an outline proposal and details such as that could be the subject of conditions of any planning approval.
  
17. **Highland Council's Area Roads Manager** has stated that on the basis of their current standards, 1.5 car parking spaces per flat and 5 car parking spaces per 100sqm of retail floorspace is required. Their initial response stated that the submitted proposal falls well short of the above requirements. Following a response from the applicants, a more detailed consultation from the **Area Roads Manager** maintained his objections to the proposal. He states that his understanding of SPP17 "Transport and Planning Maximum Standards" is that residential development should be excluded from maximum car parking standards, and that for other development the standards should only be applied to sites that are highly accessible by various modes of transport. He suggests that these sites tend to be in well developed

urban or suburban locations which Aviemore is clearly not. The nature of retail development proposed is not clear but it would seem likely that it would hope to attract tourist trade and general custom from beyond the limits of Aviemore. As such private car travel is likely to be the principal mode of transport and suitable parking provision will therefore be required within or close to the development site. He states that existing public parking provision in the vicinity of the site and indeed Aviemore in general is presently limited. He therefore feels that consequently, any shortfall in parking provision for the new development will inevitably result in on-street parking close to the site, all to the detriment of the safety and free flow of traffic on Grampian Road.

18. With regard to the residential element, he states that individual garages/lock-ups are usually not considered in an assessment of overall parking provision because these are often used for other purposes. However, open, covered parking bays could be included. He notes the applicant's proposal to mitigate the requirements for dedicated residential parking by the inclusion of 4 shared spaces and in principle he has no strong objection to this approach. However, it would be subject to the adequate overall provision of parking for the retail element, and the retail areas would require to be restricted in terms of hours of operation ie. not open in the evenings or at weekends. In addition, he still has concerns about the impact general traffic movement within the new development would have on traffic entering and leaving the adjacent Aviemore Highland Resort, through the site.
19. Following a further request to consider the possibility of reducing standards, bearing in mind the site's location, a further response from the **Area Roads Manager** confirmed that he feels the proposal represents overdevelopment and that in the context of Aviemore, he did not consider the location to be town centre. As such he did not feel able to speculate on a compromise level of parking without sight of alternative proposals. He stated that if the development was located closer to the commercial core of Aviemore it would then lie within easy reach of existing and proposed public parking facilities and accordingly a more relaxed view on parking requirements could possibly be taken.
20. **Following deferral at the Committee in December, and prior to the submission of the indicative amendment to the amount of retail space proposed, the applicants submitted a further letter arguing the case for reducing the car parking standards required and stating that there was a requirement in PAN75 (Planning for Transport) to carry out an "accessibility profile" for the development. The Area Roads Manager has responded by confirming that he has not carried out a formal "accessibility profile" and that he is doubtful if a formal "accessibility profile" would serve much purpose in this instance. In any event he feels that the accessibility assessment I have made in this report is**



sufficient. In addition, following receipt of the indicative amendment to the amount of retail space proposed and the indicative increase in the number of car parking spaces provided, the Area Roads Manager has stated that the revised proposals do offer a significant improvement but that he remains of the view that the proposal represents overdevelopment of a restricted site. Accordingly, he is unable to alter their previously stated objection.

21. **Highland Council's Senior Forestry Officer** initially advised that he had considerable concerns about the flatted proposals to the rear of the site. The trees to the rear of the site are protected by a TPO and he felt that the proposed flats would detract from this valuable amenity both in the short term, due to the level of tree removal required for construction purposes and then in the longer term due to pressure from residents for improved light and safety. The embankment provides a natural buffer and should be preserved as such. There was also concern about the precedent for further development along this prominent backdrop.
22. Further to a response from the applicant, the **Forestry Officer** provided more comments. The TPO relates to a significant area of the Aviemore Highland Resort only. The trees (mature and younger) within the application area are visually dominant and locally important as well as complementing the adjacent tree cover covered by the TPO outwith the site. Policy 6.5.1 of the Local Plan states that the Council will safeguard and encourage active management of trees and woodlands important to the structure of the village. He stated that the proposal identifies the direct removal of a good number of these trees and although replacement tree planting is indicated, the development will obviously limit the potential for replacement planting and species choice. He also remained of the opinion that the proposal would not comply with the British Standard which provides guidance on the principles to be applied for achieving a satisfactory juxtaposition of trees and development. In addition, he also stated that the proposal would not seem to comply with Policy 2.5.4 of the Local Plan which relates to distances between trees and development.
23. **Further to the submission of the applicant's arboriculturists report, and the deferral of the application in December, the Forestry Officer has provided further detailed comments (please note these comments were made prior to the submission of the amended scheme reducing the amount of retail space proposed).** In summary, he states that the report is generally well considered and presented. It refers to the BS 5837:2005 (Trees in Relation to Construction) which is welcomed and relevant. For the Scots Pine on the site, they are categorised as offering a significant contribution in landscape terms. The report does offer some comment about sunlight and shading from trees in relation to the development but he is of the opinion that a conflict still exists not

only in terms of daylight/sunshine but also in terms of size, dominance and movement in strong winds. The overwhelming experience is that occupiers are not accepting of trees too close to buildings. There is also an insurance aspect to consider. The opportunities for replacement planting are, due to the scale of the development proposed, limited. In addition to the removal of mature pine, the younger pine on the lower slopes will also be lost. These trees are, in themselves, an important part of the cycle to retain trees on this site. The opportunities for re-planting Scots Pine under the existing canopy will be limited to a degree given the light demanding properties of pine.

24. In conclusion, the Forestry Officer states that the existing tree cover, mature and young, is considered to hold a high and prominent amenity value. The scale of the proposed development is considered to be too high, resulting in an unacceptable loss of the existing tree cover (directly and indirectly) and with limited opportunity for any meaningful replacement planting.
25. To support and reinforce the drive for quality in design and architecture, the Scottish Executive have formed a new body, **Architecture and Design Scotland (A&DS)**. They have provided comments on the proposal and in doing so they consider the site, due to its location on the main B9152, and as a potential entry gateway to the village, as of considerable importance. They consider that the current proposal will have a significant impact on the village but that the proposed development's intended role as a gateway could be a notable success. They question the viability of the retail units, given their perceived distance from the centre. The indicative drawings show a street frontage here with a glazed canopy oversailing the pavement but they view this as rather banal and hardly appropriate for a "gateway" building. It is the form of this retail building and its relationship to both the street edge and the car park that needs to be developed.
26. The sense of arrival from the south is currently underplayed and anything that improves it, and at the same time regenerates a derelict site is welcomed. They suggest that visitors come to Aviemore primarily to explore surrounding areas and to shop and therefore early evidence of a good quality retail development would be encouraging but it must be sustainable. The limitations of the site and its economic viability, it is suggested, might be better served by reducing (or removing) the retail component and increasing the number of apartments. In relation to parking, they state that the design appears to have been predicated by traffic engineer requirements for parking and service vehicle manoeuvring. They feel that this approach restricts available options and should be given lesser significance in the genesis of the design. No allowance has been made for parking for wheelchair users but any new building should screen the parking rather than expose it from those approaching from the south. Certainly the new trees along the roadside will enhance the pedestrian realm but some

reconfiguration of the layout and house types could help address other concerns. They also state that no communal garden, amenity or drying areas have been indicated which begs the question about fostering residents' involvement and sense of ownership and responsibility.

27. They feel the proposed choice of materials (larch boarding & copper roofing) is appropriate given its role as an interstitial zone between rural and village life. They suggest that more information is required on the existing trees and the impact of the development on the stability of the embankment but that if successful, the relationship with nature could enrich the proposal. To conclude, A&DS commend the applicant for promoting an interesting and contemporary approach for this important site, but they have a number of concerns including its impact on the existing trees and the feasibility of the retail premises. Aviemore's inclusion in the Cairngorms National Park places a general presumption against any development which would have an adverse visual impact and there is a need to conserve and enhance the natural and cultural heritage of the area. This mixed use development has potential but if it is to succeed, it needs to display the same ambition, quality of finishes and attention to detail that is displayed in Sverre Fehn's pioneering "Villa Busk" project.

## REPRESENTATIONS

28. Two representations have been received. One from the Highland Cycle Campaign seeks the provision of internal cycle storage within the development. The other, from Network Rail, does not object but sets out requirements for developers for constructional work on or near railway operational land. **Copies are attached for information.**

## APPRAISAL

29. I am grateful to the applicants for providing the amount of information that they have with regard to potential layout, design of buildings and parking areas, and impact on trees. I also very much welcome the submission of the "Design Statement" which is in line with PAN 68 (Design Statements) and provides a considerable amount of information on how the proposed development has evolved and the indicative design principles behind the scheme. The information provided has been very useful in allowing a proper and realistic assessment of the implications of this proposal. **However, it must be emphasised that the application is one which seeks outline planning permission ie. the principle of the proposed land uses at this particular location.** Nevertheless, the applicant is seeking a permission for a particular number of flats (8) and a particular amount of retail floorspace (**now 410 sqm**). As such, I feel it is entirely logical and necessary to assess, how this amount of development and its related functional requirements, can actually be provided on what is an

important but constrained site and what impacts are likely to accrue. The level of detail that has gone into the assessment, demonstrates how important it is to look at all the potential implications even when examining just the principle of a development proposal on a particular site.

30. There is no doubt that this vacant site, combined with adjacent sites and buildings eg. the former, now redundant tourist office, provides a negative contribution to the visual appearance of the area. This is particularly so when you consider the site's location immediately adjacent to the main road through Aviemore and at a position near to the "entrance" to the main commercial core. It represents a brownfield site and there is considerable merit in permitting a quality redevelopment which will enhance the visual appearance of the area. While the site is not located within what many may argue is the commercial core, (which is only 300m or so to the north) I believe that a mixed residential and retail development would, in principle, be acceptable in terms of land use and general planning policies. In the Badenoch and Strathspey Local Plan, the site is not allocated for any particular use. The previous use of the site was commercial (filling station) and due to the modest scale of retail now proposed, I do not envisage any conflict between, or impact upon, existing retail provision elsewhere in Aviemore. The Local Plan also promotes the strengthening of the village as a major shopping and service centre, as one of its main priorities. The economic and social development of the area is also one of the aims of the National Park and creating a mixed use development (where people activity could exist beyond normal business/shop hours) can only be positive in this respect.
31. In a land use policy context, much of Aviemore has been the subject of urban design strategies in the past. These have attempted to promote much needed improvements in the quality and design of Aviemore's built environment. Gillespie's Urban Design Strategy in the 1990s helped inform the Aviemore Masterplan of 1997 in the central areas of Aviemore. **This Masterplan was approved as supplementary planning policy deriving from the Badenoch and Strathspey Local Plan and was to constitute an important material planning consideration in the determination of planning applications lodged within the central area of Aviemore. It was designed to set out a new context in which to develop buildings and spaces of appropriate scale, form and detail. This Masterplan has, of course, been subsequently superseded by planning permissions granted, in particular for the areas within the Aviemore Highland Resort. It does not, however, in the main, cover the proposed site, in terms of scope and boundaries. It happens to locate one of its "recommended facilities" at High Range to the south-west of the current site, but otherwise it is overwhelmingly focused on the town centre. Highland Council have confirmed that they have not treated the Masterplan as superseding Gillespies anywhere outwith the core area of the Aviemore Highland Resort Lands and**

**Grampian Road, between the two access roads to the resort. Gillespies gives guidance on layout, form and strategic planting in expansion areas, and streetscape improvements along the entire length of Grampian Road, which are not tackled in the Masterplan. The Badenoch and Strathspey Local Plan, under Policy 6.1.1. (Urban Design Strategy) seeks to promote the improvements to the built environment in line with the principles of the Gillespies Strategy and therefore, in a policy context, its findings remain relevant to the current proposal.**

32. The main findings of the Gillespie's Strategy for this area included a desire to move the perceptual gateway to the village itself closer to the core and provide a more rural environment on the approaches between the Coylumbridge junction and the centre. In this sense, roadside planting and softer edges to the road margins are promoted. For this particular site **(which was still the filling station at that time and of course did not take account of any other proposals other than the filling station remaining)** and the surrounding areas to the south, it did suggest that woodland should be drawn down towards the road with the possibility of avenue tree planting near to the roadside. In addition and this respect, one of the principles set out in the Aviemore Settlement Statement in the Local Plan is *"to transform the image and texture of Aviemore, "green up" the village, and restore links with its setting and wider environment."*
33. Having accepted that a mixed residential and retail use development is acceptable in principle on the site, in my view, the determining factors therefore relate to the more detailed aspects of the indicative design, and its implications for the surrounding area, parking, and the extent to which the development meets the linked aspirations of the Gillespie's Strategy and the Badenoch and Strathspey Local Plan, to "naturalise" approaches to the centre of Aviemore.
34. From an urban townscape point of view, while a development designed in the manner indicated would become a focal point at this location, it is not in the general "gateway" location envisaged by Gillespie's. Nevertheless, I do not view this as a significant concern. As stated in Paragraph 30 above, there are considerable advantages, from an urban design point of view, in creating a development of architectural merit and individuality on this vacant brownfield site in this location. I concur with Architecture & Design Scotland's thoughts that there is great potential in the proposed design concept. There is no doubt in my mind that the development, as indicated, would have an impact on the area but that this could be positive in many ways. Provided the important trees on the higher areas to the rear of the site are protected, the tower features would be seen in the context of a wooded backdrop. The retail unit to the front, provided it was designed appropriately, in combination with the proposed avenue of tree planting, could provide a successful and appropriate sense of enclosure and treatment to the road edge, **in line with the aspirations of Gillespies**. The use of

larch boarding would be appropriate to its wooded context yet the copper roofs would create an acceptable individuality. In short, taking account of the Park's aims, and the national requirement to improve the quality of building design, I support the principle of the **indicative** design concept in its context, as an attempt to create a sustainable development proposal. I feel that it has the potential to be a type of innovative design that the National Park should, in principle, be looking to encourage.

35. Nevertheless, having said this, there have been several points of concern. Architecture & Design Scotland feel that the design is predicated by the requirements of the road engineer for parking and access and that this restricts options and should be given lesser significance in the development of the project. However, I do not feel that the need for having a development that is able to function properly in respect of parking and access issues, can be overlooked, particularly in this location. **With regard to parking provision, in order to meet their standards for the amount of accommodation originally proposed, Highland Council's Area Roads Manager would have required at least 39 parking spaces. The original proposal indicated the provision of 20 spaces. SPP17 (Transport and Planning Maximum Parking Standards) seeks to constrain car parking for new developments because it can help focus attention on the overall travel context of developments, including provision for travel by public transport, foot and by cycle. It states that factors to take into account include public transport accessibility, targets and opportunities for walking and cycling, objectives for economic development including tourism, the availability in the general area, particularly town centres, of public on and off street parking, and the potential for sharing spaces with neighbouring developments. It also states that there is significant scope to influence travel at the destination end of trips but that if this has the desired effect of reducing the number of car trips, while car ownership remains unconstrained, more cars will have to remain parked at home. Residential development should therefore, generally, be excluded from maximum car parking standards.**
36. **There are therefore a number of factors which require to be considered when assessing the amount of parking that should realistically be required. In relation to the current proposal, it is likely that the flats will be targeted at the higher end of the market and therefore there is more likelihood of occupiers owning more than one car. Taking account of this and SPP17, the fact that on street parking at this particular location on the main road would create potential congestion and road safety problems, and that there is limited public parking in the vicinity (and it is at a distance from the site), I do not feel that it is necessarily appropriate to significantly reduce the standards for the residential element.**

37. In relation to the retail element, end users are unknown at this stage. It is likely that there may be two or three units within the retail element. If these units provide non-food, comparison goods type retail space the majority of likely trade would be visitors or tourists rather than specific destination type trade. These users are more likely to be visiting Aviemore by use of the car rather than public transport. However, they are also more likely to be parking somewhere central and walking to various facilities and shops. The applicant has now stated that the retail element may be ideal for some more localised service type retail such as a newsagents or small food shop. This is because of its location close to the new and proposed self-catering holiday lodges in the nearby Aviemore Highland Resort. He believes that there may be a ready market for this type of retail because of its easy accessibility by foot from the holiday lodges. This is certainly true, and it could be the case that users of the holiday lodges would access the proposed development on foot. There are also the needs of employees in the retail units to be taken into account.
38. The Area Roads Manager does not feel that the site represents a town centre location where standards could be reduced. He feels that the application of reduced/maximum standards for town centre locations advocated by SPP17 relates to areas that are highly accessible by various modes of transport ie. urban and suburban locations which he believes Aviemore is not. In relation to this, I feel that the location is not far removed from what may be argued is the commercial core, and that public transport (bus and train services) are available nearby. Taking account of this, the factors stated in the paragraph above, the economic benefits that some additional retail development could bring, and the need to ensure that relevant consideration is given to quality of design implications, I continue to believe that there is scope for reducing the requirements for on site parking in relation to the retail element.
39. When considering the original proposal, I felt that because of some of the reasons stated above and the strength of argument from the Area Roads Manager, a reasonable balance was needed in order to achieve a workable solution. I could not find the proposed 50% reduction in car parking space, at that time, a reasonable compromise. On the basis of the submission now under consideration, current Highland Council's standards would require 32 spaces. The amended proposal now indicates an additional four parking spaces, the total now being indicated as 24. For the retail element 12 "allocated" spaces would be available and for the residential element 8 "allocated" spaces would be available. However, it must be noted that there is now space indicated for an additional 4 spaces which would be "shared". It can therefore be argued that a total of 28 spaces could be available, albeit at different times of the day or week ie.

during the day when flat occupiers are more likely to be away or in the evenings when the shops are more likely to be closed. Taking account of this, I believe that this level of reduction (a nominative shortfall of 4) is now acceptable in this location and that to insist on more spaces, in line with Highland Council's standards, would impact on the quality of the design proposal and its objectives. I broadly agree with Architecture & Design Scotlands' view that parking standards should not be allowed to impact on design aspirations. It has also been brought to my attention that the access through the site to the south which leads to the holiday lodges part of the Aviemore Highland Resort is only for emergency purposes and is not a regularly used access point. I therefore believe that there is not a significant concern about conflict between users of the two sites. All in all, taking account of all the factors, in relation to the detailed matters of parking and general access, I now believe that the level of development proposed is acceptable.

40. The second element which requires to be considered in terms of the amount of development proposed for the site, is that of how the development deals with the matter of trees on the site, and how it impacts on the aspirations of the Gillespie's Strategy and extant planning policy to draw woodland down to the roadside, and provide, generally, a more natural environment on the approaches to the centre of the village. In this respect, I continue to feel that it is important to mention the previous planning application decisions on this site and the adjacent site. Both proposals at that time were refused on the basis that they did not meet these requirements. Highland Council's Former Area Planning Manager in providing general support also stated that *"My view is that the success of the design will depend on the manner in which trees are retained at the site and integrated into the development."* Architecture & Design Scotland have also raised concerns about trees and emphasised the importance of retaining the treed context. While again I emphasise that the application is an outline one, bearing in mind these factors, I feel it is a necessary step to assess this matter at a fairly detailed level in order to determine whether this level of development can be satisfactorily achieved on the site.
41. The arboriculturist's report has resulted in a requirement for a clear protection zone for the trees on the higher part of the embankment and those which are the subject of the TPO outwith the site. Highland Council's Forestry Officer has now considered this report. While welcoming the findings, he still expresses some concern about the realistic chance of trees being maintained on the site in the long and short term and the amount of space being created for meaningful replanting. It must be said that his comments have been made prior to the receipt of the amended indicative scheme. The amended indicative layout (because of the



reduction in the amount of retail floor area) does now create some additional indicative space on the site for new tree planting to help compensate for the trees which will be lost. It is also the case that while 8 residential properties are applied for, and a indicative footprint of buildings shown, it may be possible to create even more space for amenity areas and new tree planting by rethinking the amount of development in each residential block ie. reducing the footprint of buildings. This would be a matter for detailed design consideration at the time of any future application for Reserved Matters Approval or Full Planning Permission. Notwithstanding the comments provided by Highland Council's Forestry Officer, I believe that it will now be possible to retain most of the mature trees on the higher slopes but those which may be affected elsewhere can be adequately compensated for by replanting within the development. I also welcome the proposal for avenue planting near to the roadside. The benefits of redeveloping this vacant site must be weighed up against any perceived loss of trees but having considered this element closely, and welcomed the indicative additional space created by the reduction in the level of retail proposed, I now find that an adequate and acceptable balance can be achieved between built and natural forms. As such I feel this addresses the comments made by Architecture & Design Scotland and meets the aspirations of Gillespies and extant Local Plan policy.

42. To conclude, it is accepted that there is considerable merit in permitting a redevelopment for a mixed use on this important vacant site. I also acknowledge the need to make developments viable from an economic point of view and that there is significant potential in this location and with this design concept, to achieve a development of lasting quality and originality in the National Park. Original concerns about "overdevelopment" of the site and the implications for shortfalls in on-site parking and tree loss and replacement have now, in my view, been overcome with the reduction in the amount of retail space proposed, to the extent that support can be given for this Outline proposal.

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

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

43. The development has the potential to improve the urban townscape in this location and therefore enhance the cultural built heritage of the area. The reduced scale of development now proposed will allow for an adequate balance between built form and the need for tree retention and a more natural landscape in this location.

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

44. The development has the potential to provide a development which is positive in terms of sustainable design principles. Being located within a settlement it also presents opportunities to minimise car travel.

### **Promote Understanding and Enjoyment of the Area**

45. The development does not have any implications for this aim.

### **Promote Sustainable Economic and Social Development of the Area**

46. The development has the potential to provide positive implications in terms of this aim. The provision of some retail space in a location close to the commercial core is unlikely to impact on the viability of existing shops and could add to the general desire for improving the economic renaissance of Aviemore.

## **RECOMMENDATION**

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

**Grant Outline Planning Permission for Erection of Retail Unit and 8 No. Flats, Vacant Land (Former Filling Station), Grampian Road, Aviemore, 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, parking, means of enclosure, tree retention, adequate amenity space provision 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. Prior to the commencement of development, the developer shall submit full working details of the method of on-site disposal of surface water drainage. This shall be in accordance with the Sustainable Urban Drainage Systems Design Manual for Scotland and Northern Ireland, CIRIA C521 2000, to the satisfaction of the Planning Authority in consultation with the Scottish Environment Protection Agency.
3. That the final approved SUDS scheme for any individual phase of development shall be implemented and operational prior to the occupation of any development in that phase.

4. Prior to any development commencing on site, a scheme shall be submitted by the developer (at his/her expense) to deal with potential contamination on site. No construction work must commence until such a scheme has been submitted to and approved, in writing, by the Planning Authority, and is thereafter implemented to like satisfaction. The scheme shall contain details of proposals to deal with potential contamination and must include:-
  - a. The nature, extent and type of contamination on site, identification of pollutant linkages and assessment of risk. The scope and method of this assessment shall be agreed in advance with the Planning Authority, and undertaken in accordance with PAN33 and BS 10175:2001.
  - b. Remedial strategy (if required) to treat/remove contamination to ensure that the site is fit for uses proposed (this shall include a method statement, programme of works, and proposed verification plan).
  - c. Submission of a validation report (if remedial action is required) by the competent person employed by the developer who will validate and verify the completion of works to a satisfactory standard as agreed with the Planning Authority.
  - d. Submission, if necessary, of monitoring statements at periods to be agreed with the Planning Authority, for such time as is considered appropriate.
5. Unless otherwise agreed in writing with the Planning Authority, the amount of retail space hereby approved, is restricted to a maximum of 410 no. square metres.
6. Unless otherwise agreed in writing with the Planning Authority, a minimum of 24 no. car parking spaces shall be provided on the site.
7. Unless otherwise agreed in writing, secure internal cycle storage space shall be provided on site, in accordance with Highland Council's standards and guidelines.
8. That from the date at which this outline planning permission is granted, no trees on the site shall be uprooted or damaged. Trees on the site shall only be felled, lopped or topped with the prior written approval of the Planning Authority through the granting of a Reserved Matters Approval or Full Planning Permission.
9. That unless otherwise agreed in writing, all the measures proposed in the Scottish Arboricultural College Arboricultural Impact Assessment Report dated 3 November 2005, for the protection of existing trees on the site, and the construction of the development, shall be implemented before, during and after the construction period.

10. That unless otherwise agreed in writing with the Planning Authority, visibility splays of not less than 4.5 metres x 90 metres shall be provided in both directions at the junction of the proposed access with Grampian Road prior to the commencement of the development, and thereafter maintained free from any obstructions exceeding a height of 1 metre above the adjacent road channel levels.
  
11. That unless otherwise agreed in writing, the internal roads and parking areas shall be designed and constructed to a generally adoptable standard in compliance with the requirements of Highland Council's Road Guidelines for New Developments.

**Neil Stewart**

**9 January 2006**

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