
CAIRNGORMS NATIONAL PARK AUTHORITY

Title: REPORT ON CALLED-IN PLANNING APPLICATION

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DEVELOPMENT PROPOSED: ERECTION OF 2787 SQ M (30,000 SQ FT) SUPERMARKET AND CAR PARK (RESERVED MATTERS), LAND NORTH OF LINK ROAD AND WEST OF GRAMPIAN ROAD, AVIEMORE

REFERENCE: 06/395/CP

APPLICANT: AVIEMORE HIGHLAND RESORT LTD

DATE CALLED-IN: 6 OCTOBER 2006

RECOMMENDATION: DEFERAL

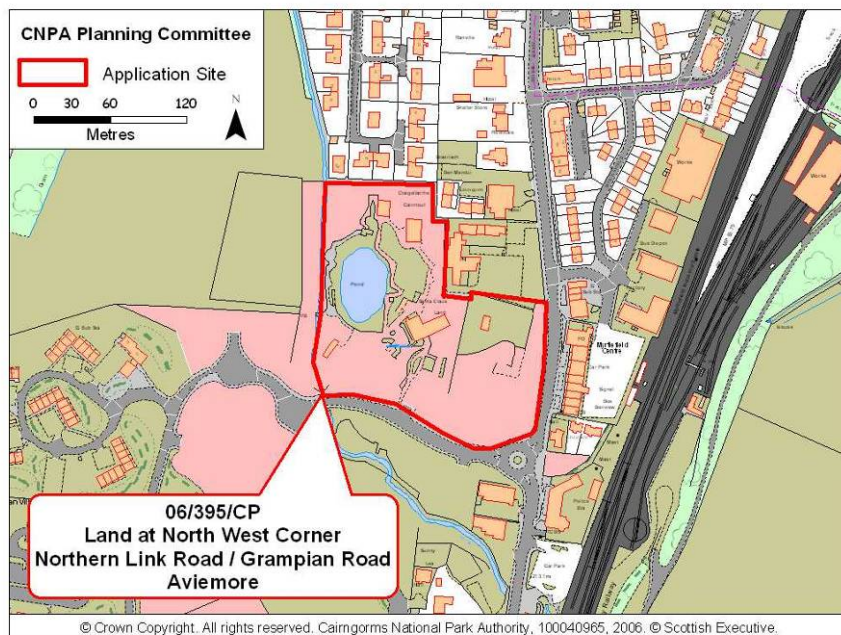


Fig. 1 - Location Plan

SITE DESCRIPTION AND PROPOSAL

1. This is a reserved matters application for a 30,000 sq ft supermarket that received outline planning permission in September 2003 as part of the overall development of the resort site (from Highland Council). A total of 22 planning conditions were attached to that outline consent though this included conditions relating to the resort site as a whole and not just the supermarket site. The outline consent was for 2,787 square metres of floor area (30,000 sq feet). This application seeks detailed permission for a supermarket on the basis of the outline. There is no indication as to the amount of floorspace being provided for convenience goods (largely food) and comparison goods (e.g. Clothes and goods such as TVs and other electronic equipment). **It should be noted that an outline planning application to extend the floorspace of the outline approval up to 45,000 sq feet is also being considered at this meeting.**



Figs 2 & 3. Views of Site from Grampian Road

2. The site of the supermarket is close to the centre of Aviemore, where there used to be the Santa Claus Land and Chevy's Bar. The site lies to the west side of Grampian Road and to the north of a new link road into the Centre's various developments. The site lies adjacent to the Aviemore Burn and includes a small lochan. Trees on the site are covered by a Tree Preservation Order (TPO). Some private housing lies to the north as does the Winking Owl public house. The application site has a 100 metre long frontage onto Grampian Road. The site is close to but largely outwith the area of the Milton Burn associated with potential for flooding. A full SUDS Strategy has been provided. The Aviemore Burn is not designated as a Special Area of Conservation (SAC) but this designation does apply 300 metres downstream from the site. Members should note that another application for a large retail development on Grampian Road to the south of this site is likely to be brought forward for determination in the very near future.

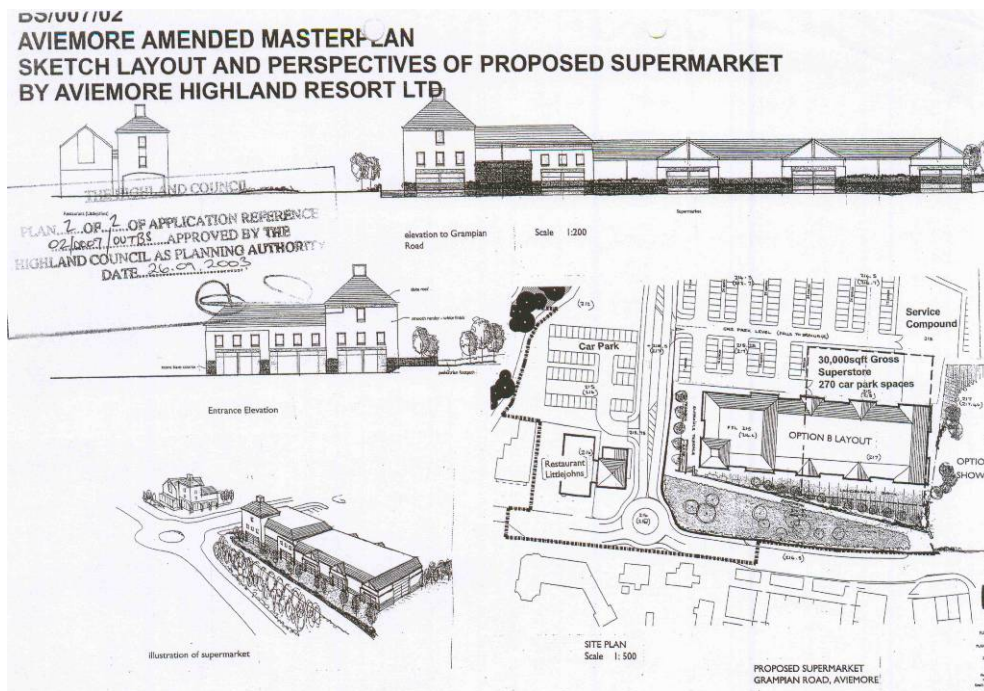


Fig 4. Basic design form approved under Highland Council outline Approval.



Fig 5. Design originally presented for this application

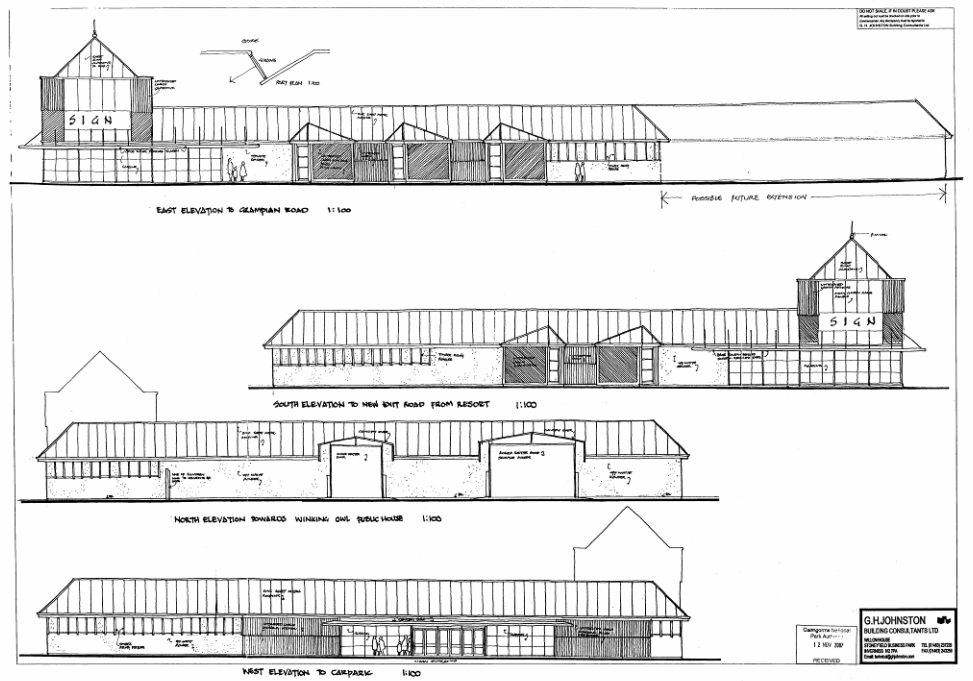


Fig 6. Amended Design Proposal now presented for consideration

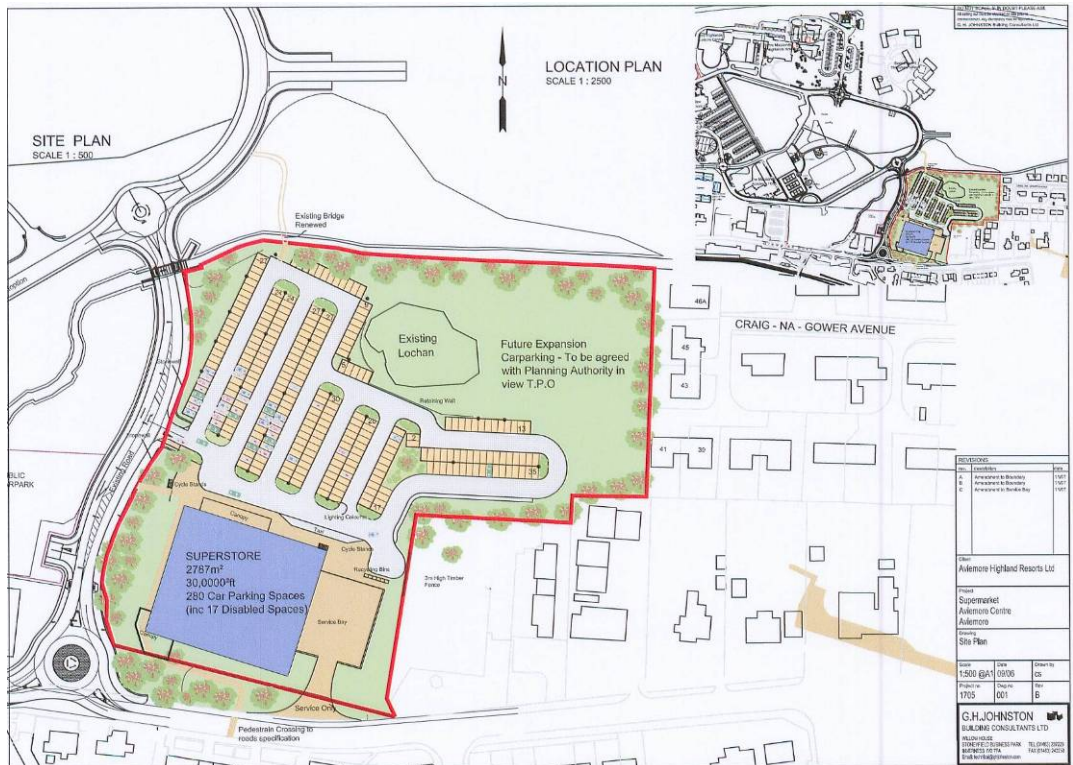


Fig 7. 30k Supermarket Site Plan

3. The proposal generally complies with the 2003 outline approval in so far as on site requirements go. The original proposal was submitted in 2006 and proposed a block, render and timber design for the supermarket (see fig 5). Some concern had been raised about this and a lack of information with regard to the effect of the proposal on the Tree Preservation Order which covers the north western area of the site. A survey has been provided. The supermarket would be accessed by customers from the west car park elevation via the recently constructed Northern Link Road (road between the two roundabouts on fig 7). This latest proposal includes a service access direct onto Grampian Road (see fig 7) close to the boundary with the Winking Owl. This has changed just before the report went to printing and there is now a significant gap between the pub and the service yard. The supermarket building itself is rectangular in form and is set towards the Grampian Road frontage to the extent that it can without interfering with visibility from the roundabout on the Northern Link Road into the resort. This position generally accords with what was anticipated by the outline approval. The design proposed has very recently been altered. The building still keeps to the basic rectangular shape. Its main entrance faces onto the car park to the west. However, a glazed corner faces onto Grampian Road and it is intended to provide a café in this area. The design utilises a mix of materials including render and decorative timber panels, including angled projecting windows to the Grampian Road elevation. The key design feature is a corner tower (12.5 m high) with untreated larch cladding, a band of glazing will effectively wrap around the junction of Grampian Road with the northern link road into the resort. The remainder of the building is 6.5 metres in height. The

north elevation is effectively the service entrance and faces towards the car parking area for the Winking Owl Public House with a 3 metre high fence proposed for the boundary. The customer entrance (west) elevation has a more conventional appearance with a mixture of glazing and timber cladding. A sustainable design statement has been submitted and is attached at the back of the report. The roof material is zinc.

DEVELOPMENT PLAN CONTEXT

National Guidance

4. **Scottish Planning Policy 8 Town Centres and Retailing** focuses on the importance of the town centre and the key issues, particularly retailing that contribute to their economic growth. The policy supports the Scottish Government top priority of growing the economy as well as wider issues related to social justice, transport, health and environment. Retail and leisure provision are fundamental to the concentration of other activities within town centres. These two sectors of the economy are strongly linked, as well as to others such as culture and tourism. All are key contributors to the Scottish economy and are significant providers of employment.
5. The Government is committed to land use policies that secure vital and viable town centres, which provide economic, social, health and environmental benefits for the wider community. The key policy objectives for town centres are to: promote distinct, competitive places and encourage regeneration, in order to create town centres that are attractive to investors and suited to the generation of new employment opportunities; create a climate that enables all sectors of the community to have access to a wide choice of shopping, leisure and other services and for gaps and deficiencies in provision to be remedied; improve physical quality and sustainability of out of town centre environments; support development in existing accessible locations or in locations where accessibility can be improved.
6. The guidance goes on to consider that in rural areas a range of shops and other facilities are provided in small towns, villages and other accessible locations. These locations form an important part of a network as the uses provide vital local community and economic services. Their loss can therefore have a severe impact not only on small settlements but also on the surrounding rural hinterland. As paragraph 9 of **Scottish Planning Policy 15 Planning for Rural Development** indicates planning policy should support the vital role of these centres.
7. The guidance states that planning authorities and developers should adopt a sequential approach to selecting sites for retail and commercial uses, unless guidance within this policy or the development plan

provides for particular exception. The principles underlying the sequential approach also apply to proposals to expand, or change the use of existing developments, where the proposals are of a scale or form sufficient to change their role and function. The sequential approach requires that locations are considered in the following order; i) town centre sites; ii) edge of town centre sites; iii) other commercial centres identified in the development plan; iii) out of centre sites in locations that are, or can be made, easily accessible by a choice of modes of transport.

8. In most cases the definition of town centre will include the retail core, which consists of the primary and secondary retail areas. Where development for town centre uses is proposed within a town centre assessment of its impact on the viability of similar uses in that centre will not be necessary.
9. All retail, leisure and related developments are required to provide a high degree of accessibility, by a range of models including public transport. They should be located close to existing access networks that have potential to accommodate higher density development, or where accessibility can be improved by developer or public funding.
10. **Para 27 of the guidance considers that It is essential that town centres provide a high quality inclusive and safe environment if they are to remain attractive and competitive. Well –designed public spaces and buildings which are fit for purpose, comfortable, safe, attractive, accessible, energy efficient and durable can improve the health, vitality and economic potential of town centres. The Scottish Government attaches priority to securing high design standards in all new development and development plan policies. The design of all proposals, including landscaping, parking provision and changes to the public realm, streetscape and open space should take account of the local environment. Designs which fail to integrate the development with its surroundings, because of scale, materials and appearance and those which fail to create effective links with the surrounding urban fabric, should be refused planning permission.**
11. **Scottish Planning Policy 17 Planning for Transport (SPP17)** notes that an approach to integrated land use and transport planning should be prioritised according to the following principles, walking, then cycling, followed by public transport and then cars. Under walking the guidance notes that new development should be accessible on foot, both in internal layout and in external connections.
12. **A Policy Statement for Scotland (Designing Places 2001)** Seeks to drive up the standard of design across Scotland. The guidance notes that the physical form of development can enhance or detract from the qualities of a place, and support or undermine the intended uses. In every part of a city town or village there is scope for change-there will

be a wealth of opportunities for achieving good design. Too often the opportunities are wasted because no one had any expectation that here was a place where any qualities might be achieved. The value of good design adds value to investment; creates places that work that people will use and value; good design can reduce the long term costs of energy, maintenance, management and security; well designed places establish and maintain a distinct identity, to the benefit of users and investors; well designed places are easy to get to and move around. The thought put into connecting them into their surroundings pays off. Sometimes opportunities for achieving good design are missed with dramatic results.

Highland Structure Plan

13. **Highland Council's Structure Plan Policy R4: Major Foodstores**, supports foodstore provision in town centres or within the edge of centre locations. Where major foodstore proposals are judged to pose a potential risk to the vitality and viability of local services, the development will not normally be permitted.
14. **Highland Council Structure Plan Policy R5 Town Centre Shopping** considers that retail development in town centres will generally be encouraged. Development proposals which are adjudged to undermine the vitality and viability of existing town centres will not be permitted.
15. **Policy G2 (Design for Sustainability)** advises that developments will be assessed on the extent to which they (amongst other things); are compatible with service provision (water, sewerage, drainage, roads etc.); are accessible by public transport, cycling and walking as well as by car; makes use of brownfield sites, existing buildings and recycled materials; impacts on resources such as habitats, species, landscape cultural heritage etc.; and demonstrate sensitive siting and high quality design in keeping with local character and historic and natural environment and in making use of appropriate materials.

Badenoch and Strathspey Local Plan

16. 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. Principles also seek to improve traffic and to transform the image and texture of Aviemore 'green up' the village and restore links with its setting and wider environment.
17. **Policy 6.2.1** of the Local Plan states that the Council supports major redevelopment of the Aviemore Centre to revitalise the village and reaffirm its status as an international visitor designation. This should

be designed to integrate the centre lands with the wider community, securing a major facelift for the whole village centre.

18. The application site is within an area allocated in the Badenoch and Strathspey Local Plan for Commerce, Tourism and car parking. There were road options (for a link road) through this area, running east west, and in the written statement this area is seen as an opportunity for new retail facilities for the settlement. Village centre enhancement, additional parking facilities, and flood prevention are all important considerations for the area. The Plan states that "The Council will encourage appropriate action by riparian owners to prevent flooding of the Aviemore Burn". Amenity woodland and trees are important to the settlement's environment, and existing trees and woodland will be safeguarded with the Tree Preservation Order covering the Centre Lands.
19. **Policy 6.2.8 notes that other land within the village centre adjoining Grampian Road is allocated for consolidation of existing shopping, office and tourist uses. Specifically opportunities in the vicinity of Chevvy's/Santa Claus Land, subject to agreement to secure and preserve the alignment of proposed link road. These locations relate well to existing retail patterns, offer scope for segregated access and servicing and may provide a choice of potential supermarket sites as recognised in the secretary of states decision letter of 1995. The Council will expect other schemes to retain existing buildings where these are deemed to make to make a significant contribution to the local townscape. Further to the above provisions, greater compactness and consolidation of Aviemore's commercial core is a design priority. Encouragement will be given to increasing the density of the built form, infilling of vacant or under-used sites, redevelopment and facelift for properties to achieve extensive upgrading of the environment and complement wider improvements in parking, servicing and conditions for pedestrians.**

Aviemore Masterplan 1996

20. The Aviemore Masterplan is founded on the general principles of:
- Creation of a new concentrated village centre
 - Establishing Aviemore as an authentic member of the family of Speyside Towns
 - A focus for both residents and visitors
 - A layout which is disciplined and ordered, yet flexible in use
 - A commitment to mixed uses

- A formal network of shared and managed village streets
- Emphasis on balancing public and private transport, pedestrians and cyclists
- An urban form which is visually and environmentally sustainable
- Establishment of design principles which ensure consistent and coherent building forms in scale with their surroundings

Cairngorms National Park Plan 2007

21. **Section 5.2 of the National Park Plan** considers living and working in the Park. Strategic Objectives for economy and employment include a) creating conditions conducive to business growth and investment that are consistent with the special qualities of the Park and its strategic location.; c) promote green business; d) promote opportunities for economic diversification across all areas of the Park; e) address barriers to employment uptake. Strategic Objectives for **Landscape and Built Environment** include maintaining and enhancing the distinctive landscapes across the Park; c) ensuring that development complements and enhances the landscape character of the Park; d) New development in settlements and surrounding areas and the management of public spaces should complement and enhance the character, pattern and local identity of the built and historic environment. Under Strategic Objectives for Forest and Woodland management objective b) seeks to enhance the condition of existing woodland cover and expand to develop habitat networks that complement the landscape character and other uses.

CONSULTATIONS

22. Highland Council Area Roads and Community Works Manager comments that no development shall commence until such time as the appropriate reserved matters contained in Highland Council Planning Permission, ref. BS/02/00007/OUTBS have been addressed to the satisfaction of the Planning Authority.

No development shall commence until the appropriate terms of the registered minute of agreement, dated 18th December, 2003, between Highland Council, Aviemore Highland Resort and others, have been addressed to the satisfaction of Highland Council.

Parking provision shall satisfy the requirements of Highland Council's Road Guidelines for New Developments, and shall include disabled, parent and child, and cycle parking, as required.

Note: The G. H. Johnston plan number 1705/001A states that it is proposed to provide 280 parking spaces, which includes 17 disabled spaces. However the spaces are all shown as 5m x 2.5 m on the plan with no enlarged spaces for disabled or parent and child parking. The parking area also contains no trolley bays. It is therefore likely that in the final design there will be fewer car parking spaces.

Conditions are suggested which cover the following: No water to discharge onto Northern Link Road; Development to be free from 1:200 years flood event; drainage to accord with SUDS principles to satisfaction of Scottish Water and SEPA; Visibility Splays to be provided; appropriate lighting scheme; During construction no direct access onto Grampian Road unless otherwise agreed by Highland Council as roads authority.

Conditions are recommended that no water shall discharge onto the Northern Link Road, visibility splays are provided at the junction of the site entrance with the Northern Link Road. And that appropriate lighting is provided within the car park/service area.

The majority of cyclist and pedestrian custom to the supermarket will be to the north. It would therefore be better if there were a pedestrian/cyclist access to the site to the north of the building as such an access would be on the desire line.

There is no objection to the service yard being accessed from Grampian Road. However, the yard appears to be tight for delivery lorry turning. The turning manoeuvres in the yard will therefore need to be checked.

The location of the pedestrian crossing on Grampian Road should be determined after the point about the pedestrian routing and servicing access has been resolved. Cycle parking standards dictate that one space per 8 car parking spaces should be provided. The cycle parking should be covered.

23. **Highland Council Contaminated Land** comment that records indicate part of the site as having a historic use as a petrol filling station which may have resulted in contamination. It is therefore, requested that the applicant provide evidence, by way of an assessment of potential contaminative uses that the site is suitable for its proposed use. This can be dealt with by planning condition. Some work has already been carried out on this issue by the agent.
24. **Highland Council Environmental Health** has no objection.
25. **Highland Council Forestry Officer** comments...

26. **Highland Council area Roads and Community Works Manager (flooding)** comments that the Drainage Impact Assessment would appear to be satisfactory; however, it is recommended that Design and Check Certificates are provided to substantiate the measures proposed will ensure the following: The development will be free from the adverse effects of a 1 in 200 years flood event. There will be no increase in flood risk from such an event to any properties upstream or downstream of the development.
27. **SEPA** The majority of the site lies outwith the indicative limits of flooding as shown on the Indicative River and Flood Map (Scotland) with only the area around the existing lochan and the south western reach adjacent to the burn shown as being at risk. However, applications submitted for adjacent development have indicates that a new culvert has been situated on the burn. Properties in Craig Na Gower Avenue have suffered inundation in the past, therefore flood risk on this reach of the burn requires careful study. Considering the number of major proposals for the redevelopment of the centre of Aviemore and following the precautionary principle SEPA request a flood risk assessment. Until such time as further information is made available SEPA **objects** to the application.
28. **SEPA** recommend that detailed construction method statements are provided by condition. From a water quality perspective the drainage impact assessment indicates an appropriate SUDS strategy and there is no objection to this.
29. **Scottish Water** has no objection to the planning consent of this proposal. However, please note that any planning approval granted does not guarantee a connection to our infrastructure until a satisfactory solution is identified. Aviemore Waste Water Treatment Works may have sufficient capacity to service this proposed development. However, there may be waste water network issues. The developer is already in consultation with Scottish Water. The developer will be required as part of any network upgrading work, to provide a solution that would prevent or mitigate any further impact.
30. **Scottish Natural Heritage (SNH)** does not object to the proposal. However, it is considered that there is likely to be a significant effect on one of the interests of the river Spey SAC, but recommendations are made on how these effects can be overcome.
31. The site lies immediately adjacent to the Aviemore Burn, approximately 300 metres downstream the burn is designated as part of the river Spey Special Area of Conservation (SAC). The Spey is designated for its populations of Atlantic salmon, otter, freshwater pearl mussel and sea lamprey. The burn is likely to be used by salmon and otter. From the information available it appears to SNH that in this case the proposal is not connected with or necessary for the conservation management of the site. Hence further consideration is required.

SNH's advice is that the proposal is likely to have a significant effect on a qualifying interest of the site.

32. **SNH** would advise the CNPA that the proposal is amended or conditions applied to address the following then the significant effects can be avoided: There should be no barriers to the free passage of fish; the burn should not be culverted, channelised, piped or diverted; to reduce the risk of sediment run-off into the burn no vegetation should be removed and no building should take place within 10metres of the burn; arrangements for managing surface water (during and after construction) should be approved by SEPA and no surface water should be discharged into the burn without SEPA's approval.
33. Addressing these issues would illustrate good practice and avoid unnecessary impact on salmon. Should these not be addressed then the CNPA would be required to undertake an appropriate assessment of the implications of the proposal for the site in view of the site's conservation objectives for its qualifying interests.
34. Specific recommendations have not been made for otter as much of the area is already developed and therefore not high quality otter habitat. However, the pond is likely to be used by otters hunting in the area.
35. **CNPA Visitor Services and Recreation Group (VSRG)** comments that there is currently limited public access across the proposed site. The small bridge on the south west corner of the site (now removed) is somewhat redundant since the construction of the ring road. There is however, a need to provide pedestrian access into the site from the NW corner, in particular providing a link to the horse field where future housing is proposed. Therefore, a new bridge should be constructed as part of the development that would allow such access to take place; any bridge should be capable of accommodating a wide range of users.
36. **VSRG** strongly recommend that the area of the lochan and its surrounds are not lost to development and managed to create a pleasant greenspace and quiet area for amenity, through which the path will go linking the housing with the supermarket and out onto Grampian Road. The preferred proposal would be for a pedestrian route to enter the site from the North West corner and traverse the northern greenspace, with off-shoot path to and around the lochan. The location of the service entrance onto Grampian road is an issue in relation to facilitating this but it is suggested that a path could be constructed, alongside, close to the boundary of the site and protected from goods traffic by erection of simple open barriers.
37. **CNPA Natural Heritage Group (Landscape)** commented on the original proposal that it has both positive and negative aspects. Positive aspects include the potential for large amounts of tree planting on the space between Grampian Road and the building. The retention

of the pond, however, the space given to its south and west side is inadequate. The retention of an open corridor on the north side of the site will allow separation from neighbours and improved landscape structure. The scheme has the potential to enhance the river corridor and by so doing further enhance the connectivity of the site to its surroundings. The negative aspects include the bland architecture of the building and that this will detract from and not contribute to the overall character of the area. The Grampian Road elevation does not improve visual legibility or encourage an active frontage. The car parking in places appears to overlap some areas covered by the Tree Preservation Order, this may imply the loss of protected trees, and this cannot be approved at this level of detail as it allows no control over which trees, if any will be lost.

38. The comments given above are generally similar to those given on the initial design proposal. The key points are that there is adequate space to protect the lochan. There would still appear to be potential for removal of a considerable number of trees. A footpath connection from the horse field (housing site) should cross the burn in the NW corner of the site through open space towards the lochan. A safe way across the car park is needed to connect this to Grampian Road. The car park is poorly designed from a pedestrian point of view. There are no footways between the parking lines or refuges for crossing to the main building. This will be quite stressful for those accompanied by children. There is no indication of parking for disabled or parents with small children. The car park should allow for tree planting within it to break up the mass of tarmac especially as it is viewed from above. Overall this is considered to be a poor proposal from a landscape point of view with few merits.

REPRESENTATIONS

39. **Aviemore Community Council** comment as follows: The proposed building is smaller than the existing supermarket; there is no more retail floorspace than in the existing Tesco. Questions are raised as to who owns the trees on the boundary to the Winking Owl, the Community Council would not want to see them cut down. Disappointment is raised that there is no pedestrian access from the Grampian Road and only one vehicular entrance into the building. The small roundabout at the northern link road junction is already causing concern and congestion. If delivery lorries access the supermarket from this corner, the resulting traffic problems will surpass those at the existing Tesco crossing. The Community Council would be interested as to where the pedestrian crossing would be put on the link road. Is the lochan to be retained, if so will health and safety measures be put in place. Have SNH and SEPA been consulted, we would like to see landscaping to obscure the building from Grampian Road. We will be interested to know how the building will be lit and what signage is planned.

40. A letter from the Winking Owl Public House is attached at the back of the report. It is noted that the plans for this supermarket do not show the public house. Concern is raised that there is no need for a separate service entrance off Grampian Road and that having a high fence with gates onto Grampian Road would not be aesthetically pleasing. Concern is raised about moving the building further forward onto Grampian Road. Comments are also made that there are better ways of landscaping the boundary than with a 3 metre high fence. The question is also raised regarding how access to the Winking Owl would be affected.
41. A letter has been received from solicitors on behalf of the Myrtlefield Centre who welcome the proposals in principle but raise concerns about the service access to the site being opposite the access to the Myrtlefield Centre and potential problems for pedestrians as a result of this. Again, this letter is attached at the back of the report.

APPRAISAL

42. The key starting point for this application is recognition that the site has outline planning consent for a 30,000 sq ft supermarket as part of the original consent for the Aviemore Highland Resort Masterplan which included the swimming pool and the refurbishment of the Osprey building. The general layout, design and siting of the building were approved under the 2003 permission but the exact details were not approved. Fig 4 shows the general layout and form of the building approved in 2003.

Does the proposal generally comply with the outline approval?

43. The first question is whether this detailed application accords with the outline approval granted in September 2003. A range of requirements were stated for the whole resort site (in the form of conditions and a Section 75 Agreement) including that buildings should adopt traditional roof design, be finished from a high quality palette of materials including harling, natural dressed stone, high quality cast stone, stained timber boarding and on roofs slate, lead or in exceptional circumstances coated zinc sheeting with boundary treatments to be in stone dyking. The use of arcaded street frontage where possible was recommended with glazing to corners. Reserved matters applications to be submitted explaining the design approach and landscaping. Further requirements included development not being brought into operation until sections of the new road serving that development had been completed.
44. Specific requirements for the supermarket included completion of Northern Link Road; Completion to full adoptive standard of the distributor road from a point immediately east of the Osprey Rooms on

the existing southern access to the Centre Lands, to its junction at the western end of the aforementioned Northern Link Road; Demolition of existing buildings on site and that contaminated land is dealt with. In addition land on the south side of the link road opposite the site to be made available to Highland Council for general needs car parking. All of this was to be dealt with before any supermarket on the site could trade. The Area Roads Manager response is that this remains the case and that a link road must be provided prior to the opening of the supermarket. However, this issue is still under consideration at the time of writing.

45. The principles and layout of the supermarket building indicated in figure 4 were approved but not the design details. In general terms the building complies with this, although the building is now set at a slight angle to the road and the main customer entrance faces west onto the car park, whereas the outline approval indicated an entrance from the link road. In addition the service access is now from Grampian Road to provide separation between customers and service deliveries. The outline made no specific reference to service access so in my view this does not necessarily stray outside of the terms of the original approval and the principle of more than one access is encouraged by the Local Plan. I do have some concerns about the customer access to the site/building and turn to this next.

Is the Detailed Layout and Design of the Supermarket Acceptable?

46. Given that the proposal generally complies with what was approved the key question with the application is whether the design, in detail, is appropriate.
47. The original proposal for the site had a mixture of timber, blockwork and stone facings, although the drawings did not indicate what materials were being used on what sections. There was little articulation of the elevations proposed, it was considered particularly uninspiring for a relatively large building at a key focus point within the village. Subsequently, two further options were tabled, one being a traditional supermarket store the other been a more modern version, both were recognisable as supermarkets that have been built throughout the UK in the past 10 years. A compromise option has been produced which includes a glazed tower feature to the junction of Grampian Road with the Northern Link Road. This glazing turns the corner, effectively complying with the outline. This corner of the building includes a café which could spill out onto the pavement, though there is no indication of this on the drawings. However, there is no pedestrian entrance onto the corner, the main (and only) entrance for customers faces westwards towards the car park. The lack of an entrance onto Grampian Road is an issue of concern to the Community Council.

48. The original plan included an entrance facing towards the link road which formed some kind of compromise between the car park elevation and that fronting Grampian Road. While the building has a glazed feature corner facing towards this important junction there is no entrance/exit at this point. This junction together with the landscaping that could be required in front should form a key node of activity in the area where the shop can be accessed and a pleasant seating area provided outside (although this land is not in the control of the applicant). While there is visibility inside the building from this area there is no point of activity. Also of concern is the fact that many shoppers may originate from further north in the settlement where new housing development is taking place. They would be likely to walk down Grampian Road and expect to access the building on the Grampian Road frontage. A similar point is made by the Area Roads Manager. This is a point that is also made by the Community Council. In my view, the fact that the main entrance turns away from Grampian Road would be likely to encourage people to drive to the site more than might otherwise be the case. This does not meet the requirements of SPP17 which considers that in planning for modes of transport priority should be placed on walking and cycling and that the internal/external layout of developments should take account of this. Again, if there was an entrance at the junction of the Link Road and Grampian Road more encouragement would be given to walkers and cyclists, where there is ample room to provide cycle parking that would not have bikes and pedestrians conflicting with car movements in the main car park behind the building. Because of this, I am unable to recommend approval of the general layout of the building as it stands.
49. There are other issues regarding the connection of the building with its surrounding uses. To the east over the burn is a site that has outline permission for 140 houses and the CNPA are dealing with detailed applications for 160 houses in this area. The CNPA Visitor Services and Natural Heritage Group recognise that there is a need to connect the housing with the supermarket in a pedestrian sense without the need for residents of the houses to use the road bridge across the burn which results in a diversion. Because of this, a pedestrian bridge has been suggested at the North West corner of the site, this would link into a wider network of paths that lead north through birch woodland between the A9 and the north of the settlement. This could in essence be dealt with by planning condition should the Committee wish to approve the application. Visitor Services and Recreation Group also recommend that there should be a footpath link along the northern side of the building to Grampian Road. This was made difficult by the layout plan submitted which originally showed the service yard going right up to the Winking Owl. This was amended just before the report went to printing so a path could now be requested by condition.
50. As mentioned, the overall form of the building is generally in accordance with the outline subject to concerns about access raised above. To turn to the more detailed design form and treatment of

elevations the proposal is a great improvement upon what was originally submitted. The proposal has glazed sections on a corner tower that in a visual sense address the junction of Grampian Road and the Link Road and turns the corner in accordance with the requirements of the outline. There is a mixture of untreated timber, render and glazing to the Grampian Road elevation with some projecting angled windows that attempt to create a lively frontage. However, on the floor plan a significant section of the building that faces onto Grampian Road is described as sales area. Therefore, it would be logical to assume that this elevation could be opened up to glazing to a greater extent. I would also advocate greater use of timber and some natural stone (granite) to intersperse the timber and glazed elements therefore providing a stronger roadside elevation. Some natural stone can also be introduced to the corner tower again to emphasise and strengthen this key corner elevation. The elevation onto the Link Road could also benefit from strengthening. I have no particular concerns about the elevation to the car park. However, the concerns regarding access and whether two accesses required could lead to natural adjustments in the design of the building. The ceiling is shown as zinc, although the text of the sustainability statement refers to consideration being given to a green roof. This would be a more appropriate material than zinc and would assist in the drainage strategy for the site.

51. Some concern has been raised about the degree of impact that the proposal would have upon the trees and lochan on site and the adjacent burn which runs down the western perimeter.
52. The trees are covered by a Tree Preservation Order that was placed upon the whole of the Centre lands because of unauthorised felling that took place some years ago. Clearly the order is in place because of a perceived threat to the trees rather than an assessment being made at the site of the ecological or amenity significance of the trees. The area is subject to quite dense tree cover that has not been managed for some time and there is clearly a need for intervention on the site. The proposal provides a positive opportunity to achieve this and improve the amenity value of the trees and also potentially creating a pleasant area that the community can use. A tree survey has been submitted a few days before the printing deadline for this paper. This involves the removal of a significant number of trees which would be expected given the previous lack of tree management on the site in recent times. The survey is very detailed and there has not been adequate time to make a full assessment at this point in time.
53. In relation to the lochan this is retained as part of the proposal. However, as noted by our Landscape Officer the car parking spaces encroach very close to it, and probably too close to guarantee its proper retention and future amenity value. Small adjustments to the car parking arrangements could address this.

54. Scottish Natural Heritage has commented with particular regard to the Aviemore Burn. SNH do not object to the application but consider there is likely to be a significant effect on the interests of the River Spey SAC. Recommendations are made on how these effects can be overcome. The main concern relates to the ability of salmon to migrate along the Aviemore Burn. Potential use of the burn may also be stopped by sediments and other inputs to the burn during and following construction. SNH make four recommendations in relation to mitigating these effects. Three of the points relating to their being no barriers to the free passage of fish and the burn not being culverted or channelized or piped can be achieved by condition as can the requirement that no surface water should be discharged into the burn. However, one criterion specified that no vegetation should be removed and no building should take place within 10 metres of the burn. This, again, would require some adjustments to the layout of the proposal as some car parking spaces are within 10 metres of the burn. SNH point out that these measures represent good practice and should they not be addressed the CNPA would be required to carry out an appropriate assessment of the scheme.

Technical Issues

55. A full drainage impact assessment has been carried out for the site but SEPA has objected to the proposal on the grounds of flood risk. SEPA were unaware that the burn has recently been culverted under the Northern Link Road. Work on a flood risk appraisal to address these concerns is already underway. Scottish Water raise no objection but comment that water network infrastructure may be an issue that the developer would have to address.
56. With regard to Roads issues the proposal is considered generally acceptable subject to the conditions set down. A major stumbling block with this application and the neighbouring housing proposal over time has been the requirement to see moves towards a link road being built through the resort from its southern entrance to the Northern Link Road. The CNPA do hold an application for a road through the resort but this has not been brought forward today because granting any specific road line through the resort would prejudice the fuller consideration of the masterplan before you today as another item on the agenda. A further detailed transport assessment has been submitted with the application. This has attempted to demonstrate that the level of traffic involved in the supermarket and housing proposal does not, on its own, justify the provision of a road through the resort at this stage. However, the Area Roads Manager has expressed initial concern about the detail of the applicant's transport assessment and at the time of writing are still of the view that the road should be provided before the supermarket can trade. If this is the case then the requirements of the original Section 75 Agreement on the outline by Highland Council would stand and the supermarket could not be

opened until the road is provided. This is an issue that is still fluid and dialogue is still taking place at the time of writing. Any further comments from Highland Council Area Roads Manager will be presented at the meeting. This dialogue is taking place to see if the supermarket and housing site opposite could be allowed some leeway for opening/occupation without the need for the immediate provision of a link road. Should the terms of the original agreement be changed then there may be a need for a revised, or new Section 75 Planning Agreement to which the CNPA would be signatories.

57. A number of points in relation to pedestrian, cycling access and the ability of delivery vehicles to turn within the service yard have all been mentioned by the Area Roads and Community Works Manager that require resolution. In particular, the adequacy of the service yard to accept deliveries is crucial given the concern of tenants of the Myrtlefield Centre opposite the site.

Conclusion

58. Overall there are many positive aspects to the redevelopment of what is in part brownfield site and the latest design is an improvement on that previously submitted. However, a number of concerns relating to the layout and design of the development have been expressed in the previous paragraphs that cannot be overcome by means of conditions. Consequently, the proposal is recommended for refusal on the grounds of layout and design both in terms of how the building is accessed and the external design features and materials which are not considered to accord with the principles of guidance in the form of Designing Places A Policy Statement for Scotland. Overall, the building is not considered to be of a quality of design that is appropriate to this key site within the National Park that may set the design context for future proposals in the village. While application in its current form cannot be recommended for approval but it is clear that the applicants have moved some way in a short time towards a satisfactory solution. The applicants have requested urgently that the scheme be presented to this meeting of the Committee. If more time were available it is very likely the case that a negotiated solution could achieve approval of a scheme on this site. Because of this and in the spirit of achieving a satisfactory solution for all parties I have taken the unusual step of recommending that the scheme be deferred to allow time for a satisfactory solution to design, roads, access and potential flooding issues as set out at the end of the report.

Conserve and Enhance the Natural and Cultural Heritage of the Area

59. In terms of natural heritage on the site the key features are the lochan, the burn on the western perimeter of the site and the trees which feature particularly in the NW corner of the site. If these can be retained/managed then the supermarket would have positive benefits

as currently the trees in particular are in need of a clear management strategy as no maintenance appears to have been carried out in the area for some time. Adjustments to the layout are required to conserve the integrity of the burn for use by salmon. This requires adjustment to the scheme.

60. Apart from the features mentioned above the site is essentially brownfield in nature and in cultural heritage terms the area would benefit from a well designed building on this important corner in Aviemore.

Promote Sustainable Use of Natural Resources

61. A sustainable design statement has been provided and is attached at the back of the report. This shows that materials and labour will be sourced locally where possible. There is also consideration being given to the use of a green roof and micro energy generation, although this is not being proposed formally. A condition could be used to cover some aspects of this. A cycle shelter for staff and customers is proposed.
62. The store is located within the central area of Aviemore and in principle should encourage walking and cycling to the store. However, as mentioned in the appraisal there is concern about the lack of an entrance onto Grampian Road and how this may actively discourage walking and cycling.

Promote Understanding and Enjoyment

63. As noted by comments from our Visitor Services and Recreation Group the proposal provides the potential to improve the public path network in an around the site, although there is nothing implicit in the plans submitted at the moment.

Promote Sustainable Economic and Social Development

64. The principle of the size of this supermarket is accepted by an existing live permission. The store is larger than the existing supermarket on Grampian Road so would provide a larger choice of goods than currently available in the area. The positive commercial use of this brownfield site should also help the development of the area bringing additional jobs and commercial activity within the Strath.

RECOMMENDATION

65. That the Planning Committee **DEFER** Reserved Matters Planning Permission for the erection of a 30,000sq ft Supermarket on land NW of corner Northern Link Road, Grampian Road, Aviemore and seek the following amendments/information on the scheme:

Recommended Amendments/Information

1. Two entrances to supermarket one on the corner of Grampian Road the other towards the car park. If this is found not to be feasible then single entrance to Northern Link Road as per the outline design proposal.
2. Footpath linkages through site including pedestrian bridge over burn and access to lochan/trees area in NW corner. In addition, path access along northern boundary between supermarket and Winking Owl this will also allow for landscaping between service yard and Winking Owl.
3. Reduce the bulk of the corner tower element. Introduce natural stone to this corner with more use of timber.
4. Improved frontage to Grampian Road floor plan indicates sales are to this frontage so more openings could be included to create an active frontage.
5. Roof material of zinc not of high enough quality for a key building on a key site in the National Park. Applicants have said that they would consider a green roof, this should be a stipulated requirement, and it may result in a need to change the design of the roof but would also contribute to the drainage strategy for the site.
6. Redesign of car parking adjacent to Aviemore Burn, parking is currently within 10 metres of the site it needs to be drawn further away. Otherwise the CNPA would have to carry out an appropriate assessment. Parking should also be drawn further away from lochan.
7. Adjustments to car parking to indicate disabled and parent/toddler parking and adequacy of servicing yard.
8. Clarification on trees to be retained/removed as part of any adjustments to the proposal.
9. Further flood risk work to ensure removal of SEPA objection.
10. Further comments from Highland Council regarding roads issue at the Resort.

DETERMINATION BACKGROUND

This application was submitted in October 2006. Concerns had been raised about the design of the original building and trees on the site. The amended design being presented here was only received on 12 November this year and the corresponding layout plan was not received until 3 December. The tree survey was received on 28 November. These are the main reasons why the proposal has taken some time to be brought forward.

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