

## CAIRNGORMS NATIONAL PARK AUTHORITY

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

**PREPARED BY:** EDWARD SWALES  
(PLANNING SUPPORT OFFICER,  
DEVELOPMENT MANAGEMENT)

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**DEVELOPMENT PROPOSED:** Change of house type and orientation  
(approved on CNPA Ref: 2012/0187/DET) at  
Sluggan Drive, Aviemore

**REFERENCE:** 2014/0349/DET

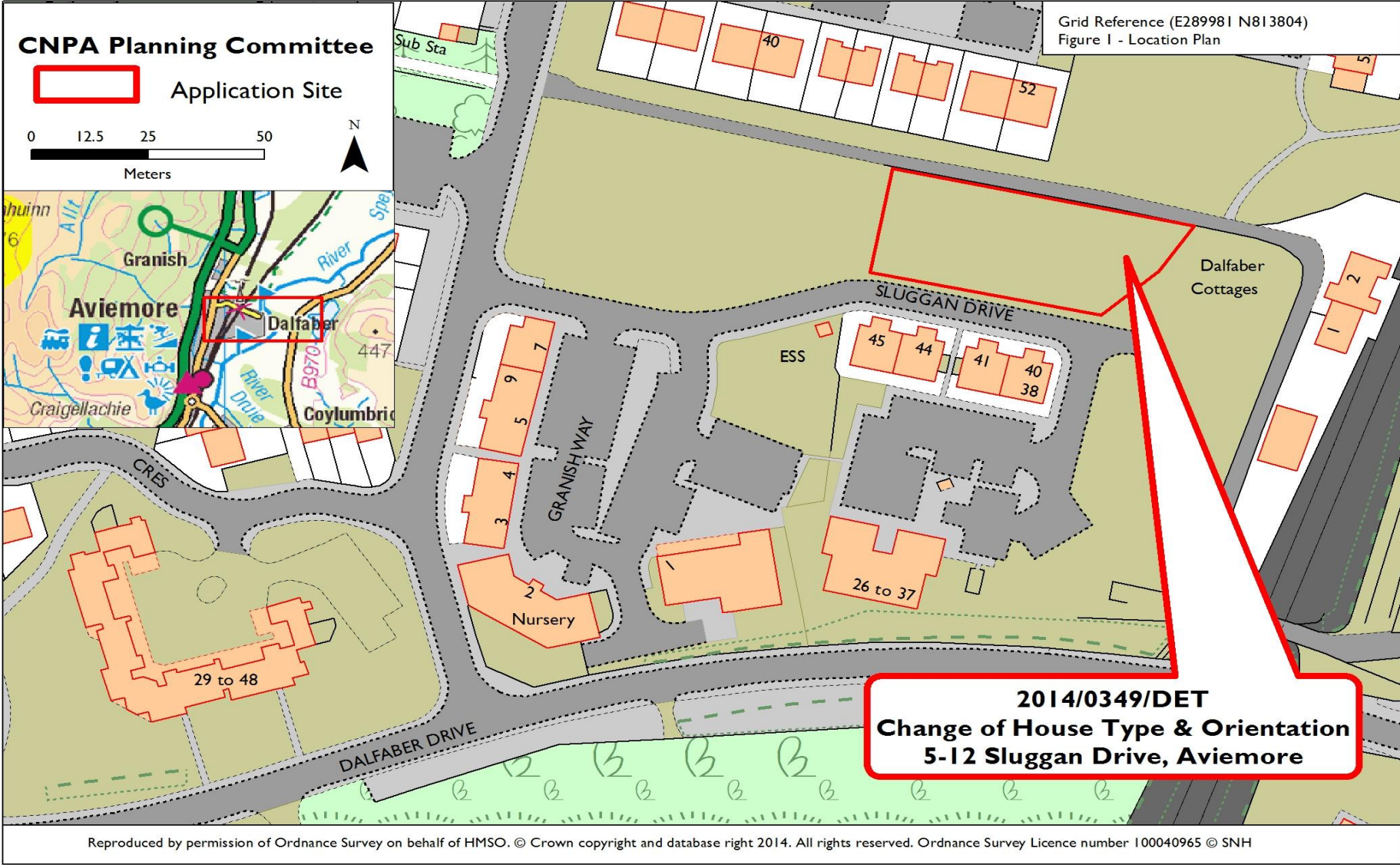
**APPLICANT:** C/O MR DAVID CRITCH, RATHVEN  
INVESTMENTS LTD

**DATE CALLED IN** 17 NOVEMBER 2014

**REASON FOR CALL-IN** The proposal would result in changes to a  
development on the site which was  
approved by the CNPA (planning ref. no.  
2012/0187/DET refers). The proposal is of  
linked significance to that development.  
Consistent with the reasons for calling in the  
previous application, the current proposal is  
considered to raise issues of general  
significance to the collective aims of the  
National Park, particularly in relation to the  
promotion of the sustainable social and  
economic development of the Park.

**RECOMMENDATION:** APPROVE SUBJECT TO CONDITIONS

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**SITE DESCRIPTION AND PROPOSAL**

**Plans and Documents**

- I. The drawings and documents associated with this application are listed below and are available on the Cairngorms National Park Authority website at:

<http://www.eplanningcnpa.co.uk/online-applications/#searchApplications>

Title	Drawing Number	Date on Plan	Date Received
Site Layout	PL 002 REV A	Nov-14	17 Nov 2014
Location Plan	PL 004	Oct-14	17 Nov 2014
Ground and First Floor Plans	PL 102 REV A	Nov-14	17 Nov 2014
Elevations - Blue Option	PL 303 REV A	Nov-14	17 Nov 2014

**Development Proposal**

2. This application seeks full planning permission for the development of this site to provide 30 dwellings. However, in reality it is an application for the re-orientation and change in house design and siting for 2no. blocks of 'cottage flats' (8 flats in total) approved in application 2012/0187/DET. The 2 blocks are to be rotated 90 degrees to create a cul-de-sac appearance.
3. The changes involve removing the individual porch entrance and internal staircase and replacing that with an external timber clad staircase leading to the upper floors. The upper floors will now have Juliet style balconies.
4. The changes will result in an overall increase in height by 1000mm and width of the property by 1500mm. These alterations have arisen as a result of the developer wishing to add variation to the designs within the locale.



Figure 2: Currently Approved Layout Plan



Figure 3: Proposed Layout Plan (Extract from Drawing No PL 002 Rev A for information only)

### Site History

5. There are a number of applications that have been approved on this application site;
  - 07/098/CP - Residential and commercial development including public bar/restaurant, this was the first application on the site.
  - 09/303/CP -Erection of 5 detached and 8 semi-detached houses (amended house types). This was an application dealt with by Highland Council.
  - 2012/0187/DET - Change to planning approval 07/098/CP (07/59/FULBS)(Part built) to erect 3 retail units (offices) with 3 flats over, 32 cottage flats (including 5 affordable residential units) and relocation of play area/open space, this amended the above application.
  - 2013/0240/DET - Erection of block of 6 no flats (Granish Way), this is associated with the first application and separate from the application in 2012.

Application 2014/0345 for the Change of house type designs (approved on CNPA Ref: 2012/0187/DET is also for consideration on this agenda.

## **DEVELOPMENT PLAN CONTEXT**

### **National Policy**

6. **Scottish Planning Policy** (SPP, revised 2014) sets out national planning policies that reflect Scottish Ministers priorities for the operation of the planning system and for the development and use of land. Under planning law, planning applications must be determined according to the development plan unless material considerations indicate otherwise. The content of SPP is a material consideration in planning decisions that carries significant weight. The SPP promotes consistency in the application of policy across Scotland while allowing sufficient flexibility to reflect local circumstances.
7. The SPP sits alongside four other Scottish Government planning policy documents:
  - **National Planning Framework** (NPF) which provides the statutory framework for Scotland's long term spatial development. The NPF sets out the Scottish Government's spatial development policies for the next 20 to 30 years;
  - **Creating Places**, the policy statement on architecture and place, containing the Scottish Government's policies and guidance on the importance of architecture and design;
  - **Designing Streets**, a policy statement putting street design at the centre of placemaking. It contains policies and guidance on the design of new or existing streets and their construction, adoption and maintenance; and
  - **Circulars**, which contain policy on the implementation of legislation or procedures.
8. SPP sets out that the planning system should enable provision of attractive, well designed, energy efficient, good quality housing.

### **Strategic Policies**

#### **Cairngorms National Park Partnership Plan (2012-2017)**

9. The Partnership Plan sets out the vision and overarching strategy for managing the Park and provides a strategic context for the Local Development Plan. Three long term outcomes have been identified to deliver the vision for the Park and development proposals would be expected accord with those :
  - A sustainable economy supporting thriving businesses and communities;
  - A special place for people and nature with natural and cultural heritage enhanced; and
  - People enjoying the park through outstanding visitor and learning experiences.

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The CNP Partnership Plan can be viewed on the Cairngorms National Park Authority website at <http://cairngorms.co.uk/park-authority/about-us/publications/?publicationID=299>.

## **Local Plan Policy**

### **Cairngorms National Park Local Plan (2010)**

10. All new development proposals require to be assessed in relation to policies contained in the adopted local plan. The full wording of policies relevant to the current application can be found at: <http://cairngorms.co.uk/park-authority/about-us/publications/?publicationID=265>.
11. The Local Plan contains a range of policies dealing with particular interests or types of development. These provide detailed guidance on the best places for development and the best ways to develop. The policies follow the three key themes of the Park Plan to provide a detailed policy framework for planning decisions:
  - Chapter 3 - Conserving and Enhancing the Park;
  - Chapter 4 - Living and Working in the Park;
  - Chapter 5 - Enjoying and Understanding the Park.
12. Policies are not cross referenced and applicants are expected to ensure that proposals comply with all policies that are relevant. The site-specific proposals of the Local Plan are provided on a settlement by settlement basis in Chapter 6. These proposals, when combined with other policies, are intended to meet the sustainable development needs of the Park for the Local Plan's lifetime. The subject site is within the Aviemore settlement area. The site does not have a specific land use allocation. It is part of the 'white land' where a variety of uses would be open to consideration, subject to being compatible with uses in the surrounding area.
13. *Policy 6: Landscape* which sets out that there will be a presumption against development which does not conserve and enhance the landscape character of the National Park unless any significant adverse effects are outweighed by social or economic benefits of national importance and all adverse effects can be mitigated.
14. *Policy 12: Water Resources* which seeks to ensure that resources are used sustainably, with a presumption against development which does not meet various criteria relating to flooding.
15. *Policy 16: Design Standards for Development* sets out the design standards to be met with new development and is supported by supplementary planning guidance in the form of the sustainable design guide.
16. *Policy 19 Contributions to Affordable Housing* seeks to ensure the delivery of a wide range of housing options to a wide range of households in the Park. Policy 19 requires that developments of three or more dwellings will be required to incorporate a proportion of the total number of units as affordable.

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17. Policy 20 Housing Development within Settlements which explains that settlement boundaries have been identified to indicate the extent to which the settlement may expand during the Local Plan period and that new housing should be contained within these boundaries. Housing proposals within the settlement boundaries will be considered favourably where it occurs on an allocated sites or where it is compatible with existing and adjacent land uses, and comprises infilling, conversion, small scale development, the use of derelict or underused land or the redevelopment of land. This support is also subject to the proposals reinforcing and enhancing the character of the settlement and accommodating appropriate amenity space parking and access arrangements
18. Policy 29 – Integrated and Sustainable Transportation Network which seeks to ensure that adequate consideration has been given to maintaining or improving the sustainable transport network with the Park

**Supplementary Planning Guidance (SPG)**

19. In addition to the adoption of the Cairngorms National Park Local Plan (2010) on 29th October 2010, a number of Supplementary Planning Guidance documents were also adopted. Key for the current proposal is the Sustainable Design Guide which sets out guidance on design and also the supplementary guidance on Natural Heritage.

**Proposed Cairngorms National Park Local Development Plan (LDP)**

20. The Department of Planning and Environmental Appeals (DPEA) carried out an Examination of the proposed Cairngorms National Park Local Development Plan (LDP) over Spring and Summer 2014. The CNPA received the Report of the Examination on 8 September 2014. The CNPA Planning Committee approved post-examination modifications to the Proposed Cairngorms National Park Local Development Plan (Proposed LDP) on 21 November 2014. The CNPA has published notice of its intention to adopt the Plan and expects to adopt in February 2015. The Proposed LDP (as modified) is a material consideration and carries significant weight in planning decisions though it does not replace the adopted Local Plan until it is formally adopted.
21. There are no significant differences between the policies contained in the Proposed LDP (as modified) relating to the current application as compared to the 2010 Local Plan policies as noted above

**CONSULTATIONS**

22. **The Highland Council Transport Planning Team** initially objected to the application due to a lack of information on the adoption of the road as well as a lack of detail in terms of drainage and requiring a flood risk assessment.

They have since withdrawn their objection as the flooding team do not require an FRA, and the road adoption details are the same as they were in the approved 2012 application.

23. **The Highland Council Flood Risk Management Team** has no objection to this planning application subject to a condition regarding a Drainage Impact Assessment being applied.

24. **Aviemore Community Council** have no comments to make.

## **REPRESENTATIONS**

25. No representations received

## **APPRAISAL**

### **Principal**

26. The principle of redevelopment of this site is well established through the original permissions for housing development on this site within the settlement of Aviemore and is therefore a significant material consideration in determining this application. The outstanding permission having commenced can still be completed to provide the approved 30 dwellings irrespective of the determination of this application. The site is currently fenced off whilst awaiting planning permission for these alterations. This application is solely for the re-orientation and change in house design for 2no. blocks of 'cottage flats' (8 in total) approved in application 2012/0187/DET and therefore consideration should only reasonably be given to those changes sought together with any consultation responses received. Full consideration was given to site layout, design, landscape, flood risk, environmental issues and affordable housing at the time of approving previous permissions. The principle of a development of this site for housing is therefore accepted. As such it complies with Local Plan Policy 20 (Housing Development in Settlements).

### **Affordable Housing**

27. There is no provision within this application for affordable housing. However, the previous applications on the site have contained elements of affordable housing in order to comply with Local Plan policy. Application 2012/0187/DET required five units to be provided on site together with a contribution towards affordable housing. This application has been commenced and therefore the applicant is tied in by those conditions and requirements to provide the affordable housing. Subsequent application 2013/0240/DET (Erection of block of 6 no flats) sought to provide six affordable flats within a smaller part of the site (in place of the previously approved retail units with flats above at Granish Way). Whilst sited outwith the boundary of this application site it is noted on the site layout plan that this element of the overall development is ready to be started. As such the affordable housing requirement for this site is being met and the amendments to the design and orientation to 8 units now being sought does not alter this requirement. The proposals therefore comply with Local Plan Policy 19 relating to affordable housing provision.



### **Transportation**

28. Highland Council Transport Planning Team has raised concerns in terms of the cycle parking and road adoption plans. The relevant information has not changed in this application and is the same as the previous application and it is therefore recommended that these matters be conditioned as previously. Adequate parking is provided within the new layout. The proposals therefore comply with Local Plan Policy 29 (Integrated and Sustainable Transport Network).

### **Flooding/Drainage**

29. Flooding issues for the site were considered in full under the original permissions and it was concluded that there was no impact subject to conditions. However, a Drainage impact assessment has been requested by the Flood Management Team at Highland Council. Accordingly, a condition is recommended. The proposals therefore comply with Local Plan Policy 12 (Water Resources).

### **Design and Layout**

30. The re-orientation and design alterations from the existing approval raise no issues in terms of visual amenity in the area nor does it have any detrimental impacts upon the landscape character of the Park. The choice of blue and green timber cladding has been discouraged and a natural larch timber cladding has now been requested. The applicant has agreed to this and will submit details of this prior to its affixation on to the buildings. A condition is therefore recommended to secure these details prior to implementation. The proposals therefore comply with Policies 6 and 16 (Landscape and Design, respectively)

## **CONCLUSION**

31. The proposals are considered to comply with all the relevant policies in the Local Plan. The alteration of design of the dwellings raises no new issues and is considered to fit within the overall landscape character of the Park. Accordingly approval is recommended subject to appropriate conditions.

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

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

32. The proposal is of limited relevance to this aim. The land on which it is proposed is a form of brownfield, having been part of a larger construction site in recent years. As such, it does not have any features of significance in terms of natural or cultural heritage.

**Promote Sustainable Use of Natural Resources**

33. The details provided in support of the development proposal do not indicate that the development would make a particular contribution to this aim.

**Promote Understanding and Enjoyment of the Area**

34. The details provided in support of the development proposal do not indicate that the development would make a particular contribution to this aim.

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

35. The alterations will allow for employment of local construction workers as such it would make a positive contribution to the economic development of the area.

**RECOMMENDATION**

**That members of the Committee support a recommendation to GRANT PLANNING PERMISISON FOR a Change of house type and orientation (approved on CNPA Ref: 2012/0187/DET) at Sluggan Drive, Aviemore subject to the following conditions:**

**CONDITIONS**

1. No development shall commence until further details of the proposed phasing, implementation and construction plan (including locations of soil storage, temporary buildings, and material and machinery storage) for all elements of the development, have been submitted to and approved in writing by the Cairngorms National Park Authority acting as Planning Authority. Thereafter, the development shall be constructed and carried out in accordance with the approved phasing, implementation and construction plan.

**Reason:** In the interests of protecting residential amenity and to ensure that the most efficient and appropriate means of constructing the development is implemented.

2. No development shall commence until the following exact details and specifications (samples may be required), have been submitted to and approved in writing by the Cairngorms National Park Authority acting as Planning Authority and implemented as approved:
- a) The colour/treatment/finishes of all exposed timberwork;
  - b) The details of the material and colour of rainwater goods, barge boards and fascias.
  - c) All surfacing proposed on car parking bays, paths and any other areas of hard surfacing throughout the site; and
  - d) Details of all proposed boundary treatments.

**Reason:** In order to give separate consideration to these matters in respect of the design, quality and character of the development and in order to retain the visual amenity of the area.

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3. No development shall commence until comprehensive details of all drainage proposals have been submitted to and approved in writing by the Cairngorms National Park Authority acting as Planning Authority and shall thereafter be implemented as approved.

**Reason:** To avoid surface water drainage causing a hazard in the local area.

4. Front garden areas shall be maintained in an open plan format in perpetuity. No development shall commence until details of all boundary treatments on the side and rear boundaries of individual plots have been submitted to and approved in writing by the Cairngorms National Park Authority acting as Planning Authority.

**Reason:** in the interests of orderly development and visual amenity.

- 5 All internal access roads, parking areas and footways, (with the exception of the adopted road) shall be the subject of a suitable private management and maintenance agreement which shall be submitted to and agreed by the CNPA acting as Planning Authority, in consultation with Highland Council's Area Roads Manager, all prior to the occupation of any building served by these unadopted roads. Unless otherwise agreed in writing with the CNPA acting as Planning Authority, the private management and maintenance agreement approved shall be implemented in perpetuity.

**Reason:** In the interests of road and public safety and to ensure compliance with current roads standards and guidelines.

- 6 All public services for the development, including electrical, cable television and telephone cables, shall be located underground throughout the site.

**Reason:** in the interests of the visual amenity of the area.

- 7 Notwithstanding the approved plans, prior to its affixation to the buildings hereby permitted, precise details of the type and staining of the cladding material to be used on the walls shall be submitted for the agreement of the Cairngorms National Park Authority acting as Planning Authority.

**Reason:** In order to give separate consideration to these matters in respect of the design, quality and character of the development and in order to retain the visual amenity of the area.

## **INFORMATIVES**

- I. In accordance with section 58 of the Town and Country Planning (Scotland) Act 1997 (as amended), this permission lapses on the expiration of 3 years beginning from the date of this permission, unless the development to which this permission relates is begun before that expiration.

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2. All construction works (including deliveries of materials) shall take place within the hours of 0800 to 1800 Mondays to Fridays and 0900 to 1300 on Saturdays and there shall be no work or deliveries of materials on Sundays and Public Holidays.
3. With regard to the requirements of Condition 2(a) and Condition 7, it is recommended that the timber details submitted be natural larch timber cladding.

**Edward Swales**

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**17<sup>th</sup> December 2014**

The map on the first page of this report has been produced to aid in the statutory process of dealing with planning applications. The map is to help identify the site and its surroundings and to aid Planning Officers, Committee Members and the Public in the determination of the proposal. Maps shown in the Planning Committee Report can only be used for the purposes of the Planning Committee. Any other use risks infringing Crown Copyright and may lead to prosecution or civil proceedings. Maps produced within this Planning Committee Report can only be reproduced with the express permission of the Cairngorms National Park Authority and other Copyright holders. This permission must be granted in advance.