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## CAIRNGORMS NATIONAL PARK AUTHORITY

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

**Prepared by: MARY GRIER (PLANNING OFFICER, DEVELOPMENT MANAGEMENT)**

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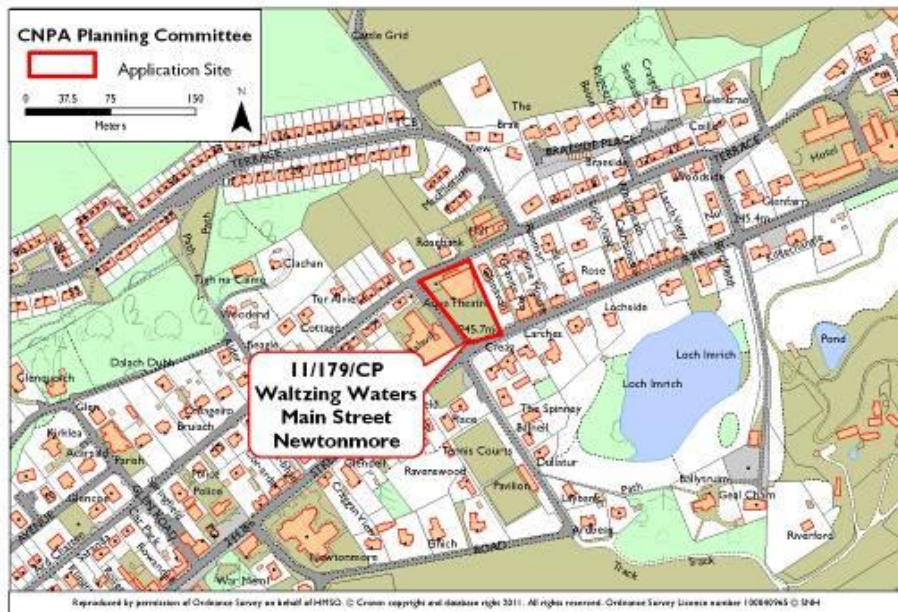
**DEVELOPMENT PROPOSED: PLANNING PERMISSION FOR THE CHANGE OF USE OF A BUILDING TO RETAIL AND RESIDENTIAL AT WALTZING WATERS, MAIN STREET, NEWTONMORE – APPLICANT REQUEST TO AMEND CONDITIONS**

**REFERENCE: 11/179/CP**

**APPLICANT: MR. ALEX DONALD C/O W.D. HARLEY PARTNERSHIP, CALLANDER, STIRLINGSHIRE**

**DATE CALLED-IN: 24 JUNE 2011**

**RECOMMENDATION: APPROVE WITH CONDITIONS**



Grid reference: 271797 799382 (easting northing)

Fig. 1 - Location Plan

## BACKGROUND

1. Members will recall that this application at Waltzing Waters, Newtonmore for a change of use from retail and residential was presented to the CNPA Planning Committee for determination at the meeting of 19<sup>th</sup> August 2011, with the Committee resolving to grant planning permission, subject to a number of conditions. This paper has been prepared to assist Members in deliberating on a recently received request from the applicant, Mr. Alex Donald, owner of Waltzing Waters, to re-consider the conditions which the Committee agreed to apply to the permission. As a decision notice has not yet been issued<sup>1</sup> the applicant is not in a position to appeal against the planning conditions and it is necessary to deal with the request in this way.

## SUMMARY OF SITE DESCRIPTION AND PROPOSAL

2. For clarity and to avoid duplication of detail, a copy of the original planning report is attached. The following is a brief summary of the proposal :
  - Planning permission is sought for a change of use of the existing Waltzing Waters building on the Main Street in Newtonmore to a retail and residential development;
  - Waltzing Waters closed on August 26<sup>th</sup> 2011 after operating at the site for over two decades;
  - The subject site occupies an area of approximately 2,670 square metres (0.267 hectares) and is bounded by the Main Street to the south, Balavil Brae to the west and Church Terrace to the north (rear);
  - The existing Waltzing Waters building has a semi industrial appearance, having proportions similar to a warehouse, combined with an exterior finish of exposed brickwork, under a profile sheeted roof. The building is set back towards the rear of the site, with a large car parking area to the front;
  - Two new uses are proposed within the existing building, in a change from the former commercial tourism operation. Retail use is proposed in the majority of the structure, which is at the existing car park level. This would provide a retail area of 3,154 square ft (293 square metres), as well as various service areas including a large warehouse / storage section, chill rooms, staff room, office space and toilet facilities;
  - Various alterations are proposed to the front elevation, including a new entrance canopy with associated signage, new window openings in the front elevation and the addition of bands of horizontal timber stained cladding above the windows and entrance on the front elevation;
  - Various improvements are proposed to the car parking area at the front of the building, as well as the repositioning of the bus stop, which is currently on the public footpath on the Main Street frontage of the site;
  - The rear of the existing structure is proposed to be changed to a terrace of five residential units, with each being a one and a half storey design;

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<sup>1</sup>Developer contributions were payable in respect of the development proposal (towards community facilities, playing fields, ancillary sports facilities and access improvements). As a result the CNPA Planning Committee endorsed the recommendation to deal with this aspect through either (a) the preparation of a Planning Obligation agreement or (b) the payment of the required contribution in advance of the release of the decision notice. As neither situation has occurred to date, the decision notice has not been released.

- Traditionally designed pitched roof dormer windows are proposed at first floor level in each of the dwellings and would be finished with vertical timber lining. Projecting timber clad front entrance porches are also proposed. Windows are proposed to be brown double glazed upvc units, while front entrance doors would be 'external grade upvc timber doors.';
- Information was submitted in the course of the application to verify that the Co-Operative group are in negotiations to lease the retail element of the development. The five terraced residential units are intended to be provided as affordable housing, and would be leased by Highland Council under the Council's Residential Leasing Scheme.

### **The Applicants' Request**

3. Appendix 2 contains a copy of the request which was received from the applicant, Mr. Donald, on 1 September 2011, following a telephone conversation with CNPA planning staff in the previous week. Mr. Donald raises concerns about a number of the conditions which were agreed by the CNPA Planning Committee at the time of their resolution to grant planning permission. In addition to the specific reasons which have been outlined by Mr. Donald in objection to a number of the conditions, his request to amend the conditions derives from his assertion at the outset of the submission document that "some of the conditions are financially onerous and will jeopardise the housing element of the project."
4. For clarity, the following paragraphs will discuss the conditions which are at issue in chronological order.
5. **Condition no. 2** : The condition stipulated that "*The five residential units on Church Terrace shall be provided and retained as affordable housing units for a minimum period of 10 years, regulated by a lease arrangement with Highland Council under the Residential Leasing Scheme. Prior to the first occupation of any of the residential units or within three months of the granting of this permission, whichever is the sooner, evidence of a contract between all relevant parties for the provision of and future maintenance of the affordable housing element on the site, shall be submitted for the written agreement of the CNPA acting as Planning Authority.*"
6. The submission from the applicant indicates that a solicitor is currently working on a lease with the Co-Op, which he suggests "still has a long way to go". Mr. Donald also doubts that the lease with Highland Council "will be any quicker."
7. **CNPA response** : Information originally submitted in support of the development proposal indicated that the 'planned handover date' to the Co-Operative Group was October 10<sup>th</sup> 2011. Notwithstanding this, any delay between the applicant and the prospective retail tenants in concluding the lease arrangements is a private matter between the two parties and does not affect either consideration of the merits of a planning application to change part of the building to retail use, nor has it any bearing on the stipulations of condition no. 2, which relates to the affordable housing element of the proposal.

8. Condition no. 2 has been included as a means of ensuring the delivery of the five proposed residential units as affordable housing, which would be regulated as such for a minimum period of 10 years through Highland Council leasing the properties as part of the Council's Residential Leasing Scheme. The delivery of affordable housing has, in the majority of planning applications, been regulated through a Planning Obligation agreement. There have however also been exceptions - in cases in which discussions with affordable housing providers were at an advanced stage<sup>2</sup> it was considered appropriate to regulate this matter through the use of a planning condition. In the current application confirmation had been provided by Highland Council of their involvement in negotiations and the intentions to take on the properties through a lease arrangement. In conjunction with the expressed desire of the applicant to commence the re-development and change of use as soon as possible, it was considered appropriate to address the matter of affordable housing through the use of a condition, as it would satisfactorily achieve the regulation of the housing as affordable and would also be consistent with the applicant's desire to progress the development in as expedient a manner as possible – the use of a Planning Obligation agreement could have impacted on the latter. The timescales stipulated in condition no. 2 (i.e. evidence of a contract being in place prior to the first occupation of any of the dwelling units or within three months of the granting of the permission, whichever is the sooner) were also to take account of and accommodate the anticipated commencement of development.
9. The general terms of condition no. 2 remain relevant and necessary. However, given the applicant's latest indication of longer timescales than originally anticipated for the conclusion of lease agreements, it would be reasonable to amend the timescale requirements to require evidence of the required contract "prior to the first occupation of any of the dwellings or **within six months** from the granting of this permission." This would provide the applicant with 3 additional months in which to conclude the lease arrangements with Highland Council. This timescale is considered adequate, particularly as Highland Council Housing officials have previously confirmed to the CNPA that it would take "approximately 3 weeks to draw up a lease."
10. **Condition no. 3** : This condition dealt with roads requirements in relation to the proposed residential properties on Church Terrace and states that "The following roads related requirements shall be achieved in respect of the residential element of the development :
- (a) Each access for the new residential development shall be constructed across the existing footway in accordance with drawing no. SDB3 of the "Access to Single Houses and Small Housing Developments" document;
  - (b) Each vehicular access shall be hard surfaced from the rear edge of the adjacent footway;
  - (c) Any gates provided shall open into the properties only;

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<sup>2</sup> There have been a number of instances in which a condition has been used rather than a Section 75 legal agreement, including in the planning application for the Dalferber Neighbourhood Centre (CNPA ref. no. 07/098/CP) and housing development at the Horsefield, Aviemore (CNPA ref. no. 05/304/CP and 05/306/CP).

- (d) *Visibility splays shall be provided and maintained on each side of each access at its junction with the public road. These splays are the triangles of ground bounded by the first 2.4 metres along the centreline of the access (the X dimension) and the nearside edge of the public road (the y dimension) measured a minimum of 40 metres in each direction from the intersection of the access with the public road;*
- (e) *Within the visibility splays nothing shall obscure visibility between a driver's eye height of 1.0 metres positioned at the x dimension and an object height of 1.0 metre anywhere along the y dimension;*
- (f) *Nothing shall be established within the site to conflict with the visibility splay which currently exists at the junction of Church Terrace."*
11. The applicant has indicated that visibility splays to the west will be as required, but suggests that this is not completely possible to the east on the basis that the "neighbours garden ground is considerably below pavement level."
12. CNPA response : The visibility splays stipulated in the condition are standard requirements which developments are generally expected to adhere to in the interests of traffic and pedestrian safety. The requirements have been included on the advice of Highland Council **TEC Services**. Further advice was sought from **TEC Services** in relation to the point raised by Mr. Donald. **TEC Services** advise that the land within the neighbouring property is outside the applicants' control. It is considered that the reduction in visibility arising from this will still be at an acceptable level. The point raised by the applicant in relation to the potential impact of the neighbouring boundary on the achievement of the standard required visibility should therefore be taken account of through an amendment to Condition no. 3. It is recommended that part (d) and (e) of the Condition are amended to include the term "unless otherwise agreed with the Cairngorms National Park acting as Planning Authority and in consultation with Highland Council's TEC Services."
13. Condition no. 4 : The condition refers to access arrangements to serve the retail element of the development proposal. The condition requires that *"Prior to the first operation of the retail element of the development, the existing access shall be upgraded at its junction with the public road. The site access shall be fit for purpose and its geometry such that the largest vehicle requiring access will be able to safely enter and leave the site independently in forward gear. The retail development access shall be constructed to Industrial Access Road standards, with a carriageway junction formed with the public road. The access shall be kerbed with the public footpath having dropped kerbs to assist pedestrians cross the junction access. The public road carriageway over a 40 metre length and full width shall be reconstructed to Industrial Access Road standards with a Hot Rolled Asphalt surface course."*
14. The recent submission from Mr. Donald describes this condition as 'unnecessary' and offers a variety of reasons in support of this view. It is suggested that there will not be any increase in traffic and reference is made to a decrease from 25 coaches per day to a maximum of 5 delivery vehicles per day, together with "a small reduction in the number of cars." The applicant

contends that the entrance is fully fit for purpose with vehicles of all sizes entering and leaving in forward gear.

15. CNPA response : Similar to the response to condition no. 3, this condition has been included on the advice of Highland Council **TEC Services**. In advice recently received from **TEC Services** in relation to the points raised by the applicant, it is noted that the proposed site layout<sup>3</sup> demonstrates suitable geometry and manoeuvrability for large vehicles at the site. The requirement to construct the access to the retail facility to Industrial Access Roads standards is necessary due to the increased level of traffic which will be generated by a development of this nature. The required formation of the carriageway junction will necessitate the removal of the existing drop kerbing arrangement across the access, which in its current condition causes conflict with pedestrian / vehicle priority.
16. Advice has also been provided by **TEC Services** about the extent of work that would be required to comply with this condition. The works are relatively limited in scale and cost – the removal of the drop kerb arrangement across the access would be replaced by the new surfacing, which should be appropriately laid to ensure that no surface water will enter the development. The resurfacing works which would be required on the public carriageway would be over a 40 metre length, using a 40mm layer of HRA<sup>4</sup> inlaid to the existing surface. **TEC Services** estimate that that the cost of this resurfacing work would be approximately £5,000.<sup>5</sup> The requirement for resurfacing is required to accommodate increased vehicular usage, including HGV skewing movements.
17. The advice from **TEC Services** clearly demonstrates that there is a need to undertake the access improvement and road resurfacing works, as per the requirements of the originally recommended condition. The terms of the originally stipulated condition therefore remain pertinent and should be applied in the event of the granting of planning permission.
18. Condition no.5 : The condition required various site improvements in order to enhance the general amenity and enhance the experience of site users by providing appropriate facilities and infrastructure. The condition stipulated the following -  
*“Prior to the commencement of development, a revised site layout plan shall be submitted for the written agreement of the Cairngorms National Park Authority acting as Planning Authority, to demonstrate*  
(a) *The provision of a separate access to the retail development to serve pedestrians and cyclists;*  
(b) *The provision of secure cycle parking facilities on site; and*  
(c) *The identification of a minimum of two ‘parent and child’ parking spaces.*  
*The site shall be developed in accordance with the agreed layout thereafter.”*

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<sup>3</sup> Amended site layout, submitted 18 July 2011, in response to matters raised in the initial response from TEC Services, and also in direct communications between TEC Services and the planning agent.

<sup>4</sup> Hot rolled asphalt.

<sup>5</sup> Based on the Council's contractor tender rates.

19. The applicant acknowledges in his submission that there will be a major increase in pedestrian traffic at the site and he suggests that a combination of white lining and the use of colours and symbols would be sufficient to designate clear safety routes. Mr. Donald also suggests that cycle traffic would be minimal and he dismisses cycle racks as 'unnecessary' on the basis that "unlike some other parts of the national park, in Newtonmore we do not have to lock up our bicycles."
20. CNPA response : The requirements of this condition were recommended by Highland Council's TEC Services. The terms of Condition no. 5 require the provision of a separate access to the retail development to serve pedestrians and cyclists, not merely the delineation of a shared route with other traffic. The suggestion of using a system of signage and painted lines to distinguish a pedestrian route from a vehicular access route is not considered a sufficient solution, as it would fail to achieve an appropriate separation of vehicular and non vehicular users. The reliance on visual aids, rather than a physical separation of access for various user groups would fail to provide an appropriate degree of safety for all users. It would have the potential to place certain groups of users, such as the visually impaired or young children and others with a lack of understanding of visual aids, at significant risk.
21. Secure cycle parking facilities are frequently provided at retail facilities. Given the increasing emphasis on sustainability and the need to encourage sustainable transport practises, including encouraging people to walk and cycle, it is reasonable and appropriate to require the provision of suitable facilities to facilitate cyclists at the retail development. The applicant has acknowledged that the development would give rise to a significant increase in the level of pedestrians using the site. It is equally relevant to assume that the development would attract an increased number of cyclists, particularly given its location which is within easy cycling distance of all areas of the village and environs. The requirement to provide secure cycle parking facilities is not particularly onerous. A simple bicycle rack system, such as a number of surface mounted cycle stands or multiple racks in a dedicated location, would fulfil the requirement. This would provide cyclists with an appropriate parking area for their bicycle, rather than encouraging haphazard positioning of bikes where they may inappropriately interact with and potentially damage vehicles. The requirement to provide secure cycle parking facilities is not a comment on the social fabric or crime levels in the area, but is a practical facility which is expected by users of retail facilities.
22. No comment has been made by the applicant on the requirement to provide dedicated 'parent and child' parking spaces and it is therefore assumed that there is no objection to this element.
23. **Condition no. 6** : This pertained to the finishes required on the exterior of the retail element of the development and stated the following - *"For the avoidance of doubt, the retention of the existing facing block wall finish on the eastern, western and part of the southern elevations of the retail unit is not approved. Prior to the commencement of development details shall be submitted for the written agreement of the Cairngorms National Park Authority acting as Planning Authority to*

*show an alternative finish of either (a) timber cladding; (b) wet harling or (c) a combination of timber cladding and wet harling. The agreed finish shall be applied thereafter.”*

24. The submission from the applicant rejects option (a) the use of timber cladding. He considers that it would very high maintenance and suggests that cladding on the western wall in particular would require complete replacement at least every ten years. The applicant considers that option (b) wet harl, is ‘much more practical.’ Despite this acknowledgement Mr. Donald rejects the use of wet harl as “financially impractical” and suggests that the cost,<sup>6</sup> which was not included in the original costings, would result in the development of the houses being postponed or cancelled. The applicant instead proposes to sand blast the building “in order to bring the site back to its original state.”
25. CNPA response : As described in the planning report originally prepared in connection with the development proposal, the existing building has a semi industrial type appearance, due to a combination of its design and scale and the external materials, which consist of exposed blockwork walls and a profile clad roof finish. The applicant, in his recent submission, concedes that areas of the building as ‘soiled and unsightly.’ The suggestion of sand blasting the building in an effort to bring the site back to its original state is not however considered a sufficient response.



**Fig. 2 : example of existing exposed blockwork finish on northern and western elevations**

26. The subject site occupies a prominent position on the Main Street in Newtonmore, and the scale and proportions of the building together with the current external finishes all heighten its prominence. As alluded to in the original planning report, the CNPA advice in the course of initial pre-application discussions included a strong suggestion that a complete redevelopment of the site to accommodate the required residential and retail uses in a new, appropriately designed and sited building, would be preferable, and would have the potential to offer a far greater enhancement of the site and the environs, as well as delivering a greater degree of compliance with relevant

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<sup>6</sup> The applicant suggests that due to the height and size of the building, the cost of wet harling “could be as much as £30,000” although no official figures, from contractors or quantity surveyors, have been submitted to corroborate this.



planning policies. For example, Policy 6 on Landscape clearly states that there will be a presumption against any development that does not complement and enhance the landscape character of the Park. Policy 16 – Design Standards for Development requires developments to reinforce the local distinctiveness whilst encouraging innovation in design and materials, to use materials and landscaping which complement the setting of the development and to accord with the design standards and palette of materials as set out in the Sustainable Design Guide.

27. The applicant declined to consider the possibility of redeveloping the site. The proposal to convert the existing structure to accommodate dual functions was presented as a compromise position. The development as originally proposed included minimal changes to the external finish on the front elevation – the creation of new window openings and the application of bands of timber cladding, as well as a new entrance canopy and signage. In considering the development in the context of Policies 6 and 16, as well as the requirements of the CNP Sustainable Design Guide, the proposal was not considered to satisfactorily meet policy requirements. The requirements of Condition no. 6 were therefore stipulated in an effort to improve the overall appearance of the building, enhance it from its current semi industrial appearance and ensure that it would deliver some visual enhancement of the site and minimise its adverse impact on the surrounding area. Wet harl is a traditional building finish, commonly found on many buildings throughout the National Park, while timber is also a frequently used material with commendable sustainability credentials. Condition no. 6, as originally recommended, provided the flexibility of using either material, or a combination of both materials. The applicants' rejection of either option and his proposal to simply sand blast the exterior to restore the exposed blockwork to its original condition, is an insufficient mechanism by which to achieve the required enhancement of the existing structure.
28. Cost implications are cited as the main objection to the application of wet harl. While it is recognised that in the current economic climate there is an increased emphasis on delivering development in as cost effective a manner as possible, this should not be used to justify an acceptance of inferior design standards. The alterations to the building will endure for a considerable period of time, just as the existing finishes of the building have been evident at this location for the past two decades. Design standards and the quality expected to be delivered in developments have increased significantly in the intervening period since the original construction of the building in the 1980's. The current planning policies clearly outline the increased expectations. To consider accepting the applicant's suggestion of simply sandblasting the exterior of the building would achieve an end result which would not be consistent with those policies. It is therefore strongly recommended that the requirements of Condition no. 6 continue to applied in the event of the granting of planning permission.
29. **Condition no. 7** : This condition stipulated that the originally proposed drydash render on the residential element of the development was not approved and required that wet harling be used instead. The applicant has agreed "reluctantly" to accept this.

30. **Condition no. 8** : The condition required that “All timber cladding shall be finished in a natural stain, the details of which shall be agreed in writing with the Cairngorms National Park Authority acting as Planning Authority prior to the commencement of development. The agreed stain shall be applied thereafter.”
31. The applicant states in his recent submission that he does not think there will be any timber cladding and suggests that the Co-Op may apply for an amendment to change the frontage “to much nicer and much more expensive.”
32. **CNPA response** : The drawings which have been submitted for formal consideration as part of the current planning application clearly identify bands of horizontal timber cladding above the proposed windows on the front elevation of the retail unit. Where timber cladding is proposed, it is a common requirement that the stain would be agreed with the Planning Authority. Reaching an agreement on the exact finish is considered an important element in ensuring that exterior treatments assist in minimising the visual impact of a development and also assist in assimilating developments into their surroundings. The condition is considered appropriate and should continue to apply in the event of the granting of planning permission.

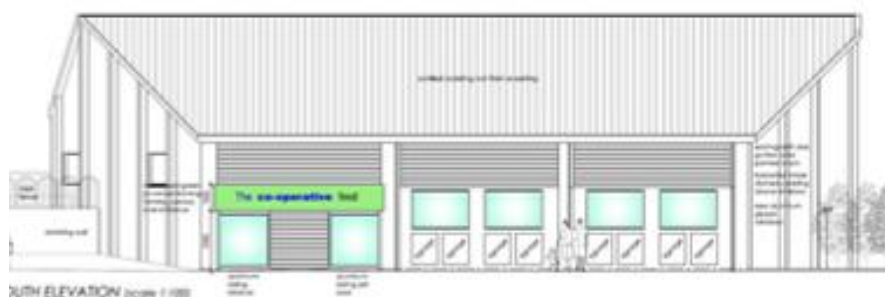


Fig. 3 : Currently proposed front elevation, with timber cladding

33. The agent responsible for the planning application<sup>7</sup> has been in contact with CNPA planning officials in recent days to tentatively discuss possible changes to the front elevation. The changes required by the prospective operators have not been finalised at this stage and do not therefore form part of the formal proposal, although it is worth noting that timber cladding continues to be a design feature in the draft documentation which has been provided. In the event of planning permission being granted for the currently proposed development, the opportunity would exist at a later stage for design changes to be considered. Depending on the nature of the changes, they may be dealt with as a Non Material Variation to the planning permission, or alternatively more significant design changes would warrant a further formal planning application.
34. **Condition no. 9** : The condition required that “The existing wall on the Church Terrace frontage of the site shall be removed along the extent of the private open space areas of each of the five residential units. The front garden areas shall

<sup>7</sup> The agent appears to be working collectively for the applicant and the intended operators of the retail unit (the Co-Operative group).

thereafter be maintained in an open plan format in perpetuity (with the exception of the bin storage enclosures). Prior to the commencement of development details of all boundary treatments on the side boundaries of each plot shall be submitted for the written agreement of the Cairngorms National Park Authority acting as Planning Authority. The agreed boundary treatments shall be erected thereafter.”

35. The applicant appears opposed to the required open plan treatment of the garden ground surrounding the proposed residential units, and suggests that “this would be very out of context”. Mr. Donald also expresses some concern that it would be likely to “give some leaving the pub an area to abuse.” He also states that nearly all of the houses on Church Terrace have a garden fence, wall or hedge.
36. CNPA response : The drawings submitted in support of the development proposal identified the retention of areas of the existing perimeter concrete block wall on Church Terrace, in conjunction with the formation of new openings for parking and pathways. Figure 4 illustrates the limited extent of wall that were envisaged to be retained.



Fig. 4: proposed front boundary treatment



Fig. 5 : Recently constructed properties in Church Terrace

37. The required on-site car parking provision at each of the properties would occupy a substantial area of the garden ground. The extent of hard surfacing together with the limited depth of garden area, would render it difficult and impractical to erect inward opening entrance gates, the retention of small areas of front boundary walling would serve little useful purpose, nor would they provide any effective means of enclosure of individual garden area. An open plan arrangement is considered more appropriate and would have the benefit of being more practical to accommodate car parking manoeuvres at each of the properties, as well as being aesthetically more acceptable than the retention of fragments of boundary walling. As demonstrated in Figure 5, an open plan arrangement already exists in close proximity to the subject site at recently constructed dwelling houses. There are also many other areas within settlements around the National Park which have similar open plan treatments of front garden grounds. Having regard to all of the foregoing the stipulations of the originally recommended Condition no. 9 are considered appropriate and should remain applicable in the event of the granting of planning permission.
38. Condition no. 10 : This condition primarily pertains to landscaping requirements at the subject site. The condition stated the following : “Prior to the commencement of development, a landscaping and boundary treatment plan

shall be submitted for the written approval of the Cairngorms National Park Authority acting as Planning Authority. The landscaping and boundary treatments shall be implemented and maintained in accordance with the approved plan. The plan shall include

- (a) details of planting in all areas identified on the site layout plan (dwg. no. CO (AQ 1)7 rev.B) including numbers, species (which shall be appropriate to the rural setting) and heights (at the time of planting) of all trees, shrubs and hedges;
- (b) proposals for the provision of climber planting, with appropriate supporting apparatus, on the retaining wall at the rear of the lorry parking area;
- (c) proposals for the provision of screen planting adjacent to the lorry parking area on the eastern site boundary; and
- (d) proposals for the wet harling of the exterior of all boundary perimeter walling along the southern and eastern site boundaries, and on the northern site boundary surrounding the communal open space area.

The landscaping scheme shall be completed during the planting season next following the completion of the development, or such other date as may be agreed in writing with the CNPA acting as Planning Authority.

All boundary treatment improvements shall be completed prior to the either the first opening of the retail unit or the first occupation of any of the residential units, whichever is the sooner.

The landscaped areas shall be maintained in perpetuity in accordance with the detailed maintenance schedule/table. Any trees or shrubs removed, or which in the opinion of the CNPA acting as Planning Authority, are dying, being severely damaged or becoming seriously diseased within three years of planting, shall be replaced by trees or shrubs of similar size and species to those originally required to be planted.”

- 39. The applicant appears to be opposed to this condition and contends that the choice of trees for his property is strictly a matter for him. Reference is made in his submission to trees and bushes already being chosen, purchased and delivered. It is also stated that they are on average 18 feet tall.
- 40. CNPA response : Reference has been made in earlier paragraphs of this report to the visual impact of the existing structure and the extensive car parking area at the front of the site, as well as advice and discussions which took place at the pre-application stage regarding expectations that any new development proposal should assist in enhancing the site and its surroundings. Appropriate landscaping has an important role to play in softening the visual impact of the extensive hard surface car parking area. It is within the remit of the Planning Authority to ensure that landscaping measures, including the size, species and number of plants and trees, are appropriate to fulfil this obligation to enhance the site, and that the species selected are appropriate to their setting and to the particular climate which can be particularly harsh in winter, and are of a size which will offer the best opportunity for successful establishment and growth.
- 41. In considering landscaping as an element of any development proposal, there are two mechanisms which can be used – the first would require a detailed

landscaping plan to be submitted and substantially accepted prior to a planning application being presented for determination, while the alternative is to accept basic landscaping proposals as part of the submission documentation and require by suspensive condition that the further detail be provided and agreed with the Planning Authority prior to the commencement of development. The latter was considered the most appropriate course of action in this application, particularly having regard to the applicant's previously expressed desire to have the application determined within a timescale which could facilitate an expedient commencement of works at the site.

42. Agreeing landscaping proposals with the Planning Authority is not considered a particularly onerous requirement. It is unfortunate that the applicant has chosen to act prematurely and purchase trees and shrubs in advance of being in receipt of any planning permission and without complying with landscaping conditions which may form part of that permission. At this stage, in the absence of details of the type and species of trees and shrubs which have been purchased, it is not possible to assess whether or not the landscaping envisaged by the applicant are acceptable.



**Fig. 6 : The dominance of the current hard surfacing, and an example of the condition of the boundary wall**

43. The landscaping plan required to fulfil condition no. 10 included four elements – details of proposals for planted area identified on the site layout plan, proposals for planting in the vicinity of the existing retaining wall, the provision of screen planting adjacent to the lorry park, and also proposals for the wet harling of the exterior of the boundary perimeter walling on the southern, eastern and part of the northern boundaries. The submission from the applicant contains comments only in relation to the planting which he has already purchased and it is unclear whether or not he is opposed to all stipulations of condition no. 10.
44. As discussed in paragraph 38, landscaping is a key element in achieving an enhancement of the site. This extends beyond 'soft landscaping' in the form of trees and shrubs, to also include other site improvements such as the boundary finishes. Having regard to the potential overall beneficial impact of the four elements detailed in the originally recommended condition no. 10, it is considered that all elements remain pertinent and should continue to be applied in their entirety in the event of the granting of planning permission.

45. **Condition no. 11** : This condition required the undergrounding of all public services at the development. The applicant has indicated his acceptance of this.
46. **Condition no. 12** : This concerns lighting proposals at the site and requires the following : *“A lighting scheme for the retail building and associated site area shall be submitted for the written agreement of the Cairngorms National Park Authority acting as Planning Authority in consultation with Highland Council’s Lighting Engineer prior to the first opening of the retail unit. The lighting scheme shall include, as necessary, upgrading or alterations to the existing public lighting. Thereafter, lighting shall be in accordance with the approved scheme.”*
47. The applicant has stated in his recent submission that “there is no need for additional lighting at this time.”
48. **CNPA response** : While the applicant may not envisage a need for additional lighting, it is possible that future operators of the retail element of the proposal may require upgrading, or additional or new lighting arrangements. Indeed it is reasonable to assume that the lighting requirements for a retail premises (with longer opening hours than the former Waltzing Waters facility and attracting an increased level of pedestrian traffic), could in the interests of the safety of its users, potentially have increased lighting requirements. Where there is any prospect of alterations to the lighting at the site, there is a need for the Planning Authority, in conjunction with Highland Council’s Lighting Engineer, to assess the suitability of such proposals and ensure that it is appropriate to the setting, adequately serves the needs of the site and its function as a facility used by the general public, and to also ensure that it does not adversely impact on the general amenities of existing properties in the vicinity. The inclusion of this condition remains appropriate. Its inclusion does not however obligate the applicant or any future operator to introduce new lighting at the site in the event that they have not planned to do so.
49. **Condition no. 13** : The condition requires that *“No water shall discharge onto the public road and the applicant shall be responsible for any measures necessary to prevent road water entering the site. All drainage measures shall accord with SUDS principles.”*
50. The applicant appears to be opposed to this condition, describing it as being the “wrong way round” and his submission makes reference to Highland Council failing on a number of occasions to keep rainwater from the public road out of his property.
51. **CNPA response** : This condition has been included upon the recommendation of Highland Council’s TEC Services division. It is considered relevant and necessary and is consistent with the obligations generally placed on developers in relation to surface water issues.
52. **Condition no. 14** : The condition stipulated that *“Prior to the first opening of the retail unit a detailed Operational Management Plan for the retail unit shall be submitted for the written agreement of the Cairngorms National Park Authority acting*

*as Planning Authority. The facility shall be operated in accordance with the agreed Operational Management Plan thereafter.”*

53. In response to the terms of condition no. 14, the applicant states that it is not his place to tell the Planning Authority how the tenant will run the business and he also suggests that he “doubts they know themselves yet.”
54. CNPA response : The advice note associated with recommended Condition no. 14 provides an indication of the issues which are expected to be addressed in the required Operational Management Plan, including details of the opening hours of the retail unit and details of the pattern of deliveries, together with proposals to curtail deliveries to a specified and limited period each day. Having regard to the points of concern raised in letters of representation about potential noise and disturbance deriving from extended opening hours and delivery practises, it was considered appropriate and necessary to require the submission of the Operational Management Plan, in order to ensure that the future operation of the retail element of the development are undertaken in a manner which minimises its impact on the surroundings and does not adversely impact on the general amenity of the area.
55. It is accepted that the applicant will not be the end user of the retail facility. The terms of Condition no. 14 do not obligate the applicant to personally prepare and agree an Operational Management Plan which future operators would then be bound by. The most obvious means of achieving compliance with this condition would be the preparation of the required plan by the operators of the retail unit. The Co-Operative Group has been identified as the likely end users. However there is no evidence to suggest that the comments in the applicants’ submission are representative of the Co-Operative Group. It is also highly unlikely that an established large scale retail operator, as suggested by the applicant, does not know how they intend to run their business. The requirement of the originally recommended condition no. 14 remains applicable and the inclusion of the condition is necessary in the event of the granting of planning permission.

## **DEVELOPMENT PLAN CONTEXT**

56. Please refer to the attached report, as originally considered by the CNPA Planning Committee on 19<sup>th</sup> August 2011 for more extensive details of relevant planning policy.

### **National Policy**

57. **Scottish Planning Policy<sup>8</sup> (SPP)** is the statement of the Scottish Government’s policy on nationally important land use planning matters. ‘Subject policies’ covered in the document which are of relevance to the current proposal include :
- Economic development;
  - Town centres and retailing;
  - Housing; and

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<sup>8</sup> February 2010

- Landscape and natural heritage;
58. **Scottish Planning Policy** concludes with a section entitled 'Outcomes' in which it is stated that the "planning system should be outcome focused, supporting the creation of high quality, accessible and sustainable places through new development, regeneration and the protection and enhancement of natural heritage and historic environmental assets."

### **Strategic Policies**

#### **Cairngorms National Park Plan (2007)**

59. The Cairngorms National Park Plan sets out the vision for the park for the next 25 years. Under the heading of 'conserving and enhancing the special qualities' strategic objectives for landscape, built and historic environment include maintaining and enhancing the distinctive landscapes across the Park, ensuring that development complements and enhances the landscape character of the Park, and ensuring that new development in settlements and surrounding areas and the management of public spaces complements and enhances the character, pattern and local identity of the built and historic environment.
60. Under the heading of 'Living and Working in the Park' the Plan advises that sustainable development means that the resources and special qualities of the national park are used and enjoyed by current generations in such a way that future generations can continue to use and enjoy them. . Section 5.2.4 of the Plan focuses on housing and highlights the need to ensure greater access to affordable and good quality housing in order to help create and maintain sustainable communities. The Plan advises that the quality and design of all new housing should meet high standards of water and energy efficiency and sustainable design and be consistent with or enhance the special qualities of the Park through careful design and siting.

### **Structure Plan Policy**

#### **Highland Council Structure Plan (2001)**

61. **Highland Council Structure Plan** is founded on the principles of sustainable development, in order to support the viability of communities, develop a prosperous and vibrant economy and safeguard and enhance the natural land built environment. Policies of relevance to the development proposal include :
- Policy L4 Landscape Character;
  - Policy G2 (Design for Sustainability);
  - Policies H4 and H5 regarding affordable housing;
  - Policy R1 (Shopping Hierarchy); and
  - Policy R2 (Everyday shopping needs).



### Local Plan Policy

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

62. The Cairngorms National Park Local Plan was formally adopted on 29<sup>th</sup> October 2010. The full text can be found at :  
<http://www.cairngorms.co.uk/parkauthority/publications/results.php?publicationID=265>
63. The Local Plan contains a range of policies dealing with particular interests or types of development. The policies follow the three key themes of the Park Plan to provide a detailed policy framework for planning decisions. The following policies are of relevance to the current development proposal :
- Policy 6 – Landscape;
  - Policy 16 – Design Standards for New Development;
  - Policy 18 – Developer Contributions;
  - Policy 19 – Contributions to affordable housing;
  - Policy 20 – Housing development within settlements;
  - Policy 25 – Business development; and
  - Policy 26 – Retail development.

#### CNP Supplementary Planning Guidance

64. In addition to the adoption of the Cairngorms National Park Local Plan (2010) on 29<sup>th</sup> October 2010, a number of Supplementary Planning Guidance documents were also adopted. The **Sustainable Design Guide**, **Affordable Housing SPG** and the **Developer Contributions SPG** are all relevant to the current proposal.

### CONSULTATIONS

65. Consultations carried out in the course of the original assessment of this proposal included **Transport Scotland**, Highland Council's **Contaminated Land** section, Highland Council's **TEC Services (Roads Division)**, Highland Council's **Housing Section**. Advice has also been sought from **Planning Gain** officials. The CNPA's **Economic Development Officer** was also consulted. Advice and background information was provided by several consultees, and Highland Council's TEC Services (Roads Division) recommended specific conditions be included in the event of the granting of planning permission.

### REPRESENTATIONS

66. The planning application was advertised in the Strathspey and Badenoch Herald on 18<sup>th</sup> June 2011. Three letters of representations were received, raising various concerns. Copies are attached to the rear of the original report.

### APPRAISAL

67. The original assessment of this planning application for a change of use of the Waltzing Waters building to a mixed use development of retail and residential was considered in the context of relevant planning policy, the appropriateness

of the two components of the proposal in this location, and the associated impact of the development on the surroundings. The appropriateness of the principle of residential and retail uses is not in dispute and has previously been accepted by the Planning Committee in resolving to grant permission for the development at the meeting of 19<sup>th</sup> August 2011. However, as a result of the applicant's recent request to re-consider the conditions, it is necessary to consider the purpose of those conditions and establish whether or not the development would comply with planning policy and have an acceptable impact on its surroundings in the event of various conditions being amended or removed.

68. As alluded to in foregoing sections of this report, the CNPA planning section has sought, from the outset of pre-application discussions, to advise how the subject site could be most appropriately developed to accommodate the two uses envisaged by the site owner, with the CNPA suggesting that an entire re-development to introduce a new, appropriately designed building would be the best option. As the applicant was unwilling to consider this and instead chose to apply for a change of use of the existing structure to accommodate retail and residential elements, it has been necessary throughout this application to seek means by which the uses could be accommodated in a manner which would accord with all relevant policies and deliver the enhancement and higher quality required by the current planning policies and deliver a development which would be acceptable in the National Park.
69. Various amendments were required in the course of the application, including amendments to the location of the bus stop, and alterations to the car parking and garden space associated with the residential properties. The changes were duly reflected in revised drawings prepared and submitted by the planning agent. In advance of the finalisation of the original report, the agent was also advised of the fact that a number of conditions would also be included in the original recommendation, including requirements for the use of harling instead of render on the residential units, and the requirement for alternative and improved finishes on the remainder of the structure, as well harling of the exterior of the existing boundary walls. In accordance with normal practise the nominated planning agent was formally notified in writing of the recommendation to approve the proposal, subject to conditions, and the planning report was made public and available on the CNPA website several days in advance of the planning committee on 19<sup>th</sup> August. During that time there was no indication of the applicant's rejection of the recommended planning conditions.
70. The conditions which were recommended, and endorsed by the CNPA Planning Committee when resolving to grant planning permission for the development, were applied in order to ensure that the development would accord with planning policy and would deliver an enhancement of the existing building and the overall site from its current condition. In addition, a number of the conditions are of a standardised nature (for example the achievement of visibility splays), and are consistently applied to development proposals in the interests of public safety, traffic safety and general amenity.

71. In considering the recent submission from the applicant it is clear that he is opposed to the majority of the conditions. The case for the appropriateness and the necessity to apply each of the conditions has been discussed in detail in foregoing sections of this report. While the applicants' concerns regarding the timescale for the conclusion of necessary contracts to provide the affordable housing can be accommodated by minor amendments to the wording of the condition, it is difficult to envisage any further amendments to the conditions which would resolve the remainder of Mr. Donald's concerns. The 'dilution' of the conditions or their complete omission would fail to secure a development which would accord sufficiently with planning policy. The CNPA planning staff have consistently sought a positive outcome for this application but in the event that the applicant is unwilling to accept the imposition of the recommended conditions, there would be a need to re-consider all aspects of the application and there may be little alternative in such an instance but to recommend that planning permission be refused.
72. In conclusion, in the interests of accommodating a mixed use development of retail and affordable residential housing, and achieving a development which is of an acceptable quality befitting its setting within a National Park and delivers an enhancement of the site and its immediate surrounding, the originally recommended conditions remain applicable in the event of the granting of planning permission (with the exception of the aforementioned amendments to the timescale for contract completion in Condition no. 2).

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

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

73. The subject site is essentially a brownfield site, which has accommodated a commercial tourism facility for the past two decades. The proposed change of use involves limited external alterations to the premises and if undertaken in accordance with the recommended conditions, including landscaping and improvements to the exterior of the existing structure, could be considered to offer enhancement opportunities. Without the recommended conditions, this enhancement would not be secured.

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

74. The proposed change of use from the commercial tourism facility to a mixed development of retail and residential would occur within the existing structure, with some alterations to the exterior. The re-use of an existing structure could be considered to contribute towards the achievement of this aim.

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

75. Waltzing Waters, the existing business at the site, has attracted a significant number of visitors during its two decades of operation and its closure will eliminate a unique tourist facility from the area. However, due to the personal choice of the owner, Waltzing Waters was closed at the end of August 2011,

and the loss of the facility cannot therefore be attributed to the current development proposal.

76. The development of a larger retail facility to serve the village and surrounding area could be considered to assist users in enjoying the area, without the need to travel greater distances for daily shopping requirements.

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

77. The proposed change of use of the majority of the building to a retail facility has the potential to provide users with a wider supply and variety of products. The retail development is also projected to facilitate the redeployment of all staff positions from the existing smaller Co-Operative shop in the village, and would also generate an additional ten employment opportunities. As such the retail element of the proposal could be considered to assist in promoting the economic development of the village.
78. The proposed development of five residential units in the Church Terrace area of the development, of which all five are identified as affordable, would improve the availability of low cost housing in the area and is therefore considered to be of assistance in promoting the sustainable social development of the area.

### **RECOMMENDATION**

**That Members of the Committee maintain support for a recommendation to GRANT planning permission for a change of use of the building to retail and residential at Waltzing Waters, Main Street, Newtonmore, subject to**

- (a) **the completion of a Planning Obligation agreement to secure the payment of developer contribution towards community facilities, playing fields, ancillary sports facilities and access improvements OR the payment of the required developer contribution in advance of the release of the decision notice;**  
**AND**
- (b) **subject to the following conditions :**
  1. The development to which this permission relates must be begun within three years from the date of this permission.

**Reason:** to comply with Section 58 of the Town and Country (Planning) Scotland Act 1997 or as amended by the Planning etc. Scotland Act 2006.

2. The five residential units on Church Terrace shall be provided and retained as affordable housing units for a minimum period of 10 years, regulated by a lease arrangement with Highland Council under the Residential Leasing Scheme. Prior to the first occupation of any of the residential units or within **six months** of the granting of this permission, whichever is the sooner, evidence

of a contract between all relevant parties for the provision of and future maintenance of the affordable housing element on the site, shall be submitted for the written agreement of the CNPA acting as Planning Authority.

**Reason:** In the interests of securing affordable housing provision.

3. The following roads related requirements shall be achieved in respect of the residential element of the development :
  - (a) Each access for the new residential development shall be constructed across the existing footway in accordance with drawing no. SDB3 of the "Access to Single Houses and Small Housing Developments" document;
  - (b) Each vehicular access shall be hard surfaced from the rear edge of the adjacent footway;
  - (c) Any gates provided shall open into the properties only;
  - (d) Visibility splays shall be provided and maintained on each side of each access at its junction with the public road. These splays are the triangles of ground bounded by the first 2.4 metres along the centreline of the access (the X dimension) and the nearside edge of the public road (the y dimension) measured a minimum of 40 metres in each direction from the intersection of the access with the public road, **unless otherwise agreed with the Cairngorms National Park Authority acting as Planning Authority and in consultation with Highland Council's TEC Services;**
  - (e) Within the visibility splays nothing shall obscure visibility between a driver's eye height of 1.0 metres positioned at the x dimension and an object height of 1.0 metre anywhere along the y dimension, **unless otherwise agreed with the Cairngorms National Park Authority acting as Planning Authority and in consultation with Highland Council's TEC Services;**
  - (f) Nothing shall be established within the site to conflict with the visibility splay which currently exists at the junction of Church Terrace.

**Reason:** In the interests of traffic and pedestrian safety.

4. Prior to the first operation of the retail element of the development, the existing access shall be upgraded at its junction with the public road. The site access shall be fit for purpose and its geometry such that the largest vehicle requiring access will be able to safely enter and leave the site independently in forward gear. The retail development access shall be constructed to Industrial Access Road standards, with a carriageway junction formed with the public road. The access shall be kerbed with the public footpath having dropped kerbs to assist pedestrians cross the junction access. The public road carriageway over a 40 metre length and full width shall be reconstructed to Industrial Access Road standards with a Hot Rolled Asphalt surface course.

**Reason:** In the interests of traffic and pedestrian safety and in order to ensure that the junction arrangements sufficiently accommodate the increase usage generated by the new retail development.

5. Prior to the commencement of development, a revised site layout plan shall be submitted for the written agreement of the Cairngorms National Park Authority acting as Planning Authority, to demonstrate
- (a) The provision of a separate access to the retail development to serve pedestrians and cyclists;
  - (b) The provision of secure cycle parking facilities on site; and
  - (c) The identification of a minimum of two 'parent and child' parking spaces.

The site shall be developed in accordance with the agreed layout thereafter.

**Reason:** In the interests of public safety and in the interests of the general amenity of the area.

6. For the avoidance of doubt, the retention of the existing facing block wall finish on the eastern, western and part of the southern elevations of the retail unit is not approved. Prior to the commencement of development details shall be submitted for the written agreement of the Cairngorms National Park Authority acting as Planning Authority to show an alternative finish of either (a) timber cladding; (b) wet harling or (c) a combination of timber cladding and wet harling. The agreed finish shall be applied thereafter.

**Reason:** in the interests of the visual amenity of the area and in order to enhance the appearance of the existing building.

7. For the avoidance of doubt, the white drydash render identified on the submitted drawings for the residential properties is not approved. Wet harling shall be used in place of the drydash render. A sample of the render shall be submitted for the written agreement of the Cairngorms National Park Authority acting as Planning Authority prior to its application on the building and the agreed render finish shall be applied thereafter.

**Reason:** In the interests of the visual amenity of the area and in order to more closely reflect the traditional finishes of residential property in this area.

8. All timber cladding shall be finished in a natural stain, the details of which shall be agreed in writing with the Cairngorms National Park Authority acting as Planning Authority prior to the commencement of development. The agreed stain shall be applied thereafter.

**Reason:** In the interests of the visual amenity of the area and in order to more closely reflect the traditional finishes of residential property in this area.

9. The existing wall on the Church Terrace frontage of the site shall be removed along the extent of the private open space areas of each of the five residential units. The front garden areas shall thereafter be maintained in an open plan format in perpetuity (with the exception of the bin storage enclosures). Prior to the commencement of development details of all boundary treatments on the side boundaries of each plot shall be submitted for the written agreement of the Cairngorms National Park Authority acting as Planning Authority. The agreed boundary treatments shall be erected thereafter.

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

10. Prior to the commencement of development, a landscaping and boundary treatment plan shall be submitted for the written approval of the Cairngorms National Park Authority acting as Planning Authority. The landscaping and boundary treatments shall be implemented and maintained in accordance with the approved plan. The plan shall include
- (a) details of planting in all areas identified on the site layout plan (dwg. no. CO (AQ 1)7 rev.B) including numbers, species (which shall be appropriate to the rural setting) and heights (at the time of planting) of all trees, shrubs and hedges;
  - (b) proposals for the provision of climber planting, with appropriate supporting apparatus, on the retaining wall at the rear of the lorry parking area;
  - (c) proposals for the provision of screen planting adjacent to the lorry parking area on the eastern site boundary; and
  - (d) proposals for the wet harling of the exterior of all boundary perimeter walling along the southern and eastern site boundaries, and on the northern site boundary surrounding the communal open space area.

The landscaping scheme shall be completed during the planting season next following the completion of the development, or such other date as may be agreed in writing with the CNPA acting as Planning Authority.

All boundary treatment improvements shall be completed prior to the either the first opening of the retail unit or the first occupation of any of the residential units, whichever is the sooner.

The landscaped areas shall be maintained in perpetuity in accordance with the detailed maintenance schedule/table. Any trees or shrubs removed, or which in the opinion of the CNPA acting as Planning Authority, are dying, being severely damaged or becoming seriously diseased within three years of planting, shall be replaced by trees or shrubs of similar size and species to those originally required to be planted.

**Reason:** In the interests of protecting the visual amenity of the area and in order to enhance the natural heritage of the area.

11. 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 minimising the visual impact of the development.

12. A lighting scheme for the retail building and associated site area shall be submitted for the written agreement of the Cairngorms National Park Authority acting as Planning Authority in consultation with Highland Council's Lighting Engineer prior to the first opening of the retail unit. The lighting scheme shall include, as necessary, upgrading or alterations to the existing

public lighting. Thereafter, lighting shall be in accordance with the approved scheme.

**Reason:** In the interests of protecting the amenity of neighbouring properties and in the interests of the visual amenity of the area.

13. No water shall discharge onto the public road and the applicant shall be responsible for any measures necessary to prevent road water entering the site. All drainage measures shall accord with SUDS principles.

**Reason:** In the interests of traffic safety and the general amenity of the area.

14. Prior to the first opening of the retail unit a detailed Operational Management Plan for the retail unit shall be submitted for the written agreement of the Cairngorms National Park Authority acting as Planning Authority. The facility shall be operated in accordance with the agreed Operational Management Plan thereafter.

**Reason:** In the interests of protecting the amenity of neighbouring properties and in order to minimise traffic congestion in the area.

**Advice notes:**

1. There is the potential for contamination at this site due to its use as a petrol filling station. As the proposed development would not appear to materially change the risk of potential contamination of the site an investigation is not required at this stage. However, please be advised that all sites with a former industrial / commercial use have been prioritised by the Highland Council under duties conferred by Part IIA of the Environmental Protection Act 1990, and may require investigation in the future. In addition, land contamination issues may affect property values. In the event that you wish to discuss potential contamination issues or commission your own investigation, please contact Highland Council's TEC Services, Contaminated Land section at [landcontamination@highland.gov.uk](mailto:landcontamination@highland.gov.uk) or telephone no. 01463 228706.
2. Prior to any work of excavation or surfacing starting within 2 metres of the public road edge a road opening permit shall be obtained from the Roads Authority.
3. The Operational Management Plan shall include details of the opening hours of the retail unit, details of the pattern of deliveries including proposals to curtail deliveries to a specified and limited period each day.
4. Having regard to the prominent position of the site on the Main Street in Newtonmore, the developer is advised to put in place appropriate measures to ensure that the site is maintained in a tidy condition throughout the period of construction and development.

**Mary Grier**  
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7 September 2011



**CAIRNGORMS NATIONAL PARK AUTHORITY**  
**Planning Paper 3 16 September 2011**

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.