
CAIRNGORMS NATIONAL PARK AUTHORITY

Title: REPORT ON CALLED-IN PLANNING APPLICATION

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DEVELOPMENT MANAGEMENT)**

DEVELOPMENT PROPOSED: Change of use of former waste water treatment works to mini golf course and cafeteria kiosk with the reuse of the existing tank (infilled) for leisure use at Land 125M North Of Speybank, Dalfaber Road, Aviemore

REFERENCE: 2014/0356/DET

APPLICANT: Mr John Smith

DATE CALLED-IN: 24 November 2014

REASON FOR CALL IN: The proposed development for a new recreational facility on land covered by environmental designations raises issues relating to natural heritage, and the enjoyment and understanding of the National Park. It is considered to be of significance to the collective aims of the National Park.

RECOMMENDATION: APPROVAL SUBJECT TO CONDITIONS

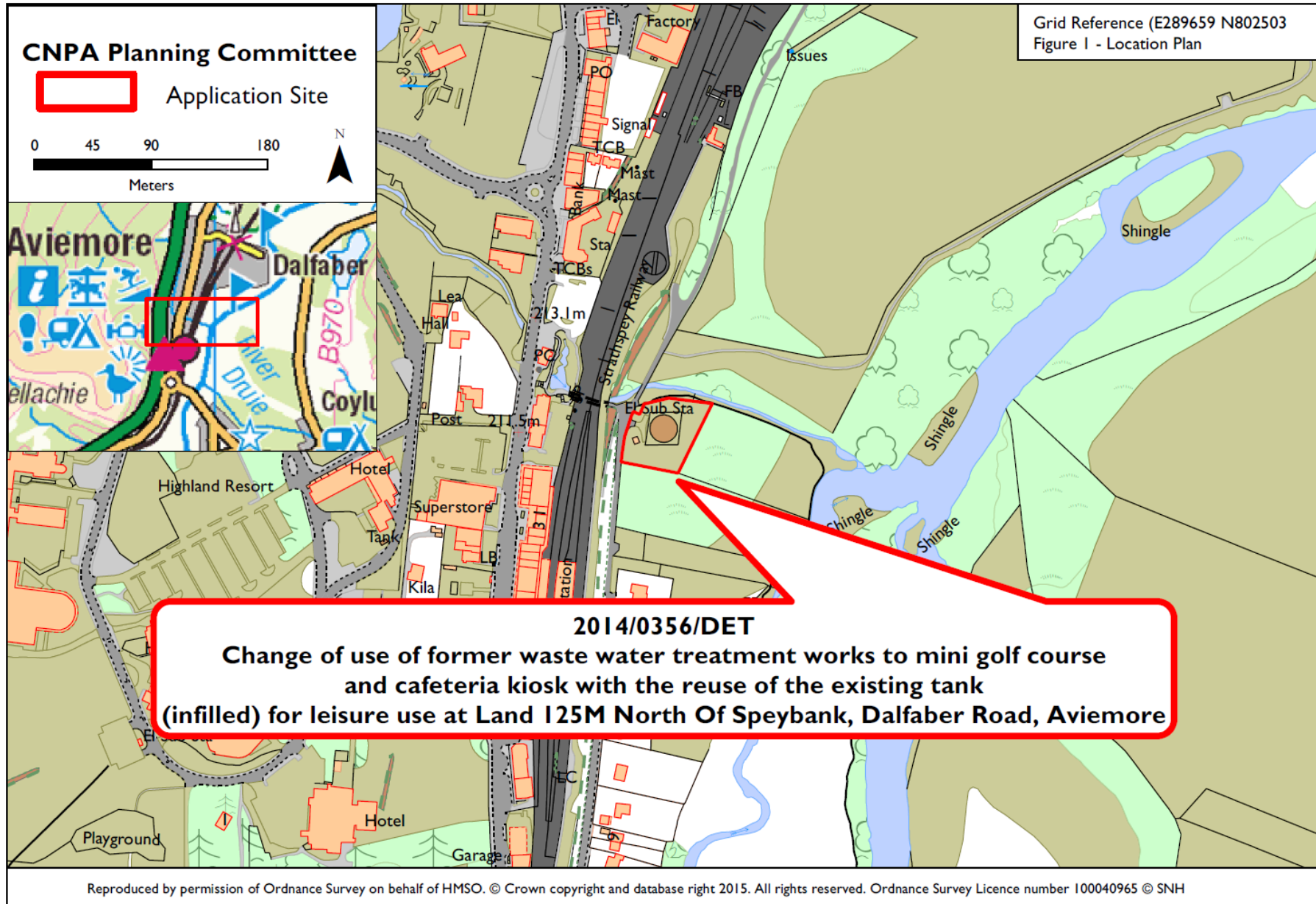


Figure 1 - Location Plan

SITE DESCRIPTION AND PROPOSAL

1. The drawings and documents associated with this application are listed below and are available on the Cairngorms National Park Authority website unless noted otherwise:
2. <http://www.eplanningnpa.co.uk/online-applications/applicationDetails.do?activeTab=documents&keyVal=NBBYHOSI0BX00>

Title	Drawing Number	Date on Plan	Date Received
Planning Support Statement	-	4 Jan 2015	
Summer and Winter Visualisations		Undated	
Supportive Statement	Enviroplan Consulting Ltd	January 2015	
Traffic Management Plan		undated	
Amended Access Plan		undated	
Protected Species Survey Report by the Wildlife Survey Unit	PI4022	1 Dec 2014	
Site Plan by Collective Architecture	(PL) 10 Revision F	7 Nov 2014	
Topographic Survey by Collective Architecture	(EX) 03	15 Oct 2013	
Pump House Existing Plan by Collective Architecture	(PL) 20	28 Oct 2014	
Pump House Proposed Elevations by Collective Architecture	(EL) 11	28 Oct 2014	
Pump House Existing elevations by Collective Architecture	(EX) 10	28 Oct 2104	
Location Plan by Collective Architecture	(EX)01	Dec 2013	
Pump House Proposed Plan by Collective Architecture	(PL)21	28 Oct 2014	
Layout Plan sheet 1 of 3 by Harris Miniature Golf	15-02-04	29 Jan 2015	
Layout and Grading Plan sheet 2 of 3 by Harris Miniature Golf	15-02-04	29 Jan 2015	
Colour Rendering sheet 3 of 3 by Harris Miniature Golf	15-02-04	29 Jan 2015	

3. The proposed site is the former waste water treatment works at Dalfaber Road, Aviemore. The site comprises a 20 metre diameter circular water tank and ancillary pump-house building which it is understood was also used for workshop and toilet accommodation. It is presently enclosed by a security

fence in state of disrepair and there are a number of mature trees on site which the applicant proposes to retain.

4. Vehicular access is from an existing access onto Dalfaber Road and it is proposed to upgrade this access point for the new development. Pedestrian access is also available via an existing underpass leading under the railway line to parking areas and the centre of Aviemore at Grampian Road.
5. There is an existing kiosk type flat roof, fifestone clad building on site. A copy of the proposed site layout is shown in **Figure 3** and a copy of the proposed kiosk alterations as **Figure 4**.

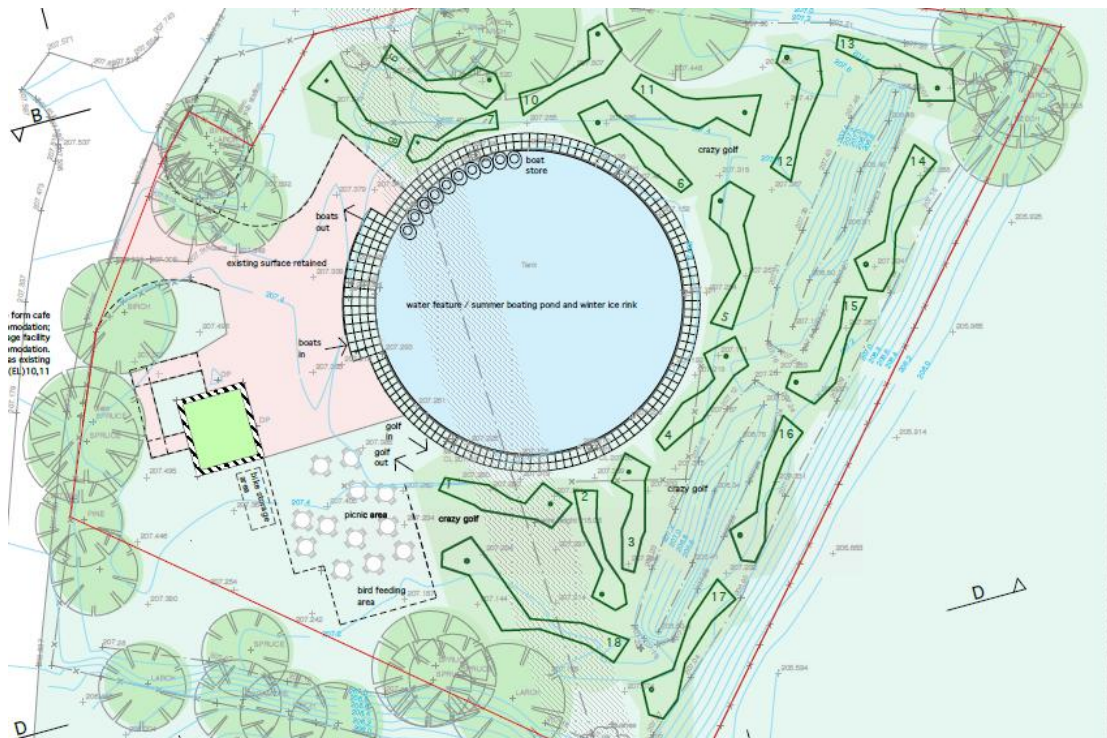


Figure 2 - Proposed Site Layout

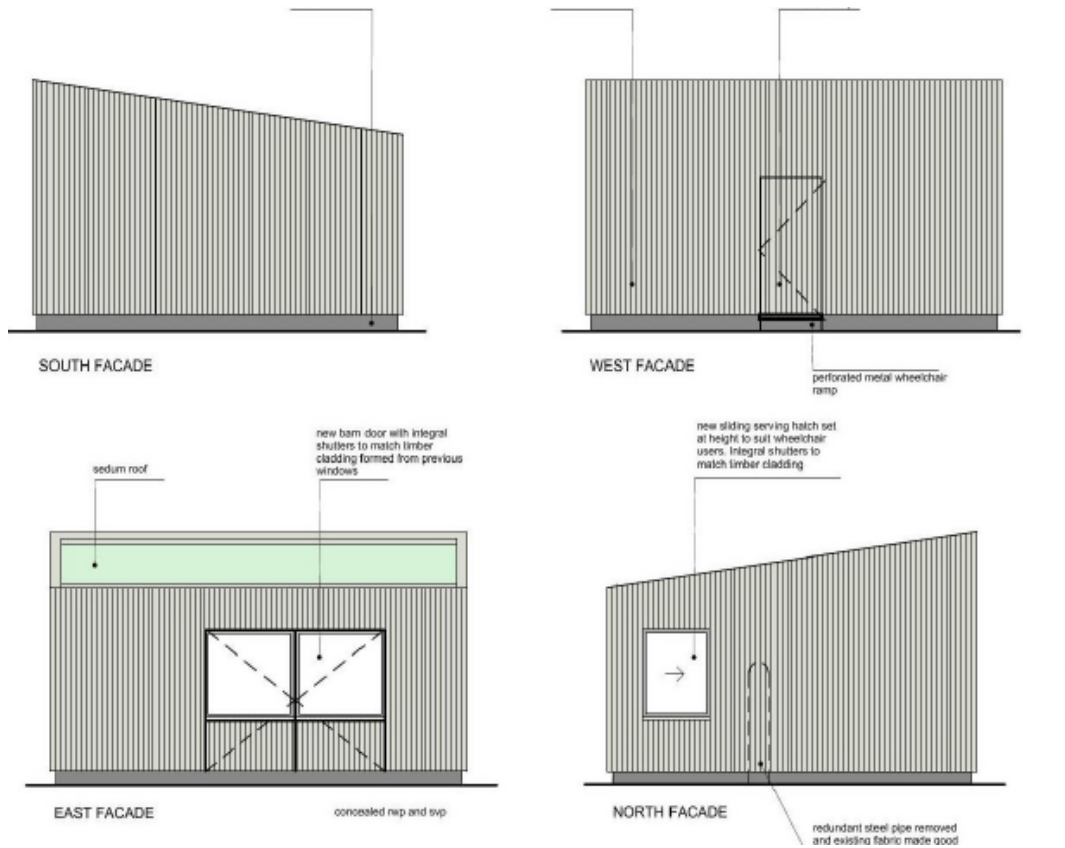


Figure 3 - Proposed Elevations of Kiosk

6. The site lay within the settlement boundary of Aviemore as designated in the 2010 Local Plan and now lies within a wider area designated as open space within the settlement statement of the 2015 Local Development Plan as shown in **Figure 4** (site marked by red star). The site lies within an identified fluvial flooding area and there is a core path running along Dalfaber Road to the west of the site and core paths to the north (Aviemore Burn and Aviemore Orbital)



Figure 4 – Local Development Plan extract

7. To the far north of the site lies the recently formed Aviemore community park and the Aviemore Burn bounds the site to the north. To the east is agricultural land leading to the River Spey some 100 metres distant. To the south is agricultural land and then housing along Dalfaber Road, and to the west is the public road (Dalfaber Road), railway line and the environs of the Strathspey Railway Company.

Development Proposal

8. The proposed development seeks full planning permission for a number of items as follows:
 - a) Reuse of water tank as water facility for bumper boats in summer and ice rink in winter which will be formed by use of plastic “ice” sheeting laid for the season.
 - b) Re-use of former small pump house building as ticket office, storage, toilets and snack bar selling confectionary and soft drinks, with picnic, bike storage and bird feeding areas adjacent. There will be no external storage with the boats removed for storage off site during winter months.
 - c) Land around existing infrastructure to be used for mini golf facility with minimal land re-contouring proposed as detailed in accompanying plans.

These items are all shown in **Figure 2**.

9. The anticipated opening hours are 0900 to 2100 hours. No changes to public water and sewage supplies are proposed.
10. The application is supported by a number of documents including:
 - a) Planning Support Statement explaining the proposal, its benefits, connectivity, and compliance with national and local planning policies. This emphasises the sustainability credentials of the development. It also explains that discussion has taken place with the Community Council over several years who expressed a desire for the site to be used for recreational purposes. It goes on to note that the Community Council expressed concerns regarding accommodating increased traffic and the need to ensure the area is attractive for cyclists and walkers. This led to the applicant's layout which excludes parking provision in order to minimise potential conflicts and reduce vehicular traffic down Dalfaber Road
 - b) A "supportive planning statement" has also been submitted which expands on planning merit issues, noting in relation to car parking that the adjacent River Spey park has not provided any parking provision. The statement also contains information on hydrology and land use vulnerability, concluding that the proposed development is categorised as less vulnerable use. Further correspondence from the applicants in their Traffic Management Plan highlights that public parking is available some 150 metres from the site. The applicants have also highlighted that some additional space for parking could be made available in the area and the landowner has indicated this is possible but SEPA have previously advised that this land should not be altered/surfaced in any way as this could affect flooding issues. This existing parking area is available for the applicants use however if required. The Traffic Management Plan also highlights that a disabled drop off provision will be made within the site and that the mini golf course is being design for all abilities use.
 - c) Topographical surveys and detailed plans showing location of golf holes and definition of areas by brick paviers.
 - d) Protected Species Survey covering bats, otter, red squirrel and water vole. This survey found evidence of otters on the Aviemore Burn and River Spey and whilst no evidence of bats was found, it highlighted that the Aviemore Burn adjacent to the site was likely to be an important commuting route for bats whereby any lighting scheme should ensure it prevents overspill into this area through use of cowls and directional lighting. A further recommendation was made that the existing building be sealed up during the non breeding season (Sept to Feb) to prevent nesting by breeding birds. If work occurs during breeding bird season then a pre-construction check should be made to ensure no nests are present.
 - e) A number of supporting letters from the applicant outline how the site will be drained via existing arrangements with no increase in run off proposed. These letters also clarify that the site was clear and determined as not being

contaminated some years ago by Scottish Water and that the Highland Council Contaminated Land Team have accepted that a contaminated land study can be controlled by planning condition.

- f) Sketch plan of potential boundary treatment involving setting a new 2 metre high fence behind the trees fronting Dalfaber Road on the western site boundary and providing forestry commission style 1.8 metre high rectangular netting fencing along the other boundaries combined with planting.

Site History

- 11. There is no specific recent planning history on the site itself other than a pre-application inquiry last year regarding this potential use. At this time Cairngorms National Park Authority (CNPA) officers advised of the level of detail required to support any application and explaining that key planning policies at the time supported tourism and business development of this nature subject to meeting all policies on flooding, servicing, environment and landscape.
- 12. To the north of the site planning consent was granted by the CNPA to create a countryside park with paths and timber footbridge with boardwalk access, shelter, and pond (Ref 2012/0232/DET). To the east an application for raising of land for flood prevention was withdrawn in 2009 (Ref 09/053/CP)

DEVELOPMENT PLAN CONTEXT

National policy

- 13. **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.
- 14. The SPP sits alongside four other Scottish Government planning policy documents:
 - 1. The **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;
 - 2. **Creating Places**, the policy statement on architecture and place, containing the Scottish Government's policies and guidance on the importance of architecture and design;
 - 3. **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

4. **Circulars**, which contain policy on the implementation of legislation or procedures.
15. Scottish Planning Policy seeks to support business and employment and to facilitate sustainable economic growth.

Strategic Policies

Cairngorms National Park Partnership Plan (2012-2017)

16. The Cairngorms National Park Plan sets out the vision and overarching strategy for managing the Park and provides focus and priorities at a time of limited financial resources. The Plan also provides a strategic context for the Local Development Plan and shows how the four aims of the National Park can be achieved together. It sets out the strategic direction and priorities for the Park.
17. Three long term outcomes for the Park are set out as follows:
 1. A sustainable economy supporting thriving businesses and communities;
 2. A special place for people and nature with natural and cultural heritage enhanced; and
 3. People enjoying the park through outstanding visitor and learning experiences.

These outcomes address the interaction of the three main characteristics of the National Park these being that the Park is an internationally important area for nature conservation; a fragile rural economy, and an internationally known tourism destination. Recognising the relationship of these outcomes is at the heart of the National Park. A series of work programmes to help deliver the outcomes is set out in the Plan.

Also relevant in this case is *Policy 1.1* which seeks to grow the economy of the Park.

Local Plan Policy

Cairngorms National Park Local Development Plan (2015)

18. All new development proposals require to be assessed in relation to policies contained in the adopted Local Development Plan. The full wording of policies can be found at: <http://cairngorms.co.uk/park-authority/planning/local-development-plan>:
19. As noted earlier the application site lies within the settlement boundaries of Aviemore within a larger area designated as open space with the supporting text to the statement noting that a number of open spaces and land which contribute to the setting of Aviemore are identified and will be protected from development. Key planning policies are summarised below.

20. Policy 2: Supporting Economic Growth Policy 2.2 tourism and leisure development seeks to support development which enhances formal and informal recreation and leisure facilities and tourism and leisure based business activities and attractions where there is no adverse environmental impacts on the site or the neighbouring areas, and it makes a positive contribution to the experience of visitors and adds to or extends the tourist season
21. Policy 3: Sustainable Design sets out that all new development should be sympathetic to the character of the area and use materials and landscaping that will complement the setting of the development, makes sustainable use of resources; improve to or add to existing public or amenity open space; be appropriately accessed, create opportunities to further biodiversity, protect amenity of neighbours as well as promoting sustainable transport methods and reducing the need to travel.
22. Policy 4: Natural Heritage: Policies 4.5 and 4.6 seek to ensure that all development furthers the conservation of biodiversity through its maintenance and enhancement. Policy 4.1 seeks to ensure that development which is likely to have a significant effect on a Natura 2000 site demonstrates that there will be no adverse effect on the integrity of the site whilst Policy 4.4 seeks to ensure that there is no adverse effect on European Protected Species. Policy 4.6 requires submission of species protection plans as required.
23. Policy 5: Landscape states that there will be a presumption against any development that does not conserve and enhance the landscape character and special qualities of the Cairngorms National Park, and that any adverse effects are minimised and mitigated through appropriate siting, landscaping and design.
24. Policy 8: Sport and Recreation provides support for developments of sport and recreation facilities subject to best practise in design and no adverse impacts as well as maintaining and maximising opportunities to link into existing path network.
25. Policy 10 Resources Policies 10.1 and 10.2 seek to ensure that surface water is appropriately treated and that development is free from risk of flooding. Policy 10.7 seeks support development affecting contaminated land where appropriate assessments to identify risks and remediate as necessary are agreed.

Habitats Regulation Assessment (HRA)

26. As noted in the consultations section Scottish Natural Heritage (SNH) advised that there were unable to conclude whether there will be a likely significant effect on the qualifying interests of the River Spey Special Area of Conservation (SAC) in this case due to lack of information on construction methods and watercourses and species protection plan for otter. Accordingly they advised the CNPA to undertake an Appropriate Assessment. The CNPA screened the likely significant effects of the development and also considered any in combination effects.

27. Likely significant effects were found for one Natura Site – the River Spey SAC in relation to effects upon otter (arising from pollution or sedimentation of watercourse and disturbance at construction or operational stages) and salmon (arising from pollution or sedimentation and disturbance during construction or operational stages) Consequently an Appropriate Assessment (AA) was then undertaken to assess the implications for the conservation objectives of the SAC.
28. The Appropriate Assessment concluded that there could be effect upon the Conservation objectives and additional mitigation is required as follows which may be covered by appropriate planning conditions:
 1. Submission of Construction method statement (CMS) to ensure the elimination of risks to watercourses at construction stage
 2. Submission of species protection plan to be included in the CMS to prevent disturbance to otters during construction
 3. Lighting to be designed to ensure it is not directed outside the site
29. A copy of the HRA is attached as **Appendix I**

Supplementary Guidance

30. Current supplementary guidance on sustainable design, natural heritage and landscape sets out issues to be considered and these are largely reflected in the Supplementary Guidance recently approved by the Planning Committee which will be passed onto Scottish Ministers with a view to future adoption

CONSULTATIONS

31. **Scottish Natural Heritage (SNH)** note that the site lies outwith any designated sites but lies close to (approximately 100 metres) the River Spey which is a Special Area of Conservation (SAC) - designated for Atlantic Salmon, freshwater pearl mussel, otter and sea lamprey - and a Site of Special Scientific Interest (SSSI) the Aviemore Burn some 25 metres from the site is a tributary of the Spey and part of the SAC. There is no connectivity from the site to these watercourses but the site lies within the flood plain of the watercourses and it is necessary to consider impacts upon the designated interests.
32. SNH note that an Ecology Survey has been submitted, but no construction method statement or otter species protection plan whereby they are unable to conclude whether there will be a likely significant effect on the qualifying interests of the SAC. Accordingly SNH advise that the CNPA require to carry out an Appropriate Assessment.
33. To assist in this process SNH advise that in their view if the proposal is undertaken in accordance with a condition requiring submission of Construction Method Statement (to include measures to prevent pollution of the Aviemore Burn and River Spey and to prevent disturbance to otters during construction

and operation) then it will not adversely affect the integrity of the designated sites.

34. On this basis SNH considers that the proposed development could proceed with appropriate mitigation and avoid any likely significant effect on the River Spey Special Area of Conservation.
35. **CNPA Ecology Advisor** advises that the proposals should have no direct impact upon protected species providing precautions are taken to prevent disturbance to otters and breeding birds and conditions should be applied to this end. The Officer also advised that a construction method statement should be required by condition to ensure that there is no pollution of adjacent waterways given that the Aviemore Burn forms part of the River Spey Special Area of Conservation. A planting scheme for the site will also be required and it is recommended that bat and bird boxes be incorporated into any buildings or on mature trees to enhance habitat on the site. On this basis the Officer has no objections to the development. As noted earlier following advice from SNH the Heritage Team have also now carried out a Habitats Regulation Assessment of the proposals which is attached as **Appendix I**.
36. **Scottish Environment Protection Agency (SEPA)** provided advice at the pre-application stage on potential flooding issues and the potential for recreational use at this site. The Agency has responded to the current proposals noting that the site is at medium to high risk of flooding and has flooded in the past. Scottish Planning Policy makes allowance for development to take place in the functional flood plain for specific uses including recreation. They do however note that the site will be at risk of flooding and the development should be constructed in a way to be resilient to this risk.
37. SEPA has further noted that the mini golf course is acceptable providing ground levels are not raised above existing levels and any re-profiling of ground levels is minimised. They finally note that the existing kiosk, which lies within the functional flood plain is not to be extended.
38. On this basis SEPA has confirmed that they have no objections on flood risk grounds providing that a planning condition is attached stating that no new buildings or structures are to be constructed on site, ground levels are not raised above existing levels and any re-profiling is minimised. They also recommend that the local flood prevention team be consulted.
39. **Highland Council Flood Risk Management Team** has no objections subject to planning conditions being attached requiring (a) submission for approval of a flood evacuation plan (b) that no new buildings or structures are constructed (c) that ground levels are not raised and (d) submission for approval of a surface water drainage statement.
40. In subsequent correspondence the applicants indicated that the surface water drainage arrangements would utilise existing arrangements. The Flood Team advise that they have no issues with this providing this is satisfactory to Scottish

Water if the proposal is to deal with surface water using the existing drainage network.

41. **Highland Council Environmental Health Service** has no objections.
42. **Highland Council Contaminated Land Team** notes that the site has a historic use which may be associated with potential land contamination. They therefore recommend that a planning condition be attached requiring that no development start on site until a scheme to deal with potential contamination has been submitted and approved.
43. **Highland Council Transport Planning Team** initially sought further information from the applicant regarding access, parking and servicing proposals, having noted that the site is located on Dalfaber Road, a narrow single track road with limited passing opportunities and no footways, nor any street lighting to north of site. They also noted that Dalfaber Road forms part of Route 7 of the National Cycle Network.
44. Further information was provided by the applicant regarding access visibility, service vehicles and parking arrangements and the Transport Planning Team has now confirmed that they have no objections to the proposals subject to conditions being attached requiring upgrading of the existing access junction onto Dalfaber road.
45. **Highland Council Forestry Officer** initially sought further information on impacts on existing trees noting that these trees contribute to the character of the area and that the applicant should demonstrate that the development will not affect the trees. The applicant provided additional information by way of a topographical survey and the Forestry Officer advises that a Tree Constraints Plan and Tree Protection Plan are required.
46. **Aviemore and Vicinity Community Council** has been consulted and their comments are attached as **Appendix 2**. They support the application as a good opportunity to make use of derelict land. However they raise concern that there is no parking plan for the proposals which they consider to be an omission which should be rectified.
47. They highlight that unlike the park to the north which is aimed at walkers and cyclists, this is a visitor attraction likely to be visited by people with vehicles and served by a single track road with no parking provision. As this road (Dalfaber Road) is well used by coaches etc going to the Strathspey Steam Railway, as well as by cyclists and walkers, and has no footpath there is a risk to road users. There is therefore a need for a robust road safety plan. The Community Council have also requested to be **heard** at Committee
48. **Inclusive Cairngorms** has no objections to the proposal but have requested that further consideration be given to the following points:
 1. Disabled parking provision on site
 2. Safety of users in relation to depth of boating/skating pond

3. Ability of wheelchair users to access the course
49. **CNPA Landscape Advisor** considers that the proposal offers the potential for landscape enhancement and the provision of a visitor destination to draw people out into the wider landscape setting of the village. To maximise this enhancement existing trees should be retained; details of planting provided and details of lighting, finishes, and surfacing agreed, all to reflect the semi rural character. Conditions may be applied to achieve this. The Landscape Advisor also provided detailed advice on boundary enclosure information in order to achieve this end too.
50. **CNPA Economic Development Officer** has noted that tourism accounts for around 43% of jobs within the National Park with the Aviemore area being the most tourism intensive in Scotland. Recent research has shown that there are several developing sectors within the tourism industry, including 'attractions' which the National Park is well positioned to capitalise on. Mini golf is considered to be a full family activity with potential to appeal to all ages whilst also transforming a derelict brownfield site.
51. It is considered that whilst this type of development is unlikely to attract extra visitors, it would offer additional choice – some displacement may occur as there are other similar offerings in the area, and there will be some job creation albeit seasonal. The Officer concludes that it is difficult to quantify potential economic benefits without a business plan, but overall it is concluded that the development has potential to have a limited positive economic impact on the Aviemore economy.
52. **CNPA Outdoor Access Officer** notes that there may be potential impacts upon National Cycle Route 7 (Dalfaber Road) which is also a core path in terms of additional traffic. It is also recognised that the developer will be using existing car parks and encouraging access to the facility along existing paths. As such it is concluded that the proposed development does not raise any issues in relation to outdoor access.

REPRESENTATIONS

53. No representations have been received. The applicant requested to be **heard** but this request was not submitted in time.

APPRAISAL

Principle

54. Local Development Plan Policy 2.2 on Tourism and Leisure development as well as Policy 8 on Sport and Recreation provides general support for this type of proposal which seeks to change the use of an existing redundant, brownfield site to provide a new tourism and leisure development which will, as noted by the CNPA Economic Development Officer, help support the local economy. This general policy support is of course subject to meeting other relevant local

planning policies and, in particular, not compromising the wider open space designation in the Local Development Plan settlement statement for Aviemore.

55. In this regard the site is physically self-contained, comprising a redundant water treatment works enclosed by security fencing. It does not serve any open space or amenity purpose at present, but does form part of the open flood plain adjacent to the Spey. Reuse of the site in the manner proposed, which uses the existing infrastructure in a positive manner, does not add to the built environs, retains existing trees and offers the opportunity for enhanced planting, is considered to readily achieve the settlement statement's objective of ensuring that open space which contributes to the setting of Aviemore is protected.
56. In these circumstances the proposed development is considered to comply with the principles of Local Development Plan policies on economic development as well as Scottish Planning Policy which seeks to facilitate sustainable economic growth. In relation to the detail of the application the following key issues are now considered.

Design and Landscape Impacts

57. The design of the proposed development is small scale re-using existing infrastructure on site in a positive and innovative manner. The main physical change involved in what is essentially a change of use, is some amendments to the design of the existing pump-house building to accommodate the new use and these will considerably improve the appearance of the building.
58. The principle of more appropriate boundary enclosures coupled with hedge type planting around the site will also improve the appearance of the site from its current derelict industrial nature. Similarly the opportunity is being taken to introduce landscaping around the mini golf course which again will improve the landscape character of both the site and the surrounding area. Details of surface finishes etc can be controlled by planning conditions.
59. Accordingly the proposed development is considered to readily comply with Local Development Plan Policies 3 and 5 on Sustainable Design and Landscape.

Access and Servicing

60. The proposed development utilizes existing servicing arrangements to the satisfaction of the appropriate consultees, principally the Roads Service who have confirmed that the access arrangements are satisfactory subject to appropriate conditions being attached to ensure some upgrading of the access point. The applicant has also set out that the proposed development will be suitable for all ability use hence addressing the concerns of Inclusive Cairngorms with provision of disabled parking/drop off point achievable on site.
61. Whilst no dedicated car parking (other than for servicing/access) is being provided on site, there is public car parking available within a short distance of the application site, readily accessed by foot or cycle. In addition there is potential to use an informal parking area further north along Dalfaber Road as

noted in the applicant's Traffic Management Plan. The upgrades to the access should ensure that pedestrian safety along Dalfaber Road is safeguarded and overall the proposed development is considered to be well located to the Aviemore helping to minimise car movements.

62. The concerns of the Community Council are noted, but given the above circumstances it is not considered that these outweigh the land use planning merits of this proposal. In these circumstances the development is considered to be acceptable in road safety terms.

Environmental Impacts

63. The impacts on the local environment and biodiversity and considered to be positive overall given the potential for enhanced planting and provision of bat and bird boxes. Any potential environmental impacts in relation to the impacts upon the River Spey Special Area of Conservation have been fully assessed in the context of the Habitats Regulations Assessment undertaken by the Heritage team. This has concluded that impacts may be satisfactorily mitigated by attaching appropriate planning conditions to ensure no disturbance to otter and also conditions regarding construction to ensure no pollution or sedimentation occurs at the Aviemore Burn which forms part of the River Spey SAC, or indeed the River Spey itself (see **Appendix I**). The proposals are therefore considered to comply with Policy 4 on Natural Heritage.
64. Whilst the concerns of the Highland Council Forestry Officer are noted regarding ensuring there is no impact on existing trees, it is considered that overall the development, which involves re-use of existing facilities, can proceed with minimal disturbance which can again be controlled by appropriate planning conditions.
65. The final potential environmental impact from this development relates to flooding given the site's location close to a fluvial flood plain. Key consultees (SEPA and Highland Flood Risk Management Team) are satisfied that there will be no adverse issues given the limited land works. It is however necessary to ensure that this remains the case by attaching appropriate planning conditions and so ensuring compliance with Local Development Plan Policy 10 on Resources.

Other Issues - Amenity

66. The location of the site is sufficiently far from residential properties to ensure that there should be no significant loss of amenity resulting from the proposed use. The location in relation to other adjacent land uses similarly raises no particular land use planning issues.

CONCLUSION

67. In these overall circumstances this development is considered to comply fully with Local Development Plan policies with no material considerations in this case to indicate why the application should not be approved. The development

is generally welcomed as positive reuse of a derelict site, is of a good standard of design, and is now providing additional landscape and biodiversity provision. Approval is therefore recommended subject to appropriate planning conditions.

IMPLICATIONS FOR THE AIMS OF THE NATIONAL PARK

Conserve and Enhance the Natural and Cultural Heritage of the Area

68. The proposed development readily supports this aim by retaining existing trees, providing additional landscaping and also providing the opportunity to enhance biodiversity by provision of bat and bird boxes. Any potential impacts on natural heritage can be appropriately mitigated by planning conditions being attached.

Promote Sustainable Use of Natural Resources

69. The development is inherently sustainable, re- using existing infrastructure and buildings, bringing a brownfield derelict site back into productive use and using local materials for alterations

Promote Understanding and Enjoyment of the Area

70. The proposed development has potential to readily support this aim providing an additional visitor attraction in Aviemore; helping retain visitors in the area; and increasing their enjoyment by providing an additional visitor resource. It is also well located to Aviemore and the core paths around the village, thereby providing potential for users to further enjoy the area. As a result of the design and landscaping of the new development there will be no loss of enjoyment in terms of views for existing users of core paths, but rather an enhancement.

Promote Sustainable Economic and Social Development of the Area

71. The proposed development supports this aim by providing an additional visitor facility in a sustainable location, reusing a redundant site productively. In addition it will create jobs during both the construction and operational stages.

RECOMMENDATION

That Members of the Committee support a recommendation to GRANT FULL PLANNING PERMISSION for Change of use of former waste water treatment works to mini golf course and cafeteria kiosk with the reuse of the existing tank (infilled) for leisure use at Land 125M North Of Speybank, Dalfaber Road, Aviemore, subject to the following planning conditions:

- I. No development shall commence until a Construction Method Statement (CMS) is submitted to and approved in writing by the Cairngorms National Park Authority acting as Planning Authority. This CMS shall incorporate the following points/principles:

- a) Measures to prevent pollution of the Aviemore Burn and River Spey following guidance set out in SEPA's PPG5 'working on or near a watercourse'
- b) Un-mown buffer strip to be retained around the site boundary to prevent any run off entering the watercourse
- c) Measures to prevent disturbance to otters including covering of any pits, tunnels or pipework overnight; no lighting to be directed outside the site during construction; and works scheduled to daylight hours only

Construction of the development shall thereafter be implemented in strict accordance with the approved CMS.

Reason: To ensure the development does not disturb protected species in the area nor adversely affect Natura Sites in accordance with Local Development Plan Policies 4 on Natural Heritage.

2. No development shall commence until a scheme to deal with potential contamination has been submitted to and approved in writing by the Cairngorms National Park Authority acting as Planning Authority in consultation with the Highland Council Contaminated Land Team. The scheme shall include:

- a) Nature, extent and type of contamination on site and identification of pollutant linkages and assessment of risk the scope and method of which to be agreed in writing with the Planning Authority and undertaken in accordance with Scottish Government Planning Advice Note 33 and British Standard BS 10175:2011+A1;2013 Investigation of Potentially Contaminated Sites Code of Practice.
- b) The measures required to treat/remove contamination (remedial strategy) including a method statement, programme of works and proposed verification plans to ensure the site is fit for the proposed use
- c) Measures to deal with contamination during construction
- d) In the event that remedial action is required, a validation report to validate and verify the completion of the agreed decontamination measures
- e) In the event that monitoring is required, monitoring statements to be submitted at agreed intervals for such time period as is considered appropriate by the Planning Authority.

Reason: To ensure the site is suitable for redevelopment given the nature of previous uses/processes, in accordance with Local Development Plan Policy 10 on Resources

3. No development shall commence until written confirmation has been received that the contamination scheme approved under the terms of Condition 2 has been implemented, completed and, if required, monitoring measures are in place, to the satisfaction of the Planning Authority in consultation with the Highland Council Contaminated Land Team.

Reason: To ensure the site is suitable for redevelopment given the nature of previous uses/processes, in accordance with Local Development Plan Policy 10 on Resources.

4. No development shall commence until a Flood Evacuation Plan has been submitted to and approved in writing by the Cairngorms National Park Authority acting as Planning Authority in consultation with the Highland Council Flood Risk Management Team. This plan shall include details of how any flood warnings will be utilised. The development shall thereafter be operated in strict accordance with the approved Flood Evacuation Plan.

Reason: To ensure the development is free from the risk of flooding in accordance with Local Development Plan Policy 10 on Resources

5. No development shall commence until details of surface water drainage arrangements have been submitted to and approved in writing by the Cairngorms National Park Authority acting as Planning Authority. The arrangements shall include maintenance and written confirmation from Scottish Water of agreement to use existing arrangements if proposed. The development shall not be brought into use until the surface water arrangements have been completed in accordance with the approved details.

Reason: To ensure the development does adversely affect water resources in accordance with Local Development Plan Policy 10 on Resources

6. No development shall commence until a site access plan has been submitted to and approved in writing by the Cairngorms National Park Authority acting as Planning Authority in consultation with the Highland Council Transport Planning Team. This plan shall reflect the following requirements:
 - a) Entrance to site to join the road as per a layout reflective of that shown on the indicative access plan accompanying e mail from applicant dated 28 April 2015 and the requirements of table 7.1 of Highland Council's Roads and Transport Guidelines
 - b) Final layer of bituminous surfacing to extend at least 6 metres from the edge of the public road carriageway.
 - c) Visibility splays measuring 2.4 metres by 43 metres to be provided and maintained free of obstruction on either side of the access point.
 - d) No water from the development to discharge onto the public road
 - e) The development shall not be brought into use until the access is constructed in accordance with the approved plans

Reason: To ensure that the development is satisfactorily serviced in accordance with Local Development Plan Policy 3 on Sustainable Design

7. No development shall commence until details of the surfacing and drainage of the servicing, disabled access/parking and defining of mini golf areas have been submitted to and approved in writing by the Cairngorms National Park Authority acting as Planning Authority. These details shall reflect the semi-rural nature of the site. The development shall thereafter not be brought into use until the layout has been implemented in full accordance with the approved details. The servicing area shall thereafter be retained for use in accordance

with the approved details and in association with the use of development hereby approved.

Reason: To ensure that the development is satisfactorily serviced in accordance with Local Development Plan Policy 3 on Sustainable Design

8. No development shall commence until plans and detail of maintenance of the proposed boundary enclosures and all proposed landscaping and planting have been submitted to and approved in writing by the Cairngorms National Park Authority acting as Planning Authority.

Unless otherwise agreed these plans shall reflect the requirement for (a) a 2 metre high hit and miss timber fence along the western (Dalfaber Road) site boundary set behind the existing trees (b) a 1.8 metre high forestry commission style rectangular netting fencing along the other three boundaries combined with (c) planting outside the 1.8 metre high fencing to comprise hawthorn, blackthorn and holly planted in double staggered rows with no less than 5 plants per metre in groups of 10 same species together and (d) details of all landscaping within the site which shall reflect the requirement for native species and (e) full details of future management and maintenance.

The planting shall be protected from grazing/browsing by guards or rabbit mesh and weeds controlled for the first three years following implementation and once established hedging should be cut annually to increase thicket. The boundary enclosures shall be constructed before the development hereby approved is opened to the public and the planting/landscaping shall be carried out in the first planting season following the development being opened to the public and maintained thereafter in strict accordance with the approved details.

Reason: To ensure the development fits in to the area and conserves and enhances the landscape in accordance with Local Development Plan Policies 3 and 5 on Sustainable Design and Landscape

9. No development shall commence until details of any lighting proposed on site have been submitted to and approved in writing by the Cairngorms National Park Authority acting as Planning Authority. These details shall reflect the need for any lighting to ensure that it does not illuminate the habitats around the Aviemore Burn to the north of the site and also for the design to reflect the semi-rural nature of the site (for example direction of lighting and use of cowls) The lighting shall thereafter be constructed in strict accordance with the approved details before it is brought into use.

Reason: To ensure the development does not disturb protected species in the area in accordance with Local Development Plan Policies 4 on Natural Heritage

10. No development shall commence until details of the siting and design of three bird boxes and one bat box have been submitted to and approved in writing by the Cairngorms National Park Authority acting as Planning Authority. The boxes shall be installed in strict accordance with the approved plans before the development is brought into use and thereafter maintained and retained.

Reason: To ensure that biodiversity is enhanced in accordance with Local Development Plan Policy 4 on Natural Heritage

11. No development shall commence until a Tree Constraints and Tree Protection Plan has been submitted to and approved in writing by the Cairngorms National Park Authority acting as Planning Authority. Existing trees on the site as shown on the approved plans shall thereafter be retained throughout the lifetime of the development with no trimming or lopping undertaken without the written approval of the Cairngorms National Park Authority acting as Planning Authority. During construction the trees shall be protected in accordance with BS5837:2012.

Reason: To ensure the development fits in to the area and conserves and enhances the landscape and biodiversity of the area in accordance with Local Development Plan Policies 4 and 5 on Natural Heritage and Landscape

12. No new buildings or structures (other than as shown on the approved plans) shall be constructed on site, ground levels shall not to be raised above existing levels and any re-profiling of the ground shall be minimised in strict accordance with the approved plans.

Reason: To ensure the development does not have an adverse impact on the functional flood plain and in order to prevent increased flood risk to the site and surroundings in accordance with Local Development Plan Policy 10 on Resources

13. There shall be no external storage on site

Reason: To ensure the development complies with Local Development Plan Policies 5 and 10 on Landscape and Resources.

14. The development shall be constructed in full accordance with the approved plans, finishes and sections and in particular the levels shown on the Harris Miniature Golf Plans.

Reason: To ensure the development fits in to the area and complies with Local Development Plan Policies 3 and 5 on Sustainable Design and Landscape

Informatives:

1. 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.
2. Construction work (including the loading/unloading of delivery vehicles, plant or other machinery) should not take place outwith the hours of 0800 hours to 1900 hours Mondays to Fridays, 0800 hours to 1300 hours on Saturdays or at

any time on Sundays or Bank Holidays in order to minimise disturbance to residents in the area.

3. The developer should refer to specific advice provided by SEPA in their letter dated 25 November 2014 available on CNPA website in particular setting that, given that the site will be at risk of flooding, the development should be constructed in such a way as to be resilient to the risk and it is recommended that suitable procedures are written and applied to ensure that flood warnings are received for the site and the site is closed to the public during times of flood risk. Evacuation procedures should also be considered.
4. The building should be boarded up during winter and before April to prevent birds nesting inside and so delaying renovation works. If the building is not boarded up and works go ahead during the bird breeding season (April to August) then a check for breeding birds must be made inside the building.
5. The developer should note that a road opening permit will be required from the Highland Council (Tel 01349 886606)

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Date: 30 June 2015

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.