
CAIRNGORMS NATIONAL PARK AUTHORITY

Title: REPORT ON CALLED-IN PLANNING APPLICATION

**Case Officer: KATHERINE DONNACHIE
(PLANNING OFFICER,
DEVELOPMENT MANAGEMENT)**

DEVELOPMENT PROPOSED: Erection of 35 Retirement Apartments (4 x one bedroom and 31 x two bedroom apartments) at land 115 m SE of Four Seasons Hotel MacDonald Aviemore The Aviemore Centre Grampian Road Aviemore

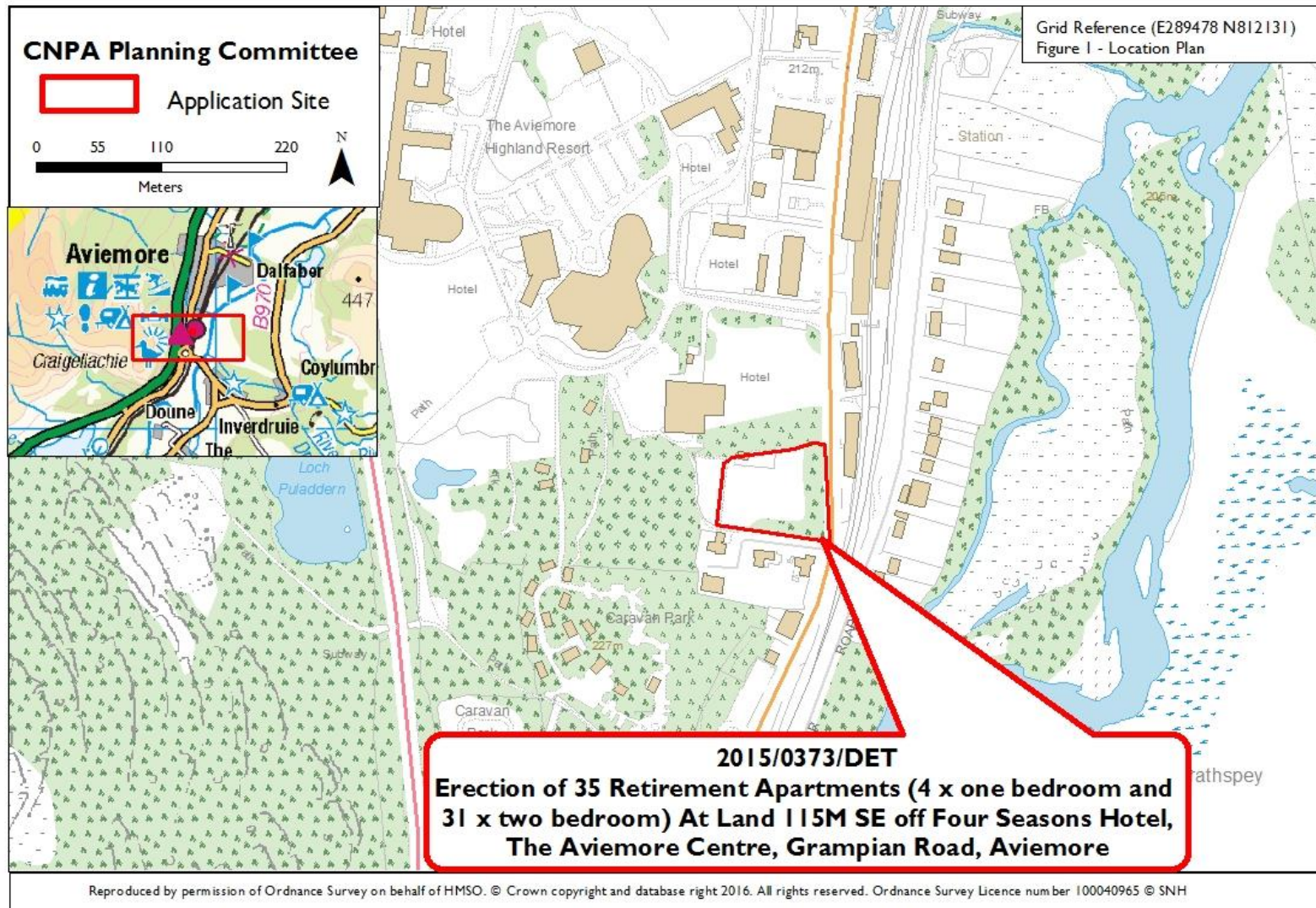
REFERENCE: 2015/0373/DET

APPLICANT: McCarthy and Stone Retirement Lifestyles Ltd.

DATE CALLED-IN: 23 November 2015

REASON FOR CALL IN: The proposed development of 35 retirement apartments on a central, roadside green area within Aviemore is considered to raise issues of significance to the collective aims of the National Park, in terms of natural and cultural heritage, enjoyment and understanding of area and sustainable economic and social development.

RECOMMENDATION: REFUSAL



SITE DESCRIPTION, PROPOSAL AND HISTORY

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

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

Title	Drawing Number	Date on Plan	Date Received
Location Plan	SC-2097-03-AC-100	22/05/15	
Proposed Elevations 1 of 3	SC-2097-03-AC-103	09/04/15	
Proposed Elevations 2 of 3	SC-2097-03-AC-104	09/04/15	
Proposed Elevations 3 of 3	SC-2097-03-AC-105	09/04/15	
Proposed Development of Retirement Homes –visualisations	-	Undated	
Proposed site plan and ground floor plan	SC-2097-03-AC-106	09/04/15	
Upper floor plans	SC-2097-03-AC-107	09/04/15	
Proposed Materials depicted using artist's impression	SC-2097-03-AC-108	12/06/15	
Proposed Roof Plan	SC-2097-03-AC-109	22/05/15	
Topographical Survey	SC-2097-03-AC-000	04/05/15	
Proposed Drainage Layout	2097-02-SW-20	10/06/15	
Tree Constraints Plan	8730/01	Feb 2015	
Aviemore Highland Resort Masterplan	FO2 Revision B	09.03.15	
Soft Landscape Proposals Planting Plan	SC2097-03-LA-001 Revision A	19.06.15	
Site Investigation Report by Crossfield Consulting	CCL02612.B X85	April 2015	
Ecological Walkover Survey by David Dodds Associates Ltd	-	June 2015	
Ecology Desk Study by David Dodds Associates Ltd	-	17 May 2015	
Archaeological Desk Based Assessment by CgMs Consulting	SS/18491	Nov 2014	
Sequential Site Assessment by Graham and Sibbald	-	Aug 2015	

Design and Access Statement by Young and Gault Architects	-	October 2015	
Pre Application Consultation Report by Pagoda Porter Novelli		May/June 2015	
Tree Survey by Ian Keen Ltd	JTK/8730/so	-	
Ready for Ageing Report of Session 2012-13 House of Lords and associated documents			

Site Description

2. The proposed site comprises an open sloping grassed/lawned open space area containing, and bounded, by mature trees which are the subject of a Tree Preservation Order. It is situated directly beside Grampian Road, the main thoroughfare through Aviemore which runs along the eastern site boundary with sloping banking leading up to his road. The site comprises part of the attractive open space setting of the Four Seasons Hotel which is located to the north-west, and the site is prominently sited within the settlement. It is part of a larger open space area here which is extensively used by the public for recreational and amenity purposes with evidence of walking across the site in the form of informal pathways.
3. To the south of the site lies Grampian Court, comprising four blocks of residential units. These vary in scale from two and a half to three storey with white harled walls and grey concrete tiled roofs. Access to the application site will be shared with these properties as noted earlier. Commercial properties lie on the other (east) side of Grampian Road with the railway beyond this.

Development Proposal

4. This application seeks full planning permission for the erection of 35 retirement apartments comprising a single large block of apartments containing 4 one bedroom units and 31 two bedroom units accessed off central corridors within each floor. The proposed units are of four storey pitched roof design, with mixture of finishes including grey tiled roof, off white render and buff smooth casts stone walls, timber cladding, textured facing brick, with stainless steel and glass infill panelled balconies and grey UPVC windows.
5. The buildings will be located to the front (east) part of the site with car parking, comprising a total of 46 spaces, located to the rear with new vehicular access proposed off Grampian Court to the south. Pedestrian footway access is shown from Grampian Road with two pathways proposed converging at the main front reception area of the buildings. The pathways and the Grampian Road frontage are shown as being defined by planting with similar treatment proposed to define parts of the parking, garden and service areas. External sitting areas are included within the garden area. The majority of existing trees around the southern site boundary are shown as being retained with 3 trees shown to be removed to provide access from the south (Grampian Court). Further tree removal is shown in the northern part of the site to enable provision of store

and sub-station buildings and in the western part to allow for car parking with tree removal to Grampian Road frontage to facilitate pedestrian access.

6. Connection to public water and drainage supplies is proposed with surface water to be disposed of via use of porous materials on car parking areas, and soakaway trench. The surface water drainage proposals are indicative only, with plans indicating that this is subject to further site investigation work. Waste management facilities are shown on the site plan as refuse store area comprising bin storage for 8 bins. No details of elevations are shown. Two private store buildings are also indicated together with sub-station and covered buggy (for electric mobility scooters) /cycle store, all located to the rear of the apartment block with no elevations provided.
7. Site sections have been submitted which illustrate that the ground levels of the site will be altered to raise ground levels in order to create a more level site. The site presently slopes and lies at a lower level to Grampian Road. Sections/visualisations have also been submitted to show the proposed development in the context of its surroundings in terms of the scale of the Four Seasons multi-storey hotel and the Grampian Court residential properties to the south.
8. Site layout plan, elevations and sections/visualisations of the proposed development are shown in **Appendix I**.
9. The proposed development is understood to be designed for people over 55, although within the supporting material it is indicated that minimum age of residents could be restricted by a Section 75 agreement to 60 for first resident and 55 for spouse. It provides access to 24 hour emergency call system, landscaped gardens and shared living space in the form of entrance foyer/lounge. The description of the proposal indicates that a concierge will be on hand with an office facility provided along with CCTV entry system. The landscaped grounds are to be maintained by the applicants' own management company.
10. A number of supporting documents have been submitted as follows:
 - (a) Site Investigation Report - which looks at potential constraints to development in terms of ground conditions. This report is based on a desk study and ground investigations setting out the history and geology of the site. An assessment of potential contamination and ground gases is also included. This report has been used to inform the necessity for up-filling of the site and also concludes in terms of contamination that there are no valid pollutant linkages to the site and no requirement for remediation. The report identifies that shallow groundwater was encountered within the north eastern part of the site which is likely to preclude the use of soakaway drainage for the main development block. Soakaway drainage may be feasible in the western part of the site to drain the car parking areas. A recommendation is made that in-situ percolation tests are carried out at proposed soakaway locations and that it may be prudent to identify an alternative form of surface drainage for the site.

- (b) Ecological Walkover Survey and Ecology Desk Study - the Desk Study concludes that the site has relatively low ecological significance but lies close to high value habitats within a region of high natural heritage importance. It recommends that a walkover survey be carried out to consider whether the site is, or is likely to be, used by roosting bats, red squirrel, badger or other notable species. It also concludes that trees and shrubs may be used by nesting birds whereby if works take place during the nesting season then a nesting bird survey will be required.

The resultant Walkover Survey concluded that there was no evidence of badgers on site, and that evidence of red squirrel related to transitory activity with no dreys evident. A nesting bird survey was recommended if any clearance works were taking place during the bird nesting season. It was further noted that two dead trees on the south boundary could be used as transitory or night roosts by individual bats. Recommendations were made for soft felling of these trees, by gently lowering to ground to allow any bats under the loose bark can escape. Two large mature beech trees on the south west corner of the site could not be fully surveyed for bat roosts due to their height and density of foliage. However, it is understood that these trees are to be retained in any event. The only other species present on site were rabbits.

- (c) Tree Survey - which assesses the condition of trees on site in order to inform development decisions. The survey notes that along the southern edge of the site, adjoining Grampian Court, there is a row of predominately beech trees which form a significant landscape feature, with a group of conifers just outwith the site to the north also forming an attractive landscape feature. Self-set maples have established to in the western part of the site.

- (d) Design and Access Statement - which explains that the applicants are the UK leader in the provision of specialised private retirement accommodation with typical average age of residents being 75 whereby they have strict criteria regarding site location in terms of proximity to public transport, shops and services which the application site meets. It explains that purchasing retirement homes helps free up existing housing stock, making better use of the housing stock, whilst residents will help support local shops and services with research showing that over 60% of residents prefer to shop locally.

The statement explains that the townscape character comprises a mixture of building types, scales and materials with Grampian Court being primarily 3 storeys and the most dominant building being the 8-10 storey high Macdonald Resort Hotel (Four Seasons) The development design has been chosen to create a landmark building on this prominent site, minimise the built up footprint and maximise retention of open space and trees, which are covered by a Tree Preservation Order, as well as locating the building to minimise impact on existing residents. The site slope will be used to create the appearance of a 3 storey development from Grampian Road It also highlights the relationship of the site to the Aviemore Highland Resort Masterplan, and states that the site is identified in this as an approved area of development. It refers to the Local Development Plan objective to protect those parts of the village important to its setting and character. It explains that as a result the footprint has been minimised to

help integration with existing landscape setting with approximately two thirds of the open space land fronting Grampian Road to be retained and the building set back from Grampian Road to retain an open aspect. A sustainability section is contained within the statement explaining the applicants desire to minimise development of greenfield land and create an efficient layout incorporating single aspect apartments. This is to minimise use of resources, with use of measures such as high thermal efficiency and energy efficient specification within the design/construction. Proximity to local amenities will reduce traffic movement and green transport plans will be prepared. Communal recycling/refuse facilities will be provided within the building.

- (e) Sequential Site Assessment - which considered locational requirements for the proposed retirement development, these being topography, environment - including safety and security, mobility, services, community facilities, minimum size of 0.7 acres as well as site availability and commercial viability.

Seven potential sites within Aviemore were identified as follows:

- (1) Former Cairngorms Service Station Grampian Road - dismissed due to distance from main shopping area, local services and public transport links, and lack of availability due to existing live consent for hotel
- (2) Osprey Site Grampian Road beside Active Outdoors premises – dismissed as not of suitable scale and removed from main shopping, services and public transport links
- (3) Land at Macdonald's Highland Resort - current application site
- (4) Vacant retail unit at 62 Grampian Road beside filling station – dismissed as too small and also only available to let with loss of retail use to residential within settlement unlikely to be supported
- (5) Land at Laurelbank occupied by two residential properties and local amusements - dismissed as site is in multiple ownership, including residential properties, whereby site assembly would be costly and time consuming so not commercially viable
- (6) Proposed Tesco Site - dismissed on commercial grounds as not available for purchase
- (7) Land at Cairngorms Technology Park adjacent to Spey House- dismissed as too small, removed from main shopping and service area and public transport links, and allocated for economic development in Local Development Plan

The report concluded that the current application site was the most suitable option due to its proximity to local services and public transport links, being of suitable size and available for development and also because the Local Development Plan “recognises that this site benefits from existing planning consent.”

- (f) Pre Application Consultation Report - summarising the consultation activity undertaken prior to submission of the application including a stakeholder meeting for elected representative and neighbours and a public exhibition attended by 50 people. Newspaper advertisement together with newsletters were delivered to 1,800 households were used to invite people to the events with free post reply comment cards made available for responses. Of those responses received – these being 38 feedback forms/comments cards - 74% supported the development. Concerns were raised related to

the loss of open space, extra traffic generation, four storey scale/design and affordability of the apartments. The applicants have provided their response to some of these concerns within the report noting that the adjacent land will be retained for open space and the scale will be reduced by low lying nature of site. Material displayed at the public exhibition is included explaining the background and experience of the applicants in this field and the rationale for the proposed development.

- (g) Ready for Ageing report - has been provided along with a number of annexes which sets out the findings of a House Of Lords Select Committee on Public Service and Demographic Change, together with other reports on the general need for appropriate housing for an ageing population in the UK and the health gains from retirement housing
- (h) Archaeological Desk Based Assessment - which concluded that the site had low archaeological potential given its previous use as landscaped grounds of hotels. Four Seasons was built on site of former Station Hotel. There was no requirement for further investigation.

Site History

11. In 2007 an outline application for an indicative Masterplan for mixed use development including retail, leisure, commercial, business/office, holiday lodges and residential at the Aviemore Centre was submitted but subsequently withdrawn (reference 07/445/CP)
12. Following this in February 2009, an application for the demolition of existing admin building; construction of mixed use development comprising residential, retail, office, community, leisure, environmental improvements, roads, additional lodges and hotel extension at the Aviemore Highland Resort land was approved by the CNPA Planning Committee subject to resolution of a number of matters. These matters included the withdrawal of Block M and its associated parking. Block M was a block of flats to be located on the current application site. (Reference 08/241/CP). Following resolution of these matters, including signature of a Section 75 legal agreement, planning permission was granted in 2011. This application has now expired.
13. That overall consent covered the current application site with a planning condition expressly controlling the use the application site as follows:

Notwithstanding the information shown on the original submitted drawings, and for the avoidance of doubt, no approval is given for the building and associated works referred to as Block M.

Reason: For the avoidance of doubt as the Block M has been withdrawn from the application.
14. In 2011, an application for the erection of 3 storey building comprising 12 Apartments, new access and associated car parking was submitted, and subsequently withdrawn, following preparation of an officer report recommending refusal to the 24 May 2011 meeting of the CNPA Planning Committee. (reference 11/052/CP) The application was not therefore

considered by the Planning Committee. The officer recommended reasons for refusal were related to loss of open space, impacts on trees covered by tree preservation orders, design, scale and access.

15. Prior to the submission of this current application in May 2015, the applicants' agents approached CNPA officers for advice on information requirements of any application to be submitted. Although formal pre-application advice was not being sought, simply information requirements, in early July 2015 officers highlighted concerns regarding the suitability of the site for development being an important area of landscaped open space, recognised as such in the Local Development Plan settlement statement, noting that development here would be unlikely to comply with planning policies.

DEVELOPMENT PLAN CONTEXT

National policy

16. **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.
17. The SPP sits alongside four other Scottish Government planning policy documents:
 - a) 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;
 - b) **Creating Places**, the policy statement on architecture and place, containing the Scottish Government's policies and guidance on the importance of architecture and design;
 - c) **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
 - d) **Circulars**, which contain policy on the implementation of legislation or procedures.
18. Scottish Planning Policy sets out the need to facilitate sustainable economic growth stressing the vital role of the planning system in delivering high quality places in Scotland demonstrating the six qualities of successful place, these being distinctive, safe and pleasant, welcoming, adaptable and resource efficient. Paragraphs 84- 86 refer to National Parks, highlighting the four aims of the Parks and that if there is any conflict between the first aim (to conserve and enhance

the natural and cultural heritage) and any of the others, then the first aim must be given greater weight.

19. SPP also sets out that as part of their Housing Needs and Demand Analysis local authorities are required to consider the need for specialist provision that covers accessible and adapted housing and supported accommodation in order to support independent living for elderly people. Where a need is identified then planning authorities should prepare policies to support delivery and consider allocating specific sites.
20. With regard to the provision of affordable housing, paragraph 129 states that this may not always be required when permission is sought for 'specialist housing'. However, this clearly envisages that contributions may still be required in some cases. Furthermore, the SPP goes on to describe in paragraphs 132- 134 what is considered to be 'specialist housing' as being "adapted housing, wheelchair housing and supported accommodation, including care homes and sheltered housing. It does not include retirement housing.
21. In terms of the natural environment SPP sets out the need for the siting and design of new development to take account of local landscape character and to minimise adverse impacts through careful planning and design, considering the services the natural environment is providing and maximising the potential for enhancement.
22. Emphasis is given to improving the quality of our places and spaces through integrated green infrastructure networks which can also attract investment and development, highlighting that green infrastructure and improved access to open space can help build stronger, healthier communities. Green infrastructure networks are highlighted as an essential part of our long term environmental performance and climate resilience going on to explain that planning policies should protect, enhance and promote green infrastructure including open space and green networks as an integral component of successful placemaking. Within paragraph 230, SPP highlights that development of land allocated as green infrastructure for an unrelated purpose should have a strong justification, based on evidence from relevant audits and strategies, that the proposal will not result in a deficit of that type of provision within the local area and that alternative sites have been considered.

Strategic Policies

Cairngorms National Park Partnership Plan (2012-2017)

23. 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.
24. Three long term outcomes for the Park are set out as follows:

- a) A sustainable economy supporting thriving businesses and communities;
- b) A special place for people and nature with natural and cultural heritage enhanced; and
- c) 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.

- 25. Specific policies of the Plan seek to promote and enhance the special qualities of the Park. Policy 2.3 seeks to conserve and enhance the special landscape qualities of the National Park, with a particular focus on enhancements that also deliver habitat improvements, and enhancing opportunities to enjoy and experience the landscapes of the Park. Policy 2.4 seeks to conserve and enhance habitat quality and connectivity whilst Policy 2.8 seeks to enhance the design and sense of place in new development and existing settlements, specifically setting out the need for enabling new development which contributes to a sense of place and supporting the retention and enhancement of local character.
- 26. Also relevant is Policy 1.2, which seeks to enable sustainable patterns of settlement growth, infrastructure and communications by amongst other things, consolidating the role of the existing main settlements including Aviemore as being the most sustainable places for future growth.

Local Plan Policy

Cairngorms National Park Local Development Plan (2015)

- 27. 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/uploads/documents/Park%20Authority/Planning/LDPI5.pdf>
- 28. The application site lies within the settlement boundary of Aviemore as defined in the Local Development Plan. This site lies within a much larger area hatched on the settlement plan and annotated EPI/EP4 which relates to land supply information, identifying the larger area as existing consents at Horsefield and Grampian Road.
- 29. The settlement statement text for Aviemore sets out its international role as a mountain sports resorts and its role as the economic driver for the National Park. It identifies that within the village residents would like to bring nature into

the public realm. Objectives for the settlement include to protect those parts of the village that are important to its character and setting, and to improve the environment of the village with more landscaping and enhancements to the public realm.

30. General design guidance for new development is expressed in the settlement statement with a desire to raise architectural and design quality and improving pedestrian connectivity. It is also highlighted that much of the western edge of Aviemore is covered by a Tree Preservation Order and that many of the attractive and mature trees enhance local amenity. It states that new development needs to make adequate provision for their protection and for the planting of new trees.

31. Finally, and importantly, within the “proposals” section of the settlement statement it is noted under the heading “open space” as follows;

“A number of open spaces and land which contribute to the setting of Aviemore are identified and will be protected from development. In addition proposals for new development at Aviemore Highland Resort include the retention of key areas of open space. This includes land fronting Grampian Road between the entrance to Aviemore Highland Resort and Grampian Court. These areas, which form part of the wider masterplanned site, should be retained as open space, enhanced with landscaping and tree planting as required by the existing planning consent.”

32. With regard to the Aviemore Highland Resort landholding, Members may recall CNPA Planning Committee agreeing that work should proceed on the development of a Development Brief/Masterplan for this site and this work is at a very early stage.

33. Key policies relevant to the proposed development are summarised below:

34. **Policy 1: New Housing Development - Policy 1.1: Housing in Settlements** sets out support for proposals on identified sites or where the development reinforces and enhances the character of the settlement, maximising opportunities for infill, conversion, small scale development, use of derelict or underused land or the redevelopment of land. **Policy 1.4: Contribution towards Affordable Housing Provision** also applies which sets out the requirement for all housing developments of four or more open market dwellings to provide a level of affordable housing of no more than 25% of the total number of units. Proposals for off-site contributions will be considered where community needs assessments or similar assessments support this as a better way of meeting the housing needs of the community. No exception is made within the policy for private retirement housing schemes, and therefore an appropriate contribution should be made to ensure provision and compliance with this policy.

35. **Policy 3.1: Sustainable Design** sets out the need for new development amongst other criteria, to be satisfactorily serviced; sympathetic to the traditional pattern and character of the surrounding area, local vernacular, and

local distinctiveness whilst encouraging innovation in design and use of materials; use materials and landscaping that will complement the setting of the development; make sustainable use of resources; enable storage, segregation and collection of recyclable materials and provision for composting; promote sustainable transport methods including making provision for storage of bicycles; improve or add to existing public and amenity open space; maintain and maximise all opportunities for responsible outdoor access including links into existing path network; protect amenity enjoyed by neighbours including minimisation of disturbance caused by access to the development site; include an appropriate means of access, egress, levels of private amenity ground and spaces for off-street parking; and create opportunities to further biodiversity and promote ecological interest.

36. **Policy 4: Natural Heritage Policy 4.1: International and national designations** in respect of potential impacts upon the River Spey Special Area of Conservation and Craigellachie SSSI. **Policy 4.2: National Designations** in respect of the National Park; **Policy 4.4: Protected Species** and **Policy 4.5: Other Biodiversity** and **Policy 4.6: All Development**. These policies set out how any heritage interests should be considered, protected, mitigated and enhanced with the key objective of ensuring that all development conserves and enhances the outstanding natural heritage of the National Park, protecting against adverse development and enabling enhancement
37. **Policy 5: Landscape** presumes against development which does not conserve and enhance the landscape character and special qualities of the National Park. This policy goes onto explain that development which does not complement and enhance the landscape character will only be permitted where any significant adverse effects are clearly outweighed by social or economic benefits of national importance and all adverse effects have been minimised and mitigated through appropriate siting, layout, scale, design and construction.
38. **Policy 8: Sport and Recreation** sets out in the supporting text the outstanding opportunities that the National Park offers for formal and informal recreation noting that, aside from sports centres, mountain bike centres etc., there are many other public and amenity open spaces ranging from public parks to landscaping within large scale developments. The policy aims to ensure that the needs of local communities and visitors for recreational space and facilities are accommodated and that existing facilities are protected. It states that this includes informal and formal recreation provision.
39. It is considered therefore that this policy applies to the protection of important open space areas within settlements. **Policy 8.3: Reduction of Facilities** sets out that redevelopment or reduction of recreation facilities or opportunity will only be supported where:
- (a) The development is ancillary to the recreational use, and
 - (b) The development will not affect the use of the site for recreational use, and
 - (c) In the reduction of public access rights and appropriate or improved access solution can be secured, and

- (d) A compensatory site of at least equal size and quality is created which is convenient to users, or an existing facility is upgraded to maintain or improve overall capacity in the area, or
 - (e) An audit demonstrates that the development will not result in the loss of provision of services used by the affected community, and that no alternative site is available.
40. **Policy 9: Cultural Heritage - Policy 3.3: Other Cultural Heritage** – seeks to ensure that development affecting sites or features of local or wider cultural historic significance will protect, conserve and enhance the feature and its setting, or minimise and mitigate any adverse effects. Reference is made in the settlement statement to the contribution of open spaces to the setting of Aviemore and that they will be protected from development.
41. **Policy 10.1: Water Resources, Policy 10.2: Flooding Policy and Policy 10.4: Waste Management and Minimisation** which set out how new development should ensure the reduction in use of resources; treat surface and foul water discharge separately and in accordance with SUDS manual; have no significant impact on existing wastewater treatment or water supplies; and ensure there is no deterioration in ecological status or unacceptable impacts on the water environment; be satisfactorily serviced in terms of drainage and minimise construction waste.

Supplementary Guidance

42. The CNPA has prepared a suite of Supplementary Guidance (SG) which is part of the Local Development Plan and provides more detail about how to comply with the policies. There is also non-statutory Planning Guidance to help support the delivery of the Plan. Key topics in this case are guidance on Housing, Natural Heritage, Resources, Landscape, Sustainable Design and Developer Contributions

CONSULTATIONS

43. **Scottish Natural Heritage** was consulted and has advised they have no comments noting that the CNPA lead on this type of consultation in this case.
44. **Scottish Water** has been consulted for advice in terms of foul and surface water drainage arrangements and also public water supply. They have not provided any comments to date.
45. **The Highland Council Transport Planning Team** advises that they require submission of a Transport Statement setting out how the development will comply with transport objectives such as accessibility and parking. Details of what to include are covered in their report, including the need for a draft travel plan as referred to in the applicants' supporting documentation. At present they advise that appears to be insufficient parking provision proposed on site, as well as wholly insufficient provision for bicycles and electric scooters and the Team object to the application on this basis at present. They also highlight the lack of

information on refuse provision; the need for the applicants to demonstrate that ground conditions are adequate for the proposed surface water drainage arrangements; and the need to provide dimensioned drawings of visibility splays.

46. **The Highland Council Housing Service** has been consulted and has not provided any comments to date.
47. **The Highland Council Forestry Officer** was consulted and has not provided any comment to date.
48. **The Highland Council Contaminated Land Team** notes that there are no known potential sources of contamination at this site, whereby they did not deem a contaminated land site investigation necessary. Consequently, they have not reviewed the report provided by the applicant and simply note the conclusion that no pollutant linkages were found.
49. **The Highland Council Historic Environment Team** has advised that there are no sensitive historic environmental issues with this application.
50. **The Highland Council Access Officer** was consulted by the Highland Council when the application was validated and advise that the catalogue of Rights of Way shows a claimed public right of way passing through the western edge of the site, although the description of the same route (HB54) in that same catalogue shows it passing well to the west and unaffected by the proposed development. Accordingly unless there are any new claims that a public right of way will be affected they have no comment
51. **CNPA Outdoor Access Team** was also consulted after the application was called in, regarding any rights of way issues and given that objectors had raised this point too. The Team advise that the claimed right of way links existing flats in Grampian Court to the facilities on Aviemore Highland Resort. This route follows the path adjacent to the southern boundary of the site before turning north. At present the line is not very distinct and it would appear that the application does not take into account the need to maintain/enhance this route. In addition this area, extending to the main access route into the Highland Resort site, is very popular all year round for informal recreation including picnicking, sledging and teaching youngsters to ski, and frequently used for events making it an important focal point in the community.
52. Given this situation the application should include the line of the right of way and details on how it will be protected and maintained both during and post construction, as well as detailing how residents can access the Highland Resort facilities from the back of the development. In view of the likely range of residents any linkages should be to all abilities standard.
53. **CNPA Landscape Officer** notes that the site is part of the gardens originally laid out as the grounds of the Aviemore Railway Hotel in the early 1900s. Since this time Aviemore has grown considerably with the trees and garden of this former hotel providing a central green space in the village which is well used by both residents and visitors, lying within the setting of the Four Seasons Hotel

and any proposals to revamp this hotel. The scale and location of this green space is important because as Aviemore has expanded any larger scale open spaces within the village have been developed, and peripheral open space has become increasingly distant from the centre.

54. Aviemore centre is characterised by an eclectic mix of different building forms and designs, varying heights and set back distances from the road with in recent times attempts made to unify the public domain through the use of hard and soft landscaping. Large trees in this area, in the ground of the Cairngorm Hotel and gardens of Victorian villas give this part of Aviemore a coherence and identity which is notable in the wider context with trees providing a visual reference to the character and qualities for which the National Park is designated.
55. Specifically the area between Grampian Road, Grampian Court and the main access to the Aviemore Highland Resort provides an open and accessible landscape green space with the larger trees here having a stature which means they contribute significantly to coherence and character. The area is also characterised by an absence of lighting.
56. Landscape Policy for the National Park states that there will be a presumption against development that does not conserve and enhance the landscape character and special qualities with the Local Development Plan objective for Aviemore being to protect those parts of the village that are important to its character and setting.
57. Set against this background the Advisor considers that the location of the proposed development would have a significant adverse impact on the character and experience of an important greenspace which contributes to the character and quality of the immediate setting and to the settlement of Aviemore as a whole. The proposed scale is substantially greater than the majority of buildings along Grampian Road and the development footprint does not relate well to the scale of the open space, taking up almost half of it. Whilst the orientation of the building is broadly consistent with other buildings along Grampian Road, its detached nature with substantial separation distances would make it very prominent.
58. It is further noted that this area is critical to reducing the potential landscape impacts of the Four Seasons Hotel and the proposed development would add to the complexity and dominance of the built form in this part of Aviemore, compromising the setting of the Four Seasons (existing and any future proposals) and severely reducing the scope for landscape mitigation and enhancement. Furthermore the proposed development would also reduce any future opportunities to enhance the natural heritage, landscape quality and public benefit of this greenspace in the centre of Aviemore.
59. It would also result in loss of trees and increase the long term risk to other trees as a result of impacts on root systems; require landform modifications to provide access the context of which is not clear from the drawings; and fencing of the site would result in limited permeability for the public through the site. If

the application were supported then further information on these aspects would be required.

60. With regard to the design itself should the application be supported it is considered that the mass and proportions should be reduced; the proposed materials mix and detailing simplified along with simplification of the landscape scheme which is presently out of character with the aspirations of the community for a naturalistic townscape; mitigation and compensatory planting provided together with management of the wider open space area here and provision of roadside drystone wall as detailed elsewhere in the settlement.
61. The Officer concludes that the proposed development is out of character in terms of its location, siting and design, and would not conserve and enhance the character of this part of the National Park as required by policy. It would dominate a valuable green space in the middle of Aviemore and limit future opportunities to enhance the quality and public benefit of this space as a rich natural heritage and landscape resource in the centre of Aviemore; the largest settlement and main destination in the National Park.
62. **CNPA Ecology Officer** notes that the site lies in close proximity to designated areas, namely Craigellachie SSSI /National Nature Reserve (NNR) and the River Spey Special Area of Conservation (SAC)/SSSI. However the proposal is not considered to affect these sites.
63. It is further noted that the site itself comprises parkland with a large number of mature and semi mature trees, together with ornamental shrubs and amenity grassland. The ecological and tree surveys provided by the applicants have been considered and it is concluded that as two dead trees were found to have potential to support bat roosts then a Species Protection Plan for bats is required now to address the felling of these trees, detailing the necessary precautions to avoid harm to roosting bats.
64. The tree survey shows that approximately 45 trees are to be removed with the exact identity of trees difficult to establish as the tree constraints plan and landscape scheme are at different scales. Species to be removed include native and not locally native species, with some of these being large mature trees which contribute to the amenity of the area as well as being of value in their own right. The trees are covered by a group TPO (Tree Preservation Order) and as such are considered to be of high value whereby they must only be removed as a last resort. The Officer considers that some alterations to the plans, such as minor changes to footpaths and parking areas, could reduce the loss of mature trees and this should be considered.
65. The Officer also notes that compensation for tree removal is normally at a ratio of 3: 1 for every tree lost. This would require planting of around 135 trees yet only 74 trees are proposed to be planted which is insufficient. Also ornamental non-native species should be removed from the planting mix.
66. The Officer concludes that before the application is determined a Species Protection Plan for Bats is required along with changes to the landscape scheme

taking account of comments made above regarding species, retention of trees, and compensatory planting. In the event of the application being supported conditions should be attached regarding pre-felling checks for red squirrel dreys and works to be carried out as per any approved species protection plan.

REPRESENTATIONS

67. **Aviemore and Vicinity Community Council** has objected to the application and requested to be heard at Committee. A copy of their comments is attached as **Appendix 2**. They have noted concern regarding misleading information contained in the pre application consultation report which states that the Community Council felt that the design and concept of the scheme was acceptable which is not true. Also they state that the masterplan displayed at the public engagement meetings, together with information that the site was in the Local Development Plan for development, was incorrect, and that inaccurate information regarding demolition and replacement of Four Seasons Hotel was provided. In their view, this calls into question the competency of this application. In addition the conclusion of public support for the proposal is disingenuous, with the Community Council noting that an on line petition opposing the development which attracted 112 signatures in November 2015 is a better indication of public disapproval.

Note: a petition has not been submitted to the CNPA on this case.

68. The Community Council's objection to the proposed development may be summarised as follows:
- (a) The Site is not identified for development within Aviemore Centre Masterplan
 - (b) Local Development Plan states that this land should be retained as open space in response to public opinion with the Community Council campaigning to ensure the importance of this site to the community was taken account of in the Local Development Plan. Development is contrary to this.
 - (c) The Site is well used by community and of cultural significance. Its development would remove informal sporting opportunities contrary to Local Development Plan Policy 9
 - (d) Development will not promote sustainable economic and social development nor promote the understanding and enjoyment of the National Park
 - (e) Local need for this type of housing has not been demonstrated with no survey of community need provided.
 - (f) Other alternative sites are available in Aviemore with the Community Council highlighting that the NHS were able to find four possible sites for a proposed new hospital
 - (g) Insufficient parking, turning provision and cycle storage together with concerns regarding safety of junction onto main road
 - (h) Right of way leading from the Four Seasons to Grampian Court skirts the site and must be maintained
69. The application was advertised in the local press and a total of 20 representations, all objecting to the proposed development, have been received which are attached in **Appendix 3**. This includes a representation from the

Grampian Court Residents Association. The applicants' agent has requested to be **heard**.

70. Key concerns of objectors may be summarised as follows:
- (a) Loss of important open space within Aviemore used by community and visitors e.g. sledging, skiing, parades, gathering point etc
 - (b) Adverse impact in village where green areas are rapidly disappearing. This piece of land provides important, attractive impression of village
 - (c) Unsuitable housing mix. Low cost social housing is needed in Aviemore and there is no provision for affordable housing with this proposal.
 - (d) No guarantees regarding future occupancy or costs of apartments- development may become holiday flats
 - (e) Lack of parking provision on development site and insufficient space for bin lorries to access site
 - (f) Road safety issues. Visibility at junction onto Grampian road is not ideal
 - (g) adverse impact on neighbours including loss of light, noise, loss of income from rentals due to loss of amenity, loss of view, property devaluation and construction traffic disturbance
 - (h) Use of Grampian Court as site access will lead to loss of on street parking on this road. Photographs have been submitted to illustrate existing on street parking
 - (i) Development should be moved further north so impacts relate more to the Macdonald resort and a new access onto Grampian Road may be formed, reducing impacts on Grampian Court residents
 - (j) Impacts on paths in area
 - (k) Contrary to Local Development Plan which expressly protects this open space
 - (l) Masterplan shows this area as open land
 - (m) Loss of habitat for squirrels
 - (n) Inappropriate design, density and scale
 - (o) Other alternative sites available, including within Macdonald Resort landholding which are more suitable for this type of development including brownfield land. The current site is beside a busy road is not ideal for retirement complex
 - (p) Loss of trees
 - (q) Query regarding legitimacy of neighbour notification
Note: this has been investigated with the Highland Council and all notifiable parties were notified in accordance with legislative requirements
 - (r) Applicant does not control land necessary to gain access to site from Grampian Court
Note: The applicants were asked for views on this above point and to confirm that they had the necessary control as if the land belonged to other parties they would require to be notified. To date the applicants have not responded on this point.

APPRAISAL

Principle

71. Planning applications are required to be determined in relation to compliance with the Development Plan unless material considerations indicate otherwise.
72. It is noted that the sequential assessment of sites provided by the applicants has not considered all potential sites in Aviemore including land on the Highland Resort landholding. In choosing the application site over others considered, the applicants have not, in the view of officers placed sufficient weight upon the provisions of the Local Development Plan protecting the application site from development.
73. With reference to Policy I.1: Housing in Settlements, the proposal is located within the settlement boundary. However, the site is not identified in the Local Plan for housing and is not considered to reinforce or enhance the character of the settlement. It is not an infill development, conversion or small scale and does not use derelict, underused land or redevelopment an existing site. The proposal therefore fails to comply with Policy I: Housing in Settlements.
74. Furthermore, the LDP settlement statement for Aviemore clearly sets out that this land should be protected from development and enhanced with landscaping and tree planting. Whilst the land is not explicitly coloured as green in the settlement statement, as at the time of the LDP preparation the land was within the boundaries of the Aviemore Highland Resort masterplan permission, the intention of the text contained within the Open Space Proposals for Aviemore is clear. Accordingly in principle development of this land is clearly not supported by the LDP. This LDP background has not been recognised in the sequential site assessment by the applicants that concluded on the suitability of the site based partly on the LDP “recognising that this site benefits from an existing planning consent.” In fact there is no consent for development on this site. It was expressly excluded by planning condition from the original Aviemore Highland Resort Masterplan consent and identified for retention as open space within the Aviemore settlement statement.
75. The development site forms part of an extremely important piece of green open space, containing attractive mature trees, within the settlement that undoubtedly contributes greatly to the character and coherence of Aviemore. All remaining open spaces have become even more important to the community as Aviemore has developed over time.
76. It provides an attractive setting to the Four Seasons Hotel helping to mitigate the impacts of this large scale building by providing a good setting, also being important in this context to any future redevelopment of this hotel that may come forward. Consequently, the loss of this site to development in principle alone is unlikely to comply with Policy 5: Landscape. A more detailed assessment of this aspect is considered later in this report.

77. In addition the land, although privately owned, is very well used by the community for a wide range of activities all as noted by objectors to the application. It is used for recreational activities such as sledging, teaching children to ski, as well as for picnics, community gatherings and simply for general enjoyments of its attractive setting, aspect and green nature as well as providing an attractive view. It is therefore considered to be of very high value to the community.
78. The proposed application, which will use up a large part of wider, well used informal recreational green space in a prominent location within Aviemore. The proposed retirement accommodation is not ancillary to this recreational use. The proposal removes the recreational use of the site and reduces public access. No compensatory site has been offered and no audit demonstrating that the development does not result in the loss of provision of services used by the affected community has been submitted. The proposals therefore fail to comply with any of the requirements set out in Policy 8.3: Reduction of Facilities.
79. Whilst the applicants have submitted reports attesting to the need to provide housing for the UK's ageing population, this does not represent in any way a case of national importance to set aside planning policies and allow development on this important green space in Aviemore.
80. Aside from the basic principle of the application the detail of the proposal must also be considered in relation to planning policies and this will now be considered in more detail.

Landscape and Design

81. As noted, the loss of this land to development, along with and the loss of some protected trees and potential damage to others, would not comply with Policy 5: Landscape.
82. Specifically the proposed development is of a large scale and mass, comprising four storeys and a mixture of material finishes which does not enable it to sit well in the overall townscape. It would be visually prominent, sitting apart from the built townscape within a green landscape area rather than part of the fabric of the village, contrary to Policy 9.3: Cultural Heritage. The building would not only result in loss of the open space, but it would dominate the open space around it and adversely affect the setting of the Aviemore and indeed the Four Seasons Hotel itself.
83. The impacts of the development cannot be mitigated nor are its significant adverse effects on the landscape character and townscape of Aviemore outweighed by social or economic benefits of national importance. Accordingly the proposed development fails to comply with Policy 5: Landscape and Policy 3: Sustainable Design which seek to ensure that new development is suitably designed and sited.

Ecology Issues

84. The application is supported by ecological studies which have identified works to be carried out to minimise environmental impacts. These include taking care to protect bats which may be roosting in two dead trees which require removal to facilitate the development. However, a Species Protection Plan for Bats, as required by Policy 4: Natural Heritage, has not been provided. Furthermore, a compensatory planting proposal for the proposed loss of 45 trees has not been provided, the proposed landscape scheme contains species which are not appropriate to the area, and the layout does not minimise the loss of trees.
85. The applicants have not provided additional material to address these points. Whilst some environmental issues such as the need for a pre-construction red squirrel survey could be addressed by planning conditions in the event of the application being supported, overall there is presently insufficient information to demonstrate compliance with Policy 4: Natural Heritage and also Policy 3: Sustainable Design which requires new development to create opportunities to further biodiversity and promote ecological interest.

Servicing

86. In terms of vehicular access arrangements the development proposes a new access from Grampian Court with associated parking and cycle provision within the site to the rear of the apartment blocks, and pedestrian access from Grampian Court. The Highland Council Transport Planning Team requested further information in order to consider roads issues including Transport Assessment, and justification for proposed parking levels which appear to be insufficient for cars, bicycles and electric scooters. They have objected to the application until such information is provided, and have also highlighted the need for dimensioned drawings to demonstrate control and delivery of visibility splays.
87. As noted in the representations section there is considerable neighbour concern regarding the lack of parking, together with concern that existing parking on Grampian Court will be prevented as a result of the new development using this for site access. To date the applicants have not provided any information to address the road safety concerns and accordingly it has not been demonstrated that the site can be satisfactorily accessed or that sufficient parking provision is to be provided. The application does not therefore comply with the requirements of Policy 3: Sustainable Design.
88. The Transport Team has also raised concern regarding insufficient waste management provision, and lack information to confirm that the surface water drainage arrangements will work satisfactorily in terms of ground conditions. Information provided by the applicants has also indicated that further ground testing is required in respect of surface water drainage arrangements and at present the application has not demonstrated compliance with the requirements of Policy 10: Resources.

89. Finally in relation to servicing the application will restrict the public access currently enjoyed through the site and potentially affect a claimed right of way. No mitigation or arrangements to preserve or enhance this route have been put forward where the application fails to comply with Policy 3: Sustainable Design.

Residential Amenity

90. Whilst the development is considered to be sufficiently far from residents at Grampian Court to safeguard their privacy there are other potential impacts upon residents which are considered to be of concern.
91. Whilst the planning system cannot preserve individual views, or indeed protect against potential property devaluation (which is not a material planning consideration in any event), it is required to consider the amenity of neighbours. Potential disturbance from the access arrangements may indeed arise if there is inadequate parking provision on the application site.
92. Loss of amenity may also arise from the wider issue of the loss of this important amenity space within Aviemore which will have an adverse impact on the amenity of the village as well as the neighbours, all as outlined in earlier sections of this report.
93. In these circumstances the concerns of neighbours are shared by officers and the application is not considered to comply with the requirements of Policy 3: Sustainable Design.

Affordable Housing

94. The applicant has only provided generic information for the UK wide need for housing for an ageing population and this is not specific to Aviemore. However, it can be concluded that whilst there is likely to be a demand locally for such housing but this does not over-ride the need for affordable housing; generally and for residents of retirement age. There are no exceptions to the need for affordable housing provision for market retirement housing within either SPP or the Local Development Plan. The applicant has not made provision nor presented a case for non-provision. As the proposal does not include the provision of affordable housing it is therefore contrary to Policy 1:4 Contribution towards Affordable Housing.

CONCLUSION

95. The proposed development fails to comply with a range of Local Development Plan policies as outlined above. The site is not identified for housing and is specifically referred to for protection against development within the Local Development Plan. The development results in the loss of a large area of open space, of local cultural significance within Aviemore, used for informal recreation and access purposes. The development, due to the scale, mass and siting of the proposed building, would be dominant within the streetscape, which is worsened by the loss of and potential damage to a significant number of

protected trees. The proposal fails to make any provision for affordable housing. The application lacks enough information to demonstrate protection of bats through a Species Protection Plan. Furthermore, it lacks information to demonstrate that the proposal has sufficient parking, provision of cycle/buggy parking, recycling provision, ground water drainage and visibility splays. There are no material considerations which would justify departing from Local Development Plan policies on these issues and therefore application is recommended for refusal.

IMPLICATIONS FOR THE AIMS OF THE NATIONAL PARK

Conserve and Enhance the Natural and Cultural Heritage of the Area

96. The proposed development does not support this aim as it would remove an area of considerable natural, cultural and landscape importance, which is of recreational and amenity value to the community and National Park as a whole.

Promote Sustainable Use of Natural Resources

97. The proposed development does not support this aim as it would result in the loss of trees covered by a Tree Preservation Order.

Promote Understanding and Enjoyment of the Area

98. The development does not support this aim as it would reduce enjoyment of a key piece of open space, popular with visitors and residents, and prominently located within the settlement.

Promote Sustainable Economic and Social Development of the Area

99. The development may partly support this aim through construction work associated with the new development which may help support local businesses and contractors. Also new residents may help support local services and facilities. However, reducing the attractiveness of Aviemore by removing a key community recreational and amenity land will not benefit social development for all the community.

RECOMMENDATION

That Members of the Committee support a recommendation to REFUSE FULL PLANNING PERMISSION for the Erection of 35 Retirement Apartments (4 x one bedroom and 31 x two bedroom apartments) at land 115 m SE of Four Seasons Hotel MacDonald Aviemore The Aviemore Centre Grampian Road Aviemore, for the following reasons:

1. The proposed development of this site for housing purposes is unacceptable in principle as it involves the loss of a significant area of open and green space within Aviemore. The proposal is therefore contrary to Local Development Plan Policy 1.1: Housing in Settlements and the objectives and proposals as set out in the settlement statement for Aviemore in the Cairngorms Local Development Plan 2015.
2. The proposed development involving the loss of this important green and open space used for informal recreation and access and therefore does not comply with Planning Policy 8: Sport and Recreation in the Cairngorms Local Development Plan 2015.
3. The proposed development due to its siting, scale, massing, design, use of inappropriate materials and finishes, loss of open space and loss of and potential damage to protected trees, would be dominant within the streetscape and fail to conserve and enhance the landscape character and special qualities of Aviemore and the Cairngorms National Park. It would also have an adverse impact upon residential amenities. These impacts of the development cannot be mitigated nor are its significant adverse effects on the landscape character and townscape of Aviemore outweighed by social or economic benefits of national importance. As such the proposals are contrary to Policy 3: Sustainable Design, Policy 5: Landscape and Policy 9.3: Cultural Heritage, in the adopted Cairngorms Local Development Plan 2015.
4. The proposed development has failed to demonstrate that there would not be adverse impact on natural heritage. It has also failed to demonstrate that it will further the conservation of biodiversity or create opportunities to further biodiversity. Specifically,
 - (a) a Species Protection Plan for Bats has not been provided to demonstrate how potential impacts on this European Protected Species may be reduced or mitigated
 - (b) the development does not minimise impacts on trees
 - (c) no compensatory and/or management measures and provision of new habitats are proposed to mitigate or compensate for loss of trees on siteThese adverse environmental effects are not outweighed by social, economic or environmental benefits of national importance. As such the proposals are contrary to Planning Policy 4: Natural Heritage and Policy 3: Sustainable Design in the Cairngorms Local Development Plan 2015.

5. The proposed development has failed to demonstrate that the development can be satisfactorily serviced and accessed as follows:
- (a) It has not been demonstrated that there is adequate parking provision within the site for cars, bicycles and scooters
 - (b) It has not been demonstrated that an appropriate means of access to the site can be achieved in terms of visibility.
 - (c) It has not been demonstrated that there are adequate arrangements proposed for the storage, segregation and collection of recyclable materials
 - (d) It has not been demonstrated that the ground conditions are suitable for the proposed surface water drainage arrangements, parking ,waste, safe access footpath links, and bike storage
 - (e) the development as proposed will not maintain and maximise opportunities for responsible outdoor access due to its potential impacts upon a claimed right of way and the closing off to the public of an presently open area over which there is unrestricted public access at present.

The proposed development is therefore contrary to Planning Policy 3: Sustainable Design and Policy 10: Resources in the Cairngorms Local Development Plan 2015.

6. The proposed development fails to make any provisions for affordable housing. The proposal is therefore contrary to Planning Policies 1.4: Contribution towards affordable housing provision in the Cairngorms Local Development Plan 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.