
CAIRNGORMS NATIONAL PARK AUTHORITY

Title: REPORT ON CALLED-IN PLANNING APPLICATION

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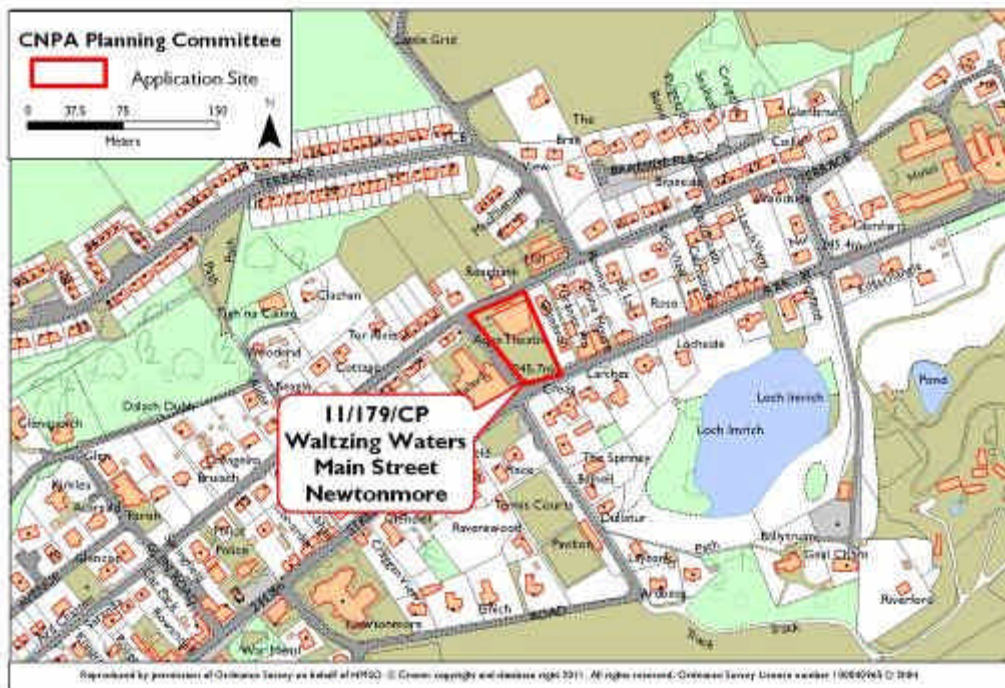
DEVELOPMENT PROPOSED: PLANNING PERMISSION FOR THE CHANGE OF USE OF A BUILDING TO RETAIL AND RESIDENTIAL AT WALTZING WATERS, MAIN STREET, NEWTONMORE

REFERENCE: 11/179/CP

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

DATE CALLED-IN: 24 JUNE 2011

RECOMMENDATION: APPROVE WITH CONDITIONS



Grid reference: 271797 799382 (easting northing)

Fig. 1 - Location Plan

SITE DESCRIPTION AND PROPOSAL

1. Planning permission is sought in this application for a change of use of the existing Waltzing Waters building on the Main Street in Newtonmore to retail and residential development. The subject site occupies an area of approximately 2,670 square metres (0.267 hectares) and is bounded by the Main Street to the south, Balavil Brae to the west and Church Terrace to the north (rear). Two residential properties are located adjacent to the eastern site boundary. The existing Waltzing Waters building has a semi industrial appearance, having the proportions of a warehouse together with an exterior finish of exposed brickwork, under a profile sheeted roof. Glazed entrance doors, with prominent Waltzing Waters signage overhead, are positioned in the south western corner of the front elevation of the building. The building is set back towards the rear of the site, with the area to the front being used for car parking.
2. Surrounding development in this area of Newtonmore consists of a mix of residential and commercial properties. The Balavil Sport Hotel is located opposite the site in Balavil Brae, with frontage onto the Brae and the Main Street. The remainder of the surrounding development is predominantly residential, mostly in the form of detached dwellings. A number of properties in the area also operate as Bed and Breakfast establishments.
3. Two new uses are proposed within the existing building, in a change from the current commercial tourism operation. The majority of the structure, which is at the existing car park level, is proposed as a retail facility. This would include a retail area of 3,154 square ft, at the front of the building, with various service areas to the rear, including a large warehouse / storage section, chill rooms, staff room, office space and toilet facilities. A large new goods entrance is proposed in the western elevation, to provide direct access to the warehouse / storage area. A number of alterations are also proposed to the front elevation. The entrance / exit would be retained in the same location as the existing Waltzing Waters access, but would have new aluminium sliding entrance and exit doors. A new signage canopy¹ is proposed to project outwards from the access, in the corporate colours and logo of the proposed retailer (the Co-Operative Group). New window openings² are proposed on the front elevation, with an area beneath each window identified for smaller signage. Bands of horizontal timber stained cladding are proposed above the windows and entrance on the front elevation. The existing profile clad roof finish would be retained.



Fig. 2: Existing building



Fig. 3: 3D image of proposed Amendments to front elevation

¹ Boxed green aluminium framing.

² Aluminium glazed windows.

4. The site layout plan identifies the large area to the front of the structure for car parking. This is consistent with the existing use of the area, although various alterations are proposed in an effort to improve the visual appearance of this large hard surfaced area. A total of 36 car parking spaces are proposed and are distributed in groups around the site, interspersed with areas of soft landscaping. Disabled car parking bays are identified immediately in front of the building. The site layout also makes provision for the repositioning of the existing bus stop on Main Street – the bus stop and shelter is currently positioned on the public footpath, with minimal space for footpath users to negotiate between the bus shelter and the boundary wall of the Waltzing Waters site. An area in the south eastern corner of the site has now been identified for a new bus stop, including a shelter and seating, and landscaping. A pathway is also proposed to lead from the bus stop, along the eastern perimeter of the site and along the front of the building to the entry door.

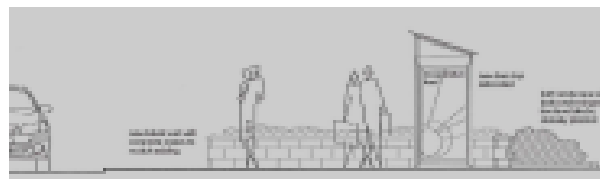


Fig. 4: Proposed re-located bus shelter

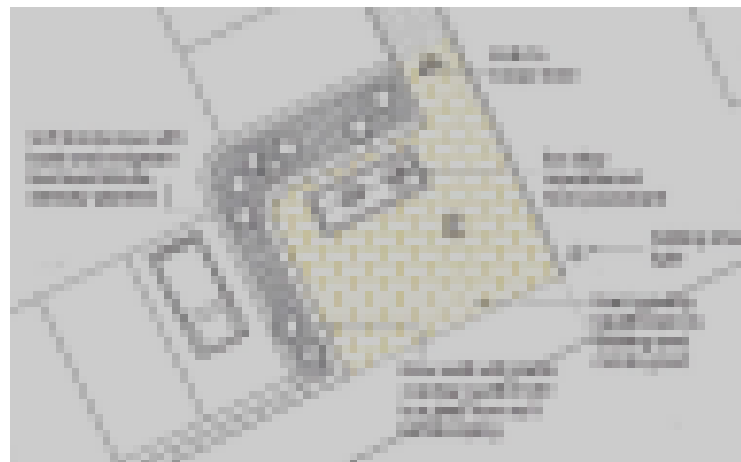


Fig. 5: Bus stop – re located from current public footpath position

5. Vehicular access to the car parking area would be maintained at its existing location off Balavil Brae. The site layout plan identifies an area at the side of the building, specifically for use by delivery lorries for parking and turning. The site plan also shows the lorry manoeuvres involved in accessing this area, without impacting on the car parking provision.
6. The second element of the proposed change of use relates to the rear of the existing property i.e. the upper floor area, with frontage onto the higher ground of Church Terrace. This area of the structure is proposed to be converted to a terrace of five dwelling units. The units are one and a half storey in design, with each including kitchen and lounge areas at ground floor level, with bedroom accommodation on the upper floor. Two of the units

(each in an end of terrace position) would each have one bedroom,³ while the three central units would each have two bedrooms.⁴

7. A small flat roof single storey area of the existing structure would be demolished and the remainder of the building shell would be utilised to create the dwellings. Various design features and materials are proposed to alter the industrial appearance of the existing structure. This includes a proposed external wall finish of white dry dash render, with concrete roof tiles replacing the existing profile cladding. Traditionally designed pitched roof dormer windows are proposed at first floor level in each of the dwellings and would be finished with vertical timber lining. Projecting timber clad front entrance porches are also proposed. Windows are proposed to be brown double glazed upvc units, while front entrance doors would be 'external grade upvc timber doors.'



Fig. 6: existing Church Terrace elevation



Fig. 7: 3D image of proposed residential units

8. Small areas of private open space are identified to serve each of the five residential units. This includes a small grassed area and an enclosed bin store⁵ while the majority of the space would consist of hard surfacing, in order to accommodate two vehicles at each property.⁶ In addition to the small areas of private open space, a communal garden is also proposed in the north western corner of the site. The area would have a mix of hard and soft landscaping, including an elevated decked area. The communal garden is intended to serve the residential properties and is clearly separated from the retail element of the proposal by the change in ground levels and an existing retaining wall.
9. In response to CNPA concerns expressed in the assessment of the proposal with regard to the limited extent of private open space provision, a submission from the agent acknowledges this and highlights that grassed area to serve each individual unit have been further eroded from the original proposal, in order to meet Roads department requirements for parking provision. It is conceded in the submission that the areas of grass between the proposed car parking areas "are more a visual impact to soften the street landscape of the new development" rather than provide a play space for example. However, in defence of this it is also suggested that due to the fact that large un-gated openings would be created at each driveway, there would be little scope for young children to play safely in this area. As a result, the communal open

³ One bedroom units would have a floor areas of 50.6 square metres and 57.9 square metres.

⁴ Each of the two bedroom units would have a floor area of 90 square metres.

⁵ Bin store areas are proposed to be enclosed with a 1.2m high timber fence.

⁶ The originally submitted site layout identified a smaller area of hard surfacing to accommodate parking for one vehicle at each property. An amended plan was submitted on 18th July 2011 in response to parking provision requirements stipulated by Highland Council's TEC Services division.

space area has been designed to form a secure, conveniently accessed and comfortable area for residents use.



Fig. 8: Proposed site layout plan

Supporting Information

10. A supporting statement has been submitted and includes details of the background to the proposal. The applicant, Mr. Alex Donald, owns Waltzing Waters and has operated it at the site since 1989. Mr. Donald intends to permanently close Waltzing Waters in the coming weeks.⁷ The facility has employed an average of 10 full time staff since opening and is estimated to have attracted more than 1,600,000 visitors since 1989. Reference is made in the supporting statement to the applicant having done some research and reaching the conclusion that “the way in which the building and site can best serve the needs of the village in future years would be by its conversion to a supermarket.” In conjunction with this the applicants’ research also “highlighted the severe need for 1 and 2 bedroom homes both for sale and rent which could be afforded by locals in southern Badenoch.”
11. The supporting statement describes the proposal to convert the front section of the existing building to a Co-operative food store as an “appropriate use for the scale and appearance of the existing building.” No major structural work would be carried out on the exterior of the premises, although the proposed new store frontage would be “given a facelift as well as the Co-Operative branding which would be incorporated in a small roof canopy covering the main entrance.” Horizontal, stained timber cladding is also proposed to overclad some areas of the elevations. Together with proposals to form large new window openings, it is suggested that the alterations would create “a

⁷ August 26th has been identified as the intended closure date.

softer impact visually from the existing frontage which is industrial / factory looking.”

12. Supporting information from the agent requests that the applicants ambition to deliver this project in stagnant conditions “be acknowledged and applauded as commitment to his role in the community.....and should be considered as an asset to the local community.”

Involvement of the Co-Operative

13. At the request of the CNPA in the course of assessing the planning application, evidence has also been provided to verify the involvement of the Co-Operative in the proposed development. Written evidence has been provided to confirm that the Co-Operative have committed to lease the premises, conditional upon the receipt of relevant planning consent. It has also been indicated that the planned ‘hand over date’ is October 10th 2011.

14. Supporting information also makes reference to the Co-Operative group having carried out detailed research that demonstrates the need for a retail service of this nature.⁸ Based on “their extensive knowledge of this size of community and location, the current store has insufficient floor space to cover the wide range of items that the supply demand change requires.” The introduction of a larger store with a more diverse product range is considered to give the community more choice and has the potential to reduce trips to neighbouring towns, which would reduce travel and carbon emissions.

15. Details are also provided in the supporting statement about the operation of the proposed new store. It is indicated that the existing Co-Operative store in Newtonmore would be closed when the new store opens and all staff would be transferred. In addition, 10 new jobs would be created at the new store. Reference is also made to the Co-Operative owning the building which the existing store in Newtonmore occupies and that it is intended to make an application for conversion to residential on the site. It is suggested that this would be low cost housing for the community and that it would be the Co-Operatives intention to sell the building with planning permission in place.

Sustainable Design Statement

16. The proposal for a mixed use development within the shell of the existing structure on the site is described as a means of ensuring that the site would not become derelict and unwelcoming upon the closure of Waltzing Waters in August. In discussing the sustainability credentials of the design of the proposed housing element, reference is made in the Sustainable Design Statement to achieving a high U-value and thermal performance through the use of sustainable materials. In terms of the retail development, reference is made to the Co-Operative group considering the option of “Free Heat” from their chill and display units. The potential exists for stores to become 100%

⁸ The supporting information states that “the information gathered in these reports is confidential and the mere fact that this successful retailer is willing to sign an extensive lease agreement should be satisfaction that this proposal will be an asset to the community and the subsequent requirement for its relocation.

energy efficient using this. The process is being piloted in a number of stores at present.

17. In addition to it being highlighted in the Sustainable Design Statement that the development of a larger Co-Operative store in Newtonmore would have the potential to reduce the need to travel to other retail facilities, reference is also made to the relocated retail facility being in closer proximity to the public transport system, which “may encourage elderly and infirm to travel direct to this location.” Together with the relocated and improved bus stop facility, it may also further encourage usage of public transport.

DEVELOPMENT PLAN CONTEXT

National policy

18. **Scottish Planning Policy⁹ (SPP)** is the statement of the Scottish Government’s policy on nationally important land use planning matters. It supersedes a variety of previous Scottish Planning Policy documents and National Planning Policy Guidance. Core Principles which the Scottish Government believe should underpin the modernised planning system are outlined at the outset of **SPP** and include:
 - The constraints and requirements that planning imposes should be necessary and proportionate;
 - The system shouldallow issues of contention and controversy to be identified and tackled quickly and smoothly; and
 - There should be a clear focus on quality of outcomes, with due attention given to the sustainable use of land, good design and the protection and enhancement of the built and natural environment.
19. **SPP** emphasises the key part that development management plays in the planning system, highlighting that it should “operate in support of the Government’s central purpose of increasing sustainable economic growth.” Para. 33 focuses on the topic of Sustainable Economic Growth and advises that increasing sustainable economic growth is the overarching purpose of the Scottish Government. It is advised that “the planning system should proactively support development that will contribute to sustainable economic growth and to high quality sustainable places.” Planning authorities are encouraged to take a positive approach to development, recognising and responding to economic and financial conditions in considering proposals that would contribute to economic growth.
20. Under the general heading of Sustainable Development, it is stated that the fundamental principle is that development integrates economic, social and environmental objectives, and that the “aim is to achieve the right development in the right place.”
21. As a replacement for a variety of previous planning policy documents the new **Scottish Planning Policy** includes ‘subject policies’, of which many are applicable to the proposed development. Topics include economic

⁹ February 2010

development, rural development, and landscape and natural heritage. The following paragraphs provide a brief summary of the general thrust of each of the subject policies.

22. Economic development: Planning authorities are encouraged to respond to the diverse needs and locational requirements of different sectors and to take a flexible approach to ensure that changing circumstances can be accommodated. The benefits of high environmental quality are also recognised and planning authorities are therefore required to ensure that new development safeguards and enhances an area's environmental quality and where relevant, also promote and support opportunities for environmental enhancement and regeneration.
23. Town centres and retailing: town centres are recognised as a key element of the economic and social fabric of Scotland, acting as centres of employment and services for local communities, and making an important contribution to sustainable economic growth. **SPP** states that the planning system has a significant role in supporting successful town centres through its influence on the type, siting and design of the development. Para. 61 of **SPP** advises that all retail, leisure and related developments should be accessible by walking, cycling and public transport. It also highlights that the perception of convenience is important, citing the example of locations close to homes or places of work.
24. The sequential approach should be used when selecting locations for all retail and commercial leisure uses and it also advises that this approach should apply to proposals for a change of use of existing developments "where proposals are of a scale or form sufficient to change their role and function." The sequential approach requires that locations are considered in the order of town centre, edge of town centre, other commercial centres identified in the development plan, and out of centre locations that can be made easily accessible by a choice of transport modes.
25. Housing: **SPP** highlights the Scottish Government commitment to increasing the supply of new homes. The planning system is expected to enable the development of well designed, energy efficient, good quality housing in sustainable locations. The subject of 'Affordable Housing' is discussed and it is defined "broadly as housing of a reasonable quality that is affordable to people on modest incomes" and that it may take the form of social rented accommodation, mid-market rented accommodation, shared ownership, shared equity, discounted low cost home ownership, or low cost housing without subsidy. **SPP** advises that the need for affordable housing should be met, where possible, within the housing market area where it has arisen.
26. Landscape and natural heritage: The **Scottish Planning Policy** document recognises the value and importance of Scotland's landscape and natural heritage. It is accepted that landscape is constantly changing and the aim is to facilitate positive change whilst maintaining and enhancing distinctive character. As different landscapes have different capacities to accommodate new development, the siting and design of development should be informed by landscape character. There is also an acknowledgement that the protection of

the landscape and natural heritage may sometimes impose constraints on development, but the potential for conflict can be minimised and the potential for enhancement maximised through careful siting and design.

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

Strategic Policies

Cairngorms National Park Plan (2007)

28. The Cairngorms National Park Plan sets out the vision for the park for the next 25 years. The plan sets out the strategic aims that provide the long term framework for managing the National Park and working towards the 25 year vision. Under the heading of 'conserving and enhancing the special qualities' strategic objectives for landscape, built and historic environment include maintaining and enhancing the distinctive landscapes across the Park, ensuring that development complements and enhances the landscape character of the Park, and ensuring that new development in settlements and surrounding areas and the management of public spaces complements and enhances the character, pattern and local identity of the built and historic environment.
29. Under the heading of 'Living and Working in the Park' the Plan advises that sustainable development means that the resources and special qualities of the national park are used and enjoyed by current generations in such a way that future generations can continue to use and enjoy them. . Section 5.2.4 of the Plan focuses on housing and highlights the need to ensure greater access to affordable and good quality housing in order to help create and maintain sustainable communities. The Plan advises that the quality and design of all new housing should meet high standards of water and energy efficiency and sustainable design and be consistent with or enhance the special qualities of the Park through careful design and siting.
30. The National Park Plan includes a number of strategic objectives in relation to housing, including
- Increasing the accessibility of rented and owned housing to meet the needs of communities throughout the Park;
 - Promote effective co-ordination and co-operation between all public and private organisations involved in housing provision in the Park and communities living there; and
 - Improve the physical quality, energy efficiency and sustainable design of housing.

Structure Plan Policy

Highland Council Structure Plan (2001)

31. **Highland Council Structure Plan** is founded on the principles of sustainable development, which are expressed as –
- Supporting the viability of communities;
 - Developing a prosperous and vibrant local economy; and
 - Safeguarding and enhancing the natural and built environment.
- A variety of detailed policies emanate from the principles.
32. The following provides a brief summary of the policies applicable to a development of this nature. Section 2.4 of the Plan concentrates on the subject of landscape, stating that “no other attribute of Highland arguably defines more the intrinsic character and nature of the area than its landscape.” Similar to national policy guidance, there is a recognition that landscape is not a static feature and that the protection and enhancement of landscape and scenery must be positively addressed. **Policy L4 Landscape Character** states that “the Council will have regard to the desirability of maintaining and enhancing present landscape character in the consideration of development proposals.”
33. **Policy G2 (Design for Sustainability)** states that developments will be assessed on the extent to which they, amongst other things make use of brownfield sites, existing buildings and recycled materials; are accessible by public transport, cycling and walking as well as car; are compatible with service provision; demonstrate sensitive siting and high quality design in keeping with local character and historic and natural environments; and contribute to the economic and social development of the community.
34. The Structure Plan highlights the need for affordable housing provision and **Policies H4 and H5** indicate Highland Council’s commitment to work with other agencies to provide an adequate supply of social housing.
35. The subject of Retailing is dealt with in Section 2.3 of the Structure Plan. **Policy R1 (Shopping Hierarchy)** states that development proposals which consolidate the shopping hierarchy and enhance the role of individual settlements as shopping centres will be supported. **Policy R2 (Everyday shopping needs)** is similar as it encourages development which safeguards and enhances the local provision of facilities to meet everyday needs and also states that proposals which potentially undermine such provision will not normally be permitted.

Local Plan Policy

Cairngorms National Park Local Plan (2010)

36. The Cairngorms National Park Local Plan was formally adopted on 29th October 2010. The full text can be found at :
<http://www.cairngorms.co.uk/parkauthority/publications/results.php?publicationID=265>

37. The Local Plan contains a range of policies dealing with particular interests or types of development. These provide detailed guidance on the best places for development and the best ways to develop. The policies follow the three key themes of the Park Plan to provide a detailed policy framework for planning decisions:
- Chapter 3 - Conserving and Enhancing the Park;
 - Chapter 4 - Living and Working in the Park;
 - Chapter 5 - Enjoying and Understanding the Park.
38. Policies are not cross referenced and applicants are expected to ensure that proposals comply with all policies that are relevant. The site-specific proposals of the Local Plan are provided on a settlement by settlement basis in Chapter 6. These proposals, when combined with other policies, are intended to meet the sustainable development needs of the Park for the Local Plan's lifetime. The following paragraphs list a range of policies that are appropriate to consider in the assessment of the current development proposal.
39. Policy 6 – Landscape: there will be a presumption against any development that does not complement and enhance the landscape character of the Park, and in particular the setting of the proposed development. Exceptions will only be made where any significant adverse effects on the landscape are clearly outweighed by social or economic benefits of national importance and all of the adverse effects on the setting of the proposed development have been minimised and mitigated through appropriate siting, layout, scale, design and construction.
40. Policy 16 – Design Standards for New Development: this is one of a number of policies which is intended to encourage developers to consider how they can best include the principles of sustainable development in their proposals, and consider the impact on the environment, economy and community. Policy 16 requires that all proposals are accompanied by a design statement which sets out how the requirements of the policy have been met. The design of all development is encouraged to :
- Reflect and reinforce the traditional pattern and character of the surrounding area and reinforce the local vernacular and local distinctiveness, whilst encouraging innovation in design and materials;
 - use materials and landscaping that will complement the setting of the development;
 - demonstrate sustainable use of resources; and
 - be in accordance with the design standards and palette of materials as set out in the Sustainable Design Guide.
41. Policy 18 – Developer Contributions: the policy requires that development which gives rise to a need to increase or improve public services, facilities or infrastructure, or mitigate adverse effects, would require the developer to make a fair and reasonable contribution in cash or kind towards the additional costs or requirements. Contributions would be consistent with the scale and nature of the development proposal and would be secured through a Section 75 agreement or other legal agreement where necessary.

42. Policy 19 – Contributions to affordable housing: The affordable housing policy is intended to ensure the delivery of a wide range of housing options to a wide range of households in the Park. Policy 19 requires that developments of three or more dwellings will be required to incorporate a proportion of the total number of units as affordable. Developments solely for affordable housing will be considered favourably.
43. Policy 20 – Housing Development within settlements : Housing developments within settlement boundaries will be favourably considered where the development (a) occurs within an allocated site identified within the proposals map; or (b) is compatible with existing and adjacent land uses, and comprises infilling, conversion, small scale development, the use of derelict or underutilised land or the redevelopment of land.

All housing proposals within settlements are expected to reinforce and enhance the character of the settlement, and accommodate within the development site appropriate amenity space, and parking and access arrangements.

44. Policy 25 – Business Development: Proposals which support economic development will be considered favourably where the proposal is compatible with existing business uses in the area, and supports or extends and existing business. Business development within identified settlements will be supported where
- (a) It is located within an existing settlement boundary; and
 - (b) Supports the economic vitality and viability of the centre.

Part D of Policy 25 concerns the ‘Loss of business’ and states that development proposals which would result in the loss of business use on the proposal site will be resisted unless it can be demonstrated that the retention of the business on the existing site is not viable.

45. Policy 26 – Retail Development: Retail development which supports the local economy will be favourably considered where certain criteria are met. Within identified town / village centres the criteria are :
- 1. The proposal adds to the economic vitality and viability of that town / village centre; and
 - 2. Has no adverse impact on neighbouring properties.

Proposals are expected to consolidate the traditional high street found within the town centre in terms of visual impact and built form.

Supplementary Planning Guidance

46. In addition to the adoption of the Cairngorms National Park Local Plan (2010) on 29th October 2010, a number of Supplementary Planning Guidance documents were also adopted.

Sustainable Design Guide

47. The guide highlights the fact that the unique nature and special quality of the Cairngorms National Park and the consequent desire to conserve and enhance

this distinctive character. The guidance has at its core the traditional approach to design which aims to deliver buildings which provide a resource efficient, comfortable and flexible living environment. The **Sustainable Design Guide** requires the submission of a Sustainable Design Statement with planning applications. It is intended that applicants would use the Sustainable Design Statement to demonstrate how standards set out in the Sustainable Design Checklist will be achieved.

48. One of the key sustainable design principles referred to in the document is that “future development in the Park should be sensitively located, reflect existing development pattern and setting, and respect the natural and cultural heritage of the Park.” Developments are also required to reflect traditional materials and workmanship, and take on board innovation, contemporary design and the emergence of modern methods of construction.

Affordable Housing SPG

49. The guidance sets out in detail how Policy 19 (Contributions to Affordable Housing) will be delivered. The development of sites solely for affordable housing, whether by registered social landlords or by alternative measures, is encouraged, subject to the requirements of other policies in the Local Plan being met.

Developer Contributions SPG

50. The Developer Contributions SPG outlines that planning authorities have the legal power to seek reasonable and appropriate contributions from developers in association with the granting of planning permission for specific developments. Any contributions must be linked to the specific development proposal. The SPG contains a table illustrating the types of contributions likely to be sought by development type. Housing development could require contributions towards education, library services, healthcare, recycling and waste, transportation, community facilities, landscaping and natural heritage. Commercial development may generate a need for contributions towards recycling and waste, transportation, community facilities, landscaping, and natural heritage.

CONSULTATIONS

51. The main route through Newtonmore remains classified as a trunk road despite the existence of the A9 to the east of the village. **Transport Scotland** was consulted on the proposal and has no objection. No conditions are recommended for inclusion in the event of the granting of planning permission.
52. The consultation response from Highland Council’s **Contaminated Land** section refers to records which indicate that part of the site has a historic use as a petrol filling station and as such may have resulted in land contamination. Nonetheless, the proposed development is not considered to materially change the risk of potential contamination and a condition requiring further investigation of contamination issues is not therefore considered necessary. It

is however recommended that an informative is included on any decision notice, highlighting the potential contamination issues to the applicant.

53. Highland Council's **TEC Services, Roads Division** considered the proposal. In response to requirements stipulated by **TEC Services**, a number of amendments were made to the proposed site layout, including increasing the extent of car parking provision to serve each of the residential units, identifying specific lorry parking on the retail site and demonstrating the on site manoeuvres of lorries to access and exit the parking bays. **TEC Services** subsequently confirmed that the revised layout addressed the roads related requirements in relation to the residential element of the development, as well as a number of requirements in relation to the retail element.
54. Other comments on the retail element of the proposal confirm that parking provision is acceptable and within parking guidelines, but suggests that it would also be appropriate to include an element of secure cycle parking and the provision of some "parent and child" parking spaces. It is also recommended that the existing access at the site should be upgraded at its junction with the public road, and that provision should be made to provide pedestrians and cyclists with an access separate from vehicular traffic. Conditions are also recommended regarding drainage, street lighting, and the provision of bin collection points. It is also suggested that the developer should "contribute financially or in kind towards any improvements to local services deemed necessary by the Transport Officer."
55. Highland Council's **Housing Section** was consulted in respect of the housing element of the proposal. The response confirms that discussions have taken place with the applicant about how the project could deliver affordable housing. Highland Council is not in a position at this time to purchase any of the proposed units and discussions have instead focused on an alternative method of delivery, in the form a leasing arrangement. The response from the **Housing Section** details the nature of the leasing arrangement –
 - The properties would be constructed by the developer to an agreed standard;
 - On completion the 5 properties would be leased to the Council under the Council's Residential Leasing Scheme;
 - During the period of lease the Council would let the units in accordance with the Council's own allocations policies;
 - The Council would accept the common areas relating to the residential development as part of the lease; and
 - The lease period would be for a minimum of 10 years.
56. The proposal has been considered by **Planning Gain** officials and it is recommended that developer contributions are provided towards community facilities,¹⁰ playing fields, ancillary sports facilities and access improvements.

¹⁰ Community facilities generally include public halls, community centres and libraries.

57. In a response from the CNPA's **Economic Development** advisors it is noted that the development generally has the potential to improve the availability and choice of food on sale in the settlement for residents and visitors. Specific comment has been made on two aspects of the proposal – loss of the existing visitor attraction and the proposed retail element of the development. In terms of the loss of Waltzing Waters, it is noted that it has been a popular visitor attraction for over twenty years, providing a wet weather alternative and also attracting coach tours and a range of audiences. The loss of the facility is described as regrettable, but it is considered unlikely to impact on the overall visitor numbers to the area.
58. The **Economic Development** advice notes that the re-development of the proposed site provides a good opportunity to improve the visual impact that the existing building and car park have on the settlement. In providing residents with greater choice and availability of products, it is considered to have the potential to add to the economic vitality and viability of the settlement. With reference to the potential associated closure of the existing Co-Op premises on the Main Street in Newtonmore, some concern is expressed about possible empty premises and the potential adverse impact on the village. It is suggested that there is a need to find a means of ensuring that the vacated site would be maintained and marketed to ensure prompt and appropriate re-development.
59. Comment is also made on the proximity of the proposed site to the existing Balavil Sport Hotel. While it is acknowledged that improvements to the Waltzing Waters site could improve the appeal of the hotel and the visitor experience in the wider settlement, some concern is expressed that the hotel and the experience of its customers could be negatively impacted by late / early delivery noise. It is suggested that limited delivery / operational hours in the loading bay should be considered, as well as ensuring that any lighting at the site is sympathetic to the hotel and guest bedrooms.

REPRESENTATIONS

60. The planning application was advertised in the Strathspey and Badenoch Herald on 18th June 2011. Three letters of representations have been received. Copies are attached to the rear of the report and the following is a summary of the points raised.
61. Mr. William Forrest of Church Terrace, Newtonmore has no objection to the proposed residential development but raises a number of concerns in relation to the retail element of the proposal. Reference is made to the location being a residential area and it is suggested that the change of use to retail is not appropriate as the Co-Op development would not operate within normal retail hours. Concern is raised regarding noise, resulting from longer opening hours than Waltzing Waters currently operates on site, as well as “delivery lorries, huge increase in traffic and the numbers of young people which gather around the Co-Op.” Various points are raised in relation to access and traffic concerns, including reference to current delivery practises at the nearby Balavil Hotel and Bar. Mr. Forrest suggests that Balavil Brae is “far too narrow for the

proposed development.” Concern is also expressed about potential increases in traffic speeding along Church Terrace and reference is also made to Church Terrace being part of a designated school route to the primary school. The author also makes reference to shopping preferences and patterns and suggests that “it seems crazy to add yet another supermarket.”

62. In a letter from Mr. Brian Hunt of Main Street, Newtonmore, the main point of concern is in relation to the works proposed at the bus stop on Main Street boundary of the site. There is concern that the proposed alterations to the position of the bus stop infrastructure¹¹ would restrict the visibility of the neighbouring property and give rise to access difficulties when entering or leaving the private drive. An alternative position is suggested further along in the site. Mr. Hunt considers that “it would certainly be better to have the bus shelter off the pavement.”
63. The third representation is from Mr. Chris Robinson of Braeside Place, Newtonmore. He is generally in agreement with the provision of residential accommodation to the rear of the existing building, but has reservations regarding parking and vehicular access arrangements. Mr. Robinson suggests that the proposed layout would fail to achieve required visibility splays and on site car parking and manoeuvring and would cause a bottleneck at this position.

CNPA response to representations

64. Various amendments have been made to the proposed layout, to address concerns regarding car parking, access issues and the impact of the proposed repositioning of the bus stop. The increased car parking provision and the access and exit arrangements to serve the proposed residential properties on Church Terrace is considered acceptable by Highland Council’s **TEC Services** division. Similarly, the identification of dedicated on site lorry parking (and details showing the manoeuvres to enter and exit that area) has been deemed acceptable by **TEC Services**.
65. Amendments have also been to the proposed repositioning of the bus stop. The bus shelter was originally proposed on the outer edge of the site, immediately adjacent to the public footpath. In order to ensure that the structure would not impact on the visibility of users of the adjacent access serving Glenavon House and Glenavon Cottage, the bus shelter is now shown in an amended positioned, set further back from the footpath, to the rear of the associated hard standing area.

APPRAISAL

66. The proposed change of use of the existing Waltzing Waters building to a mixed use development of retail and residential should be considered in the context of relevant planning policy, the appropriateness of the two components of the proposal in this location, and the associated impact of the development on the surroundings.

¹¹ The representation refers to the original proposal for the bus stop revisions.

67. Relevant planning policy has been detailed in paragraphs 18 - 50 of this report. The site is one of a very small number of a substantial size sites along the Main Street of Newtonmore, which would be capable of accommodating a retail development of the size proposed. Its identification as 'white land' within the settlement renders it suitable for a number of uses. Given its commercial history (in use by Waltzing Waters for over two decades, and prior to that as a filling station), the current proposal for a mix of retail and residential development is acceptable in principle. The location of the proposed retail development is consistent with national planning policy (Scottish Planning Policy) on town centres and retailing, which requires retail and other commercial development to be accessible by walking, cycling and public transport.
68. The commercial area of Newtonmore has developed along a lengthy Main Street, and although further north than the existing Co-Operative shop in the village, the subject site can nonetheless be considered to be part of the village core. As such, the development of a new retail facility in this location is consistent with national aspirations to support a successful town and village centres. The size of the proposed retail facility, in comparison to the existing smaller Co-operative, has the potential to accommodate a significantly increased range and supply of goods, thereby meeting the retail demands of the local population and encouraging the retention of their business within the village. The proposed site also has the advantage of providing on site car parking, as well as it's immediate proximity to an existing bus stop. This may be of assistance in alleviating traffic congestion which is often evident in the environs of the existing Co-Operative.



Fig. 9: Existing Co-Operative retail unit

69. The proposed development is also consistent with CNP Local Plan policy which is supportive of business development which is compatible with existing business uses in the area – in addition to the commercial history of the site, it is also adjacent to other commercial facilities, including the Balavil Sport Hotel to the west and a number of Bed and Breakfast establishments to the south and east. The residential element of the proposal is also compatible with surrounding development, with Church Terrace being occupied by a variety of residential property types. The introduction of residential accommodation has the potential to significantly enhance the Church Terrace area of the site from

its existing appearance, where the rear of the existing Waltzing Waters building has a particularly industrial appearance.

70. Local Plan policy on retail development (policy 26) requires the development would add to the economic vitality and viability of the village centre. Supporting information refers to the Co-Operative groups' research verifying a demand for a larger store in Newtonmore, and the associated expectation that this would retain consumers in the village. The comments from the CNPA's Economic Development advisors concur with this, noting that the retail development has the potential to improve the availability and choice of food on sale in the settlement for residents and visitors. The closure of Waltzing Waters is not considered likely to have a significant impact on overall visitor numbers to the area.

71. Given the significant size of the site within the Newtonmore settlement area and having regard to its multiple road frontages, including its principle frontage on the Main Street, the site could be considered to have the potential to accommodate a new development which would significantly enhance the streetscape and overall landscape quality of this area of Newtonmore. Initial pre-application discussions instigated by the site owner focused on the owners desire to introduce a new single use on the site – either retail or residential. Efforts were made by CNPA officials in the course of those discussions to encourage a complete redevelopment of the site, to develop a new building that would enhance the streetscape and also offer the possibility of accommodating dual functions of retail and residential. The site owner re-considered the proposal and ultimately decided to introduce a mixed retail and residential development. However, he remained reluctant, primarily due to commercial factors, to develop a new building and instead expressed a strong preference to accommodate retail and residential development within the shell of the existing building. This could perhaps be considered a lost opportunity to create a stronger streetscape along this area of the Main Street. Nonetheless, the current proposal must be assessed on its own merits. Reference has been made in the foregoing paragraphs to the visual improvements that would result on Church Terrace from the conversion of the rear of the existing building to residential units. Many features in the one and a half storey terraced units reflect traditional architectural elements commonly found in the area, including the pitched roof dormers and timber clad front entrance porches. In addition, the proposed development of a landscaped communal open space area to serve the residential properties will be a significant enhancement of the currently unused north western corner of the site (at the junction of Balavil Brae and Church Terrace).

72. The alterations proposed to the front elevation of the Waltzing Waters building as part of its change of use to a Co-Operative food store provide some opportunity to disguise the industrial appearance of the existing structure. The creation of window openings in the front elevation as well as the introduction of areas of timber cladding are all welcome improvements. Further enhancement of the existing structure could be achieved through relatively minor amendments to the proposed finishes, for example, alternative treatments to the current proposal to retain the exposed blockwork

appearance on the east, west and part of the south elevations. Amendments to the external finish of the building could be achieved through the inclusion of a condition in the event of the granting of planning permission.

73. In addition to the physical alterations to the building, the various landscaping works proposed on the site, including areas of planting interspersed between groups of car parking bays have significant potential to soften the impact of the extensive area of hard surface car parking between the building frontage and the Main Street. Potential also exists for further enhancement of the site, for example through the introduction of additional landscape elements, including in the vicinity of the prominent retaining wall and around the eastern perimeter of the proposed goods delivery area. A belt of screen planting in this area would deliver several benefits, including a partial screening of the delivery area, which could also be of assistance in minimising noise associated with delivery activity, and would minimise the visual impact of this area of the development as viewed from the adjacent Balavil Sports Hotel. The existing condition of the boundary wall on the southern and eastern site perimeter could also benefit from some improvement works. Again, these are all matters which could be addressed through the use of appropriate conditions.
74. In addition to the physical improvements resulting from the development of the five residential units in Church Terrace, there are significant social benefits. The units would meet a demand for affordable housing in the area, with Highland Council agreeing to lease the units through the Council's Residential Leasing Scheme. The lease arrangement would be for a minimum period of 10 years, and there may be the possibility of the contract being 'rolled over' at the end of that period. The latter cannot be guaranteed at this stage. Given the current economic climate, the delivery of 100% of the proposed dwelling units as affordable, for a minimum period of 10 years, is considered beneficial and would go some way towards addressing affordable housing demand.
75. In conclusion, the change of use of the existing building from a commercial tourism development to retail and residential use is acceptable. It delivers a solution for the site which will avoid the potential dereliction of the premises upon the planned closure of Waltzing Waters in the coming weeks. The development would deliver the dual benefits of providing enhances retail services for residents and visitors to Newtonmore and the surrounding area, as well as meeting a demand for affordable housing. The retrofitting and conversion of the rear of this industrial type building to a terrace of residential properties is particularly innovative, while the overall project has the potential to enhance the vibrancy and vitality of the settlement of Newtonmore.

IMPLICATIONS FOR THE AIMS OF THE NATIONAL PARK

Conserve and Enhance the Natural and Cultural Heritage of the Area

76. The subject site is essentially a brownfield site, which has accommodated a commercial tourism facility for the past two decades. The proposed change of use involves limited external alterations to the premises and raises no issues in terms of the natural or cultural heritage of the area. The proposed works

include the addition of new areas of landscaping around the site, which could be considered to offer some enhancement of the natural heritage of the area.

Promote Sustainable Use of Natural Resources

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

Promote Understanding and Enjoyment of the Area

78. Waltzing Waters, the existing business at the site, has attracted a significant number of visitors during its two decades of operation and its closure will eliminate a unique tourist facility from the area. However, due to the personal choice of the owner, Waltzing Waters is scheduled for closure at the end of August 2011, and the loss of the facility cannot therefore be attributed to the current development proposal.
79. The development of a larger retail facility to serve the village and surrounding area could be considered to assist users in enjoying the area, without the need to travel greater distances for daily shopping requirements.

Promote Sustainable Economic and Social Development of the Area

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

RECOMMENDATION

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

(a) the completion of a Planning Obligation agreement to secure the payment of developer contribution towards community facilities, playing fields, ancillary sports facilities and access improvements OR the payment of the required developer contribution in advance of the release of the decision notice;

AND

(b) subject to the following conditions :

1. The development to which this permission relates must be begun within three years from the date of this permission.

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

2. The five residential units on Church Terrace shall be provided and retained as affordable housing units for a minimum period of 10 years, regulated by a lease arrangement with Highland Council under the Residential Leasing Scheme. Prior to the first occupation of any of the residential units or within three months of the granting of this permission, whichever is the sooner, evidence of a contract between all relevant parties for the provision of and future maintenance of the affordable housing element on the site, shall be submitted for the written agreement of the CNPA acting as Planning Authority.

Reason: In the interests of securing affordable housing provision.

3. The following roads related requirements shall be achieved in respect of the residential element of the development :

(a) Each access for the new residential development shall be constructed across the existing footway in accordance with drawing no. SDB3 of the "Access to Single Houses and Small Housing Developments" document;

(b) Each vehicular access shall be hard surfaced from the rear edge of the adjacent footway;

(c) Any gates provided shall open into the properties only;

(d) Visibility splays shall be provided and maintained on each side of each access at its junction with the public road. These splays are the triangles of ground bounded by the first 2.4 metres along the centreline of the access (the X dimension) and the nearside edge of the public road (the y dimension) measured a minimum of 40 metres in each direction from the intersection of the access with the public road;

(e) Within the visibility splays nothing shall obscure visibility between a driver's eye height of 1.0 metres positioned at the x dimension and an object height of 1.0 metre anywhere along the y dimension;

(f) Nothing shall be established within the site to conflict with the visibility splay which currently exists at the junction of Church Terrace.

Reason: In the interests of traffic and pedestrian safety.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

The landscaped areas shall be maintained in perpetuity in accordance with the detailed maintenance schedule/table. Any trees or shrubs removed, or which

in the opinion of the CNPA acting as Planning Authority, are dying, being severely damaged or becoming seriously diseased within three years of planting, shall be replaced by trees or shrubs of similar size and species to those originally required to be planted.

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

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

Reason: In the interests of minimising the visual impact of the development.

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

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

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

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

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

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

Advice notes:

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

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10 August 2011

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