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## CAIRNGORMS NATIONAL PARK AUTHORITY

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### **DEVELOPMENT PROPOSED:**

Erection of 28 apartments with associated works (amended design) at Development Site On Former Filling Station Grampian Road Aviemore Highland

**REFERENCE:** 2018/0043/DET

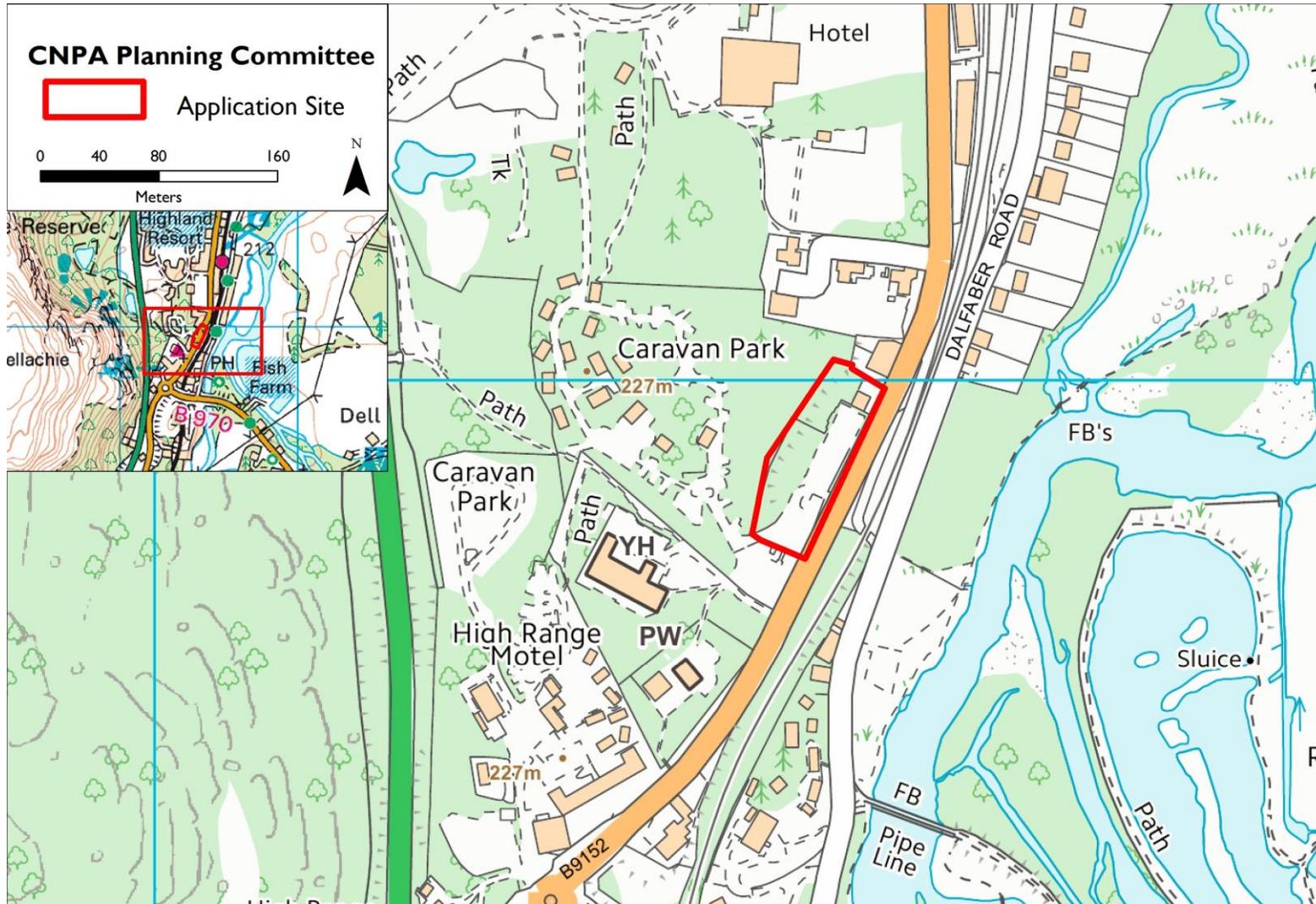
**APPLICANT:** Cairngorm Residential Ltd

**DATE CALLED-IN:** 25 January 2018

**RECOMMENDATION:** Refuse

**CASE OFFICER:** Katherine Donnachie, Planning Officer

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## SITE DESCRIPTION, PROPOSAL AND HISTORY

### Site Description

1. The proposed site is located to the west of Grampian Road in the southern part of Aviemore and on the main approach into the settlement from the south. To the south west is the Youth Hostel set back from the public road and to the west is the grounds of the Aviemore Highland Resort, with woodland within that complex separating the site from the holiday lodges of the wider resort.
2. On the opposite (east) side of the public road is the Perth- Inverness main railway line, and immediately to the north of the site is a single storey chip shop building with housing at Grampian Court further north. This housing ranges in height from 2 ½ storey at the front to 3 storey at the rear.
3. In the wider area to the south is the main roundabout entrance to Aviemore with the B970 road branching off south east to Coylumbridge and Rothiemurchus. A recently approved hotel is under construction at this corner entrance on the east side of Grampian Road to the north of the roundabout. The existing High Range motel is located to the south set back from the public road.
4. The site was previously occupied by a filling station until the 1990s along with an outdoor shop/cafe building in the northern part of site which was recently demolished. There are two access points to the site at present. The northern entrance provided access and parking to the former café/shop business and the southern entrance serves access to informal parking areas and to the southern end of the Highland Resort to the west.
5. The site is level at the front beside Grampian Road with a wooded embankment to the rear (west) separating the site from the Aviemore Highland Resort landholding. The woodland on the banking is listed in the Ancient Woodland Inventory, though much of the embankment appears to have been re-graded in the past with natural regeneration seeded from the Highland resort site establishing much of the tree cover on the application site. The trees within the Highland Resort land holding are covered by a Tree Preservation Order. There is a small island of trees in the middle of the proposed site on the level part fronting Grampian Road.

### Proposal

6. 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/applicationDetails.do?activeTab=summary&keyVal=P3DFITSI0BY00>

Title	Drawing Number	Date on Plan*	Date Received
Site Plan overmarked with previous proposals	0602016/A002 revision Q	09/11/18	

**CAIRNGORMS NATIONAL PARK AUTHORITY**  
**Planning Committee Agenda Item 5 22/03/2019**

<b>Title</b>	<b>Drawing Number</b>	<b>Date on Plan*</b>	<b>Date Received</b>
Street elevations overmarked with previous proposals	0602010/A0010 revision D	09/11/18	
Overview Planning Statement by Rydens		Nov 2018	
Proposed Floor Plans - Block A Floor Plans	0602018/A 100 Revision D	04/10/18	
Proposed Floor Plans - Block B Floor Plans	0602016/A 101 Revision D	06/03/17	
Proposed Floor Plans - Block C Floor Plans	0602016/A 107 Revision A	04/10/18	
Proposed Floor Plans - Block D Floor Plans	0602016/A 108	Nov 17	
Proposed Elevations - Block A Elevation Plan	0602016/A 200 Revision E	01/11/18	
Proposed Elevations - Block B Elevation Plan	0602016/A 201 Revision E	01/11/18	
Proposed Elevations - Block C Elevation Plan	0602016/A 203 revision B	01/11/18	
Proposed Elevations - Block D Elevation Plan	0602016/A 204 Revision B	01/11/18	
Street Elevations with and without forest to rear of site	0602010/A0010 revision C	08/11/18	
Car Port Section	0602016/A 301 Revision C	13/04/18	
Plan - Refuse Building Plan	0602016/A 400 Revision B	01/11/18	
Location Plan - Location Plan	0602016/A 001B	05/02/18	Needs updated new layout
Site Plan - Site Layout Plan	0602016/A 002 Revision P	01/11/18	
Landscaping - Tree Constraints Plan	0602016/A 005 Revision J	01/11/18	
Tree Protection Plan	0602016/A 006 Revision D	01/11/18	
Sections - Cross sections A-A and B-B	0602016/A 302 Revision D	04/10/18	
Sections - Cross Section C-C and D-D	0602016/A 303 Revision A	04/10/18	
Infrastructure - Road Layout Plan	902 REV 3	21/11/18	
Infrastructure - Kerb Layout Plan	903 Rev 3	21/11/18	
Infrastructure - Swept Path Analysis	904	05/02/18	
Infrastructure - Drainage Layout Plan	905 Rev 2	21/11/18	
Infrastructure - Road Construction Details Sheet I	906 REV I	05/02/18	
Infrastructure - - Road	907 REV I	05/02/18	

Title	Drawing Number	Date on Plan*	Date Received
Construction Details Sheet 2			
Landscaping - Topography Plan	CTCH-1544-001 REV A	05/02/18	
Landscaping – soft landscaping proposals	HLD K319.17/SL-01 REV E	01/11/18	
Soft Landscape Management and Maintenance Regime		01/11/18	
Management of Woodland Integrity Statement		20/12/19	
Other - Bat and Bird Survey		05/02/18	
Other - Design Statement		Updated Nov 18	
Developer Contributions Affordable Housing Allocation			
Other - Red Squirrel Survey		05/02/18	
Other - Soil Gas Survey Report		05/02/18	
Tree Survey Assessment and Arboricultural Implications Assessment		28/10/18	
Other - Tree Survey Arboricultural Assessment		05/02/18	
Other - Tree Survey Arboricultural Assessment appendix III		05/02/18	
Other - Drainage Statement		05/02/18	
Developer Contributions Affordable Housing Allocation			01/06/18
Agent's Response to Forestry Comments and Visualisations			27/02/19
Agent's Response to Consultation Comments			13/02/19

\*Where no specific day of month has been provided on the plan, the system defaults to the 1<sup>st</sup> of the month.

7. This application seeks permission for the erection of twenty eight residential units arranged in four separate blocks as shown in the site plan attached as **Appendix I Plans**. When the application was originally submitted it was proposed to erect 32 units within four blocks.
  
8. Following ongoing discussions over a protracted period (and in response to concerns raised by the Planning Service regarding the scale of the proposals and the impact on trees) a complete package of revised plans and information was submitted by the end of December 2018. These revisions reduced the scale of two of the originally proposed blocks (Blocks A and C) by a storey each, resulting in loss of four units and a reduced car parking requirement whereby a group of existing mature Scots pine trees in the south west of the site are now proposed for retention, with a new retaining wall to the rear of the new housing now proposed to be built in short sections, using sheet piling, to minimise disturbance to the bank and trees to the rear

(west) of the site. Plans showing the changes compared to the original submission are contained in **Appendix I - Plans**.

9. Block A is now a 3 ½ storey (top storey attic accommodation) block of six flats as compared to eight before. Block B is a 4 ½ storey block of six flats unchanged from previous submission other than fenestration and detailing changes. Block C is a 3 ½ storey (top storey attic accommodation ) block of six flats as compared to eight before, and Block D is a 4 ½ storey block of six flats unchanged from previous submission. Elevations of the proposed units are included in **Appendix I – Plans** and these include glazed entrance areas. All units will be accessed from the rear (west) where the entrance doors will be located. Proposed finishes are roof tiles, white render walls, timber effect fibre cement cladding and aluminium clad timber windows.
10. Grass roofed car parking/car port areas including vertical rack bike storage is proposed to the rear (west) of the flats cut into the wooded embankment with a retaining wall of just over 4 metres high proposed to contain this proposed parking areas. It is intended that this grassed area will provide a visual transition to the woodland behind as well as amenity provision for residents and ecological benefits. Sections showing this are included in **Appendix I - Plans**. Covered bin storage is also proposed to the rear of the flats and bin collection will be privately factored. A total of 43 parking spaces will be provided at the rear of the flats including the covered parking. This will be accessed via a centrally located upgraded access point onto Grampian Road. Provision is proposed for visitor bicycle storage.
11. It was originally proposed to provide a biomass heating building also, but that has been removed and electrical storage heaters and passive solar gain from the south facing elevations are proposed instead together with building to modern energy efficiency standards.
12. Surface water will be disposed of through a system of soakaways under roads and under open space within the site. Connection is proposed to public water and drainage supplies and the applicants have had initial discussions with Scottish Water in this regard.
13. There is no affordable housing proposed on the site. Instead it is proposed to provide off site affordable housing at Sluggan Drive off Dalfaber Drive in Aviemore. A supporting document from the applicants explains that the Highland Council Housing Service agreed in 2017 to accept an overprovision of affordable on that site as being on off-site contribution for the 25% required from this development. The Highland Council preferred to have cottage flat units at Sluggan Drive than flats at this site.
14. The revised submission was duly re-advertised, neighbours and interested parties re-notified and relevant consultees re-consulted in January 2019.
15. The revised submission included the following material:
  - a) Overview planning statement explaining the planning history of the site and how the development has evolved in response to issues raised by the

Planning Authority. This statement is attached in **Appendix 2 - Applicants' supporting information.**

- b) Tree Protection Plan- outlining that of the 370 trees surveyed on the site 159 will be retained and 211 removed. A tree constraints plan detailing the quality of trees has also been submitted, together with a Tree Survey and Arboricultural Implications Assessment.
- c) Woodland management statement.
- d) Design Statement which includes explanation of the history of the previous commercial uses on the site and how the applicant has approached the design on this constrained site.
- e) Developer Contributions Affordable Housing Allocation statement.
- f) More recently a statement responding to concerns from consultees on tree retention issues. This outlines proposals to protect trees during construction of the retaining wall for the car port and sets out proposals for compensatory planting near Kingussie to compensate for tree loss. This statement is attached in **Appendix 2: Applicants' supporting information.**

## History

16. Planning history for the site includes:
- a) The excavation and regrading of bank slope, (withdrawn) 97/00048/FULBS.
  - b) Outline application for 'drive through' fast-food retail, refused by Local Authority (98/00117/OUTBS on the basis that it represented unacceptable overdevelopment, in particular the earthworks to the slope which would have resulted in the loss of mature and regenerating trees with inadequate space left for replacement tree planting.
  - c) Outline planning permission granted for (04/414/CP) the erection of a retail unit and 8 flats on the central part of the current application site in January 2006 by the CNPA following revisions to address parking concerns and to address how to minimise impacts on slope and trees.
  - d) Erection of 8 flats and retail development -Approval of Reserved Matters approved by CNPA (06/086/CP) in June 2006 for development of timber clad stepped buildings on the site.
  - e) Application under section 42 to vary condition 1 of planning permission reference number 06/0062/FULBS (CNPA Approval 06/086/CP) to extend the above approval by 15 months (10/413/CP) Consent was granted by the CNPA and a further application to extend the time period by three more years was granted in May 2012 (2012/00050/DET) This has since expired.
  - f) Erection of 32 No. Apartments arranged in 4 four storey blocks with associated parking, community heating and power unit including new access onto Grampian Road was withdrawn in order to address concerns raised by officers and consultees (2017/0198/DET).
  - g) Pre application advice was also provided in 2016 by the Highland Council with input from the CNPA advising that the site was considered suitable for residential development in principle.

## DEVELOPMENT PLAN CONTEXT

### Policies

<b>National Policy</b>	Scottish Planning Policy 2014 Creating Places Designing Streets	
<b>Strategic Policy</b>	Cairngorms National Park Partnership Plan 2017 - 2022	
<b>Local Plan Policy</b>	Cairngorms National Park Local Development Plan (2015) Those policies relevant to the assessment of this application are marked with a cross	
POLICY 1	NEW HOUSING DEVELOPMENT	<b>X</b>
POLICY 2	SUPPORTING ECONOMIC GROWTH	<b>X</b>
POLICY 3	SUSTAINABLE DESIGN	<b>X</b>
POLICY 4	NATURAL HERITAGE	<b>X</b>
POLICY 5	LANDSCAPE	<b>X</b>
POLICY 6	THE SITING AND DESIGN OF DIGITAL COMMUNICATIONS EQUIPMENT	
POLICY 7	RENEWABLE ENERGY	<b>X</b>
POLICY 8	SPORT AND RECREATION	
POLICY 9	CULTURAL HERITAGE	
POLICY 10	RESOURCES	<b>X</b>
POLICY 11	DEVELOPER CONTRIBUTIONS	<b>X</b>

17. 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>
18. The site is located within the Aviemore settlement statement as contained in the 2015 Cairngorms Local Development Plan and has no specific designation. The supporting text to the settlement statement outlines that within the village residents would like to bring nature into the built environment and improve the public realm with a stated objective being to improve the environment of the village with more landscaping and enhancements to the public realm. General design guidance is provided which highlights that new development should ensure that the quality of the surrounding woodland valuable habitats is not compromised and this should include improvements to the woodland setting and structure for Aviemore. The need to reflect existing housing development in terms of positions, density and scale is also highlighted.
19. Land directly adjacent to the west of the application site is included in the approved Aviemore Highland Resort (AHR) Development Brief which sets out that this area forms part of green networks and linkages. The guidance for this piece of the resort landholding highlights that woodland is a key structural element in the AHR landscape and Aviemore as a whole, with opportunities to retain and expand

woodland to be maximised wherever possible particularly where it would enhance and connect the network of green spaces throughout the site and support biodiversity. The current application site is noted on the overview plan as a potential mixed development area adjoining the AHR site.

20. The CNPA is currently consulting on the Proposed Local Development Plan 2020 and at present this has no additional materiality with regard to decision making for this current application.

### **Planning Guidance**

21. Supplementary guidance also forms part of the Local Development Plan and provides more details about how to comply with the policies. Guidance that is relevant to this application is marked with a cross.

Policy 1	New Housing Development Non-Statutory Guidance	<b>X</b>
Policy 2	Supporting Economic Growth Non-Statutory Guidance	<b>X</b>
Policy 3	Sustainable Design Non-Statutory Guidance	<b>X</b>
Policy 4	Natural Heritage Supplementary Guidance	<b>X</b>
Policy 5	Landscape Non-Statutory Guidance	<b>X</b>
Policy 7	Renewable Energy Supplementary Guidance	<b>X</b>
Policy 8	Sport and Recreation Non-Statutory Guidance	
Policy 9	Cultural Heritage Non-Statutory Guidance	
Policy 10	Resources Non-Statutory Guidance	<b>X</b>
Policy 11	Developer Contributions Supplementary Guidance	<b>X</b>

## **CONSULTATIONS**

### **Summary of the main issues raised by consultees**

22. **Network Rail** confirm that there are no impacts on railway infrastructure and have no comments.
23. **Scottish Natural Heritage** was consulted in relation to any potential impacts on NATURA sites and SSSIs in the area and have advised that there are natural heritage interests of international importance close to the site, namely Kinveachy and Cairngorms Special Protection Areas designated for their breeding Capercaillie interests. They consider that the proposals are likely to have a significant effect on these interests whereby it is necessary for the Planning Authority to undertake an Appropriate Assessment of the impacts.
24. To assist with this work SNH advised that in their opinion the development will not adversely affect these interests in view of the small scale of the development in relation to the population of Aviemore as a whole; the small increase in visitors compared to numbers already recreating in the area; the location within Aviemore in an area already well used by visitors; and the existing provision of suitable recreational routes which avoid sensitive habitats in the area which are easily accessible from the development.

25. **Scottish Water** was consulted and has not responded to date.
26. **Royal Society for the Protection of Birds (RSPB)** was consulted by the Local Authority and advised that they had no view on the merits of the proposal. However they wished to highlight that the proposed development is within convenient walking, cycling and driving distance of several woods that support Capercaillie whereby it could lead to increased recreational usage with potential for disturbance to Capercaillie. The Society has highlighted its concern regarding cumulative impacts of housing developments in Speyside and consider it is necessary for a Habitats Regulation Appraisal to be undertaken to determine the impacts on the conservation objectives of the designated sites.
27. **Highland Council Environmental Health** was consulted in view of the original proposal for biomass unit – no response has been received to date and this element of the development has now been removed.
28. **Highland Council Flood Risk Management Team** initially objected due to the lack of information with regards to the management of surface water. On receipt of further information the Team advised that they accept the proposed drainage design on the basis that the designer is satisfied that the tests were undertaken correctly as there is limited information in this regard. Conditions are requested to secure (1) supporting calculations to demonstrate that sufficient storage to accommodate the 1 in 200 year climate change event is being provided and (2) details of the named factor and maintenance for the drainage system.
29. **Highland Council Forestry Officer** commented on the original submission highlighting that a tree protection plan would be required, and raising concern that the layout did not take account of existing woodland with the tree survey completed after the design was finalised. The scale of woodland loss (greater than 0.1ha) meant that the Scottish Government's Control of Woodland Removal Policy applied which presumes in favour of protecting woodland, with removal only permitted where it would achieve significant and clearly defined additional public benefits and compensatory planting provided.
30. On submission of additional information the Officer highlighted a number of points of lack of clarity in the submission. The officer noted that out of the 376 trees identified in the surveys, only 46 were to be retained and these did not appear to be the best quality trees but rather were in positions where they could be retained whilst better quality trees were to be removed to facilitate the development. Concern was also raised that felling of larger pines within the site would expose many of the retained pines together with other trees outwith the site and lying within the boundary of the Tree Preservation Area to the west in the Macdonald Resort landholding. No compensatory planting is proposed other than within the site and the works required for the retaining wall at the rear of the site would almost certainly result in more tree loss.
31. The officer concluded that the proposal would have a highly significant effect on existing trees/woodland on site, an adverse impact on the landscape with replanting proposals inadequate to compensate for proposed tree loss. Furthermore concern was raised that the proposals would impact on the overall integrity of the woodland

which is listed in the ancient woodland inventory and do not protect and enhance ancient semi natural woodland as required by policy. The officer therefore recommended that the scale of woodland loss be greatly reduced to retain mature Category A and B pine trees and identified on plan the area considered to be developable on site.

32. A site meeting was held with the applicants, the Forestry Officer and CNPA staff to discuss how these concerns could be addressed and the applicants submitted the revised submission which is now being considered. At this time the applicants were asked to reconsider the layout with a view to protecting trees, minimising tree loss and providing sufficient compensatory and mitigation planting, together with details of how they intended to deliver the development without adverse impacts on trees particularly in relation to construction of the proposed retaining wall within the woodland slope.
33. The Forestry Officer has considered this revised submission and concluded that it still fails to address the concerns raised. The Officer has highlighted that out of the 370 trees surveyed 211 are to be removed i.e. 57% which still represents a significant impact on the integrity of the woodland. Construction work is also proposed within the root protection areas of a further 35 trees and one outwith the site. No clear details have been provided as to how these trees will be satisfactorily protected and the officer remains concerned that they will not survive particularly given the level changes between the trees and the retaining wall structure where the land slopes.
34. The supporting site sections do not illustrate excavation required behind the wall or how it will be constructed to ensure no adverse impacts on existing trees. It is also highlighted that given the significance of the potential loss and the scale of the retaining wall an arboricultural method statement should have been supplied as was sought from the outset. The Officer also notes that the material has highlighted that 22 of the trees to be retained are in poor condition, have potential for remedial management but their removal may be necessary in the future. Accordingly the officer considers that there is potential for up 268 of the trees ending up removed.
35. The officer has concluded that whilst some efforts have been made to minimise tree loss this has not been successful and the proposals are considered to be overdevelopment which will have an adverse impact on a significant area of woodland listed in the ancient woodland inventory, as well as upon the edge of the retained woodland. Accordingly the Officer continues to object to the application.
36. **Highland Council Housing Team** was consulted in relation to the proposed arrangements for delivery of affordable housing. To date no response has been received.
37. **Highland Council Contaminated Land Team** advised that the soil/gas report submitted is insufficient to support the application and a full site investigation is required. If the application were approved a planning condition is required to secure this and any remediation required.

38. **Highland Council Transport Planning Team** initially raised concerns regarding cycle provision, disabled parking provision, pedestrian links through the site boundary wall to promote connectivity, waste management provision and made comment on the detail of the roadside footway and lighting.
39. The Team has been re-consulted on the revised submission and advise that visitor cycle provision has not been clarified and needs to be located outside or near the main building entrance. Residential cycle provision also requires to be clarified in terms of the accessibility of the vertical cycle rack facility proposed. Parking provision is adequate subject to clarification on the configuration of the disabled parking space and pedestrian access point should be provided within the boundary wall. The team have also commented in relation to footway and lighting arrangements and will require further bin provision in the future if the applicants private bin collection arrangements do not continue and the Council is expected to pick up bins. The Team conclude that they have no objection subject to these issues being resolved.
40. **CNPA Outdoor Access Team** initially sought details of how the development would link with, and contribute to, active travel improvements as part of the Active Aviemore initiative, improve permeability through the site, and provide secure cycle parking.
41. The Team was re-consulted on the revised submission and note that whilst the development is centrally located with a range of active and sustainable travel options, further detail on active travel has still not been fully addressed.
42. In order to help proactively promote and support active travel the Team recommend that a path link be provided at the northern end of the site to assist safe pedestrian movement and that a travel pack be provided to residents promoting more active/sustainable modes of travel.
43. **CNPA Ecology Officer** initially requested further information relating to bat and bird surveys, Arboricultural Impact Assessment and mitigation/compensation proposals, Construction Method Statement including details of tree protection and revised SUDS proposals.
44. The Officer was re-consulted on the revised submission and additional survey material provided and notes that there is no suitable bat roost potential. Pre-construction surveys will be required for squirrels and breeding birds.
45. Recommendations are made for improving the SUDS scheme to help provide habitat mitigation, amending the landscape maintenance plan to remove all references to weed killer and for changes to the proposed landscaping to improve its success on the ground. The Officer also highlights the lack of compliance with the control of woodland removal policy.
46. A Habitat Regulations Appraisal has been carried out in view of the potential for the development to impact upon Natura sites in the area in relation to the potential for the development to increase recreation levels in Special Protection Areas (SPA) in the area. This is attached as **Appendix 3**. The HRA concludes that the

development will not result in significant disturbance to Capercaillie and will not have a significant effect on any other conservation objective or upon the integrity of the sites. No mitigation is required.

47. **CNPA Landscape Officer** sets out that the site is highly prominent on the southern approach into Aviemore with the woodland surroundings framing views into the settlement. Whilst built elements at this end of Aviemore are an eclectic mix, the trees and woodland on both sides of the road have a unifying effect and contribute substantially to local character and the amenity of the general public including road users. This part of Aviemore, on the edge of the urban core, provides a visual experience of substantial gaps between the built form which reinforce the interplay between the townscape and wider landscape. This is an important characteristic which is sensitive to inappropriate change. The linear form of the site is enhanced by the underlying landform with the steep wooded slope on the western edge reinforcing the visual framing of the site.
48. The proposed development is not considered to respond positively to this townscape character and urban edge location due to its scale, form and placement, and would have an adverse landscape impact in its own right and in relation to the proposed tree loss. It is considered that the development itself will have a significant adverse visual impact when travelling along Grampian Road or by rail, where it will be experienced as one large block with any gaps between the blocks only experienced when viewing the development straight on.
49. The Officer concludes that the site has potential for development and due to its location on the principle route into Aviemore from the south (both road and rail) it has potential to enhance the area. The current proposal does not achieve this, and are considered to represent over-development of the site's capacity, particularly with reference to the density, scale, form, massing levels of amenity space, extensive earth works and tree loss which will result in an adverse impact on the landscape and townscape character. Accordingly a radical re-think of the development was recommended with recommendations made of key aspects to consider.
50. The officer was re-consulted on the revised submission and has noted the key changes in terms of reduction in number of units leading to a reduction in height of two of the blocks, reduced car parking allowing retention of three mature scots pine, replacing roofs of car port from sedum to grass and reduced tree removal from 330 to 211, together with increased tree and shrub planting.
51. Whilst these changes are considered to be positive they do not address the fundamental concerns raised regarding the scale and density of development and its impact upon the trees that characterise the site and contribute positively to the townscape and wider landscape character.
52. Key concerns can be summarised as:
  - a) Unacceptable loss of trees that currently characterise the site and contribute positively to its surroundings – the visual experience from Grampian Road would be large solid blocks dominating the streetscape with the visual experience of the scots pine that would remain substantially diminished.

- b) Inappropriate scale and massing of development which will visually dominate the sense of arrival into Aviemore - at present the surrounding townscape is characterised by a mixture of built forms relatively low in scale and modest in mass which allows the underlying landscape to visually dominate and frame the sense of arrival into this part of Aviemore.
53. The officer concludes that the amendments fall short of meeting the concerns raised previously. A more sensitive scheme could be accommodated on this 'key' site into Aviemore which conserves and enhances the townscape and landscape character and visual qualities of the site and its surroundings. This could be achieved through a design that responds to its context by reducing substantially the scale, form and footprint of the building and its associated facilities so that it can sit comfortably within the previously developed part of the site.
54. **Aviemore and Vicinity Community Council** consider that the site is a good one for infill development. However they objected to the original submission on the following grounds and request to be heard at Committee:
- a) Overdevelopment.
  - b) Out of scale noting that the development is incorrectly described as 4 storeys not 4 ½. No development of this scale in the area.
  - c) Development does not reinforce character of settlement or conserve and enhance its distinctive characteristics.
  - d) "Landscape" includes built elements of the landscape and Aviemore at this end is open, not built up. Development will not fit in with this and will be imposing with city like vista as opposed to the rural feel of the settlement.
  - e) Insufficient parking provision in area where parking is at a premium
  - f) Off-site affordable housing provision creates "them and us" situation with no details provided on location and management of the off-site provision.
  - g) Safety requirements must be met with biomass boiler provision.  
*Note Biomass is no longer proposed.*
55. The Community Council was re-consulted on the revised submission and has maintained their objection. Their comments are attached as **Appendix 4**. Their comments emphasise that the development is out of scale with other development in the area; the visual impact is misrepresented in the visualisations; and off-site affordable housing provision is already built before this has been agreed as an acceptable approach. The Community Council concludes that whilst the site is good one for housing, the scale of the proposed development is totally disproportionate to all other buildings in Aviemore and fails to reflect existing housing in terms of positions, density and scale, thus failing to comply with Local Development Plan policies.
56. The applicants' agent has responded to the concerns raised by consultees and in particular those relating to landscape impacts and this response is attached as **Appendix 2**, where they explain why in their opinion, the woodland loss is less significant than Forestry Officer states and how the development has been designed to reduce the dominant form by reducing size and scale, articulating blocks and using finishing forms and materials to further break down the mass of the buildings.

## REPRESENTATIONS

57. Two objections to the application were received when the application was first submitted and these are attached as **Appendix 5 (a)** These raise the following concerns:
- a) Application incomplete as no elevations of block A.  
*Note – elevations of block A have been provided.*
  - b) Application misleading as there are five storeys not four.
  - c) Proposed buildings will be two stories higher than any others in area apart from the Four Seasons Hotel. Highest other buildings in area are at Grampian Court, perpendicular to Grampian Road, and which are not prominent.
  - d) Southern entrance to Aviemore is pleasant and open – proposed development is out of character with this and would introduce a city feel.
  - e) The design statement inaccurately references an outdoor shop which was demolished in 2017.
  - f) Loss of pine trees including healthy ones – detrimental to environment and area where these trees are an important feature
  - g) Insufficient parking provision.
  - h) Proposal contrary to the Cairngorms National Park Local Development Plan (2015) policies as it is disproportionate to other buildings in the area, fails to reflect existing housing development in terms of position, density and scale.
  - i) Additional vehicle movements will be harmful to the environment and road safety.
  - j) Adverse impacts on wildlife in particular red squirrels through loss of trees
  - k) Flats likely to be used for holiday homes as opposed to for local residents so is not responding to local needs.
58. Following re-consultation of contributors on the revised submission one of the objectors submitted an additional letter which is attached as **Appendix 5 (b)**. This confirms that the objectors' concerns remain unchanged.

## APPRAISAL

### Principle

59. The principle of housing development within a designated settlement is well established by Policy 1: New Housing Development of the Cairngorms National Park Local Development Plan 2015. This sets out in Policy 1.1 Housing in Settlements that all new housing developments within settlements will be supported where they occur within a designated site or where they reinforce and enhance the character of the settlement maximising opportunities for infill, conversion, small scale development, use of derelict or underused land or the redevelopment of land. The proposed development, subject to design and layout, readily complies with these principles being located within the settlement boundary of Aviemore and reusing disused land located at a prominent entrance to the village. As such redevelopment of the site is greatly welcomed in principle. The provision of 28 new flat units would also make an effective contribution to Aviemore's housing market.

60. Also relevant in this case is Policy 2: Supporting Economic Growth which sets out in Policy 2.4 Protecting Existing Sustainable Economic Activity that proposals for the alternative use of sites or buildings currently in, or last used for, economic and employment purposes will only be supported where this promotes the sustainable use of land in accordance with other national and local policies and where it is satisfactorily demonstrated that it is not practical for financial and other reasons to continue with these uses; or the site and buildings are unsuitably located and impact adversely on the natural environment, local character or neighbouring properties; and/or the existing use can be appropriately relocated to another suitable site.
61. In this case the closure and removal many years ago of the filling station aspect and the previous consents on that part of the site indicated that the policy could be readily met with the filling station not financially viable at that time. Whilst the more recent demolition of the previous commercial building on the site (café/shop) has already been undertaken in advance of consideration of this application it is considered that the case for loss of this employment use on part of the site has been made within the applicant's design statement. This outlines the history of this commercial property, and explains that it was unable to be economically successful despite below market rentals being offered. It is also worth noting that in townscape terms the building was of little architectural merit whereby redevelopment would be welcomed.
62. In addition the site is extremely well located for new housing due to its proximity to the services and amenities of Aviemore with easy walking, cycling and bus links adjacent. As such the location is considered to be a very sustainable one complying with Policy 3: Sustainable Design of the Cairngorms National Park Local Development Plan 2015 which seeks to ensure that development is sited to make sustainable use of resources, in this case reusing a redundant site, as well as promoting sustainable travel methods.
63. Accordingly the principle of housing close to the village centre and bringing a vacant site back into use readily complies with policy. The key planning issues are the details of the design and siting of the proposals and this will now be considered.

## Landscape Impacts

64. **Policy 5:** Landscape of the Cairngorms National Park Local Development Plan 2015 presumes against development which does not conserve and enhance the landscape character and special qualities of the National Park and in particular the setting of the proposed development.
65. This western side of Grampian Road is characterised by a mix of building styles and scales with vegetated and wooded areas separating the various built areas, giving a green aspect to this southern entrance to Aviemore. This landscape setting is a strong component of the landscape character here. Buildings are set within the landscape, with the larger scale buildings at Grampian Court to the north designed to follow the slope of the land with open space adjacent. New development recently approved and under construction to the south for a new hotel at the main entrance

roundabout into Aviemore similarly follows the topography of the land, making use of the slope of the site to provide a four story rear to the building with three storey frontage.

66. The application site is characterised by a wide cleared area to the front (roadside) with wooded embankment to rear and a small group of trees within the site. This creates a strong, good quality landscape setting on this approach into Aviemore, with the cleared area presenting an obvious development opportunity in the setting of the woodland backdrop.
67. The scale of the development makes integrating it to the site a challenge. The car parking has been located to the rear of the site to avoid placing it on the Grampian Road frontage and to avoid moving buildings further to the rear of the site which would be likely to lead to greater woodland loss. The strip of flatter ground to the east of the site is significantly built up which leads to relatively thin strips of land being available for landscaping and amenity space to the Grampian Road side or between the blocks of flats to connect visually to the retained woodland to the rear of the site.
68. The applicants have put forward a case that it will be possible to retain more trees on the embankment through careful construction of the retaining wall and that tree loss can be mitigated by managing the remaining woodland, undertaking landscaping within the site and providing an area for compensatory planting elsewhere. Whilst there is some merit in this case there will still be significant tree loss all as highlighted by our technical advisors. In the absence of a fully detailed arboricultural method statement it is considered that there is insufficient evidence to demonstrate that the construction of the retaining wall can be undertaken without further damage to the trees proposed for retention to the west on the embankment. However, a detailed arboricultural method statement could be conditioned should the application be supported.
69. The applicants have proposed an area for woodland planting to compensate for the loss of trees on this site. The land proposed is within a parcel that is likely to be purchased through the A9 dualling proposals to deliver the southern exit of the Kingussie junction, so is unlikely to be a secure solution. However, the applicants do have other land in their control that could be offered for compensatory planting so this issue is not insurmountable should the proposal be supported.
70. In addition to the landscape impacts arising from the impact on trees, there is also the landscape impact arising out of the scale of the development itself. The applicants have explained in the submitted design statement that they consider the proposals will create a strong edge to Grampian Road and signify the start of the built up area of Aviemore with gaps between the housing blocks allowing for views to the wood banking reinforcing the idea of the development being set within the landscape.
71. However, it is considered that the scale of the proposed blocks of 3½ and 4 ½ storey housing will impact significantly on the wooded backdrop meaning it will no longer form the framing and setting for development, but instead dominate the landscape, creating an strongly urban feel to this approach into Aviemore and leading

significant adverse effects on the landscape character and townscape of Aviemore in this location. The applicant's requirement for this number of units force the development to be of a scale and footprint that limits opportunities for amenity space and tree planning that would reduce this impact. The scale of the development compared to the existing streetscape is well illustrated in the applicants' street elevations plans within **Appendix I Plans**.

72. Whilst it is fully appreciated and welcomed that the applicants have sought to try and reduce the impact of the development from that originally submitted by reducing the scale of two of the blocks, retaining more trees and offering compensatory planting this is not considered sufficient to overcome these issues.
73. In these overall circumstances it is considered that the development has not responded sensitively to the landscape and site conditions and the need to conserve and enhance the existing qualities here. It is therefore considered to be contrary to Policy 5.

## **Design and Layout**

74. Policy 3: Sustainable Design of the Cairngorms National Park Local Development Plan 2015 seeks to ensure that new development is 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; uses materials and landscaping that will complement the setting of the development; and creates opportunities to further biodiversity and promote ecological interest.
75. Similarly Policy 1: New Housing Development seeks to ensure that new development reinforces and enhances the character of the settlement. In addition, the settlement statement for Aviemore within the Cairngorms National Park Local Development Plan 2015 sets out the importance of the green setting and open spaces to the settlement, with an objective being to improve the environment of the village with more landscaping and enhancements to the public realm. General guidance in the settlement statement text also highlighted that new development should ensure that the quality of the surrounding woodland and sensitive valuable habitats is not compromised and this should include improvements to the woodland setting and structure for Aviemore.
76. Further detail on implementing Policy 3 is provided within supplementary guidance on sustainable design which highlights the need for new buildings to be sited to reflect the gradient and topography of the landscape and the scale of landscape features, maintaining existing ground levels where possible. Each site should be looked at as a series of spaces which relate to the existing topography and surroundings. These spaces then dictate where access, landscaping and buildings fit together within an overall framework.
77. In this proposal, the layout and design of the development attempts to reflect the existing character by focussing development on the flatter part of the site and attempting to minimise disturbance to the wooded ridge to the west of the site, within the applicant's requirements for 28 residential units. However, while any

development of this site will change the character from its current disused state, the number of units sought in these proposals means that the scale and massing of built development will dominate the streetscape and obscure much of the remaining woodland to the rear for most people passing on Grampian Road. Because of the number of units being provided on a narrow site, much of the remaining land is required for parking, leaving little space for creating green areas through the development which could be used to provide useable amenity areas for residents, landscaping and tree planting, SUDS and biodiversity improvements, or visual and physical links to the woodland beyond.

78. In summary the scale and massing of the buildings is considered to be too large for the site, and it is considered the development fails to comply with policies 1 and 3.
79. Finally, in terms of residential amenity, Policy 3: Sustainable Design of the Cairngorms National Park Local Development Plan 2015 seeks to ensure that new development protects the amenity currently enjoyed by neighbours. In this case the amenity of adjacent neighbours in terms of overlooking windows and overshadowing is not a concern as the only property located in close proximity is the chip shop to the north which is not considered to be adversely affected in terms of amenity.

### Environmental Impacts

80. Policy 4: Natural Heritage of the Cairngorms National Park Local Development Plan 2015 seeks to ensure that there is no adverse impact upon protected species or biodiversity and also that development which would adversely affect ancient woodland will only be permitted where it has been demonstrated that the objectives of the designated site and overall integrity of the identified area would not be compromised or any significant adverse effects are mitigated by provision of features of commensurate or greater importance to those that are lost.
81. Survey work has been carried out to consider impacts on habitats and species and if the application were supported planning conditions could be attached to ensure that pre construction surveys were undertaken for relevant species such as squirrels. In relation to wider ecological impacts, as noted earlier a Habitats Regulations Appraisal (HRA) has been undertaken to consider the impacts upon NATURA sites in the vicinity, specifically in relation to impacts upon Capercaillie. This is attached as **Appendix 3** and concludes that in this case there will be no adverse impacts upon the integrity or conservation objectives of the sites.
82. The main environmental impact in this case relates to the landscape impacts and loss of trees. As noted earlier the proposed layout offers little opportunity to create new habitats to compensate for this within the site and to deliver biodiversity benefits because of the number of new housing blocks. This also restricts opportunities to combine a SUDS scheme for disposal of surface with landscaping to enhance the biodiversity of the area. However the proposed SUDS scheme is acceptable to the Council Flood Prevention Team in technical terms.
83. The applicants have proposed an area for woodland planting to compensate for the loss of trees on this site. The land proposed is within a parcel that is likely to be

purchased through the A9 dualling proposals to deliver the southern exit of the Kingussie junction, so is unlikely to be a secure solution. However, the applicants do have other land in their control that could be offered for compensatory planting so this issue is not insurmountable should the proposal be supported

84. Finally in terms of environmental impacts, given the previous use of the site Policy 10: Resources of the Cairngorms National Park Local Development Plan 2015 is also relevant. This requires that assessment is carried out in relation to any development affecting contaminated land with appropriate remedial actions taken as necessary depending on the outcome of investigations. In this case an initial assessment has been undertaken and as noted by consultees if the application were supported a condition requiring further assessment would be necessary.
85. In these overall circumstances the proposed development is considered to partly comply with policy in relation to protected species and NATURA interests but further work and as necessary planning conditions would be required to ensure full compliance with Policy 4 Natural Heritage and Policy 10 Resources.

### **Access, Parking and Sustainable Travel Issues**

86. Policy 3: Sustainable Design of the Cairngorms National Park Local Development Plan 2015 sets out that new development should be designed to maintain and maximise all opportunities for responsible outdoor access including links into the existing path network and to promote sustainable transport methods including making provision for the storage of bicycles and reducing the overall need to travel.
87. In this regard the proposed development is particularly well located for promoting sustainable travel due to its location close to the facilities and amenities of Aviemore. However there are no additional path links onto Grampian Road other than the main vehicular access point where footpaths will be provided alongside the internal road. Connectivity could be improved by provision of a path link at the northern end of the site to enable residents' easy access to the village as this will be a natural desire line for many residents. Although such a path link would be sandwiched between buildings of this proposal and the neighbouring business, which in itself is not ideal in community safety terms, it would make the site more permeable for pedestrians.
88. Policy 3: Sustainable Design also requires that new development should include an appropriate means of access, egress, levels of private amenity ground and space for off-street parking and space for recycling provision. In this regard the Highland Council Transport Planning Team is generally satisfied with the layout and parking provision subject to some relatively minor changes/clarifications on the visitor cycling provision and disabled space configuration. Comments have also been made on the suitability of vertical storage bike racks within the garaging, but this is not considered to be a particular land use planning issue in this case with the applicant's explanation of why this solution has been put forward considered to be reasonable. Similarly it is considered that on balance the visitor bike provision is reasonable and that it is not essential to provide further provision closer to the units as suggested by the Roads Service.

89. In these overall circumstances the proposed development is considered to generally comply with policy 3 Sustainable Design although further consideration would be required relating to path links in the event of the application being supported.

### **General Servicing**

90. Policy 3: Sustainable Design and Policy 10: Resources of the Cairngorms National Park Local Development Plan 2015 set out the need for new development to be satisfactorily serviced and without harm to resources or the environment.
91. In this case technical consultees are satisfied with the proposals for surface water disposal. Whilst Scottish Water has not responded to consultation. If the application were supported the applicants would require the consent of that agency in order to connect to public water and drainage supplies.
92. In these circumstances the application is considered to comply with policies 3 Sustainable Design and 10 Resources.

### **Affordable Housing Provision**

93. Policy 1.4: Contribution towards Affordable Housing of the Cairngorms Local Development Plan 2015 requires that provision generally be made for 25% affordable housing provision on sites of four or more open market dwellings. Policy sets out that proposals for off-site contributions will be considered where community needs assessment or similar assessments support this as a better way of meeting the housing needs of the community.
94. In this case, the applicant secured agreement at an early stage with Highland Council's Housing Service to provide the affordable housing component off-site at Sluggan Drive near Dalfaber Drive. The Housing Service's view was that the Sluggan Drive site would provide units better targeted at local need for affordable housing, in a better location, and given the extant planning permissions on that site, created a clear route to quick delivery. That agreement means that additional affordable housing units have been built at that location during the development of these proposals.

### **Developer Contributions**

95. Policy 11: Developer Contributions of the Cairngorms National Park Local Development Plan 2015 set out that where development gives rise to a need to increase or improve public services, facilities or infrastructure or mitigate adverse effects then the developer will normally be required to make a fair and reasonable contribution towards additional costs or requirements.
96. In this case there is not considered to be sufficient capacity within the existing primary school to service the site. This would trigger the need for developer contributions towards a new school plus land costs, based on a calculated financial contribution per flat. In the event of the application being supported this could be

secured by legal agreement or upfront payment. The applicant has indicated they would agree this.

97. Otherwise there are not considered to be any impacts which would require community facilities or services to be improved or increased. Indeed the introduction of new residents may help support the facilities of Aviemore.
98. In these circumstances the proposed development is considered capable of complying with Policy 11: Developer Contributions.

### **Other Issues Raised in Consultations and Representations**

99. The majority of points raised by contributors have been addressed throughout this report. However there are some issues which have not been covered.
100. Objectors have raised concern regarding the accuracy of the submission. This concern is not shared by the Planning Service. The heights of the proposed buildings are clear from the plans and it is considered clear as to how many floor and room spaces are provided.
101. A final concern of objectors is that of the future use of the flats with concern raised that these will become holiday homes not responding to local housing needs. The Planning Authority is not in a position to control who occupies residential units and this is not a relevant land use planning consideration. However, the design of these properties is likely to appeal to small households or those seeking minimal outdoor space and maintenance, which can correspond with both older households and some people looking for holiday or rental accommodation. There is a valid consideration that accommodation such as this, will deliver to a particular part off the housing market and ease some pressure on other properties that are more suited to larger households or those with need for more outdoor amenity space.

### **CONCLUSION**

102. The site in itself is a good one for redevelopment, well located with a strong landscape setting and wooded backdrop which make it attractive for development. Furthermore as it is currently in a neglected and underused condition so its re-development is greatly welcomed in principle, with housing considered to be an entirely appropriate land use here. The provision of 28 additional open market units (in addition to the affordable housing units already delivered) in Aviemore will deliver to a particular segment of the housing market.
103. However as noted earlier in this report, the design, massing, scale and layout of the proposed development is not considered to comply with Local Development Plan policies on landscape and design. The proposed development is considered to be out of character and scale with its surroundings which are characterised by development framed and set within green and wooded areas which contribute greatly to this attractive approach into Aviemore. Development to date in the vicinity has respected this quality.

104. Any realistic redevelopment of this site will create a more urbanised entrance to Aviemore in this location. The applicant has made a case that viable redevelopment requires the numbers of units proposed and that they have addressed the issues of setting, scale and massing through layout, design and careful efforts to minimise tree loss. However, the current proposal will large blocks of housing with limited landscaping and will obscure most of the wooded backdrop that the setting of the site areas to create a new setting or to compensate for the loss of existing trees on site. It is considered that the development, due to the scale, mass and siting of the proposed buildings, would be dominant within the streetscape, exacerbated by the more distant woodland edge to the rear.
105. Whilst it is appreciated that the applicants have made considerable efforts to mitigate the impact of the development, it is not considered that these revisions are sufficient to overcome the significant adverse effects on the landscape character and townscape of Aviemore. Nor is it considered that these adverse effects are 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 and refusal is recommended.
106. If the application was supported by the Planning Committee, planning conditions or agreements could be attached to secure developer contributions, contaminated land assessment, compensatory planning and path provisions as requested by consultees as well as conditions to manage the development. Because the application is not recommended for approval, these issues form ancillary reasons for refusal, but would not be easily addressed were the application to be approved.

## RECOMMENDATION

**That Members of the Committee support a recommendation to REFUSE the Erection of 28 apartments with associated works (amended design) at Development Site On Former Filling Station Grampian Road Aviemore Highland for the following reasons:**

- I. The proposed development is contrary to Policy 1: New Housing Development and Policy 3: Sustainable Design of the Cairngorms Local Development Plan 2015 as it does not reinforce and enhance the character of the settlement nor is it sympathetic to the traditional pattern and character of the surrounding area, local vernacular and local distinctiveness due to:
- a) Its scale, design, layout and massing which does not reflective the local townscape and character and will result in a development which unacceptably dominates the area.
  - b) The lack of sufficient landscaping, open space and tree retention or replacement to create a landscape setting that reflects the character of this southern approach to the town centre which is presently characterised by built development interspersed and framed by woodland and green areas which create an attractive entrance into Aviemore.
  - c) The lack of opportunities to enhance biodiversity.

2. The proposed development is contrary to Policy 5: Landscape and Policy 4: Natural Heritage of the Cairngorms Local Development Plan 2015 as it does not conserve and enhance the landscape character and special qualities of the National Park and in particular the setting of the proposed development; adverse impacts have not been satisfactorily minimised and mitigated; and adverse impacts upon woodland have not been mitigated or compensated because:
  - a) The scale and layout of the development is such that it will unacceptably dominate the landscape on this key entrance into Aviemore creating a development which does not conserve and enhance a landscape currently set by woodland and built features which are sensitively set within open or wooded grounds.
  - b) The loss of trees within the site will remove key components of the landscape setting of the site.
  - c) There is lack of evidence to demonstrate that existing trees can be retained in relation to the construction of the proposed retaining wall which will then further adversely impact upon the landscape setting.
  - d) Proposals for compensatory woodland planting are not deliverable.
  
3. The proposed development is contrary to Policy 3: Sustainable Design and Policy 10: Resources of the Cairngorms Local Development Plan 2015 as it does not at present:
  - a) Maximise all opportunities for responsible outdoor access including links onto the existing path network due to the lack of direct, segregated path links to Grampian Road.
  - b) Provide details of a scheme to deal with potential contamination and any required remedial action.
  
4. The proposed development is contrary to Policy 11 Developer Contributions of the Cairngorms Local Development Plan 2015 as a mechanism for the payment of developer contributions has not been finalised.

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.