

## CAIRNGORMS NATIONAL PARK AUTHORITY

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### DEVELOPMENT PROPOSED:

Erection of 23 self-catering apartments, shops, hotel and underground parking at Land 80M SW Of Mountain Cafe 111 Grampian Road Aviemore

**REFERENCE:** 2021/0105/DET

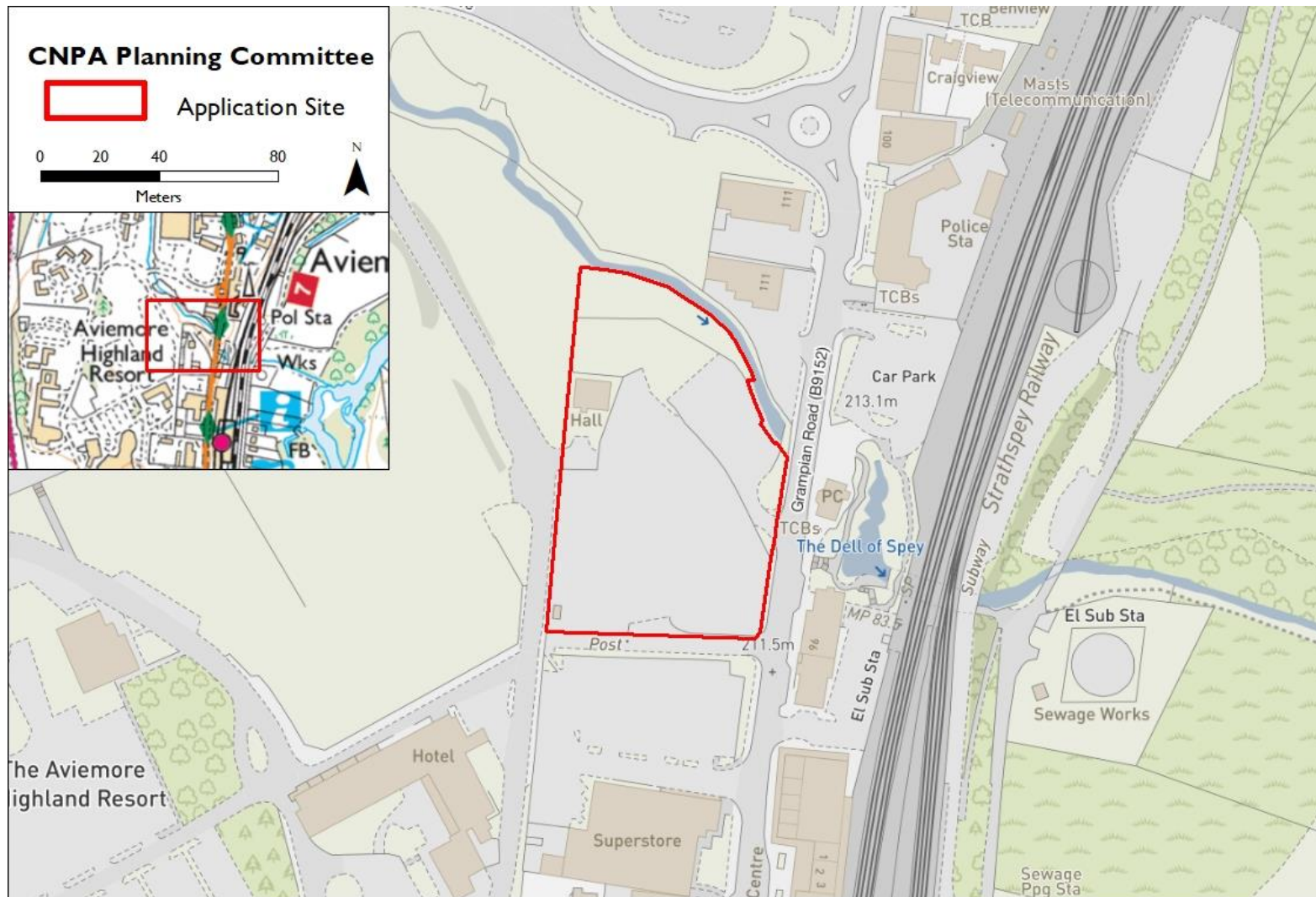
**APPLICANT:** Upland Developments Ltd

**DATE CALLED-IN:** 29 March 2021

**RECOMMENDATION:** Approve, subject to Referral to Scottish Ministers, Developer Contribution and Conditions

**CASE OFFICER:** Emma Bryce - Planning Manager (Development Management)

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## SITE DESCRIPTION, PROPOSAL AND HISTORY

### Site Description

1. The application site is located within the centre of Aviemore and lies on the west side of Grampian Road (the B9152), the main thoroughfare through the village. It is a brownfield site covering an area of approximately 0.807 hectares. There were previously individual buildings including two residential properties (a Victorian villa known as Laurel Bank and a more contemporary bungalow Meall Buidhe), a former BT exchange building and a scout hall located on the site. To the north of the site is an area that was used as a small fairground for younger children. The buildings have been demolished and the site has now been cleared. A number of trees have also been removed from the site.
2. A pedestrian footway runs along the southern boundary of the site with the Tesco supermarket car park lying beyond. The rear boundary (western boundary) of the site is bounded by a private access road which serves the Aviemore Highland resort. The site gradually falls from this boundary towards its frontage which runs along Grampian Road. There is a steep fall in the middle of the site where it levels and adjoins the Milton Burn to the northern boundary. A steep embankment lies beyond with the car park for an outdoor equipment shop and a pizzeria lying beyond that on a higher ground level.

### Proposal

3. 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=QQIYLYSI0CH00>

Title	Drawing Number	Date on Plan*	Date Received
<b>PLANS</b>			
Plan - LOCATION PLAN	AVI-NORR-ZZ-XX-DR-A-0001 REV P01	17/08/21	29/03/21
Plan - SITE PLAN	AVI-NORR-ZZ-XX-DR-A-0002 REV P10	13/05/21	18/10/21
Plan - SITE LEVELS	191083-903 REV 6	13/08/20	18/02/22
Plan - TOPOGRAPHICAL SURVEY	CTCH-J3429-003	10/03/21	29/03/21
Plan - SELF CATERING APARTMENTS FLOOR PLANS	AVI-NORR-ZZ-XX-DR-A-0010- REV P03	17/08/21	29/03/21
Plan - SELF CATERING APARTMENTS WEST AND NORTH ELEVATIONS	AVI-NORR-ZZ-XX-DR-A-0011 REV P01	17/08/20	29/03/21
Plan - SELF CATERING APARTMENTS EAST AND SOUTH ELEVATIONS	AVI-NORR-ZZ-XX-DR-A-0012 REV P01	17/08/20	29/03/21
Plan - PLAN - BASEMENT LEVEL	AVI-NORR-ZZ-XX-DR-A-0020 REV P02		22/01/22
Plan - PLAN - GROUND FLOOR	AVI-NORR-ZZ-XX-		22/01/22

**CAIRNGORMS NATIONAL PARK AUTHORITY**  
**Planning Committee Item 5 24/06/2022**

LEVEL	DR-A-0021 REV P02		
Plan - PLAN - FIRST FLOOR LEVEL	AVI-NORR-ZZ-XX-DR-A-0022 REV P02		22/01/22
Plan - PLAN - SECOND FLOOR LEVEL	AVI-NORR-ZZ-XX-DR-A-0023 REV P02		22/01/22
Plan - PLAN - ROOF	AVI-NORR-ZZ-XX-DR-A-0024 REV P02		22/01/22
Plan - ELEVATIONS SHEET 1	AVI-NORR-ZZ-XX-DR-A-0025 REV P02		22/01/22
Plan - ELEVATIONS SHEET 2	AVI-NORR-ZZ-XX-DR-A-0031 REV P02		22/01/22
Plan - ELEVATIONS SHEET 1	AVI-NORR-ZZ-XX-DR-A-0030 REV P01	17/08/20	22/01/22
Plan - LANDSCAPE PROPOSALS	UDL 100.21 SL-01 REV F	02/02/21	22/01/22
Plan - LANDSCAPE MANAGEMENT PLAN	UDL 100.21 LM-01 REV C	20/05/21	16/05/22
Plan - SKETCH LANDSCAPE PROPOSALS	UDL 100.21 SL-01 F	02/02/21	22/01/22
Plan - TREE PROTECTION PLAN	1249 - TPP	27/05/21	21/06/21
Plan - DRAINAGE LAYOUT	191083-905 REV 11	13/05/20	12/04/22
Plan - DRAINAGE SECTION AA	191083-906 REV 1	04/08/21	26/08/21
Plan - INDICATIVE CONSTRUCTION PHASE DRAINAGE PLAN	191083 907 (REV 1)		12/04/22
Plan - Flood Plan and Sections	191083 001 (REV 6)		14/04/22
Plan - Compensatory Flood Storage	191083 002 (REV 7)		14/04/22
Plan - ROADS LAYOUT	191083-904 REV 6	13/08/20	18/02/22
<b>SUPPORTING DOCUMENTS</b>			
Plan - SWEPT PATH ANALYSIS	191083-902 REV 5	13/08/20	16/05/22
Other - DESIGN STATEMENT REV B			20/05/22
Other - TREE SCHEDULE			21/06/21
Other - ARBORICULTURAL METHOD STATEMENT			21/06/21
Other - MAINTENANCE REGIME	REV D		16/05/22
Other - OTTER SURVEY	VERSION 2		24/06/21
Other - CONSTRUCTION ENVIRONMENTAL MANAGEMENT PLAN			12/04/22
Other - DRAINAGE IMPACT ASSESSMENT	A/191083 REV 01		16/05/22
Other - FLOOD RISK ASSESSMENT	191083 REVISION 5		14/04/22
Other - TRANSPORT ASSESSMENT	19101		16/05/22

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

4. The application seeks consent for a mixed - use development of 23 self-catering holiday apartments with retail units at ground floor level and an 83 bedroom hotel with associated accesses and parking.
5. The apartment block will have an 'L' shaped configuration, running along the south and western boundaries. The building will have a simple design with a stepped form to address the change in levels over the site and design features to define the different storeys. It will have a pitched roof clad in grey concrete roof tiles and will be finished in timber effect and metal cladding panels and off-white render. 6 retail units will be provided at ground floor level, 5 within the block running along the southern boundary and a larger one along the western boundary. The first floor will provide 12 self-catering units with 11 units on the second floor. The apartments will provide twenty, 2 bed/4 person and three, 3 bed/6 person units. Access will be via the public space to the front of the development.
6. The hotel will be located to the north of the site and will extend to three storeys with basement carparking which has been incorporated in response to the topography of this part of the site. The hotel offers 83 bedrooms with ancillary accommodation, including a bar and a separate dining room/restaurant. A simple, functional design has also been adopted. A semi-circular, single story glazed element with a terrace is proposed to the elevation fronting Grampian Road providing additional seating for the dining area. The external finishes will be timber effect cladding, off white render and grey concrete roof tiles to the pitched roof.
7. The remaining central part of the site will form a 'courtyard' space which will provide car parking and servicing. A smaller, more formal public realm space will be formed to the front of the courtyard to the east of the site, fronting Grampian Road and the space to the front of the apartment block's gable, also fronting Grampian Road, and will provide an opportunity for further public realm space. This will be landscaped and will include seating and cycle parking provision.
8. The development will necessitate the removal of approximately three trees, however the majority of trees on site which are principally located along the edge of the Milton Burn will be retained. Further planting is proposed throughout the site with detailed landscape proposals having been provided.
9. The existing access off Grampian Road (the B9152) will be used for vehicle access to the site, taking the form of a single bell mouth enhanced priority junction. The junction and access road will be designed to adoptable standards and promoted for adoption by the Council with minimum visibility splays of 2.4 metres x 60 metres. Given the mix of uses the access road will also be designed to industrial standards. The existing pedestrian footpath that runs along the southern edge of the site will be upgraded and a path will be formed on the eastern boundary to allow for enhanced pedestrian movements between the village and the Highland Resort.
10. There are two separate car parking areas proposed which will provide a total of 86 car parking spaces. One lies to the north of the site within the basement of the hotel building providing a total of 40 spaces and where there will be 2 accessible spaces located. The other one is to the south and will provide a total of 37 standard spaces, 2

disabled spaces and 5 electric vehicle charging spaces to support the self - catering units and retail element of the development.

11. The site will be serviced by existing Scottish Water sewers although diversions will be required to accommodate the development. Surface water will be dealt with through the use of infiltration devices used in accordance with the CIRIA publication 'SuDS Design Manual'. These will include attenuation trenches at lower ground levels and for roof water areas and porous paving for the higher ground levels.
12. The following documents have been submitted in support of the application:
  - a) Design Statement
  - b) Drainage Impact Assessment
  - c) Transport Assessment
  - d) Car Park Surveys
  - e) Traffic Survey Report
  - f) Flood Risk Assessment
  - g) Tree Protection Plan
  - h) Tree Schedule
  - i) Soft Landscape Works and Five Year Maintenance Regime
  - j) Otter Survey
  - k) Reptile Report
  - l) Construction Environmental Management Plan and outline Construction Management Statement.

13. Plans and visualisations of the proposal are attached as **Appendix 1**.

## History

14. There is no recent planning history for this site but the CNPA granted earlier consents for redevelopment that expired a decade ago. Application 04/211/OUTBS granted January 2006 for Development of Retail and Community Use with Associated Parking and 09/011/CP that extended the duration of planning permission of that consent for three years from May 2009.

## Habitats Regulations Appraisal

15. A Habitats Regulations Appraisal [HRA] has been undertaken to consider the effects of the proposals upon the conservation objectives of the Natura Sites as listed within the document attached at **Appendix 2**.
16. In terms of the Kinveachy Forest SPA, all conservation objectives can be met. The proposed development however, has the potential to prevent the conservation objectives being met for the River Spey SAC. This would occur due to the very high risk of sediment release entering the Milton Burn that flows directly into the River Spey during construction work, due to the proximity of works alongside the Milton Burn. This would affect the water quality relied upon by qualifying species and potentially smother habitats supporting the qualifying species and their food, therefore affecting distribution and population levels. The applicants have submitted a Construction

Environmental Management Plan (CEMP) incorporating an outline Construction Method Statement (CMS). This should address the risk of sediment release through appropriate pollution prevention and control measures such that pollution risk could be minimised. The CEMP also includes species protection measures that would minimise the risk of disturbance to otter. The CEMP and CMS must be secured by condition should planning permission be granted.

## DEVELOPMENT PLAN CONTEXT

### Policies

<b>National Policy</b>	Scottish Planning Policy 2014	
<b>Strategic Policy</b>	Cairngorms National Park Partnership Plan 2017 - 2022	
<b>Local Plan Policy</b>	Cairngorms National Park Local Development Plan (2021) Those policies relevant to the assessment of this application are marked with a cross	
POLICY 1	NEW HOUSING DEVELOPMENT	
POLICY 2	SUPPORTING ECONOMIC GROWTH	<b>X</b>
POLICY 3	DESIGN AND PLACEMAKING	<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	
POLICY 8	SPORT AND RECREATION	
POLICY 9	CULTURAL HERITAGE	
POLICY 10	RESOURCES	<b>X</b>
POLICY 11	DEVELOPER OBLIGATIONS	<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:

<https://cairngorms.co.uk/wp-content/uploads/2021/03/CNPA-LDP-2021-web.pdf>

### Planning Guidance

18. 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 (2015)	
Policy 2	Supporting Economic Growth Non-Statutory Guidance	<b>X</b>
Policy 3	Sustainable Design Non-Statutory Guidance (2015)	<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	
Policy 8	Sport and Recreation Non-Statutory Guidance	

Policy 9	Cultural Heritage Non-Statutory Guidance	
Policy 10	Resources Non-Statutory Guidance	X
Policy 11	Developer Contributions Supplementary Guidance (2015)	X

## CONSULTATIONS

### Summary of the main issues raised by consultees

19. **NatureScot** agrees with the conclusions of the HRA that adverse effects on the site integrity of Kinveachy Forest SPA and the River Spey SAC will be avoided for the reasons specified in the appraisal. A condition that the Construction Environmental Management Plan is agreed prior to works taking place is supported to prevent potential pollution and disturbance to Milton Burn and therefore prevent adverse effects to the designated species of the River Spey SAC.
20. **Scottish Water** has no objection to the proposals but suggest the applicant completes a Pre-Development Enquiry form ensuring the development can be serviced.
21. **SEPA** object to the proposals in terms of flood risk as the proposed development and land raising falls within the functional floodplain. This is contrary to Scottish Planning Policy. They advise that if the application is to be recommended for approval contrary to their objection on flood risk, then reference must be made to the Town and Country Planning (Notification of Applications) (Scotland) Direction 2009 which provides criteria for referral to Scottish Ministers of such cases.
22. **Police Scotland** has no objections however recommends the applicants follow the principles of Crime Prevention through Environmental Design (CPTED) and seek further assistance or advice with any aspect of security for the development, especially during the construction phase or if CCTV and/or other electronic security measures are being considered.
23. **The Highland Council Transport Planning Team** initially objected to the application on the following grounds:
  - a) Insufficient car parking;
  - b) Trip generation has not been carried out following best practice guidelines;
  - c) Trip generation is underestimated;
  - d) Impact of development traffic on Grampian Road has not been assessed;
  - e) Scale of development will cause traffic management issues on Grampian Road;
  - f) Road safety issues relating to HGVs mixing with pedestrians;
  - g) Additional traffic on Grampian Road will pose road safety issues for vulnerable road users;
  - h) Site layout does not conform to principles in Designing Streets;
  - i) Cycle Provision does not meet Council Guidelines;
  - j) No evidence to show sufficient level of service for public transport;
  - k) Measures to prevent surface water flowing onto adopted road are inadequate.
24. The applicants have endeavoured to address the issues raised by the Transport Planning team, however, concerns remain regarding the impact the development will potentially



have on Grampian Road by generating significantly more traffic than the site's previous uses, that the development has insufficient car parking provision and the proposed cycle provision is unacceptable. The development also does not have appropriate servicing arrangements. Trip generation data provided by the applicant has not been carried out using best practice and therefore the full vehicular impact has not been assessed. There will be no public transport service available at weekends and no mitigation has been put forward by the applicants to address this. Notwithstanding these concerns, should the application be recommended for approval, the Transport Planning Team recommends a number of conditions which will assist in addressing these outstanding concerns.

25. **The Highland Council Flood Risk Management Team** object to the proposed development on the grounds of potential flood risk. They are concerned about the modelling of the downstream culvert and the development encroaching into the identified flood plain. They state that a 6m watercourse buffer, measured from the top of the bank of the watercourse, should be kept free from new development. In terms of drainage they recommend the detailed drainage design to be secured through a planning condition.
26. **The Highland Council Forestry Officer** raises concern regarding construction work taking place with identified tree root protection areas. They seek further details of what is proposed in terms of drainage construction works and the impact of protected trees. Current drainage proposals conflict with the proposed tree protection measures. They consider the proposed tree planting to be weak and seek a more significant and meaningful areas of tree planting within the development.
27. **CNPA Outdoor Access Officer** recommends that the development supports the delivery of recommendations made in the Active Aviemore Report.
28. **CNPA Landscape Advisor** states that the development site has landscape capacity for the type of mixed development proposed, however, there are several landscape and visual design sensitivities associated with the site. In addition to its location within the National Park, it is an important and prominent location within Aviemore and its redevelopment should relate to existing buildings, its topography and the retention of key views that all contribute to the distinct Special Landscape Qualities and sense of place. There is a need to reinforce and enhance its frontage onto Grampian Road and protect and enhance the adjacent Milton Burn.
29. It is their view that the development would result in some significant adverse landscape and visual effects. In summary these would be:
  - a) The scale of the buildings would contrast with nearby buildings along Grampian Road. These would appear proportionally massive and overbearing, obstructing key views.
  - b) The layout of the proposal contrasts with the local landscape pattern and linear streetscape of Grampian Road.
  - c) The architectural design does not respond to the distinct landscape character or local vernacular.
  - d) New tree, hedge, shrub and grassland planting is welcomed, however, is unambitious and the design concept and structure is unclear and not appropriate for this

prominent site. There is insufficient space provided for the existing trees, proposed trees and green space.

- e) The development would have a detrimental impact on the Milton Burn.
  - f) The proposed small public area of open space will not provide a high quality landscape design in terms of reinforcing or enhancing the distinct landscape characteristics, visual amenity and SLQs of Aviemore.
30. **CNPA Ecology Advisor** is now satisfied that the required survey work in relation to otters and reptiles has been undertaken. They remain concerned regarding the proximity of the development to the riparian corridor of the Milton Burn. They state that further information including sections are submitted to clearly demonstrate how the riparian strip will be incorporated into the development and the impact of the raised deck on this. They also remain concerned about the proposed SuDS not providing biodiversity benefit and recommend the inclusion of swift bricks to be incorporated into the development.
31. **Aviemore and Vicinity Community Council** has provided comments objecting to the proposals (full copy available to view at **Appendix 3**):
- a) The proposed external finishes are considered visually obtrusive and out of character and thus a more sympathetic finish should be sought;
  - b) The height is out of scale with its surroundings, however it is noted the gable facing Grampian Road has been stepped and as such is similar to the property that was previously on the site;
  - c) Access from Grampian Road will cause traffic management issues and further mitigation should be considered. There are insufficient electric vehicle charging points.

## REPRESENTATIONS

32. The application was advertised when it was originally submitted and five letters of objection to the proposals were received, including one from the Badenoch and Strathspey Conservation Group. Following the submission of amendments and subsequent neighbour notification and publicity, a further 18 letters of objection have been received.
33. Copies of all the third-party representations can be found at **Appendix 4**. The following is a summary of the objections.
- a) This form of development contravenes the aims of the National Park by not protecting and enhancing the natural and cultural heritage of the Park;
  - b) Lack of affordable housing to address the needs of the local community and housing crisis in the area;
  - c) Introduction of further unnecessary tourist accommodation;
  - d) No community benefit;
  - e) Too high, over-dominant and over development and urbanisation of the site to the detriment of Aviemore;
  - f) Inappropriate design and external finishes;
  - g) Loss of amenity for neighbouring local residents;

- h) Detrimental impact on the integrity of the Milton Burn which is part of the River Spey SAC;
- i) Cumulative impact of the development on the designated site downstream;
- j) Impact on protected species (otter, lamprey, stonefly).
- k) Insufficient survey work undertaken and full suite of surveys required;
- l) Insufficient space for adequate green land;
- m) Increased risk of flooding given insufficient surface water drainage details;
- n) SuDS design not fully sustainable;
- o) Significant traffic implications;

## APPRAISAL

34. The main planning considerations are considered to be: the principle of development; landscape, siting and design; environmental issues; amenity; flooding and surface water management; access, parking and sustainable travel and developer contributions.

### Principle

35. Aviemore plays a key role as an employment and service centre for the wider Badenoch and Strathspey area. Local Plan policy supports opportunities for business growth and those which will increase Aviemore's attractiveness as a tourist and recreation destination.
36. **Policy 2.1: Town Centres First** of the Cairngorms National Park Local Development Plan 2021 supports high footfall retail, commercial and leisure development where they are located within an identified town centre. The application site lies within Aviemore's town centre boundary and is well located in terms of access to services and amenities. The LDP identifies the site as a mixed-use development opportunity. The site which was formerly occupied by sporadically located residential units and a small funfair has now been cleared and offers a suitable location for this type of development which will provide facilities within the heart of the village and would contribute to the vitality and viability of this existing town centre.
37. **Policy 2.2: Tourist Accommodation** of the Cairngorms National Park Local Development Plan 2021 supports tourist related accommodation where it has no adverse environmental or amenity impacts on the site or neighbouring areas, where it contributes to/supports the provision of a wide range of visitor accommodation options including low cost accommodation and supports or contributes to a year round economy. The development of 23 self-catering two and three bedroom holiday apartments and the 83 bedroom hotel with ancillary facilities will provide a mix of tourist accommodation options. This in turn will attract a range of visitors to the area throughout the year.
38. Given the above it is considered that the principle of the development accords with Policy 2: Supporting Economic Growth of the Cairngorms National Park Local Development Plan 2021 subject to compliance with other relevant Local Development Plan policies.

## Landscape, Siting and Design Issues

39. **Policy 5: Landscape** of the Cairngorms National Park Local Development Plan 2021 presumes against development that does not conserve and enhance the landscape character and special qualities of the National Park and in particular the setting of the proposed development. **Policy 3: Design and Placemaking** of the Cairngorms National Park Local Development Plan 2021 requires design statements to accompany all development proposals to demonstrate the proposals have been designed to be 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. Development should seek to use materials and landscaping that will complement the setting of the development.
40. The site has been cleared but historically had a limited number of buildings on it with garden spaces. The proposed development will contrast significantly with its current open character and with previous development on the site, but would also be consistent with a busy town centre location. The Landscape Advisor has expressed concern with regard to the potential impact on the site's landscape and visual design sensitivities. They recommended further analysis of the site and a revised layout and design. The applicant has considered the recommendations and provided some additional material in support of the application. The Landscape Adviser remains concerned that these do not go far enough to address the issues raised. Aviemore has developed over time in a principally linear form, with an assorted composition of architectural styles and public realm complemented by varying landscape elements. The scale and layout of the proposed development, however, has had to take reference from the constraints of this particular site – its form, topography, ecological value and its location and access off the key route (Grampian Road B9152) through Aviemore.
41. It is recognised that this development will be individual in character and appearance and will be in contrast to the local landscape pattern and linear streetscape, although the Grampian Road frontage of Aviemore already has a wide variety of forms of development in the vicinity. The most significant difference in the proposed development is from the height of buildings which are a storey or more higher than most buildings nearby, though not inconsistent with a busy town centre location. The height of buildings will inevitably have some impact on views across the site towards the hills west of the A9.
42. The site is however, identified for a mixed used development opportunity within the adopted Local Development Plan and therefore any future redevelopment on this prominent central location would be expected to result in new form of development that would change the character of the streetscape. The design ethos is to create a focal point within the town centre. The development will introduce uses that are intended to attract people (tourist accommodation, restaurants, cafés and shops) and includes a public amenity space fronting Grampian Road. It is envisaged that this will evolve into a 'people gathering point' which in turn will create a formal hub within the centre of the village. Given its prominence and anticipated status it is considered essential that the development is of a high standard and incorporates high quality external finishes and landscaping features to maximise its appeal and encourage people to visit and use the space. Should the application be supported it is recommended that conditions requiring

further details of these elements are recommended to ensure the development is of the quality that will contribute to the enhancement of its surroundings.

43. There are a limited number of trees remaining on the site and these are in a narrow, but visually and ecologically important riparian strip to the east of the site adjacent to the Milton Burn. The proposals identify three of these for removal and some measures are proposed to protect the remaining trees. It is recognised that the trees and vegetation within this part of the site make a significant contribution to the site visually and ecologically. It is recommended that a condition is attached to any consent requiring the submission of and approval appropriate tree protection measures to ensure the retention of these important natural landscape features of the site.
44. Notwithstanding the concerns raised, the proposal will introduce a new form of development on a constrained, brown field site within the town centre. On balance and subject to appropriately worded conditions attached to any consent relating to materials, landscaping, lighting and tree protection, it is considered that the proposals could comply with Policy 5: Landscape and Policy 3: Design and Placemaking of the Cairngorms National Park Local Development Plan 2021.

## Environmental Issues

45. **Policy 4: Natural Heritage** of the Cairngorms National Park Local Development Plan 2021 seeks to restrict development that would have an adverse impact on protected species and where this cannot be avoided that appropriate mitigation measures are provided. **Policy 10: Resources** of the Cairngorms National Park Local Development Plan 2021 requires that all development should avoid unacceptable detrimental impacts on the water environment and should demonstrate that any impacts can be adequately mitigated.
46. The area to the east of the site incorporates a stretch of the Milton Burn which flows directly into the River Spey Special Area of Conservation. This riparian strip is of high ecological value and it is essential that measures are put in place to ensure its protection. As such a 6 metre wide buffer strip has been identified where habitats should be retained as existing. There will, however, be unavoidable works which will encroach into this area to allow for changes to the drainage infrastructure, strengthening of the headwall and the formation of the hotel's lower parking level. The Habitats Regulations Appraisal identified measures necessary to ensure the proposed development would not adversely effect the integrity of the River Spey SAC. A fully detailed Construction Environmental Management Plan (CEMP) incorporating an outline Construction Management Statement (CMS) has been submitted which details working methods for the construction phase, and providing works are carried out in strict accordance with this, there will not be impacts on the integrity of the River Spey SAC.
47. In terms of the wider site, it is recommended that an updated Tree Protection Plan is required to reflect changes to the drainage proposals and to specifically detail how works within the Root Protection Areas (RPAs) will be carried out to ensure existing trees are fully protected. The Ecology Officer has also noted that the CEMP makes reference to the inclusion of bird and bat boxes. These should be required through the

imposition of a suitable condition to ensure appropriate integrated 'bricks' are installed as these are less intrusive and less visible.

48. Subject to the recommended conditions, it is considered the proposals could comply with Policy 4: Natural Heritage and Policy 10: Resources of the Cairngorms National Park Local Development Plan 2021.

### Amenity

49. **Policy 3: Design and Placemaking** of the Cairngorms National Park Local Development Plan 2021 seeks to ensure that new development protects amenity currently enjoyed by neighbouring occupants to development sites. The proposed development will be located at a suitable distance to ensure there will be no adverse impact on neighbouring residential amenity. It is therefore in accordance with Policy 3: Design and Placemaking of the Cairngorms National Park Local Development Plan 2021.

### Flooding and Surface Water Management

50. Scottish Planning Policy (SPP) states that the planning system should 'promote a precautionary approach to flood risk from all sources... and 'flood avoidance: by safeguarding flood storage and conveying capacity and locating development away from functional floodplains...'
51. **Policy 3: Design and Placemaking** of the Cairngorms National Park Local Development Plan 2021 sets out the need for new development to be satisfactorily serviced and without harm to resources or the environment. **Policy 10: Resources** of the Cairngorms National Park Local Development Plan 2021 requires that all development should be free from medium to high risk flooding, not increase the risk of flooding elsewhere, not add to the area of land requiring flood prevention measures and not affect the ability of the functional flood plain to store or move flood waters. Developments should incorporate SuDs as proportionate to the scale and nature of the development.
52. The proposal will be connected to the mains water in the area and the site will be connected into a redirected Scottish Water public sewer. Scottish Water have no objections but require the applicant to submit a formal application to review capacity should consent be granted.
53. Surface water runoff will be addressed through the use of infiltration trenches and porous block paving. The Highland Council Flood Risk Management team recommend a condition requiring the submission of the finalised detailed drainage scheme to ensure that it demonstrates that a range of storm events can be managed without flooding to buildings and critical roads.
54. The site partially falls within the functioning flood plain. The applicant has endeavoured to address this and has revised the siting of the hotel and associated car parking. Further survey work has been undertaken on a downstream culvert and SEPA and the Council's Flood team are satisfied that the flood modelling represents the identified functional flood plain. The current proposals, however, still encroach into the flood plain with

small parts of it being lost under the footprint of the hotel building and another part under the access ramp to the underground car park.

55. There are no historical records of flooding at this site and anecdotal evidence and SEPA's indicative flood map suggests that the site does not flood. The hotel and its operational space is raised above the flood level. The small area of the flood plain lost under the hotel footprint is at basement level where the underground car park is located. The car park itself will be approximately 150mm above the floodplain and will be of porous block paving to ensure any water can filter away. The other small area where the development will encroach into the flood plain is where there will be land raising to create a ramped access to the underground car park. Compensatory flood storage areas are proposed under other parts hotel car park to offset the loss of the identified flood plain. The compensatory flood storage provided is greater than that lost to development. However, both SEPA and the Council's Flood Team remain concerned that there is an impact on flood plain processes and as such maintain their objection on the basis that the development does not accord with Scottish Planning Policy.
56. Given that the site is a brownfield one, including a past location of residential property on a significantly lower part of the site than any development proposed in the planning application; that the intrusions to the flood plain are small and are compensated with additional flood storage; that the structures that might be flooded are not themselves vulnerable to flooding; and that the potential flood are is one that has been significantly modified through previous development, officers consider this to be an exceptional case. It is not considered that the development will increase flood risk or introduce uses within it will be affected by flood events. Subject to a condition requiring the submission of the design of the final drainage details, is considered to be in accordance with Policy 3: Design and Placemaking and Policy 10: Resources of the Cairngorms National Park Local Development Plan 2021. Officers are also of the view that the development can be considered to comply with Scottish Planning Policy which allows for development management decisions to take account of the specific issues on individual cases.
57. Nevertheless, SEPA maintain their objection because the development will infringe the defined functional flood plain and therefore, under the Town and Country Planning (Notification to Ministers) (Scotland) Direction 2009, this application falls within the criteria for referral to Scottish Ministers if the Planning Committee decide to approve it.

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

58. **Policy 3: Design and Placemaking** of the Cairngorms National Park Local Development Plan 2021 seeks to promote sustainable transport methods and active travel, including making provision for the storage of bicycles and reducing the need to travel. It states that all new development must include an appropriate means of access, egress and space for off street parking.
59. The Council's Transport Planning team has raised a number of concerns in relation to the size and scale of the development and the potential detrimental impact it will have on the operation of Grampian Road. There is no robust trip generation appraisal for this development and as such the full vehicular impact has not been assessed. They consider that the development will generate significantly more vehicular traffic than the site's previous use and intensify congestion on the main spine road. This will create an

unpleasant environment for pedestrians and cyclists and will discourage active travel. The lack of public transport at weekends is also an issue that the applicant should be addressing. The development does not provide sufficient car parking, relying on existing parking provision adjacent to the site, such as Tesco and Myrtlefield car parks, and considers the cycle parking to be unacceptable. The proposed layout also does not offer satisfactory servicing arrangements in line with council guidelines.

60. The redevelopment of the site will inevitably generate an increase in usage given the previous dispersed level of use on the site. It is recognised that further information is required to ensure these road safety and potential traffic implications can be addressed. Conditions requiring the detailed design of the access and cycle parking, servicing arrangements and the submission of a Construction Management Plan are recommended. A financial contribution is also sought to improve the current bus services in the area and to address the shortfall in carparking. This sum will be used to support the delivery of the proposals set out in the Active Aviemore report to offset any detrimental impacts from the potential increased traffic levels generated by the development.
61. Subject to these conditions being imposed and the financial contribution, the proposals could accord with Policy 3: Design and Placemaking of the Cairngorms National Park Local Development Plan in regard to road safety improvements and active travel improvements.

### **Developer Contributions**

62. **Policy 11: Developer Obligations** of the Cairngorms National Park Local Development Plan 2021 states that where development creates a need to increase or improve public services, facilities or infrastructure, or mitigate adverse effects, the developer will be required to make a fair and reasonable contribution in cash or in kind towards additional costs or requirements.
63. The applicant has noted the requirement to provide a developer contribution for improvements to the bus service and to support Active Aviemore projects to offset the lack of carparking. The development will not give rise to any other impact upon services or facilities. Subject to the payment of the required developer contribution, the proposal is considered to accord with Policy 11: Developer Obligations of the Cairngorms National Park Local Development Plan 2021.

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

64. Concern has been raised that the proposed development does not include affordable housing to address the needs of the local community and housing crisis in the area. The site which is the subject of this application is identified in the adopted local development plan (LDP) for a mixed use development opportunity within a defined town centre. The LDP allocates other sites to meet housing land requirements and housing policies within the plan will ensure appropriate housing, including affordable housing, will be delivered which meets local community needs.



65. All other relevant issues raised by consultees and third parties have been addressed above. Any other matters raised are not material in the determination of this application.

## CONCLUSION

66. The application is for retail units, self-catering units and a hotel with ancillary parking on a site that had been identified as a mixed used development opportunity within a defined town centre. The site is considered capable of being developed and serviced without any significant landscape or environmental impacts subject to the recommended conditions. Any remaining points of detail that have not been sufficiently addressed will be resolved through the imposition of appropriate conditions. Subject to these recommended conditions and the payment of the developer contribution figure, the proposed development is considered to comply with the policies contained within the adopted Cairngorms National Park Local Development Plan 2021 and approval is therefore recommended.

## RECOMMENDATION

**That Members of the Committee support a recommendation to support the Erection of 23 self-catering apartments, shops, hotel and underground parking at Land 80M SW Of Mountain Cafe III Grampian Road Aviemore subject to:**

- 1) The application being notified to Scottish Ministers due to an outstanding objection by a Government agency (SEPA) in accordance with the Town and Country Planning (Notification of Applications) (Scotland) Direction 2009;**
- 2) Conclusion of an appropriate agreement or upfront payment regarding the developer contribution in respect of bus service improvements and to promote Active Aviemore proposals; and**
- 3) The following conditions:**

*Those conditions listed below in bold text are suspensive conditions, which require to be discharged prior to implementation of the development.*

### Conditions

- 1. No development shall commence on site until a fully detailed landscaping scheme both hard and soft landscaping proposals and the future maintenance and management of the proposed scheme has been submitted to and approved in writing by the CNPA acting as Planning Authority. This shall include, but not be limited to hard landscaping material specification, exterior lighting, soft landscaping plant and tree species and planting specifications, details of footways, street furniture and bin storage.**

**Thereafter the development shall be implemented in accordance with those approved details and not later than the expiry of the next planting season following commencement of the development or within such time as approved in writing by CNPA acting as Planning Authority.**

**Reason:** To ensure the long-term retention of an appropriate landscaping setting, enhance biodiversity and ensure the development will not have an adverse impact on the landscape setting or ecological quality of the development in accordance with Policy 3: Sustainable Design; Policy 4: Natural Heritage and Policy 5: Landscape of the Cairngorms National Park Local Development Plan 2021.

- 2. No work shall commence on site until full details and specifications (samples may be required) of all external finishing materials have been submitted to and approved in writing by the CNPA acting as Planning Authority. Thereafter the development shall be implemented in accordance with the approved details.**

**Reason:** To ensure a full assessment is undertaken of the appropriateness of the external materials and that the development will not have an adverse impact on its landscape setting in accordance with Policy 3: Sustainable Design and Policy 5: Landscape of the Cairngorms National Park Local Development Plan 2021.

- 3. No development shall commence on site until a revised Tree Protection Plan (to meet BS5837) has been submitted to and approved in writing by Cairngorms National Park Authority acting as Planning Authority. No development shall commence on site until the tree protection measures have been implemented on site in accordance with the approved plan.**

**Thereafter all trees shall be retained and maintained in accordance with the approved Tree Protection Plan and landscape maintenance programme throughout the lifetime of the development hereby approved unless otherwise agreed in writing by the Cairngorms National Park Authority acting as Planning Authority.**

**Reason:** To ensure a proper assessment of the potential tree loss and to protect those trees which contribute to the landscape character and setting and the biodiversity of the area during and after construction works in accordance with Policy 4: Natural Heritage and Policy 5: Landscape of the Cairngorms National Park Local Development Plan 2021.

- 4. No development shall commence on site until full details of the final drainage design are submitted to and approved in writing to the Cairngorms National Park Authority acting as Planning Authority in consultation with the Highland Council's Transport Planning and Flood Management teams. Thereafter the approved drainage scheme shall be implemented and maintained in accordance with the approved details in full prior to the occupation of any dwellings within the development.**

**Reason:** To ensure the satisfactory arrangements for the disposal of surface water are provided in accordance with Policy 3: Sustainable Design Policy 10: Resources of the Cairngorms National Park Local Development Plan 2021.

- 5. No development shall commence on site until a Construction Traffic Management Plan is submitted to and approved in writing by the Cairngorms National Park Authority, acting as Planning Authority, in**

consultation with the Highland Council Transport Planning Team. This plan shall include but not be limited to details of the following;

- a) Identification of all Council maintained roads likely to be affected by the various stages of the development;
- b) Predicted volume, type and duration of construction traffic;
- c) Location of site compound, staff parking and visitor parking;
- d) Proposed measures to mitigate the impact of general construction traffic and abnormal loads on the local road network following detailed assessment of relevant roads;
- e) Details of any appropriate upgrading works at the junction of the site access and the public road. Such works may include suitable drainage measures, improved geometry and construction, measures to protect the public road and the provision and maintenance of appropriate visibility splays.
- f) Details of any traffic management required for the duration of the construction period.
- g) Measures to ensure that all affected public roads are kept free of mud and debris arising from the development.
- h) The developer may also be requested to enter into a Section 96 agreement with the Highland Council to cover any abnormal wear and tear to the Council roads. This will include a requirement for pre and post construction surveys to be undertaken and agreed with the Council and for the provision of a suitable bond.
- i) If the development involves any abnormal loads a detailed protocol, route and delivery programme will be required and agreed with any interested parties such as Highland Council, the Police, Transport Scotland and community representatives. The protocol shall identify any requirement for convoy working and/or escorting of vehicles and include arrangements to provide advance notice of abnormal load movements in the local media.

Thereafter the construction of the development shall be implemented in accordance with those approved details, unless otherwise approved in writing by the Cairngorms National Park Authority acting as Planning Authority in consultation with the Roads Authority.

**Reason:** To ensure there are no adverse impacts on the roads network in relation to road safety and that construction traffic associated with the development causes minimum disturbance to residents in accordance with Policy 3: Design and Placemaking of the Cairngorms National Park Local Development Plan 2021.

6. **No development shall commence on site until a Manual Handling Method Statement is submitted to and approved in writing by the Cairngorms National Park Authority, acting as Planning Authority, in consultation with the Highland Council Transport Planning Team. This statement shall include details of the arrangements for the storage and collection of all waste.**

**Reason:** To ensure that the satisfactory arrangements for the storage, segregation and collection of waste are provided in accordance with Policy 3: Design and Placemaking of the Cairngorms National Park Local Development Plan 2021.

7. **No development shall commence on site until revised plans for cycle storage are submitted to and approved in writing by Cairngorms National Park Authority acting as Planning Authority in consultation with the Highland Council Transport Planning team. This shall include:**
- a) **Detailed dimensions of secure cycle provision;**
  - b) **Visitor cycle parking.**

**Reason:** To ensure that safe cycle storage is provided in accordance with Policy 3: Design and Placemaking of the Cairngorms National Park Local Development Plan 2021.

8. The development hereby approved shall be implemented in full and in strict accordance with, in particular the pollution prevention and control measures to prevent sediment entering the Milton Burn and the measures to avoid disturbance to otter, the Upland Developments and Envirocentre 'Laurel Bank, Aviemore Construction Environmental Management Plan' (CEMP) including the outline Construction Method Statement (CMS) dated April 2022, as submitted to the Cairngorms National Park Authority on 12 April 2022.

**Reason:** To ensure the development does not have an adverse impact on the River Spey Special Area of Conservation (SAC) in accordance with Policy 4: Natural Heritage and Policy 10: Resources of the Cairngorms National Park Local Development Plan 2021.

9. The self-catering apartments hereby approved on the plans AVI-NORR-ZZ-XX-DR-A-0010-REV P03, AVI-NORR-ZZ-XX-DR-A-0011-REV P01 AND AVI-NORR-ZZ-XX-DR-A-0012-REVP01 shall remain in perpetuity as holiday/short term lets unless otherwise agreed in writing by the Cairngorms National Park Authority.

**Reason:** To ensure these units remain for the purpose and use that they were assessed in this application in accordance with Policy 2: Supporting Economic Growth of the Cairngorms National Park Local Development Plan 2021.

10. No unit shall be constructed on site until details of the provision of bat and bird boxes throughout the site have been submitted to and approved in writing by Cairngorms National Park Authority acting as Planning Authority. Thereafter the development shall be implemented in accordance with those approved details. The boxes shall then be maintained and retained in situ;

**Reason:** To ensure the provision of enhanced opportunities for swift and bat roosting in accordance Policy 4: Natural Heritage of the Cairngorms National Park Local Development Plan 2021.

## Informatives

1. The development hereby approved must commence within 3 years of the date of this decision notice. If development has not commenced within this period then this planning permission will lapse.
2. The person undertaking the development is required to give the Planning Authority prior written notification of the date which it is intended to commence the development. Attached to this decision notice is a Notice of Initiation of Development for completion and submission. Submission of this information assists the Cairngorms National Park Authority Monitoring and Enforcement Officer in monitoring active work within the area to ensure compliance with the approved details and to identify and correct any potential problems, as they arise, rather than later when it may be more difficult and more costly to rectify. Failure to give notice would constitute a breach of planning control which may result in enforcement action being taken.
3. Following completion of the development, a notification of completion shall, as soon as practicable, be given to the Planning Authority. Attached to this decision notice is a Notice of Completion of Development for completion and submission. Submission of this form will assist the Cairngorms National Park Authority Monitoring and Enforcement Officer in making a final inspection and checking compliance with the approved drawings and conditions. If the development hereby approved is to be carried out in phases, then a notice of completion should be submitted at the completion of each phase.
4. The applicants should submit a formal connection application to Scottish Water following the granting of planning permission for review of the availability of capacity.
5. Construction work (including the loading/unloading of delivery vehicles, plant or other machinery) should not take place outwith the hours of 0800 hours to 1900 hours Mondays to Fridays, 0800 hours to 1300 hours on Saturdays or at any time or Bank Holidays to minimise disturbance to residents in the area.

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.