
CAIRNGORMS NATIONAL PARK AUTHORITY

Title: REPORT ON CALLED-IN PLANNING APPLICATION

**Prepared by: ANDREW TAIT
(SENIOR PLANNING OFFICER,
DEVELOPMENT MANAGEMENT)**

DEVELOPMENT PROPOSED: ERECTION OF CLASS I RETAIL STORE WITH ASSOCIATED PARKING, SERVICING AND LANDSCAPING, LAND ADJACENT TO WINKING OWL, GRAMPIAN ROAD, AVIEMORE (FULL PP)

REFERENCE: 11/177/CP

APPLICANT: TESCO STORES/SANTON GROUP

DATE CALLED-IN: 24 JUNE 2011

RECOMMENDATION: APPROVAL, SUBJECT TO WITHDRAWAL OF OBJECTION FROM SEPA, PLANNING CONTRIBUTIONS AND INFORMATION ON POLLUTION PREVENTION

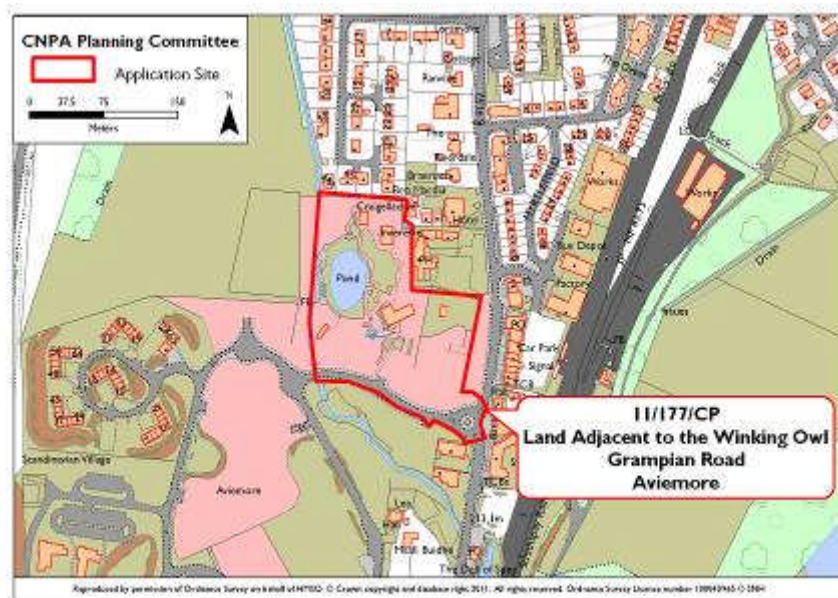


Fig. 1 – Location Plan

SITE DESCRIPTION AND PROPOSAL

1. The site for this application is close to the centre of Aviemore on a site that was occupied by Santa Claus Land and Chevy's Bar. The site is bounded to the east by a wedge of land not in the ownership of Tesco's (land used for Cairngorms Farmer Market) and then Grampian Road. To the south is a link road (known as northern link road) that runs into Aviemore Highland Resort and also provides access to a housing development currently under construction for 160 houses on the west side of the Aviemore Burn. Approximately 300 metres south of the site the burn becomes part of the River Spey Special Area of Conservation. Access for both customers and service vehicles would be from the link road (fig-2) using an existing adapted access. To the north the site is bounded by houses on Craig Na Gower. The eastern boundary is defined by the Winking Owl Public House and the gardens of private houses.



Fig. 1-View from Grampian Rd



Fig. 2- View from area used for market



Fig. 2- Sites access from AHR Link Road



Fig. 4- SE corner of site from AHR

2. The site itself consists of some 2.4 hectares. The eastern side of the site facing towards Grampian road is at the same level of the road itself. There is a fall of approximately 3-4 metres between Grampian Road and the Aviemore Burn. At the lowest point of the site there is also a circular pond surrounded by conifer trees. The lower western part of the site hosts a number of trees, in a combination of native and exotic species and the trees on site are covered by the Tree Preservation Order (TPO) that covers the overall Aviemore Highland Resort site. The TPO was applied at a time when

the trees were considered to be under threat of removal. There are also a number of broken down buildings and structures scattered around the site that were part of the former use of the site as Santa Claus Land.

Development Proposal

3. The application is a major application and was subject to the pre-application community consultation requirements. The proposal would result in 90 staff being transferred from the existing Tesco store with an additional 150 jobs created. A report on the community consultation accompanies the application. The application is also accompanied by a Design and Access Statement which indicates the reasoning for siting and designing the store in the manner proposed.
4. An outline planning consent was granted by the CNPA in 2008 for a 4, 180 sq metre store plus ancillary buildings. This consent held a number of planning conditions and one in particular required any future store to be located towards the front of the site with parking to the rear (west) side of the site. Another condition set finished floor levels at the site in the interests of flood prevention.
5. This is a full application for a 4, 456sq m store including lobby area and all ancillary floor space so the terms of the outline consent do not automatically apply. It proposes siting the store at the back of the site with parking to the front which would result in the need to infill the pond as well as the removal of a number of trees on the lower part of the site. The Design and Access Statement sets out the reasoning for this approach. Given the terms of the previous permission the CNPA has raised concerns about the siting of the store and further justification has been provided in an amended Design and Access Statement (see appendix A). The main thrust of the reasoning is that the west side of Grampian Road is characterised by buildings set back from the road frontage with often significant gaps in between. The siting of the building towards the back of the plot reinforces the grain of development on the west side of the Grampian Road in contrast to the strong road frontage development on the east side of the road. The application has been submitted with an ecological appraisal and enhancement statement which identifies a number of species associated with the pond including the Northern Damselfly. A number of squirrel dreys were identified by the original report. Because of time passed since the application was first submitted a very recent updated survey indicates that there are no dreys on the site. The application is also submitted with a drainage assessment, transport assessment, tree survey and landscaping plans and proposals.
6. The store is designed with a heavily glazed, south facing frontage with a timber raised canopy. The entrance to the store is located at the eastern end of this south elevation. Part of the front glazing wraps around onto the east elevation with the remainder of the elevation clad in timber. These key elevations are in effect the public facing sides of the building the west and north facing elevations include the goods access lane and servicing yard to the

rear backing onto a retained woodland area then residential gardens. The updated design statement (Appendix A) includes a number of photomontages, drawings and details on the sustainability aspects of the design and measures include wind ventilators, roof lights, rainwater harvest, dimmable lights.

Site History

7. The site has a history of planning permissions for retail development. The site has held an outline planning permission from Highland Council in 2003 for a 30,000 sq ft supermarket. In 2008 the CNPA granted planning permissions for both a detailed application for a 30,000sq ft supermarket and outline approval for an increase in the 30,000sq ft supermarket to 45,000sqft, approved in April 2008. This outline planning permission has since being renewed and is a 'live' consent on the site. A site to the west of this site on the other side of the burn has consent for approximately 160 houses and part of the conditions on that consent and the outline consents for the supermarket required a pedestrian bridge to be built linking the housing to the supermarket. Such a bridge is indicated by the current planning application.

DEVELOPMENT PLAN CONTEXT

National policy

8. **Scottish Planning Policy¹ (SPP)** is the statement of the Scottish Government's policy on nationally important land use planning matters. It supersedes a variety of previous Scottish Planning Policy documents and National Planning Policy Guidance. Core Principles which the Scottish Government believe should underpin the modernised planning system are outlined at the outset of **SPP** and include:
 - The constraints and requirements that planning imposes should be necessary and proportionate;
 - The system shouldallow issues of contention and controversy to be identified and tackled quickly and smoothly; and
 - There should be a clear focus on quality of outcomes, with due attention given to the sustainable use of land, good design and the protection and enhancement of the built and natural environment.
9. **SPP** emphasises the key part that development management plays in the planning system, highlighting that it should "operate in support of the Government's central purpose of increasing sustainable economic growth." Para. 33 focuses on the topic of Sustainable Economic Growth and advises that increasing sustainable economic growth is the overarching purpose of the Scottish Government. It is advised that "the planning system should proactively support development that will contribute to sustainable economic growth and to high quality sustainable places." Planning authorities are encouraged to take a positive approach to development, recognising and

¹ February 2010

responding to economic and financial conditions in considering proposals that would contribute to economic growth.

10. Under the general heading of Sustainable Development, it is stated that the fundamental principle is that development integrates economic, social and environmental objectives, and that the “aim is to achieve the right development in the right place.”
11. As a replacement for a variety of previous planning policy documents the new **Scottish Planning Policy** includes ‘subject policies’, of which many are applicable to the proposed development. Topics include economic development, rural development, and landscape and natural heritage. The following paragraphs provide a brief summary of the general thrust of each of the subject policies.
12. Economic development: Planning authorities are encouraged to respond to the diverse needs and locational requirements of different sectors and to take a flexible approach to ensure that changing circumstances can be accommodated. The benefits of high environmental quality are also recognised and planning authorities are therefore required to ensure that new development safeguards and enhances an area’s environmental quality and where relevant, also promote and support opportunities for environmental enhancement and regeneration.
13. Town centres and retailing: town centres are recognised as a key element of the economic and social fabric of Scotland, acting as centres of employment and services for local communities, and making an important contribution to sustainable economic growth. **SPP** states that the planning system has a significant role in supporting successful town centres through its influence on the type, siting and design of the development. Para. 61 of **SPP** advises that all retail, leisure and related developments should be accessible by walking, cycling and public transport. It also highlights that the perception of convenience is important, citing the example of locations close to homes or places of work.
14. The sequential approach should be used when selecting locations for all retail and commercial leisure uses and it also advises that this approach should apply to proposals for a change of use of existing developments “where proposals are of a scale or form sufficient to change their role and function.” The sequential approach requires that locations are considered in the order of town centre, edge of town centre, other commercial centres identified in the development plan, and out of centre locations that can be made easily accessible by a choice of transport modes.

15. Landscape and natural heritage: The **Scottish Planning Policy** document recognises the value and importance of Scotland's landscape and natural heritage. It is accepted that landscape is constantly changing and the aim is to facilitate positive change whilst maintaining and enhancing distinctive character. As different landscapes have different capacities to accommodate new development, the siting and design of development should be informed by landscape character. There is also an acknowledgement that the protection of the landscape and natural heritage may sometimes impose constraints on development, but the potential for conflict can be minimised and the potential for enhancement maximised through careful siting and design.
16. **Scottish Planning Policy** concludes with a section entitled 'Outcomes' in which it is stated that the "planning system should be outcome focused, supporting the creation of high quality, accessible and sustainable places through new development, regeneration and the protection and enhancement of natural heritage and historic environmental assets."

Strategic Policies

Cairngorms National Park Plan (2007)

17. The Cairngorms National Park Plan sets out the vision for the park for the next 25 years. The plan sets out the strategic aims that provide the long term framework for managing the National Park and working towards the 25 year vision. Under the heading of 'conserving and enhancing the special qualities' strategic objectives for landscape, built and historic environment include maintaining and enhancing the distinctive landscapes across the Park, ensuring that development complements and enhances the landscape character of the Park, and ensuring that new development in settlements and surrounding areas and the management of public spaces complements and enhances the character, pattern and local identity of the built and historic environment.
18. Under Strategic Objectives for economy and employment objective a) seeks to create conditions conducive to business growth and investment that are consistent with the special qualities of the Park and its strategic location. Objective c) seeks to promote green business opportunities; d) seeks to promote opportunities for economic diversification; (e seeks to address barriers to employment uptake and f) seeks to raise the profile and excellence of local produce and services.

Structure Plan Policy

Highland Council Structure Plan (2001)

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

Local Plan Policy

Cairngorms National Park Local Plan (2010)

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

24. The Local Plan contains a range of policies dealing with particular interests or types of development. These provide detailed guidance on the best places for development and the best ways to develop. The policies follow the three key themes of the Park Plan to provide a detailed policy framework for planning decisions:
- Chapter 3 - Conserving and Enhancing the Park;
 - Chapter 4 - Living and Working in the Park;
 - Chapter 5 - Enjoying and Understanding the Park.
25. Policies are not cross referenced and applicants are expected to ensure that proposals comply with all policies that are relevant. The site-specific proposals of the Local Plan are provided on a settlement by settlement basis in Chapter 6. These proposals, when combined with other policies, are intended to meet the sustainable development needs of the Park for the Local Plan's lifetime. The following paragraphs list a range of policies that are appropriate to consider in the assessment of the current development proposal.
26. Policy 1 Natura 2000 Sites: development likely to have a significant effect on a Natural 2000 site will be subject to an appropriate assessment in accordance with the Conservation (Natural Habitats, &c.) Regulations 1994. Where an assessment is unable to ascertain that a development will not adversely affect the integrity of the site, the development will only be permitted where: a) there are no alternative solutions; and b) there are imperative reasons of overriding public interest, including those of a social or economic nature. Where the site has been designated for a European priority habitat or species, development will only be permitted where the reasons of overriding public interest relate to human health, public safety, beneficial consequences of primary importance for the environment or other reasons subject to the opinion of the European Commission (via Scottish Ministers).
27. Policy 2- National Natural Heritage Designations: development that would adversely affect the Cairngorms National Park, a Site of Special Scientific Interest, National Nature Reserve or National Scenic Area will only be permitted where it has been demonstrated that: a) the objectives of designation and overall integrity of the designated area would not be compromised; or b) any significant adverse effects on the qualities for which the area has been designated are clearly outweighed by social or economic benefits of national importance and mitigated by the provision of features of commensurate or greater importance to those that are lost.
28. Policy 4 Protected Species: development which would have an adverse effect on any European Protected Species will not be permitted unless there are imperative reasons of overriding interest, including public health or public safety; there is no satisfactory alternative solution; and the development will not be detrimental to the maintenance of the population of the species concerned at a favourable conservation status in their natural range. The policy is intended to ensure that the effects of development proposals on protected species are fully considered by the planning authority. Developers

will be required to undertake any necessary surveys for species at their own cost and to the satisfaction of Scottish Natural Heritage and the planning authority.

29. Policy 5 – Biodiversity : development that would have an adverse effect on habitats and species identified in the Cairngorms Biodiversity Action Plan, UK Biodiversity Action Plan, or by Scottish Ministers through the Scottish Biodiversity List, will only be permitted where
- (a) The developer can demonstrate that the need and justification for the development outweighs the local, national and international contribution of the area of habitat or population of species; and
 - (b) Significant harm or disturbance to the ecological functions, continuity and integrity of the habitats or species populations is avoided, or minimised where harm is unavoidable, and appropriate compensatory and / or management measures are provided and new habitats of commensurate or greater nature conservation value are created as appropriate to the site.
30. Policy 6 – Landscape: there will be a presumption against any development that does not complement and enhance the landscape character of the Park, and in particular the setting of the proposed development. Exceptions will only be made where any significant adverse effects on the landscape are clearly outweighed by social or economic benefits of national importance and all of the adverse effects on the setting of the proposed development have been minimised and mitigated through appropriate siting, layout, scale, design and construction.
31. Policy 16 – Design Standards for New Development: this is one of a number of policies which is intended to encourage developers to consider how they can best include the principles of sustainable development in their proposals, and consider the impact on the environment, economy and community. Policy 16 requires that all proposals are accompanied by a design statement which sets out how the requirements of the policy have been met. The design of all development is encouraged to :
- Reflect and reinforce the traditional pattern and character of the surrounding area and reinforce the local vernacular and local distinctiveness, whilst encouraging innovation in design and materials;
 - use materials and landscaping that will complement the setting of the development;
 - demonstrate sustainable use of resources; and
 - be in accordance with the design standards and palette of materials as set out in the Sustainable Design Guide.
32. Policy 18 – Developer Contributions: the policy requires that development which gives rise to a need to increase or improve public services, facilities or infrastructure, or mitigate adverse effects, would require the developer to make a fair and reasonable contribution in cash or kind towards the additional costs or requirements. Contributions would be consistent with

the scale and nature of the development proposal and would be secured through a Section 75 agreement or other legal agreement where necessary.

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

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

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

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

Supplementary Planning Guidance

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

Sustainable Design Guide

36. **CNP Supplementary Planning Guidance** The CNPA has produced a range of supplementary planning guidance that is a material consideration in the determination of the proposal. The most relevant guidance is contained within ‘**Natural Heritage**’ guidance which sets out a range of principles with key Principle 1 considering that development should result in no net loss of natural heritage. Principle 2 considers that where loss or damage to natural heritage interest is unavoidable then this must be minimised as far as possible. Principle 3 sets out that if loss or damage is unavoidable then it will be fully mitigated on the development site and moving on from this Principle 4 considers that if on site mitigation is not possible a combination of on site mitigation and off site compensation would be required. Principle 5 considers aspects of financial compensation will be required to benefit the natural heritage of the National Park. The document sets out the level of information required dependent upon the nature of the sites in terms of designations and species.

37. The guide highlights the fact that the unique nature and special quality of the Cairngorms National Park and the consequent desire to conserve and enhance this distinctive character. The guidance has at its core the traditional approach to design which aims to deliver buildings which provide a resource efficient, comfortable and flexible living environment. The **Sustainable Design Guide** requires the submission of a Sustainable Design Statement with planning applications. It is intended that applicants would use the Sustainable Design Statement to demonstrate how standards set out in the Sustainable Design Checklist will be achieved.
38. One of the key sustainable design principles referred to in the document is that “future development in the Park should be sensitively located, reflect existing development pattern and setting, and respect the natural and cultural heritage of the Park.” Developments are also required to reflect traditional materials and workmanship, and take on board innovation, contemporary design and the emergence of modern methods of construction.

Developer Contributions SPG

39. The Developer Contributions SPG outlines that planning authorities have the legal power to seek reasonable and appropriate contributions from developers in association with the granting of planning permission for specific developments. Any contributions must be linked to the specific development proposal. The SPG contains a table illustrating the types of contributions likely to be sought by development type.

CONSULTATIONS

40. **Scottish Natural Heritage** (SNH) note that the development site lies immediately adjacent to the Aviemore (Milton) Burn. Approximately 300 metres downstream, the Aviemore Burn is designated as part of the River Spey Special Area of Conservation (SAC). SNH object to the proposal as it would be likely to have a significant effect on a qualifying interest of the SAC (Atlantic salmon). As a consequence Cairngorms National Park Authority is required to undertake an appropriate assessment. However if the proposal is amended so that the works are undertaken strictly in accordance with alterations/conditions then this significant effect can be avoided and therefore an appropriate assessment would not be required. It is recommended that information is submitted to show how the burn would not be affected by sedimentation or other pollution arising from the works during and following construction. Particular care should be taken to: avoid sedimentation; that soil is not washed into the burn; storage of fuels chemicals away from the burn; avoid contamination from concrete mixing and installation; avoid on-going contamination from hard standing directly discharging into the burn. SNH advise that to reduce the risk of sediment run-off into the burn, and to provide a vegetated corridor for otters, no vegetation is removed and no building take place within 10 metres of the Burn.

41. **SNH** note that the revised details do not include specific measures to address the concerns set out above, though SNH recognise that a 10 metre buffer is now indicated between the site and the burn on the latest drawings. SNH object unless the proposal is subject to the above advice to protect the burn.
42. Scottish Environmental Protection Agency (**SEPA**) were consulted on the application and raised objection on the grounds of lack of information related to flood risk. A Flood Risk Assessment (FRA) was submitted with the application but SEPA did not agree with its findings and also request further information with regard to the pond and how it is fed. Consequently, further information has been submitted. However, **SEPA maintain their objection** to the application on flood risk grounds. SEPA point out that they wish to see a demonstration that the development does not increase the risk of flooding elsewhere. This could be demonstrated by either providing information to show that the appropriate compensatory storage scheme based on the precautionary design flood design level of 241.1mAOD does not increase flood risk elsewhere. Or, a full review of the flood risk assessment to justify any mitigation measures proposed modelling the pre and post development scenarios. With regard to surface water drainage SEPA raise no objection to the proposal. SEPA have no objection with regard to foul drainage which is to be to the mains system. There is no objection with regard to waste management providing a condition is attached to any consent that a waste management plan be submitted for the approval of the Planning Authority. SEPA also request a planning condition for an Environmental Management Plan. If these conditions are not attached then SEPA's response should be considered as an objection.
43. **Highland Council Area Roads Manager** commented on the application and recommends that the application is deferred until a number of issues identified within the Transport Assessment have been addressed. The issues relate to: mitigation works, or the contribution towards same, at a number of road junctions; additional public transport infrastructure; contribution towards improved public transport services. Further comment is made that the site layout proposed, with the store set back some distance from Grampian Road and fronted by car parking, is unlikely to encourage walking, cycling and public transport as a means of access. The geometry of the internal road layout appears to be rather awkward and will involve service vehicles, sharing access with customers vehicles. Highland Area Roads concurs with the comments of SEPA with regard to flood risk and points out that drainage measures should accord with SUDS principles.
44. The response sets out measures to support the proposed development. A signalled crossing point should be considered for the northern link road as well as Grampian Road. Increased cycle parking should be provided as well as motor cycle parking. There are a number of measures the Council would wish to be considered including a dial a bus service to operate as an on-demand service; additional early morning service from Grantown on Spey. Provision of new bus stop and shelter for north bound services along

Grampian Road. Installation of real time information at bus stops and facilities for trolleys near to bus stops.

45. Area Roads did raise some concerns about the number of car parking spaces available. However, a detailed, dimensioned car parking plan is requested by planning condition.
46. A capacity analysis has been carried out on the junctions around Aviemore. Particular attention is drawn to the Grampian Road/Dalfaber Drive junction. Area Roads consider that this junction will operate above capacity and seek a financial contribution to the upgrade of the junction in line with contributions made from other developments.
47. **Highland Council Environmental Health** recommend a range of planning conditions with regard to the construction stage, potential impacts of noise on neighbouring residents from plant machinery and deliveries to the store. A noise impact assessment is required as part of the conditions. Conditions are also recommended with regard to timing of vehicle deliveries, suitable refuse storage and store opening hours.
48. **Highland Council Forestry Officer** appreciates that there has been a lack of tree management and that many of the trees on site are of poor quality or inappropriate species for retention which has resulted in many trees being proposed for removal. It is therefore of great importance that the replacement planting is appropriate and robust.
49. The proposed level of planting is welcomed but some concerns are raised over the positioning of some of the species of trees. In particular, the use of oak and ash in the area between the proposed supermarket and the Winking Owl. The double staggered row of trees which could reach over 20m in height with broad spreading crowns would not be appropriate. More appropriate scaled or columnar species should be used here. The oak and ash could be used in the landscaping to the side of Grampian Road. The applicant should complete the box on the Landscape drawing which details the numbers of extra heavy standards, feathered trees, woodland mix etc.
50. **Architecture Design Scotland (ADS)** considered the application at their Design Review Meeting on 23 August 2011. ADS support the development of a new food store on the site in principle and welcome Tesco's ongoing commitment to developing zero carbon stores and bespoke solutions generally. However, ADS remain unconvinced that the scheme presented, which places the store at the rear of the site, is the best solution for Aviemore in urban design terms. ADS encourage the Project Team to explore alternative and more bespoke solutions that satisfy Tesco's operational requirements whilst providing the community of Aviemore with a sustainable building that contributes positively to the area and is befitting of its National Park status. In doing so ADS encourage further development of more detailed issues with regards to the design of the landscape, car parking and potential connections to the adjacent Farmers Market to the east.

51. **Aviemore and Vicinity Community Council** consider the location of the supermarket to be the best of the options. A building the size of the supermarket would be intrusive if placed at the top of the site i.e. at Grampian Road. It would enclose Grampian Road and remove any sense of open space in that part of the village. It would remove any view of Craigellachie National Nature Reserve from Grampian Road. Placing the building at the north west of the site means that Aviemore can retain its open nature. The supermarket would still be visible from Grampian Road but would not obscure Craigellachie.
52. There are some misgivings about the removal of the pond and the effect upon species found in it. However, the economic and social advantages of the application outweigh any perceived effects on the environment. The proposed car parking would maximise car parking in the village centre. The design of the store is considered to be good. Concern is expressed about the positions of the pedestrian crossings on Grampian Road. There should be a light controlled pedestrian crossing on the MAHR access road. There should be a bus stop outside the store. Community Council responses are attached as appendix B.
53. **Kincraig and Vicinity Community Council** express support for the application.
54. **The Cairngorms Business Partnership (CPB)** welcome the opportunity to comment on the application. The CPB represents some 280 businesses across the Park. The application has support from the CPB and the investment in the area is welcomed. Such an investment is critical to the ongoing development of the local economy, will bring additional employment opportunities and opportunity to supply for local businesses. The development is welcome in the way that it will increase the availability of goods within the local area so influencing residents and visitors to remain in the area rather than having to travel. The CPB are pleased to note the pedestrian access to and from the Myrtlefield area so allowing businesses at the north end of Aviemore to benefit from the additional footfall that the store will bring. The CPB welcome the application and seek its approval by the Planning Committee.
55. **CNPA Ecology** comment that there is a significant loss of biodiversity on site through felling of mature trees and the removal of the pond. The landscape proposals do not mitigate for the loss of the pond. In order to comply with policy mitigation should be agreed for the loss of the pond by provision of a new pond and habitat of the Northern Damselfly by undertaking a suitable translocation exercise with a survey of which ponds may be appropriate for translocation. It is noted that there is a current planning application for a pond nearby. The red squirrel survey shows that none are presently on site. A new survey should be carried out immediately prior to any tree felling. Bird and bat boxes should be conditioned in line with the Ecological Enhancement Statement.

56. **CNPA Landscape** note that the impacts focus on the visual impact of the new store and the necessary removal of tree cover in its vicinity. There is also a need to ensure that the views to the surrounding mountains are maintained as well as the character of the village itself. The current landscaping proposal is not acceptable but a condition requiring an acceptable one is recommended. A tree protection plan should be submitted by way of planning condition. A summary of natural heritage comments is attached at Appendix D.
57. **CNPA Outdoor Access Team** note that the proposals indicate good non-motorised access from the MacDonald Aviemore Highland Resort, Grampian Road and Myrtelfield. Once a bridge has been constructed over the Aviemore Burn to the new housing there will be good access from the north west of Aviemore as well. It is recommended that the applicants liaise with the neighbouring housing developer with regard to the bridge. The measures outlined in the Design and Access Statement address accessibility and sustainable transport issues and the path design, surfacing and layout appear suitable and in-keeping with what would be expected of a supermarket site.
58. The **Planning Gain Service** has set a planning contribution towards environmental improvements for the core path network.

REPRESENTATIONS

59. Being a major application a pre-application consultation exercise was undertaken by the developer. The proposal has been advertised in the Badenoch and Strathspey Herald. A total of 3 representations have been received and these are attached as Appendix C of this report. One representation raises concern about the proximity of the service yard to properties on Craig Na Gower Avenue, considering that this relationship is likely to lead to ongoing problems that could result in restricted hours. The second representation considers that targets should be set for both the local recycling of packaging materials from the store and also with regard to the percentage of locally sourced produce that would be available. The third letter is from the British Dragonfly Society who object to the removal of a pond that contains a breeding population of Northern Damselfly. The Society believe that the pond should be retained. However, if it is to be removed a range of mitigation measures are necessary to ensure translocation of the species to a nearby pond. A supporting letter from the agent for the application is attached at Appendix C.

APPRAISAL

60. The principle of this size of supermarket has been accepted by the consent previously given by the CNPA. Consequently, this size of store is not at issue in the consideration of this application. The key issues set out in this report relate to the environmental impacts of this particular proposal on the site with regard to the siting, layout and design and the subsequent implications of the design layout on ecological and landscape interests. The report also considers neighbouring amenity and technical issues including potential for flood risk and roads issues.

Layout and Design

61. Earlier permissions at the site specified that the store itself should generally be positioned to the front of the site (east) with parking behind (west). The intention being that a strong store frontage onto Grampian Road would build-up and strengthen the street scene along the road, providing a more coherent townscape. In addition, positioning the store towards the front of the site would potentially enable the pond towards the rear of the site to be retained.
62. The approach of siting the store to the front of the site with parking behind is supported by the view of Architecture Design Scotland and the principle of this approach has been set out in previous permissions at the site since Highland Council's first permission in 2003. The applicants have submitted a design statement with a townscape analysis that identifies different characteristics on each side of Grampian Road. The opposite side of Grampian Road from the site is characterised by blocks of development close to the roadside, in essence, an urban characteristic. The statement identifies a different characteristic to the side of Grampian Road on which the site sits. Namely, that this side of the road is characterised by set back buildings with significant gaps between them. This allows important views from Grampian Road out to the surrounding landscape and Craigellachie in particular. Such views have been identified as being important by Aviemore and Vicinity Community Council.
63. The applicant, for operational reasons has previously indicated that any building fronting onto Grampian Road could not direct an active (shop) frontage onto the Road as the main entrance to the store would have to face the car park. This would leave the Grampian Road elevation as a rear or side elevation. Further to this the applicant has confirmed that access to the site must be from the link road as they do not have full control over the use rights for the piece of land used as a farmers market between the site itself and Grampian Road. This further mitigates against a scheme fronting onto Grampian Road as any frontage scheme would in all likelihood require a service access from Grampian Road.

64. There are 'urban' design reasons for seeking a building at the front of the site. However, this is not in character with existing development on the west side of the road. The approach of siting the building to the rear of the plot retains the views out of Grampian Road which are of themselves a key characteristic of the village. Successive masterplans for Aviemore have sought to "green up" the village and bring the surrounding landscape into the village. Consequently, the approach set out does reinforce the existing pattern and character on the west side of Grampian Road in accordance with Policy 16 Design Standards for New Development and provides a 'rural' soft landscaping approach as opposed to an 'urban' hard landscape design solution. There are two other compelling reasons for siting the building to the rear of the site. Firstly, the parking at the front is much more likely to encourage customers to use other facilities in the village, as they can access Grampian Road from the car park, rather than having to walk round a building positioned at the front of the site. The second reason is that a building up against the front of the site would make the space used for the farmers market less open, less attractive and potentially overshadowed. The applicant is committed to providing landscape works to improve this space or at least commit funding for it. The applicant has investigated the ownership of the site and sees no bar to this work being carried out.
65. In summary the reasons for accepting the approach set out by the Design Statement are to:
- conserve views of surrounding hills from this part of Grampian Road;
 - improve the relationship of the site with surrounding landscape bringing the landscape into the village;
 - provide views of the mountains from the entrance to the store and the car park;
 - prevent a building being placed hard up against the open; space, potentially causing overshadowing;
 - making the open area less attractive for the Farmers Market or other public uses, and;
 - making the service elevation of the building less visible

Ecology

66. The first ecological issue from the siting of the store at the back of the site relates to the proximity of the Aviemore Burn (which downstream becomes part of the Spey SAC). The second issue relates to the loss of the pond and any associated conservation value.
67. SNH has provided advice in relation to the SAC issues, in this case identifying a potentially significant impact upon Atlantic salmon from the proximity of works to the burn and the potential pollution and sedimentation to the burn. The SNH position is one of objection unless certain working methods are adhered to with regard to potential sedimentation and pollution to the burn. The measures stipulated by SNH would be normal matters to be dealt with by planning conditions. However, in this case, the information must be

provided before any decision notice is issued. SNH had provided additional advice that a 10 metre buffer (where no works should take place) would be preferable between the burn and any works. The latest plans indicate a buffer of approximately 10 metres. Officers would seek details of the pollution prevention measures to prevent sediment entering the burn and consult SNH accordingly. Any decision notice would not be issued until a positive response was received from SNH. This allows the proposal to comply with Policy I Natura 2000 Sites of the CNP Local Plan.

68. The second ecological issue relates to the loss of the pond on site and associated trees. The pond has been identified as being of very high ecological value to a number of scarce invertebrates identified. Of particular note is the Northern Damselfly which is on the red data list and listed as a Biodiversity Action Plan Species. Policy 5 Biodiversity sets the relevant policy test for this issue together with the CNP Supplementary Planning Guidance on Natural Heritage. The loss of the pond would have a detrimental impact upon biodiversity, the policy notes that such impact will only be permitted where the developer can demonstrate that the need and justification for the development outweighs the contribution of the habitat/species and b) significant harm or disturbance to ecological functions is avoided, or minimised and/or appropriate compensatory measures are provided. In this case, the applicant argues that the need and justification for the development outweighs the contribution of the pond and that adequate compensatory measures are provided. On the first part of the policy there is a clear need for a larger supermarket in Aviemore and the Community Council are supportive. There is some concern about the loss of the pond, however, ultimately, even if the pond were to be retained with a supermarket at the front of the site the relationship between the pond and development would be questionable. It would inevitably be separated from the development and potentially surrounded by car parking, losing its surrounding setting and character. Consequently, the need for the supermarket to be in its current siting is considered to outweigh the retention of the pond and this meets the first part of the policy test. The second test set by the policy relates to compensatory measures. In this instance, the applicant is offering a range of ecological enhancements within the site including a wildflower meadow, native tree planting, enhancement along the burn and provision of bird and bat boxes.
69. While the measures compensate for the loss of some significant tree cover on site they do not directly compensate for the loss of pond habitat. Despite this, in recent negotiations the applicant has agreed to provide compensatory measures, or failing that a financial contribution to the conservation of invertebrate species in the Park. A condition is attached to cover this.
70. The mitigation arrangements address this issue with regard to the impact of the proposal under the aims of the Park and the requirements of Section 9 (6) of the Act. Given the measures outlined the proposal is considered to meet the tests set by Policy 5 Biodiversity.

Landscape

71. Landscape issues are intrinsically linked with the design and layout of the building and in this case an assessment has to be made as to whether the proposal complies with Policy 6 Landscape of the CNP Local Plan and the need to complement and enhance the landscape character.
72. To enable this assessment to be made the CNPA Landscape Officer has considered the proposal in detail. In terms of the widest perspective the key landscape priorities for Aviemore relate to conserving and enhancing views to the mountains and creating more opportunities to view them. The proposal does result in a significant loss of trees on the site, though as recognised by Highland Council Forestry Officer the trees have been poorly managed and there are a number of non-native species.
73. There is a recognition that siting the store to the rear of the site will impact significantly on established trees affecting the wooded character of this part of Aviemore. However, siting the store to the rear of the site does open opportunities for viewing the mountains from the front of the store, the car park and its surroundings, this would not be the case if the store was sited to the front of the plot. The landscaping proposals as submitted go some way to addressing the loss of trees. However, the Landscape Officer and Highland Council Trees Officer have provided specific advice on how the landscaping in and around the site could be improved. Consequently, a landscaping condition is recommended so that an updated drawing can be submitted taking into account the comments made.
74. In negotiations on the proposals the applicant has recognised that the area in front of the site sometimes used for the Farmers Market is an important space in the settlement that would significantly benefit from enhancement. Tesco have investigated the ownership of this land thoroughly and consider that there should be no objection to landscape enhancement works being carried out. The applicants do not consider that these works are necessary to granting permission but are willing to accept a planning condition that requires the works to be done or a financial contribution to be made to the CNPA to cover the cost of these works. Should the works not be carried out the contribution will be used for environmental improvements in Aviemore.

Neighbouring Amenity

75. A particular objection has been received from a neighbour to the north of the site raising concerns about potential disturbance from the servicing delivery area. It is recognised that the rear boundary of the site faces towards a number of residential properties on Craig Na Gower Avenue. The rear service yard will contain a number of items such as a compactor and refrigeration units. However, it is important to note that as strip of woodland of between 10 and 6 metres deep will be retained between the service yard and those properties, this will provide screening between those gardens and the service yard. The number of delivery vehicles using the

delivery area would be limited. The current Tesco store has two per day the new one will have three. The Environmental Health Officer (EHO) has considered the proposal and does not object. However, a number of conditions with regard to deliveries, noise and opening hours have been attached in line with the EHO comments. The deliveries condition suggested a limit of 20:00hrs. However, the applicant has requested a limit of up to 22:00 hours as the current store receives deliveries up until this time. Given the limited number of deliveries required to service the store this is considered acceptable.

Technical Issues

Flooding

76. SEPA's original response objected on the grounds of flood risk and raised questions about the relationship between the burn and the pond on site with regard to potential flooding. The developers engineer has been in dialogue with SEPA. However, based upon the latest information submitted SEPA maintain their objection wishing to see a demonstration that the proposal would not lead to potential flooding elsewhere. Consequently the recommendation at the end of the report is subject to flooding issues being resolved to SEPA's satisfaction and an update on this issue will be provided at the meeting.
77. SEPA are generally content with other matters providing that conditions are applied to any consent for an Environmental Management Plan and a Waste Management Plan.

Roads and Parking

78. A number of issues regarding roads and parking have been raised by the Area Roads Manager and the consulting engineers for the applicant have responded to these issues. The first major point relates to Highland Council's request for a financial contribution to upgrade the Grampian Road/Dalfaber Drive junction. The key point to make is that there is an outline planning permission on the site so the principle has been established and no contribution was sought at that point. Although this is a full planning application and all matters have to be considered, in reality we are considering the layout and design of the store, not the external impacts of the scale of a store which already has permission in principle. The contribution sought by Highland Council is not part of the package required by the Planning Gain service under the developer contributions policy. Consequently, it would not be reasonable to seek a planning contribution in this instance. A request is also made for a contribution towards a local dial a bus service. Given that this relates to reducing the need to access the site by private car at a site where car parking is at the limits of what is acceptable such a contribution is considered reasonable.

79. On more detailed matters a bus shelter has been indicated on the site plan. Concern is still raised regarding the access to the site and the layout is considered less than ideal in relation to ease of access for vehicles, pedestrians and cyclists. With regard to this point it has to be recognised that the site is subject to a number of constraints which have dictated the principle approach to access. While it is recognised that the access may be less than ideal it does not result in an objection from Area Roads and it must be recognised that a number of supermarkets throughout Scotland have differing access approaches based upon the constraints of a particular site. This includes a number of supermarkets that have joint access for both delivery vehicles and customers at the point of entry. The consulting engineers have provided additional comment with regard to parking and Area Roads point out that prior to commencement of the development a detailed, dimensioned car park and layout plan shall be submitted for approval.

Conclusion

80. Overall the proposal is considered to positively comply with Policy 25 Business Development and Policy 26 Retail Development of the Local Plan in that the siting and design of the store as set out will result in a much anticipated, new and larger supermarket for Aviemore. In total 90 staff would be transferred from the existing store and an additional 150 jobs created. A number of environmental and technical issues have been considered with regard to biodiversity, landscape, flooding and roads. The applicant will continue to work on the potential flooding issue. Subject to the withdrawal of SEPA's objection the proposal provides significant benefits. In summary the benefits of the proposal are:
- significant investment in the village resulting in approximately 150 additional jobs being created;
 - a new much needed larger supermarket for Aviemore;
 - bringing a largely brownfield site back into use;
 - landscaping between the site and Grampian Road creating an enhanced public space;
 - protecting views of the mountains from Grampian Road and opens up new views from the site itself, and;
 - while the loss of biodiversity on site is recognised the proposals, together with conditions provide appropriate compensatory measures

IMPLICATIONS FOR THE AIMS OF THE NATIONAL PARK

Conserve and Enhance the Natural and Cultural Heritage of the Area

81. The proposal with the conditions set out in this report will conserve and enhance the natural and cultural heritage of the Park. There is some habitat loss with particular regard to the pond but the applicant has agreed to compensation in either works or by financial contribution. The potential landscaping of the area between the store site and Grampian Road provides a

potentially significant enhancement and by the creation of a key public space in Aviemore.

Promote Sustainable Use of Natural Resources

82. The proposal results in a new larger store within the settlement, this should help to reduce the degree of travel for shopping trips within Aviemore and outside of the Strath as a whole. The type of building being put forward is often described as an eco –store which is designed to use as little energy as possible and the design statement submitted points out that this store would result in around 70% less carbon emissions than an equivalent one built in 2006. Mention is made of using local stone and timber a condition is attached to secure further detail on this issue.

Promote Understanding and Enjoyment of the Area

83. The new store will provide a much improved shopping facility for residents and visitors to the area. The proposed landscape improvements should help foster additional use and enjoyment of this key site at the northern point of the village centre.

Promote Sustainable Economic and Social Development of the Area

84. A new larger store is much needed in the area and will provide additional employment in the area and bring back into use a site that has been unused for a number of years. The store will increase footfall in the area which should benefit other stores in the village. The car parking facing Grampian Road will assist people in using both the new store and existing shops and cafes in the village. While not part of this application the pre-community consultation for the application highlighted a number of people who hoped the applicant would open a petrol station as part of this project. While the site itself cannot accommodate a station the applicant is actively looking at possibilities in the area.

RECOMMENDATION

85. That Members of the Committee support a recommendation to: **GRANT** Planning Permission for the erection of class I retail store with associated parking, servicing and landscaping, land adjacent to Winking Owl, Grampian Road, Aviemore, subject to the following:
- A. Satisfactory response from SEPA withdrawing their objection with regard to flooding issues;
 - B. Planning Contributions towards core paths and dial a bus by either section 75 Agreement, or contribution to be provided prior to the decision notice being issued.
 - C. Information to be provided to SNH on prevention of sedimentation of Aviemore Burn, and;
 - D. The following planning conditions:

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

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

Construction Stage

2. The normal working hours within the site shall be Monday – Friday between 0700hours and 1800hours and on Saturdays between 0800hours and 1300hours, with no work being carried out on public holidays or Sundays unless otherwise agreed by the CNPA acting as Planning Authority.

Reason: To protect the amenity of neighbours during construction.

3. Prior to the commencement of the development detailed proposals to cover the following points shall be submitted to and approved by the CNPA acting as Planning Authority in consultation with Highland Council Environmental Health. Works shall be carried out in accordance with the approved proposals.

- The applicant shall indicate a range measures to avoid nuisance to neighbouring residents caused by dust which arises from operations carried out in connection with this planning consent.
- The applicant shall follow best practice and best management techniques in this regard.
- In mitigating the effects of noise the applicant is advised to follow the guidance contained within BS5228: Part 1 1997 – Noise and Vibration Control on Construction and Open Sites.
- The applicant shall inform all neighbouring residents who are likely to be affected by the construction works of the proposed timescales and the intended site operations. The applicant/developer shall appoint a person responsible for dealing with complaints and provide a contact telephone number to neighbouring residents. The CNPA shall be notified of this person and their contact details prior to the commencement of development.

Reason: To protect the amenity of neighbours residents during construction.

4. Prior to the commencement of development, a detailed construction method statement shall be submitted to and approved by the CNPA acting as Planning Authority. The statement shall include details of temporary measures proposed to deal with surface water run-off during construction and prior to the operation of the final SUDS scheme. The method statement shall cover the following:

- Surface water run-off- including measures to prevent erosion, sedimentation or discoloration of controlled waters should be provided along with monitoring proposals and contingency plans;
- Timing of works to be undertaken to avoid periods of high rainfall
- Fuels or chemicals- measures to ensure any fuels/chemicals from plant do not cause pollution
- Landscaping works to minimise run-off
- All waste streams associated with the works shall be identified.

Reason: In the interests of protecting the environment.

5. Prior to the commencement of development a detailed Construction Management and Traffic Method Statement shall be submitted for the agreement and written approval of the CNPA acting as Planning Authority. The Statements shall include details of:

- Construction traffic and construction traffic parking arrangements
- All site compounds and associated structures
- Areas of storage of building materials and associated off-loading points
- Removal of site materials
- Full details of any flood lighting for working practices including locations and times of use.

All works shall be carried out in accordance with the agreed statements to the satisfaction of the CNPA acting as Planning Authority. All vehicles relating to the construction works and construction workers shall be parked within the application site.

Reason: In the interests of the safety and amenity of existing residents and neighbouring businesses.

Operational Amenity Protection

6. Prior to the commencement of this development, a noise impact assessment requires to be carried out by the applicant and submitted for approval by the CNPA acting as Planning Authority in consultation with Highland Council Environmental Health. All measurements and calculations within the noise assessment require to be carried out by an acoustic consultant or other suitably competent person.

The following should form the basis of such an assessment:-

Description of the development

- A description of the proposed development in terms of noise sources and the proposed locations and operating times of the same.
- A description of any noise mitigation methods that will be employed. The effect of mitigation methods on the predicted levels should be reported where appropriate.

Current Ambient Noise Levels and Background Noise

- A survey of current ambient (LAeq) and background (LA90) noise levels at appropriate locations, neighbouring the proposed site. (Carried out in accordance with BS4142:1997)

Predicted Noise levels

- A prediction of noise levels resultant at neighbouring noise sensitive premises, for the operational phase of the proposed development.

Assessment

- An assessment of the predicted noise levels.

General

- The report should include a detailed plan showing the location of noise sources, noise sensitive premises and survey measurement locations.
- The report should have appended to it, the raw data and equations used in the calculation of predicted noise levels.

Reason: To protect the amenity of neighbours during the operation of the store

7. There shall be no vehicle deliveries to the store outside the hours of 0700hours and 2200hours. Any delivery outwith this time shall only be carried out with prior approval of the CNPA acting Planning Authority.

Reason: To protect the amenity of neighbours during the operation of the store

8. Hours of opening shall be 0700hrs to 23:00hrs Monday to Saturday and 0900hrs to 2100hrs on Sundays. No change to the opening hours shall occur without the prior written approval of the CNPA acting as Planning Authority.

Reason: In the interests of protecting neighbouring amenity.

9. The design and installation of any plant, machinery or equipment shall be such that any associated noise complies with Noise Rating Curve 25 when measured and/or calculated within any nearby noise sensitive dwelling, and that no structure borne vibration is perceptible within any nearby noise sensitive dwelling.

Reason: To protect the amenity of neighbours during the operation of the store.

Site Infrastructure

10. Prior to the premises being brought into use for the purpose hereby permitted, a scheme providing for adequate arrangements for segregation, storage and collection and management of residential, business and commercial waste from this use shall be submitted to and approved by the CNPA acting as Planning Authority. The scheme shall be carried out and thereafter retained at all times.

Reason: To ensure that adequate bin storage is available at the site.

11. A lighting plan for the entire site shall be submitted to and approved in writing by the CNPA acting as Planning Authority in consultation with Highland Council Environmental Health and Area Lighting Engineer. No additional lighting outside of that agreed by the CNPA shall be erected on the building/site without prior written approval of the CNPA acting as Planning Authority.

Reason: In the interests of ensuring adequate lighting while preventing light pollution to neighbouring premises.

12. Prior to commencement of development samples of all external materials for the building and all materials for external floor finishes at the site shall be submitted to and approved by the CNPA acting as Planning Authority. Development shall be carried out in accordance with the approved samples.

Reason: In the interests of the appearance of the building and visual amenity of the wider area.

- 13.** Prior to the commencement of development a statement shall be submitted to and approved by the CNPA acting as Planning Authority setting out what local material will be used in the construction of the supermarket hereby approved.

Reason: In the interests of sustainability.

- 14.** Prior to the commencement of the development hereby approved full details of the pedestrian footbridge over the Aviemore Burn indicated on the proposed site layout plan Drawing No 1538(PL)303 shall be submitted to and approved by the CNPA in consultation with SEPA and Highland Council Area Roads. The bridge shall be in place prior to the first opening of the store.

Reason: To encourage pedestrian access to the store from the new housing development to the west of the site.

Landscape and Trees

- 15.** Notwithstanding the details of the submitted landscape plan and prior to the commencement of the development hereby approved a revised landscaping plan shall be submitted to and approved in writing by the CNPA acting as Planning Authority. The Plan shall address the comments of the CNPA Landscape Officer and Highland Council Forestry Officer, both of which are attached to this decision notice. The plan shall also include details on phasing of landscaping and future maintenance. Landscaping shall be completed during the planting season immediately following the commencement of the development or other such date as may be agreed in writing with the CNPA acting as Planning Authority which shall be implemented prior to the construction of any approved development. Any planting which within a period of 5 years from the completion of the development, in the opinion of the CNPA acting as Planning Authority is dying being severely damaged or becoming seriously diseased, shall be replaced by plants of a similar size and species to those originally required to be planted.

Reason: To ensure a satisfactory scheme of landscaping which will help assimilate the development into its surroundings and to ensure that proposals accord with Policy 6 Landscape of the CNP Local Plan.

- 16.** No development shall commence until a tree protection plan specifically indicating all trees to be retained with methods to protect them shall be submitted to and approved by the CNPA acting as Planning Authority. Trees shown for retention on the approved plan shall be protected by chesnut paling fencing erected around the extremities of the crowns of these trees to the satisfaction of the CNPA acting as Planning Authority and in accordance with BS5837, Trees in Relation to Construction. No materials, supplies, plant, machinery, soil heaps, changes in ground levels or construction activities shall be permitted within the protected areas without the prior written consent of the CNPA acting as Planning

Authority and no fires shall be started in a position where flames could extend within 5 metres of foliage, branches or trunks.

Reason: To ensure trees marked for retention are protected and retained.

17. Notwithstanding the details submitted with the application a drawing detailing the landscaping proposals for the area between the car park and Grampian Road together with specifications and costings for the work shall be submitted for approval to the CNPA acting as Planning Authority in consultation with Highland Council TEC Services. The agreed plan shall be implemented within 12 months of the store opening. Should the applicant fail to carry out these works a financial contribution equivalent to the cost of the works and specifications on the agreed plan shall be provided to the CNPA acting as Planning Authority.

Reason: In the interests of providing an enhanced landscape setting and to improve the landscape of the wider area.

Ecology/Environmental Protection

18. Prior to the commencement of the development hereby approved detailed and costed proposals of compensatory habitat including a pond and translocation of invertebrate species from the existing pond at the site to a donor pond or ponds shall be submitted to and approved in writing by the CNPA acting as Planning Authority. The measures in the detailed proposals shall be fully implemented prior to the first opening of the supermarket hereby approved. Should the applicant demonstrate to the CNPA acting as Planning Authority that the approved proposals cannot be implemented in practical terms a financial contribution equivalent to the cost of the approved measures shall be provided to the CNPA prior to the removal of the pond.

Reason: To ensure that that the proposal complies with Policy 5 Biodiversity of the CNP Local Plan.

19. Prior to the supermarket being brought into use bat and bird boxes in positions to be agreed by the CNPA acting as Planning Authority shall be located at the site and retained thereafter in line with the submitted Ecological Enhancement Statement.

Reason: To enhance Biodiversity at the site in line with Policy 5 Biodiversity of the CNP Local Plan.

20. Immediately prior to any felling taking place at the site a repeat red squirrel survey shall be carried out and a report submitted to the CNPA acting as Planning Authority.

Reason: To provide an up to date survey to inform any potential requirement for a licence from SNH.

- 21.** At least two months prior to the commencement of any works, a full site specific environmental management plan (EMP) shall be submitted for the written approval of the CNPA acting as Planning Authority in consultation with SEPA. All work shall be carried out in accordance with the approved plan.

Reason: To control potential pollution of air land and water.

Retail Floorspace Restriction

- 22.** The retail development hereby approved is limited to Class I: Retail under the terms of the Town and Country Planning (Use Classes) (Scotland) Order 1997. The trading floor of the store shall be on a single storey. A minimum of 75% of the trading floor area of the supermarket hereby approved shall be exclusively for the sale of convenience goods. The remaining 25% of the trading floor area may in addition to convenience goods sell a range of comparison goods. No single range of comparison goods shall occupy more than 25% of the trading floor area devoted to the sale and display of comparison goods and no sub-division of the unit is allowed to form separate retail stores.

Reason: In order to retain an element of control over the non-food goods on sale, and therefore the impact of the supermarket on the vitality and viability of the retail offer in Aviemore and nearby settlements.

Access, Roads and Transport

- 23.** Detailed proposals for pedestrian access to the site including proposals for pedestrian crossings on Grampian Road and the northern link road shall be submitted for the approval of the CNPA acting as Planning Authority in consultation with Area Roads. The approved measures shall be put in place prior to the development first being brought into use.

Reason: In the interests of securing proper pedestrian access to the site.

- 24.** Prior to the commencement of development a dimensioned car park layout and parking management plan shall be submitted for the approval of the CNPA acting as Planning Authority in consultation with the Area Roads Authority. The car park layout shall be constructed and maintained thereafter in accordance with the approved plan.

Reason: To ensure that the car park and layout is appropriate and retained as such.

25. The development hereby approved shall not be put into use until all parking and turning areas have been provided and surfaced in accordance with details subsequently approved and shown on the approved plans. Once provided, all parking and turning areas shall thereafter be permanently retained as such.

Reason: To ensure that appropriate access and parking is available to the building prior to it being brought into use.

26. The developer shall meet the costs of introducing any formal parking restrictions deemed necessary to maintain the safety and free flow of traffic on the public roads surrounding the site.

Reason: In the interests of preventing inappropriate parking around the site.

27. Prior to opening of the store the developer shall modify the public area between the site boundary and Grampian Road to the satisfaction of the CNPA acting as Planning Authority in consultation with Highland Council Area Roads. The modifications shall ensure that a safe and direct route for pedestrians and cyclists will be available between Grampian Road and the main entrance to the store.

Reason: To ensure ease and safety of pedestrian access to the new store

28. Prior to opening of the store a suitable Travel Plan shall be prepared for the approval of the CNPA acting as Planning Authority. The Travel Plan shall accord with the requirements of the Travel Plan Framework in the submitted Transport Assessment; including the appointment of a suitable Travel Plan Co-ordinator and the introduction of measures to ensure effective monitoring, review and marketing of the plan. All measures shall be implemented within 12 months of the first opening of the store unless otherwise agreed.

Reason: To promote a range of sustainable travel options to the store

29. Prior to opening of the store a bus stop and real-time enabled shelter meeting Highland Council's specification shall be provided for northbound bus services at an agreed location on Grampian Road. This shall include a real-time screen with up to date timetable information shall be provided within the store. The annual maintenance costs of the screen shall be met by the developer.

Reason: To provide appropriate public transport options from the site.

30. Visibility splays shall be provided and maintained on each side of each road junction. These splays are the triangles of ground bounded by the first x metres along the centreline of the minor road (the x dimension) and the nearside edge of the main road (the y dimension) measured in either direction from the intersection with the access road.

- At the junction of the main access road and the Aviemore Highland Resort North Link road, visibility splays of 4.5 metres x 70 metres shall be provided and maintained.
- At internal road junctions, visibility splays of metres 4.5 metres x 30 metres shall be provided and maintained.
- Within the visibility splays nothing shall obscure visibility between a driver's eye height of 1.05 metres positioned at the x dimension and an object height of 0.6 metres anywhere along the y dimension.

Reason: In the interests of ensuring appropriate visibility.

Land Contamination

31. Prior to the commencement of development on site an assessment shall be made of the site for potential land contamination in accordance with BS10175:2001. Any contamination found on the site shall be dealt with in accordance with the aforementioned guidance and to the satisfaction of the CNPA acting as Planning Authority in consultation with Highland Council Scientific Officers.

Reason: To ensure that any contaminated material is dealt with in an appropriate manner.

32. All drainage measures shall accord with SUDS principles and satisfy the respective requirements of SEPA, Scottish Water and Highland Council. Appropriate design and check certification shall be submitted to and approved by the CNPA acting as Planning Authority in consultation with Highland Council TEC Services.

Reason: To ensure adequate drainage measures are implemented at the site.

Advice notes:

1. The applicant shall agree the full details of any works within or alongside any adopted public roads with Highland Council, as local roads authority, in consultation with the planning authority. All such works will require the prior permission of the roads authority in the form of Road Construction Consent or Road Opening Permit.
2. The development shall be free from the adverse effects of a 1 in 200 years flood event and shall not increase flood risk to any properties above or below the application site.

Andrew Tait

planning@cairngorms.co.uk

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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.