
CAIRNGORMS NATIONAL PARK AUTHORITY

Title: REPORT ON CALLED-IN PLANNING APPLICATION

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(DEVELOPMENT MANAGEMENT)

DEVELOPMENT PROPOSED: ERECTION OF 3-STOREY BUILDING, COMPRISING 12 APARTMENTS, NEW ACCESS AND ASSOCIATED CAR PARKING, AVIEMORE CENTRE, GRAMPIAN ROAD, AVIEMORE HIGHLAND RESORT

REFERENCE: 11/052/CP

APPLICANT: MACDONALD AVIEMORE HIGHLAND RESORT

DATE CALLED-IN: 4 MARCH 2011

RECOMMENDATION: REFUSAL



Fig. 1 - Location Plan

SITE DESCRIPTION AND PROPOSAL

1. The site is located on the west side of Grampian road in Aviemore approximately 150 metres to the south of the Railway Station. The site is fronted to the east by Grampian Road from which access would be gained. It is bordered to the north by the Four Seasons Hotel and green in front of the Hotel. Grampian Court Flats lie to the south of the site. The site itself is set below Grampian Road and consists of a significant grassed area with mature trees on the boundaries of the site (see photos below).
2. As mentioned above the application was called-in in March, by this time Highland Council Officers had requested a Sustainable Design Statement. A statement together with additional drawings indicating levels and a street scene was submitted on 26 April.
3. The proposal intends to retain the trees and reinforce them by providing additional planting. The intention is to construct a three storey building (see figs 2 & 3). Access to the site will be by a new junction onto Grampian Road at the southern end of the site. The building is set back from Grampian Road with 12 parking spaces and a bins area to the rear. The building would be designed with a mix of traditional and contemporary materials with the roof being finished in dark blue-grey slate effect tile with lead ridge. All elevations would have painted timber window and door frames. The ground floor would be faced with reconstructed stonework with neo-classical pilasters and painted metal decorative railings. The first and second floors would be finished with a textured off-white render with all windows cills in reconstructed stonework to match the ground floor detailing. The access drive and main running areas would be finished in tarmac with free draining concrete pavers to indicate parking bays.



Photographs of site from/to Grampian Road





Fig. 2 Elevations, front elevation to Grampian Road at top of drawing



Fig. 3 Site Plan

- In terms of sustainable design the proposal includes high levels of insulation to exceed the requirements of Building Regulations. Solar and photo voltaic panels may be included at roof level and rainwater harvesting will be installed and used to recycle rainwater for flushing of toilets.

5. In terms of affordable homes the design statement notes that affordable housing was considered and included in the previously approved masterplan for the resort. It is proposed in this case that a legal agreement be made between the client and the authority to secure the provision of off-site units to contribute to the affordable stock of Aviemore.
6. In terms of planning history the Committee will be aware that a significant masterplan planning approval was recently been issued for significant development across the resort site including housing, retail, woodland lodges and hotel extensions. During negotiations of that application a building on the site of this current application was the subject of a very similar proposal but with the parking set to the front of the building. The parking was moved to the rear of the building. However, because of concerns expressed about the location siting and design of that building it was removed from the approved masterplan.

DEVELOPMENT PLAN CONTEXT

National Planning Policy

7. The consolidated **Scottish Planning Policy**¹ is a statement of the Scottish Government's policy on nationally important land use planning matters. 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 should allow 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.
8. The **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.” Paragraph 33 focuses on the topic of Sustainable Economic Growth and advises that increasing sustainable economic growth is the overarching purpose of the Scottish Government. It is advised that “the planning system should proactively support development that will contribute to sustainable economic growth and to high quality sustainable places.” Planning authorities are encouraged to take a positive approach to development, recognising and responding to economic and financial conditions in considering proposals that would contribute to economic growth.

¹ February 2010. **SPP** supersedes a variety of previous Scottish Planning Policy documents and National Planning Policy Guidance.

9. 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.”
10. 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, landscape and natural heritage. The following paragraphs provide a brief summary of the general thrust of each of the subject policies.
11. *Housing* : The Scottish Government is committed to increasing the supply of new homes and the planning system should contribute to raising the rate of new house building. The planning system should enable the development of well designed, energy efficient, good quality housing in sustainable locations and allocate a generous supply of land to meet identified housing requirements across all tenures.
12. *Landscape and Natural Heritage* : Planning authorities are encouraged to take a broader approach to landscape and natural heritage than just conserving designated or protected areas and species. It is recognised in the SPP that the landscape in the countryside and in urban areas 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 local landscape character.
13. **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.” Planning authorities are required to be clear about the standard of development that is required. Quality of place not only refers to buildings, but also how the buildings work together as well as the relationships between buildings and spaces. Design is highlighted as an important consideration and planning permission may be refused solely on design grounds.² Finally it is stated that the planning system should be “judged by the extent to which it maintains and creates places where people want to live, work and spend time.”
14. **PAN 67** deals with the subject of **Housing Quality** and recognises the fact that many people want to live in a place that has a distinct identity, “rather than one that could be anywhere.” **PAN 67** advises that all development has the potential to contribute to a sense of neighbourhood and also highlights the fact that “thoughtlessly chosen standard house types and inappropriate materials look disconcertingly out of place.” In a detailed section on layout, it also urges developers to think about the qualities and characteristics of places and not consider sites in isolation. The Government’s policy on **Designing**

² Para. 256.

Places (2001) is a key policy document. The aim of the guidance is to reverse this trend back to the creation of successful places through good design. Six areas are set out as opportunities for achieving design quality these are: opportunities for creating a sense of identity; opportunities for creating safe and pleasant places; opportunities for creating easier movement; opportunities for creating a sense of welcome; opportunities for making a place adaptable and; opportunities for making good use of resources. These principles are further explored in Scottish Government Guidance on **Designing Streets 2010** where an emphasis is placed upon creating well designed places through street hierarchy and structure.

Strategic Policy

Cairngorms National Park Plan (2007)

15. Strategic objectives for the **Landscape, Built, and Historic Environment** include maintaining and enhancing the distinctive landscapes across the Park and ensuring that development complements and enhances the landscape character of the Park. The Plan also requires that new development in settlements and in surrounding areas and the management of public spaces should complement and enhance the character, pattern and local identity of the built and historic environment. In elaborating on this particular objective it is advised that new development should enhance the local identity, quality of public space and surrounding environment and that high quality design should be a feature of all new developments.

Highland Structure Plan

16. **Policy G2 (Design for Sustainability)** states that developments will be assessed on the extent to which they, amongst other things; are accessible by public transport, cycling and walking as well as by car; maximise energy efficiency in terms of location, layout and design; make use of brownfield sites; demonstrate sensitive siting and high quality design; promote varied, lively and well-used environments; and contribute to the economic and social development of the community.
17. **Policy L4 (Landscape Character)** states that the council will have regard to the desirability of maintaining and enhancing the present landscape character when considering development proposals

Local Plan Policy

Cairngorms National Park Local Plan

18. **Policy 2 National Natural Heritage Designations** requires that development that would adversely affect the Cairngorms National Park shall only be permitted when the objectives of the designation are not

compromised or they are clearly outweighed by social and economic benefits on national importance.

19. **Policy 6 Landscape** any development that does not complement and enhance the character of the Park will not be permitted unless there are clear socio-economic benefits and the adverse effects have been fully minimised and mitigated.
20. **Policy 11 The Local and Wider Cultural Heritage of the Park** development should protect, conserve and enhance the cultural heritage of the area.
21. **Policy 16 Design Standards for Development** requires that all development minimises the effects of climate change, reflects the local vernacular and uses materials and landscaping that compliments its setting.
22. **Policy 18 Developer Contributions** any development which gives rise to a need to increase or improve public services, facilities or infrastructure will normally require the developer to make a fair and reasonable contribution in cash or kind towards the additional costs or requirements.
23. **Policy 20 Housing Development within Settlements** notes that development within settlement boundaries will be considered favourably where the development occurs on a site identified by the plan; or is compatible with existing and adjacent land uses and comprises infilling, conversion, small scale development, the use of derelict or under used land or redevelopment of land. Proposals should reinforce and enhance the character of the settlement and include adequate infrastructure arrangements.
24. **Policy 36 Other Open Space** notes that developments which improve or add to current levels of open space will be supported. There is a presumption against development that would result in the loss of existing provision, particularly where the affected site has been identified within the Local Plan Proposals Map or Open Space Strategy. The loss will only be supported where an audit demonstrates that development does not result in a deficit of open space to serve the affected community; or compensatory provision is made; or a commuted sum is provided towards future provision.
25. **For Information:** the CNP Local Plan is the subject of an appeal under Section 238 of the Town and Country Planning (Scotland) Act 1997 against the decision of the CNPA to adopt the CNP Local Plan 2010. The Appeal will be decided by the Court of Session and is a material consideration. Therefore, account has been taken of the Appeal in the determination and the recommendation made in respect of this application.

Supplementary Planning Guidance

26. The CNP **Sustainable Design Guide** requires development in the National Park to be well designed, sustainable and wedded to its location in this special place. It requires the design of all development to minimise the effect of the development on climate change; reflect and reinforce the local vernacular and local distinctiveness, whilst encouraging innovation in design and use of materials; and demonstrate sustainable use of resources. It requires a Sustainable Design Statement to be submitted. CNP Supplementary Planning Guidance on **Open Space** identifies a number of types of open space within the National Park including: 'amenity green space'. This relates to areas providing visual amenity or separating different buildings or land uses for visual, environmental or safety reasons, such space can be used for a variety of informal or social activities such as sun bathing, picnics or kick-about

CONSULTATIONS

27. **Highland Council Area Roads Manager has concerns** with the proposed road layout with the proposed new access in such close proximity to the Grampian Court junction with the B9152 Grampian Road. It is recommended that consideration should be given to a spur road off Grampian Court. However, if the current application is to be approved, it is recommended that the following conditions are attached to any consent given.
- The road layout shall be amended to connect the road to the development with a junction from the existing Grampian Court road and not Grampian Road.
 - The internal road shall be designed and constructed to an adoptable standard satisfying the requirements of Highland Council's Road and Transport Guidelines for New Developments. Only the main access road and turning head will be considered for adoption. The access road and parking area not to be considered for adoption will therefore require to be the subject of a suitable management and maintenance agreement.
 - Where possible, suitable pedestrian cycle links to neighbouring shops and services shall be provided.
 - A continuous footway from Grampian Road to the site shall be provided to the north side of Grampian Court
 - Drainage measures shall accord with SUDS principles and shall satisfy the respective requirements of the Council, SEPA and Scottish Water. Appropriate design and check certification and supporting details shall be submitted to demonstrate the suitability of any drainage measures proposed.
 - Street lighting shall be provided to the satisfaction of the Council's Senior Lighting Engineer and shall include, as necessary, upgrading of the existing public road lighting.
 - Compensatory parking bays to accommodate loss of parking bays on Grampian Court where the junction of the new development meets Grampian Court road shall be provided.

- Road Construction Consent shall be required in respect of all works intended for adoption.
 - Visibility splays shall be provided and maintained on each side of the access. These splays are the triangles of ground bounded by the first 2.4 metres along the centreline of the access road (the x dimension) and the nearside edge of the main road (the y dimension) measured 40 metres in each direction from the intersection of the access road with the main road.
 - Within the visibility splays nothing shall obscure visibility between a driver's eye height of 1.0 metres positioned at the x dimension and an object height of 1.0 metre anywhere along the y dimension.
 - The applicant shall demonstrate that the development shall be free from the effects of a 1 in 200 years flood event and there shall be no increase in flood risk to any properties upstream or downstream of the site as a result of the development
 - No water from the development shall discharge onto the public road.
 - Suitable refuse bin collection points shall be established to the satisfaction of Highland Council.
28. **Highland Council Forestry Officer** comments that the site lies fully within the Aviemore Highland Resort Tree Preservation Order area. This is an area of very high visual amenity which should be safeguarded from detrimental impact as a result of development.
29. A full Arboricultural Impact Assessment (AIA) should be submitted and a landscaping plan should be provided for the written approval of the authority.
30. **Aviemore and Vicinity Community Council** has provided extensive comments on the proposal and their letter is attached at the back of the report. Concern is expressed that the site is a de-facto public open space and is of a nature and character that any form of building on the site would detract from. The Council note that Policy 36 of the CNP Local Plan seeks to protect such open space. It is also considered that the building will have a high visual impact and lacks character. Concerns are expressed that the new access would result in two accesses close together on Grampian Road. In the Local Plan the site is not identified for development and was identified for leisure and recreation in the old Highland Plan. Concerns are expressed about the amenity of neighbouring properties and whether there is any affordable housing provision.

REPRESENTATIONS

31. Three representations (attached at back of report) have been received objecting to the application raising concerns including:
- loss of open/greenspace
 - traffic concerns
 - design of building
 - height of building
 - potential impact on red squirrels
 - concerns about trees
 - lack of parking spaces
 - any affordable housing
 - why does 2 bed flat need 3 toilets

APPRAISAL

32. Proposals must be determined in line with the development plan unless material considerations indicate otherwise. This section of the report will consider the principle of the development against the development plan policies. Subsequently, the report considers layout and design issues and technical issues.
33. The site itself is located in a prominent position within Aviemore and is clearly within the settlement boundary for planning purposes. Consequently, the site is to be considered primarily under Policy 20 Housing Developments within Settlements and Policy 36 Open Space Provision given that the site currently consists of open, green space.
34. The site is indicated in the CNP Local Plan as white land not being allocated either for housing or open space. This potentially opens the site to development, in principle under Policy 20. However, this must be weighed against other policies in the plan and in particular Policy 36 which seeks to protect open space. Clearly, there is an emphasis and value placed upon the site by the Community Council and they point out that it was previously allocated for Leisure/Recreation in the old Badenoch and Strathspey Plan. This plan is no longer a consideration but the former allocation together with the Community Council response indicate that the site has value and that it functions as part of the open space network and visual setting of the village. The CNPA has produced guidance on open space and this guidance lists a number of types of open space. Importantly, the site fits the definition of what the guidance refers to as 'amenity space'. This is classified as landscaped areas providing visual amenity or separating different buildings or land uses and being used for informal activities.

35. Housing at the site could make a contribution to the housing supply in Aviemore. However, given the allocations of the CNP Plan for Aviemore and its vicinity there is no overriding reason to set aside the value of the space as identified in the CNP Open Space guidance. The fact that the site is in private ownership does not preclude it from making a contribution to the open space network of the village. Consequently, there are serious reasons for resisting the proposal in principle.
36. The layout and design of the proposal must primarily be considered against Policy 22 Design Standards for New Development and the CNP Sustainable Design Guide. A design statement has been submitted in line with the requirements of policy. The statement contains an analysis of the site and its surroundings but there is no response within the statement to Policy 22 or the Sustainable Design Guide. The three storey block is of a standard shape and while being generally traditional in form neither reflects or reinforces a traditional vernacular for this or any other Highland village, nor does it adopt an alternative approach that could be considered as an innovative, contemporary design. The proposal instead opts for a relatively safe approach (in both form and materials). The responses from the Community Council and the Forestry Officer point out the very high value of the site in terms of its visual contribution. Consequently, any development on this site, should it be considered appropriate in principle, would have to achieve a very high standard to meet the requirements of design policy and the need for development to complement and enhance under Policy 6 Landscape. The CNP Local Plan together with the Sustainable Design Guide set a new standard with the intention of improving design in the park. The proposal is not considered to meet this aspiration.
37. There is potential for the proposal to impact upon the Tree Preservation Order that covers trees at the site and the wider resort. Consequently an AIA has been requested. While being prepared, at the time of writing this has not been submitted and forms a reason for resisting the proposal at this point in time.
38. The Area Roads Officer has some concerns about the introduction of another access close to the access for Grampian Court. In his view consideration should be given to a spur road off Grampian Court. Despite this, Area Roads are not objecting to the application and recommends a number of conditions should the application be approved. In the light of this, it is recommended that this issue form a reason for rejecting the application in that the requirement for a new access has not been fully justified to the satisfaction of Highland Council Roads.

IMPLICATIONS FOR THE AIMS OF THE NATIONAL PARK

Conserve and Enhance the Natural and Cultural Heritage of the Area

39. The siting and design of the proposal fails to conserve and enhance the natural and cultural heritage of the area and there are still outstanding issues with regard to trees without a full Arboricultural Impact Assessment.

Promote Sustainable Use of Natural Resources

40. The proposal makes some contribution to this issue with a rain water recycling system proposed together with high levels of insulation. Solar thermal heating and voltaic panels are indicated as a possibility although there is no firm commitment to these at this stage. The site is centrally located close to the railway station and bus stop.

Promote Understanding and Enjoyment of the Area

41. While recognising that the land is in private ownership it currently makes a contribution to the open space of Aviemore. The proposal would have a detrimental impact on this space both in visual terms and in terms of the potential for locals and visitors alike to enjoy the space.

Promote Sustainable Economic and Social Development of the Area

42. The proposal would provide additional housing in Aviemore and potentially income for local building contractors.

RECOMMENDATION

43. That Members of the Planning Committee support a recommendation to **REFUSE Planning Permission** for the erection of a 3 storey building comprising 12 apartments, new access and associated car parking at the Aviemore Centre, Grampian Road, Aviemore for the following reasons:
1. The proposal would result in the development of a valued open space, of a type identified by the CNP Supplementary Planning Guidance in the village of Aviemore. The application contains no explanation of how the space would be impacted upon, treated, managed or used and contains no compensatory provision. As such the proposal fails to comply with Policy 36 Other Open Space Provision of the CNP Local Plan and CNP Supplementary Planning Guidance on Open Space.
 2. The proposal results in a building of a scale, form, design and materials of a character that fails to maintain and enhance the distinctive landscape, the pattern character and local identity of the built environment. As such the proposal is contrary to Scottish Government Guidance Designing Places, Policy G2 Design for Sustainability of the Highland Structure Plan, Strategic Objectives a), c) and d) of Section 5.1 Conserving and Enhancing of the CNP

National Park Plan. The proposal is also contrary to Policy 16 Design Standards for New Development and Policy 20 Housing Development within Settlements of the CNP Local Plan and the CNP Sustainable Design Guide.

3. The proposal fails to provide adequate information with regard to tree protection of trees at the site that subject to a tree preservation order. As such the proposal is contrary to Policy G2 Design for Sustainability of the Highland Structure Plan the Conserving and Enhancing Section 5.1 of the CNP National Park Plan and Policy 6 Landscape of the CNP Local Plan.
4. The proposal provides no adequate justification for the new access contrary to the views of Highland Council Area Roads Manager. It is therefore, contrary to Policy G2 of the Highland Structure Plan and Policy 20 Housing Development of the CNP Local Plan.

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17 May 2011

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