
CAIRNGORMS NATIONAL PARK AUTHORITY

Title: REPORT ON CALLED-IN PLANNING APPLICATION

Prepared by: NEIL STEWART, PLANNING OFFICER (DEVELOPMENT MANAGEMENT)

DEVELOPMENT PROPOSED: FULL PLANNING PERMISSION FOR RESIDENTIAL AND COMMERCIAL DEVELOPMENT, INCLUDING PUBLIC BAR/RESTAURANT, LAND AT JUNCTION OF FRANK SPAVEN DRIVE AND DALFABER DRIVE, AVIEMORE

REFERENCE: 07/098/CP

APPLICANT: AVIEMORE HOMES LTD. MYRTLEFIELD HOUSE, GRAMPIAN ROAD, AVIEMORE

DATE CALLED-IN: 23 MARCH 2007

RECOMMENDATION: APPROVAL, SUBJECT TO CONDITIONS, (SECTION 75 AGREEMENT)

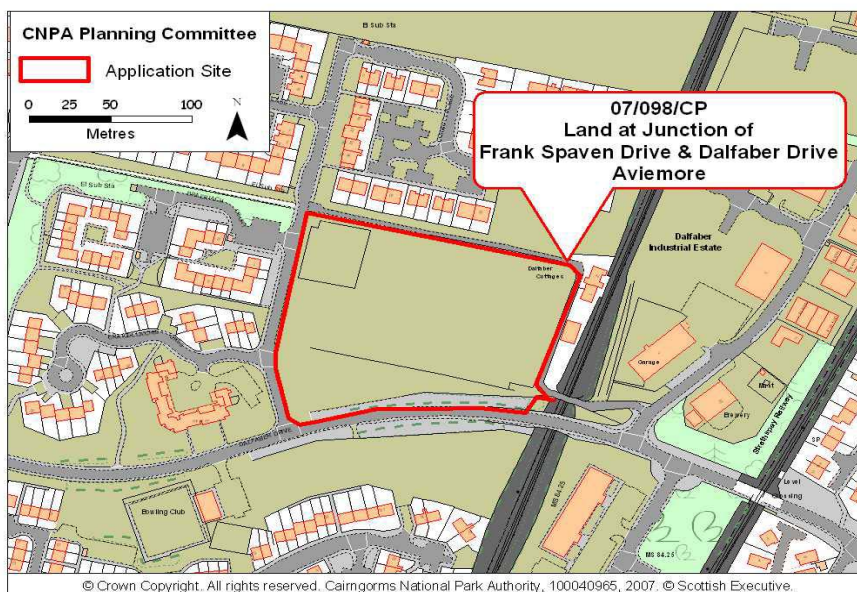


Fig. 1. Location Plan

SITE DESCRIPTION AND PROPOSAL

1. This site is a rectangular shaped vacant area of ground lying on the north side of Dalfaber Drive at its junction with Frank Spaven Drive in Aviemore (**Fig. 1.**). The site forms the last remaining area of undeveloped land in the wider Aviemore North area which has been extensively built out in mainly residential properties over the last few years. The site slopes gradually in a southwards direction but on its south boundary it sits below the level of Dalfaber Drive which rises up in an easterly direction. To the north boundary is an existing access track which separates the site from existing mixed single storey and 2 storey housing blocks which have their rear elevations facing the site. This access track turns southwards and runs down the east boundary of the site where three separate houses are situated adjacent to the railway line. To the north east corner beyond the site is an area of open space formed within the residential areas of the developments on the north side. Frank Spaven Drive which accesses the adjacent residential areas to the north and west runs down the west boundary (**Photos at Figs. 2, 3 & 4.**)



Fig. 2. Site looking south eastwards towards Dalfaber Drive



Fig. 3. Site looking north westwards towards existing housing and Frank Spaven Drive



Fig. 4. Site looking westwards – Dalfaber Drive to left hand side

2. The proposal has been refined several times over the course of the assessment of the application. The final scheme which is being reported for consideration here comprises of a mixed residential and commercial development of;
 - 13 no. 3 bedroom houses (12 no. semi-detached and 1 no. detached) (2 storey) for private sale,
 - 12 no. 2 bedroom apartments in a 3 storey block, for private sale,
 - 20 no. 2 bedroom flats in 2 blocks (one 2 storey and one 3 storey), for affordable purposes,
 - 5 no. 2 bedroom upper floor flats above retail/office units, for affordable purposes,
 - 375sqm (4000sq ft.) neighbourhood shop in separate building,
 - 5 no. 81sqm (871sq ft.) retail/commercial units below affordable flats,
 - 333sqm (3548sq ft.) bar/restaurant with beer garden in separate single storey building
 - 136 no. car parking spaces,
 - 2 no. areas of open space – one of which is indicated as potential for future community/commercial development (Phase 2).

3. Access is proposed from a new public adopted road which will be formed off Frank Spaven Drive. This will serve other access roads and the parking areas within the development which will not be adopted but will be the subject of private management and maintenance agreements. The development boundaries do not encroach upon the existing access track which runs along the north and east boundaries. New public footpaths are shown along the Dalfaber Drive and Frank Spaven Drive site boundaries, with new footpath links into the development. Tree and shrub planting is shown throughout the scheme. Various finishing materials are indicated for the buildings, including timber cladding, smooth wall renders, random rubble stonework, concrete roof tiles, and standing seam zinc roof cladding. Boundary enclosures include random stone walls and vertical timber boarded fences. **(See Figs. 5 & 6 for site layout and site elevations)**

4. The Committee may recall that an outline application entitled *“Neighbourhood centre development, including retail, leisure and commercial uses, roads and car parks”* was submitted by the applicants in January 2006. This was called-in but following detailed discussions with the applicants, this outline application has been “put on hold” and now superseded by the current full application. However, it has not been formally withdrawn.



Fig. 5. Site Plan

Fig. 6. Site Elevations/Sections



DEVELOPMENT PLAN CONTEXT

Cairngorms National Park Plan 2007

5. In the Conserving and Enhancing the Park section, strategic objectives for landscape, built and historic environment, include; ensuring development complements and enhances the landscape character of the Park; and new development in settlements and surrounding areas and the management of public spaces complementing and enhancing the character, pattern and local identity of the built and historic environment. In the Living and Working in the Park section, strategic objectives for sustainable communities, include; encouraging a population level and mix in the Park that meets the current and future needs of its communities and businesses. Strategic objectives for economy and employment include; creating conditions conducive to business growth and investment that are consistent with the special qualities of the Park and its strategic location; and promoting opportunities for economic diversification across all areas of the Park; Strategic objectives for housing, include; increasing the accessibility of rented and owned housing to meet the needs of communities throughout the Park; and ensuring there is effective land and investment for market and affordable housing to meet the social and economic needs of communities throughout the Park.

Highland Structure Plan 2001

6. **Policy G2 (Design for sustainability)** states that developments will be assessed on the extent to which they (amongst other things); are compatible with service provision; are accessible by public transport, cycling and walking as well as by car; make use of brownfield sites, existing buildings and recycled materials; impact on community and individual residential amenity; demonstrate sensitive siting and high quality design in keeping with local character and historic and natural environment and in making use of appropriate materials; accommodate the needs of all sectors of the community; and contribution to the economic and social development of the community. **Policy G4 (Community benefit and commitment)** advises that there is an expectation that developments will benefit the local community and contribute to the wellbeing of the Highlands. Agreements with developers on behalf of local communities for environmental and socio-economic purposes may be required.
7. **Housing policy** aims to steer demand to appropriate locations within existing settlements. **Policies H4 and H5 (Affordable housing)** promote the provision of affordable housing through various mechanisms. **Policy R4 (Major foodstores)** advises that in small or medium sized towns, foodstore provision will normally be located within town centres or within edge of centre locations. In the largest settlements, more localised provision will be encouraged where it is well-related to existing and proposed housing. Where major foodstore

proposals are adjudged to pose a potential risk to the vitality and viability of local services, the development will not normally be permitted.

Badenoch and Strathspey Local Plan 1997

8. In the Aviemore settlement statement, the site is earmarked as within the wider Aviemore North development expansion area but for “Public Buildings” use with access off Frank Spaven Drive. **Policy 6.3.5. (Neighbourhood Facilities)** advises that 1.4HA of land adjoining the Dalfaber access and well-placed in relation to the existing community and future housing areas is allocated for a shop, hall or other community purposes including a Youth Club. Other general policies, include **Policy 2.2.1.(a) (Economic Development)** which states that there will be encouragement to attract new economic development where this is consistent with the maintenance of a clean environment. **Policy 2.1.1. (Affordable Housing)** advises that in areas of local housing stress, there is an expectation that agreements will be entered into with private developers to ensure that an appropriate proportion of plots or dwellings therein are available in perpetuity as low cost accommodation for local persons.

Aviemore North Development Brief (2000)

9. The purpose of this document is to guide completion of major housing and community facilities on the land at Aviemore North. It derives from the Badenoch and Strathspey Local Plan and the endorsement therein of the Gillespies Urban Design Strategy as a basis for supplementary planning advice. The objectives of the Brief are to: identify land for mixed tenure housing and the appropriate mechanisms for securing affordable housing; applying the principles of the Urban Design Strategy in the context of the Local Plan provisions for development and land use; specify the nature and extent of developer contributions in respect of open space, circulation and tree planting; and co-ordinate the extension/upgrading of the main infrastructure and utility networks. The brief requires 50% of remaining land allocated for housing at Aviemore North to be dedicated to the development of affordable housing for ownership or rent. Any permission will be the subject of conditions on this.
10. In more detail, the Brief advises that in addition to the new or relocated community facilities and parking, the site could also suit higher density or specialist housing accommodation. Such a mixed use development might be delivered as part of a scheme for the whole compartment or by subdivision of the site with approximately 0.8HA dedicated to housing (indicative capacity of 25). A multi-use community hall/surgery/nursery and shop/public house/community office for example, held towards the west side for ease of access, could require approximately one third of the allocated land. Certain commercial opportunities and social facilities may take time to emerge, and indeed

may be dependent on village expansion being substantially complete to allow the demand to mature. Given the central location of this site in the wider expansion strategy, it is desirable that this land is reserved as the final phase of development at Aviemore North.

CONSULTATIONS

11. **Scottish Water** do not object to the application. However, they ask that it be noted that any approval given does not guarantee a connection to their infrastructure. They do though state that Blackpark Water Treatment Works may have sufficient capacity to service the development but that there may be issues within the water network. Aviemore Waste Water Treatment Works currently has sufficient capacity to service the proposal but again, there may be issues within the waste water network. A totally separate drainage system is required for surface water and they support SUDS.
12. **Highland Council's Archaeology Service** state that the application lies in a wider area where there are important historic and pre-historic remains and the archaeological potential of the site is considered worthy of further assessment prior to the start of any development. They ask that a condition is imposed to this effect.
13. **Highland Council's Environmental Health Officer** has no objections to the proposal. However they comment that it may be in the best interests of the proprietor of the bar/restaurant to control any noise nuisance associated with outside entertainment by positioning the beer garden area away from the residential properties in Frank Spaven Drive.
14. **Highland Council's Head of Housing Development** advises that in principle the Council supports the application which meets the Council's policy of 50% affordable housing on any new developments in Aviemore North. On the original submission, though he was disappointed by the "bland" external appearance of the affordable housing compared to the private housing – this did not comply with the Council's requirement for the housing to be as integrated as possible and indistinguishable from the private housing. There was also a slight concern about the lack of public/private space for the affordable housing and they would have preferred for some of the houses to be affordable, rather than all flats.
15. **The CNPA's Economic Development Officer** welcomes the mix of shops, bar, restaurant and residential units because it creates a complete neighbourhood economic area with local walking access to shops. On the original submission, he advised that there was no play areas and that he would like to see specific links to public transport, although the main bus route is only 500m away.

16. **The CNPA's Housing Policy Officer** advises that Aviemore North development plan has 50% affordable housing which is why this site has 25 of the 50 units for affordable housing. In terms of housing demand, 219 applicants specify Aviemore as their first preferred area and this reflects 42% of the total waiting list. The highest demand is for 1 bed properties with 74% of these applicants with a preference for 2 bedrooms. Currently, the housing stock is 156 properties. **As a guide only**, Albyn Housing Society Ltd. has suggested the following mix for this site at this stage. They would expect the flats above the shops to be for rent and be no larger than 2 bedrooms. The separate blocks of flats would be for rent and homestake in a mix of 1 and 2 bedroom (probably more two bedroom). They also suggest that 4 x 3 bedroom, and 2 x 4 bedroom houses be affordable. To conclude, it is advised that there is certainly the demand for this type of project but there must be funding in place to deliver it in the future.
17. **The Aviemore & Vicinity Community Council** state the following. They object to the height of the proposed three storey flatted building which they consider inappropriate for the area. They are concerned that the open area has been relegated to Phase 2. They are also very concerned that this proposed development will create a big increase in the traffic on Dalfaber Drive and the junction with Grampian Road. They again emphasise the need to provide a pedestrian crossing on the Dalfaber Drive to provide a safer route to school for school children, as well as a much needed safety measure for all pedestrians crossing this road. They also note that the Travel Lodge and Youth Club proposals, which were indicated on the outline application have been omitted from this full application.
18. **SEPA** notes that it is proposed to connect the foul drainage to the public system and provided Scottish water are content, they have no objections on these grounds. They advocate SUDS for surface water drainage and note that a Drainage Impact Assessment has been submitted. However, the DIA does not provide information on the adequacy of the ground conditions for soakaways and also provides only one level of treatment for non-residential areas. This does not meet best practice. **SEPA** initially objected on these grounds. In relation to waste recycling facilities, they also advise that, for substantial developments, appropriately scaled and located facilities for waste segregation and recycling be incorporated into the design from the outset.
19. Further information from the applicants has been considered by **SEPA** and they are now satisfied with the SUDS proposals from a water quality perspective. They do though request a condition on implementation and operation of the SUDS prior to occupation of the development. The applicants have now provided information on proposed recycling facilities, including the siting of two recycling bins on flat hard standing areas within the development. **SEPA** are content with this.

20. **Highland Council's Principle Planner in Development and Strategy** has advised on the original submission prior to the amendments. He states that the current proposals show approximately 400sqm of commercial floorspace (5 individual units) and 375 sqm of neighbourhood shop. This still exceeds his earlier advice on commercial capacity, given on the outline application, by 25%. However, there are no hard and fast rules here. The commercial composition, with the bar and restaurant, is now much more akin to the scale of activity appropriate to the function of the site as a neighbourhood centre and consequently in this regard the intentions of the Local Plan. He still advocates a tight control on retailing and in particular specification of 2 x use class 1 (Shops) and 3 x use class 2 (Financial, Professional and Other Services) as proposed in the plans. Encouragement is given to the mix of uses proposed, subject to the provision of more open space and Phase 2. The Phase 2 reservation for future community use as indicated now reflects his previous advice for this to be reserved for later consideration when Aviemore North is fully built out. He did though have some concerns about the building forms and designs in relation to the Urban Design Strategy and the primary purpose of the site (community and focal point/landmark opportunity). His belief was that to properly reflect these, the site needs to be developed upwards, there should be more integration of uses and public spaces and a more cohesive form. It is concluded that this is a challenging site in the context of the National Park and for improving standards of development. Mediocrity should not be accepted and the principle of the Urban Design Strategy relating to structure, form and function should be used as the basis for assessment.
21. **Highland Council's Area Roads Manager** has been involved in several rounds of consultation. The initial response advised that he had no objection to the principle of mixed use development at the site but that the submitted proposals appeared to represent overdevelopment and were therefore unacceptable in their present form at that time. There were concerns about the amount of car parking for the commercial elements of the proposal which fell short of requirements; the layout and configuration of proposed adoptable roads; and the SUDS proposals. They also requested the submission of a comprehensive transport assessment, including a traffic impact assessment, in order to determine the impact of the development on the surrounding road network. This assessment was also required to consider all existing and planned development in the surrounding area, including Phase 2 proposals for the application site.
22. The required Transport Statement was carried out and submitted. In response, the Area Roads Manager advises that while he would question whether it was appropriate to discount all traffic generated by the retail element, and to assume that all development traffic to and from the north will use the new B9152 junction north of the site, he agreed that the existing road infrastructure is generally capable of

accommodating the additional traffic that will be generated by the development. However, he advises that right turn manoeuvres from Grampian Road to Dalfaber Drive and the congestion arising from such manoeuvres are a cause for concern. Delays are increasingly experienced at this busy junction and to relieve congestion consideration will have to be given to the introduction of a right turning lane on Grampian Road. It is therefore recommended that developer contributions are sought through this development - and, similarly, through the proposed residential developments near Dalfaber Farm and any subsequent developments served by Dalfaber Drive - towards the costs of constructing a suitable turning lane on Grampian Road.

23. Further to this, and the submission of further amendments to the plans, **the Area Roads Manager** now advises that he is generally satisfied with the road layout now proposed but only the main access road and contiguous footways, including the turning head at Plots 9-11, will be considered for adoption. Formal management and maintenance agreements will be required in respect of the areas not to be adopted. The revised parking provision is now generally acceptable. This assessment is based though on the requirements for particular types of facilities. Any change in the nature of the facilities proposed may necessitate adjustment of the level of provision required. A developer contribution has been agreed with the applicant towards upgrading the Dalfaber Drive and Grampian Road junction. Additional contributions towards the upgrade of the junction will be sought through any further developments served by Dalfaber Drive.

REPRESENTATIONS

24. The application was advertised by Highland Council as a potential "Departure from the Development Plan". The current full application has attracted four letters of representation. The issues raised include:
- *Concerns about existing properties being completely surrounded by development and subsequent loss of views.*
 - *Commercial/retail uses on this site are unnecessary – this is a residential area.*
 - *New developments to the north have exceeded the previously established building limit of Aviemore.*
 - *Development is for financial gain only and nothing to do with what is really necessary in Aviemore.*
 - *Concerns about noise and disturbance from the bar/restaurant/beer garden – this element is not seen as appropriate for a residential area with young local families.*
 - *There are other bars/restaurants elsewhere at Dalfaber Golf Club and in the town centre – there is no community need for further public bars and restaurants.*

- *Concerns about the hours of operation of the commercial elements – there is already a Spar shop within 5 minutes walking distance.*
 - *Concern about the amount, scale and height of some of the development.*
 - *Residents in Aviemore are entitled to green space provision not more development.*
 - *Concerns about the safety of children in the area*
 - *Concerns about traffic increase in the area.*
25. **Copies of these letters are attached. Also copied is the response from the Community Council. In addition, for information, also attached are 7 letters of representation received at the time of the outline application (which has not been withdrawn). Six of these letters are from addresses which were re-notified of the current application. However, only one of these addressees has submitted a further representation. Nevertheless, bearing in mind the status of the previous outline application, it is felt prudent to bring these previous letters to the Committee's attention, although some of the issues raised relate to the indicative proposals at that time and which have now been superseded.**

APPRAISAL

26. At the time of the outline application, indicative plans were submitted. These included 15,000sqft of retail in one building, a pub/restaurant with beer garden, a 60 bedroom travel lodge or nursing home, a youth club building, and a playing field. Concerns were raised about the nature and mix of uses proposed, particularly in relation to the aspirations for the site in the Aviemore North Development Brief and the Local Plan, and the significant amount of the retail floorspace proposed and its potential impact on Aviemore town centre. Although indicative, there were also potential concerns about the appropriateness of the potential layout and design which would derive from the proposed uses. Further to discussions with the applicant's representatives, it was found that it would be difficult to divorce some of the "in principle" issues of scale and mix of uses from the more detailed issues of layout, design, and ability to comply with policy and supplementary design guidance. As such, the applicants decided to move towards a detailed submission.
27. The detailed application now raises issues in relation to compliance with Development Plan and subsequent Development Brief policy in relation to mix/scale of uses; affordable housing provision; layout, scale and design of the development; and impact on roads and other infrastructure in the area.

Development Plan and Development Brief Policy and Guidance and Mix/Scale of Uses

28. The site has been earmarked in the Gillespie's Urban Development Strategy, then the Local Plan, and subsequently in the Aviemore North Development Brief, as one which is important as a gateway to the wider northern expansion areas of Aviemore but also where a neighbourhood centre, centred around community uses, and with a mix of housing, possibly higher density, could be accommodated. As such, it was seen as an opportunity to provide a focal point and landmark area for the northern expansion areas. It was also important to ensure that the timing of development was held back as the last phase, in order to consider the most appropriate form of uses in relation to the needs of the new development areas.
29. In this respect, the vast majority of the northern expansion residential areas have been built out and it now seems appropriate to move towards the creation of community related services that will meet the needs of the population in this area of Aviemore. The full application, has significantly reduced the amount of retail space proposed from that initially indicated in the outline application and provides a modest sized neighbourhood convenience shop, and 2 smaller individual shops. There are also 3 small commercial units, which would be capable of accommodating uses related to the provision of services (eg. dentists, accountants, estate agents, etc.) but which are not primarily for the retail sale of goods. It is the case that the amount of commercial/retail floorspace proposed still exceeds that originally envisaged by Highland Council's Principle Development Strategy Planner but there is an acceptance that the mix of uses, which still includes a bar/restaurant, represents a generally appropriate type and scale of development for a neighbourhood centre. I would also take the view that the site is located in such a position that would serve more than just the expansion areas immediately to the north. Further residential and business/industrial areas have been developed since the time of the Local Plan, to the east and the west. Subject to some control through planning conditions, I am content that the scale of commercial/retail development proposed will not prejudice the proper functioning and viability of the commercial core of Aviemore on Grampian Road, and that it represents an appropriate level of commercial development akin to a neighbourhood centre.
30. The provision of the bar and restaurant, although commercial in nature, can also be argued to represent a community based facility. Due to the policy situation which promotes community/neighbourhood uses as the "driver" for the site, there is still a need though, to reserve some space for other potential community uses on the site. At the time of the outline application, it was made clear that, while the composition of community facilities initially envisaged for the site had changed over the years, or been relocated elsewhere (the focus for facilities being incorporated in a potential new primary school off Grampian Road for

example), until such time as these were confirmed, it would be inappropriate to prejudice the provision of other community facilities at this site ultimately. It was suggested that some land be “reserved” for this purpose as a potential additional phase. The proposed layout shows an area, approximately 30m x 40m in size, at the entrance to the site as “open area for future community/commercial use”. Subject to the imposition of a planning condition in this respect, I am content that the level of community uses proposed or reserved, meets the aspirations of the Local Plan allocation and the Aviemore Development Brief.

Affordable Housing Provision

31. The Aviemore Development Brief recognised that, following on from the Local Plan allocation for the entire site for “public/community uses” (which in actual fact reflected a previous planning permission for a supermarket which was never implemented), the community facility provision, required updating. The result was that the Brief suggested a downsizing of the allocation for these purposes, and it was suggested that the eastern side of the site could be suitable for higher density residential development with an indicative capacity of 25 units. The current application proposes double this indicative capacity but also provides 50% affordable housing (some of which are proposed over the smaller retail and commercial units), in accordance with the Aviemore North Brief’s affordable housing requirements. There seems to me to be anomalies in relation to the numbers of units indicated in the Brief, the size of the site, and the promotion of an opportunity for higher density residential development on the site. The layout shows a mixture of semi-detached houses and flatted blocks of upto 3 storeys and I would consider the density to be reasonably high, in line with the Brief. It is also laid out primarily on the eastern side of the site, as indicated in the guidance, and it still leaves adequate space for the neighbourhood uses. The layout also allows for an appropriate amount of private and public open space related to the housing elements, and adequate access and parking provision. I therefore do not see that the housing element represents overdevelopment even though the capacity exceeds that indicated in the Brief. Clearly there is also an affordable housing need in Aviemore and I see this development now helping meet this need without compromising normal standards or the principles of the Brief and policy.
32. The provision of the affordable housing is therefore welcomed. The applicants have confirmed that they are in discussion with Cairn Housing Association about taking on the affordable housing. While it has not been confirmed yet, it is hoped that Cairn will be able to provide confirmation of their commitment to the site prior to the issuing of any permission but the applicants are content to enter into a Section 75 Legal Agreement securing the provision, if required. In addition, the private housing elements are all smaller units (2 and 3 bedroom). This meets the general need for smaller more “affordable” house types.

Taking account of these factors, I consider that the housing proposals in principle and in themselves, meet the aspirations of development plan policy and the development brief.

Layout, Design and Scale of Development

33. The layout and design of this development has been refined several times during the assessment process and in my mind, this has resulted in improvements to the quality of the architecture, its overall response to its surroundings, and its response to the principles of the Gillespie's Urban Design Strategy. An initial concern was the perceived mediocrity of some of the building designs and their impact on the public realms outwith the site and the quality of the spaces within. Of particular importance was the need to try and integrate the uses, and provide more pleasing public road frontages and focal points at the public corners of the site. In this respect, the mix of flats above the smaller retail/commercial units along Frank Spaven Drive is welcomed. Although these blocks "turn their back" to the public road and have their main shop frontages to the internal circulation and parking areas, the treatment of the elevations facing the public road has improved their appearance from this side. Their 2 storey height and proximity to each other and the public road, also provides a degree of enclosure and a streetscape. While a building of perhaps more height would have been preferable as a focal point at the junction of Dalfaber Drive and Frank Spaven Drive, the provision of the bar/restaurant and its associated outdoor area at this corner, provides a degree of interest. The layout of this building also turns the corner and provides a "public frontage". I do not see any direct amenity problems with existing or proposed residential properties due to its location on this corner and the Council's Environmental Health Officer has not raised any formal objection on these grounds.
34. The original design of the proposed neighbourhood shop which is located near to and below Dalfaber Drive caused some concern initially. However, improvements have been made which add some height and general interest to the building and its elevations. The elevation facing Dalfaber Drive is of a more acceptable quality. The 3 storey private flatted block at the south east corner of the site has also been improved with a mixture of materials including some timber cladding. Its layout also allows the building to "turn" the corner and present a public frontage taking account of views toward the mountains. Improvements have also been made to the affordable flatted blocks to integrate them more with the design of the private block.
35. The semi-detached houses are fairly standard but present a street frontage with timber lined porches to add interest. The lack of public open playspace was a concern on the initial layout. This has been remedied by the inclusion of an area in the north east corner of the site. This also provides a link through to the existing open public space

areas to the north and protects the amenity of existing adjacent cottages. The development has evolved into a layout where parking areas are kept to internal areas enclosed to a degree by the buildings which screen them from the public roads outwith the site. Landscaping is to be provided and footpath links provide accessibility and linkages between the various elements within the development and to areas outwith. Some concern has been raised about the height and scale of the 3 storey flatted blocks near to Dalfaber Drive. However, after a request for clarification of levels and heights of buildings, the applicant has submitted "street elevations" which show that these buildings will sit mainly below the level of Dalfaber Drive, thus their impact is minimal. This said, it should be remembered that the site is promoted as a landmark opportunity and higher buildings would create that sense of "importance".

36. To conclude, I feel that the overall layout, scale and design of buildings, is now acceptable in relation to the principles of the Development Brief, the Urban Design Strategy and the Local Plan. Taking account of the need to develop a neighbourhood facility at this location, the need to meet road, parking and drainage standards, and the provision of much needed affordable housing, I can no longer raise any further objections to the proposal on layout and design grounds.

Impact on Roads and Other Infrastructure

37. Following the submission of the Transport Impact Assessment, and further refinements to the layout and parking arrangements, the Area Roads Manager is content to accept the development, subject to conditions, but also on the basis that the developer is required to provide a developer contribution towards a future upgrade of the Dalfaber Drive and Grampian Road junction. The applicant has agreed a contribution with the Area Roads Manager, on the basis that should the upgrade scheme not go ahead within an agreed timescale, then there will be a return of the contribution. It is not possible to issue any planning permission until either a Section 75 Legal Agreement has been completed securing this contribution or the contribution is made upfront and agreed by a legal exchange of letters. These options form part of my recommendation below. There are now no other roads infrastructure concerns.
38. In relation to drainage, concerns about SUDS have been overcome. There will be a series of soakaways serving the roads and parking areas as well as individual soakaways serving the individual buildings and houses. SEPA and the Area Roads Manager are content with this proposal.

Conclusion

39. During the process of assessment of this application (and the previous outline application) concerns have been raised from representees about the principle, scale and type of development being proposed. However, it must be remembered that this site has been considered in the Local Plan, the Urban Design Strategy and the Aviemore North Development Brief as a fundamental part of the Aviemore North expansion areas. It is vacant and represents the last meaningful compartment of land earmarked for development. The scale and mix of uses now proposed meets the general objectives of providing a mixed community/neighbourhood centre with residential development, as promoted in policy and guidance. Taking account of its surroundings, the overall quality of the layout and design of buildings has improved from when first submitted, to a level which is now acceptable in this urban location and in relation to the design guidance. It will also help meet the affordable housing needs of the community and through developer contributions help address traffic increase concerns on the public roads serving the site. My conclusion is to recommend approval.

Conserve and Enhance the Natural and Cultural Heritage of the Area

40. In this urban location there are no natural heritage designations. Potential for archaeology is covered by a planning condition. The quality of the built environment will be improved at this location.

Promote Sustainable Use of Natural Resources

41. The development does not provide any significant contribution to this aim. However, there is some use of renewable materials, and car journeys may be reduced because of the proximity of the proposed neighbourhood facilities to residential areas.

Promote Understanding and Enjoyment

42. The existing access track surrounding the site is not affected by the proposal and footpath links are provided through the site.

Promote Sustainable Economic and Social Development

43. The development is considered to have overall positive implications for this aim because of its provision of affordable housing and economic and community based opportunities.

RECOMMENDATION

44. That the Committee agree a recommendation to:

Grant Full Planning Permission for Residential and Commercial Development Including a Public Bar/Restaurant, Land at Frank Spaven Drive and Dalfaber Drive, Aviemore, subject to:

- a. **completion of Section 75 Legal Agreement or Legal Exchange of Letters (upfront payment) securing developer contributions towards the future upgrade of the public road junction of Dalfaber Drive and Grampian Road;**
- b. **completion of Section 75 Legal Agreement (if required) or Imposition of Planning Condition (see optional condition below), securing the 50% affordable housing element;**

Optional Planning Condition

That unless otherwise agreed in writing with the Planning Authority, a minimum of 50% of the residential development hereby approved, shall comprise affordable housing units, as defined in Highland Structure Plan 2001 and Planning Advice Note 74 (Affordable Housing), and shall be carried out in association with a Registered Social Landlord. Prior to the implementation of any part of the planning permission hereby approved on site, details of the means, tenure and timetable for delivery of the required affordable housing, shall be submitted for the further written approval of the CNPA acting as Planning Authority.

and

c. the following conditions;

1. The development to which this permission relates must be begun within five years from the date of this permission.
2. That unless otherwise agreed in writing with the CNPA acting as Planning Authority, the commercial and retail units approved on the ground floors of the buildings (Blocks D) on the approved site layout plan, shall be restricted to five individual units of accommodation (maximum 81 sqm floorspace each).
3. Notwithstanding the provisions of the Town and Country Planning (Use Classes) (Scotland) Order 1997, and unless otherwise agreed in writing with the CNPA acting as Planning Authority, the 5 individual commercial and retail units stipulated by Condition No. 2 above, shall be restricted to two units (Class 1 – Shops) and three units (Class 2 – Financial, Professional and Other Services).

4. That prior to the commencement of any work on site, details of the proposed phasing, implementation and construction plan (including locations of soil storage, temporary buildings, and material and machinery storage) for all elements of the development, shall be submitted for the further written approval of the CNPA acting as Planning Authority. Thereafter, the development shall be constructed and carried out in accordance with the approved phasing, implementation and construction plan.
5. That unless otherwise agreed in writing with the CNPA acting as Planning Authority, the area of open space hatched in green on the approved site layout plan, at the entrance to the site, shall be reserved for future community uses as a second phase, and as such shall be kept free from any permanent development in association with the implementation of the rest of the development hereby approved.
6. That prior to the commencement of works on site, a programme of archaeological work for the preservation and recording of any archaeological features affected by the proposed development, including a timetable for investigation, all in accordance with the attached specification, shall be submitted to and require the written approval in writing, of the CNPA acting as Planning Authority, following consultation with Highland Council's Archaeology Unit. All arrangements thereby approved shall be implemented by the developer at his expense in accordance with the approved timetable for investigation.
7. That the approved Sustainable Urban Drainage proposals for each part of the development hereby approved, shall be constructed, implemented and be operational, prior to the occupation of that part of the development, all to the satisfaction of the CNPA acting as Planning Authority, following consultation with SEPA and Highland Council's Area Roads Manager.
8. Notwithstanding the details already submitted, the development shall be landscaped and maintained in accordance with a scheme which shall be submitted to and approved by the CNPA acting as Planning Authority before development commences on site. The scheme shall indicate the siting, numbers, species and heights (at the time of planting) of all trees, shrubs and hedges to be planted and to the extent of any areas of earthmounding, and shall ensure:-
 - a. Completion of the scheme during the planting season next following the completion of the development, or such other date as may be agreed in writing with the CNPA acting as Planning Authority.
 - b. The maintenance of the landscaped areas in perpetuity in accordance with the detailed maintenance schedule/table. Any trees or shrubs removed, or which in the opinion of the CNPA acting as Planning Authority, are dying, being severely damaged

or becoming seriously diseased within three years of planting, shall be replaced by trees or shrubs of similar size and species to those originally required to be planted.

9. That, in addition to condition no. 8 above, prior to the commencement of works on site, a fully detailed scheme for the on-going management and maintenance of all open and landscaped areas, outwith private garden areas, shall be submitted for the further written approval of the CNPA acting as Planning Authority. Thereafter, unless otherwise agreed in writing with the CNPA acting as Planning Authority, the agreed management and maintenance scheme shall be implemented in perpetuity, all to the satisfaction of the CNPA acting as Planning Authority.
10. Notwithstanding the details shown on the approved drawings, exact details and specification for the following, shall be submitted for the further written approval of the Planning Authority prior to their implementation/construction on site (additional samples/drawings may be required);
 - a. all proposed roof and wall finishes (including colours), for all approved buildings;
 - b. all proposed boundary enclosures (including walls and fences);
 - c. all proposed hardstanding materials for the unadopted roads, parking areas, and footpaths;
 - d. all proposed external refuse stores/facilities;
 - e. the exact siting and design of all proposed recycling bin areas;
 - f. the finishing materials for the external beer garden.
11. That the main internal access road and its contiguous footways, from its junction with Frank Spaven Drive to, and including, the turning head at House Plots 9 to 11, shall be designed and constructed to an adoptable standard in compliance with Highland Council's Road Guidelines for New Development.
12. That all internal access roads, parking areas and footways, (not including the adopted road required by condition no. 11 above) shall be the subject of a suitable private management and maintenance agreement which shall be submitted to and agreed by the CNPA acting as Planning Authority, in consultation with Highland Council's Area Roads Manager, prior to the commencement of the construction of these works on site.
13. That the parking areas associated with each individual element of the development, all in accordance with those shown on the approved site layout plan, shall be constructed and completed, prior to the occupation of the individual elements of the development that the parking areas serve.

14. That parking and manoeuvring space for two cars shall be provided within the curtilage of each of the semi-detached houses hereby approved, such that all vehicles can enter and leave each house plot independently.
15. That prior to the commencement of works on site, the carriageway of Frank Spaven Drive shall be overlaid with a minimum of 40mm thick asphalt wearing course material from its junction with Dalfaber Drive to at least the northern edge of the existing track bounding the northern perimeter of the site.
16. Visibility, of splays of not less than 4.5 metres x 70 metres, shall be provided in both directions at the junction of the new access with Frank Spaven Drive, prior to the commencement any other works on site, and thereafter maintained free from any obstructions exceeding a height of 1 metre above the adjacent road channel levels.
17. Visibility, of splays of not less than 4.5 metres x 90 metres, shall be retained in both directions at the junction of Dalfaber Drive and Frank Spaven Drive and thereafter maintained free from any obstructions exceeding a height of 1 metre above the adjacent road channel levels.
18. Visibility, of splays of not less than 4.5 metres x 30 metres shall be provided in both directions at the junction of all internal road junctions with the adopted road, and thereafter maintained free from any obstructions exceeding a height of 1 metre above the adjacent road channel levels.
19. Visibility, of splays of not less than 2.5 metres x 30 metres shall be provided in both directions at the junction of the access points to each individual unadopted parking area and each individual house access and thereafter maintained free from any obstructions exceeding a height of 1 metre above the adjacent road channel levels.
20. That prior to the commencement of any other works on site (unless an alternative timescale is agreed in writing with the CNPA acting as Planning Authority following consultation with Highland Council's Area Roads Manager), a 2 metre wide roadside footway shall be provided along the full lengths of the Frank Spaven Drive and Dalfaber Drive frontages of the site.

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