

## CAIRNGORMS NATIONAL PARK AUTHORITY

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### **DEVELOPMENT PROPOSED:**

Erection of 60 bedroom Hotel with Associated Landscaping, Service Area and Car Parking at Cairngorm Service Station, Grampian Road, Aviemore

**REFERENCE:** 2016/00394/DET

**APPLICANT:** Whitbread PLC

**DATE CALLED-IN:** 14 November 2016

**RECOMMENDATION:** Approve with Conditions

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

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## SITE DESCRIPTION, PROPOSAL AND HISTORY

### Site Description

1. The proposed site is a former petrol filling station prominently located beside Grampian Road coming into Aviemore from the south. It is located to the east of the public road with existing access of this road. The entrance roundabout to Aviemore lies to the immediate south west. Grampian Road and the B970 public road to Coylumbridge, Glenmore and the ski centre come off this roundabout. An Italian restaurant with associated car parking lies on the other (North West) side of the roundabout with the High Range Motel lying to the west above Grampian Road.
2. The site has been cleared of the previous uses and buildings, with this brownfield part of the wider site currently vacant with hard surface, enclosed by safety fencing. The site is roughly triangular in shape, bounded to the west by Grampian Road with existing access and footpath running alongside the public road. A low stone dyke runs along part of the roadside boundary with some trees alongside the public road in the northern point of the site closer to Aviemore centre. Further trees lie on the other two sides of the site.
3. The rear of the site slopes steeply eastwards down towards the main Perth to Inverness railway line which lies at the foot of the railway embankment. There are existing trees on this slope, both within and outwith the site. On the other (east) side of the railway lies the Pine Lodge Chalets and house, located at a lower level.
4. The site also slopes downwards to the south into a small “valley” type area from which the land rises again by way of a wooded slope up to the boundary with the B970 public road leading east to Coylumbridge, Glenmore and the ski centre. This wooded slope lies outwith the control of the applicants and there is a stone boundary wall here alongside the frontage of the slope with the public road.

### Proposal

5. The drawings and documents associated with this application are listed below and are available on the Cairngorms National Park Authority website unless noted otherwise

<http://www.eplanningcnpa.co.uk/online-applications/applicationDetails.do?activeTab=documents&keyVal=OG2IBZSI0BY00>

Title	Drawing Number	Date on Plan
Location Plan	1772 L(00)000 Revision A	15/03/16
Site Plan as Proposed	1772 L(00)001 Revision E	16/01/17

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Ground Floor Plan as Proposed	1772 L(01)000 Revision B	05/09/16
First Floor Plan as Proposed	1772 L(01)001	Feb 16
Second Floor Plan as Proposed	1772 L(01)002	Feb 16
Roof Plan as Proposed	1772 L(01)003	Feb 16
Basement Plan as Proposed	1772 L(01)B01	Feb 16
Long Elevations as Proposed	1772 L(02) 001	Feb 16
Gable Elevations as Proposed	1772 L(02) 002	Feb 16
Cross Sections AA-CC as Proposed	1772 L(03) 001	Feb 16
Long Sections DD as Proposed	1772 L(03) 002	Feb 16
3D Visual 1- Main Facade	1772 L(04)001	15/03/16
3D Visual 2 Grampian Road	1772 L(04)002	15/03/16
3D Visual 3 Grampian Road from Roundabout	1772 L(04)003	15/03/16
3D Visual 4 Hotel Rear from B970	1772 L(04) 004	15/03/16
Comparative Section Study	1772 SK(-- )010	03/06/16
Comparative Section Study	1772 SK(-- )001 C	12/12/15
Cycle Parking	1772 L(90)010A	19/12/16
Transport Statement by JMP	SCT4277 Issue No. 3 Final 2	16/01/17
O.N. 100 Odour Neutraliser Report		
O.N. 100 Odour Neutraliser Technical and Operation Manual		
Safety Data Sheet by Purified Air	Issue no. 2	29/03/07
Mechanical Services Installation Plant Layout by Dynamic Design Consultants	SK02 Revision A	3/11/16

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Site Plan Electrical Services Installation by Dynamic Design Consultants	EOI Revision A	19/12/16
External Lighting document by Dynamic Design Consultants	2940	12/10/16
Noise Emission Report by Scotch Partners	Revision 00	08/11/16
Waste Management Strategy by LMA Architects		Oct 2016
Whitbread Waste and Recycling Plan		
Drainage Layout by Ramsay & Chalmers	Job No. C1288 Drawing No. 100 Revision B	16/01/17
Pump Station Layout by Ramsay & Chalmers	Job No. C1288 Drawing No. 105	27/01/17
Junction Visibility by Ramsay & Chalmers	Job No. C1288 Drawing No. 104 Revision B	19/12/16
Site Layout Sections by Ramsay & Chalmers	Job No. C1288 Drawing No. 015 Revision B	12/10/16
Roundabout Visibility by Ramsay & Chalmers	Job No. C1288 Drawing No. 017	16/01/17
Flood Risk and Drainage Impact Assessment	C1288 Revision A	16/01/17
Development Impact Assessment by Scottish Water Horizons	STW002317 Report No. 3	Jan 17
Planning Statement by Mhairi Shaw Planning		Oct 16
Design and Access Statement by LMA Architects		Oct 16
Construction Method Statement by Ogilvie entitled "Build Sequence and Methodology"		24/10/16
Red Squirrel Survey Report by the Wildlife Survey Unit	PI6017	23/06/16
Species Protection Plan – Red Squirrel by the Wildlife Survey Unit		Dec 16
Arboricultural Impact Assessment and Appendices	JBA 15/299 AR01 Rev D	15/11/16

Guide to the Management of Landscape and Ecological Areas at Premier Inn Aviemore	JBA/15/299 Doc 2 Revision A	Feb 17
Landscape Specification for the Proposed Premier Inn at Grampian Road Aviemore	JBA/15/299 Doc 1 Revision A	Feb 17
Planning Stage Detailed Hard and Soft Landscape Proposals	JBA/15/299 01 Revision B	09/02/17
Hard and Soft Landscape Masterplan for Premier Inn	JBA/15/299 Revision F	15/02/17
Tree Pit Detail in soft Landscape in Narrow Planting Bed within Car Park	JBA/15/299 DT01	23/08/16
Tree Pit Detail in Entrance Feature Bed	JBA/15/299 DT02	23/08/16
Standard Tree Pit Detail in Soft Landscape	JBA/15/299 DT03	23/08/16
Ground Investigation Report by Green Cat Renewables		09/12/16

6. The proposed development comprises three storey to the front and four storey to the rear hotel building (including basement), utilising the slope of the site. Sections have been provided to show how the building will sit on the site and also to show it relative to the previously approved hotel development on this site. These details are contained within **Appendix I**.
  
7. It is proposed to set the building back from Grampian Road by around 18 metres with the proposed parking area to the front interspersed by landscaping. Access is proposed from Grampian Road via an upgraded vehicular access point, along with a pedestrian opening. An existing footpath runs along this frontage. A total of fifty car parking spaces are proposed to the front (west) of the hotel building with three accessible spaces to the north. Twelve cycle parking spaces are also proposed to the north of the building. These areas to be finished in a mixture of tarmac and paviers. Surface water is to be managed by means of sustainable urban drainage systems, as described later in this report, and connection to public water and foul drainage supplies are proposed. The proposed site plan is contained in **Appendix I**.
  
8. Trees will be removed to accommodate the development and further planting is proposed around the building with detailed landscape plans provided.

9. A total of sixty bedrooms are proposed. At ground floor level there will be twelve bedrooms (including three fully accessible rooms); dining area for fifty four covers; reception and admin area, as well as ancillary kitchen, toilet and storage provision. There is no public bar provision but rather a small bar to serve the table service within the restaurant. Twenty one bedrooms are proposed at first floor level and twenty one bedrooms at second floor level. At basement level six more bedrooms are proposed along with the plant room, luggage and linen stores.
10. The building is of rectangular foot print measuring 44 metres long by 15 metres wide. The height to roof pitch as viewed from Grampian Road is 13 metres, from the rear (railway side) 16 metres at its highest point. The building is of functional, symmetrical, and simple design. It incorporates a glazed entrance. The roof line is varied incorporating wall head dormer type effects to the upper floor windows in order to break up the roof expanse together with design features to define the storey levels. A rear stair block is proposed. Plans of the proposed elevations together with visualisations of the proposals in the streetscape are attached in **Appendix I**.
11. The proposed finishes are untreated larch timber cladding, standing seam zinc cladding roof, aluminium flashing to express floor changes, aluminium windows and buff brick used for the staircase block, basement plinth and functional areas such as bin stores/service area.
12. A number of supporting documents have been provided as follows:
13. **Design and Access Statement** describing the proposals and the approach to their development. The intention is to work with the ground contours and reinforce landscaping along Grampian Road. The contemporary building design has evolved to achieve this as well as to achieve the functional hotel requirements of private bedroom space and ease of layout including accessible bedrooms, accessible parking spaces and level access to the building. The three main elements of the building are described as bedroom block, glazed restaurant and hotel entrance, and brick block stair tower.
14. **Planning Statement** outlining the context of the site in relation to its key “gateway” location into Aviemore; its planning history, and pre application discussion, explaining changes made to accommodate comments by authorities and to improve upon the baseline of the consented scheme. The statement explains how the development has been designed with a 2.5 storey frontage to Grampian Road and 3.5 storeys to the rear taking advantage of the topography. It explains the use of contemporary design with three key elements comprising the pitched roof of the bedroom block, glazed box restaurant/hotel entrance to contrast with solid and private appearance of bedrooms, and the stair tower in simple brick block continuing above roof line to contain the rooftop plant equipment.
15. It sets out the economic benefits of the proposals, enhancing the image of Aviemore and bringing a redundant site back into productive use, refreshing interest in this part of the settlement, and resulting in the provision of full and

part time jobs equivalent to 25 full time positions. It outlines the applicants commitment to local recruitment. The statement concludes that the proposals as submitted comply with planning policies.

16. **Transport Statement** which aimed to provide an overall assessment of the transportation implications of the proposed development. It takes into account pedestrians, cyclists, public transport, access and servicing requirements. It considers the need for parking, whilst seeking to ensure that the car trips generated by the development can be integrated into the surrounding transport network without detriment to existing users. It seeks to prioritise sustainable modes of transport over car based trips.
17. The report was revised to address points raised by the Highland Council Transport Planning Team. This report concluded that the proposed development is likely to generate 24 and 21 two way trips during the weekday morning and afternoon peak periods respectively. This is based on trip rates on an average of 77 bedrooms so is considered to be a robust approach given that only 60 bedrooms are proposed. Of these trips between 22 – 23 % are anticipated to be made by alternative modes to the private car. Pedestrian access will be via existing footways which are of reasonable standard with the site well located within reasonable walking distance of town centre facilities and attractions. Similarly the site is considered to be well located in relation to cycling routes, and it is proposed to provide cycle parking for both staff and visitors. Bus stops and Aviemore railway station are located a short distance away.
18. The existing site access will be upgraded and 53 parking spaces provided. The Plan sets out the rationale for parking provision being less than the 60 visitor and 8 staff parking spaces suggested as the maximum level required by Council parking standards. The suggested provision of 53 spaces is based upon a parking accumulation survey and analysis of arrival and departure data for similar developments. This resulted in a need for an estimated overnight occupation of 44 spaces with staff parking in addition to this. This provision includes three accessible disabled spaces.
19. Justification for this approach is provided, suggesting that the proximity of the site to public transport services and encouraging staff and visitors to travel by sustainable modes, together with preparation of a sustainable travel plan would ensure effective promotion of travel by modes other than the private car. A framework Travel Plan has been included in the Transport Statement.
20. **Landscape Information** An Arboricultural Impact Assessment has been provided which assessed and surveyed all trees on site. It concluded the proposals are acceptable in principle. It noted that whilst a number of trees are being removed, these are generally trees of low quality and those trees retained continue to screen the site. Plans for tree protection have been provided together with a landscape strategy for the replanting of 37 more trees. This will serve to enhance the landscape and improve the quality of the tree stock. It is also recommended that a detailed arboricultural method statement be provided to accompany the tree protection plans.



21. A detailed landscape plan has also been submitted covering hard and soft landscaping, together with a management plan detailing ongoing maintenance and management of landscaping and a landscape specification detailing ground preparation and aftercare works.
22. **Red Squirrel Survey Report**, which was carried out in August 2016. This identified one active red squirrel drey and a disused drey in trees on the site as well as feeding remains. The report set out recommendations for pre-construction surveys to be undertaken less than three weeks before tree work commences to take account of any changes; tree felling/pruning to be carried out outwith the red squirrel breeding season (October to January) or if not possible then 50 metre protection zones to be established around any breeding dreys; root protection zones provided for all scots pine trees; together with replacement planting to compensate for any Scots Pine lost in order to ensure in the medium to long term that the foraging resource for red squirrels is unaffected.
23. A **Red Squirrel Species Protection Plan** was also submitted containing a mitigation and compensation strategy to reduce impacts from the development to negligible. The proposed measures are provision of red squirrel feeding station; new tree planting as per the proposed landscape plans; pre felling check; timing of works to avoid breeding season and root protection measure together with post construction monitoring for two year period.
24. **Flood and Drainage Impact Assessment** which sets out the proposals to deal with surface water in two stages, via pervious pavements followed by on in-line filter trench with discharge to ground via a cellular infiltration system. The car parking will be split into two zones each discharging to a separate cellular system comprising cellular soakaways located to the rear of the development. Treatment will be provided in two stages by the pervious pavement, comprising blocks and porous sub base, with additional treatment at one of the soakaways by the filter trench provided for roof treatment.
25. Roof water will discharge to ground water via cellular soakaways located to the rear of the development with treatment provided by a filter trench and storage provided by the cellular units. Car parking areas will discharge to the ground water via two cellular soakaways to the rear of the development.
26. Testing has demonstrated the suitability of the soil conditions. Construction stage SUDS are to be provided and maintenance of the final SUDS system will remain the responsibility of the site owner. It is proposed that foul drainage will be discharged to the Scottish Water sewers via a private pumping station.
27. The document confirms that there is no history of flooding at the site and that it lies out with the SEPA flood map area. It is also noted that the SUDS design has been upgraded to be sized for 1 in 200 year flood event. In addition to this document a **Development Impact Assessment by Scottish Water Horizons** has been provided.

28. **Ground Investigation Report** comprised a desk top study and ground investigation to inform the ground conditions for the foundation design and to assess any likely geochemical contamination of the site. This concluded that specialist contractors would be required for the foundation work, the soil was of a suitable infiltration for the use of soakaways and that levels of contaminants (metals, non- metals and hydrocarbons) were below levels of concern with no evidence of asbestos on site and deep groundwater with no significant risks arising. With respect to gases the site was concluded to be low risk although as a precaution it was recommended that routine monitoring be undertaken of site excavations where man made access is required.
29. **Waste Management Strategy** outlining how waste will be separated at source and stored in separate containers within a designated secure compound located on the ground floor under the building at the east end.
30. **Noise Emission Report** setting out details of noise levels from, and location of, various items of plant including air source heat pumps and external condensers. This report highlights the location of the building near to the railway line whereby it is unlikely to be the dominant noise source in the area and concludes that with the mitigation outlined in the report any effects of plant noise will be minimised for the surrounding area.
31. **External Lighting Report** providing technical details of illumination.
32. **Construction Method Statement** outlining the methodology of the proposed build including diagrams to illustrate this.
33. **Odour Neutraliser report** setting out the type of equipment to be used to reduce and treat cooking odours.
34. **Comparative sections** have also been provided to show the proposed development relative to the previously consented scheme and these are included in **Appendix I**.

## History

35. 10/2014/CP - Consent was originally granted in 2011 for a 53 bedroom three storey hotel building on this site with associated car parking and new access point located at the north end of the site. A copy of the approved design and layout is attached as **Appendix 2**. It was indicated that the site would be built up to accommodate the development although no detailed site sections were supplied. This matter was covered by planning conditions.
36. 2014/0062/DET – an application to effectively “renew” the above consent was granted permission at the May 2014 meeting of the Planning Committee and this consent expires on 13 May 2017.
37. PRE/2015/0311 – a pre application inquiry was submitted to the Highland Council by the current applicants for a larger hotel footprint in a different position. CNPA officers provided comments then continued dialogue with the

applicants direct. Recommendations made regarding design, landscaping and information requirements have been taken on board in the final submission.

## **DEVELOPMENT PLAN CONTEXT**

### **Policies**

<b>National Policy</b>	Scottish Planning Policy 2014	
<b>Strategic Policy</b>	Cairngorms National Park Partnership Plan 2012 - 2017	
<b>Local Plan Policy</b>	Cairngorms National Park Local Development Plan (2015) Those policies relevant to the assessment of this application are marked with a cross	
POLICY 1	NEW HOUSING DEVELOPMENT	
POLICY 2	SUPPORTING ECONOMIC GROWTH	<b>X</b>
POLICY 3	SUSTAINABLE DESIGN	<b>X</b>
POLICY 4	NATURAL HERITAGE	<b>X</b>
POLICY 5	LANDSCAPE	<b>X</b>
POLICY 6	THE SITING AND DESIGN OF DIGITAL COMMUNICATIONS EQUIPMENT	
POLICY 7	RENEWABLE ENERGY	
POLICY 8	SPORT AND RECREATION	
POLICY 9	CULTURAL HERITAGE	
POLICY 10	RESOURCES	<b>X</b>
POLICY 11	DEVELOPER CONTRIBUTIONS	<b>X</b>

38. All new development proposals require to be assessed in relation to policies contained in the adopted Local Development Plan. The full wording of policies can be found at:

<http://cairngorms.co.uk/uploads/documents/Park%20Authority/Planning/LDPI5.pdf>

### **Planning Guidance**

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

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

## CONSULTATIONS

40. A summary of the main issues raised by consultees now follows:
41. **SEPA** advise that as the site is less than 2 hectares the application is below the threshold where they provide comment and have referred instead to their standing advice on such cases
42. **Scottish Natural Heritage** was consulted in view of any potential impacts upon designated sites in the area and their view on the need for a Habitats Regulations Appraisal. They note that there are natural heritage interests of international importance close to the site but in their view these will not be adversely affected by the proposals given the scale of the development in relation to the population of Aviemore as a whole; the fact that the likely increase in visitors is small in comparison to numbers already taking recreation in the area; the location of the proposals well away from areas of forest currently used by capercaillie; and the existence of recreational routes which avoid sensitive habitats and are easily accessible to the development site.
43. **RSPB** take no view on the merits of the application, but have highlighted the need in their view for the CNPA to carry out a Habitats Regulations Appraisal to determine any implications for designated sites particularly in relation to any increased recreational use of Special Areas of Protection in respect of capercaillie interest
44. They welcome the planting scheme's inclusion of native species Finally they recommend that if permission is granted, there should be a requirement for appropriate information to be provided to the hotel guests regarding the importance of the nearby woodlands for sensitive species such as capercaillie, to encourage responsible access and help to minimise recreational disturbance
45. **Scottish Water** has no objection to the application but highlight that this does not confirm that the proposed development can currently be serviced. They advise that there is currently sufficient capacity in the water treatment works but insufficient capacity in the waste water treatment works to service the development. They recommend that the developer submit a pre make a formal connection application to the agency once full planning permission is granted.
46. **Network Rail** has no objections in principle. Due to the proximity to the operational railway they have requested that all surface or foul water from the development must be collected and diverted away from Network Rail Property., and that any SUDS scheme is sited 10 metres away from railway infrastructure with suitable long term maintenance plans in place.
47. They note that as the railway is a dangerous environment suitable barriers must be put in place to prevent unauthorised and unsafe access to the railway along with a suitable trespass proof fence of at least 1.8 metres height beside Network Rail's boundary. Similarly care will be necessary with any landscape scheme to

avoid leaf fall which can impact on the reliability of the railway in certain seasons. They further note that the applicant should take measures to ensure protection of any noise or vibration sensitive users near the railway. Finally they highlight the importance at the construction stage of the applicants receiving Network Rail consent for all changes in ground levels, laying of foundations and operation of mechanical plant in proximity to the railway. If “fail safe” works cannot be secured then operating hours will need to be limited to time when the railway line is closed to rail traffic.

48. They have highlighted that planning conditions or advisory notes should be attached if necessary to cover these points.
49. **The Highland Council Transport Planning Team** on considering the original layout sought further information including dimensioned drawing showing size of parking bays and aisles, turning heads, junction radii, width of junction, visibility splays, revised Transport Assessment and internal footpath widths.
50. On receipt of revised information they note that the parking bays and footpath widths are smaller than ideal. Similarly they consider the amount of parking provision to be likely to be close or at capacity at peak times. Although welcoming the cycle parking provision, they recommend that the areas are lit and covered in term of staff provision and note that the location is not the optimum one in relation to proximity to the hotel entrance. They further recommend that retention of the retaining stone boundary wall alongside Grampian Road, construction traffic management plan and the provision of a Travel Plan be secured by planning conditions.
51. The Team conclude that they do not object to the application providing the applicants demonstrate that pedestrian and cycling facilities within the development are of the highest quality.
52. **The Highland Council Forestry Officer** has highlighted the lack of a tree constraints plan and arboricultural method statement and raised a number of concerns regarding the information submitted. These related to the approach to categorisation of trees; impacts of loss of trees; details of tree protection fencing and overall protection measures; reliance of trees outwith site to provide screening; distances between hotel and existing trees and discrepancies in plans. The landscape scheme is considered to be generally acceptable with some further detail required. Overall the officer considers the development to represent over-development of the site and is not supportive of it.
53. The applicant’s agent provided a response to points raised and at the time of writing no further comments from the Officer have been received.
54. **The Highland Council Historic Environment Team** advised that there are no sensitive historic environment issues with this site.
55. **The Highland Council Contaminated Land Team** considered the site investigation report and noted that this did not find any contamination at the

site. The Team initially sought further information on petrol tanks which may still be on site (by way of a watching brief) and information on the provenance on any up fill material to be used on site. They also sought provision of barrier water supply pipes to protect drinking water on site from any residual hydrocarbons which may be present. Following receipt of additional information from the applicants' engineers confirming that they would be carrying out a watching brief; that up fill would be clean granular material and suitable barrier pipes were proposed the Team now advise that an informative may cover their concerns in this case.

56. **The Highland Council Flood Risk Management Team** initially objected to the application until further information was provided (1) to clarify the allowance that has been made for urban creep in the Flood Risk and Drainage Impact Assessment (DIA) (2) to demonstrate how water will be managed on site and any discharge limited to the pre-development discharge rate in the event of an exceedance event up to and including the 200 year plus climate change return period. On receipt of a revised drainage and flooding impact assessment they have confirmed that they are satisfied with the design of the drainage scheme and welcome the accommodation of a 1 in 200 year flood event within the design.
57. **The Highland Council Environmental Health Service** noted that various air source heat pumps, kitchen pumps, flues and condensers are to be employed at the development located within enclosures with the highest noise levels calculated to be 35dB LAeqT. The Service does not anticipate noise to be an issue, but recommend as a precaution that a condition be attached regarding operational noise levels. They note that construction noise can be controlled by the Local Authority.
58. They further noted that as there is ventilation extracting from the kitchen then a details of a filtration system should be provided for approval. The applicant has provided details in this regard and the Service have confirmed they have no further comment to make
59. **Inclusive Cairngorms** have repeated comments made with the previous case. They wished to establish whether there were any fully accessible rooms provided to enable access for all, with wet room en-suite provision.
60. **CNPA Outdoor Access Team** raised no concerns. They note that the submitted Transport Statement gives regard to cycling and walking considerations which is welcomed together with parking and internal provision for less able visitors. They consider that the proposal offers opportunities for visitors to utilise the surrounding pedestrian network which, together with the central location, offers opportunities for employing sustainable travel modes.
61. **CNPA Landscape Adviser** noted the prominence of the site and that existing woodland in and around the site provides a unifying effect, contributing to the character of the area. The proposed development will result in substantial cut and fill operations and the construction of retention structures.

62. The design of the building is considered to be ubiquitous. However, variations in texture and colour of finishes will help reduce its uniformity and dominance of elevations, along with retention of trees. The Officer generally considered that tree sensitivities were picked up in the construction method statement and arboricultural assessment, but initially raised points for further clarification.
63. The overall landscape design objective is noted as being for the retention and enhancement of the woodland environment with strategic placing of trees to achieve this which is welcomed. Information on landscape management and maintenance was sought along with clarification on a number of the documents.
64. On receipt of revised landscape information the Officer is now satisfied with the information provided subject to a minor point regarding species which can be covered by a planning condition in the event of the application being supported. The Officer also recommended that details of tree fencing be agreed; monitoring of on-site works should take place; and details of retaining structures should be suitably designed.
65. In conclusion the Officer considers that the development would have an impact on the landscape character, but with the retention and long terms management of trees on the site and the addition of new planting, the development has the potential over time to enhance a run-down and unattractive site at the entrance to the settlement.
66. **CNPA Ecology Adviser** noted that the proposal tried to minimise loss of trees as far as possible and to make provision for replacement planting. The Officer recommended that in the event of the application being supported that a Species Protection Plan be provided for red squirrel to cover (1) pre felling check (2) all felling to take place out with breeding season and (3) provision for red squirrel feeding station. The Officer also noted nesting oystercatchers on site and requests that an informative be attached in this regard highlighting necessary measures for protection in the event of the application being supported. Comments on landscape scheme were made in relation to promotion of biodiversity interests.
67. On receipt of revised landscape plans and red squirrel species protection plan the Officer is satisfied with the information provided considering that the species protection plan demonstrates that there will be a minimal effect on red squirrels
68. **Aviemore and Vicinity Community Council** offer general support for the proposals and consider the revised design to be better than the existing scheme, more in keeping with the area. They do however have a concern regarding road safety implications caused by vehicles leaving the hotel. They note the proximity of the junction to the roundabout, in particular in relation to position of bus stops suggesting that the exit from the hotel be a left turn only to ensure safe vision. A copy of their comments is attached as **Appendix 3**.

## REPRESENTATIONS

69. The application has been advertised and no representations have been received. The agent has requested to be heard at Committee.

## **APPRAISAL**

### **Principle**

70. The principle of a hotel on this site is well established by the existing consents here. It is well located relative to the services and amenities of Aviemore within ready walking and cycling distance of the centre with good footpath links. It is also well located in relation to bus, rail and road links lying with the settlement boundary. The site has lain vacant for some time detracting from this approach into Aviemore and its re-development is greatly welcomed. The applicants' submissions indicate that around twenty five new jobs will be secured by the new development which is also welcome in economic terms. Accordingly the principle of hotel development is readily supported by Policy 2: Supporting Economic Growth of the Cairngorms National Park Local Development Plan 2015 which seeks to support economic development including tourism accommodation subject to meeting various criteria regarding no adverse environmental impacts and making a positive contribution to visitor experience, and being supporting the vitality and viability of the economy. It is therefore the detail of the submission that falls to be considered with this application.

### **Landscape Impacts and Design**

73. This is a key site on the approach into Aviemore and the hotel will be one of the first developments seen. This is an area of mixed character with a variety of building styles and commercial uses evident.. The previous vacant petrol station here detracted from this approach into Aviemore and the clearing of the site in preparation for development was welcomed. The actual development to the site is similarly welcomed given its prominence and potential to provide an improved entrance to the town.
74. The proposed building is larger than previously approved and represents considerable development of the site. Its design is functional, but care with detailing, such as relationship of upper floor windows to roof line, expressing of floor levels and good quality finishes helps achieve an appropriate standard of design. The use of zinc cladding roof and clean lines helps to reduce the apparent scale of the roof with timber finishes considered wholly appropriate for the setting here. The proposed landscape scheme will help to relate the building well visually to its wooded setting and secure the management of its wooded setting. The construction method statement has also demonstrated that the development can be built in a contained manner to minimise impacts on the surrounding trees and vegetation. Whilst it is unfortunate that the applicant does not control the rest of the slope leading up (south) to the Coylumbridge road which would have been beneficial in managing this woodland area, this was the case with the previous development too.



75. The currently proposed development sits further back (east) in the site as compared to the consented scheme. It is also situated further south and occupies a larger footprint on the site, accommodating sixty bedrooms as opposed to the previous fifty three bedroom scheme as described in the history section of this report earlier. Sections to illustrate the comparison between the two schemes have been provided and are attached in **Appendix I**. These seek to demonstrate that the proposed scheme will be lower than the consented one, based on the assumption that the original site levels would have been built up to accommodate the original scheme. At the time of that application a planning condition was attached to secure final levels, and information to discharge that condition has not been provided to date. The applicants' assumptions are however considered to be reasonable given site conditions. It is also the case that given the fact that it is now proposed to set the new hotel further back (east) into the site, its impact from Grampian Road will be reduced in the eyes of the viewer.
76. The opportunity has also been taken, in setting the development back from Grampian Road, to secure landscaping to the front of the building which will help integrate the development into the local streetscape where trees and stone dykes are a feature of the wider area.
77. Overall it is considered that the design of the development has secured an improvement in comparison to the previous consent and that it complies with Policy 3: Sustainable Design and Policy 5: Landscape of the Cairngorms National Park Local Plan 2015, which seek to ensure that new development conserves and enhances the landscape character and special landscape qualities of the National Park. It will however be essential in the event of the application being supported to ensure that appropriate planning conditions are attached to deliver and maintain landscaping and also to ensure that finishes are of a high standard in line with the details outlined in the submission.
78. Finally in relation to landscape impacts is the matter of impacts upon trees. There will be a loss of trees on the site in order to accommodate the development all as noted by the Highland Council Forestry Officer. This is considered to be balanced by the proposed replanting scheme and the opportunity to manage the woodland. It is also a material planning consideration that there is an existing consent on this site which would have resulted in tree loss.

### **Environmental Impacts**

79. Aside from tree loss as noted above, ecological impacts are limited in relation to biodiversity interests with the opportunity to secure a good standard of landscaping of benefit to biodiversity as well as visual amenity welcomed. The potential impacts upon designated sites have been fully considered by SNH and the CNPA Heritage team and it was concluded that there were no likely significant affects as a result of this development all as outlined in the consultations section.

80. Points noted by the CNPA Ecology officer regarding oystercatchers nesting on site may be readily addressed by an informative should the application be supported, whilst the potential for impacts upon capercaillie and designated sites has been fully considered by SNH in their consultation response which concluded that there would be no adverse effects. It is noted that the RSPB raised in their comments the need to provide appropriate information to hotel guests in relation to the importance of the nearby woodland for sensitive species such as capercaillie and to encourage responsible access in order to minimise recreational disturbance. Again this may be readily addressed by an informative in the event of the application being supported.
81. There are no other particular ecological concerns other than the potential for impacts on red squirrels. This matter has been addressed in the applicants' special protection plan and in the event of the application being supported appropriate planning conditions would require to be imposed to ensure that the mitigation is implemented.
82. Finally in respect of environmental issues is the matter of contaminated land. As noted in the consultations section The Highland Council Contaminated Land Team are satisfied with information provided, subject to an informative being attached in the event of the application being supported to cover the need for vigilance on site given its previous use as a petrol station.
83. In these overall circumstances it is considered that the development complies with Policy 4: Natural Heritage of the Cairngorms National Park Local Development Plan 2015, which seeks to ensure that there are no adverse effects on the integrity of designated sites or the National Park and that mitigation measures are included where there are any adverse impacts on species or habitats. It is also considered to comply with Policy 10: Resources of the Cairngorms National Park Local Development Plan 2015, which seeks to ensure that appropriate assessments and remedial action is taken where development may affect potentially contaminated land.

### **Residential Amenity**

84. The development is considered to be sufficiently distant from other properties to ensure that there is no loss of amenity arising from the scale of the development. Issues such as odour from cooking and noise emissions from the operation of plant can be satisfactorily controlled by suitable planning conditions in the event of the application being supported to ensure that plant is suitably located and screened as indicated in the applicants' submissions. Similarly impacts from lighting can be controlled by condition.
85. It is therefore considered that the development complies with Policy 3: Sustainable Design of the Cairngorms National Park Local Development Plan 2015, which seeks to protect the amenity enjoyed by neighbours.

### **Servicing**

86. It is proposed to connect to public water and drainage supplies and this can be secured by planning condition in the event of the application being supported. The onus will be on the applicant to secure connections from Scottish Water. In this regard the applicants have been in touch with Scottish Water regarding connection and this may be reinforced by an informative in the event of the application being supported.
87. The proposals for the disposal of surface water are considered acceptable by technical consultees and comply with the principles of sustainable urban drainage. Similarly proposals for waste management are considered satisfactory. In the event of the application being supported suitable planning conditions can be imposed to secure compliance with the submitted plan and scheme.
88. The site access is considered to be acceptable by the Highland Council Transport Planning Team as are the car parking arrangements on balance. Whilst cycle parking could ideally be closer to the building at around 30 metres away this is considered to be acceptable as are the pathway arrangements around the building. This is subject to cycle parking being appropriately lit and covered for staff cycle parking and this may be addressed by an appropriate planning condition in the event of the application being supported.
89. The site is, as noted earlier, well located to public transport and walking/cycling routes in the area whereby it supports the principles of sustainable travel. A planning condition can be imposed to secure a travel plan as requested by the Transport Planning Team should the application be supported.
90. In these overall circumstances it is considered that the development can be satisfactorily serviced as required Policy 3: Sustainable Design and Policy: 10 Resources of the Cairngorms National Park Local Development Plan 2015..

## **Developer Contributions**

91. Developer contributions were not sought with the previous application for a hotel here and similarly are not considered appropriate now. The development is likely to support local services and amenities rather than place a burden upon them. Also by its nature, hotel use does not introduce residents who will be using educational services etc. Requirements of the development itself in relation to servicing, road access, landscaping/biodiversity and drainage can be dealt with on site and by condition.
92. In these circumstances the development is considered to comply with Policy 11: Developer Contributions of the Cairngorms National Park Local Development Plan 2015, which sets out that where development gives rise to a need to increase or improve public services, facilities or infrastructure or to mitigate adverse effects the developer will be required to be make a fair and reasonable contribution consistent with the scale and nature of the development.

## Other Issues Raised in Consultations and Representations

93. There have been no representations received to the proposed development. The Community council raised concerns (see **Appendix 3**) regarding road access suggesting a left turn only arrangement from the access point. This has been discussed with the Transport Planning Team who do not consider this to be necessary in road safety terms and also would be concerned regarding enforceability of such a scheme. This concern is shared by this Service. It is also noted that with the previously consented scheme, which could be implemented, there was no requirement to change access in this way.
94. Network Rail raised issues regarding safety, drainage and work in proximity to the railway embankment in their consultation response as noted earlier in the consultations section. The safety matters may be addressed by attaching an informative in the event of the application being approved highlighting the need for the developer to liaise with Network Rail regarding working in the vicinity of a railway. In respect of drainage the SUDS proposals are more than 10 metres from the railway as requested by Network Rail, and their future maintenance may be secured by planning condition in the event of the application being approved. Network Rail also require suitable boundary fencing should the application be supported, and again this may be secured by an appropriate planning condition.
95. Inclusive Cairngorms queried the provision of accessible bedrooms and wet rooms. The plans show three accessible bedrooms two of which have wet room provision.

## CONCLUSION

96. The proposed development for a new hotel on a brownfield site in Aviemore is welcomed in principle, providing further facilities for visitors to the area thus supporting its economic prosperity. Whilst the building is large, representing the limit to what can reasonably be accommodated on the site, the design, detailing and landscaping are of a good quality which will enable it to help enhance the landscape character of this approach into Aviemore over time.
97. As noted throughout this report there is an existing live consent for a new hotel on this site and it is considered overall that the currently proposed development represents an improvement in streetscape terms. The development can be satisfactorily serviced and environmental and any residential impacts can be controlled by the imposition of appropriate planning conditions as outlined earlier.
98. On this basis the proposed development is considered to comply with Local Development Plan policies and approval is recommended subject to planning conditions.

## RECOMMENDATION

**That Members of the Committee support a recommendation to: GRANT FULL PLANNING PERMISSION for the Erection of 60 bedroom Hotel with Associated Landscaping, Service Area and Car Parking at Cairngorm Service Station, Grampian Road, Aviemore subject to the following conditions:**

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

- 1. No development shall commence on site until details of (a) the boundary enclosures along the east boundary of the site (facing the railway embankment) and (b) the reconstruction of the roadside boundary wall fronting Grampian Road have been submitted to and approved in writing by the Cairngorms National Park Authority, acting as Planning Authority, in consultation with Network Rail and the Highland Council Transport Planning Team. The enclosures shall thereafter be constructed and maintained in accordance with the approved details before the development hereby approved is occupied.**

Reason: In the interests of the safety in relation to the proximity of the site to a railway line and public roads, and to ensure that the design of any enclosures are sympathetic to the character of the area in accordance with Policy 3: Sustainable Design of the Cairngorms National Park Local Development Plan 2015.

- 2. No development shall commence on site until revised details of cycle parking to provide for covered and lit cycle storage for staff have been submitted to and approved in writing by the Cairngorms National Park Authority acting as Planning Authority in consultation with the Highland Council Transport Planning Team. Thereafter the cycle parking and storage shall be provided and retained in accordance with the approved details before the development is occupied.**

Reason: To ensure that adequate provision is made in order to promote and facilitate the use of sustainable modes of travel in accordance with Policy 3: Sustainable Design of the Cairngorms National Park Local Development Plan 2015

- 3. No development shall commence on site until a Construction Traffic Management Plan has been submitted to and approved in writing by the Cairngorms National Park Authority, acting as Planning Authority in consultation with the Highland Council Transport Planning Team. Work shall thereafter proceed in accordance with that approved Plan throughout the construction of the development hereby approved.**

Reason: To ensure that there are no adverse impacts on the roads network and that access is provided in a safe manner in accordance with Policy 3: Sustainable Design of the Cairngorms National Park Local Development Plan 2015.

4. **No development shall commence on site until (a) an Arboricultural Method Statement which shall include the construction details of the tree protection fencing, meeting the requirements of BS5837: 2012 Trees in relation to design, demolition and construction, and taking account of the steeply sloping nature of the site has been submitted to and approved in writing by the Cairngorms National Park Authority acting as Planning Authority and (b) the trees have been protected in accordance with the approved tree protection details following an on-site meeting with Cairngorms National Park Authority Officers. Thereafter the works shall be implemented and maintained on site in accordance with the approved method statement.**

Reason: To ensure that trees are satisfactorily protected in order to minimise impacts on the environment and landscape in accordance with Policy 5: Landscape and Policy 4: Natural Heritage of the Cairngorms National Park Local Development Plan 2015.

5. No tree works shall commence until a pre- construction red squirrel survey has been carried out with the results submitted to and approved in writing by the Cairngorms National Park Authority acting as Planning Authority. Thereafter all works detailed in the approved Red Squirrel Species Protection Plan shall be implemented in accordance with the approved plan with the results of monitoring, (with any mitigation required detailed) provided to the Cairngorms National Park Authority acting as Planning Authority for two years post completion of the development.

Reason: To ensure that impacts upon red squirrel are minimised and mitigated in accordance with 4: Natural Heritage of the Cairngorms National Park Local Development Plan 2015.

6. No development shall commence on the construction of the building until details, by way of samples or brochures, of all external finishes have been submitted to and approved in writing by the Cairngorms National Park Authority acting as Planning Authority. These details shall reflect the principles established in the approved Design and Access Statement. The development shall thereafter be constructed in accordance with the approved details.

Reason: To ensure that the development conserves and enhances the landscape character and is sympathetic to the character of the area in accordance with Policy 5: Landscape and Policy 3: Sustainable Design of the Cairngorms National Park Local Development Plan 2015.

7. No development shall commence on the construction of the building until a Travel Plan has been submitted to and approved in writing by the Cairngorms National Park Authority acting as Planning Authority in consultation with the Highland Council Transport Planning Team. These details shall reflect the principles included in the Transport Statement and include details of all measures to be taken to promote sustainable travel by modes other than the private car, and shall include proposals for ongoing monitoring of the Plan. The development shall thereafter be operated in accordance with the approved details.

Reason: To promote and facilitate the use of sustainable modes of travel in accordance with Policy 3: Sustainable Design of the Cairngorms National Park Local Development Plan 2015.

8. No external lighting shall be installed until details of the proposed layout and design have been submitted to and approved in writing with the Cairngorms National Park Authority acting as Planning Authority in consultation with the Highland Council Transport Planning Team. These details shall reflect the requirement for low level lighting to be considered. The lighting shall thereafter be installed and maintained in accordance with the approved details.

Reason: To minimise light spill in accordance with Policy 3: Sustainable Design of the Cairngorms National Park Local Development Plan 2015

9. Construction of the development hereby approved shall proceed in accordance with the approved Construction Method Statement entitled "Build Sequence and Methodology" dated 24 October 2017 apart from the following requirements:
- a) The retaining sheet pile wall to the pavement/edge of car park shall be faced with a random rubble stone wall detail to reflect the local walling style in the immediate vicinity;
  - b) The proposed gabion retaining structures should use welded mesh baskets with the exposed front carefully packed (fair faced) with stone of a size and type that reflects local walling styles.

Reason: To ensure that details of the works fit in with the character, including walling, of the surrounding area and to minimise impacts on the environment and landscape in accordance with Policy 5: Landscape and Policy 4: Natural Heritage of the Cairngorms National Park Local Development Plan 2015.

10. The development hereby approved shall not be occupied until the access (including visibility splays), car parking and turning areas have been implemented in accordance with the approved plans and hard landscaping details, and thereafter retained in accordance with the approved plans throughout the lifetime of the development including the requirement for visibility splays to be kept free from obstruction.

Reason: To ensure that the development conserves and enhances the landscape character, is sympathetic to the character of the area and to ensure that safe access is provided in accordance with Policy 5: Landscape and Policy 3:

Sustainable Design of the Cairngorms National Park Local Development Plan 2015.

11. The development hereby approved shall not be occupied until it is connected to public water and drainage supplies.

Reason: To ensure that the development is appropriately serviced in accordance with Policy 10: Resources of the Cairngorms National Park Local Development Plan 2015.

12. The development hereby approved shall not be occupied until the sustainable drainage arrangements have been implemented in accordance with the approved Flood Risk and Drainage Impact Assessment Revision A, and associated plans, and certification from an appropriately qualified professional confirming compliance with the approved scheme has been submitted to an approved in writing by the Cairngorms National Park Authority acting as Planning Authority in consultation with the Highland Council Flood Risk Management Team. Annual monitoring and inspection reports to demonstrate compliance, with any remedial actions necessary identified together with a timetable for their implementation, shall thereafter be submitted to and approved in writing by the Cairngorms National Park Authority acting as Planning Authority in consultation with the Highland Council Flood Risk Management Team. Any changes to maintenance responsibilities shall be notified in writing to the Cairngorms National Park Authority acting as Planning Authority.

Reason: To ensure surface water is satisfactorily managed in order to minimise any risk of pollution or flooding in accordance with Policy 10: Resources of the Cairngorms National Park Local Development Plan 2015.

13. All landscaping shall be implemented in accordance with the approved landscaping details (apart from the requirement to substitute “betula pubescens” with “betula pendula” as a species local to the area and consistent with other street planting in Aviemore) in the first planting season following occupation of the development hereby approve. All hard and soft landscaping shall thereafter be managed and maintained in accordance with the approved plans and documents.

Reason: To ensure that the development conserves and enhances the landscape character of the area, and that an appropriate landscape setting is provided and maintained in accordance with Policy 5: Landscape and Policy 3: Sustainable Design of the Cairngorms National Park Local Development Plan 2015.

14. The development hereby approved shall be constructed and operated in accordance with the details contained in the approved Noise Emission Report by Scotch Partners unless otherwise agreed in writing with the Cairngorms National Park Authority acting as Planning Authority in consultation with the Highland Council Environmental Health Service. All plant, machinery and equipment associated with the development shall be installed, maintained and operated such that either of the following standards are met:



- a) Any associated operating noise must not exceed NR20 when measured or calculated within the bedroom of any noise sensitive premises with windows open for ventilation purposes or;
- b) The operating noise rating level must not exceed the background noise level by more than 5dB (A) including any characteristics penalty. Terms and measurements must be in accordance with BS4142:2014 Methods for Rating Industrial and Commercial Sound.

For the purposes of this condition “noise sensitive premises” includes but is not necessarily limited to any building, structure or other development the lawful use of which (a) falls within Classes 7 (Hotels and Hostels); 8 (Residential Institutions); or 9 (Houses) of the Town and Country Planning (Use Classes), (Scotland) Order 1997 (as amended) or (b) is as a flat or static residential caravan.

Reason: To protect the amenity enjoyed by neighbours by minimising disturbance/nuisance from noise and odour in accordance with Policy 3: Sustainable Design of the Cairngorms National Park Local Development Plan 2015

15. The development shall be constructed and operated in accordance with the approved odour filtration details unless otherwise approved in writing by the Cairngorms National Park Authority acting as Planning Authority in consultation with the Highland Council Environmental Health Service.

Reason: to protect the amenity enjoyed by neighbours by minimising any nuisance from odour in accordance with Policy 3: Sustainable Design of the Cairngorms National Park Local Development Plan 2015.

16. Waste from the development hereby approved shall be managed in accordance with the approved Waste Management Strategy and Waste and Recycling Plan with storage provided in accordance with the approved plans before the development is occupied.

Reason: To enable the storage, segregation and collection of recyclable materials in accordance with Policy 3: Sustainable Design of the Cairngorms National Park Local Development Plan 2015.

### **Informatives:**

1. The development hereby approved must commence within 3 years of the date of this decision notice. If development has not commenced within this period then this planning permission will lapse.
2. The person undertaking the development is required to give the Planning Authority prior written notification of the date on which it is intended to commence the development. Attached to this decision notice is a Notice of Initiation of Development for completion and submission. Submission of this information assists the Cairngorms National Park Authority Monitoring and

Enforcement Officer in monitoring active work within the area to ensure compliance with the approved details and to identify and correct any potential problems, as they arise, rather than later when it may be more difficult and more costly to rectify. Failure to give notice would constitute a breach of planning control which may result in enforcement action being taken.

3. Following completion of the development, a notification of the completion shall, as soon as practicable, be given to the Planning Authority. Attached to this decision notice is a Notice of Completion of Development for completion and submission. Submission of this form will assist the Cairngorms National Park Authority Monitoring and Enforcement Officer in making a final inspection and checking compliance with the approved drawings and conditions. If the development hereby approved is to be carried out in phases, then a notice of completion should be submitted at the completion of each phase.
4. Construction work (including the loading/unloading of delivery vehicles, plant or other machinery) should not take place out with the hours of 0800 hours to 1900 hours Mondays to Fridays, 0800 hours to 1300 hours on Saturdays or at any time on Sundays or Bank Holidays in order to minimise disturbance to residents in the area.
5. It is noted that the site is a former petrol station and vehicle repairs garage. You are advised that whilst site investigations have not found significant contamination in soils you must be vigilant for the presence of any underground tanks/infrastructure or contaminated soils which may be uncovered during groundworks. Any such materials shall be removed from site, and validation testing undertaken. A verification report should then be sent to The Highland Council's Contaminated Land Team. Water Supply Pipes shall be barrier pipes (PE/Al/PE) to protect the drinking water supply.
6. It is recommended that you contact Scottish Water regarding connections to public water and foul drainage supplies that will be necessary to service this development as per condition 12. Further information is available in Scottish Water's response to this planning application
7. You are advised to contact Network rail Asset Protection Engineers regarding all works in proximity to the railway line as per the requirements of their consultation response to this application.
8. During summer 2016 a pair of oystercatchers were noted nesting on site with chicks. As a precaution site clearance and tree felling should take place out with the breeding season (April to July inclusive) to avoid disturbance. If this is not possible a pre-construction check for breeding birds by a qualified ecologist should be undertaken prior to construction.
9. You are advised that the technical approval of the Roads Authority is required for the reconstruction of the retaining wall adjacent to the public road.
10. It is recommended that appropriate information to be provided to hotel guests regarding the importance of the nearby woodlands for sensitive species such as

capercaillie, to encouraging responsible access and minimising recreational disturbance. The CNPA can assist with appropriate material.

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.