

**CAIRNGORMS NATIONAL PARK AUTHORITY**

**PLANNING COMMITTEE 28 DECEMBER 2007**

**05/395/CP (RESERVED MATTERS SUPERMARKET APPLICATION)**

**Revised Recommendation:**

**That Members of the Committee endorse the resolution of 14<sup>th</sup> December 2007 to:**

**GRANT Reserved Matters Planning Permission for the erection of a 2,787 sq metre (30,000sq ft) supermarket and car park, land north of link road and west of Grampian Road, Aviemore subject to the following:**

- a) The CNPA ensuring that the provisions of the existing and/or the revised minute of agreement with The Highland Council and Aviemore Highland Resort are applied in so far as they are applicable to development of this supermarket site; and**
- b) The following conditions:**
  - 1. The development hereby approved shall be commenced prior to (needs to be dated 2 years from date of decision notice being issued).**
  - 2. This approval relates solely to the reserved matters referred to in the outline planning permission reference number 02/0007/OUTBS. Except as hereby varied or where inconsistent with the conditions hereby imposed nothing contained in this proposal or notice shall be deemed to affect or vary the conditions imposed on that outline planning permission.**
  - 3. The supermarket shall have a maximum gross floor area of 2,787 sq metres (30,000 sq ft) and for the avoidance of doubt any increase above this level of provision shall require a further planning application to be submitted for determination. No subsequent internal alterations are permissible which would result in exceeding this approved gross area without the prior written approval of the CNPA acting as Planning Authority.**
  - 4. Prior to the commencement of the development hereby approved details indicating the split between convenience and comparison floorspace within the building shall be submitted to and approved by the CNPA. The agreed split shall be retained thereafter unless otherwise agreed in writing by the CNPA acting as Planning Authority.**

5. Prior to the commencement of works on site a detailed site specific construction method statement shall be submitted to and agreed in writing by the CNPA acting as Planning Authority in consultation with SEPA. The method statement shall be implemented in full during works on the site. The statement shall address the following issues:
  - Surface water run-off including measures to prevent erosion, sedimentation or discoloration of controlled waters, shall be provided along with monitoring proposals and contingency plans;
  - Timing of works shall be undertaken to avoid periods of high rainfall;
  - Fuel or chemicals - measures to ensure any fuel chemicals from plant do not cause pollution;
  - Landscaping works - planting shall be undertaken to minimise run-off;
  - Waste – all waste streams associated with the works should be identified.
  - Within the method statement particular emphasis shall be placed on how the above measures relate to the Aviemore Burn and the Lochan on site.
6. Prior to the commencement of the development on site, a detailed drainage scheme according with SUDS principles shall be submitted to the CNPA to satisfy the respective requirements of SEPA and Scottish Water. The SUDS scheme shall be operational prior to the supermarket being opened.
7. Prior to the commencement of the development on site, an assessment should be made of the site for potential land contamination in accordance with Planning Advice Note 33 and BS10175:2001. Any contamination found on the site shall be dealt with in accordance with the aforementioned guidance and to the satisfaction of the CNPA acting as Planning Authority in consultation with Highland Council Scientific Officers. Any scheme for dealing with contamination shall be completed to the satisfaction of the CNPA in consultation with Highland Council Scientific Officers prior to the opening of the supermarket.
8. 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. The scheme shall include indications of all existing trees and landscaped areas on the land, and details of any to be retained, together with measures for their protection in the course of the development and 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 five years of planting, shall be replaced by trees or shrubs of similar size and species to those originally required to be planted.
- 9. Prior to the commencement of development on site, detailed drawings indicating existing and proposed levels and any proposed underground services (including drainage, water supply, electricity and telecommunications) on the site shall be submitted to and approved in writing by the CNPA acting as Planning Authority. Development shall then be carried out in accordance with the levels thereafter approved.
- 10. Prior to the commencement of development on site, a full Arboricultural Impact Assessment and Method Statement (BS5837:2005) shall be submitted for the further written approval of the CNPA acting as Planning Authority.
- 11. That an Arboricultural Consultant be retained to undertake arboricultural site monitoring for the duration of the construction. Monitoring and appropriate procedures and actions (as indicated in the Method Statement) shall take place at least once every month. Certificates of conformity shall be issued to the CNPA acting as Planning Authority.
- 12. A management agreement for the future management of the area of woodland and the lochan on site shall be submitted to and approved in writing by the CNPA acting as Planning Authority, prior to the commencement of the development on site. The statements shall include details for retaining and managing the woodland and lochan in the future, and include proposals for public access and paths through the site.
- 13. No development on site, including the provision of car parking, shall take place within 10 metres of the burn and within 5 metres of the lochan unless otherwise agreed in writing by the CNPA acting as Planning Authority.
- 14. Notwithstanding the requirements of Condition No. 13 above, and, unless otherwise agreed a bridge shall be provided over the Aviemore Burn to link this site with the housing site to the west. Detailed plans for the bridge shall be submitted to and approved in writing by the CNPA acting as Planning Authority in consultation with SEPA and SNH. The agreed bridge shall be in place prior to the first opening of the supermarket unless otherwise agreed in writing by the CNPA acting as Planning Authority.

15. The burn shall not be channelized, culverted, piped or diverted and there shall be no barriers to the free passage of fish along the burn.
16. Parking provision in terms of standard parking, disabled parking, family parking and cycle parking shall all be provided in accordance with the requirements of SPP 17 Planning for Transport and to the satisfaction of Highland Council Area Roads Manager.
17. The supermarket hereby approved, shall have two pedestrian entrances/exits in accordance with Revised Drawing Project No 1705 Drawing 100 Rev A.
18. Details of all fences, walls and other means of enclosure proposed for the development shall be submitted for the further written approval of the CNPA acting as Planning Authority, prior to the commencement of the construction of these elements of the development.
19. Notwithstanding Condition No. 18 above, and the provisions of the Town and Country Planning (Scotland) Order 1992 (as amended), no fences, walls or other means of enclosure, shall be erected on site without the prior written consent of the CNPA acting as Planning Authority.
20. Prior to the implementation of the supermarket use, the Northern Link Road shall be constructed and completed to adoptive standards, unless otherwise agreed in writing with the CNPA acting as Planning Authority and Highland Council.
21. Adequate visibility splays shall be provided to the satisfaction of Highland Council Area Roads Manager. These visibility splays shall be created prior to the supermarket use being implemented, and thereafter retained in perpetuity.
22. Prior to the commencement of development on site, detailed evidence justifying the adequacy of the size and configuration of the servicing yard/turning area shall be submitted for the further written approval of the CNPA acting as Planning Authority.
23. Prior to the commencement of the development on site, a Green Travel Plan shall be submitted for the further written approval of the CNPA acting as Planning Authority indicating how walking, cycling and use of public transport for both customers and staff shall be promoted by the development. Such details shall include cycle parking, staff showers, potential bus stop/lay-by and provision of information in store, relating to public transport in the area. Agreed measures shall be implemented in full within 6 months of the opening of the supermarket.
24. All built development other than the supermarket car parking shall be situated outside the 1:200 year (plus climate change) flood event boundary as shown on Drawing No 329406.SP02 entitled 'Aviemore Resort Development: Site Layout and Location Plan' dated 10 December 2007.

In addition, the finished level of land within the 1:200 year flood event boundary (plus climate change) shall be no higher than the existing level of the land.

25. Notwithstanding the provisions of the Town and Country Planning (Scotland) Order 1992 (as amended), no buildings, structures or engineering works shall take place within the 1:200 year (plus climate change) flood event boundary as shown on Drawing No 329406,SP02 entitled 'Aviemore Resort Development: Site Layout and Location Plan' dated 10 December 2007.
26. Finished floor levels shall be set no lower than 215.2 Above Ordnance Datum (Newlyn).
27. The existing low concrete bridge across the burn identified in Section 5 of the flood risk report ref. 329406-RT-0001-02 shall be removed prior to the commencement of the development.
28. A path shall be provided along the northern side of the building linking the treed area of the site with Grampian Road unless otherwise agreed in writing by the CNPA. Details of the path shall be submitted to and approved by the CNPA acting as Planning Authority. The path shall be in place and open for use within 6 months of the opening of the supermarket unless otherwise agreed in writing by the CNPA acting as planning authority.
29. Any lighting scheme for the building shall be submitted to and approved by the CNPA prior to the first opening of the supermarket. Thereafter, lighting shall be in accordance with the approved scheme unless otherwise agreed by the CNPA acting as Planning Authority.
30. Pedestrian crossings over both Grampian Road and the Northern Link Road shall be provided to the satisfaction of the CNPA in consultation with Highland Council Area Roads Manager. The crossings shall be in place prior to the first opening of the supermarket unless otherwise agreed by the CNPA acting as Planning Authority.
31. Prior to the commencement of the development hereby approved a sustainability report/plan for the building shall be produced by an energy/sustainability consultant to be submitted to and approved in writing by the CNPA acting as Planning Authority. The report/plan shall make a substantial contribution to reducing the carbon footprint of the building and shall consider issues of energy efficiency, re-use of materials, recycling on-site micro energy generation and wildlife friendly design. Measures contained within the report/plan shall be agreed between the CNPA acting as Planning Authority and the developer. Agreed measures shall be implemented in full within 6 months of the opening of the supermarket and retained thereafter unless otherwise agreed by the CNPA acting as Planning Authority.

32. Notwithstanding the details contained within the application and prior to the commencement of the development all external finishing materials for the building shall be submitted to and approved by the CNPA acting as Planning Authority. In line with the agents own submitted statement on the scheme dated 1 November 2007, received by the CNPA on 12 November 2007 evidence of serious consideration of a green roof for the building shall also be submitted as part of this condition.

#### **ADVICE NOTES**

**The CNPA would like to see the land in front of the site continuing to be available for the Cairngorms Farmers Market.**

**The applicant/developer is advised to contact Scottish Water, which whilst not objecting to the application, has highlighted that there may be water network issues.**

***Andrew Tait***

***Planning Officer***

***20 December 2007***