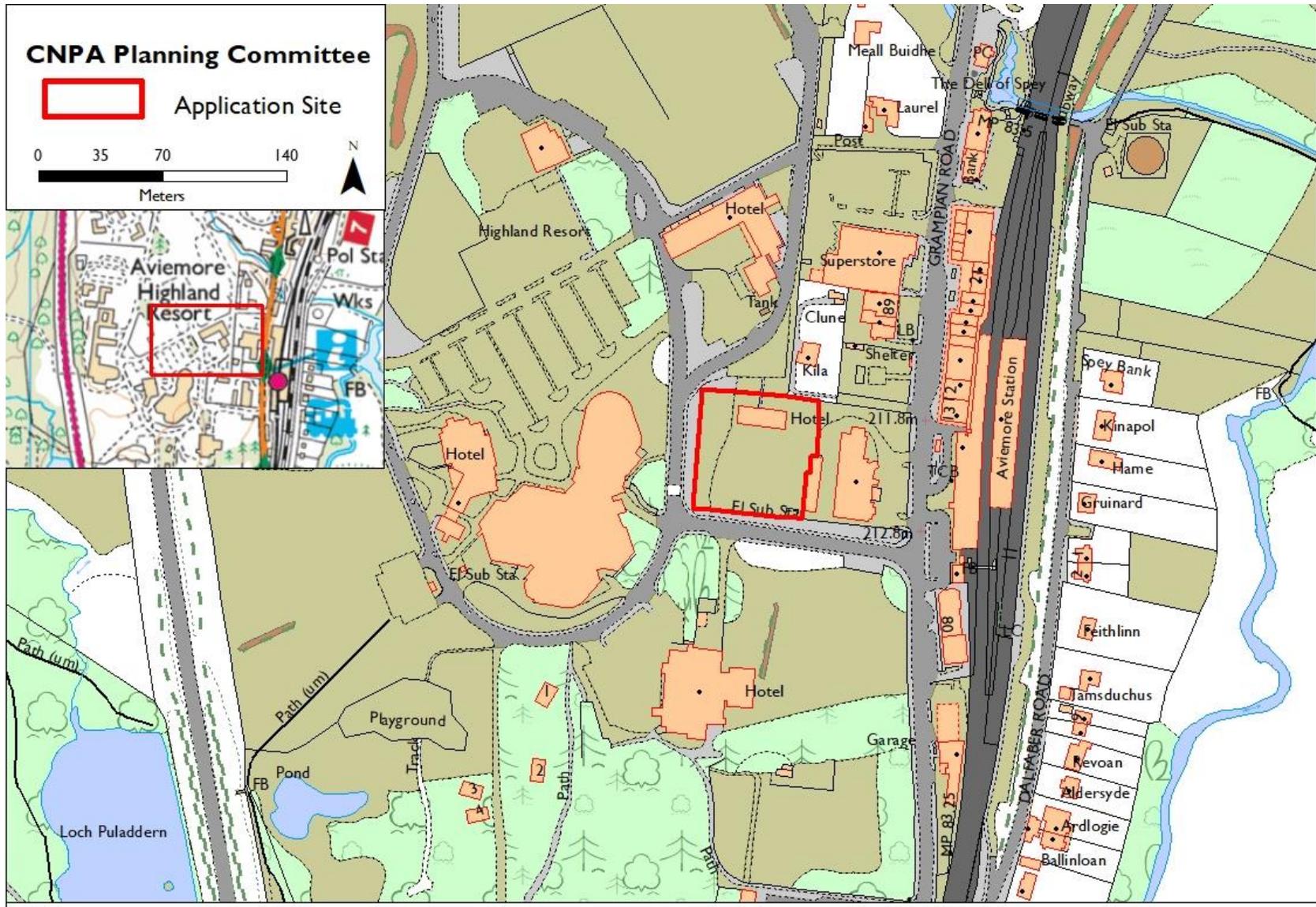


CAIRNGORMS NATIONAL PARK AUTHORITY

DEVELOPMENT PROPOSED:

Erection of holiday apartments at Land West Of Cairngorm Hotel,
Aviemore

REFERENCE: 2022/0328/PPP
APPLICANT: MAHR Ltd
DATE CALLED-IN: 17 October 2022
RECOMMENDATION: Approve, subject to Conditions and
Developer Contribution
CASE OFFICER: Stephanie Wade, Planning Officer



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SITE DESCRIPTION, PROPOSAL AND HISTORY

Site Description

1. The application site is situated in Aviemore and forms part of the MacDonald Highland Resort. It is in an elevated position, to the rear of Cairngorm Hotel, and covers an area of 0.43ha with access off the Resort internal access road, which adjoins Grampian Road on the southern side of Cairngorm Hotel. The site is bound to the south and west by the road network, with the Strathspey Hotel further west and the Aviemore Hotel to the north of the site. There is a building located within the red line area which is to be demolished. It is understood this building was a former staffing block which has fallen into disrepair. The site itself has been disused for several years and comprises scrub land with self-seeding tree growth. Mature trees which form part of the Tree Protection Order bound the site to the west, south and north.

Proposal

2. 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=summary&keyVal=RJOW2RSI0CP00>

Title	Drawing Number	Date on Plan*	Date Received
PLANS			
Plan – Location Plan	10144/ PL01	27/09/2022	17/10/2022
Plan – Site Plan	10144 / PL02 Rev.B	10/02/2023	15/02/2023
Plan – Cycle Storage Facility	10144 /PL07	10/02/2023	15/02/2023
Plan – Indicative Access Arrangement and Visibility Splays	23009 001A	09/02/2023	15/02/2023
Plan – Tree Protection Plan- Area 5	0061	16/05/2023	16/05/2023

SUPPORTING INFORMATION			
Other – Supporting Statement	10144	01/10/2022	27/10/2022
Other – Drainage Assessment	GMC22-1014	29/11/2022	02/12/2022
Other – Preliminary Bat Roost and Nesting Bird Assessment	1.0	14/12/2022	15/12/2022
Other – Tree Data Schedule-Area 5	0061	27/10/2022	24/01/2023
Other - Agent's Response to Roads Comments		13/02/2023	15/02/2023
Other – Transport Statement			15/02/2023
Other – Biodiversity Enhancement Statement			19/07/2023

*Where no specific day of month has been provided on the plan, the system defaults to the 1st of the month.

3. This application seeks planning permission in principle for the construction of holiday letting apartments. The existing building on site is proposed to be demolished. The site layout indicates that a total of 18 apartments are to be constructed in one single building, which has reduced from the original submission of 22 apartments. The building footprint takes an ovular form set near the western site area. The indicative layout includes a vehicular access adjoining the southern road and a pedestrian access leading from the building through the western site boundary to link into the Resort. 22 vehicular parking spaces, including two disabled parking spaces, are shown to the front of the building and along the eastern site boundary. An enclosed, covered cycle storage facility is indicated to be in the north-eastern site corner with a communal bin store located to the west of the vehicular entrance.
4. As the application is for planning permission in principle no detailed plans have been included, and previous indicative elevation and floorplans have been removed from the application, so that these details can be reviewed and agreed during any subsequent Matters Specified in Condition application.
5. Indicative plans of the proposal are included within **Appendix 1**.

History

6. Within the wider MacDonald Highland Resort, there are several applications running concurrently to this application which are outlined below:

- a) 2023/0030/PPP – Planning permission in principle for the residential development, staff accommodation and infrastructure. Application submitted 19/12/2022, and currently under consideration by the CNPA.
 - b) 2023/0004/DET – Change of use of land for siting of 27 lodges, access road, landscaping at site of dry ski slope, MacDonald Resort. Application submitted on 9th January 2023 and currently under consideration by the CNPA.
 - c) 2022/0241/DET – Alteration and extension to MacDonald Aviemore Hotel. Application submitted 13/07/2022 and currently under consideration by the CNPA.
7. Historically for the site, under application reference 08/241/CP, planning permission was granted for the application site currently being considered as well as the wider Resort site for the “demolition of existing admin building, construction of mixed-use development comprising residential, retail, office, community, leisure, environmental improvements, roads, additional lodges and hotel extension.” For the application site specifically, a five-storey building of holiday apartments was permitted. This application was submitted in June 2008 and gained permission in April 2011 and was subject to legal agreements but permission has since lapsed.

Habitats Regulations Appraisal

8. A Habitats Regulations Appraisal [HRA] has been undertaken to consider the effects of the proposal upon the conservation objectives of the European Sites, as listed within the document attached as **Appendix 2**. The sites potentially affected are the:
- a) Kinveachy Forest Special Protection Area [SPA]
 - b) River Spey Special Area of Conservation [SAC].
9. The River Spey SAC is within 200m of the proposed development site however there is a lack of direct ecological connectivity between the site and the SAC and is scoped out of the remaining assessment. Kinveachy Forest SPA is approximately 1.65km from the application site. The HRA concludes that the proposal will not have an adverse impact on site integrity of the Kinveachy Forest SPA as the conservation objectives can be met.

DEVELOPMENT PLAN CONTEXT

Policies

National Policy	National Planning Framework 4 (NPF4) Scotland 2045
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POLICY 1	Tackling the Climate and Nature Crises	
POLICY 3	Biodiversity	
POLICY 4	Natural Places	
POLICY 6	Forestry, Woodland, and Trees	
POLICY 7	Historic Assets and Places	
POLICY 9	Brownfield, Vacant and Derelict Land, and Empty Buildings	
POLICY 12	Zero Waste	
POLICY 13	Sustainable Transport	
POLICY 14	Design, Quality and Place	
POLICY 15	Local Living and 20 minute neighbourhoods	
POLICY 22	Flood Risk and Water Management	
POLICY 30	Tourism	
Strategic Policy	Cairngorms National Park Partnership Plan 2017 - 2022	
Local Plan Policy	Cairngorms National Park Local Development Plan (2021) Those policies relevant to the assessment of this application are marked with a cross	
POLICY 1	NEW HOUSING DEVELOPMENT	
POLICY 2	SUPPORTING ECONOMIC GROWTH	X
POLICY 3	DESIGN AND PLACEMAKING	X
POLICY 4	NATURAL HERITAGE	X
POLICY 5	LANDSCAPE	X
POLICY 6	THE SITING AND DESIGN OF DIGITAL COMMUNICATIONS EQUIPMENT	
POLICY 7	RENEWABLE ENERGY	
POLICY 8	OPEN SPACE, SPORT AND RECREATION	
POLICY 9	CULTURAL HERITAGE	
POLICY 10	RESOURCES	X
POLICY 11	DEVELOPER CONTRIBUTIONS	X

10. All new development proposals require to be assessed in relation to policies contained in the adopted Development Plan which comprises National Planning Framework 4 (NPF4) and the Cairngorms National Park Local Development Plan 2021. The full wording of policies can be found at:

<https://www.gov.scot/publications/national-planning-framework-4/documents/>

and at:

<https://cairngorms.co.uk/wp-content/uploads/2021/03/CNPA-LDP-2021-web.pdf>

11. Within the Cairngorms National Park Local Development Plan 2021, the site forms part of a wider allocated area for ‘mixed use’, under allocation Aviemore- M1. The Aviemore Highland Resort is a large site in the centre of Aviemore. It currently has a range of different uses including hotels and holiday accommodation, retail, recreation, and housing and has undergone significant development to create the resort it is today. The allocation offers an opportunity for the enhancement and diversification of the current uses, including the provision of additional housing, retail, recreation, and employment spaces. There is also a Development Brief for the site, which is non statutory planning guidance provided details on site constraints and opportunities and development requirements.

Planning Guidance

12. 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	Housing Supplementary Guidance.	
Policy 2	Supporting Economic Growth Non-Statutory Guidance	X
Policy 3	Design and Placemaking Non Statutory Guidance	X
Policy 4	Natural Heritage Supplementary Guidance	X
Policy 5	Landscape Non-Statutory Guidance	X
Policy 7	Renewable Energy Supplementary Guidance	
Policy 8	Open Space, Sport and Recreation Non-Statutory Guidance	
Policy 9	Cultural Heritage Non-Statutory Guidance	
Policy 10	Resources Non-Statutory Guidance	X
Policy 11	Developer Contributions Supplementary Guidance	X

CONSULTATIONS

Summary of the main issues raised by consultees

13. **NatureScot** agree with the conclusions of the HRA.

14. **Highland Council Transport Planning Team** have provided the following comments on the revised scheme:

- a) **Access:** The Team note that the site is served by a private track that is within the resort, which leads to Grampian Road. The Officers request a planning condition to secure the delivery of the footpath to the eastern side of the access.

- b) **Internal Layout:** The Officers welcome the improved footpath link between the parking spaces to improve pedestrian connectivity within the site. As this is an indicative layout, the Team request a planning condition to secure the final agreement of the internal layout.
 - c) **Vehicle Parking:** The Team note that where the Council's parking standards cannot be achieved, reduced levels of parking may be acceptable for developments located centrally within the Settlement Development Areas. As the site is located within the Aviemore SDA, the Team suggest an upfront commuted sum is required for the shortfall of parking spaces on site. They note that the shortfall is 14 spaces.
 - d) **Cycle Parking:** The Team note that the proposed cycle store for 20 cycles, does not accord with Cycling by Design Guidance and is therefore not acceptable.
 - e) **Servicing:** The Team require the applicant to demonstrate that refuse vehicles can be accommodated, and that adequate waste provision is provided on site.
 - f) **Construction Traffic Management Plan:** The Team request the inclusion of a planning condition for the agreement of a construction traffic management plan.
15. **Highland Council Flood Risk Management Team** withdraw their original holding objection to the scheme following the submission of the Drainage Impact Assessment [DIA]. The Team notes that the DIA states that surface water discharge will be by infiltration and the tests indicate that the ground conditions are suitable for their use.
16. **Highland Council Building Conservation Planner** objected to the original submission details on the grounds of very poor quality of architectural design, urban design with a significant adverse impact upon the setting of the adjacent listed Cairngorms Hotel. Whilst the Officer accepts that this is a PPP application, which could be further detailed and refined in time, the submission is lacking in the basic required design quality.
17. The context of the proposal is a National Park, and adjacent to a listed building, and these factors require a significant level of design quality and environmental consideration. The Officer adds that Aviemore has a very low number of listed buildings, relate to the size of the settlement, but this is a result of much of it being developed in the last 50 years. Two of Aviemore's most important heritage buildings are the A-listed train station and the C-listed Cairngorms Hotel, the latter being directly adjacent to this proposal, and the former across the road.
18. The Officer considers that the suggested design and scale will impact on the setting of the listed building and are not in keeping to the scale of other buildings along Grampian Road. The proposal would not positively enhance

the setting of the nearby listed building, and its National Park context. The Officer also notes that the loss of at least 18 trees is unfortunate.

19. **CNPA Landscape Officer** has provided comments on the latest version of the scheme. The Officer considers that a development on this site could be accommodated providing it has the highest design standards. It must complement and enhance the landscape character of the site and its setting as well as the setting of the cairngorm hotel within this most sensitive area of Aviemore. There are still concerns regarding the possible removal and damage to protected trees which are very important to the local landscape character and visual amenity. This is from the layout implications; construction affects and into the future. The Officer recommends a planning condition to ensure that trees T759-T814 are retained (except for T761 and T784 which are in poor condition).
20. **CNPA Ecology Officer** confirmed that a Habitats Regulations Appraisal was required due to the potential for the development to affect the Badenoch and Strathspey Capercaillie Special Protection Areas due to the potential increase in human activity within the area.
21. Regarding bats, the Officer notes from the surveywork that the building is not currently used for roosting bats. The Officer recommends a species protection plan by condition.
22. Regarding trees, the Officer notes that the section of natural regenerated trees are proposed to be removed to make way for the development as well as a few trees within the Tree Preservation Order. The Officer recommends planning conditions for tree protection and a full aboricultural impact assessment for the finalised development design.
23. The site was assessed as having the potential to support several bird species and the Officer therefore recommends that a planning condition be included to schedule works outwith the bird breeding season, or that works commence post nesting bird checks have been undertaken. The Officer also requires conditions for the submission of a landscaping plan and recommends biodiversity enhancement by the inclusion of swift and bat boxes on site.
24. **Aviemore Community Council** provided comments on the scheme as originally submitted and the latest iteration which includes no elevational details. The Community Council notes that the recent documents indicate a reduction to 18 holiday letting units and that the site is designated for mixed use under the local plan, so some development of holiday accommodation may be seen as inevitable. The Community Council would note their preference to see such sites used for affordable housing. As per their original comments, they maintain their objection the scheme due to the potential scale and nature of the development and find it hard to envisage how the

development would be built without having an unacceptable height. They recommend that should permission be granted; any development should be no more than two storeys high with a maximum of 12 units. A copy of their full comments can be found at **Appendix 3**.

REPRESENTATIONS

25. The application was advertised when first submitted. One letter of public representation has been received regarding the original submission (which included the indicative elevations). The contributor considers that the building at 5 storeys would be well above the tree height and too visible from the main street. They note that there are other unused areas within the resort which would be more appropriate and would not tower over existing hotels and cause tree loss. They recommend the use of another site within the resort and developing the site as a woodland walk (a copy of the comments can be found at **Appendix 4**).
26. **Officer response:** The scale of the building is to be considered under any subsequent Matters Specified in Condition application and not as part of this application which looks to determine the acceptability of the principle of holiday letting units on the site.

APPRAISAL

27. Section 25 of the 1997 Act as amended requires applications to be determined in accordance with the Development Plan. This now comprises the Cairngorms National Park Local Development Plan 2021, and the National Planning Framework 4. Where there is conflict between policies, NPF4 policies will be used.

Application for Planning Permission in Principle [PPP]

28. This PPP application seeks to establish whether the principle of this proposed holiday accommodation development, is acceptable on the MacDonald Aviemore Resort site without having to develop detailed proposals.
29. With PPP applications, there is no requirements for detailed plans and drawings to be submitted, however, a description of the development along with a location plan to identify the site and details about the location of the access point(s) to the development are included. The site layout plan as provided (drawing 10144 / PL02 Rev.B) is described in supporting information as “indicative” in terms of its form and status.
30. When granting PPP, it may be subject to a condition (in addition to any other conditions which may be applied) that the development in question will not

begin until certain matters have been approved by the CNPA, as Planning Authority. The specification of those matters within conditions refer to matters about design, siting, access, and landscaping etc. and require further details including plans, drawings, and other supporting information to fully describe the character and detail of the development proposed within the PPP application.

31. Following any grant of PPP, all such conditions require to be the subject of one or more formal applications for approval, consent or agreement of matters attached to (or specified in) conditions on the granting of the planning permission in principle [MSC]. This is no statutory limit on the number of conditions in any one MSC applications that can be submitted to address identified matters.

Principle

32. The application site covers an area of approximately 0.43 hectares and is located within the settlement of Aviemore. Aviemore plays a key role as an employment and service centre for the wider Badenoch and Strathspey area. Local Development Plan policy supports opportunities for business growth and those which will increase Aviemore's attractiveness as a tourist and recreation destination.
33. **Policy 2:1 Town Centres First** of the Cairngorms National Park Local Development Plan 2021, supports commercial and leisure development where they are located within an identified town centre. The application site is in the identified settlement boundary of Aviemore and forms part of a wider site allocation under reference M1- Aviemore. This LDP allocation states that the allocation offers the opportunity for the enhancement and diversification of the current uses, including the provision of additional housing, retail, recreation, and employment spaces. The site which has become disused with a building which has fallen into disrepair, offers a suitable opportunity to make use of a brownfield site, within the village which could help to contribute to the vitality and viability of this existing town centre in accordance with **Policy 9** of NPF4.
34. **Policy 30: Tourism** of NPF4 offers support to development proposals for new or extended tourist facilities in locations identified within the LDP. Proposals should consider:
 - a) The contribution made to the local economy.
 - b) Compatibility with the surrounding area in terms of the nature and scale of the activity and impacts of increased visitors.
 - c) Impacts on communities, for example by hindering the provision of homes and services for local people.

- d) Opportunities for sustainable travel and appropriate management of parking and traffic generation and scope for sustaining public transport services particularly in rural areas.
- e) Accessibility for disabled people.
- f) Measures taken to minimise carbon emissions.
- g) Opportunities to provide access to the natural environment.

35. **Policy 2:2 Tourist Accommodation** of the Cairngorms National Park Local Development Plan 2021 supports tourist related accommodation where:

- a) it has no adverse environmental or amenity impacts on the site or neighbouring areas,
- b) it contributes to/ supports the provision of a wide range of visitor accommodation; and
- c) it supports or contributes to a year-round economy.

36. The development involves the erection of 18 self-catering 2-bedroom, holiday apartments. The proposal would make use of an allocated, brownfield site, and would expand on the existing capacity of an established tourist accommodation business, the Highland Resort as well as providing a wider range of tourist accommodation through the provision of smaller units. Location wise, the site benefits from good recreational access links with Core Path HB54 being in proximity together with good sustainable transport links along Grampian Road.

37. Given the above, it is considered that the principle of the development accords with **Policy 2: Supporting Economic Growth** of the Cairngorms National Park Local Development Plan, subject to compliance with other relevant Development Plan policies.

Natural Environment

38. **Policy 1: Tackling the Climate and Nature Crises** of NPF4 requires that significant weight is given to the global climate and nature crisis when consideration is given to new development. **Policy 3: Biodiversity** seeks to ensure that development will conserve, restore, and enhance biodiversity. **Policy 4: Natural Places** seeks to protect, restore, and enhance natural assets including protected areas.

39. **Policy 4: Natural Heritage** of the Cairngorms National Park Local Development Plan 2021, seeks to ensure there are no adverse impacts upon designated areas, protected species, or biodiversity.

40. The application relates to previously developed land, and although it has no specific environmental designations itself, regarding habitats and species, it is located within proximity to the River Spey SAC and the Kinveachy Forest SPA.

The HRA (attached at **Appendix 2**) concludes that due to distance, and no direct connectivity, the proposal is not considered to affect the integrity of the designations.

41. Regarding protected species, the proposed area has the potential to support bats. The submitted survey work confirmed that the proposal would have no adverse impact on protected species subject to the inclusion of planning conditions for a Bat Species Protection Plan to be agreed and that works are undertaken outwith the bird breeding season.
42. In accordance with Policy 3 of NPF4, a planning condition is recommended to secure biodiversity enhancement within the site.
43. Subject to the recommended planning conditions, the proposal is considered to comply with Policy 4: Natural Heritage of the Cairngorms National Park Local Development Plan 2021 and Policies 3 and 4 of NPF4.

Impact on Woodland

44. **Policy 6: Forestry, Woodland, and Trees** of NPF4, places significant emphasis on the protection of trees and woodland, noting that development proposals involving woodland removal will only be supported where they will achieve significant and clearly defined additional public benefits in accordance with the relevant Scottish Government Control of Woodland Removal policy. Where woodland is removed, compensatory planting should be delivered.
45. The site is bound on the northern, western, and southern sides by trees included within a Tree Preservation Order (ref. HRC42). An indicative Tree Protection Plan has been submitted with the application which indicates tree protection and proposed trees to be felled. Within the site itself, there are sporadic natural regeneration of birch and other pioneer species proposed to be removed. In addition to these, 5 trees are proposed to be removed to make way for the footpath link on the western boundary and the vehicular access on the southern boundary. Tree protection fencing is shown to bound the site internally.
46. As this is a PPP application, and the layout has not been finalised, a full arboricultural assessment together with compensatory planting mitigation will therefore be secured by condition at the MSC stage.

Design, Layout, and Landscape Impacts

47. **Policy 3: Design and Placemaking** of the Cairngorms National Park Local Development Plan 2021 seek to reinforce and enhance the character of the

existing settlement and encourage new development to be sympathetic to the traditional pattern and character of the area. **Policy 5: Landscape** looks to ensure that proposals do not adversely impact the landscape character and setting of the area, including visual impacts. **Policy 14: Design, Quality and Place** of NPF4 requires development proposals to improve the quality of an area and meet the six qualities of successful places.

48. The site lies within the built area of Aviemore and looks to utilise previously developed land. By virtue of inclusion within the LDP as a mixed-use allocation, it has already been accepted that this is a suitable development site in landscape terms and subject to an acceptable layout and good landscaping secured at MSC stage, the proposal would accord with Policy 5.
49. Concern has been raised by Aviemore Community Council and a public representative regarding the proposal's impact by way of scale and massing. As this is an application for planning permission in principle, full design details are not required by the development management procedures. The original scheme as submitted did provide further details on building massing and scale, however the applicant withdrew these elements so that they could be reviewed and finalised at MSC stage, following concerns raised by consultees and public representations. The design, scale, and massing of any subsequent building for this scheme are therefore to be reviewed at MSC stage with details secured by condition.
50. It is noted that any future design must:
 - a) Conform to the best design in accordance with the CNPA Design Guidance and LDP policy due to the high sensitivity of the location.
 - b) Compliment and not compete with the Cairngorm Hotel in form, size and overall design and materials.
 - c) Conserve and enhance the landscape character of the site and its setting in form, size, overall design and materials.

Road Network, Parking and Associated Transport Matters

51. **Policy 13: Sustainable Transport** of NPF4 supports developments that provide direct, easy, segregated, and safe links to local facilities via walking, wheeling, and cycling networks before occupation. **Policy 15: Local Living and 20-minute neighbourhoods** supports development which contributes to local living and the Place Principle and where, among other things, there is the opportunity for sustainable modes of transport including high quality walking, wheeling and cycling networks. **Policy 3: Design and Placemaking** of the Cairngorms National Park Local Development Plan 2021 seeks to promote sustainable transport methods and active travel and maximise opportunities for responsible outdoor access.

52. **Policy 30: Tourism** of NPF4 requires development proposals to promote opportunities for sustainable travel and appropriate management of parking and traffic generation and scope for sustaining public transport services. Regular bus services are accessible from Grampian Road which is within a 5-minute walking distance from the application site. In addition, Aviemore Train Station is within a 5-minute walk from the site. This policy also requires that the internal provision is made for pedestrians and cyclists. Indicative plans have been provide showing cycle storage on site for 20 bicycles. The Highland Council Transport Planning Team note that the design does not accord with Best Practice Guidance. This issue will therefore be considered fully at MSC stage to secure accordancy.
53. **Policy 3: Design and Placemaking** also requires that new development should include an appropriate means of access, egress and space for off-street parking. The proposal will be served by a private track that is within the resort, leading to Grampian Road. The finalised details of the internal layout and access arrangements are to be dealt with by condition of any MSC application. As required by the Highland Council Transport Planning Team, this should include the delivery of the footpath to the eastern side of the access, swept path analysis for refuse vehicles and a layout that considers disabled accessibility. The Team also requests the inclusion of a planning condition for a Construction Traffic Management Plan.
54. Regarding vehicular parking, it is noted that the indicative scheme would not be able to achieve the parking levels required to support the development on site. As the proposal is located within the settlement of Aviemore, with good public transport links, the Highland Council Transport Planning Team request a developer contribution towards Active Travel is sought for the shortfall of parking spaces.
55. Subject to the inclusion of the recommended planning conditions and the payment of the developer contribution, the scheme is considered to accord with road safety, sustainable transport and access matters as defined by Policy 3: Design and Placemaking of the Cairngorms National Park Local Development Plan 2021, and Policies 13, 15 and 30 of NPF4.

Impact on the Historic Environment

56. **Policy 7: Historic Assets and Places** of NPF4 protects the historic built environment. Of relevance to the application is that development proposals affecting the setting of a listed building should preserve its character, and its special architectural or historic interest. Development proposals affecting nationally important Gardens and Designed Landscapes will be supported where they protect, preserve, or enhance their cultural significance, character, and integrity and where proposals will not significantly impact on important

views to, from and within the site, or its setting. **Policy 9: Cultural Heritage** of the adopted Local Plan stipulates the same requirements for developments.

57. Two of Aviemore's most important heritage buildings are the A-listed train station and the C-listed Cairngorms Hotel, the latter being directly adjacent to this proposal, and the former across the road. The Highland Council Building Conservation Planner whilst objecting to the original, scheme (which included the elevation designs) acknowledges that this is a PPP application, which could be detailed and refined in time. The potential impact arising from the proposal will therefore be assessed through the MSC stage, and it is recommended that a condition is attached to any subsequent decision requiring the submission of a Historic Environment Impact Assessment.
58. Taking the above into account, the proposal is therefore considered to accord with Policy 9: Cultural Heritage of the Cairngorms National Park Local Development Plan 2021 and Policy 7 of NPF4.

Flooding and Drainage Issues

59. **Policy 2: Climate mitigation and adaptation** of NPF4 requires that development is sited and designed to adapt to current and future risks from climate change while **Policy 22 Flood risk and water management** seeks to reduce the vulnerability of existing and future development to flooding. **Policy 3: Design and Placemaking** and **Policy 10: Resources** of the Cairngorms National Park Local Development Plan 2021 set out the need for new development to be satisfactorily serviced and without harm to resources or the environment.
60. The site lies outwith any fluvial and pluvial flooding during a 1:200-year event. The proposal would connect to the public drainage network for foul sewerage. The Council's Flood Risk Officer has not objected to the proposal noting that the drainage impact assessment states that surface water discharge will be dealt with by infiltration and that the ground conditions are suitable for this. It is considered that there are technical solutions to the drainage issues on the site and appropriate conditions are proposed to agree the finalised scheme in accordance with Policy 22 of NPF4 and Policy 3: Design and Placemaking and Policy 10: Resources of the Cairngorms National Park Local Development Plan 2021.

Waste and Contaminated Land Matters

61. **Policy 12: Zero Waste** of NPF4 requires applications for proposals that are likely to generate waste when operational to set out how much waste will be generated and how it will be managed including, its storage, separation, and

collection. A condition is recommended to ensure that this issue is fully addressed at MSC stage.

62. **Policy 9: Brownfield, Vacant and Derelict Land and Empty Buildings** of NPF4 states that development proposals must demonstrate that the land is or can be made, safe and suitable for the proposed new use if the land is known or suspected to be contaminated. **Policy 10: Resources** of the Cairngorms National Park Local Development Plan 2021 states that development affecting contaminated land will be considered favourably where assessments are undertaken to identify actual and potential impacts, on site and off site, of all stages of development proposals on the risks to human health and to the Park's biodiversity, geodiversity, hydrology, and other special qualities.
63. The proposal looks to make use of a brownfield site which includes a building to be removed. A planning condition is therefore recommended to allow full assessment of any potential contamination of the site together with agreement of remediation measures if required. Subject to the inclusion of this condition, the proposal is therefore considered to comply with Policies 9 and 12 of NPF4 and Policy 10: Resources of the Cairngorms National Park Local Development Plan 2021.

Impact upon Amenity

64. In terms of amenity **Policy 3: Design and Placemaking** of the Cairngorms National Park Local Development Plan 2021 seeks to ensure that new development protects amenity currently enjoyed by neighbouring occupants to sites and affords sufficient private amenity ground and off-street parking with the development. **Policy 14: Design, Quality and Place** of NPF4 does not support developments that would be detrimental to the amenity of the surrounding area.
65. The proposal is compatible with the surrounding land uses which comprise commercial and tourist related uses. A Construction Method Statement is recommended by condition to secure good construction working practices are adhered to in the interests of neighbouring amenity.

Developer Contributions

66. **Policy 11: Developer Contributions** of the Cairngorms National Park Local Development Plan 2021 sets out that where development gives rise to a need to increase or improve public services, facilities, or infrastructure, or mitigate adverse effects then the developer will normally be required to make a fair and reasonable contribution towards additional costs or requirements.

67. As previously noted, a developer contribution towards Active Travel is required. The applicant has indicated their willingness to pay the contribution amount and subject to its payment, either by upfront payment or by Section 75 legal agreement, the development complies with the requirements of Policy 11: Developer Contributions of the Cairngorms National Park Local Development Plan 2021.

CONCLUSION

68. The application is for consideration of whether the principle of creating holiday letting accommodation on the subject site is acceptable. It is acknowledged that the site makes use of a brownfield, redundant piece of land which forms part of the wider allocated mixed-use site of MacDonald Resort as identified within the Local Development Plan 2021. All detailed matters for assessment are to be considered at MSC stage by the imposed planning conditions on any subsequent decision notice for this PPP. Concern is raised about the potential scale of the detailed scheme and the applicants should take this concern into account when submitting their MSC application.

69. However, subject to the recommended planning conditions and the payment of the developer contribution, the principle of development is considered to comply with the policies contained within the adopted Cairngorms National Park Local Development Plan 2021 and the National Planning Framework 4, and approval is therefore recommended.

RECOMMENDATION

That Members of the Committee support a recommendation to APPROVE the Erection of holiday apartments at Land West Of Cairngorm Hotel, Aviemore subject to:

- a) The payment of the developer contribution for Active Travel; and**
- b) the following conditions:**

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

Conditions

- 1. Plans and particulars of the matters specified in conditions 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14 and 15; below shall be submitted by way of application(s) for Approval of Matters Specified in Conditions in accordance with the timescales and other limitations in Section 59 of the Town and Country Planning (Scotland) Act 1997, as amended. Thereafter the development shall be completed wholly in accordance with the details contained within the approved plans and particulars.**

Reason: To accord with Section 59 of the Town and Country Planning (Scotland) Act 1997 as amended.

2. In relation to to **Condition 1- no development shall commence until plans and particulars of the site layout, design and external finishes of the development have been submitted to and approved by the Cairngorms National Park Authority, acting as Planning Authority. These details shall incorporate proposed finished ground floor levels relative to an identifiable fixed datum located outwith the application site and shall include sectional drawings demonstrating building scale to the adjacent buildings outwith the development site to the east (Cairngorm Hotel).**

Thereafter the development shall be implemented in accordance with the duly approved details.

Reason: To ensure that the development has a layout and design which is compatible with its surroundings and in accordance with Policy 2 and 3 of the Cairngorms National Park Local Development Plan and Policy 14 of NPF4.

3. In relation to **Condition 1- no development shall commence until an Arboricultural Impact Assessment and Tree Protection Plan have been submitted to and approved in writing by the Cairngorms National Park Authority, acting as Planning Authority, in consultation with the Highland Council Forestry Officer. This shall be undertaken by a suitably qualified Arboricultural Consultant and shall include the following details:**
 - a) Detailed tree survey of all trees within the development site and bounding the site, to include location and canopy spread.
 - b) Details of all trees to be removed.
 - c) Details of compensatory planting for trees to be removed.
 - d) Details of all trees to be retained together with a programme of measures for the protection of trees during construction works.

The tree protection measures shall be implemented in full for the duration of the construction works and demolition works in accordance with the duly approved scheme unless otherwise agreed in writing by the Planning Authority.

Reason: To protect the trees on and overhanging the site and to assess the impact of the proposal on the tree preservation order, in the interests on amenity and nature conservation in accordance with Policy 4: Natural Heritage and Policy 5: Landscape of the Cairngorms National Park Local Development Plan 2021 and Policies 3 and 6 of NPF4.

4. In relation to Condition 1 – no development shall commence until full details of the final drainage scheme and a finalised drainage impact assessment have been 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. The assessment should meet the full requirements of the Supplementary Guidance: Flood Risk and Drainage Impact Assessment. The approved drainage scheme shall be implemented and maintained in accordance with the approved details in full prior to the occupation of any holiday units within the development.

Reason: To ensure that satisfactory arrangements for the disposal of surface water are provided in accordance with Policy 3: Design and Placemaking and Policy 10: Resources of the Cairngorms National Park Local Development Plan 2021 and Policy 22 of NPF4.

5. In relation to Condition 1- no development shall commence until a Historic Environment Impact Assessment has been submitted to and approved by the Cairngorms National Park Authority, acting as Planning Authority, in consultation with the Highland Council Building Conservation Team. The assessment shall include information on the proposals impact on the setting of the listed buildings within the area.

Reason: To ensure that the proposal's impact on the historic environment has been fully assessed in accordance with Policy 9: Cultural Heritage of the Cairngorms National Park Local Development Plan 2021 and Policy 7 of NPF4.

6. In relation to Condition 1- no development shall commence until a scheme for boundary treatments, surface treatments and landscaping has been submitted to and approved by the Cairngorms National Park Authority, acting as Planning Authority. The scheme shall comprise a planting plan and schedule which shall include details of:
 - a) Existing and proposed ground levels in relation to an identified fixed datum;
 - b) Existing landscaping features; trees and vegetation to be retained;
 - c) Location, design and materials of proposed walls, fences and gates;
 - d) Proposed soft and hard landscaping works including the location, species and size of every tree/shrub to be planted. This shall include additional tree planting;
 - e) A programme for the timing, method of implementation, completion and subsequent on-going maintenance;
 - f) Biodiversity Enhancement Statement.

All the hard and soft landscaping works shall be carried out in accordance with the approved scheme unless otherwise approved in writing by the Cairngorms National Park Authority, acting as Planning Authority.

Any tree/shrubs which within a period of five years from the completion of the approved landscaping scheme fail to become established, die, become seriously diseased, or are removed or damaged shall be replaced in the following planting season with equivalent numbers, sizes and species as those originally required to be planted unless otherwise approved in writing by the Cairngorms National Park Authority, acting as Planning Authority.

Reason: To assist with the integration of the proposal with its surroundings in the interests of amenity, and biodiversity enhancement in accordance with Policy 4: Natural Heritage of the Cairngorms National Park Local Development Plan 2021 and Policy 3: Biodiversity of NPF4.

- 7. In relation to Condition 1 - No development shall commence on site until a scheme to deal with potential contamination on site has been submitted to and agreed in writing by the Cairngorms National Park Authority acting as Planning Authority, in consultation with the Highland Council Contaminated Land Department. The scheme shall include:**
- a) The nature, extent and type of contamination on site and identification of pollutant linkages and assessment of risk (i.e. a land contamination investigation and risk assessment), the scope and method of which shall be submitted to and agreed in writing by the Cairngorms National Park Authority, acting as Planning Authority, and undertaken in accordance with PAN 33 (2000) and British Standard BS 10175:2011+A2:2017 Investigation of Potentially Contaminated Sites- Code of Practice;**
 - b) The measures required to treat/ remove contamination (remedial strategy) including a method statement, programme of works, and proposed verification plan to ensure that the site is fit for the uses proposed;**
 - c) Measures to deal with contamination during construction works;**
 - d) In the event that remedial action be required, a validation report that will validate and verify the completion of the agreed decontamination measures;**
 - e) In the event that monitoring is required, monitoring statements shall be submitted at agreed intervals for such time period as is considered appropriate by the acting Planning Authority.**

No development shall commence until written confirmation has been received that the scheme has been implemented, completed and if required, monitoring measurements are in place, all to the satisfaction of the acting Planning Authority.

Reason: To ensure that the site is suitable for redevelopment, given the nature of previous uses/ process on the site in accordance with Policy 3: Design and Placemaking and Policy 10: Resources of the Cairngorms National Park Local Development Plan 2021 and Policy 9 of NPF4.

- 8. In relation to Condition 1- no development shall commence until details for the provision of a secured cycle parking facility 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. The cycle parking shall thereafter be implemented in accordance with the approved details prior to the development being brought into first use.**

Reason: To encourage active travel and meet advice within the National Planning Framework 4 on transport.

- 9. In relation to Condition 1- no development shall commence until full details and plans (including visibility splays and swept paths) of the vehicular access, internal road layout and car parking provision within the development 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. The internal roads shall be constructed in accordance with the principles of Designing Streets, make provision of disabled accessibility, make provision for refuse vehicles, and provide a footpath to the eastern side of the access. Parking provision shall be constructed and made available for use prior to the first occupation of the holiday accommodation to which it relates and maintained thereafter for the parking of vehicles.**

Reason: In the interests of road safety and good place making in accordance with Policy 3: Design and Placemaking of the Cairngorms National Park Local Development Plan and Policies 14 and 30 of NPF4.

- 10. In relation to Condition 1- no development shall commence until details for the arrangement for the storage, separation and collection of waste from the site, including provision for the safe pick-up by refuse collection vehicles, have been submitted to and approved in writing by the Cairngorms National Park Authority, acting as Planning Authority, in consultation with the Highland Council. Thereafter, the duly approved provision shall be implemented prior to the first occupation of the holiday letting units which it is intended to serve.**

Reason: To ensure that satisfactory arrangements have been made for dealing with waste on site in accordance with Policy 12 of NPF4.

- 11. In relation to Condition 1- no development shall commence until the following construction management documents have been submitted to and agreed in writing by the Cairngorms National Park Authority, acting as Planning Authority,**
- a) Construction Method Statement**
 - b) Site Waste Management Plan**
 - c) Soils Management Plan**

The provisions of these plans shall be adhered to during the construction period unless any subsequent variation thereof is agreed in writing by the Cairngorms National Park Authority, acting as Planning Authority.

Reason: To minimise construction impacts in the interests of environment, pollution prevention, road safety, and amenity in accordance with Policies 4 and 10 of the Cairngorms Local Development Plan 2021 and Policies 3, 4, 12 and 14 of NPF4.

- 12. In relation to Condition 1- 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. The Plan shall include but not be limited to:**
- a) Restriction of construction traffic to approved routes and the measures to be put in place to avoid other routes being used;**
 - b) Timing of construction traffic to minimise impact on local communities particularly at school start and finishing times, on days when refuse collection is undertaken, on Sundays and during local events;**
 - c) A code of conduct for HGV drivers to allow for queueing traffic to pass;**
 - d) Emergency arrangements detailing communication and contingency arrangements in the event of vehicle breakdown;**
 - e) Arrangements for the cleaning of wheels and chassis of vehicles to prevent material from construction sites associated with the development being deposited on the road;**
 - f) Arrangements for cleaning of roads affected by material deposited from construction sites associated with the development;**
 - g) Arrangements for signage at site accesses and crossovers and on roads to be used by construction traffic to provide safe access for pedestrians, cyclists, and equestrians.**
 - h) Details of information signs to inform other road users of construction traffic.**
 - i) Arrangements to ensure that access for emergency service vehicles are not impeded.**
 - j) Traffic arrangements in the immediate vicinity of temporary construction compound.**
 - k) Monitoring, reporting and implementation arrangements.**
 - l) Arrangements for dealing with non-compliance, and**

m) Details of HGV movements to and from the site.

The construction of the development shall thereafter be implemented in accordance with the approved plan.

Reason: In the interest of site management and road safety during the construction works as required by the Road's Authority in accordance with Policy 3: Design and Placemaking of the Cairngorms National Park Local Development Plan 2021 and Policy 13 and Policy 15 of NPF4.

13. In relation to Condition 1 - No development shall commence until an external Lighting Plan has been submitted to and approved in writing by the Cairngorms National Park Authority acting as Planning Authority. All lighting shall thereafter be implemented and maintained in accordance with the approved details.

Reason: To ensure that lighting at the site conserves and enhances the landscape character and protects amenity in accordance with Policy 3: Design and Placemaking of the Cairngorms National Park Local Development Plan 2021 and Policy 14 of NPF4.

14. In relation to Condition 1 - No development shall commence until a Bat Species Protection Plan has been submitted to and agreed in writing by the Cairngorms National Park Authority acting as Planning Authority. Thereafter, all mitigation set out the approved Bat Species Protection Plan, including timing of works, shall be implemented in accordance the details contained in the Plan.

Reason: To ensure that the development does not adversely affect European Protected Species in the area in accordance with Policy 4: Natural Heritage of the Cairngorms National Park Local Development Plan 2021 and Policy 3 of NPF4.

15. In relation to Condition 1 - No development shall commence until details and plans of the proposals for the installation of bird and bat boxes have been submitted to and approved in writing by the Cairngorms National Park Authority acting as Planning Authority. The provision shall be provided in accordance with the approved details before any part of the development is brought into use and retained thereafter throughout the lifetime of the development hereby approved.

Reason: To mitigate any impacts upon affect birdlife and bats in the area in accordance with Policy 4: Natural Resources of the Cairngorms National Park Local Development Plan 2021 and as a biodiversity enhancement in accordance with Policy 3 of NPF4.

16. No development shall commence during the bird breeding season, March – August (inclusive). If this is not possible, a pre-start walkover survey of the site by a suitable, experienced ecologist will be required to identify signs of breeding birds and an appropriate breeding bird protection plan implemented before any ground preparation or construction works commence.

Reason: To avoid adverse effects on breeding birds and comply with protected species legislation in accordance with Policy 4: Natural Heritage of the Cairngorms National Park Local Development Plan 2021 and Policy 3 of NPF4.

Informatives

Timescales and Procedures for Applying for Requisite Approvals

1. For the avoidance of doubt, conditions requiring requisite approval (applications for approvals of matters specified in conditions) are all those referenced with Section 59 of the Act in the reason for the condition and must be made before whichever is the latest of the following:
 - a) The expiration of 3 years from the date of the grant of the permission;
 - b) The expiration of 6 months from the date on which an earlier application for the requisite approval was refused; and
 - c) The expiration of 6 months from the date on which an appeal against such refusal was dismissed.
2. Only one application may be made by virtue of (b) and (c) above after the expiration of the 3 year period mentioned at (a) above.
3. An application for requisite approval may be made for different matters and different parts of the development at different times. Each application shall be made in writing and must:
 - a) Identify the planning permission to which it relates;
 - b) Contain a description of the matter in respect of which the application is made;
 - c) State the name and address of the applicant and, where an agent is acting on behalf of the applicant, the name and address of the agent; and
 - d) Be accompanied by plans and drawings describing the matter in respect of which the application is made, and any fee required under the Fee Regulations.

Lapsing of Permission

4. If you fail to comply with the time periods set out in Section 59 of the Act as details in Informative One regarding the submission of the requisite approvals, then this permission will lapse.
5. If you have made submissions for requisite approvals within the timescales set out above under Section 59 of the Act, as details in Informative One and these have been approved by the Cairngorms National Park Authority then you must commence development within 2 years of the date of the last requisite approval or this permission will lapse.
6. 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.

7. Following completion of the development, a notification of the completion shall, as soon as practicable, be given to Cairngorms National Park Authority, acting as 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.

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.