
CAIRNGORMS NATIONAL PARK AUTHORITY

Title: REPORT ON CALLED-IN PLANNING APPLICATION

Prepared by: DON MCKEE, HEAD OF PLANNING

DEVELOPMENT PROPOSED: PROPOSED MIXED USE DEVELOPMENT COMPRISING RESIDENTIAL, RETAIL, OFFICE, COMMUNITY, LEISURE, PARK, ENVIRONMENTAL IMPROVEMENTS, ROADS INFRASTRUCTURE, RESORT HOTELS EXTENSIONS, ADDITIONAL LODGES, AND DEMOLITION OF EXISTING ADMIN BUILDING

REFERENCE: 08/241/CP

APPLICANT: AVIEMORE HIGHLAND RESORT LTD
AVIEMORE
PH22 1PN

DATE CALLED-IN: 27 JUNE 2008

RECOMMENDATION: GRANT, SUBJECT TO RECEIPT OF REVISED DRAWINGS, RESOLUTION OF OUTSTANDING ISSUES COMPLETION OF A SECTION 75 AGREEMENT AND TO CONDITIONS

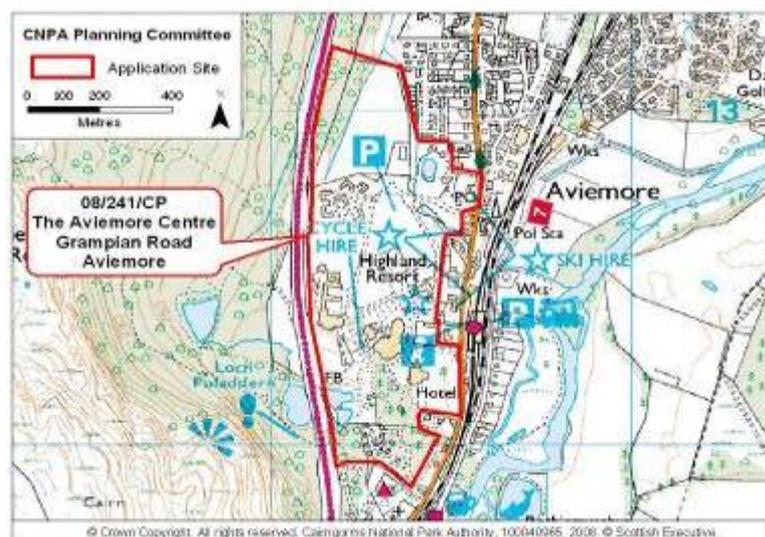


Fig. 1 - Location Plan

SITE DESCRIPTION AND PROPOSAL

1. This application was originally scheduled for consideration at the meeting on 12 December 2008, but it had to be withdrawn from the agenda when it was discovered that the applicant had omitted to serve statutory notice on the owner of an adjoining parcel of land. The notice has since been served.

Location and Access

2. The site lies between Aviemore and the A9 bypass trunk road, and comprises the entire site of the Aviemore Highland Resort. The extent of the site is not noted on the application but is approximately 30 ha (75 acres).
3. The site is bordered to the east by Grampian Road (B9152) and commercial properties, and to the west by the A9. The southern boundary adjoins Aviemore Youth Hostel and a caravan park. The northern boundary is formed by residential properties, Aviemore/Milton Burn, open land and woodland.
4. There are two existing vehicular accesses to the site from Grampian Road and both also offer pedestrian access. The south access, 7.3m wide access, with a 2.0m wide footway on the north side, lies to the south of the town centre opposite the railway station; it has a priority junction with Grampian Road and is used primarily by existing traffic generated by Aviemore Highland Resort. The north access is via a new roundabout and was completed in 2006 to accommodate future traffic movements on Grampian Road. At present the roundabout only accommodates through movements on Grampian Road; a third arm into the Resort has been constructed but at present is rarely used other than as an exit from the Resort. This roundabout will also give access to the as yet undeveloped Tulloch housing site to the north of the Resort and the 45000sqft supermarket site, both given planning permission by this Committee in December 2007.
5. Grampian Road (B9152) is the most prominent highway corridor within Aviemore, with a 30mph speed restriction. It acts as a distributor road linking many housing roads with amenities, and also links regional distributor roads north and south of the town. North of Aviemore the B9152 connects to the A95 at a junction, with a minor road providing a short link to the at-grade A9 junction. To the south of Aviemore the B9152 forms the major road at a priority junction with, again, a short link to the at-grade A9

junction. The A9 trunk road is the most important strategic highway corridor in the Highlands and to the rest of Scotland.

Site Description

6. The Monadhliaths and Craigellachie rise steeply to the west to dominate the site and Aviemore. The Resort has a direct footpath connection to the Craigellachie National Nature Reserve located immediately on the west side of the A9. There are other footpath links to the north, south, and Grampian Road. Several of the paths are identified as Core Paths: LBS30 Aviemore Orbital to north and south, LBS37 Laurel Bank Lane.
7. Aviemore Highland Resort operates within the site and includes four hotels (Highland, Four Seasons, Academy and Aviemore Inn), conference centre facilities, associated leisure uses including swimming pool, a retail outlet and 18 holiday lodges. The Strathspey Lawns at the corner of the southern access to the Resort opposite the Cairngorm Hotel, slope down from the Four Seasons Hotel and are in occasional public use.
8. The majority of the site is currently undeveloped and is generally level with some gentle slopes. There are various groups of trees throughout the site but no significant areas of woodland other than the area of mature conifers at the south end providing a setting for holiday lodges. Part of the small Loch Puladdern is located within the site in the south west corner near the A9 and is now a pond.
9. The Resort generally sits higher by some 4 metres than Grampian Road although the site rises to equal level to the north. Buildings are three and four storeys high with flat roofs. The nine storey Four Seasons hotel, however, at the main south entrance has a dominating presence within the site, from central Aviemore and indeed across Strathspey. The hotel buildings are clearly visible from Grampian Road.

The Current Application

10. This application for full planning permission was validated by The Highland Council on 20 June 2008 and called in by CNPA on 27 June 2008. It is a full rather than reserved matters application as the formal decision notice for outline planning permission has yet to be issued.
11. As originally submitted the application comprised the following elements, from south to north, see **Appendix 1**:

1. Block S in the south east corner of the site – 3No. 3 storey buildings containing 18 flats with access from Grampian Road.
2. Block R in the conifer woodland in the south of the site – up to 29 woodland lodges, individual positions to be agreed with CNPA on site, in addition to the 18 lodges already in situ.
3. Block M between Grampian Court and the Four Seasons Hotel – a 3 storey block of 12 flats with access from Grampian Road, play area in front.
4. Block Q – a 5 storey, 60 bedrooms, pitched roof extension on the south east corner of the Four Seasons Hotel.
5. A new roundabout at the junction of Grampian Road and the southern access to the Resort.
6. Formation of an amphitheatre on Strathspey Lawns
7. Block K to rear of Cairngorm Hotel – demolition of existing staff block and erection of 7 storey block of 39 holiday apartments.
8. Block L to south of existing swimming pool – site shown for Leisure Centre, not part of this application.
9. Block O to north of Aviemore Inn – extension to provide 800m² of retail.
10. Block P to north of existing retail pavilion – extension to provide 1200m² of retail.
11. Block N on northeast corner of Highlands Hotel – 4 storey extension to provide 40 bedrooms.
12. Block J1 on west side of new link road – a single storey public house.
13. Block J2 on west side of new link road – a 2 storey building with 755m² of retail
14. Block J3 on west side of new link road – a 2 storey building with 418m² of office accommodation.
15. Block D on east side of new link road – a 3 storey building with retail, office and 15 apartments.
16. Block E on east side of new link road – a 3 storey building with 1077m² of office accommodation.
17. Block F on east side of new link road – a 3 storey building with 963m² of office accommodation.
18. Block G east of Block F and south of link to north access – a 3 storey building with 762m² retail and 8 apartments over.
19. Block H east of Block G and south of link to north access – a 3 storey building with 777m² retail and 8 apartments over.
20. Block A in “square” to south of 17-19 above – 3 storey building round a courtyard with 19 retail units and 31 apartments.

21. Block B to south of Block A facing Academy Hotel – 3 storey building with 13 apartments.
22. Block C to west of Block B – 3 storey building with 14 apartments.
23. Block T immediately east of Scandinavian Village – open space with community building and coach drop off point.
24. New footbridge across Aviemore Burn opposite Block A.
25. Block I on south side of north access road to Resort west of “RD’s” – 2 storey building with 374m² retail leading to footbridge in 24 above.
26. New formal areas of car parking to north of Academy Hotel, rear of J1-J3 on west of new link road, north of Highlands Hotel and by Aviemore Burn.
27. Laurel Bank Lane (LBS37) on north side of existing Tesco car park enhanced with full disability access, new surfacing, landscaping, welcome signage and gateway with night time doors into the Resort.
28. Internal road improvements to be phased with the substantive link between north and south commencing 2009-10.
29. Material theme for buildings in the development includes blue black slate coloured tiles, zinc sheeting, larch boarding, cast stone, stainless steel, stained hardwood and polyester coated windows.

13. An assessment of the application following "call in" identified a range of information that had not been included and which would be required for various consultees to comment and for CNPA staff to take a view on the content. This included, inter alia, a full range of scaled drawings and sections, habitat survey, retail impact assessment, traffic impact assessment, number/location of affordable housing, Design Statement and comprehensive landscape statement and plans.
14. During July and August the applicant supplied additional information and consultations took place with a range of bodies. This included a Design Review in late August by Architecture + Design Scotland, the Scottish Government's appointed advisers on such matters. Following this Review, and having received various other consultation responses, CNPA officers had a dialogue with the applicant in September/October on changes to the proposals that would improve the quality of the application. The appraisal section expands on this point.
15. A range of revised drawings was received on 26 November 2008. The applicant re-notified neighbours and CNPA placed a notice in the Strathy advertising the availability of plans for viewing at various locations in the Park. The representation section contains responses to this consultation.
16. The application as it stood in December included the following elements from south to north, see **Appendix 2** for revised layout and revisions to building design where appropriate:
 1. Block S - one of the 3 apartment blocks repositioned in same general area.
 2. Block R - lodge proposals unchanged.
 3. Block M - block of flats unchanged, play area deleted.
 4. Block Q - design concept of Four Seasons extension changed, pitched roof omitted, more contemporary approach, increase in amount of glazing particularly on east and north elevations.
 5. Roundabout and amphitheatre deleted.
 6. Block K to rear of Cairngorm Hotel - building reduced to 5 floors with basement, section showing height level with surrounding trees and relationship with Cairngorm Hotel.
 7. Block L to south of existing swimming pool - site shown for Leisure Centre, not part of this application, position unchanged.
 8. Block O to north of Aviemore Inn - extension to provide 800m² of retail, unchanged.

9. Block P to north of existing retail pavilion – extension to provide 1200m² of retail, unchanged.
10. Block N on northeast corner of Highlands Hotel – 4 storey extension to provide 40 bedrooms, unchanged.
11. Block J1 on west side of new link road – a single storey public house, re-positioned slightly southeast closer to Block P.

12. Blocks D1 and D2 – in previous location of Blocks J1-J3 on west side of new link road; 3 storey blocks with total of 27 apartments.
13. Block J3 now on east side of new link road in lieu of Block D – a 2 storey building with 418m² of office accommodation.
14. Block E on east side of new link road – a 3 storey building with 1077m² of office accommodation, repositioned and elevations re-modelled.
15. Block F on east side of new link road – a 3 storey building with 963m² of office accommodation, repositioned slightly to south and elevations re-modelled.
16. Block J2 now on east side of new link road at junction with link to north Resort access – a 2 storey building with 755m² of retail, now facing into “Town Square”.
17. Block G now east of Block J2 and south of link to north access – a 3 storey building with 762m² retail and 8 apartments over, previous link to Block F deleted.
18. Block H east of Block G and south of link to north access – a 3 storey building with 777m² retail and 8 apartments over, unchanged.
19. Block A in “square” to south of 17-18 above – 3 storey building round a courtyard with 19 retail units and 31 apartments, unchanged.
20. Blocks B and C to south of Block A facing Academy Hotel – now 2 No. 3 storey buildings with 19 apartments, 4 storey on eastern most corner where retail unit on ground floor; elevations remodelled.
21. Block U northwest elevation of Academy Hotel – not previously included, but elevation now extended and remodelled to provide retail units at ground floor and enhance the building.
22. Block T immediately east of Scandinavian Village – open space with community building now at western end and coach drop off point relocated to south of link road adjoining retail/office/residential.
23. New footbridge across Aviemore Burn opposite Block A, unchanged.
24. Block I on south side of north access road to Resort west of “RD’s” – 2 storey building with 374m² retail leading to footbridge in 23 above, unchanged.
25. New formal areas of car parking now reconfigured. Area to north of Academy Hotel deleted and replaced by formal park/openspace. Rear of J1 and D1-2 on west of new link road and north of Highlands Hotel all remodelled. Area by Aviemore Burn deleted.

26. Laurel Bank Lane (LBS37) on north side of existing Tesco car park enhanced with full disability access, new surfacing, landscaping, welcome signage and gateway with night time doors into the Resort, all unchanged.
 27. Internal road improvements to be phased with the substantive link between north and south commencing 2009-10, unchanged.
 28. Material theme very much as above, but some quite detailed specifications have now been given for several of the buildings as part of design statements.
 29. The latest drawings include a significant level of more detailed information regarding the approach to landscape context and details of landscaping for certain elements of the proposals.
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17. The revised drawings were supplemented by a number of design statements and interpretive sketches that explain the rationale behind the proposals. These are attached as **Appendix 3**.
 18. Additional drawings were received electronically on 20 January. These included alterations to the elevations of Blocks D1 & D2, minor revisions to layout around Blocks G & H, clarification of level and location of affordable housing, and phasing of road infrastructure. These are attached as **Appendix 7**.

Relevant Planning Background

19. There have been a number of decisions in recent years by The Highland Council and CNPA that are relevant to this current application:
 - Comprehensive amendment of Masterplan permissions at Aviemore Centre, for Aviemore Highland Resort Ltd, granted subject to conditions and reserved matters and prior completion of a section 75 planning agreement (02/00007/OUTBS, outline). Granted by The Highland Council 2003.
 - Increase in maximum gross floor area of supermarket with associated parking and ancillary buildings for Aviemore Highland Resort (04/120/CP, outline). Granted by CNPA December 2007.
 - Erection of 21 houses, associated infrastructure and landscaping at land to north of Aviemore Highland Resort for Tulloch Homes (Aviemore) Ltd (05/304/CP, full). Granted by CNPA December 2007.

- Erection of 140 dwellings, construction of roads and services and landscaping at 'Horse Field' (land north of Scandinavian Village) for Tulloch Homes (Aviemore) Ltd (05/306/CP, reserved matters). Granted by CNPA December 2007.
- Erection of 2,787 sq m (30,000 sq ft) supermarket and car park at land at north-west corner, Northern Link Road/Grampian Road junction, Aviemore for Aviemore Highland Resorts Ltd (06/395/CP, reserved matters). Granted by CNPA December 2007.
- Outline planning application (based on an indicative masterplan layout) for mixed use development comprising retail, business/office, storage and distribution, residential, leisure, other commercial, holiday lodges and open space and car parking on the entire land holding of Aviemore Highland Resort. Resolution to grant subject to Section 75 Agreement by CNPA December 2007, revised terms March 2008. The S75 has yet to be formally concluded and consequently no outline permission has been issued.

DEVELOPMENT PLAN CONTEXT

Scottish Government Policy

20. **SPP2 Economic Development** promotes sustainable development of high quality siting and design in rural areas and Scotland's National Parks. Brownfield development is also supported. **SPP3 Planning for Housing** supports mixed communities. **SPPG8 Town Centres and Retailing** contains guidance and criteria in assessing proposals with town centers being the first choice to maintain their vitality/viability and maximize accessibility and use of public transport. Retail Impact Assessments and Transport Impact Assessments are also advocated to support applications for significant proposals. Specific guidance is contained in respect of shops in small towns and rural areas, with there being a clear presumption in favour of central locations.
21. **SPP15 Planning for Rural Development** notes a vision of vigorous and prosperous rural communities with most new development being in or adjacent to existing settlements; also noted is the vital importance of tourism. **SPP17 Planning for Transport** seeks to locate significant travel generating uses where they can support more sustainable travel patterns; and requires councils to define a set of maximum parking standards. **SPP20 Role of Architecture and Design Scotland (A&DS)** is a new body set up to champion excellence in architecture and the built environment. A&DS offers a supportive role to all involved in the development process. **SPP20** refers also to **Planning Advice Note 68 Design Statements**, a mechanism which enables applicants to explain in a structured format why a selected design solution is the most suitable.
22. **Scottish Planning Policy** was published in October 2008 and is the most recent statement of Scottish Government policy on land use planning. It states that planning guides the future development and use of land. Planning is about where development should happen, where it should not and how it interacts with its surroundings. This requires promoting and facilitating development, while protecting and enhancing the natural and built environment in which we live, work and spend our leisure time. Careful attention to layout, design and construction should result in places where people want to be. The Scottish Government believes that a properly functioning planning system is essential to achieving its central purpose of increasing sustainable economic growth. The way in which the planning system is structured and operated should be directed towards that purpose and to supporting the Scottish Government's 5

strategic objectives. Planning has a critical balancing role to play when competing interests emerge in the consideration of future development. It is essential to recognise that planning issues, by their very nature, will often bring differing interests into opposition and disagreement and the resolution of those issues one way or another will inevitably disappoint some parties. Planning cannot be expected to satisfy all interests all of the time. It should, however, enable speedy decision making in ways which are transparent and demonstrably fair. The primary responsibility for the operation of the planning system and service is with local and national park authorities.

23. There should be a clear focus on the quality of outcomes, with due attention given to considerations of the sustainable use of land, good design and the protection and enhancement of the built and natural environment. Development management is a key part of the planning system and must operate in support of the Government's central purpose. This means providing greater certainty and speed of decision making as a means of creating good quality sustainable places. The planning system operates in the long term public interest. It does not exist to protect the interests of one person or business against the activities of another. However, it is important that stakeholders understand their role in the planning process and how decisions have been arrived at. There should be clear but concise reports of the considerations that have been taken into account in reaching decisions on all planning applications. The Planning Acts require decisions to be made in accordance with the development plan unless material considerations indicate otherwise. Material considerations should be related to the development and use of land. Where a proposal is in accordance with the development plan, the principle of development should be taken as established and the process of assessment should not be used by the planning authority or key agencies to revisit that.

The Highland Structure Plan 2001

24. **Policy R1 (Shopping Hierarchy)** supports development proposals which consolidate the shopping hierarchy and enhance the role of individual settlements as shopping centers. **Policy R2 (Every Day Shopping Needs)** will encourage development which safeguard and enhance the local provision of facilities. **Policy R4 (Major Foodstores)** states that in small towns foodstore provision will normally be located within town centers to support the vitality and viability of local services. **Policy R5 (Town Centre Shopping)** will

resist proposals which are adjudged to undermine vitality and viability. **Policy G2 (Design for Sustainability)** sets down a range of criteria. **Policy G3 (Impact Assessments)** states that where environmental and/or socio-economic impacts are likely to be significant by virtue of nature, size or location then appropriate impact assessments will be required from the developers. **Policy G4 (Community Benefit and Commitment)** expects developments to benefit the local community and contribute to the wellbeing of the Highlands, whilst recognizing wider national interests. **Policy TC9 (Car Parking)** requires provision to be carried out in accordance with the council's standards.

Badenoch and Strathspey Local Plan 1997

25. The principles of the Aviemore section seek to strengthen the village as a major shopping and service centre and to promote the village's economic renaissance. The site is allocated on the Proposals Map for Commerce/Tourism with the Aviemore/Milton Burn designated as Recreation/Open Space and this zoning extending north westward towards the A9. The centre is identified on the Map, as are the main access roads. The introductory Prospects section noted that "Major revitalization of the whole village centre is needed to transform Aviemore's image and promote the village as a high quality mountain resort. A major investment programme to redevelop, refurbish and integrate the centre with the wider community will open up a range of development opportunities and provide a comprehensive approach to local servicing and environmental problems."
26. The Principles section noted that among the main priorities are :
 - to promote the economic renaissance of the village as a mountain resort incorporating high quality design and an overall architectural theme
 - to strengthen the village as a major shopping and service centre
 - to improve traffic circulation, parking and servicing arrangements, whilst giving over more of the village centre to the pedestrian
 - to transform the image and texture of Aviemore, "green up" the village, and restore links with its setting and wider environment
27. **Policy 6.1.1** notes that the Council will promote improvements in the quality and design of Aviemore's built environment and its relationship with adjoining countryside in accordance with the principles of Gillespies' Urban Design Strategy. These provide a framework for renewal/refurbishment of the existing village fabric,

future expansion areas and the wider setting, and will form a basis for detailed proposals, planning briefs or other guidelines as appropriate. Conformity will be expected with the main design principles embodied in the Strategy insofar as these relate to building grain and fabric, building hierarchy, scale and lines; open spaces and trees, views and streetscape. A partnership of public, private and community interests has been set up to pursue the Strategy.

28. **Policy 6.2.1** supports major redevelopment of the Aviemore Centre to revitalise the village and reaffirm its status as an international visitor destination. **Policy 6.2.2** sets down that “With the exception of refurbishment work, developments are subject to agreement of an overall Master Plan which will be the subject of consultation with the public and other interests. This will provide a basis for detailed layout and design of new development, infrastructure, landscaping and enhancement; together with servicing and amenity safeguards associated with existing uses to be retained”. **Policies 6.2.3 – 6.2.6** then included a wide range of development proposals, many but not all of which now exist:

to the north

- mixed residential use with good screening and separation from the A9
- a major part of the linear park/walkway and open space corridor by the burn
- possible tourist accommodation overlooking the lochan

in the centre (west)

- extension and refurbishment of the main leisure, conference and exhibition complex
- upgrading existing hotels
- new residential accommodation south of the Scandinavian Village
- a major national interpretive/visitor centre by Loch Puladdern
- associated commercial and parking facilities

in the centre (east)

- caravan park improvements
- self catering/health and fitness facilities and retention of existing tree cover

29. **Policy 6.2.7** requires that new or improved access should be accompanied by a Traffic Impact Analysis. **Policy 6.2.8** notes that other land within the village centre adjoining Grampian Road is allocated for consolidation of existing shopping, office and tourist uses. It further notes that greater compactness and consolidation of Aviemore’s commercial core is a design priority; and that encouragement will be given to increasing the density of the built form, infilling of vacant or under-used sites, redevelopment and

facelift to properties to achieve extensive upgrading of the environment and complement wider improvements in parking, servicing and conditions for pedestrians.

30. **Policy 6.3.1** proposes a Village Park on 16 ha of land adjoining the Aviemore Burn and running through to the Spey margins, possibly incorporating the following features with selective parts to be provided by developers where sites are contiguous with its boundaries:
- a system of lit/landscaped walk ways and cycle paths connecting with the school, village centre and other facilities
 - informal woodland, riverside amenities, a kickabout pitch and additional planting including by the Primary School
 - suitable flood protection and landscaping measures, including access to bunding along the burn edge
31. **Policy 6.4.1 and 6.4.2** set down the Council's policy to pursue establishment of a link road to improve the distribution and management of traffic in the village centre and provide a basis for substantial enhancement of the main commercial thoroughfare focussed on Grampian Road. This is an essential part of the village, integral to the redevelopment/refurbishment of the Centre Lands and other commercial interests, and includes safeguards for:
- a new link to Grampian Road between the Red McGregor Hotel and Winking Owl
 - optional routes through the Centre Lands based largely on the existing network, with connecting service roads including rear service access to properties fronting Grampian Road
 - upgrading the centre access to the south by the Four Seasons Hotel
 - the route, design and landscaping of the link road will be specified as part of the master Plan for the Centre lands.
32. **Policy 6.4.3(a)** is relevant, particularly that part referring to the encouragement of a package of measures designed to improve "first impressions" of Aviemore, including re-defining the main village approach with a new "gateway" to the south of the village immediately beyond the Four Seasons Hotel. **Policy 6.4.8** notes that the Council will encourage appropriate action by riparian owners to prevent flooding of the Aviemore Burn, on the site's northern boundary. **Policy 6.5.1** notes that the Council's main objective is to create a major landscape framework within and adjoining Aviemore to achieve extensive and robust improvements in the structure and amenity of the village, and better integration with the surrounding environment. The Council will also safeguard and encourage active management of trees

and woodland important to the structure of the village; and, as a matter of priority. The Council has placed a Tree Preservation order on the entirety of the Centre Lands.

Aviemore MasterPlan 1997

33. This document prepared by the Aviemore Partnership was approved by The Highland Council in 1997 as the supplementary planning policy deriving from the Badenoch and Strathspey Local Plan (notably paras. 6.1.1, 6.2.1 and 6.2.2). The Council stated that "The provisions shall herewith constitute an important material planning consideration in the determination of planning applications lodged within the central area of Aviemore".
34. Strong pedestrian and vehicular links were shown between Grampian Road and the Aviemore Centre. It takes account of the issue of relief for Grampian Road but without resorting to the construction of a "by-pass" or "relief " road. MasterPlan principles included:
 - that creation of a 'real place' is essential to development of a successful resort;
 - integration of the Aviemore Centre lands and the remainder of the village core centred along Grampian Road;
 - the historical separation of commercial and community facilities in two locations has proved socially divisive; and
 - it must become one centre; development must be guided by a MasterPlan.
35. General principles included the creation of a new concentrated village centre; a layout which is disciplined and ordered yet flexible in use; a formal network of shared and managed village streets; emphasis on balancing public and private transport, pedestrians and cyclists; establishment of design principles which ensure consistent and coherent building forms in scale with their surroundings and a high quality public realm; a formal but irregular grid of village streets overlaid on existing topography; and maintenance of mixed use, active, frontage development on all main streets.
36. In particular, the MasterPlan proposed a number of initiatives, including a new public/community village green, linked to the existing landmark green space in front of the Four Seasons hotel, as a focal point of the Village Centre; a new community building including a pool, TIC and other facilities; a family entertainment centre including ten pin bowling, cinema etc; new retail space, residential units and shopping infill/replacement on Grampian Road; auditorium and new hotels; and a visitor attraction.

37. This MasterPlan is currently under review and CNPA with Highland Council and other partners engaged Land Use Consultants to prepare an up to date MasterPlan to take account of current circumstances, National Park status and the likely provision of An Camas Mor within the new Local Plan.
This work has still to be brought to a stage where a document can be formally published for consultation.

Cairngorms National Park Plan 2007

38. The Cairngorms National Park Plan (NPP) has a vision that sees the National Park as a renowned international destination and exemplar of sustainable development showing how people and place can thrive together. The NPP has a list of outcomes for 2030 that reflect this vision and link thriving communities and businesses with conservation, enhancement, enjoyment and understanding of the area's special qualities.
39. The NPP has a range of strategic objectives that set out these aspirations in policy terms and 7 priorities for action that have 5 year outcomes to 2012 to make progress towards these objectives. Many of these are relevant to this proposal to varying degrees. The NPP is a material consideration under both the Planning and National Parks Acts.

Cairngorms National Park Local Plan – For Information Only

40. This is not a significant material consideration at this stage as there are outstanding objections that will be resolved at a Local Plan Inquiry in May 2009. For information purposes only, the site is allocated AV/ED3 with encouragement to develop and enhance its facilities and pursue closer links with the village centre. The area proposed for woodland lodges is allocated AV/Env and is to be protected from adverse development.

CONSULTATIONS

41. **Scottish Natural Heritage (SNH)** was consulted because of the proposals' potential impact on sites of natural interest. They state that they have no objection to the proposal, but have comments to make. The Aviemore Burn runs through the site and is designated as part of the River Spey Special Area of Conservation, but it is considered unlikely that the proposal will have a significant effect on any qualifying interests. There have been signs of otter, a European Protected Species, and it is recommended that an otter shelf should be constructed on one side of the burn to allow otters

to pass easily in high water conditions: no works between 31 May – 15 October. The survey has shown signs of brown long eared bats visiting, but not residing in, a building scheduled for demolition. Recommend that the building be demolished between end October – beginning of March when least likely to be bats present. Survey showed no evidence of bat roosts in trees, but if trees likely to hold bats are to be lopped or felled then another survey should be carried out first. They note that a number of paths are shown on the map and welcome this suggesting that CNPA access team advise on design and specification. They further advise that the area shown as chalet development is close to the Craigellachie NNR and, in particular, to the breeding peregrine falcons on the Reserve. Works carried out too close to the birds at the wrong time of year could prevent them from breeding successfully, and recommend that construction should be carried out outside period 1 March – 1 July to avoid disturbance to breeding birds.

42. **The Scottish Environmental Protection Agency (SEPA)** has been engaged in an ongoing dialogue with the applicant's engineers and has commented on a number of occasions. When the report was prepared for the meeting on 12 December SEPA were still objecting to the surface water drainage proposals. Following receipt of additional information from the applicant on 5 December, SEPA has been able to **withdraw its objection**, subject to a planning condition requiring a detailed drainage scheme to be submitted to CNPA and approved in consultation with SEPA before development commences. SEPA welcomed the positive approach to rainwater harvesting and asked that it be subject to a condition. The quantitative aspects of surface water drainage proposals will be a matter for The Highland Council.
43. **Scottish Water** has no objection to this planning application. However, they are unable to reserve capacity at their water and wastewater treatment works in advance of formal agreement to be made with them. Due to the size of the development it is necessary for Scottish Water to assess the impact this new demand will have on its infrastructure and the developer will have to submit a fully completed Development Impact Assessment form. There may be a requirement for the developer to fund works to allow for connection.
44. **Architecture+Design Scotland (A&DS)** was consulted due to the application's significance to Aviemore, the Highlands and Scotland and because they had requested ongoing involvement in this site. The proposals were presented by the applicant and reviewed by the Panel at a Design Review meeting in Aviemore on 20 August 2008. Their report was issued in September 2008 and

is attached as **Appendix 4**. A+DS had significant concerns about the AHR masterplan in terms of its vision, delivering a sense of place, the relationship with the village, segregation of traffic and pedestrians leading to over-dominance of roads, designs not good enough for a National Park. The applicant then had an informal meeting with A+DS to discuss how to proceed in light of the comments.

A+DS formally considered the revised proposals on 2 December at a Review meeting in Edinburgh. The report is attached as **Appendix 8**. A+DS were encouraged by the analysis and appreciation of the landscape and wider setting and welcomed the professional contribution and desire to explore and develop the designs that had not previously been clearly apparent to them. They acknowledged improvements made to address earlier concerns, but considered there remains a lack of ambition and vision and fundamental aspects of the masterplan have yet to be developed. They considered it evident that, with design development and appropriate, skilled professional involvement, a proposal that is worthy of its location and significance within the National Park and one that A+DS could support, could readily evolve. The report makes a number of detailed comments, acknowledging those areas where they consider progress has been made, and concludes that although A+DS are supportive of the essential nature of the development, they have fundamental concerns. They express disappointment with what is proposed for this significant site and are surprised that the quality of what has been submitted is considered sufficient to permit the determination of a detailed planning application for such an important project in the National Park area. A+DS urge CNPA and the design team to resist a hasty outcome in order to ensure new development is integrated and well conceived within a masterplan that recognised, and is appropriate to its context. They are unable to support the project in its present form, the designs are not of sufficient quality for a National Park and a major visitor destination, and it is not realising its potential. They believe that greater investment in design could result in economic benefits for the resort, and the wider community. They wish to be advised of the outcome and have the opportunity to comment further once their concerns have been addressed.

45. **Aviemore & Vicinity Community Council** responded in September 2008 to the original submission with detailed comments on most aspects of the proposals including highlighting errors and omissions. They were unhappy with the provision for the community as well as commenting that Aviemore is Scotland's premier tourist resort and as such is deserving of the best. The

community is anxious that the resort is a success, but only the best will do. The applicant met the Community Council prior to 12 December and they were also consulted on the revised drawings received in late November. The Community Council have made additional submissions (**Appendix 9**) stating that the existing local plan shows 3 acres of land for a community building and that is what they would expect to receive from development on this site, the application will bring more people in whilst offering little or no community facilities, and the Community Council would forgo the land for a payment that could benefit the community elsewhere. In a separate submission they comment on the revised drawings, welcoming some aspects, expressing concern on others, and making a point about the application being considered in haste with detailed plans outstanding.

46. **Area Roads and Community Works Manager, Inverness/Nairn/Badenoch and Strathspey, The Highland Council** had been waiting for all of the necessary detailed information from the applicant in order to respond to this consultation. A transport assessment was made available in July, but up to date traffic monitoring data was not submitted until November. This has been considered along with the revised drawings submitted in late November and comments have been made.
47. Prior to the grant of any planning permission in respect of the current application, a revised Minute of Agreement relative to future development at Aviemore Centre shall be established between relevant parties. Although the work carried out for the applicant by Millard Consulting would suggest that no off site road improvements will be required as a result of further development at AHR, future traffic monitoring will give a clearer view as to if and when such improvements will be necessary. However, it has previously been highlighted by this service that increasing delays are experienced by northbound traffic on Grampian Road due to vehicles wishing to turn right into Dalfaber Drive. As you will know it is the Council's intention to upgrade this junction in order to reduce traffic delays and improve pedestrian crossing facilities. A financial contribution towards the necessary upgrading has been received through the proposed mixed development at the junction of Dalfaber Drive and Frank Spaven Drive. It is considered appropriate to also seek an appropriate level of contribution through the current development. Given the scale and nature of development proposed, and with reference to the contribution received through the aforementioned development, it is recommended that the current applicant shall make a contribution of at least £ 40,000 towards upgrading of the junction.

48. It is recommended that Transport Scotland is consulted with regard to the possible impact of the development proposed on any of the trunk road junctions close to the site.
49. Clarification and agreement is required on the intended operation of the road layout; including the limits of adoption, servicing arrangements for the various facilities, and the operation of car and coach parks. All roads serving residential units and public car parks will require to be adopted.
50. The principle of the central link road being part pedestrian priority is accepted; however, the road will need to be designed and constructed to an adoptable standard, suitable to accommodate 2 – way traffic flow.
51. The proposed road layout connecting the North Link Road roundabout to the Tulloch housing site is unacceptable. Vehicle priority should be given to the housing development and a simple T junction at the entrance to the site will not suffice. Adequate turning facilities shall be provided at all cul de sacs, irrespective of adoption status. A suitable adopted access shall be provided to enable vehicular access to the Laurel Grant site from within AHR.
The junction of Grampian Road with the south access to the site shall be improved to the satisfaction of the planning authority in consultation with the roads authority. Clarification is required as to how access to the residential units at Site S will relate to the access arrangement for the mixed development at the former tourist information centre, for which planning permission has been granted.
52. A further vehicular access south of the south link road, serving Site M, is not favoured as it is likely to increase interference with the free flow of vehicular and pedestrian traffic on Grampian Road.
53. Access and parking arrangements for the development shall generally accord with the requirements of Highland Council's Road Guidelines for New Developments. Parking and manoeuvring provision shall be commensurate with the scale and nature of the individual elements of the development and shall include adequate provision for service vehicles and coaches. Appropriate cycle facilities and disabled parking shall be provided. With regard to parking:
 - 1 There is a question about the size of the individual units within the development. Information is awaited from the agent to clarify this.

- 2 In general the stand alone units have sufficient parking for their needs. The problem arises with the communal parking.
 - 3 Millard for AHR have made various reductions for linked trips. Although this is acceptable for trip generation it is not acceptable for parking as a person going to more than one premises will stay longer in the car park than if they only visited one place. Car park demand is dependant on number of cars and duration of stay. It is legitimate to reduce parking standards at a mixed use site where the peak demands for different uses occur at different times of the day. For example residential tends to have its lowest demand during the working day, whereas employment and retail have peaks during the working day. Rather than using parking standards with reductions for combined use, I have been calculating parking demand from trip rates. I cannot finalise these calculations until I get confirmation of the size of the units.
 - 4 Preliminary calculations indicate that the three areas of communal parking are sufficient for the retail/office/residential developments but not for the Aviemore Inn/Highland/ Hotel/ Conference Centre/Staff Accommodation.
 - 5 There is a shortage of disabled parking and no parent & child parking. The addition of these will reduce the total number of parking spaces.
 - 6 There is no indication of how the various buildings are to be serviced. If the car parks are used for servicing then this will affect their capacity.
 - 7 No provision has been made for general public parking, as proposed in previous masterplan proposals.
54. Drainage measures shall accord with SUDS principles and shall satisfy the respective requirements of Highland Council, Scottish Water and SEPA. Appropriate design and check certification and supporting details shall be submitted to demonstrate the suitability of any drainage measures proposed.

55. All properties within the development shall be free from the effects of a 1 in 200 years flood event and there shall be no increase in flood risk to any properties upstream or downstream of the site as a result of the development.
56. Visibility splays to appropriate standards shall be provided and maintained on each side of each road junction. Detailed specification has been supplied. Street lighting shall be provided, as required, to the satisfaction of the Council's Senior Lighting engineer. Road construction Consent shall be required in respect of any roads related works intended for adoption by Highland Council.
57. The development proposed will create significant additional demand for public transport in Aviemore. The Council's view is that a dedicated local bus service will soon be required to serve the larger residential and commercial developments in Aviemore. Given the scale and nature of the development currently proposed, a contribution by the applicant of 30% of the first 3 years running costs of such a service is considered reasonable. In real terms this is likely to translate to a figure of approximately £30,000 per annum for 3 years. The bus service will be a tendered service and, prior to its introduction, the precise level of contribution shall be agreed with the Council's Public Transport Officer. It should be noted that the new service will only be introduced when sufficient supplementary contributions have been received through other appropriate residential/commercial developments in the area.
58. The route of bus services through the development - which may have an impact on road layout - shall be agreed in consultation with the Council's Public Transport Officer. 2 no. bus shelters with real time timetable facilities to be established at agreed locations within the development. The cost of such shelters is in the order of £15,000 per unit. (The provision of real time timetable screens in the larger retail units shall be addressed at the detailed planning stage for each particular unit.)
59. In addition to the foregoing requirements, a Green Travel Plan shall be established in respect of the various elements of the development. The travel plan shall address the requirements of the attached guidance note, "What we would expect from a Travel Plan."
60. The location of bin stores and recycling points throughout the site shall be agreed following the establishment of a suitable waste

management plan in consultation with Highland Council's Waste Management Team.

61. **Highland Council Contaminated Land** requires a study of the site to be carried out to identify and deal with any contamination. This can be dealt with by way of condition.
62. **Transport Scotland (Trunk Roads)** want conditions attached to any permission requiring a roundabout at the A95/A9 junction north of Aviemore after a certain level of development has taken place, and for the submission of a Travel Plan.
63. **Head of Planning and Building Standards, The Highland Council** has submitted a detailed response to the original submission incorporating comments from his Forestry Officer and Conservation Architect. He comments that the quality and content did not reflect what was anticipated. He makes specific observations on various elements of the proposals, including lack of a landscape structure, and in summary is of the view that they do not set out a thoroughly considered master plan that takes cognisance of its surrounding and does nothing to integrate with or contribute to Aviemore Town Centre. A more fundamental review is required; one that stems from a logical and systematic analysis of the site and its context. There have been no formal comments on the revised drawings, but discussions have acknowledged the progress made whilst highlighting the scope for improvement if more time and resources were committed to the design process by the applicant.
64. **CNPA Visitor Services and Recreation Group (VSRG).**
We have been asked to comment on the full planning application for the Aviemore Centre Master Plan presented by the Aviemore Highland Resort Ltd. This report is based on physical knowledge of the site; our previous comments of 30 November 2007 and 18 April 2008; a study of plans submitted and liaison with other CNPA colleagues. I have structured my response under three main headings.

1. PROPOSED CORE PATHS

The area of the AHR plan incorporates the following proposed Core Paths

- Aviemore Orbital (LBS30)
- Laurel Bank Lane (LBS37)

A. Aviemore Orbital (LBS30)

All-abilities path

The southern section of this route (from the open area at Area L) provides a critical link into the Craigellachie National Nature Reserve from the north and centre of the village. Landscape Master Plan, Drawing No. 1130-01 indicates a plan for a sealed surface (referred to as a "blacktop footway") on this route to Loch Pulladern. This is of an appropriate construction, given the immediate environs of pavement, road and building, and it secures a really high standard of access for wheelchair users and the less able bodied. However, the intentions for the path appear to peter out after Loch Pulladern and we recommend that the **whole** path is constructed to meet the BT Countryside for All Accessibility Standards for "urban fringe and managed landscapes" as a minimum

Steps

We would like to see the reinstatement of steps where the Youth Hostel path and this path join at the underpass into Craigellachie, as an alternative for walkers. There is evidence that people are walking directly down the short but steep bank, and steps would help manage the growing erosion issue. The steps should be an *addition, not a replacement*, to an upgraded all-abilities path, referred to in the previous paragraph.

Youth Hostel path

We would also like to see an upgrading of the link from the Youth Hostel to the underpass to all-abilities standard, and a commitment to its maintenance. We would prefer to see this constructed as an aggregate path (rather than sealed surface construction) as it passes through open birch woodland and would be more in keeping with this environment.

Car Parking and Interpretation

Given the opportunities for residents of the village, and visitors to AHR, to access the National Nature Reserve from the Resort grounds, there should be dedicated car parking and associated interpretation. A dedicated car park is required in Area L available for those wishing to access the reserve from this point off the inner ring road. Additionally we would like to see an area of car parking in the main conference centre car park, closest to the path, with associated interpretation. We would also want to see associated directional signs and waymarking from the parking area(s) to the Nature Reserve.

In summary we recommend the following:

1. That the path linking into Craigellachie NNR from the Resort is improved to meet BT Countryside for All Accessibility Standards
2. That steps are reinstated at the junction of the Youth Hostel path and Aviemore Orbital where they enter the Craigellachie NNR
3. That the Youth Hostel to Craigellachie NNR path is improved to aggregate standard
4. That dedicated parking and interpretation for NNR is made available

B. Laurel Bank Lane (LBS37)

Laurel Bank Lane has, in the past, provided access between the Resort and town centre, but is currently obstructed by a 1metre high fence and planted vegetation. The CNPA's expressed policy position is that the path is an important community resource and that the current obstruction should be removed and a gap created. The importance of this path has been expressed in three ways:

1. Paragraph 10. of the Final Terms of Approval for Outline permission agreed by the CNPA Planning Committee on 20 March 2008 requests the removal of the section of the existing fence (see below):

"That unless otherwise agreed in writing with the CNPA acting as Planning Authority, prior to the commencement of any development on any part of the AHR master plan site hereby approved, the existing obstructing fence and planting on the eastern boundary of the master plan site located at the west end of the existing lane to the north of the existing Tesco car park and connecting Grampian Road with the master plan site, shall be removed and the lane between Grampian Road and the Aviemore Highland Resort site shall be connected, without further obstruction, to the road network within the Aviemore Highland Resort site in accordance with details to be agreed beforehand with the CNPA acting as Planning Authority"

Please note that the condition expressly mentions that there should be no "further obstruction".

2. CNPA has considered complaints from the public in relation to access rights and our duties as defined in the Land Reform (Scotland) Act 2003. Advice was sought from the Local Outdoor Access Forum and, following the refusal

by AHR managers of written requests to remove the obstruction, CNPA served a formal notice on Aviemore Highland Resort Ltd on 30th January 2008 to remove the obstruction. The notice has been appealed by the land managers resulting in ongoing proceedings in the Inverness Sherriff's Court. To date there have been two preliminary hearings and a legal debate which was held on 6th August 2008. A decision on several matters of principle is awaited. However, it is important to note that even once this decision is made, it may not be conclusive and further evidence may require to be heard.

3. Following widespread consultation, Laurel Bank Lane was proposed as a one of a number of Core Paths in and around Aviemore. The proposal reflects the desire from members of the community to use this path as part of a network to move in and around Aviemore. During the final formal consultation, no objection to this proposal was received from any party. The Plan was approved by the CNPA Board at its meeting on 31st October 2008 and will, with outstanding objections, be submitted to Ministers by Christmas. In forwarding the Plan we will draw to Ministers' attention to the outstanding legal case as described above.

In relation to the current application there are a number of points to note:

- The proposal to improve the access up the lane through lighting, planting and surface improvements is welcome as is the intention to create an all-abilities access between the Resort ground and the village by dealing with the current change in level at the fence line.
- A gated feature is unlikely to be in the community interest. The Aviemore and Vicinity Community Council in a letter to the CNPA of 17th March 2008 stated
"...we discussed this issue [AHR- Laurel Bank Lane Fence] at our meeting on 13th March 2008, when it was agreed unanimously that we are one hundred percent against a gate, locked or unlocked, at this section of boundary fence. We are adamant that this section of the fence should remain open at all times".
- A gate at this location would be out of keeping in the context of the Resort. Pedestrian traffic is unimpeded at other access points elsewhere. For example, no gate is proposed on the proposed new bridge over the Aviemore Burn; there are no gates at the Craigellachie end or on the roads into the Resort.

- The area in the Resort directly adjacent to Laurel Bank Lane has now been identified as 'public greenspace' from which a network of paths radiates, and this lends weight to the lane being a principle entrance to the Resort with an appropriately open and welcoming feel.
- A gate at this location would present a barrier for users of all-abilities to negotiate. The Scottish Executive Guidance (p43) on core paths says that *"In most circumstances on the core paths, access points and boundary crossings should be simple openings, to provide unimpeded access (with car barrier bollards as necessary)"*. And the policy in the Outdoor Access Strategy for the National Park on provision of paths for people of all abilities (OAS Policy 3) says that there should be *"A presumption in favour of barrier free paths, managed for a wide variety of users, wherever appropriate"*. If a gate were to be judged acceptable, and that is not our preferred solution, it would require to be designed specifically so that it was able to be opened safely and easily from both sides by a wide variety of users, and that it should be at least 1.2 metres wide.
- The CNPA have a statutory remit to work with land managers and users to resolve access issues and we are happy to assist in resolving any access related issues that might arise in connection with the development and implementation of the Master Plan.

In summary, we welcome the measures to improve the lane and how it connects the Resort and Aviemore Village Centre. However our recommendation is that this important path and significant entry point to the Resort remains barrier free and that a gap is created for the following reasons:

- A gate is not in the interest of the Aviemore Community
- A gate is out of keeping with remainder of resort
- A gate is an extra barrier for all-abilities users to negotiate
- Scottish Executive Guidance on Core Paths and the CNPA's own Outdoor Access Strategy recommend simple openings and barrier free paths

2. SUSTAINABLE TRANSPORT

The following measures should be included throughout the Resort:

- Pavements alongside all roads, adopted or otherwise, with drop kerbs at clearly defined crossing points
- Separately identified cycle lanes as part of the road system, if possible with two-way travel even where one-way systems apply to vehicles
- Covered cycle racks provided at all of the places open to the public and private guests e.g. outside the hotels, the existing

Conference area and retail centre, other shopping centres and the Leisure Centre.

- All car parking areas should have associated cycle storage areas
- Associated path signage and promotion of routes to non-motorised users should be consistent with the recently approved CNPA guidance of directional paths signs.

3. PEDESTRIAN BRIDGE AND OTHER PATHS

We support the path link from proposed Core Path LBS41, and the provision of other paths as an alternative to pavements in the northern section of the development. All paths should be constructed to the standards appropriate for urban or urban fringe environments as outlined in the BT Countryside for All guidance, and should be available for cycle as well as pedestrian use. We note and welcome the new pedestrian bridge across the Aviemore Burn linking to the new retail site and facilities on Grampian Road.

65. CNPA Sustainable Tourism Officer

Visitor accommodation

I welcome the provision of further quality visitor accommodation in the area. The extensions to the Highlands Hotel (N) and the Four Seasons Hotel (Q) both seem well-planned and appropriate to the development.

The additional chalets to be developed (R) are particularly welcome, as self-catering accommodation is becoming more popular, especially with family groups. Self-catering guests are also likely to spend longer in the area than other visitors. Looking at apartment block K, I express reservations at the height of the development (7 stories) and its potential dominance over the adjacent Cairngorm Hotel, one of the more traditional and characterful buildings in Aviemore.

Retail and office

Although the development will significantly increase the retail floorspace in Aviemore, I don't foresee this having a significant negative impact on existing retail businesses, most of whom have prominent locations on Grampian Rd. I suspect that the increase in population and visitors to the remainder of the development, and the fact that additional shops will give Aviemore a more critical mass as a shopping destination, will counteract any negative effects. The inclusion of office space in the development is welcomed, as it should attract a variety of SMEs, helping to diversify the local economy. I am concerned that retail and offices will move from Grampian Road into newer and potentially, in the short-term, cheaper sites. This may lead to the

run-down of the retail strips on the Grampian Road. Although new development is likely to claw back retail business from Inverness, I would like to see a retail impact assessment. Mitigation might also be made by improving the Grampian Road retail areas which are currently difficult to get to and badly designed for walkers and cyclists.

Transport

I am concerned that the additional development will further overburden Grampian Rd, already near gridlock at busy times. The plan seems light on transport details only, relying on the outline good practice in the Master Plan. I would like to see a Green Travel Plan completed for the development and more work presented on the flow dynamics of vehicle, cycle and walking journeys within the development. Motorised vehicles should be restricted more in the plan. At present they are given generous parking in central areas. It would encourage active travel if parking was restricted and at the periphery of the development. Only deliveries and disabled persons should be allowed close to flats, offices and retail. This would allow for the pedestrianisation of the development. Clear priority could be given to foot and cycle transport. Cycle storage should be placed in more prominent positions directly outside buildings. Cycle parking should be part of the build design, with secure cycle boxes well lit and covered cycle storage and lockers and showers within offices to encourage cycle use. I do not note any showers in offices at present. There should also be clear walking and cycling routes, with priority over cars, from the development into Aviemore Grampian Road, and a link to National Cycle Route 7, and the Speyside Way for cyclists and walkers. Buses – bus stop standards should be as per the Master Plan. They should include secure cycle storage facilities. Provision should be made for the recharging of electric vehicles at priority parking sites outside retail, commercial and residential units.

Sustainability

The sustainability framework sets out options for the development, but does not commit to any actions. I would hope that the development goes beyond legal standards and looks to best practice within the industry, particularly as regards energy use, water & waste. Currently AHR have silver / bronze accreditation through the Green Tourism Business Schemes. The new tourism developments should aim to achieve a gold award.

66. **CNPA Housing Policy Officer** This development contains several blocks of flats either standalone blocks or with retail units below. This would appear to be a high number of densely populated flats

in what is essentially a rural area. Some of these are obviously luxury flats for the upper end of the market with good views of the Cairngorms. There is included in the submission a paper on Sustainable Energy Design Solutions and a Sustainability Framework which highlights how these buildings will be designed to certain standards which is commendable. There is no mention of affordable housing. If there is affordable housing it would have to comply with Scottish Government guidelines for Housing Association Grant funding. This may differ from the layouts indicated. Aviemore is the 3rd most pressured settlement with 8.5 applicants competing for each let over the last 3 years. It ranks 24th in Highland. In relation to all the other large towns in Highland, Aviemore has the greatest relative pressure. Combined with the overall demand for Aviemore, this demonstrates the continuing need for social rented housing in this community. From the waiting list information there is demand for housing in Aviemore. It is suggested that this project could have a mix of house/flat sizes and different tenures ie housing for both rent and low cost home ownership. This should assist people to access housing in Aviemore however the majority of accommodation seems to be flats. Housing accessing Housing Association Grant can only be accessed if the funding has been identified in the longer term (in line with the estimated phasing of the project) through Cairn Housing Association or Albyn Housing Society. This would have to be agreed with the Local Authority and housing associations. Then this project should proceed in the future however this depends on funding from the Scottish Government.

A revised drawing received in January 2009 shows the allocation of affordable housing in the development (31 out of 127 units or 24.4%) and comments of the Housing Policy Officer are awaited at the time of writing.

67. CNPA Heritage and Land Management Group - Landscape

Commented on the initial submission that the proposals were still very vague even considering the scale for the drawings. Considerably more detail was required in the landscape statement and there were fundamentals still missing such as a thorough analysis of the existing site landscape and its context. Also missing was a long term strategy for the tree structure of the site.

Comments on the most recent drawings received are as follows:

1. There are many areas where significant improvement has been made to the layout of this project. In the following comments I

have tried to draw attention to those areas where such improvement have been made as well as identifying areas that require more explanations or are of less successful nature.

2. The drawing style suggests a range of planting types but it is not yet clear exactly what they are. If my interpretation is correct then they seem to be a good range of styles – broadly speaking less formal more naturalistic planting along the periphery of the site becoming more formal towards the central commercial area. The central feature appears to be a stylised naturalistic planting scheme incorporating natural boulders and planting alongside a sinuous water feature. This is a good strong design element that would establish an appropriate character and theme for the area. I welcome this bold approach. However the details are limited and so far only suggestive. How for example does the water move along the feature – is the lochan the start or end of the flow?
3. The broad pattern of tree planting is acceptable. However the planting mixes need a little further thinking. For example the range of shrubs seems a little low for such a big site. There is a lack of some definition about where the more native ones will be and how they will be organised on site. The trees listed are likewise limited and a broader range especially the ornamental species within the commercial areas would be appropriate. Aspen is a key indigenous species and on the LBAP priority list. They could be planted in the more natural areas. These should be obtained from local origin sources. It might be better, subject to approval from the case officer, to condition the details of species. Discussion with the applicant's landscape adviser suggests that further changes along the lines suggested here would be acceptable.
4. Layout of the main commercial area is much improved with the central POS now playing a pivotal role in the centre of the development. Some kind of gateway feature would be good at the entrance to the POS from Laurel Bank lane to emphasise the arrival point. This might be reflected in the layout for the footpaths.
5. The Public Open Space to the north is significantly improved by alteration of the location of the community building and placing the set down bay for buses on the opposite of the road.
6. The footbridge approach from Tesco has too many trees removed. I understand the desire to open views but the extent

of removal could detrimentally affect the qualities of the area. It could be possible to crown lift the large tree to the north to provide some additional visibility whilst maintaining the best of the tree cover. I would suggest a site meeting to discuss this in detail and I feel that the comment "existing trees to be removed to open visual link" should include "as agreed by the CNPA and HC" at the very least.

7. Block M is still located behind the car park and I still think that there is an opportunity to make a stronger relationship to Grampian road by having it set in front. I note that there is no longer a play area in front of this – will this be provided elsewhere and if so where?
8. Details of how Block Q will be constructed without undue harm to the important trees in front are still needed. More detail has been supplied in respect of the building itself, but a Tree Protection Plan will be required for all retained trees and woodland.
9. 29 new lodges within the pine woodland is too great a number to be accommodated without significant damage to its integrity. Leaving this open in the way suggested on the drawing is not specific enough for the purposes of effecting development management. We now have more detail on this issue in drawing 08418-90-01 rev A. This shows the approximate location of an additional 29 lodges (numbered consecutively with the existing ones 19-47). Many of these have encroached into woodland areas that are of special value to the area; they are all protected by TPO and are on the ancient woodland and ancient semi-natural woodland inventories. Of these proposed lodges numbers 19-28 are in line with my previous comments and are likely to be acceptable, subject to micro-siting to minimise damage to trees. Numbers 42, 43 and 47 are also likely to satisfy the same conditions. The remainder are serviced by a new road through the pine and birch woodlands and do themselves occupy these woods (44-46 in the pine woods and 29-41 in the birch). I feel that there is a high probability that the new road and the lodges would require the removal of a significant number of trees which would impact upon the integrity of the woodlands. This would not conserve or enhance the natural or cultural heritage value of the woodlands and would be contrary to the first aim of the park. There is a suggestion of an extended pond in this drawing. This does not appear on the landscape master plan. This would be an enhancement and therefore something that we would

encourage but I am unsure about its status because of the contradiction between the drawings.

68. Following receipt of cross sections for Block K in early December 2008 it would now appear that the proposed building is now shown further away from the peripheral trees. Indicative finished levels are supplied but there does not appear to have existing levels on the sections so the change is not immediately apparent. However there would appear to be sufficient space to ensure that the TPO trees are adequately protected; providing the final details are acceptable. Such details should be a condition; these must include precise levels, slope retention, construction methodology and temporary tree protection measures.
69. There is a single large tree, close to the Cairngorm Hotel that is likely to suffer from the location of the car park around it and from any significant level changes in the immediate vicinity. Again it may be possible to manage this with a combination of slight redesign of the car parking arrangements, appropriate construction methods and tree protection. This too might be subject to a condition if necessary.
70. The access to the building K is shown coming in from the north side. This is a reversion to the original position whilst the previous drawing shows access from the main site access road. Confirmation of which is to be used is required though following discussion with Mr Johnston on the site visit on 28th November it seems that they will rely on advice from Paul Millar their Landscape Architect regarding this aspect. The aim will be to minimise any potential damage to the trees in the area.
71. In terms of landscape and visual impact the height of this building has been a long standing concern. The cross section shows that it will be approximately 17m high (not including the basement which would add another 2.8). This is lower than the largest of the adjacent trees and so from location to the east the trees will still be apparent. The proposal for trees on the roof of the building should add to the visual effect of trees above the building. When standing adjacent to the hotel on the Grampian road the relative levels and the proximity of the building to the viewer means that the trees on the rear of the site will not be visible.
72. The essential style of the proposed building has not changed significantly, though of course I recognise the great change in size by reducing the number of floors from 11 down to 5 (plus basement). The size and elevated location, relative to the Cairngorm Hotel, will mean that it will be a significant component

of the view when looked at from north and south of the hotel when viewed from Grampian road, this includes the main exit from the railway station. It will also be apparent from elevated positions east of Aviemore, although these will be at some distance.

73. The style of the proposed building will be a strong contrast to that of the Cairngorm Hotel. However from outside of the town when viewed from the east the other buildings on the AHR will also be apparent and these are generally closer in style being relatively modern in form
74. The Landscape Adviser has looked at the additional drawings made available in January 2009 and commented as follows:

Please also refer to my comments of November to December 2008.

The new master plan does not change any landscape issue significantly and so my previous comments still stand. In summary my greatest concerns remain as follows:

1. The location of holiday chalets within the pine and birch woodland on the southern side of the site. These are likely to have a significantly detrimental effect upon these woodlands which are all protected by TPO and are on the ancient woodland and ancient semi-natural woodland inventories.
2. There is still no indication of exactly which trees along the Milton burn are to be removed or any acceptable notation on the plan. Some of these trees are also protected by a TPO.

In addition to these points there are a great many details that still need to be resolved; however they can be covered by conditions. These are issues around planting and hard landscape details as well as tree protection

75. **CNPA Heritage and Land Management Group – Ecology**
This is attached as **Appendix 5**. There are particular concerns regarding the impact on squirrel dreys in the southern end of the site and the need to avoid impact on bats or nesting birds. Enhancement opportunities are identified for the pond at the southern end of the site, and for otters, bats, swifts, house martins and aspen. The need to avoid importing invasive species is highlighted.

REPRESENTATIONS [Appendix 6 - Original, Appendix 10 – Revised]

76. A letter has been received on behalf of Cairngorm Hotel raising concerns with regard to Tower Block behind the hotel, the new roundabout at the southern access, and the size of the extension to the Four Seasons Hotel with limited parking and given current number of bedrooms on site. A further letter was received on 11 December expressing concern at lack of information regarding compliance with previous conditions and Section 75, and lack of detail on development in immediate proximity to Cairngorm Hotel. The reduction in height of Block K is noted, but still concern at scale and height in relation to the hotel. Also important to ensure that Village Centre is clear to visitors and look forward to seeing details of southern access to the site.
77. Martin Stacey of Pineuilh in France objects on the grounds that it will create no more employment in the area, AHR offers little for local people, no need for more housing, and Aviemore is an area of outstanding natural beauty and should not be turned into a money making scheme for house builders, investors and those with money.
78. Mr. R. Tozer of Barclay Road comments that the Four Seasons is already out of scale to other buildings and is an eyesore in the Park, to add to the front will compound this. With regard to Block K, the last thing Aviemore needs is a building that will detract from the natural setting of Aviemore. Commenting on the most recent plans he maintains his views on the Four Seasons extension, and considers Block K is still too high. He also commented on lack of clarity on the plan for the lodges following the site visit on 28 November.
79. Mr. G. Stirling of Glasgow who owns a flat in Grampian Road is concerned with regard to the flats in Block M, contradictory statements in the landscape plan, the loss of trees, increase in number of lodges, impact on squirrels, increase in retail space and taken as a whole the plans should be investigated at a public enquiry or by the Scottish Government.
80. Mr. R. Sefton of Craig na Gower Avenue considers it imperative that access from the A9 is included in the project. This point is restated in response to consultation on revised drawings.
81. A letter was been received in mid December via Highland Council from the Grampian Court Residents Association. Whilst generally supporting the development of the centre they have some

concerns. Block M may be too high in relation to Grampian Court, the access is too close to the Grampian Court junction, the occupants may cause a nuisance, they may use their parking spaces when new ones full, they may use Grampian Court as a short cut to the chip shop etc., and finally they are concerned at the loss of the existing park open space. There should be a reduction in the parking footprint across the development by introducing multi storey. They have concerns at the number of lodges in the woodland area, the location of each should be known, studies should be done on squirrels, and a plan is required identifying trees to be retained/removed.

82. On 8 December CB Richard Ellis for Laurel Grant LLP wrote supporting the principle of development, but making a holding objection as the application has implications for their clients interests that require time to consider. This holding objection was restated on 24 December 2008. On 7 January 2009 they wrote again to the effect that the AHR proposals have been prepared without consultation with other landowners. The approach is inconsistent with the 1997 master plan that requires integration of development. They are concerned that the AHR masterplan as it stands will shift the commercial focus of the town centre from Grampian Road to AHR. Their clients are willing to make land available to provide an adopted route linking their land to AHR and improve through connections with Grampian Road.
83. On 11 December DLA Piper solicitors for Laurel Grant LLP and Alistair Grant wrote objecting to the application on behalf of both parties. They pointed out that Mr. Grant had not been notified as a neighbour as required by regulations. They consider a proper masterplan should have taken account of their clients land fronting Grampian Road. Laurel Grant should be an integral part of the masterplan. Their clients object because they have not been consulted and reference is made to the terms of and compliance with previous decisions intended to facilitate access from AHR to their clients land. Without a mechanism to secure access through their client's site, the proper planned regeneration of Aviemore cannot take place.

APPRAISAL

Context

84. This is an application for full planning permission for a complex range of development spanning the entire extent of Aviemore Highland Resort (AHR) site. The CNPA accepted the principle in December 2007, but this application is for the detail of the

buildings, streets and public realm that the applicant wishes to develop on the site. In other words, whatever is approved can be built. It is within this context, and bearing in mind the aspirations expressed last December regarding development of this scale and nature within a National Park, that CNPA staff have been engaged in dialogue with the applicant's team since the application was called in. This process continues at the time of writing.

85. The applicant has been anxious for a decision since submission of the proposals. As has been highlighted elsewhere in this report, the application as called in was not accompanied by the full range of information. This was received during July and August and only then could consultees respond and CNPA staff make a full assessment. Architecture + Design Scotland (A+DS) had commented on the previous application and expressed a particular interest in continued involvement with the site. The applicant did not have sufficient information available for the A+DS Design Review until late August and the A+DS report was not available until September. This report, along with other consultation responses and CNPA staff assessment highlighted deficiencies in the proposals that required to be addressed. Several discussions then took place and there were significant changes to the scheme which were contained in revised drawings received towards the end of November 2008.
86. The A+DS Design Review on 2 December 2008 acknowledged improvements, but restated their view that the quality of the proposals was still of insufficient standard for a National Park
87. Most recently there has been a delay in consideration to allow the applicant to notify a neighbour who had not been sent the requisite statutory notice. This delay means that we have been able to include the results of consultation on revised plans within this updated report.

Aviemore Masterplan

88. The "fit" with the existing Aviemore Masterplan 1997 has been an ongoing issue as these proposals have evolved. It envisaged a strong grid of streets linking Grampian Road with the Resort and active frontage to the rear of Grampian Road properties along the eastern boundary of the Resort facing onto a substantial community space ("New Village Green") with a new community building at its northern end by the burn.

89. This Masterplan is in the course of being revisited and Land Use Consultants have been working with CNPA and others to produce an Aviemore Design Framework. This work is yet to be concluded and progress has been affected by the speed at which applications have been coming along for major development sites in central Aviemore. It is hoped that it can be completed in 2009 with full community consultation. While some of the thinking has been fed into the consideration of this application, the existing Masterplan is the one with a statutory basis.
90. The current site layout allows for the creation of a frontage to the rear of Grampian Road properties. It only has the two road links to the north and south, but the link via Laurel Bank Lane has now been reinforced. The community space and building is occupied by the Academy Hotel and Blocks A-C, E-H, and J2-3. The Masterplan envisaged retail within the resort, but more in the form of a street frontage either side of the green.
91. It is considered that the most recent proposals with clear links to and through the site and a network of public spaces is an improvement and closer to the intent of the Masterplan than the initial submission. There is, however, no clearly defined significant community provision. The public space is dispersed and there is limited allocation to the north for a kickabout pitch and site for a community building. This is still an area of concern for the Community Council and does not accord with the condition that is to be attached to the outline permission. Indeed, the Community Council in recent comments has reinforced its dissatisfaction.
92. In order to seek a resolution to this issue CNPA has secured the services of a planning gain co-ordinator to have negotiations involving AHR and the Community Council. At the time of writing it is understood that progress has been made, there is a potential package on the table, but it has yet to be formally concluded. As far as determining this application is concerned, Members only have to know that there has been a resolution: the precise terms, particularly financial ones cannot have a bearing on your decision.

Badenoch and Strathspey Local Plan and Highland Structure Plan

93. The proposals comply with the Development Plan in general terms and the discussions that have taken place have been to secure compliance with the specifics in terms of road links, design quality, provision for public open space and community benefit. It is

considered that the progress that has been made is sufficient to indicate that full compliance is possible.

National Park Plan

94. This is a high level and wide ranging document, but it is material to planning decisions and developments within the Park have to demonstrate how they will contribute to its realisation. This is particularly the case with developments of this scale, complexity and high profile. A successful and sustainable resort demonstrating what is possible in a National Park context will help to deliver the Plan. The proposals as submitted raised concerns on several levels in terms of quality of design, layout, landscape context and overall sustainability. It is considered that the progress that has been made is sufficient to indicate that full compliance is possible.

Transport Assessment

95. At a strategic level Transport Scotland have no objection subject to the same conditions they requested on the previous application regarding junction improvements to the A9/A95 and submission of a Travel Plan.
96. Highland Council Highways have now submitted road and surface water/flooding comments on the most recent scheme, taking account of additional technical information that has been made available by the applicant. The requirement for the Section 75 to make provision for the north – south link road remains and recent discussions between AHR, CNPA and Highland Council have indicated that this is possible. Other highway related issues can be dealt with by condition as suggested by the Area Roads Manager. The requests for contributions for Dalfaber junction improvement and public transport have been passed on to the applicant. The amount of car parking is still a concern from a highways perspective, but it is considered the provision is adequate when balanced against other factors, particularly those relating to landscape context and high quality public realm. Enhanced public transport will help to offset any perceived deficiency.

Retail Assessment

97. An updated Retail Impact Assessment has been submitted in support of the proposals and takes account of the variety of retail provision within the development. Max Cowan on behalf of CNPA has considered this and concluded that the current proposals for

the Resort do not appear to raise significant issues of retail capacity and impact. Furthermore the increased retail offer may have the effect of boosting visitor numbers and expenditure. Both of these considerations support the granting of planning permission in his opinion.

Design and Layout

Original Proposals

98. The proposals as originally submitted did not reflect a proper appreciation of the landscape context or the need for integration and linkage with Grampian Road and other parts of Aviemore. The layout lacked cohesion and the designs of several of the buildings were not of sufficient standard for a National Park. Two different architects have been involved, which is not itself a bad thing, but it was clear that there was a lack of consistency in the approaches to building design to give a common theme.
99. Whilst appreciating that provision has to be made, the amount and location of car parking were a considerable concern as it would have dominated the entire site. The arrival into the site via Laurel Bank Lane from Grampian Road would have been on to a road and large car park. This is a principle point of entry and a sense of arrival and welcome was fundamental.
100. The proposal for up to 29 lodges in the woodland to the south has been and still is a concern. The applicant suggests that the phrase "up to" and agreement on positions on site allows scope only to allow those which can be accommodated within the woodland to the satisfaction of CNPA. This view is not shared and, as the CNPA Landscape Adviser has highlighted, it is considered that only a much smaller number can be accommodated.
101. The position of Block K to the rear of Cairngorm Hotel has been a particular concern in terms of its design, height in relation to the surroundings, and ability to fit on to the site without adversely affecting the trees.
102. Laurel Bank Lane is shown as an enhanced route from Grampian Road in to the Resort. Various works are proposed to make it a more attractive approach, accessible by people of all abilities. There have been ongoing issues surrounding this route into the site which is a proposed Core Path, and the extent to which they can be addressed via the planning process, Advice has been taken and it is clear that the proposals as described at the beginning of this paragraph are encouraged in terms of Paragraph 35 of SPP 17

(Planning for Transport) which states that integrated land use and transport planning, walking and cycling should be prioritised. However, the drawing for this element shows a gate which has capacity to be closed and locked at night or conceivably at other times. In planning terms (SPP17 and PAN75) the provision of the route as an alternative pedestrian access into the proposed development is important. The proposed development should be integrated with Aviemore and open access over Laurel Bank Lane should be secured in order to achieve this. It is not considered that the arrangements as proposed fully meet this objective and it should be a condition of any approval that further draw amended drawings are submitted.

Revised Proposals

103. In terms of layout there have been significant improvements. There has been greater analysis and presentation of landscape context and rationale behind the approach taken. The sequence of spaces and movement through the development is more logical. The pedestrian priority street framed by Blocks D-F and J1-3 creates a better environment as does the tighter relationship between Blocks A-C and G-H. The coach drop off is in a more practical location.
104. Parking is now located in the centre of the site allowing scope for green spaces and landscaping throughout the northern part of the development. The approaches from Laurel Bank Lane and over the new footbridge are enhanced and give a greater sense of arrival. The deletion of the roundabout at the southern access leaves Strathspey Lawns undisturbed.
105. In terms of building design, there has been significant progress and it is considered that the remodelling of the Academy Hotel and the architecture for most of the new buildings is of high quality and will create an interesting environment and sense of place. The revisions to the Four Seasons extension and Blocks B-D are welcome..
106. It is, however, felt that a number of buildings require further work before they are of the same standard. Blocks J1-J3 (pub, convenience store, and offices) do not reflect the common theme that is emerging and still appear to be somewhat dated and utilitarian in design terms. Block M requires parking to be relocated to the rear and elevations to be remodelled to fit with its location. Block S requires further work to create interest and reflect the woodland location. Block K is still a real concern;

although the height has been reduced and cross sections provided there is still some concern about the impact on trees and we are not yet convinced that the design is appropriate for this location. The number of lodges has to be substantially reduced and the comments of the CNPA Landscape Adviser have not been taken on board.

107. At the time of writing the applicant has made some modest revisions to the layout and changes to Blocks D1 & D2, but not to any of the elements identified above.

Representations

108. There are 2 objections which make reference to Block K behind Cairngorm Hotel. The points made concur in part with the rationale behind the request for revised drawings for this element. These are still awaited.
109. Grampian Court residents have particular concerns regarding Block M adjoining the Four Seasons. Again some of these points can be addressed through revised drawings that have yet to be submitted.
110. The submissions relating to Laurel Grant LLP and Alistair Grant raise two issues, one procedural and one on the content of the proposals. Mr. Grant did not receive proper notice as a neighbour and this led to delay in the application coming forward for consideration by Committee. The notice was served by the applicant who acknowledged the mistake. In response to the notice there is an objection focussed on the intention of the 1997 Aviemore Masterplan and the expressed desire for integration between the resort and Grampian Road.
111. Whilst it would be preferable for adjoining landowners to collaborate on bringing forward proposals, they cannot be forced to do so. It consequently falls to the CNPA as planning authority to ensure that decisions take account of the policy framework and contribute to the proper planning of the wider area. The proposals as they have evolved have taken on board and addressed issues relating to integration with Grampian Road, particularly with the development of Laurel Bank Lane as a principal route into an enhanced area of public realm with retailing and other facilities. The issue of access from AHR into sites on Grampian Road was taken on board at the outline stage and provision is being made in the Section 75 Agreement for a mechanism to achieve this. It is intended that this will be reflected in any S75 associated with this application.

Architecture + Design Scotland

112. A+DS have considered this application on 2 separate occasions. There has been acknowledged improvement in the scheme. It is, however, clear that from their perspective they would like further significant changes to the proposals and they have specific concerns that the standard is not high enough for a location in a National Park. CNPA also wants a development that is of a standard fitting for the National Park.
113. A+DS has a specific role, as set out in SPP20, to champion excellence in architecture and the built environment. Given this context one can understand the comments on the application and taken in isolation it would be ideal to have unlimited professional, skilled resources and time to work up an optimum proposal for this site.
114. In determining the application Members have to take account of the A+DS comments along with a range of policy and other material planning considerations. Scottish Planning Policy October 2008 refers to the Scottish Government's belief that a properly functioning planning system is essential to achieving its central purpose of increasing sustainable economic growth. There is also reference to careful attention to layout, design and construction. The critical role of planning in balancing competing interests is highlighted as is the need for clear focus on quality of outcomes.
115. In other words, we have to achieve quality, but striking a balance within a wider context. The current application is much improved in terms of landscape context, site layout, relationship and connectivity with Grampian Road, and the design of many of the individual elements. There is an outstanding request with the applicant for improvements to the design of other buildings. Conditions, and their subsequent enforcement, can further enhance the quality of the finished product.

Conclusions

116. The aspirations for development of the Resort site and central Aviemore were set out in my report in December 2007:

"Paraphrasing the Gillespie report (especially pages 23-25), the vision of the new Aviemore village or town centre emerges, and remains key:

"... the creation of a new village centre in Aviemore ... a convincing village core with its own character and sense of place ... a new coherent arrangement of streets, buildings, public and private spaces ... respect to neighbouring development ... a layout which is disciplined and ordered ... a formal network of shared and managed streets ... an urban form which is visually and environmentally sustainable ... establishment of design principles which ensure consistent and coherent building forms in scale with their surroundings and a high quality public realm ... mixed-use, active, frontage development on all main streets ... a management and maintenance regime which enables the village centre to come to maturity and be sustained at a high level of quality ..."

117. The precise rationale for achieving this vision may have evolved with the passage of time, but it is clear that there is still a widely held desire to make real progress on many of the components within it. The initial proposals were clearly deficient, but it is accepted that progress has been made and there is potential with further work on certain elements, and in the detailed implementation, to create a quality "urban" environment that reflects its location in a National Park. This may not reach the standard aspired to in the A+DS comments, but it is a considerable improvement on the original submission, accords broadly with the development plan, takes account of the wider context and can contribute to delivery of the National Park Plan.
118. Outstanding issues with Highland Council Highways and SEPA would appear to have been resolved from a technical perspective subject to completion of the Section 75 Agreement and conditions covering the precise detail of drainage and roads provision. At the time of writing there is still some discussion between the applicant and Area Roads Manager on the rationale for some of the latter's requests. An update will be given at the meeting on 6 February.
119. The key to the grant of a planning permission and successful implementation of the proposals within this application still lies with the applicant. Revised drawings were required for Blocks J1-J3, Block K, Block M, Block S and the Woodland Lodges when the initial report was prepared in December. These have still to be received. Assuming they are forthcoming, the detail of implementation with regard to materials, substantial landscaping etc. can be dealt via conditions that CNPA will rigorously enforce.

120. Whilst acknowledging some of the improvements, the Community Council still have issues with certain details, but principally they have concern with the provision for the community within the proposals. The applicant is aware of the most recent submissions from the Community Council and a formal response is awaited. Provision for the community was an important element in previous deliberations, the existing 1997 Aviemore Masterplan contains a significant allocation and it is an issue that has to be resolved. The steps being taken to resolve this issues have been set out in the report and an update will be given at the meeting.
121. The applicant had previously verbally stated that there will be provision of affordable housing, but the precise level and location was not defined. A drawing received in January 2009 shows provision of 24.4% (31 of 127 units) within Blocks C, D1 & D2 and S1. This is substantially less than previously highlighted by CNPA in consideration of the outline application and the applicant has been asked to increase provision. An update will be given at the meeting.
122. There has been considerable progress since the initial submission, and there is potential for further improvement via additional drawings and the appliance of a comprehensive set of conditions governing the detailed implementation. Issues raised by consultees, and in representations, have been to a large extent dealt with throughout this report.
123. It would be ideal to have the opportunity to continue an unconstrained dialogue with the applicant, A+DS and others to attain the optimum design solution for the resort. This is not possible as the applicant wants an early determination and Scottish Government advice is for planning authorities to give speedy decisions.
124. CNPA therefore has to determine the application as it stands at present. Discussion with the applicant's agent has indicated that there is scope, following a resolution of approval from this Committee, for some limited reworking of the individual elements identified in this report, but not to substantially revisit the wider concept. Given the range of considerations that have a bearing on the decision, it is considered, on balance, that a recommendation to grant planning permission can be made at this stage subject to a number caveats.

Conserve and Enhance the Natural and Cultural Heritage of the Area

125. The site contains a substantial number of trees covered by a TPO so development will require to be carefully implemented to minimise impact. Given the current condition of much of the site, the landscape setting and wider backcloth have offered potential for a development that could enhance central Aviemore. It is imperative to have a sophisticated and substantial landscaping scheme and high quality of finishes for the buildings to realise this potential. The impacts on the NNR and the Milton Burn SAC have been carefully considered and taken into account. Other impacts on species and habitat have also been assessed. Overall, with appropriate conditions and a high standard of implementation, it is considered that the proposals can accord with this aim.

Promote Sustainable Use of Natural Resources

126. Any development will obviously use resources, some of which will not be from sustainable sources. The application was accompanied by a Sustainability Report by Rybka which identified a range of sustainability features that could be included in the development, but did not actually specify with regard to the particular buildings. It is clear that there is potential in the designs for use of timber, significant energy efficiency, and because of the scale, the use of economies of scale for use of renewables, grey water recycling etc. This can be dealt with by condition(s) and it is therefore considered that the proposals can help deliver his aim.

Promote Understanding and Enjoyment

127. The proposals now show integration of the resort with central Aviemore and surrounding areas by developing the existing footpath network and maintaining access to the NNR etc. The existing blocked pedestrian access from Grampian Road by Laurel Bank will also be opened up. There is scope to provide interpretation within the site. The realisation and enhancement of access, understanding and enjoyment can be achieved via conditions on the permission.

Promote Sustainable Economic and Social Development

128. The mix of development can make a positive contribution to this aim in terms of providing a range of employment and retail opportunities and additional housing. If the level of affordable housing provision is increased over and above the 24.4% currently on offer there will be enhanced benefit. In terms of social development there has to be resolution of the community provision within the development.

RECOMMENDATION

That Members of the Committee support a recommendation to: **GRANT Full Planning Permission for the proposed mixed use development comprising residential, retail, office, community, leisure, park, environmental improvements, roads infrastructure, resort hotels extensions, additional lodges, and demolition of existing admin building at Aviemore Highland Resort subject to:**

- a. Resolution of the issues relating to community provision in consultation with Aviemore Community Council and Applicant;
- b. Receipt of satisfactory revised drawings for Blocks J1-J3, Block K, Block M, Block S;
- c. Significant reduction in the number of the Woodland Lodges to the satisfaction of CNPA in consultation with the CNPA Landscape Adviser;
- d. Significant enhancement in the level of affordable housing provision to the satisfaction to the satisfaction of CNPA in consultation with the CNPA Housing Policy Officer;
- e. A Section 75 Agreement between CNPA, The Highland Council and Aviemore Highland Resort in relation to the provision of the north-south link road within the site, and the provision of rights of access to neighbouring land fronting Grampian Road, community provision as per a) above, affordable housing as per d) above, such agreement to have regard to the terms of this permission and other relevant requirements of the existing minute of agreement between AHR and Highland Council; and
- e. To the following conditions and informatives:

1. The development to which this permission relates must be begun within five years from the date of this permission.
2. Detailed working drawings for each element of the proposals hereby approved shall be submitted to and agreed in writing by the CNPA acting as Planning Authority before development commences. The drawings shall include the precise position and finished levels of each building on the site, full detailed elevations, and a comprehensive specification for all materials to be used on the external finishes. Samples of materials shall be provided if requested by the CNPA acting as Planning Authority.
3. Notwithstanding the information given on the submitted drawings a detailed phasing plan for the implementation of all elements of the proposals shall be submitted to and agreed in writing by the CNPA acting as Planning Authority before development commences.
4. Unless otherwise agreed in writing with the CNPA acting as Planning Authority, following consultation with The Highland Council, all existing trees on the site, shall be retained.
5. Prior to the commencement of any development on site detailed "Landscape Plans" and "Landscape and Tree Management Plans" based on a detailed landscape appraisal and assessment shall be submitted to and agreed in writing with the CNPA acting as Planning Authority. The Landscape Plans shall include details of all existing trees and landscaped areas to be retained and their protection in accordance with BS 5837:2005. The Landscape Plans shall include all details for the siting, numbers, phasing programme for implementation, species and heights (at time of planting) of all new planting and the detailed specification for ground preparation and planting operations. The Landscape Plans shall also include fully detailed specifications for all hard landscaping, cycle/pedestrian paths, water features, and measures to facilitate and encourage public access and enjoyment. The Landscape and Tree Management Plan will include detailed measures for the future maintenance of all soft and hard landscaping after it has been planted and/or established and the long term maintenance strategy for the existing tree and woodland structure.
6. Within 3 months of the date of this permission, and separate from the requirements of Condition No. 5, a plan detailing provision for substantial structure tree planting in advance of development ("the Advance Planting Plan") shall be submitted to and agreed

in writing with the CNPA acting as Planning Authority. The Advance Planting Plan shall include full details of the siting, numbers, species and heights (at time of planting) of the planting and it will be implemented in full in the first planting season following its approval by the CNPA acting as Planning Authority. The future maintenance of this planting shall be included within the Landscape and Tree Management Plan in Condition 5 above.

7. A full Arboricultural Impact Assessment and Method Statement (to BS 5837:2005) shall be submitted in support of individual development proposals and agreed by the CNPA acting as Planning Authority before any development takes place. This Statement shall demonstrate the means of making provision for the retention of an Arboricultural Consultant to undertake site monitoring.
8. Prior to the commencement of development an otter shelf shall be constructed on one side of the Aviemore Burn within the culvert under the northern access road to the Resort site. The otter shelf shall be constructed between 31 May and 15 October to a precise specification, including measures to avoid pollution of the burn, to be agreed beforehand with the CNPA acting as Planning Authority in consultation with Scottish Natural Heritage.
9. No demolition of buildings or other structures, or felling of trees, shall take place until a survey has been carried out for the presence of bats and the findings, along with any necessary measures to minimise the impact of the development, submitted to and agreed in writing by the CNPA acting as Planning Authority in consultation with Scottish Natural Heritage. Where considered necessary by Scottish Natural Heritage a licence will have to be obtained under the Conservation (Natural Habitats etc.) Regulations 1994 (as amended) before any acts can take place.
10. Craigellachie National Nature Reserve is home to breeding peregrine falcons. Work on the construction of woodland lodges shall only take place outside the breeding season of 1 March – 1 July so as to avoid undue disturbance to the breeding birds.
11. The pond in the south west of the site, formerly part of Loch Puladdern, shall be restored and brought under positive conservation management as a wildlife pond in order that its ecological value is enhanced. This shall be done in accordance with a detailed specification, including timescale for implementation and provision for ongoing management, to be

submitted to and agreed in writing by the CNPA acting as Planning Authority before any development commences within the application site.

12. Provision shall be made within new buildings for opportunities for bat roosts, swift nests and house martin nests in accordance with a specification to be submitted to and agreed in writing with the CNPA acting as Planning Authority before any development commences.
13. The developer shall ensure that measures are in place to identify and responsibly dispose of invasive non-native plant species that either exist on the site or are brought on to it in imported material.
14. The path linking into Craigellachie NNR from the Resort shall be improved to meet the "BT Countryside for All Accessibility Standards" in accordance with a specification, including timescale for implementation, to be submitted to and agreed in writing by the CNPA acting as Planning Authority before any development commences.
15. The steps shall be reinstated at the junction of the Youth Hostel path and Aviemore Orbital where they enter Craigellachie NNR in accordance with a specification, including timescale for implementation, to be submitted to and agreed in writing by the CNPA acting as Planning Authority before any development commences.
16. The Youth Hostel to Craigellachie NNR path shall be improved to aggregate standard in accordance with a specification, including timescale for implementation, to be submitted to and agreed in writing by the CNPA acting as Planning Authority before any development commences.
17. Dedicated car parking and interpretation for the Craigellachie NNR shall be made available in accordance with a specification, including locations and timescale for implementation, to be submitted to and agreed in writing by the CNPA acting as Planning Authority before any development commences.
18. No approval is hereby granted for the detailed proposals shown on the submitted drawings for the access to the site from Grampian Road via Laurel Bank Lane. Before any development commences within the site, further drawings for the upgrading and enhancement of this access, a proposed Core Path, shall be the subject of a full specification to be submitted to and

agreed in writing by the CNPA acting as Planning Authority. The specification shall include details of surface and boundary treatments, landscaping, signage and measures to give all ability access from Grampian Road to the Resort and vice versa. The access shall be provided in accordance with the approved specification before any development commences within the site and shall be retained for use at all times thereafter unless otherwise agreed in writing by CNPA acting as Planning Authority.

19. Full details of provision for cycle lanes, cycle storage and signage/promotion of routes for non-motorised users shall be submitted to and agreed in writing by the CNPA acting as Planning Authority before any works take place.
20. The precise positions for the woodland lodges shall be agreed on site with the CNPA before any works take place and installation shall take place in accordance with a method statement to be submitted to and agreed with the CNPA acting as Planning Authority before development commences. For the avoidance of doubt the method statement shall make provision for supervision of installation by CNPA staff or appointed persons if so required by CNPA acting as Planning Authority.
21. Prior to the commencement of any development on the site a red squirrel survey and management plan shall be submitted to and approved by the CNPA acting as Planning Authority for the south of the site in the woodland area identified for Woodland Lodges and Block S. This shall include measures to enhance the red squirrel habitat within and around the proposed site and will inform the method statement in Condition 20. above. The precise extent of the area covered by the survey and management plan shall be agreed beforehand with CNPA acting as Planning Authority.
22. No additional development in excess of the levels indicated in Phase 1, 2 and 3, as defined within the Millard Construction Transport Assessment Addendum dated July 2008 and attached to this permission, shall be occupied until the upgrade of the existing A95(T)/(A9 (T) Link Road North) priority junction to a roundabout junction, generally in accordance with Millard Construction drawing No: 8240/03/01 has been implemented to the satisfaction of the CNPA acting as Planning Authority, in consultation with the Transport Scotland, Trunk Roads – Network Management Directorate.

23. Prior to the commencement of any development on site, a comprehensive Travel Plan that sets out proposals for reducing the dependency on the private car shall be submitted to and approved in writing by the CNPA acting as Planning Authority, in consultation with Transport Scotland – Trunk Road Network Management Directorate. The Travel Plan shall include:
 - a. The duration of the travel plan;
 - b. Details for the management of the travel plan identifying the persons responsible for implementation;
 - c. Details of the proposed measures for monitoring, review and reporting;
 - d. Details of mode share targets;
 - e. Details of proposed pedestrian and cycle infrastructure within the site and connections to the existing networks;
 - f. Details of cycle parking provision and location within the site;
 - g. Details of proposed measures to improve public transport facilities;
 - h. Details of initiatives such as car share schemes and flexible working;
 - i. Details of employee locker and shower facilities;
 - j. Details of travel information to be provided within the site; and
 - k. Details of car parking provision and management.
24. That unless otherwise agreed in writing with the CNPA acting as Planning Authority following consultation with Highland Council's Area Roads Manager, the road network within the masterplan site hereby approved shall be designed for maximum traffic speeds of 20 mph.
25. Notwithstanding the provisions of the Town and Country Planning (Scotland) Order 1992 (as amended), no walls or fences shall be erected on any masterplan site boundary or within the masterplan site, unless otherwise agreed in writing with the CNPA acting as Planning Authority.
26. Before development commences a detailed drainage scheme, supported by site investigations, shall be submitted to and approved by the CNPA acting as Planning Authority in consultation with SEPA. The drainage scheme shall meet with the technical guidance within The SUDS Manual (CIRIA Publication C697) and development shall take place in accordance with the approved scheme.
27. Before development commences a detailed Sustainability Plan shall be submitted to and approved by the CNPA acting as

Planning Authority. The development shall thereafter proceed in accordance with the approved plan unless otherwise agreed in writing by the CNPA acting as Planning Authority. The plan shall include detailed sustainability measures including energy conservation/thermal efficiency, use of renewable energy, minimisation of water consumption, rainwater harvesting, use of locally produced and sourced materials in construction, and use of local labour. The plan shall detail shared measures for the site as whole and a specification of measures for each building. The plan shall demonstrate how existing development in the resort can be integrated within the measures.

28. That prior to the commencement of any development on any part of the site hereby approved, a photographic record shall be made of the remains of old buildings and/or other features affected by the proposed development, in accordance with the attached specification (brief for archaeological evaluation). Thereafter it shall be submitted for the further written approval of the CNPA acting as Planning Authority following consultation with Highland Council Archaeology Unit. No site clearance work shall take place until confirmation in writing has been received from the CNPA acting as Planning Authority that the record has been lodged and is satisfactory.
29. Before development commences a contaminated land study, including measures to deal with any contamination identified, shall be submitted to and approved by the CNPA acting as Planning Authority in consultation with The Highland Council Contaminated Land Officer.
30. Before development commences a detailed lighting strategy for the site shall be submitted to and approved by CNPA acting as Planning Authority and all lighting provision shall thereafter be implemented in accordance with the approved strategy.
31. Various conditions requested by The Highland Council Area Roads Manager, details to be made available by the meeting on 6 February.

INFORMATIVE

1. The applicant and any developer is advised that it will be necessary to comply with the provisions of the Wildlife and Countryside Act 1981 (as amended) with respect to breeding birds that may be using buildings, trees and shrubs on the site.

2. The applicant/developer is advised to liaise with Scottish Natural Heritage when preparing detailed proposals in order to take account of the need to protect breeding peregrine falcons on the Craigellachie National Nature Reserve.
3. The Trunks Roads Authority would recommend that:
 - i) Trunk Road modifications shall in all aspects comply with the Design Manual for Roads and Bridges (DMRB) and the Specification for Highway Works published by HMSO, and should account for Cycle and Road Safety Audits at stages 1 to 4 as outlined in Volume 5 of DMRB. The developer shall issue a certificate to that effect, signed by his design organisation.
 - ii) Any trunk road works will necessitate a Minute of Agreement with the Trunk Roads Authority prior to commencement of any works.
4. Before preparing detailed development proposals the applicant/developer is advised to contact Scottish Water which, whilst not objecting to the application, has highlighted that there may be network issues to be addressed and cannot guarantee a water supply or connection to the public sewerage system. Due to the size of the development it is necessary for Scottish Water to assess the impact this new demand will have on its infrastructure and the developer will have to submit a fully completed Development Impact Assessment form. There may be a requirement for the developer to fund works to allow for connection.

DETERMINATION BACKGROUND

This application was lodged with The Highland Council on 20 June 2008. The CNPA called in the application on 28 June 2008. The applicants did not provide all of the necessary information until end of August 2008. Following assessment and consultation responses the applicants made revisions to the proposals. These were submitted on 26 November 2008. Other drawings have subsequently been made available. This site plays an important role in the economy of Aviemore and the National Park and CNPA has therefore sought to bring the application to Planning Committee at the earliest opportunity. Determination in December 2008 was postponed following the discovery that the applicant had neglected to serve statutory notice on the neighbouring owner of a parcel of land adjoining the site. This has since been remedied allowing consideration of the application in February 2009.

Don McKee
28 January 2009

planning@cairngorms.co.uk

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.

Selection of Photographs

Others Will Be Available for the Meeting



Looking to Block K Rear of Cairngorm Hotel from Southern Access Road



Looking over towards Block M across Strathspey Lawn from Southern
Access Road



Block L – Future Leisure Development



Looking to Academy Hotel on right Blocks J3, C & B on left.



Looking over Block A etc. towards Scandinavian Village



By Entrance to Tulloch Housing Site looking across to Academy Hotel and Blocks A – C, G-H on left and Blocks J2, F, E, J3, J1, D1-2 on right



Entrance to Tulloch's site looking across to Development Around Town Square, footbridge on left