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## CAIRNGORMS NATIONAL PARK AUTHORITY

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**Title: REPORT ON CALLED-IN PLANNING APPLICATION**

**Prepared by: ANDREW TAIT, PLANNING OFFICER (DEVELOPMENT MANAGEMENT)**

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**DEVELOPMENT PROPOSED: DEMOLITION OF EXISTING HOUSE AND ERECTION OF 6 FLATS (RESERVED MATTERS), KILA, GRAMPIAN ROAD, AVIEMORE**

**REFERENCE: 07/397/CP**

**APPLICANT: LAUREL GRANT LIMITED LIABILITY PARTNERSHIP**

**DATE CALLED-IN: 19 OCTOBER 2007**

**RECOMMENDATION: APPROVAL OF PRINCIPLE OF SCHEME SUBJECT TO FURTHER DETAIL**



**Fig. 1 - Location Plan**

## SITE DESCRIPTION AND PROPOSAL

1. The site for this application is a house known as 'Kila' to the rear of the village green on Grampian Road between the Cairngorm Hotel and a row of shops that join Tesco's supermarket to the north. The site is located close (opposite) to the railway station. The site to be developed is partly screened from the village green by a line of trees.



Fig 2 showing site access



Fig 3 showing Kila (to be removed)

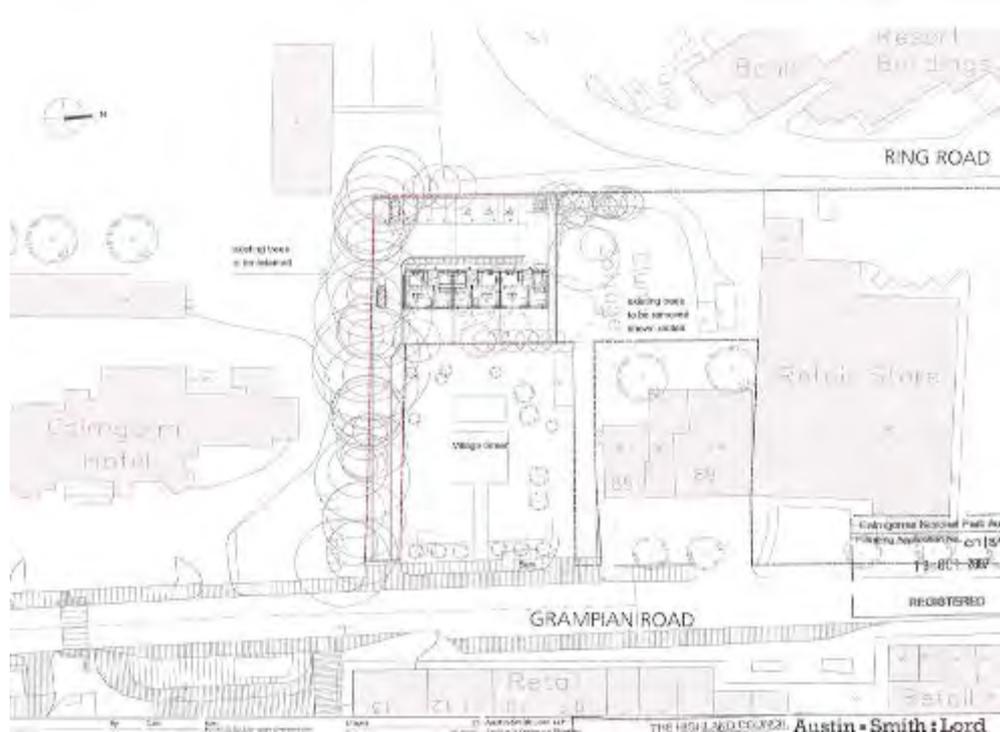


Fig 4 Site Layout



nature of the scheme and how the units would be retained as such. Full plans were supplied at the time but these were purely indicative. The current proposal is a detailed application based upon the outline approval.

3. The proposal is for 6- one bedroom flats on a two-storey basis facing towards the village green. On site, one large tree and approximately 6 smaller trees would have to be removed but most would be retained as shown by the site plan. Material for the flats would be render with cedar boarding. The roof was originally proposed in zinc but now utilises copper. The window frames would be powder coated aluminium. The building would be accessed from Grampian Road utilising the existing track and 8 parking spaces would be to the rear of the units. The first floor units are accessed by means of bridges linking to the AHR site behind. The scheme could not be implemented without the permission of AHR to connect with their land. The idea behind this approach is that the occupants of the first floor flats could access the facilities of the village via the resort road network without having to descend stairs to the ground floor.
4. The proposers of this scheme are the same applicants as for the large retail development to the north of the site which includes the existing Tesco site. What is put forward here is essentially a low cost housing proposal for the over 65s (**note as the report went to printing the agent has amended this upwards to 75**) to form a planning gain package as part of the larger development. However, it is the case that the applicants want to pursue this proposal as a stand alone scheme in any case. The proposal has been put forward after negotiations with the Community Council. The land and construction costs are effectively being provided by the applicants. The potential purchasers would effectively buy the units at a discount on the open market value. This discount price would effectively be the construction cost of each unit plus professional fees. A trust, including a nominations board made up of local community members is to be set up to administer the marketing/allocation of the units. The purchasers will be required to satisfy certain agreed criteria, including an age eligibility threshold of 75, a connection to Aviemore and a maximum savings and income threshold. The same criteria would apply for subsequent sales.

## DEVELOPMENT PLAN CONTEXT

### National Guidance

5. **Scottish Planning Policy 3 Planning for Housing** notes that affordable housing is broadly defined as housing of reasonable quality that is affordable to people on modest incomes. The main ways through which affordable housing is achieved is through: social rented accommodation; low cost housing for sale, for example shared ownership, self-build or other subsidised or discounted housing for sale; and some private sector rented accommodation, available at lower cost than market rents, and provided by local landowners or commercial landlords.

6. **Planning Advice Note 74 Affordable Housing** notes several categories of affordable housing including “housing without subsidy” this refers to non-subsidised affordable housing which is likely to take the form of entry level housing, some built at higher densities and with conditions attached to the missives designed to maintain the houses as affordable units to subsequent purchasers. Homes delivered without subsidy may be considered to fulfil part of the overall affordable housing requirement.

### **Highland Structure Plan**

7. In the **Highland Structure Plan 2001, Policy G2 (Design for Sustainability)** states that developments will be assessed on the extent to which they, amongst other things, are compatible with service provision; are accessible by public transport, cycling and walking as well as by car; maximise energy efficiency in terms of location, layout and design; make use of brownfield sites, existing buildings and recycled materials; impact on individual and community residential amenity; impact on habitats, species, landscape etc; demonstrate sensitive siting and high quality design; promote varied, lively and well-used environments; and contribute to the economic and social development of the community.
8. **Structure Plan Housing Strategies** aim to steer demand for housing development to appropriate locations within settlements. **Policy L4 (Landscape Character)** requires regard to be had to the desirability of maintaining and enhancing present landscape character in the consideration of development proposals.

### **Badenoch and Strathspey Local Plan 1997**

9. In the overall principles for the settlement the Local Plan seeks to establish an agreed framework for major expansion and environmental enhancement of the Aviemore area; to ensure sufficient choice of building land to meet housing opportunities for all needs; to transform the image and texture of Aviemore, “green up” the village, and restore links with its setting and wider environment.
10. **Policy 6.1.1** of the Plan recognises 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, where these are consistent with the Local Plan.
11. The site itself is part of a wider allocation on the Local Plan Proposals Map for Commerce/Tourism. **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. Apart from the larger commercial schemes to the north the council will expect other schemes to retain existing buildings where these are deemed to make a significant contribution to the local townscape.

**Cairngorms National Park Plan 2007**

12. The Living and Working Section of the Park Plan includes amongst others strategic objectives to: a) increase the accessibility of rented and owned housing to meet the needs of communities throughout the Park; d) ensure there is effective land and investment for market and affordable housing to meet the economic and social needs of communities throughout the Park.

**CONSULTATIONS**

13. **Highland Council Area Roads and Community Works Manager** comments that concerns were raised regarding the potential for the development to conflict with the Aviemore Transport Interchange. However should the application be approved conditions are recommended that the access road will not be considered for adoption therefore a suitable management and maintenance agreement would be required. The access road shall be upgraded for the first 10 metres from the public road. Thereafter, construction of the access road and parking area shall comply with the standards for a minor access road. Designated parking bays shall be clearly delineated. Street lighting shall be required to the satisfaction of the lighting engineer. Visibility splays are also required and surface water drainage measures shall accord with SUDS principles. Suitable refuse collection points shall be provided.
14. **Highland Council Archaeology** has no comments to make on the proposal.
15. **Highland Council Housing Officer** has been consulted and comments that the scheme does not comply with Highland Council affordable housing policy. However, it need not apply given that the proposal is below to 10 unit threshold. The Council would want to agree a nominations agreement with any potential developer and agree price levels and methods of achieving affordability in perpetuity if the housing is to be classed as affordable.
16. **Scottish Water** has no objections to the planning application. However, there may be issues with the water network and waste water network that will mean that the developer will have to ensure that the development does not have any detrimental impact upon water services to existing customers. The developer would be required as part of any network upgrading to provide a solution that would prevent or mitigate any further impact.
17. **CNPA Economic and Social Development Group (Housing)** notes that the houses were originally targeted at people with an age eligibility threshold of 55, a connection to Aviemore and maximum income and savings thresholds. The houses were also to be sold on, in future, at the price remaining the same in all time coming. The age threshold has now been raised to 65 (**note has report went to print this has been increased to 75**) however the flats will have no increase in value. Concern is raised that no one may want to purchase the housing if they would not appreciate in

value, especially as there would be no reason to spend much on maintaining or improving them even as an asset in their estate.

18. As all information indicates that there will be a need for small units there is no objection to one bedroom flats though two bedrooms would be preferred. For older people the access issue to the upper floor flats now seems to have been resolved by access from the AHR land to the rear. Comment is made that it would be interesting to see how many people are interested in these flats and how the developer allocates them. However, there is a question regarding what happens if they don't sell?
19. **CNPA Heritage and Land Management (Landscape)** have provided detailed comments upon the scheme raising concerns about a range of issues including layout of building and impacts upon trees. The trees that divide the site from the village green will be under pressure from construction works and the building itself, some are marked as being removed. Individually the trees are of indifferent quality. However, it is the group as a whole that is of the greatest importance. The removal of a few selected individuals will be acceptable providing suitable replacements are planted. This will ensure the longevity of the group and continue its beneficial affects. A second group of trees may potentially be affected by the proposal and this is the line along the boundary of the access track which divides the village green from the Cairngorm Hotel. It is important that these trees are protected from construction and construction vehicles, some works to the trees may be required to allow construction vehicles to access the site. A third group that are affected are on AHR land to the rear and are the subject of the Resort Tree Preservation Order. A full tree survey in accordance with British Standards would be required.
20. In terms of design a stronger connection should be provided between the site and the village green. This is an important site within the centre of the village and development here needs to be of the highest standard. There are several shortcomings and more needs to be done with regard to tree protection, design and landscaping. However, despite the above there is no issue on the principle of the proposal and with further consideration of the above matters a suitable solution should be possible.
21. **CNPA Heritage and Land Management (Ecology)** raise a number of issues regarding the ability of the building and site to contribute towards the first aim of the Park. A bat survey of the existing building would be required and any consent should make reference to the Wildlife and Countryside Act and developers responsibilities to wildlife and in this case nesting birds in particular. The provision of bat roosting and swift nesting facilities should be incorporated in the building/site design. The roof design should include an overhanging eaves as this would provide nesting opportunities for house martins. Artificial nest cups could also be provided in groups to help encourage house martins to nest at the site. Overall the proposal provides opportunities to enhance wildlife opportunities at the site. It is also pointed

out that any trees planted should comprise local origin native species such as rowan, aspen and birch.

## REPRESENTATIONS

22. **Aviemore Community Council** had raised concern about the zinc material for the roof but appreciate that this has now been changed to copper. While not objecting the Community Council question the access to the flats being between the Cairngorm Hotel and the village green and wonder whether this would create confusion/congestion. What is the purpose of the path (now owned by Laurel Grant) between the village green and the Coffee Corner and how it joins up to the back of the building and the access. The Community Council also ask why there are walkways, bridges and stairs ask what will be planted in the front gardens. Some concern is raised regarding the potential to create a third storey in the roofspace (response at back of report).
23. No individual representations have been received. However, I have attached earlier correspondence from the developer which relates to how the flats would be administered.

## APPRAISAL

24. This is a detailed application for 6 flats on the site of an existing house known as Kila that is operated as a B & B. Outline planning permission was granted at this site for 6 flats by the CNPA and this is the detailed follow-up application. This report is intended to gain the general view of the Planning Committee on the proposal before the applicant is required to carry through certain further detailed actions including a tree survey. Such an application would normally come to committee with all issues finalised, or dealt with by conditions. However, given that this is purely for affordable housing based on a philanthropic gesture that may stand regardless of what happens to the same applicant's larger retail development to the north I have decided to seek the Committee's general view on the proposal as it now stands.
25. In principle the use of the site for affordable housing has been accepted by the earlier CNPA decision. The conditions on the outline requested more details on the mechanism for the houses and how they would be retained as affordable in perpetuity. No additional information was originally submitted with this application and this has been requested from the agent during the process. The intention is that effectively a nominations board would be formed including the applicant and the Community Council. Highland Council Housing has looked at the proposal and raised no concern providing Highland Council can be represented on the nominations board and be able to influence how the housing would be managed (including pricing). The applicants have confirmed that they are happy with this. I see no reason why the CNPA could not be represented on that Board should the Committee wish this. Some concern had been expressed by planning committee

members at the outline stage when considering the age threshold and that there may have been legal problems with setting the threshold at 55. This has now been altered to the normal retirement age of 65, although as mentioned earlier as the report went to press this has just been increased to 75 which raises concerns about what the demand would be for the houses.

26. The CNPA Housing Officer has expressed some concern about how much interest there would be in a scheme where house price would remain the same in that a purchaser of the house would see no increase in the value of the house. This could be a disincentive to potential purchasers and even if purchased there could be a lack of willingness to improve and maintain the house over time as there would be no appreciation in value. I agree with these concerns and have put them to the developer. However, the developer considers that the potential for the occupant to have the home in their ownership would provide a degree of comfort that would encourage people to buy the houses. I have similar concerns to our housing officer about this and considered that there should be some percentage element of appreciation for buyers both to incentivise them to buy and also to ensure that they would maintain the properties. However, the lack of such an element is not of itself a reason for refusing the application. If the suggested scheme attracts purchasers subject to the suggested criteria it would certainly provide an altruistic form of affordable housing for local elderly people. This was to be controlled by a planning condition at the end of this report. However, given that the age threshold on the development has changed before time could be found to re-consult Highland Council and our own Housing Policy Officer I am recommending that the proposal be subject to further consultation and the results of this brought back before the Committee. If ultimately, the houses do not sell under the criteria proposed then the developer would have to come back to the CNPA with an alternative mechanism. Because of this, and while having doubts about whether the process would work I seeking the views of the Committee on the scheme as it stands.
27. In addition to the above it is important to note that this application has come about, in part because of the large outline commercial consent granted by the CNPA for retail uses to the north of the site including Tescos itself and as a result of negotiations with the Community Council. This consent has been agreed by the Planning Committee but has not been despatched yet as some issues regarding the Section 75 legal agreement are still being negotiated. A main access for the retail development would be on the northern boundary of this affordable housing site and concerns had been raised with the applicant about this. The detailed design of the commercial scheme had proposed mitigating measures to ensure that the amenity of future occupiers would be protected from unacceptable disturbance. It must also be accepted that the large scheme has already been permitted with the existing residential boundary of Kila to the north so the principle of housing being next to the commercial access has already been accepted by the resolution to approve the main scheme. In addition, greater levels of sound insulation can be provided with the new flats than is currently the case with the house known

as Kila. Consequently, I view this relationship as acceptable. It is also important to note that even if the Section 75 is concluded and a planning permission issued this scheme may not necessarily move forward.

28. There have been some design concerns about the proposal. The Community Council were in particular not happy with the zinc roofing material. This has now been altered to copper which is considered acceptable. The CNPA Landscape Officer has raised concerns about the proposal with particular regard to trees and how they would be protected during construction. The site plan indicates a limited number of trees to be removed. In addition, linkage to the AHR site may require the removal of a small number of mature conifer trees that are subject to the AHR Tree Preservation Order. I am of the view that the limited number of tree removals of themselves would not have an overall detrimental appearance on the character of the site and surrounding area. However, it is the case that removal of many more than currently proposed would do. Because of this, it is important that a full tree survey is submitted together with protection measures. I do not see this as a bar to members resolving to support the principle of the application but I am recommending that the survey is supplied prior to release of any consent to ensure that ground rules for protecting trees are made clear from the outset. A bat survey was carried out for the Grampian Road development site but it is unclear whether this included Kila. In any case, given the passage of time it is considered that a new survey should be provided to ensure that there is up to date information on whether this protected species is present at the site. This will allow for mitigation measures if required.
29. I am overall happy with the design of the front elevation and consider the combination of render, timber and significant glazed panels provide a clean, contemporary finish to the building. As mentioned by the CNPA Landscape Officer some considerable work needs to be done on connecting the building into the village green so that residents can potentially have direct access to this facility. This would also help the building settle into its surroundings more comfortably. This is an issue that can be dealt with through a normal landscaping condition. There is amenity ground available to residents of the ground floor that more than complies with the required guidelines, though this is not the case for the first floor flats. However, access to the open spaces of the Resort lands would be available for upper floor users.
30. Of more concern are the access arrangements to the rear elevation. A two storey building is proposed. The ground floor flats would have access directly to a rear car parking area. However, unusually the first floor flats would be linked directly to the Aviemore Highland Resort by means of bridges that would allow residents to access the loop road to the rear of the site and then access onto Grampian Road by way of the main resort access or potentially the path between Tescos and Laurel Bank Lane. It has been suggested to the applicant that access to both ground and first floors should come from the access track to the site from Grampian Road. However, it has been pointed out that the access design as proposed allows level access for both ground and first floors and crucially that mobility scooters could be driven up to the first floor doors. This is the principle that the scheme has

been designed around. It is clear that without the agreement of the resort the scheme effectively could not be implemented, but would ideally be part of any forthcoming additional development at the resort. I understand from the agent that talks are under way regarding this and that some positive steps have been taken. The scheme is entirely reliant upon this ability to bridge the first floor with the AHR site. Therefore, no permission could be implemented without this agreement. This appears to be an issue that is resolvable and is not a bar to the committee considering the scheme. In line with the approach adopted on the large retail scheme to the north a suitable planning condition is indicated at condition 3 of the recommendation.

31. I have spoken with the Community Council who has confirmed that their response is not an objection to the application but raises questions including whether the access between the village green and coffee corner to the north is intended to link to the development. The developer has confirmed that this is purely access for the retail units fronting onto Grampian Road. The Council also asked what would be planted in the gardens of houses backing onto the village green. However, this level of detail would be dealt with by a landscaping plan to be sought by planning condition. Mention was also made of stairs leading into the floorspace and members of the Community Council asked whether people on the first floor would be able to extend into the roofspace. However, the developer has confirmed that this was only intended to indicate potential for storage in the roofspace. Some concern was also raised about the potential for confusion because the access is between the Cairngorm Hotel and village green. However, in my view the intensity of the use of the access would result in little change considering there is an active guest house business being run from the site. The Area Roads Manager did have some concerns regarding this issue but now recommends a range of conditions to deal with access issues. Ultimately, it must be recognised that as with the outline proposal the traffic generated by this proposal would be unlikely to exceed the level of traffic already accessing Kila.

## Conclusion

32. Overall this proposal is considered to provide a potentially innovative way of providing affordable housing for local, elderly people. There is some doubt about whether the scheme as stands provides enough incentives for people to buy in the first place and then maintain their properties afterwards given there is no value enhancement built into the scheme. However, if this does not work the developer would have to come back with an alternative proposal for the administration of the flats. There is also some additional work to be carried out regarding trees, a bat survey and work on the access to the neighbouring Aviemore Highland Resort site. **I had initially recommended a planning condition to deal with affordability issues and more detail on how a nominations board would work. However, because the age threshold for the scheme has changed from 65 to 75 just before this report was despatched I am recommending that Highland Council Housing and the CNPA's**

**Housing Policy Officer** are re-consulted before the principle's of affordability/who the housing is for are agreed by the Committee to allow further consideration of this issue. The results of this would be brought back before the Committee. I am essentially recommending that the planning committee support the principles of the siting and design of the scheme while recognising that additional work is required before any decision notice is released. Despite this, and given the unusual nature of the scheme and the very positive gesture that the developer is effectively offering both the land and the construction costs for the development I thought it appropriate to seek the view of the planning committee on the proposal as it stands before asking the developer to commit to further detailed legal, design and tree survey work. Once more details are finalised an update can be provided to the Planning Committee.

### **To Conserve and Enhance the Natural and Cultural Heritage of the Area**

33. It is considered that the development can be accommodated upon the site, but more requires to be done on detail with particular regard to trees. The loss of the existing building known as Kila has been accepted by the outline approval of affordable on the site. However, the outline approval on this site requires a photographic record to be made of the building.

### **To Promote the Sustainable Use of Natural Resources of the Area**

34. The proposal would result in a small housing scheme within the centre of a settlement that hosts a range of services. This would reduce the reliance on the private car for accessing services. The site is immediately adjacent to the Transport Interchange which has recently been completed.

### **To Promote Understanding and Enjoyment**

35. The proposal results in the loss of a single B & B operator but this loss is not considered significant set against the overall tourist accommodation available in Aviemore. In any case this loss has already been accepted by the outline approval.

### **To Promote Sustainable Economic and Social Development of the Area's Communities**

36. The proposal performs strongly in terms of this aim and is essentially a philanthropic gesture by a local landowner who wants to provide low coast housing for the elderly. The scheme provides housing for the retired at the centre of the village where there is a wide range of services that can be easily accessed. The scheme provides specific access for people using mobility scooters.

## RECOMMENDATION

37. That Members of the Committee support a recommendation to: **SUPPORT APPROVAL of the siting and design of the scheme** for the demolition of existing house and erection of 6 flats at Kila, Grampian Road, Aviemore, with following suggested caveats/conditions:

**A. Full Tree survey detailing exact positions of trees to be removed, those to be retained and how tree protection measures will be carried out to ensure retention of ALL other trees on/around the site.**

**B. Submission of bat survey with mitigation measures if required.**

**C. Re-consultation with Highland Council and CNPA Housing Policy Officer to allow further consideration of suggested age threshold.**

**D. The following conditions:**

1. The development hereby approved shall be commenced prior to (INSERT DATE TWO YEARS FROM DATE OF ISSUE OF DECISION NOTICE)
2. This approval relates solely to the reserved matters referred to in the outline planning permission reference number 06/444/CP (Highland Council Ref No 06/00303/OUTBS). Nothing contained in this proposal or this notice shall be deemed to affect or vary the conditions imposed on that outline planning permission.
3. No development whatsoever, including removal of existing buildings/structures or trees on the site, shall take place until pedestrian access to the rear of the site from Aviemore Highland Resort for first floor flats is in place in accordance with details to be submitted to and agreed in writing beforehand with the CNPA acting as Planning Authority. Such details shall include the contractual arrangements that allow access in perpetuity and the work necessary to ensure that the access is available to all abilities including motability scooters to the road network within the Aviemore Highland Resort.
4. The development shall be landscaped and maintained in accordance with a scheme which shall be submitted to and approved by the CNPA acting as Planning Authority before development commences. The scheme shall include indications of all existing trees and landscaped areas on the land, and details of any to be retained, together with measures for their protection in the course of the development and shall include a phasing programme for implementation and shall indicate the siting, numbers, species and heights (at the time of planting) of all trees, shrubs and hedges to be planted and to the extent of any areas of earthmounding, and shall ensure:-
  - (a) Completion of the scheme during the planting season next following the completion of the development, or such other date as may be agreed in writing with the CNPA acting as Planning Authority.

- (b) The maintenance of the landscaped areas in perpetuity in accordance with the detailed maintenance schedule/table. Any trees or shrubs removed, or which in the opinion of the CNPA acting as Planning Authority, are dying, being severely damaged or becoming seriously diseased within three years of planting, shall be replaced by trees or shrubs of similar size and species to those originally required to be planted.
5. No trees shall be lopped, topped or felled on the site from the date of this decision notice unless otherwise agreed by the CNPA acting as Planning Authority.
6. Prior to the commencement of the development hereby approved detailed plans/information shall be submitted for the approval of the CNPA covering the following:
- Suitable refuse pick up area
  - Sustainable Urban Drainage System.
  - Details of road surfacing and management and maintenance statement for the access track.
  - Lighting
  - Construction Methods Statement

All the agreed details to be in place prior to the first occupation of the development hereby approved.

## **ADVICE NOTE**

*The applicant is advised of the need to comply with the legal requirements of the Wildlife and Countryside Act 1981 (as amended) during construction. This is in relation, in particular, to the protection of bats and breeding birds. In addition, in the interests of biodiversity and to enhance the natural heritage of the area, the applicant is encouraged to incorporate within the design details of the building, opportunities for wildlife and ecological enhancement, such as bat roosts and bird nests.*

**Andrew Tait**

**Date 19 June 2008**

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