AGENDA ITEM 5

APPENDIX 2

2018/0043/DET

APPLICANTS SUPPORTING CASE

CAIRNGORMS
NATIONAL PARK AUTHORITY
ÙGHDARRAS PÀIRC NÀISEANTA A'
MHONAIDH RUAIDH

Planning Application: Proposed Erection of Residential Development on Site of Former Filling Station at Grampian Road, Aviemore

Applicant: Cairngorm Residential Limited

Application Ref: 2018/0043/DET

Overview Planning Statement

November 2018

Ryden Ref: CAIR0001

Ryden

Background Context

The site has been the subject of a number of planning applications and permissions during the past 20 years. The proposed uses included commercial and residential uses.

In 2016, pre-application consultations were undertaken with The Highland Council in relation to a proposed residential development. The reference number for these consultations was 16/04617/PREAPP.

The written advice issued by The Highland Council as part of that process included the following comments:

- Residential use of the site would appear to be acceptable in principle.
- Housing development on this site should reinforce and enhance the character of the settlement, maximising opportunities for infill. The supporting information for the eventual application should demonstrate compliance with this.
- Although the proposal (at pre-application consultation stage) accommodated buildings over relatively large scale, these buildings are seen in the context of a steep wooded bank to the rear of the site and, with the Grampian Road being a curvature from the south entrance to Aviemore, the proposed layout would not appear to be overly obtrusive.
- All relevant technical standards in relation to access, parking, drainage, water, and flood risk should be met.
- The ecology and tree cover on the site is important and should be considered carefully as part of the overall development proposals.

The planning application for a revised scheme was subsequently submitted, and was called-in by the Cairngorm National Park Authority for consideration and determination. This application was given the reference 2017/0198/DET. During the consideration of the application by the CNPA, the application was subject to a number of amendments. However, the application was subsequently withdrawn, to pave the way for a fresh application.

The subsequent application was also called-in by the CNPA and was given the reference 2018/0043/DET. It is this latest application to which this overview planning statement refers.

The Current Application

Even although the fresh, amended planning application took on board many of the comments and consultation responses which were generated in relation to the previous application, a number of further matters have emerged. These can be summarised as follows:

- The fresh proposals, although reduced in scale and massing when compared to the previous application, still represents a visual over-development of the site; and
- Additional work was required in matters of trees and landscaping, particularly on the interface between the development site and the trees beyond the boundary (in the existing TPO area) in order to avoid the creation of an unattractive boundary.

As a consequence of the comments and consultations from CNPA as planning authority, a revision of the proposed scheme has been undertaken. The scale and nature of the proposed buildings has been reduced and the landscaping and tree proposals substantially revised. There have been related design amendments regarding parking, refuse collection, etc.

These amendments to the existing scheme have been informed by further survey work, particularly in relation to trees and landscaping.

Fresh plans drawings, and a supporting Design Statement have been collated, prepared, and submitted by the Kearney Donald Partnership, the agent for the application. Ryden has provided professional planning advice in relation to the preparation and submission of the amended proposals.

The key amendments can be summarised as follows:

- Blocks A and C have both been reduced in scale, by a storey in each case. This assists in the visual massing of the frontage. The rhythm of the new buildings, as viewed from Grampian Road whether travelling north or south, is now more appropriate for this gateway site.
- An important stand of existing trees (three mature Scots Pines), at the southern end of the site has now been retained. This is in response to the consultation and the site meeting undertaken in conjunction with the Forrestry Officers.
- The landscaping and tree belt to the rear of the proposed development has been redesigned and the retaining wall will now be built in short sections to minimise disruption to the bank and to the trees on the bank.

Status of Amendments

The amendments reduce the scale and nature of the built form, and improve the landscape setting. In addition, trees will now be retained which were previously scheduled for removal.

This being the case, it is considered that the amendments are appropriate for consideration as part of the current planning application, and do not require the submission of a fresh planning application.

It is accepted that the amendments mean that the application may require to be re-notified and re-advertised.

Conclusion

The site, which has had a variety of uses over many decades, does not present an attractive environment for those entering Aviemore (travelling north) or those leaving Aviemore (travelling south or to the Loch Morlich/Cairngorm area). It is a site in need of appropriate development.

As agreed ever since the pre-application stage, the site is suitable for residential development. The key issues relate to the scale and massing of the development, the density of development on the site, and the way in which it integrates both with the public realm (to the front of the buildings) and the wooded area (to the rear of the buildings).

It is submitted that the latest revised proposals (as of November 2018) now satisfactorily address all these key issues and that the application is now suitable for approval.

28 Apartments at Grampian Road – Cairngorm Developments Limited

Forestry Officers Consultation Response dated 13 Feb 2019.

Mr Stuart notes that 57% of the trees on site are proposed for removal. While this is technically correct in terms of the arithmetic, he makes no mention of the numbers for the different categories of trees. The Arboricultural Consultant, Rumroy Ltd has tagged and categorised all 370 trees on site in line with the recognised British Standard BS 5837:2012. An analysis of the different categories and therefore the quality and health of the tress on site is required.

SUMMARY OF SURVEYED TREES ON SITE TO BS 5837: 2012

42no Trees	Category A Trees	11% of total
119no Trees	Category B Trees	32% of total
203no Trees	Category C Trees	55% of total
6no Trees	Category U Trees	2 % of total

43% of the trees surveyed on site are category A or B, leaving 57% of the trees surveyed being classed as C or U. This means that more than half the trees on site are classed as having "serious, irremediable, structural defects" or "trees with very limited conservation or other cultural benefits".

This does not accord with the picture portrayed by the Forestry Officer, Landscape Officer or the Ecology Adviser.

Since Rumroy Ltd produced the Arboricultural Report dated the 28th October 2018 our clients have carried out a further review of possible methods to construct the retaining wall on the site. We are now able to propose a method called a "Clutched Pile System".

This would negate the requirement for any temporary works behind the area of the rear wall of the carports, as the sheet piles become the rear wall. A 20 tonne 360-degree excavator will form a level area where the block of carports is to be located. This will allow the clutched pile drill rig access to the rear building line of the carports to enable the piles to be driven into position over the length of the retaining wall. This is carried out via a vibratory action & would not cause additional disturbance of the landform to the rear of the retaining wall. The retaining wall, its foundations and the car port structure are all constructed from the road side of the wall with minimal impact of the bank and the trees on the bank.

This method of constructing the wall negates the need for excavations and working space behind the wall and significantly addresses the forestry officers' concerns raised in points 2,3,6,7,8,18 and the summary. The 35 trees previously mentioned as having construction within the root protection area now number **3no** in total. WE have allowed 500mm behind the retaining wall in making this assessment although in reality the piles will be inserted on the line of the external face of the retaining wall.

Indeed, the proposed method of constructing the retaining wall will result in a further 14no being retained. They are tree no's 113, 146,155,156,159,184, 185, 195, 241, 275,297,298,299 and 312. Of these fourteen trees 4no are category A and a further 5no are category B. This changes the overall numbers on the site as 197 being removed and 173 trees being retained.

Section 5.0 of the Rumroy Ltd, Arboricultural Report refers to Tree Protection principles. Further to approval of the proposed planning application and prior to operations on site commencing, an Arboriculture Method Statement (AMS) will require to be produced and agreed with the Cairngorm Park Authority and the details outlined within it strictly followed. This Method Statement will be the working document which will

incorporate all detail required to protect the trees throughout the duration of the implementation of the physical operations. We would be content to have this as a condition of planning.

SUMMARY OF TREES BEING REMOVED

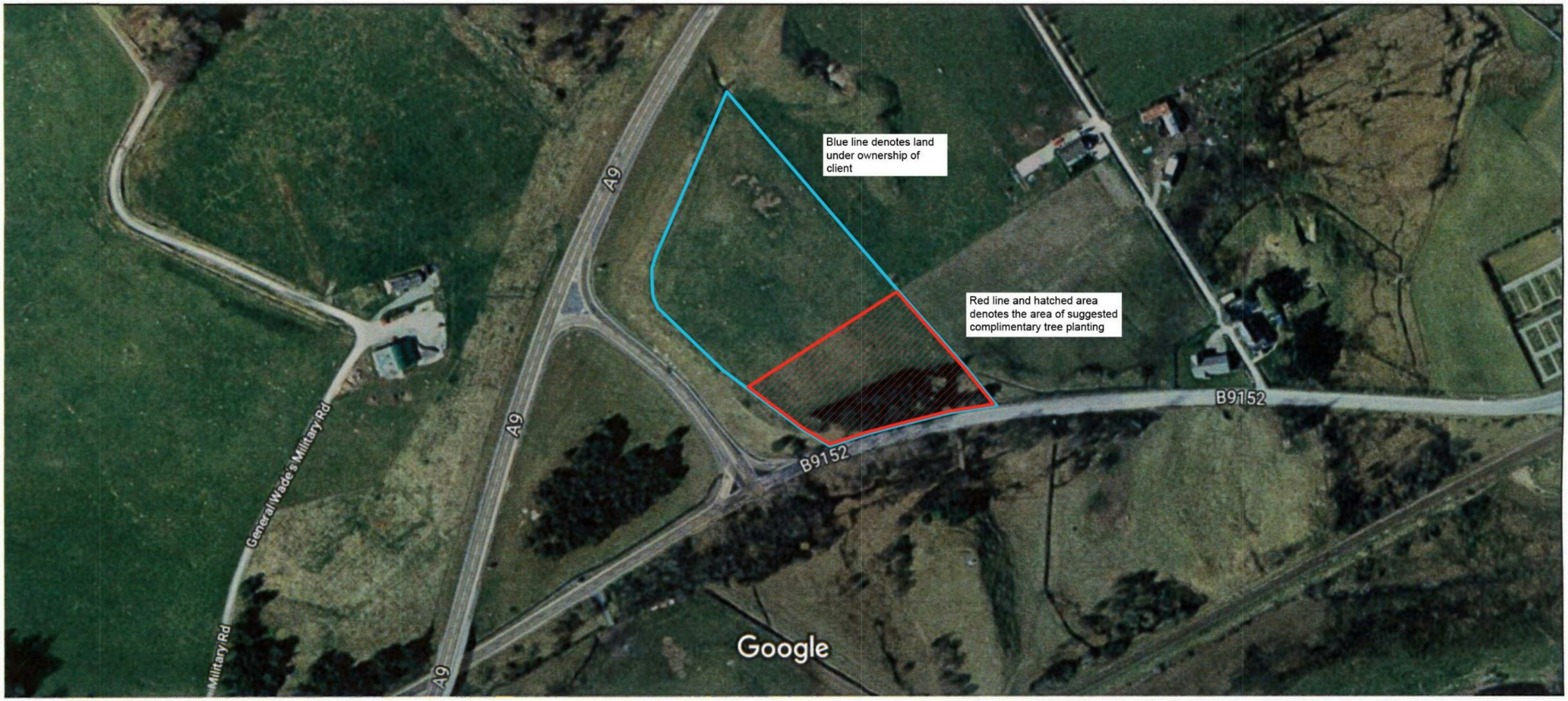
Category of trees to BS 5837:2012	% of Trees being removed		% of tress being removed against total tress on site
Category A	16no trees	8%	4%
Category B	67no trees	34%	18%
Category C	111no trees	56%	30%
Category D	3no trees	2%	1%
		Trees Retained	47%

Clearly the number of trees proposed for removal from categories A and B is 83no trees amounting to 22% of the total number of trees on site. Within our proposals we have indicated the planting of 85no native trees and 1476 shrubs within the site. We believe that the new proposed planting will compensate for the loss of trees within the site. The biodiversity and ecology of the site will be transformed. The site was formerly a petrol filling station and then a series of business uses and currently it is largely derelict although being used for wild camping with the resultant issues of human waste and rubbish.

The forestry officer offers comments on matters out with forestry issues, namely the soft landscaping proposals. These comments duplicate the comments from the landscape and ecology advisers. We have previously given our responses to the landscape and ecology consultations.

Our client is prepared to offer further compensatory planting off-site. They own an area of land at Kerrow in Kingussie extending to some 5.4acres. The diagram below shows the area of ground and we have marked an area within this site adjacent to the small area of woodland adjacent to the B9512 which could be planted with up to 200 trees, if this was deemed appropriate. We confirm that if this proposal is not acceptable, they do have other land holdings that could be considered in conjunction with the Cairngorm Park Authority.

Google Maps



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28 Apartments at Grampian Road – Cairngorm Developments Limited

A summary response to the points raised per the latest consultation responses for the above:

Community Council letter dated 11th January 2019

We are pleased to note the Community Council accept that the site is suitable for infill housing.

"development does not make a positive statement about Aviemore's status as a world class resort "

Indeed, we believe that it does. The site is presently an abandoned brownfield site subject to wild camping and rogue parking with all the attendant refuse, human waste and debris resulting. The site is a positive eyesore on entering this 'world class resort 'and with an acceptance that housing is a suitable use, the substantial private investment to be made will transform this, and along with the modern addition of the Premier Inn, substantially improve first impressions on entering or leaving the town.

"the 4.5 storey statement is also a misdirection on behalf of the developers – the building has 5 habitation floors"

We believe that we are correct when referring to the buildings being 3.5 and 4.5 storey in height. The Robert J Naismith book referred to is an accepted guide on the architecture of buildings in the Scottish countryside. The book gives clear guidance on describing the heights and proportions of building relative to storey height and rooms contained within roof spaces.

There has been no attempt to mislead or misdirect. Blocks A and C have 3 full storeys of accommodation with a master bedroom suite contained within the roof space with a slightly raised wall head of 550mm. It is correct to refer to this building as 3.5 storeys. Similarly blocks B and D are 4 full storeys of accommodation with the master bedroom suite contained within the roof space 4.5 storeys in height.

The topmost flats in each block are "duplex" style flats with the master bedroom flat on the top floor. The top floor is not a separate apartment which is why there is no kitchen/living/dining room shown at this level. It is clear from the drawings that there is a stair connecting the two floors.

We would also respectfully point out that the drawings for blocks B and D are correct and not misleading. The floor plans are clearly labelled. Bottom left – Ground Floor, Bottom right- First and Second Floors (these floors are identical), Top left – Third Floor, Top right – Fourth Floor

The overall development now only has 28 no apartments in total. This is reflected accurately in the proposed floor plans.

"residential flats at Grampian Court are 2 storey"

The Grampian Court flats closest to Grampian Rd are 2 storeys but the rest of the development is 3 storeys in height and built on ground considerably higher than Grampian road level and built within the protected woodland area.

"there are no buildings along the length of Grampian Road that are more than 2.5 storeys high"

We would point out that this statement is incorrect. The buildings along the length of Grampian Road vary significantly in height and this fact gives Aviemore part of its character and street scape. The lack of uniformity should be considered a positive.

While the buildings in the MacDonald resort do not have a Grampian Road address one of the hotels within the resort is set back from Grampian Road but its grounds come down to the edge of Grampian Road. This hotel is clearly seen when travelling along Grampian Road. This hotel is 9 storeys in height.

Further North along Grampian Road, the Cairngorm Hotel is partly 3 storeys high with traditional floor to floor proportions which give the added height when compared to today's buildings. There are also a couple of flatted developments at the northern end of Grampian Road that are 2.75 storey and 3 storeys in height.

"the Street Elevation from Grampian Road is a total misrepresentation of what the visual impact of the buildings will be to anyone on Grampian Road"

The way we have drawn the elevations of the buildings including the overall "street view" is correct in terms of standard architectural presentation. We acknowledge that the elevations do not take into account the perspective of viewing the building from close by or from further away. They are however correct in terms of levels and the heights of the buildings relative to the trees on the slope of the bank behind. These drawings demonstrate that the proposed buildings are significantly lower than the tops of the trees behind.

''non-compliance with Policy 5 as it does not ensure that the development conserves and enhances the distinctive characteristics of Aviemore ''

The actual text of Policy 5 states:

There will be a presumption against any development that does not conserve and enhance the landscape character and special qualities of the Cairngorms National Park including wildness, and in particular, the setting of the proposed development.

Proposed development that does not complement and enhance the landscape character of the Park and the setting of the proposed development will be permitted only where:

a) any significant adverse effects on the landscape character of the Park are clearly outweighed by social or economic benefits of national importance; and

b) all the adverse effects on the setting of the proposed development have been minimised and mitigated through appropriate siting, layout, scale, design and construction to the satisfaction of the planning authority.

Paragraphs 7.9 to 7.12 then explain how the policy will be applied. The repeated references to 'wildness' and 'remoteness' provide a strong indication that it is development sites in such areas that are the real concern of the policy.

The application site is an eyesore. It currently detracts from the setting of Aviemore. The existence of the current unmanaged woodland hardly compensates for the poor appearance. To suggest that the proposed development fails when assessed against the purpose and meaning of the policy is use the policy in a way which was not intended.

"the development is close to the road and gives a city vista and no good impression of the rural aspects of the village / small town that Aviemore is. A city streetscape is not apt in Aviemore"

We respectfully disagree with this comment/observation. The proposed development will not create a "city vista". The opposite side of Grampian Road from the proposed development will never have any buildings built on this land as the main railway line runs through this site at a lower level than the road. The proposed site has unobstructed views to the Cairngorm mountains several miles distant. This section of Grampian Road will never feel like an urban area for this reason.

In terms of street scape again we would suggest that Aviemore has great variety in the way that the buildings on Grampian Road relate to the road and the public pavement. Some buildings are built directly onto the back edge of the pavement, others are set back a short distance while others such as the Cairngorm and Premier Inn Hotels are well set back sufficient to have parking in front of the buildings.

Our client was recently developing another site on Grampian Road and was given clear guidance from the Planning authority that the buildings should address the main road (creating a strong sense of street) and the car parking should be located behind the buildings away from the main street.

We have adopted this basic design philosophy for this development as we firmly believe this creates a better street scape that (t) n having significant areas of car parking fronting onto the main road through Aviemore.

"the buildings in the development are disproportionate to all other buildings in Aviemore"

Clearly the building is not disproportionate to all other buildings in Aviemore. There are several buildings within the MacDonald Resort that are a far bigger in scale than these proposals. We have already mentioned that one of the hotels within the resort which can be clearly seen from Grampian Road is 9 storeys in height. There are at least two other hotels within the resort that are 4 (storeys) storeys in height with a full pitch roof above. The scale and mass of these buildings are significantly bigger than the proposed development on Grampian Road.

"no affordable housing"

This is acknowledged, but the Community Council must understand that the appropriate proportion of affordable housing would have been only 7 units. The developer has, in agreement with The Highland Council as housing authority, translocated these units to Sluggan Drive and **doubled the required provision to 14 units**. Given the length of time taken to date in processing this proposed development from its original submission , the affordable provision has been built out and is now fully occupied, easing the burden of shortage of provision much earlier than might have been possible otherwise.

We are unable to comment on the issues raised by the Community Council in relation the Highland Council and CNPA within their submission

Ecology Adviser dated 21st January 2019

We are pleased note that the Ecology Adviser confirms:

A Heritage Regulations Appraisal concludes ''no likely significant effect on capercaillie or to the Spey SAC ''.
The significance of impact on bats is '' negligible ''.

The significance of impact on squirrels is '' slight '', in so far as only evidence of feeding was noted and that no dreys exist.

The significance of impact on breeding birds is '' negligible ''.

In summary therefore, we may establish that the ecology of the site, such as it is, remains unaffected by the proposed development.

Our submissions to date include substantial soft landscape proposals wherein our landscape consultant clearly demonstrates an enhancement to the site's bio-diversity opportunities with a
'native only 'species selection of 84 trees, 1476 shrubs and sowing grassed areas with
grass / wildflower seed mix (10 grass species and 18 wildflower species) offering a wonderful opportunity to enhance the ecology and bio-diversity within the site, which will be unrecognisable from the present brownfield .

The ecology adviser would proceed to offer comment, beyond ecology matters, on the landscape proposals and would duplicate statements from the landscape adviser and forestry officer with regard to tree removal and replacements. These will be dealt with under the appropriate consultation response. We have taken professional advice and guidance from our consultants and do not accept the reservations expressed by the ecology adviser regarding suitability of species selected, soil stability for planting, or the opinion that further trees are at any risk during the construction process.

Our SUDS proposals, as have been engineer designed, do not require further open ponds and the suggestion of swales is not appropriate for this site.

We firmly believe that our submissions, as presented, to transform this brownfield site and take it to the level of enhancement proposed is more than worthy of favourable consideration.

Landscape Adviser dated the 15th January 2019

"There is replacement of the sedum roof to grass mix"

The change from a sedum roof to a grass mix roof is a direct response to a suggestion from the planning officer. This change allows the roof area to be considered as additional external amenity space for the residents. We have allowed for external staircases to access this area of roof. Our clients would be content to revert back to a sedum roof if this has more "landscape value".

"The existing trees on the site are a visual continuum of the adjoining Ancient Woodland and act as a visual frame to the "soft" entrance to Aviemore"

The current woodland is indeed in poor condition. It has clearly been unmanaged for a number of years and this is reflected in the poor condition of the woodland as a whole. The ancient and protected woodland on the neighbouring land is also unmanaged and showing signs of this lack of management. This was observed at the site meeting with the forestry officer in September 2018.

The current site (woodland) is also attracting numbers of wild campers and on the visit in September 2018 there was clear evidence of human waste within the wooded area and also signs of camp fires and large amounts of rubbish being left in the general vicinity.

"The development does not respond sensitively to the existing topography or tree cover. The resultant loss of tress will impact on the visual and landscape character"

The site is relatively flat in cross section from Grampian road to the base of the hill and then sloped upwards towards the ancient and protected woodland on the neighbouring property. Given this topography it is clear that the buildings should be located on the flat sections of ground minimising the disturbance of the bank to the rear of the site. This accords with the planning departments previous guidance with having the buildings to the front of the site and the car parking to the rear.

We recognise that there is a need to build into the bank with resultant tree loss, but this has been kept to a minimum by accommodating the car parking to the rear and not the buildings. The method of constructing the retaining wall has also been altered to minimise disruption to the bank.

As stated in the design brief the trees on the neighbouring ground which is a protected woodland, will always be a back drop to the proposed development. Due to the rising topography the tree canopy is still 7.5m higher than the highest roof line within the development. Along the majority of the development the tree canopy of upwards of 10m higher than the roof lines.

"The recently approved Premier Inn provides a useful benchmark for development along this part of Grampian Road"

It is interesting that the Landscape Officer suggests that the recently consented Premier Inn should be considered a **benchmark for development in this part of Grampian Road.** This development for a 60 bedroomed hotel places the building to the rear of the site with the car parking placed to the front between the hotel building and Grampian Road. All the parking 50 spaces (except the 3 no. Disabled spaces) are located on either side of a single access road running parallel to Grampian Road. The approved landscape drawing shows only 10 trees planted within the car parking zone and this will in no way break up the visual impact of a car park. The 18m setback for the building is wasted with the siting of such a large car park on the public side of the hotel. This car park with little new landscaping provides the "southern gateway" to Aviemore.

"Over development of the site is resulting in a visually solid and dominant built form that would dominate the immediate townscape and sense of arrival in Aviemore"

The landscape Officer makes reference to overdevelopment throughout his consultation response. The density and the scale of development is a matter for the planning officer and not the landscape officer.

The landscape officer's view of the development stems from his opinion that the current trees on the site are of significant quality and that they contribute to the character of this part of Aviemore. We fundamentally disagree with this starting point and indeed the officer contradicts his stance by stating "In principle development of the site is accepted and needed, as it is currently in poor condition."

If the woodland is in poor condition it therefore does not merit the value that is being attributed to it.

In terms of the proposed development being visually solid and dominant build form, we would again disagree with this opinion expressed by the Landscape Adviser. The apartments have been split into 4no blocks within the site creating space and visual links to the woodland at the back of the site between each of the blocks. The blocks themselves have been articulated to break down the mass of the buildings avoiding large regular shaped blocks, like the Premier Inn example raised . The flats have cut away balconies that accentuate the corners of the buildings and the vertical circulation element is set back from the main building mass and finished in a different material to further articulate this element and again breaking down the mass of the building.

This is a different approach from the recently consented Premier Inn, with this building being a single rectangular box with only minimal façade detail around the top floor windows/roof junction.

As previously stated, the planning authority had previously encouraged our client on recent developments on Grampian Road to have the building towards the front "public" side of the site and have the car parking "out of sight" to the rear of the site. Indeed, these proposals have gone further in terms of integrating the car parking by building a roof over the majority of the car parking and covering this roof with a "green roof".