

Agenda Item	6.3
Report No	PLS/30/26

## HIGHLAND COUNCIL

**Committee:** South Planning Applications Committee  
**Date:** 13 May 2026  
**Report Title:** 25/03493/PIP: Mr Alistair Struthers  
Kila, 79 Grampian Road, Aviemore, PH22 1RH  
**Report By:** Area Planning Manager - South

### Purpose/Executive Summary

**Description:** Erection of 2no. houses to utilise as short term letting units  
**Ward:** 20 - Badenoch and Strathspey  
**Development category:** Local  
**Reason referred to Committee:** Objection from Aviemore and Vicinity Community Council

All relevant matters have been taken into account when appraising this application. It is considered that the proposal accords with the principles and policies contained within the Development Plan and is acceptable in terms of all other applicable material considerations.

### Recommendation

Members are asked to agree the recommendation to **GRANT** the application as set out in section 11 of the report.

## **1. PROPOSED DEVELOPMENT**

- 1.1 The proposal seeks Planning Permission in Principle to replace an existing five-bedroom house with a new house positioned broadly within the established development footprint and to construct a second house in the northern part of the garden on the site of a former, now-demolished house. Although both properties are intended for short-term letting, they will be built to full residential standards and are therefore required to be assessed under both housing and tourism policies.
- 1.2 The existing house, 'Kila', has been vacant since 2014. Prior to that, it is understood to have operated as a House in Multiple Occupation (HMO) and, before that, as a bed and breakfast. It has therefore not functioned as a single-family house for a considerable time.
- 1.3 As this is an application in principle, the submitted layouts are indicative only. Final design and layout proposals would be required as part of a future Matters Specified in Condition (MSC) application.
- 1.4 Pre Application Consultation: None
- 1.5 Supporting Information: Arboricultural Impact Assessment
- 1.6 Variations: Amendments to indicative layout

## **2. SITE DESCRIPTION**

- 2.1 The site is located in the centre of Aviemore, to the west side of Grampian Road (B9152). It consists of an established residential plot containing a single house and its associated garden ground.
- 2.2 The plot is generally level and extends to approximately 0.2 ha, with the existing house positioned towards the southern end of the site. It measures approximately 66m (north to south) x 28m (west to east).
- 2.3 The site is enclosed by a variety of surrounding land uses – the Tesco superstore to the north; the Cairngorm Hotel to the south; the Village Green and a retail unit to the east; and a hotel car park to the west.
- 2.4 Access is taken from the public road to the east via an existing private track approximately 40 metres long, which runs between the Cairngorm Hotel and the Village Green, screened by hedging and post-and-wire fencing.
- 2.5 Boundary trees and shrubs on all sides give the site a well-defined sense of enclosure. The northern garden area is generous and contains a number of established trees and mature shrubs, forming a natural buffer between the site and neighbouring properties.
- 2.6 Indicatively, existing boundary vegetation is proposed to be retained where possible to maintain privacy and assist in integrating the new dwellings into the surrounding landscape. Hedging and post and wire fencing is shown along some of the boundaries and along both sides of the access track.

2.7 The site benefits from established utility connections, and there are no known environmental constraints affecting the developable area.

### 3. PLANNING HISTORY

3.1	04.07.2007	06/00303/OUTBS Demolition of existing house; erection of 6 flats (outline)	Granted by CNPA
3.2	17.12.2009	07/00268/REMBS Demolition of house; erection of 6 flats (approval of reserved matters)	Refused by CNPA
3.3	19.12.2012	12/02747/FUL Erection of three holiday homes	Approved by CNPA
3.4	23.08.2019	19/03001/FUL Relocation of bandstand on village green with the erection of shelter, relocation of 'Olympian' Statue, formation of wishing well	Permission Granted

### 4. PUBLIC PARTICIPATION

4.1 Advertised: Unknown Neighbour / Schedule 3 Development

Date Advertised: 09.10.25

Representation deadline: 23.10.25

Timeous representations: 0

Late representations: 1

4.2 Material considerations raised are summarised as follows:

- Aviemore Community Enterprise Company Ltd (ACE), owners of the Village Green, oppose the application due to its negative impact on an important community asset.
- Neighbour notification was not carried out correctly; ACE was not notified despite its ownership being easy to confirm both online and on site.
- The Village Green is heavily used for year-round community events, markets, performances and private hires, and is of significant community value, and substantial public investment has enhanced the Village Green with a new bandstand, stone seating and accessible stage access.
- ACE disputes the southern boundary line shown on the plans and considers that a formal survey is required.
- Proposal would block long-standing public access routes between the Village Green, the access lane and the Cairngorm Hotel, and potentially breach access rights under the Land Reform Act.
- Development would also block the established disabled access to the

Village Green stage, created as part of publicly funded improvements.

- Widening the access lane would require removing a mature beech hedge, parts of the Village Green boundary wall, and possibly relocating a lamppost - all matters affecting both the applicant and Highland Council.
- There is no evidence of the “existing bin storage area” claimed in the application.
- As details of the proposed buildings are not yet provided, ACE is concerned that new units may overlook the Village Green, affecting privacy and the safe use of the space, especially for children.

4.3 All letters of representation are available for inspection via the Council’s eplanning portal which can be accessed through the internet  
<https://www.highland.gov.uk/planning/view-comment-planning-applications>.

## 5. CONSULTATIONS

5.1 **Aviemore and Vicinity Community Council (CC):** Object because of its potential negative impact on the Aviemore Village Green, a well-used and community-owned asset immediately adjacent to the site. The Village Green has benefited from substantial public investment over recent years, including a new bandstand, stone seating and accessible routes, and it now hosts a year-round programme of community events.

The CC note that Aviemore Community Enterprise Company Ltd (ACE), the landowner, did not receive notification despite its ownership being easily identifiable both online and on site. (Planning Authority note: the application was correctly advertised in line with statutory requirements). As this is an application for Planning Permission in Principle, and details of design, scale, layout and finishes are not yet provided, we reserve our position on those matters but expect any future proposal to be sympathetic to this prominent central location.

The CC are concerned that the proposal would block a long-established access route between the Village Green and the Cairngorm Hotel. This access has been used continuously for as long as anyone can recall. The applicant’s claim that public access would remain unchanged is disputed and it is considered that the proposal may contravene access rights under the Land Reform (Scotland) Act. The CC expect the Highland Council Access Team to provide a formal opinion on this issue. There is also concern that the development would remove the existing disabled-access route to the Village Green’s stage - an access created through publicly funded works - and no alternative has been proposed.

The CC dispute the claim that an existing bin-storage area lies on the south side of the lane; it is believed no such facility has ever existed and that this location is not suitable for one. There are also significant concerns about the safety implications of increased traffic using the narrow access lane. The lane does not allow two vehicles to pass, and the junction with Grampian Road sits directly beside a busy bus bay where pedestrians often gather. It is noted that widening the access would involve removing a mature beech hedge, which is believed to be the applicant’s responsibility to maintain.

The CC do not accept the southern boundary line shown in the application. The true boundary is unclear on the ground and requires a full survey. The separate objection from ACE is supported as is their concern about the potential harm to the amenity of this important community space.

In summary, the CC's objection is based on failures in neighbour notification, disputed land boundaries, the loss of long-established public and disabled access routes, inaccuracies in the application, road-safety concerns, the negative appearance of the proposed boundary treatment and the wider adverse impacts on the community's use of the Village Green.

- 5.2 **Forestry:** Site forms part of the garden ground of the existing property, Kila, and contains a substantial number of semi-mature to mature broadleaf trees, with further mature trees to the south within neighbouring hotel grounds. Under NPF4 Policy 6 development is supported where it enhances woodland cover, but not where it would adversely impact native woodland, hedgerows, or trees of high biodiversity value.

The original submission included only a topographical tree survey without arboricultural constraints, meaning above and below ground impacts could not be properly assessed. The Proposed Site Plan also indicated the removal of six trees and showed potential encroachment of parking, turning areas and footpaths into Root Protection Areas, raising concerns about the feasibility of development without significant impact on retained trees.

A full suite of arboricultural documents has been submitted: an Arboricultural Impact Assessment (AIA), Tree Schedule, Tree Constraints Plan, Tree Protection Plan, Tree Planting Plan, and a revised Proposed Site Plan.

The Tree Survey confirms that many trees on site are Category C and of limited quality, though the AIA identifies some specimens still worthy of retention.

The Tree Protection Plan indicates a significant number of removals; however, following discussions with the architect, it was agreed that if trees T30, T37 and T38 can be demonstrably retained, the proposals would be acceptable subject to protective measures outlined in the Tree Protection Plan and compensatory planting shown in the Tree Planting Plan.

On this basis, no objection, provided appropriate conditions are attached to ensure compliance with protection and mitigation requirements.

- 5.3 **Transport Planning:** No objection. Proposal would use an existing bellmouth access onto the 20 mph B9152. No injury collisions have been recorded near the site in the last five years.

Matters to be addressed at the full application stage:

- Existing bellmouth access is acceptable in principle, although tactile paving is currently absent and the width of the private access has not been confirmed. While widening the access to 5.5 metres would allow two-way vehicle movement, the existing width may still be acceptable due to low vehicle speeds and good visibility. A fully scaled drawing of the access arrangement will be required. Visibility splays of 2.4 metres by 25 metres must also be demonstrated, confirming that no features exceeding 0.85 metres encroach into the splay.

- Six parking spaces are proposed for the two four-bed holiday-let units. Although higher parking standards would normally apply to hotel-type accommodation, six spaces may be suitable if the applicant can justify how parking will be limited to two vehicles per unit and how servicing and cleaning vehicles will be accommodated. This justification must accompany the full planning submission.
- A Transport Statement will also be required explaining the proposed parking arrangements, servicing and waste-collection procedures, assess the nearby public transport network, identify measures to support sustainable travel such as cycle parking, and provide a brief assessment of local traffic impacts. Given the central urban location of the site, a Construction Traffic Management Plan will be required before development begins.
- Kerbside waste-collection point is acceptable provided bins do not obstruct the footway or visibility splays. Indicative paths shown linking to the Village Green lie outwith the public road boundary and appear to have been created without formal agreement. Their status is a matter for the Access Officer rather than Transport Planning, and any changes must ensure pedestrian safety and avoid informal crossings onto Grampian Road.

5.4 **CNPA Access Officer:** Under the Land Reform (Scotland) Act 2003, statutory access rights apply to most outdoor areas, including open spaces within towns. On this basis, Aviemore village green is considered an area where access rights apply. However, these rights do not extend to the private driveway leading to the property "Kila." As the Access Authority this is our opinion, however, please note that only a Sheriff can make a formal legal determination on the extent of access rights as part of a judicial review.

Two informal paths created through the hedge and fence which link the village green and the private driveway, but neither path is a Core Path, Right of Way, nor any other designated route.

Historic aerial imagery suggests that the lower path (near Grampian Road) has existed for at least 17 years, during which time the public has exercised permissive access across it. 'Permissive access' refers to a situation when a landowner has allowed the public to use a path or an area of land (to which access rights do not apply), either through written agreement or by word of mouth. Permissive access can be withdrawn at any time.

5.5 **Scottish Water:** No objection.

## 6. DEVELOPMENT PLAN POLICY

The following policies are relevant to the assessment of the application:

### 6.1 National Planning Framework 4 (2023) (NPF4)

Policy 1 - Tackling the Climate and Nature Crises

Policy 2 - Climate Mitigation and Adaptation

Policy 3 – Biodiversity

Policy 4 – Natural Places

Policy 6 - Forestry, Woodland and Trees

Policy 9 - Brownfield, Vacant and Derelict Land and Empty Buildings  
Policy 13 - Sustainable Transport  
Policy 14 - Design Quality and Place  
Policy 15 - Local Living and 20 Minute Neighbourhoods  
Policy 16 - Quality Homes  
Policy 17 - Rural Homes  
Policy 22 - Flood Risk and Water Management  
Policy 30 - Tourism

## 6.2 **Cairngorms National Park Local Development Plan (CNPLDP) (2021)**

1 - New Housing Development  
2 - Supporting Economic Growth  
3 - Design and Placemaking  
4 - Natural Heritage  
10 - Resources  
11 - Developer Contributions

## 6.3 **Cairngorms National Park Guidance**

1 - New Housing Development, Non-statutory Guidance  
2 - Supporting Economic Growth, Non-statutory Guidance  
3 - Sustainable Design, Non-statutory Guidance  
10 - Resources, Non-statutory Guidance  
11 - Developer Contributions, Supplementary Guidance

## 7. **OTHER MATERIAL POLICY CONSIDERATIONS**

7.1 Planning Circular 1/2023: short-term lets and planning (2023)

7.2 Highland Council Non-Statutory Short-Term Let Control Area Planning Policy

## 8. **PLANNING APPRAISAL**

8.1 Section 25 of the Town and Country Planning (Scotland) Act 1997 requires planning applications to be determined in accordance with the development plan unless material considerations indicate otherwise.

### **Determining Issues**

8.2 This means that the application requires to be assessed against all policies of the Development Plan relevant to the application, all national and local policy guidance and all other material considerations relevant to the application.

### **Planning Considerations**

8.3 The key considerations in this case are:

- a) Compliance with the development plan and other planning policy
- b) Siting, Design and Amenity
- c) Access and Infrastructure
- d) Trees and Environment

e) any other material considerations

### **Development plan/other planning policy**

- 8.4 The development plan consists of NPF4 (2023), the Cairngorm National Park Local Development Plan (2021) and associated guidance. Although the proposed houses are intended as short-term letting units, they are to be constructed to full residential standards and would be capable of occupation as permanent residential dwellings. They must therefore be assessed as both new houses and as short term letting tourist accommodation under the relevant policies.
- 8.5 The site is within the settlement envelope of Aviemore therefore the relevant NPF4 housing policies are Policy 14 (Design, Quality and Place) which requires proposals to be well designed and protect local amenity; and Policy 16 (Quality Homes) which supports developments proposals for small-scale housing within settlement boundaries on land not allocated for housing in the development plan where it aligns with the spatial strategy and complies with wider policy requirements.
- 8.6 The key CNPLDP Policy relating to housing development is Policy 1.1 (Housing delivery in settlements) which supports new housing within settlement boundaries where it reinforces and enhances the character of the settlement. Other relevant policies include Policy 3.4 (Replacing existing building stock) which allows replacement buildings where the original footprint is retained and the existing structure is not listed or of conservation value; and Policy 3.3 (Sustainable Design), which requires consideration of factors such as access, sustainable transport, residential amenity and environmental impacts; and requires developments to be designed to be sympathetic to the traditional pattern and character of the surrounding area.
- 8.7 The proposal is considered to comply with the relevant NPF4 and CNPLDP housing policies. As a replacement of an existing house and the reinstatement of a dwelling on the footprint of a previously demolished property, the development reflects the established settlement pattern and character of the area and represents appropriate infill development on previously developed land within the settlement boundary. It also replaces a vacant, deteriorated, unlisted building with higher-quality accommodation on the same footprint. The proposal raises no amenity concerns and, subject to sensitive siting, design and protection of trees, would comply with the development plan.
- 8.8 NPF4 Policy 30 (Tourism) states at 30(b) that proposals for tourism related development will take into account:
- i. the contribution made to the local economy;
  - ii. compatibility with the surrounding area in terms of the nature and scale of the activity and impact of increased visitors;
  - iii. impact on communities (including provision of homes and services for local people);
  - iv. opportunities for sustainable travel and appropriate management of parking and traffic generation and scope for sustainable travel;
  - v. accessibility for disabled people;

- vi. measures to minimise carbon emissions; and
- vii. opportunities to provide access to the natural environment.

The applicant indicates that the proposal will deliver high-quality holiday accommodation in the Badenoch and Strathspey area, which attracts significant year-round tourism. Its central location within Aviemore means the development is well placed to support the local economy through increased use of nearby restaurants, shops and visitor attractions. The site sits within an area largely characterised by tourism and commercial uses, and the proposal is therefore compatible with the established character of the locality. As the existing property has been long-term vacant and previously operated as an HMO and a bed and breakfast, its replacement with tourist accommodation will not remove a functioning dwelling from the local housing market. The site also benefits from good access to public transport and the local road network offering strong opportunities for sustainable travel and access to the surrounding natural environment. On this basis, the proposal is considered to comply with Policy 30.

- 8.9 CNPLDP Policy 2 (Supporting Economic Growth) clarifies that proposals for new houses that will be used solely for tourism purposes, which otherwise meet residential standards, will be assessed under the CNPLDP housing policy and will be subject to developer obligations for residential purposes. As stated in para 8.7 the proposal is considered to comply with CNPLDP housing policies.
- 8.10 Other relevant policies include NPF4 Policies 1–3 which require all development to respond to the climate emergency and nature crisis and to incorporate measures that conserve, restore and enhance biodiversity; Policy 6 (Forestry, Woodland and Trees) seeks to protect existing woodland and tree cover, with any loss only supported where significant public benefits are clearly demonstrated; CNPLDP Policy 4 (Natural heritage) which concerns impacts on trees and protected species; and CNPLDP Policy 11 (Developer obligations) which requires contributions from new housing to support education, healthcare, community facilities, and natural heritage, when necessary to mitigate the impact of the development.
- 8.11 The principle of both residential and tourist related use accords with policy therefore subject to siting, design, and amenity; access and infrastructure; trees and environment factors, the proposal would be considered to comply with the Development Plan.

### **Siting, design and amenity**

- 8.12 Historic mapping confirms that two houses previously occupied the site – the existing dwelling, 'Kila', and a second property, 'Clune', positioned in the northern section of the plot. The proposed development therefore aligns with the historic settlement pattern and established layout of the area.
- 8.13 'Kila' is a five-bedroom, 1½ storey detached house dating from the early 1900s. The applicant has indicated that it is of single skin construction with little insulation and would require a complete overhaul of plumbing, electrics and a reconfiguration of the internal layout to make it suitable for modern living. Given the scale and cost of the works required, the applicant considers that full replacement of the existing

structure is the most practical and cost-effective option. The building is not listed and has no special architectural or historic significance.

- 8.14 The proposal therefore seeks to demolish 'Kila' and construct a replacement house on a similar footprint. A second house would be located within the northern part of the garden, with its own parking provision and surface-water drainage arrangements. It is relevant to note that, in 2012, the Cairngorms National Park Authority (CNP) granted planning permission (12/02747/FUL) for three two-bedroom holiday units on the northern portion of the site, with 'Kila' retained to the south.
- 8.15 The proposal is in principle, therefore the submitted site plan (Proposed Site Layout Plan 00003 Rev A) is indicative only. However, it serves to demonstrate that the site is large enough to accommodate 2 houses, alongside parking and turning areas and space for surface water soakaways, and adequate private garden ground. Full details of the final proposed siting, design, and external material finishes, are controlled by condition and would be submitted for consideration as part of a future MSC application(s).
- 8.16 The site occupies a central location within Aviemore, immediately west of the recently enhanced Village Green, where improvements including a bandstand and upgraded surfacing were recently delivered under permission (19/03001/FUL). The surrounding area is characterised primarily by commercial and tourism-related uses with limited residential properties. In this context, the proposal for short-term letting accommodation is considered compatible with the established character of the area and reflects the wider tourism-focused role of central Aviemore. At the same time, the site's accessible location close to services within a settlement boundary is also appropriate for small-scale residential development, consistent with relevant housing and tourism policies.
- 8.17 Representations from the Community Council and objector refer to potential impacts on the amenity of Village Green users. However, the Village Green is a public space already overlooked by neighbouring hotels and surrounding properties, and its users do not have an expectation of privacy akin to that associated with domestic gardens or private spaces. In this context, it is not considered that the proposal would result in any loss of amenity or that this objection carries significant weight.
- 8.18 It is also noted that any short-term let properties would require a licence, ensuring that their operation complies with relevant licensing requirements. The applicant has submitted a draft Management Plan outlining the intended operational arrangements, including guest capacity, noise management, health and safety, access and parking protocols, and waste and recycling arrangements. Such operational matters would be taken into account in the Licence application process. It is also noted that the applicant has submitted letters of support from three of the surrounding businesses.

### **Access and infrastructure**

- 8.19 Vehicular access to the site would continue to be taken from the private driveway and existing bellmouth onto Grampian Road (B9152), a 20-mph road running

through the centre of Aviemore. Transport Planning raise no objection to the proposal, subject to conditions requiring detailed information to be submitted at the MSC stage. Although representations suggest increased traffic at the junction with the B9152, Transport Planning note that the access is already established. Given the low vehicle speeds and good intervisibility between the top of the driveway and Grampian Road, the access is likely to remain acceptable without widening, provided visibility splays of 2.4 m × 25 m in both directions can be demonstrated.

- 8.20 A Transport Statement will be required at MSC stage. This should justify the proposed parking provision; set out servicing arrangements; review public transport availability in the locality; outline measures to encourage sustainable travel (such as cycle parking); and include an assessment of any traffic impacts on the public road network. Although the scale of development is modest, the site's central urban location means a Construction Traffic Management Plan will also be required to minimise disruption and safeguard neighbouring businesses during construction.
- 8.21 In terms of pedestrian access, it is noted that an informal path has formed at the eastern end of the driveway, near the public road, allowing movement from the Village Green across the private drive and into the grounds of the Cairngorm Hotel. Aerial imagery indicates that this informal route has been in place for a considerable period - at least 17 years. More recently, a section of hedge and fencing further west along the access track has been removed, creating an additional link between the rear of the Village Green and the driveway. It is understood that this may have been undertaken to facilitate disabled access to the bandstand. However, these works were carried out without the knowledge or consent of the applicant, who owns both the driveway and the associated boundary hedging and fencing, and they did not form part of the planning permission (19/03001/FUL) for the recent improvement works to the Village Green. There is ample space within the curtilage of the Green itself for disabled access to be provided without relying on land out with the Green's ownership.
- 8.22 Representations have been raised by the Community Council and the owner of the Village Green that a consequence of the proposal to develop the site will be the removal of these established pedestrian routes and that this may be an infringement of legal access rights. While matters of land ownership and encroachment are not material planning considerations, because these informal links connect to a public area further advice was sought from the CNP Access Team. The Access Team confirmed that while statutory access rights under the Land Reform (Scotland) Act would apply to the Village Green, these do not extend to the adjacent private driveway. Although permissive access appears to have been utilised for a number of years (where a landowner permits or does not object to access over their land) such access may be withdrawn at any time, and the applicant is within their rights to close the informal routes.

- 8.23 Water and electricity connections already serve the existing house. Foul drainage would be to the public sewer and there is sufficient space within the site to accommodate surface water soakaways for 2 properties.

### **Trees and environment**

- 8.24 The site comprises the existing garden ground of 'Kila'. Although currently quite overgrown, it contains a number of mature and semi-mature broadleaf trees, particularly along the boundaries. Immediately outwith the site, within the neighbouring hotel grounds, there is also a strong line of mature broadleaf trees that contribute to the wider landscape character.
- 8.25 Following the submission of a comprehensive tree survey, Arboricultural Impact Assessment, Tree Constraints Plan and Tree Protection Plan, the Forestry Officer has advised that many of the trees proposed for removal are Category C and of limited quality. Subject to the retention of several higher-quality trees and the inclusion of conditions requiring comprehensive tree protection and tree planting, the proposals are considered acceptable.
- 8.26 In addition, a scheme of biodiversity enhancement will be required at the MSC stage, in accordance with NPF4 Policy 3 to ensure that the development delivers measurable biodiversity benefits across the site.

### **Other material considerations**

- 8.27 A bat survey submitted in support of the application found evidence of bat roosts within the derelict building. A European Protected Species licence will therefore need to be obtained by the applicant from NatureScot prior to any works commencing on site and an informative will be included to this effect. The proposal is considered to meet the three tests for a European Protected Species licence: It is justified in terms of public interest, through delivery of a modern replacement dwelling that makes effective use of a central Aviemore site. There are no satisfactory alternatives, with retention of the existing building discounted due to its condition, layout and constraints. Favourable conservation status will be maintained through licensed works with appropriate mitigation and compensatory roost provision.

### **Non-material considerations**

- 8.28 The Council's Non-Statutory Short Term Lets within a Control Area Planning Policy (2023) is a material consideration for proposals for the change of use of residential properties to short term letting units within Ward 20, which was designated as a Short Term Let Control Area in March 2024. The policy generally supports short-term let use only where a property is long-term empty and being brought back into use, is located above a commercial unit in a settlement centre or contains at least four bedrooms. Although there is an existing house on the site, this proposal is for the erection of two new houses rather than a change of use of an existing dwelling. As such, the non-statutory policy does not apply in this case. Nonetheless, it is noted that the existing house, 'Kila', has been vacant since 2014 and previously operated as an HMO and bed and breakfast rather than a single-family dwelling. It also contains five bedrooms. On this basis, the proposal

would meet the relevant policy criteria relating to long-term empty properties and dwellings with four or more bedrooms and there is no conflict with the Short Term Let Control Area Policy.

- 8.29 Matters of land ownership, title boundaries and encroachment are civil legal matters to be determined between relevant parties and are not material planning considerations.

### **Matters to be secured by Legal Agreement / Upfront Payment**

- 8.30 In order to mitigate the impact of the development on infrastructure and services the following matters require to be secured prior to planning permission being issued:

- a) A developer contribution of £1,850 for the proposed new house in line with CNP requirements.

## **9. CONCLUSION**

- 9.1 The proposal is in principle for the redevelopment of a site containing one existing but vacant house, and a second plot where a former house has been demolished, to provide two new houses, intended for use as short-term letting units.
- 9.2 The site occupies a central position within the village and is surrounded by a mix of village-centre uses, predominantly commercial, hospitality and tourism-related. It reflects the historic settlement pattern and makes efficient use of previously developed land. In this context, the proposed use of the properties for both residential accommodation and short-term letting tourism purposes is considered to be compatible with neighbouring land uses and would accord with the Development Plan policies. Furthermore, the scale and nature of the development would mean that it could be accommodated on the site without giving rise to any significant impacts on residential or public amenity.
- 9.3 Acceptable arrangements for access, parking, drainage and servicing have been demonstrated in principle and can be secured through further details to be submitted at MSC stage. This later submission will also require full details of house design, tree protection measures, and biodiversity enhancements to ensure compliance with policy requirements
- 9.4 Overall, the proposal represents an appropriate form of small-scale development within the settlement of Aviemore, compatible with surrounding land uses and supported by national and local policy.
- 9.5 All relevant matters have been taken into account when appraising this application. It is considered that the proposal accords with the principles and policies contained within the Development Plan and is acceptable in terms of all other applicable material considerations.

## **10. IMPLICATIONS**

- 10.1 Resource: Not applicable

- 10.2 Legal: Not applicable
- 10.3 Community (Equality, Poverty and Rural): Not applicable
- 10.4 Climate Change/Carbon Clever: Not applicable
- 10.5 Risk: Not applicable
- 10.6 Gaelic: Not applicable

## 11. RECOMMENDATION

**Action required before decision issued** Y

Notification to Scottish Ministers N

Conclusion of Section 75  
Obligation/Upfront payment Y

Revocation of previous permission N

**Subject to the above actions**, it is recommended to **GRANT** the application subject to the following conditions and reasons

1. The development to which this permission in principle relates shall be begun no later than the expiration of five years beginning with the date of grant of this permission.

**Reason:** In accordance with Section 59 of the Town and Country Planning (Scotland) Act 1997 (as amended).

2. No development in respect of this planning permission in principle shall take place unless further application(s), accompanied by plans showing all the matters specified in Condition 3 below, have been submitted to and approved in writing by the Planning Authority. The further application(s) must be submitted within 3 years of the date of this permission.

**Reason:** Permission is hereby granted in principle only and to ensure that the matters specified in conditions are submitted timeously to enable full consideration of the matters specified, in accordance with the provisions of Sections 41 and 59 of the Town and Country Planning (Scotland) Act 1997 as amended.

3. No development shall commence until all of the matters specified below have been approved on application to the Planning Authority:
  - i. a detailed layout of the site of the proposed development (including site levels as existing and proposed);
  - ii. the design and external appearance of the proposed development;
  - iii. landscaping proposals for the site of the proposed development (including boundary treatments);

- iv. details of access and parking arrangements; and
- v. details of the proposed water supply and drainage arrangements.

**Reason:** Planning permission is granted in principle only and these specified matters must be approved prior to development commencing.

4. Any details pursuant to Condition 3 above shall show a development featuring the following elements:
- i. single storey or 1½ storeys in height;
  - ii. the replacement house to be positioned broadly on the footprint of the existing house;
  - iii. walls finished predominantly in a white/off-white wet-dash render/ smooth coursed cement render or natural stone or timber; and
  - iv. windows with a strong vertical emphasis.

**Reason:** In order to respect the vernacular building traditions of the area and integrate the proposal into its landscape setting; in the interests of visual amenity.

5. No other development shall commence until the site access has been constructed in accordance with The Highland Council's Access to Single Houses and Small Housing Developments guidelines, with:
- i. visibility splays of 2.4 x 25m (the X dimension and Y dimension respectively) in each direction, formed from the centre line of the junction.

Within the stated visibility splays, at no time shall anything obscure visibility between a driver's eye height of 1.05m positioned at the X dimension and an object height of 0.60m anywhere along the Y dimension.

**Reason:** In order to ensure the safety and free flow of traffic on the public road.

6. Any details pursuant to Condition 3 above shall show provision for a minimum of three car parking spaces and a turning area provided within the curtilage of each dwellinghouse and formed in accordance with The Highland Council's 'Access to Single Houses and Small Developments' guidance document prior to first occupation of the house and thereafter being maintained for this use in perpetuity.

**Reason:** In order to ensure an adequate level of off-street parking in the interests of road safety.

7. Any details pursuant to Condition 3 above shall include full details of wheelie/kerbside recycling bin storage area located close to the public road but outwith any visibility splays. The storage area shall be constructed in accordance with the details approved by the Planning Authority prior to the first occupation of the development and thereafter maintained in perpetuity.

**Reason:** To ensure that waste on the site is managed in a sustainable manner.

8. No development shall commence until a Construction Traffic Management Plan (including a routing plan for construction vehicles) has been submitted to and approved in writing by the Planning Authority. This shall include:
- Routing and timing of deliveries to avoid peak traffic periods on Grampian Road.
  - Contractor parking arrangements to prevent obstruction of the public road and footways.
  - Measures to maintain pedestrian safety, including temporary signage and traffic control if required.
  - Wheel washing and debris control to prevent material being tracked onto the carriageway.
  - Communication plan for notifying local businesses and residents of any temporary restrictions.

The approved Construction Traffic Management Plan shall be implemented prior to development commencing and remain in place until the development is complete.

**Reason:** In the interests of road safety, to limit the impacts on the local road network and to limit the amenity impacts of the construction phase of the development on residents.

- 9 Any details pursuant to Condition 3 above shall include a Transport Statement detailing the following:
- A clear justification and explanation of the proposed parking provision and how parking will be managed to limit occupancy to two vehicles per unit.
  - Details of servicing arrangements, including cleaning staff and waste collection.
  - A review of the public transport network in the vicinity of the site.
  - Confirmation of measures to promote sustainable travel where feasible, such as cycle parking provision.
  - A brief assessment of traffic impact, even if minor, given the site's central location.

**Reason:** In order to assess the impact of the development on the road network

10. Any details pursuant to Condition 3 above shall include details of foul and surface water drainage provision within the application site and access (which shall accord with the principles of Sustainable Urban Drainage Systems (SUDS) and be designed to the standards outlined in Sewers for Scotland Fourth Edition, or any superseding guidance prevailing at the time) shall be submitted as an application for approval of Matters Specified in Conditions. For the avoidance of doubt, foul drainage shall be by means of a connection to the public sewer. Thereafter, only the approved details shall

be implemented, and all surface water drainage provision shall be completed prior to occupation of the house.

**Reason:** In order to ensure that the site is properly and adequately drained in the interests of residential amenity and the water environment.

11. Any details pursuant to Condition 3 above shall include a plan clearly showing the footprint of the houses, garages and driveway, along with any underground services due to be excavated. All trees proposed for retention and removal shall be clearly and accurately marked on the plan.

**Reason:** To ensure the protection of retained trees during construction and thereafter.

12. Any details pursuant to Condition 3 above shall require an updated Tree Protection Plan and Arboricultural Method Statement (AMS) to be submitted to and subsequently approved in writing by the Planning Authority, in accordance with BS5837:2012 (Trees in Relation to Design, Demolition and Construction).

**Reason:** To ensure the protection of retained trees during construction and thereafter.

13. Any details pursuant to Condition 3 above shall include a detailed Tree Planting Plan and maintenance programme. The tree planting plan shall be implemented in full during the first planting season following commencement of development, or as otherwise agreed by the Planning Authority. For the avoidance of doubt, any trees which, within a period of five years from the completion of the development, die for whatever reason or are removed or damaged, shall be replaced in the next planting season with others of the same size and species.

**Reason:** In order to ensure removed trees are adequately compensated for.

14. Any details pursuant to Condition 3 above shall include a detailed Landscape and Biodiversity Enhancement Plan, to be approved by the Planning Authority. The Landscape and Biodiversity Enhancement Plan shall be implemented in full during the first planting season following commencement of development, or as otherwise agreed by the Planning Authority. For the avoidance of doubt, any trees or plants which, within a period of five years from the completion of the development, die for whatever reason or are removed or damaged, shall be replaced in the next planting season with others of the same size and species.

**Reason:** In the interests of amenity and in order to ensure that an appropriate level of biodiversity enhancement is achieved.

15. The layout as shown on the approved plans is indicative only and is not hereby approved.

**Reason:** In order to clarify the terms of the permission granted, as the approval is in principle only, and that the siting of any built development,

means of access to the site, and drainage systems, are to be agreed as part of a matters specified in condition application.

16. The development shall be undertaken in accordance with the Species Protection Plan contained within the submitted Bat Survey Report (Moray Firth Ecology 08 August 2025).

**Reason:** To minimise disturbance to nature conservation interests within the application site and ensure the protection of protected species and habitats.

## **REASON FOR DECISION**

All relevant matters have been taken into account when appraising this application. It is considered that the proposal accords with the principles and policies contained within the Development Plan and is acceptable in terms of all other applicable material considerations.

## **INFORMATIVES**

### **Initiation and Completion Notices**

The Town and Country Planning (Scotland) Act 1997 (as amended) requires all developers to submit notices to the Planning Authority prior to, and upon completion of, development. These are in addition to any other similar requirements (such as Building Warrant completion notices) and failure to comply represents a breach of planning control and may result in formal enforcement action.

1. The developer must submit a Notice of Initiation of Development in accordance with Section 27A of the Act to the Planning Authority prior to work commencing on site.
2. On completion of the development, the developer must submit a Notice of Completion in accordance with Section 27B of the Act to the Planning Authority.

Copies of the notices referred to are attached to this decision notice for your convenience.

### **Flood Risk**

It is important to note that the granting of planning permission does not imply there is an unconditional absence of flood risk relating to (or emanating from) the application site. As per Scottish Planning Policy (paragraph 259), planning permission does not remove the liability position of developers or owners in relation to flood risk.

## **Scottish Water**

You are advised that a supply and connection to Scottish Water infrastructure is dependent on sufficient spare capacity at the time of the application for connection to Scottish Water. The granting of planning permission does not guarantee a connection. Any enquiries with regards to sewerage connection and/or water supply should be directed to Scottish Water on 0845 601 8855.

## **Local Roads Authority Consent**

In addition to planning permission, you may require one or more separate consents (such as road construction consent, dropped kerb consent, a road openings permit, occupation of the road permit etc.) from the Area Roads Team prior to work commencing. These consents may require additional work and/or introduce additional specifications, and you are therefore advised to contact your local Area Roads office for further guidance at the earliest opportunity.

Failure to comply with access, parking and drainage infrastructure requirements may endanger road users, affect the safety and free-flow of traffic and is likely to result in enforcement action being taken against you under both the Town and Country Planning (Scotland) Act 1997 and the Roads (Scotland) Act 1984.

Further information on the Council's roads standards can be found at:

<http://www.highland.gov.uk/yourenvironment/roadsandtransport>

Application forms and guidance notes for access-related consents can be downloaded from:

[http://www.highland.gov.uk/info/20005/roads\\_and\\_pavements/101/permits\\_for\\_working\\_on\\_public\\_roads/2](http://www.highland.gov.uk/info/20005/roads_and_pavements/101/permits_for_working_on_public_roads/2)

## **Mud and Debris on Road**

Please note that it is an offence under Section 95 of the Roads (Scotland) Act 1984 to allow mud or any other material to be deposited, and thereafter remain, on a public road from any vehicle or development site. You must, therefore, put in place a strategy for dealing with any material deposited on the public road network and maintain this until development is complete.

## **Construction Hours and Noise-Generating Activities**

You are advised that construction work associated with the approved development (incl. the loading/unloading of delivery vehicles, plant or other machinery), for which noise is audible at the boundary of the application site, should not normally take place outwith the hours of 08:00 and 19:00 Monday to Friday, 08:00 and 13:00 on Saturdays or at any time on a Sunday or Bank Holiday in Scotland, as prescribed in Schedule 1 of the Banking and Financial Dealings Act 1971 (as amended).

Work falling outwith these hours which gives rise to amenity concerns, or noise at any time which exceeds acceptable levels, may result in the service of a notice under Section 60 of the Control of Pollution Act 1974 (as amended). Breaching a Section 60 notice constitutes an offence and is likely to result in court action.

If you wish formal consent to work at specific times or on specific days, you may apply to the Council's Environmental Health Officer under Section 61 of the 1974 Act. Any such application should be submitted after you have obtained your

Building Warrant, if required, and will be considered on its merits. Any decision taken will reflect the nature of the development, the site's location and the proximity of noise sensitive premises. Please contact [env.health@highland.gov.uk](mailto:env.health@highland.gov.uk) for more information.

**Protected Species – Bat License**

This proposal will result in the potential disturbance of roosting sites for bats during construction. Therefore, a European Protected Species (EPS) licence will be required from NatureScot, in relation to the bat roosts, prior to any of the proposed works commencing on-site.

A Species Protection Plan will require to be drawn up prior to application for an EPS license.

License application forms and guidance notes can be found at;

<https://www.nature.scot/doc/bats-licence-forms-and-guidance-documents>

EPS licenses can be granted to permit activities that would otherwise be unlawful under European legislation. Three tests must be satisfied before the licensing authority can issue a licence under Regulation 44(2) of the Conservation (Natural Habitats &c.) Regulations 1994 (as amended). An application for a licence will fail unless all of the three tests are satisfied

Signature:	Bob Robertson
Designation:	(Acting) Planning Manager - South
Author:	Christine Macleod
Background Papers:	Documents referred to in report and in case file.
Relevant Plans:	Plan 1 - 000001 – Location plan Plan 2 - 000002 – Existing Site layout plan Plan 3 - 000003 Rev A – Proposed Site layout plan

**Appendix 2**

	COMPLETE FOR LEGAL AGREEMENTS AND UPFRONT PAYMENTS				REQUIRED FOR LEGAL AGREEMENTS ONLY				
Type	Contribution	Rate (per house)	Rate (per flat)	Total Amount* <sup>1</sup>	Index Linked <sup>1</sup>	Base Date* <sup>2</sup>	Payment Trigger* <sup>3</sup>	Accounting Dates* <sup>4</sup>	Clawback Period* <sup>5</sup>
Commuted Sum <sup>2</sup>	£1,850 per affordable unit not delivered on/off site.	£1,850	N/A	£1,850	N/A	N/A	Upfront payment prior to issue of planning permission	N/A	5 Years

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LAND REGISTER  
OF SCOTLAND

Officer's ID / Date

4233  
8/6/2015

TITLE NUMBER

**INV33499**



ORDNANCE SURVEY  
NATIONAL GRID REFERENCE

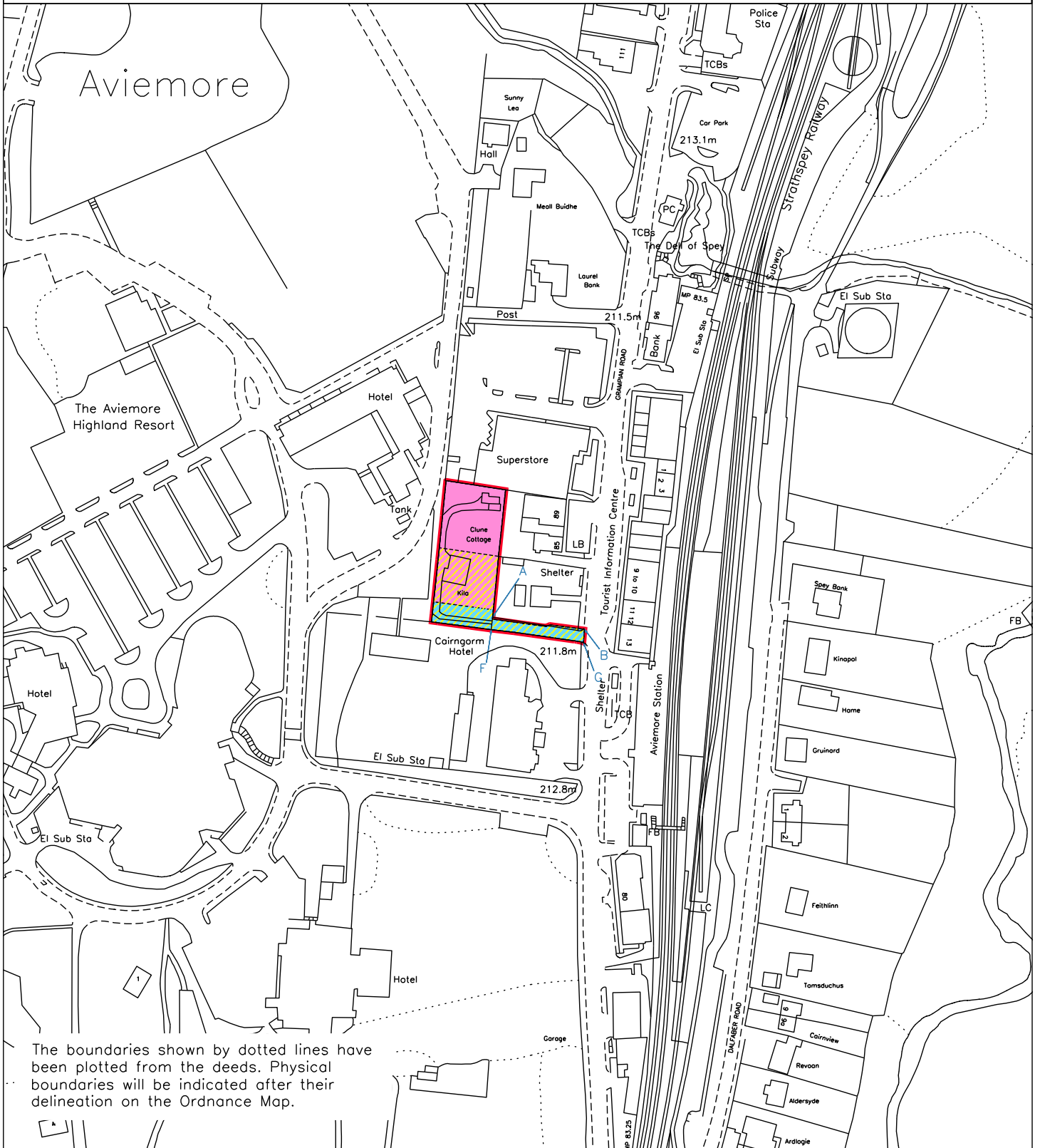
140m

NH8912 NH81SE

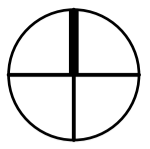
Survey Scale

1/2500

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The boundaries shown by dotted lines have been plotted from the deeds. Physical boundaries will be indicated after their delineation on the Ordnance Map.



Application (and title deeds) boundary shown in red  
Site area = 2060m<sup>2</sup>

# Existing Site Plan - 1:200 @ A1



Project: Kila and Clune  
Proposed 2no. 4-bedroom Holiday Let Units

Project Address: 79 Grampian Road, Aviemore, PH22 1RH

Applicant: Alistair Struthers

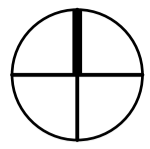
Applicant Email: astruthers30@outlook.com

289500E

812400N

812350N

# Proposed Site Plan Rev A - 1:200 @ A1



Application (and title deeds) boundary shown in red  
Site area = 2060m<sup>2</sup>

Premium composite fence panels with aluminium fence posts to boundary with Tesco to the north and carpark to the west (2m high) - in front of galvanised steel Palisade fencing belonging to the MacDonald Hotel

### Boundaries

Currently mixed (porous) boundary finishes - secure boundaries to be established as per plan notes.

### Services

Foul drainage to connect to public sewer - as is existing for Kila.  
Ample space within both Kila and Clune curtilages for soakaways for surface water.  
Electricity and water - already on site at Kila.

### Clune

Old plans and Title Deeds plan show a former dwelling on the site of Clune - that was called Clune.



Tree outside of site boundary - not owned or controlled by the applicant

Proposed domestic curtilage of Clune (native hedging)

Native hedging to eastern boundary with composite fencing internally

Paths have been built from the neighbouring village green area onto applicant's driveway / ownership - the applicant will be reinstating his title deeds boundaries as per the red line

Existing access with good visibility in both directions on to 20mph road

Canopy of trees beyond south boundary overhangs access track - no proposed changes to access track

Existing hedge to boundary to be infilled with native hedging with simple post and wire fencing added internally

Simple post and wire fencing to remain to southern boundary with native hedging internally

Existing bin storage / collection area to remain

812400N

812350N

289500E

Project: Kila and Clune  
Proposed 2no. 4-bedroom Holiday Let Units

Project Address: 79 Grampian Road, Aviemore, PH22 1RH

Applicant: Alistair Struthers

Applicant Email: astruthers30@outlook.com