

2013/0073/MSC & 2013/0074/MSC

## APPENDIX 2

Aviemore and Vicinity Community  
Council Consultations Responses

**aviemore & vicinity  
community council**

*"Stand fast, Craigellachie"*



'Colonsay'  
12 Morlich Place,  
Aviemore,  
Inverness-shire.  
PH22 1TH

Tel. No. [REDACTED]

Email. [REDACTED]

20th March 2013

Cairngorms National Park Authority Planning Office  
Albert Memorial Hall  
Station Square  
Ballater  
AB35 5QB

Dear Sir,

**Planning Applications - 2013/0074/MSC and 2013/0073/MSC Approval of Matters Specified in Conditions - Land Northwest of Dalfaber Farm, Aviemore**

I refer to the above and have to inform you that Aviemore and Vicinity Community Council(AVCC) wish to object to both applications and wish to comment as follows:

- i. AVCC found the applications confusing and vague in their proposals. The design statement refers to 'design principles' which are to be found at Part 3. The document does not have a labeled Part 3. We could not find any properly defined 'design principles' in the document, just concepts. The design principles should be clearly defined so that there is no ambiguity as to heights, materials, boundary treatments etc. The applications go nowhere near fulfilling the conditions.
- ii. AVCC considers that planning legislation should be followed in full and there should be no shortcuts. Just because this is a 'larger' development does not mean that it should be treated differently to a small development.

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Secretary: Ray Sefton

Treasurer: Lorna McGibbon

- iii. The Design Statement makes reference to 'negotiations' already having taken place to simplify the legal process. We are unable to find any reference to the content of the negotiations or that the negotiations have been sanctioned by the CNPA Board. The inference, therefore, is that this has all been done behind closed doors and lacks the openness that one would expect from a planning authority such as CNPA.
- iv. With regards to the 'simple step by step procedure' which appears to have been agreed in the negotiations we do not see why the seller of the land needs, at any time, to be involved in the screening of the proposed designs or that their agreement to the design is needed. It is a can of worms waiting to be opened. The decision on whether a house follows the design principle is for the Planning Authority and the Planning Authority alone. There is plenty of scope for a house builder to engage in pre-application discussion with the Authority. It is one of the functions of the Planning Authority.
- v. The final decision on whether the design of all of the houses complies with the 'design principles', whether for single application or multiple applications, should be made by the CNPA Planning Committee or the Highland Council Planning Committee after a proper full planning application. To do otherwise would dilute the function of the Planning Authority and remove the right of the public to comment.
- vi. Condition 11 clearly states that 'Phasing shall be undertaken generally in a north to south direction'. The phasing plan in the application does not follow that north to south direction. The last phase is at the north. This is an extreme interpretation of the term 'generally' and should be summarily dismissed.
- vii. One of the Reporters conditions is that there should be no land raising. The site plan shows a section of road going over the flood risk area. The area in question consists of a wide 'gully'. There is no indication as to how this is going to be done without land raising.
- viii. In a recent planning permission for the Golf Clubhouse there was a condition for road speed humps to be placed between Corrou Road and the Golf Clubhouse as a road safety measure. These traffic calming measures which were deemed necessary for traffic to the Golf Clubhouse have not been reproduced in the traffic plan. As there will be much more traffic using the roadway it makes sense that the road speed humps are now even more necessary and should be included.
- ix. The site layout sketches show a roundabout opposite the golf clubhouse. We question the need for a roundabout at this location. The roundabout would be better placed at the Corrou Road/Dalfaber Drive junction.

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- x. On the roadway at the entrance to the site from Corrou Road there are pavements shown on both sides. We feel that, in the interests of road safety both pavements are necessary as a pedestrian approaching from Corrou Road and visiting housing on the west side of the site road would have to cross the road twice to get to their destination. There is no indication of the roadway being moved eastwards to allow for a pavement on the west side. At present the west side pavement shown on the drawing is on private land not owned by the applicant and we seriously doubt that the land will ever become available to the applicant.
- xi. At the same location the ground on the west side is already at the level of the roadway. Any pavement or work done to the roadway would have to ensure that there was no likelihood of ponding of water on the ground on the west side of the road. The applicants have not given any indication on how they intend to deal with possible ponding of water on the ground on the west side.
- xii. There is no detailed plan of public access.
- xiii. There are no detailed proposals to extend the path on the golf course boundary to link with the path to the fisherman's car park.
- xiv. There are no detailed proposals regarding the width, specification, and provision of vehicular barriers associated with the proposed emergency vehicle access route from Spey Avenue.
- xv. AVCC is concerned about the non provision of a footway between the shown roundabout and the northern end of the site. There is no doubt that this roadway will be used by pedestrians and cyclists both resident and visitor. There is a road safety issue that needs to be addressed.
- xvi. The plan shows a small recreation area at the south end of the site. AVCC considers that, with the amount of housing at the north end of Aviemore east of the Strathspey Railway crossing, the area is too small and inadequate as a play area. Plots 29-32 should be deleted and re-located. The resultant play area would then be adequate.
- xvii. AVCC considers that the layout of the houses at the south end of the site is too regimented with straight lines.
- xviii. AVCC considers that the proposed tree planting, in particular between the southern site and the adjacent Timeshare resort and between the southern site and the golf clubhouse, is insufficient to maintain site integrity and maintain privacy for both new occupants and those in the surrounding area.

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In conclusion,

AVCC found the applications confusing. This was not helped with there being detail missing on the CNPA Eplanning site that was available via the Highland Council Eplanning. An important map document on the Highland Council site showing roads, paths, planting, plots etc., in layers was not reproduced on the CNPA site. It is also unacceptable to have to look at three websites (CNPA, HC and DPEA) to get the information that is necessary to consider the applications.

AVCC accept that planning permission is in place for the development but do not accept that there should be any diminution in the statutory legal process. The conditions in the appeal were put there to ensure that the public and the environment are not disadvantaged by the development. They are also there to protect the developer.

AVCC, for the above reasons, are of the opinion that the application is lacking in the substance and detail required by the conditions applying to the planning permission. The application gives the impression of a hurriedly put together document to comply with time restraints and it is not fit for purpose.

AVCC recommends that the applicant be asked to re-submit the application to cover all the points in the conditions with more precise detailing.

AVCC requests that a representative be allowed to address the Planning Committee in order that the members of the CNPA board may have a better understanding in terms of planning and its effect on Aviemore and its environs of this particular development.

Yours faithfully,



John Grierson  
Chairman

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**aviemore & vicinity  
community council**

*"Stand fast, Craigellachie"*



'Colonsay'  
12 Morlich Place,  
Aviemore,  
Inverness-shire.  
PH22 1TH

[REDACTED]  
29th March 2013

Cairngorms National Park Authority Planning Office  
Albert Memorial Hall  
Station Square  
Ballater  
AB35 5QB

Dear Sir,

**Planning Applications - 2013/0074/MSC and 2013/0073/MSC Approval of Matters Specified in Conditions - Land Northwest of Dalfaber Farm, Aviemore**

I refer to the above and our correspondence dated 20th March 2013 on the above subject have to inform you that there was an omission from our submission and Aviemore and Vicinity Community Council(AVCC) wish to make a further comment;

- i. Planning Appeal PPA-001-2000 was in relation to a proposed development of ten (originally twenty) serviced housing plots. In Para 3 of his reasoning for his appeal decision, the Reporter agreed the ten houses. In both of the above planning applications eleven houses are shown and is therefore outwith the scope of the original planning application that was appealed to the reporter and therefore does not comply with the Reporters Appeal decision.
- ii. As this increase in houses is contrary to the appeal decision, we feel it is not within the powers of the Planning Authority to change the number of houses without there being a fresh Planning Application. The applicant chose to appeal the Planning Authorities decision and should therefore comply with all the appeal decisions, as should the Planning Authority.

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In conclusion, the applicant has not fulfilled the obligations in the conditions set by the Reporter. They have increased the number of houses and the application, in its present form, should be dismissed. There should no longer be any negotiation on house numbers. The Reporter did not give any leeway in his decision and conditions for any negotiation on increasing house numbers.

The applicant went to appeal on the basis of ten houses and that was agreed by the Reporter. It would set a dangerous precedent if the Planning Authority, in effect, changed the decision of the Reporter.

Yours faithfully,

A large black rectangular redaction box covers the signature area.

J  
Chairman

Chairman: John Grierson

Vice-Chairman: Alastair Dargie

Secretary: Ray Sefton

Treasurer: Lorna McGibbon



**From:**John Grierson

**Sent:**Sat, 30 Mar 2013 08:58:05 +0000

**To:**Planning

**Cc:**Alastair Dargie;John Grierson;Karen Lawrie;Kathleen

Cameron;kirstycfargie@yahoo.com;Lorna McGibbon;Mark Allan;Ray Sefton;Ron Whyte;Yvonne Birnie

**Subject:**Aviemore and Vicinity Community Council - Planning Applications - 2013/0074/MSC and 2013/0073/MSC Approval of Matters Specified in Conditions - Land Northwest of Dalfaber Farm, Aviemore ADDITIONAL SUBMISSION

**Attachments:**Planning Application - 2013\_0074\_MSC and 2013\_0075\_MSC North Dalfaber ADDENDUM.docx

**Importance:**Normal

Dear Sir,

Please find a further submission from Aviemore and Vicinity Community Council which was omitted from the first submission.

Also, I have observed that our first submission is only showing on one of the applications on the EplanningCNPA website. The submission was in relation to both applications and should therefore show up on both. Could this please be amended.

Regards,

John Grierson  
Chairman

Aviemore and Vicinity Community Council

**From:**Sam Wainwright  
**Sent:**12 May 2014 08:50:19 +0100  
**To:**Planning  
**Subject:**FW: Consultation Request for Application 2013/0073/MS and 2013/0074/MS

**From:** Ray Sefton [mailto:avccsecretary@gmail.com]  
**Sent:** 09 May 2014 20:07  
**To:** Sam Wainwright  
**Subject:** Re: Consultation Request for Application 2013/0073/MS and 2013/0074/MS

Hi Sam,

Many thanks for the reminder. Our Chairman John Grierson was dealing with this application. I quote an email sent to me by John on 17th April "We actually objected to this application when it first went in. There are no changes to their application so I will just write saying we adhere to our original objection". Our sub group agreed with this action. I can only apologise that this has been overlooked. John is on holiday and returning sometime next week.

You can be assured that the AVCC is maintaining its objection to this planning application.

Kind regards

Ray

On Fri, May 9, 2014 at 1:56 PM, Sam Wainwright <[SamWainwright@cairngorms.co.uk](mailto:SamWainwright@cairngorms.co.uk)> wrote:

Further to our recent re-consultation on 17 April, on the above applications which expired on 1 May 2014, we have noted that we have not received any response from you regarding consideration of those details submitted. We are hoping to take these cases to an early Planning Committee for consideration and we would therefore welcome any comments you have, to be received by Monday 19 May 2014.

Details related to this application can be found online here <http://cairngorms.co.uk/park-authority/planning/new-planning-applications/>

Contact us if any further information is required.

Regards

Sam Wainwright

Planning Systems Officer

Cairngorms National Park Authority

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