

CNPA Planning Committee

9.00am 14 December 2007 @ The Community Hall, Boat of Garten

Papers 1 – 5 Update for Members

Context

1. Apart from the Call-In Report, all of the business on the agenda for this meeting of the Planning Committee relates to sites within the Aviemore Highland Resort.
2. These notes are to appraise Members of the background and current circumstances of the applications on the agenda for this meeting.
3. The applicants had requested that for compelling business reasons all of the applications on this agenda are brought forward for determination in December despite the fact that some crucial issues remained unresolved at the point when reports had to be completed and sent out. This request has been supported by MSPs and the local MP.
4. AHR is important to the economy both of Aviemore and the Park and the CNPA has worked to facilitate the desire for determination within this timescale. Reports were issued with four of the applications recommended for deferral in anticipation that outstanding issues could be resolved prior to the Committee to allow revised recommendations for approval. This is now the case and the resolution of the SEPA objection in particular has led to revised recommendations of approval subject to conditions. As further consultation responses have been received it has also been possible to further refine the recommendation on the AHR masterplan application.

Information

5. One of the applications, 07/445/CP Paper 5 Indicative Masterplan for Mixed Use Development, was called in on 16 November 2007. It had been lodged with Highland Council in June 2007, but could not be validated because the applicant had not supplied all of the necessary information. It was validated and notified on 12 November. Aware of the urgency attached by the applicant to the application, CNPA agreed to process it as quickly as possible in line within the proper statutory process and without prejudice to the outcome. Staff resources were not sufficient to deal with the application within this timescale so CNPA employed the services of a planning consultant to substantially prepare the report. CNPA officers have also put in many extra hours to enable this and the other reports on the agenda to be brought to this Committee. A briefing meeting has taken place with Aviemore Community Council.

Consultees were asked to provide their comments quickly and they have responded positively to this request.

6. Outline planning permission was granted by Highland Council in 2002 for amendment to an earlier masterplan permission for the resort and including permission in principle for a 30000sqft supermarket and 140 houses (20% affordable). Two of the applications on this agenda, 06/395/CP Paper 1 and 05/306/CP Paper 3, are for reserved matters following this outline. 05/304/CP Paper 4 is essentially an adjunct to the latter to add 21 houses to the amount allowed by the outline. The length of time since Call In reflects both negotiation to improve the quality of the schemes and delays by the applicant for the supermarket in supplying necessary information. The other factor that has delayed consideration is the position with Highland Council Area Roads Manager who has had difficulty getting sufficient information to form a current view.
7. The outline application for a 45000sqft supermarket (04/120/CP Paper 2) has been held up since 2004 as the applicant would not submit a Retail Impact Assessment or Traffic Assessment. These documents were not made available until October/November 2007.
8. The 2002 outline permission was accompanied by a Minute of Agreement and between them there were several road requirements within the resort. A particular condition stated that a supermarket could not trade until a link road to adoptable standard had been put through the resort connecting the south and north accesses. The master plan application and outline application for a 45000sqft supermarket (04/120/CP Paper 2) required a new Traffic Assessment that was not made available until November 2007. The Area Roads Manager has looked at the submitted Traffic Assessment and is of the view that this road is needed sooner rather than later for the supermarket, housing and the wider masterplan for mixed use. The precise point at which its provision is needed is, however, still the subject of consideration. The definitive position of the Area Roads Manager is awaited and will be reported at the meeting, but several of the proposed conditions reflect the importance of the highway aspects of all of the applications.
9. In tandem with its masterplan application AHR has requested a variation to the Minute of Agreement to delay provision of this road for some years. Highland Council is considering the request at a meeting on 17 December. The Director of Planning and Development is recommending that the Minute of Agreement be amended on the following terms:
 1. The Agreement to construct the Link Road be extended by a period of 5 years with a review as to progress of phasing and final implementation to be undertaken after 3 and 4 years.
 2. The Northern Link Road be implemented in parallel with the phasing of the development of the Aviemore Highland Resort in accordance with any outline planning permission for the master

planning of the Resort granted by the Cairngorms National Park Authority. This phasing plan should be agreed in its final form within 6 months of the date of the amended Minute of Agreement which should now include the CNPA as signatories.

3. The submission of a Traffic Assessment within 6 months of the date of the amended Minute of Agreement to assess, notwithstanding the above, when the Northern Link Road be constructed to allow through traffic from the north and south axis points on Grampian Road.
10. For clarification, the reference by the Director of Planning to the "Northern Link Road" is intended to be the North-South Link Road i.e. the distributor road through the resort.
11. Since the original reports were issued clarification has been obtained on the role of Architecture + Design Scotland. It has been ascertained that there is no statutory context for notifying them prior granting planning permission. A+DS has also confirmed that it does not wish to be notified in this manner. This part of the recommendation on Paper 5 has therefore been deleted.
12. There is a history of flooding with the properties in Craig Na Gower Avenue adjoining the housing and supermarket sites. Residents have objected. The Flood Risk Assessment recently submitted did not satisfy SEPA who objected to the supermarket and housing applications, but were willing to allow the outline masterplan application subject to conditions. Since the Planning Committee reports were issued there has been intensive dialogue between SEPA and the applicants' engineers. This has resulted in the resolution of the SEPA objection and SEPA are now happy that approval can be granted to all applications subject to conditions.
13. Aviemore Community Council have a particular concern regarding the lack of provision of a community open space and community building within the resort site despite it being indicated on previous plans for the area. This concern has been reflected in the recommended conditions for the AHR masterplan (07/445/CP Paper 5).
14. The design issues on the 30000sqft reserved matters supermarket (06/395/CP Paper 1) have been resolved to the extent that it is now recommended for approval subject to conditions. The revisions to the design will be explained during the presentation at the meeting.
15. Individual applications must be considered on their merits. However Members should be aware as a point of information of the existence of the current full application for a supermarket and other retail development by Laurel Grant Limited on land to the east of the resort occupied by the existing Tesco and other properties. It had been intended to bring it to the 14 December meeting, but an incorrect

certificate with the application has meant that a new certificate and notification of other persons owning land has had to take place. This application will now come to Committee on 11 January 2008.

16. A planning consultant specialising in retail matters will be available to answer questions on the supermarkets and retail aspects of the masterplan application. The Highland Council Area Roads Manager and representatives from SEPA will also be present to advise on the roads and flooding issues. The CNPA Solicitor will be present should legal advice be required.

Conclusion

17. In summary, the outstanding SEPA objection has been resolved and issues of concern to the Highland Council Area Roads Manager and other consultees can be dealt with by way of conditions attached to any planning permissions. Revised recommendations are now being put forward on all of the applications covered by Papers 1 – 5. As a result of the intensive work by all parties over the last week it is now possible to recommend approval subject to conditions in each case.
18. **Given the time available to bring forward these recommendations it is likely, should the decisions of the Planning Committee accord with the recommendations, that some minor redrafting of conditions may be necessary to ensure consistency. It is requested that Members delegate this to the Head of Planning in consultation with the Convener of the Planning Committee and a small number of other nominated members. This will allow decisions to be issued before the end of the year.**

Don McKee
Head of Planning

13 December 2007