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# CAIRNGORMS NATIONAL PARK AUTHORITY

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## DRAFT MINUTES OF THE PLANNING COMMITTEE

held at The Community Hall, Boat of Garten  
on 14<sup>th</sup> December 2007 at 10.30am

### PRESENT

Eric Baird  
Stuart Black  
Geva Blackett  
Duncan Bryden  
Nonie Coulthard  
Jaci Douglas  
Dave Fallows  
Lucy Grant  
David Green  
Drew Hendry  
Bob Kinnaird  
Bruce Luffman

Mary McCafferty  
Willie McKenna  
Eleanor Mackintosh  
Ian Mackintosh  
Anne MacLean  
Alastair MacLennan  
Fiona Murdoch  
Sandy Park  
Andrew Rafferty (Arrived late)  
Richard Stroud  
Susan Walker  
Ross Watson

### IN ATTENDANCE:

Don McKee  
Mary Grier  
Neil Stewart

Andrew Tait  
Pip Mackie  
Wendy Mitchell

### APOLOGIES:

Marcus Humphrey

### WELCOME AND APOLOGIES

1. The Convenor welcomed all present.
2. Apologies were received from the above Member.

### MATTERS ARISING FROM THE PREVIOUS MEETING

3. The minutes of the previous meeting, 30<sup>th</sup> November 2007, held at The Lonach Hall, Strathdon were approved.
4. There were no matters arising.

## DECLARATION OF INTEREST BY MEMBERS ON ANY ITEMS APPEARING ON THE AGENDA

5. Anne MacLean declared an interest in Planning Application No.'s 07/461/CP and 07/465/CP.
6. Jaci Douglas declared an interest in Planning Application No. 07/465/CP.

## PLANNING APPLICATION CALL-IN DECISIONS (Oral Presentation, Neil Stewart)

7. 07/460/CP - No Call-in
8. 07/461/CP - No Call-in
9. 07/462/CP - No Call-in
10. 07/463/CP - No Call-in
11. 07/464/CP - No Call-in
  
12. 07/465/CP - The decision was to call-in the application for the following reason :
  - The proposal involves the creation and upgrade of existing all abilities footpaths and interpretative panels, as well as the construction of a viewing deck and footbridge, all in a popular recreational area, parts of which are designated as Ancient Woodland. The proposal therefore raises issues in relation to the provision of recreational and all abilities access, promotion of understanding and enjoyment of the special qualities of the area, and the conservation and enhancement of the natural and cultural heritage. As such, it is considered to raises issues of general significance to the collective aims of the National Park.
  
13. 07/466/CP - No Call-in
14. 07/467/CP - No Call-in
15. 07/468/CP - No Call-in
16. 07/469/CP - No Call-in
17. 07/470/CP - No Call-in
18. 07/471/CP - No Call-in
19. 07/472/CP - No Call-in
20. 07/473/CP - No Call-in
21. 07/474/CP - No Call-in
22. 07/475/CP - No Call-in
23. 07/476/CP - No Call-in
24. 07/477/CP - No Call-in

## **COMMENTING ON APPLICATIONS NOT CALLED-IN BY THE COMMITTEE**

25. The Members wished to make comments to the Local Authorities on the following Planning Application No's 07/469/CP, 07/473/CP & 07/477/CP. The planning officers noted these comments and were delegated with the responsibility of whether or not to submit the comments to the Local Authorities.
26. Andrew Rafferty arrived at the meeting.
27. Sue Walker stated that she was concerned about the limited time which Members had been given to read the update papers (issued Thursday afternoon), and given the timescale, she felt unable to provide sufficient judgement to determine the applications. Sue Walker left the meeting.
28. Lucy Grant also raised concern about the time allocated to read the update papers and questioned if she also should leave the meeting.
29. David Green stated that Members had all day to consider the applications and that the Planning Officials would give the complete picture regarding the applications.
30. Don McKee read an update paper, which had been issued on Thursday, and also guided Members through a scene setting presentation of Aviemore Highland Resort area. Don McKee drew the Committee's attention to paragraph 18 in the update paper that should the decisions of the Planning Committee accord with the recommendations, that some minor redrafting of conditions may be necessary to ensure consistency. It was 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.
31. David Green advised Members that various consultees and advisors were present to assist and answer any questions Members may have regarding the applications. As well as various members of CNPA staff, there was also:
  - Jim Mackay and Richard Brown - SEPA
  - Iain Wallace and Fred McIntosh - Highland Council Roads Dept.
  - Max Cowan – Retail Consultant for CNPA
  - David Scott – Ledingham Chalmers Solicitors for CNPA

## **REPORT ON CALLED-IN PLANNING APPLICATION FOR ERECTION OF 2787 SQUARE METRE (30,000 SQ. FT) SUPERMARKET AND CAR PARK AT LAND AT NORTH-WEST CORNER, NORTHERN LINK ROAD/ GRAMPIAN ROAD JUNCTION, AVIEMORE (PAPER 1)**

32. David Green advised that requests to address the Committee had been received from Ian Malcolm, representative from Aviemore Community Council and Gary Johnston and Jim Farquhar, Agents for the application.
33. The Committee agreed to the requests.
34. The Committee paused to read 2 letters of representation.
35. Andrew Tait provided Members with an amended recommendation for the application from deferral of the application to approval subject to conditions, this

was due to the applicants addressing the all the points for deferral apart from point 5 requiring a green roof. Andrew Tait stated that instead of the green roof, a condition requiring a green travel plan and micro energy generation would be applied and therefore he was now recommending that the Committee approve the application subject to the conditions as stated in the additional update paper.

36. The Committee discussed the application and the following points were raised:
- a) Clarification of the number of footbridges crossing the burn and the connecting paths to them.
  - b) The Minute of Agreement and time period for providing the north - south link road between the Applicants and Highland Council.
  - c) The upcoming meeting of Highland Council Roads Dept. to discuss the possibility of amending the Minute of Agreement regarding the north - south link road.
  - d) Safe pedestrian access to the site from Grampian Road.
  - e) Clarification why SEPA had withdrawn their objection.
  - f) The construction of the roof on the building and its snow holding capacity.
  - g) The sustainability of and heating provision for the proposed building.
  - h) The requirement for conditions covering external lighting and advertising boards.
37. Gary Johnston and Jim Farquhar addressed the Committee.
38. The Board Members were invited to ask question of the speakers, the following points were raised:
- a) The delay in providing further information to the Planning Officials and then the apparent rush to determine the planning applications.
  - b) The link road through the AHR resort.
  - c) The location of trolley parks on the site.
  - d) The service bay access road crossing land not under the applicant's ownership.
  - e) The availability of money set aside by HIE under the original Masterplan for providing the link road.
  - f) The potential for congestion on Grampian Road.
  - g) The finances of other involved parties.
  - h) The proposed materials for the tower aspect of the development.
  - i) The sustainability and energy retention of the proposed design.
  - j) The pitch and materials being proposed for the roof.
  - k) The current one way system through the AHR resort.
39. Ian Malcolm addressed the Committee.
40. The Board Members were invited to ask question of the speaker, the following point was raised:
- a) Clarification of Aviemore Community Council's use of the term 'northern link road'.
41. Ian Wallace, Highland Council Roads Engineer, addressed the Committee.
42. The Board Members were invited to ask questions of the speaker, the following points were raised:
- a) Why the Roads Authority's view had changed from the consultation response received by the CNPA a week ago.
  - b) The key development factors required for the road to be built in terms of timing.
43. The Board Members were invited to ask questions of Jim Mackay and Richard Brown, representatives of SEPA - the following points were raised:

- a) Why SEPA had withdrawn its original objections.
  - b) Clarification that the flood risk had taken account of the potential for climate change and an increase in water levels.
  - c) Clarification of how condition 4, regarding timing of works, would be monitored.
  - d) The protocol followed for SEPA to respond to flood risk issues on planning applications.
44. Max Cowan, Retail Consultant, addressed the Committee.
45. The Board Members were invited to ask questions of Max Cowan - the following point was raised:
- a) Clarification of the size of the existing supermarket operating in Aviemore and the size of the proposed development.
46. The Board Members were invited to ask questions of David Scott, Solicitor - the following point was raised:
- a) Clarification of the existing Minute of Agreement between the Applicant and Highland Council.
47. The Board Members were invited to ask questions of Andrew Tait - the following points were raised:
- a) Clarification on the procedure for SEPA responding to consultations on flood risk.
  - b) Clarification of whose responsibility it is to monitor conditions applied to planning applications.
  - c) The proposed opening hours of the supermarket.
  - d) The provision of bike racks.
  - e) A condition requiring an energy consultant to carry out an assessment of the development.
  - f) The design of the building, particularly the proposed stone tower.
  - g) Concern over the apparent haste in which the applications had been brought forward for determination and the limited time Members were given to read the proposed conditions.
  - h) The importance of determining applications for sound planning reasons and not financial implications.
  - i) The construction of the road being linked to the physical development on site.
  - j) The possibility of delegating the agreed revisions to the conditions to the Convener, a small group of Members and the Planning Officials.
48. The Committee agreed to approve the application subject to the conditions stated in the update paper and amended / additional conditions covering:
- lighting
  - advertising boards
  - pedestrian crossings
  - the upgrade of the footbridges to the west of the site
  - Condition 23 being amended to require an energy consultant to carry out an assessment of the development.
49. It was agreed that the Planning Officials would revise the conditions in consultation with the Convener and Vice – Convener. The conditions would then be brought back to the next Planning Committee (28<sup>th</sup> December 2007) for ratification by the full Planning Committee.
50. The Committee broke for lunch at 12:45hrs.
51. The Committee re-convened at 13:30hrs.

52. Lucy Grant left the meeting.

**REPORT ON CALLED-IN PLANNING APPLICATION FOR INCREASE IN  
MAXIMUM GROSS FLOOR AREA OF SUPERMARKET WITH ASSOCIATED  
PARKING AND ANCILLARY BUILDINGS AT AVIEMORE CENTRE, AVIEMORE  
(PAPER 2)**

53. David Green advised that requests to address the Committee had again been received from Ian Malcolm, representative from Aviemore Community Council and Gary Johnston, Agent for the application.
54. Members agreed to the requests to address the Committee.
55. Andrew Tait provided Members with an amended recommendation for the application from deferral of the application to approval subject to conditions, this was due to the applicants addressing the all the points for deferral. Andrew Tait recommended that the Committee approve the application subject to the conditions as stated in the additional update paper.
56. The Committee discussed the application and the following points were raised:
- a) The road issue being identical to that discussed for the previous application.
  - b) The increase of floor space being proposed.
57. The Board Members were invited to ask questions of Max Cowan, Retail Consultant - the following points were raised:
- a) Clarification of how the proposed site could accommodate a larger development.
  - b) The current leakage of consumers travelling to various other locations to shop.
  - c) The potential impact on existing local trade by the increase in size of the proposed development.
  - d) How the increase in floor space would equate to increase in employment.
  - e) The turnover of the existing supermarket in Aviemore.
  - f) Clarification of the potential impact on non-food retailers if the supermarket carried white goods.
58. Gary Johnston addressed the Planning Committee.
59. Members were invited to ask questions of Gary Johnston. No questions were asked.
60. Ian Malcolm addressed the Planning Committee.
61. Members were invited to ask questions of Ian Malcolm – the following point was raised:
- a) The level of support in the community for the proposed development.
62. Andrew Tait stated that the application being considered was purely for outline planning permission and issues such as design, parking and landscaping would be dealt with at the reserved matters stage.
63. The Committee agreed to approve the application subject to revisions being made to the conditions stated in the update paper, in order to be consistent with the other applications being considered at the meeting. The Planning Officials would revise the conditions in consultation with the Convener and Vice – Convener. The conditions would then be brought back to the next Planning Committee (28<sup>th</sup> December 2007) for ratification by the full Planning Committee.

**REPORT ON CALLED-IN PLANNING APPLICATION FOR ERECTION OF 140 DWELLINGS, CONSTRUCTION OF ROADS AND SERVICES AND LANDSCAPING 'HORSE FIELD' (LAND NORTH OF SCANDINAVIAN VILLAGE), AVIEMORE (PAPER 3)**

64. Mary Grier presented a paper recommending that the Committee approve the application subject to the conditions stated in the report.
65. Mary Grier advised the Committee of an omission in the report.
66. Mary Grier recommended some amendments to the conditions contained in the report in order to provide consistency with the conditions in the previous papers.
67. The Committee asked Mary Grier questions regarding the application on the following points.
- The extent of the site which is covered by the flood plain.
  - Whether the affordable housing should be dispersed throughout the development or clumped together.
  - Number of affordable houses.
  - Whether the Housing association is registered under the Scottish Government Rural Housing Burden.
  - The aesthetics of chimneys on some of the house types.
  - The types of houses that will be the affordable houses.
  - The phasing of the affordable housing element of the development.
  - The road issue and the need for this to be linked back to the supermarket application for consistency.
  - Space for children's play areas / kick-about pitch.
  - Boundary treatments.
68. Mary Grier responded to the above points as follows.
- Regarding the Affordable housing element; none of the 3 storey flats are included as affordable housing, there are a mix of house types that are affordable and the number of affordable houses came as a result of the Outline Permission allowing 20% affordable housing provision.
  - Boundary Treatments; there could be a condition added to cover boundary treatments.
  - Play Space; the Applicant may revisit this issue in a separate application.
69. Don McKee responded to a couple of the points raised as follows:
- Regarding the road issue, this would be looked at collectively under the AHR Master Plan application.
  - Regarding whether the Housing Association are registered under the Rural Housing Burden, Don McKee advised the Committee that Cairns Housing Association are Registered under this scheme.
70. David Green advised the Committee that Mr Hepburn, the Applicant, wished to address the Committee.
71. Mr Hepburn addressed the Committee and responded to some of the points raised above.
72. The Committee asked Mr Hepburn questions regarding the application on the following points:
- Community heating schemes and alternative heating systems.
  - Drainage on site.
  - Children's play area/ kick-about pitch and whether there were alternative areas avoiding the SUDS area.

73. David Green thanked Mr Hepburn and advised the Committee that Mr Lay, an Objector wished to address the Committee.
74. Mr Lay addressed the Committee.
75. The Committee asked Mr Lay questions regarding the application on the following points:
- a) Whether Mr Lay would support the application if the flooding issues were resolved.
  - b) Causes of the flooding.
  - c) Whether there was anything in the proposed development that could worsen the flooding.
  - d) The reasons for Graig na Gower Avenue flooding.
76. David Green thanked Mr Lay.
77. The Committee wished to ask a question of SEPA regarding the current flooding issues and flood plain treatment. Mr McKay from SEPA responded.
78. The Committee discussed the application and the following points were raised:
- a) Whether the flood plain should be left alone until after the development is finished.
  - b) Whether the bog area should be maintained as a bog, providing natural drainage to the site and providing a natural visual feature.
  - c) Whether this area is normally grazed and the implications of allowing trees to grow within that area.
79. Mr Wallace, from Highland Council Roads department asked the Convener if he may address the committee on an important point.
80. Mr Wallace advised the committee of The Minute of Agreement that had been made previously and the implications this had on paragraph a) in the report.
81. The Committee agreed to approve the application subject to the conditions stated in the report, with slight amendments to provide consistency with the previous papers discussed at the meeting.

**REPORT ON CALLED-IN PLANNING APPLICATION FOR ERECTION OF 21 HOUSES, ASSOCIATED INFRASTRUCTURE AND LANDSCAPING AT LAND TO NORTH OF AVIEMORE HIGHLAND RESORT (PAPER 4)**

82. Mary Grier presented a paper recommending that the Committee approve the application subject to the conditions stated in the report with slight amendments to the conditions to be made consistent with the previous papers discussed at the meeting and with recommendation a) to remain.
83. The Applicant, Mr Hepburn addressed the Committee.
84. The Committee asked Mr Hepburn questions regarding the application on the following points:
- a) The importance of maintaining open space within the development.
  - b) Alternative sites for the children's play area/kick-about pitch
85. The Committee asked Mary Grier whether it would be possible to add a condition to state that an alternative location should be sought for the children's play area.
86. The Committee agreed to approve the application subject to the conditions stated in the report with recommendation a) to remain in place; that an alternative location should be sought for the kick-about pitch and with slight amendments to

the conditions to be made consistent with the previous papers discussed at the meeting.

**REPORT ON CALLED-IN PLANNING APPLICATION FOR INDICATIVE MASTERPLAN FOR MIXED USE DEVELOPMENT INCLUDING RETAIL, LEISURE, COMMERCIAL, BUSINESS/OFFICE, HOLIDAY LODGES AND RESIDENTIAL (OUTLINE)  
AT AVIEMORE CENTRE, AVIEMORE  
(PAPER 5)**

87. Don McKee advised the Committee of some later letters.
88. The Committee paused to read the late letters.
89. Don McKee presented a paper recommending that the Committee approve the application subject to the conditions stated in the report.
90. The Committee asked Don McKee questions on the following points:
  - a) Architecture and Design Scotland's consultation response.
  - b) CNPA Natural Heritage Group's consultation response, Don McKee responded by stating that as this was an outline application detail would be taken forward in subsequent applications.
  - c) SEPA's consultation response.
  - d) The capacity of waste water treatment works.
  - e) Community consultation, Don McKee responded by stating that the CNPA would encourage the applicants to liaise with the community in subsequent applications and the CNPA would also consult with the community.
  - f) Community Council concerns and planning gain, Don McKee responded by stating that community provision would be approved by the CNPA.
  - g) Affordable housing provision and the CNPA Local Plan.
  - h) Whether there could be reference made to the forthcoming CNPA Sustainable Design Guide in Condition No 5.
  - i) Views of the CNPA Landscape Advisor.
91. David Green introduced the Agent, Gary Johnston who wished to address the Committee.
92. Gary Johnston addressed the Committee.
93. The Committee asked Garry Johnston questions regarding the application on the following points:
  - a) Condition No. 20.
  - b) Level of commitment to community integration.
  - c) Fencing in of the resort.
94. David Green introduced Mr Malcolm, who wished to address the Committee on behalf of the Community Council.
95. Mr Malcolm addressed the Committee.
96. The Committee did not wish to question Mr Malcolm.
97. Don McKee advised the committee of an amendment to Condition No. 20 regarding the timescale.
98. The Committee asked Don McKee further questions regarding the following points:
  - a) The use of gates within the proposed development.
  - b) Condition No. 10.

99. The Committee discussed the application and the following points were raised:
- a) The benefits of this being an indicative plan and the importance of not losing sight of the whole plan during the phasing of the development.
  - b) Concerns of lack of control.
  - c) General contentment with the applicants views regarding community interaction.
100. The Committee asked Don McKee for clarification that paragraph a) in the report was to be rewritten.
101. The Committee agreed to approve the application subject to the conditions stated in the report.

### **ANY OTHER BUSINESS**

102. Sue Walker returned to the meeting.
103. Don McKee advised the Committee of plans for proceedings for the next Planning Committee meeting on the 28<sup>th</sup> December.
104. Dave Fallows gave a vote of thanks to the Planning team for all the hard work that had gone into the meeting.

### **DATE OF NEXT MEETING**

69. Friday, 28<sup>th</sup> December 2007, at The Albert Hall, Ballater.
70. Committee Members are requested to ensure that any Apologies for this meeting are submitted to the Planning Office in Ballater.
71. The meeting concluded at 16:00hrs.