

CAIRNGORMS NATIONAL PARK AUTHORITY

Title: REPORT ON CONDITIONS FOR DETERMINED APPLICATIONS NOS. 06/395/CP, 04/120/CP, 05/306/CP, 05/304/CP, 07/445/CP PAPERS 1 – 5 AT 14TH DECEMBER

Prepared by: DON MCKEE (HEAD OF PLANNING)

1. Members resolved at the meeting of the Planning Committee on 14 December 2007 to approve these five planning applications within the Aviemore Highland Resort site subject to the precise terms of conditions being brought to the meeting on 28 December 2007.
2. Details of conditions are attached to this report. They incorporate various changes made as a consequence of discussion at the meeting along with additional conditions required by Members and minor changes to ensure consistency.
3. My update report on the 14th included the recommendation of the Highland Council Director of Planning and Development to a request from AHR for a variation to the Minute of Agreement regarding the provision of the North – South Link Road through the site. Highland Council considered the request at a meeting on 17 December and resolved as follows:
 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 12 months of the date of the amended Minute of Agreement, and every 12 months thereafter, 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.

4. The revisions to the 3rd point in the revised agreement with the requirement for an annual traffic assessment are more onerous than originally suggested. This will give scope to review the provision of the North – South Link more regularly as development proceeds in line with the actual levels of traffic being generated in the area.
5. The recommendations on each application are now framed to allow scope to ensure that the detail of the revised Minute of Agreement is appropriate to the particular development and to take account of relevant provisions of the existing Minute of Agreement.
6. The specific planning conditions with regard to the North – South Link Road have been removed as this is covered by the Minute of Agreement and advice is this should not be replicated in planning permissions.
7. The applicants have requested that CNPA reconsiders the wording of the third sentence in condition 2 on 07/445/CP. They consider that the condition as written is onerous and unreasonable. They have misgivings about this condition preferring it to read that the development approved should be designed in a manner and layout so that it does not prejudice the potential for access to adjacent land. However they feel strongly that CNPA cannot require them to make that provision – this would be a matter for negotiation between land owners. They hope that CNPA will be able to reconsider this.
8. It is considered that as now drafted account has been taken of the point the applicants are making. It is important that access to adjoining sites is not precluded as a result of development.
9. The applicants also seek clarification of condition 20 on the same application. The wording states “make provision for a community space and community building”. They assume that this simply means that they need to take into account the need for such land to be available for future space requirements for land and a building within the master Plan. However its provision (including site preparation, design and construction) will be for others to undertake. They want CNPA to confirm that their understanding is correct and ask if there is a need for clarity in the wording of this to definitively make clear CNPA expectations. It is my understanding that Members wished to have actual provision of both the space and building, but I would ask that this be clarified at the meeting.
10. Finally, the applicants have a concern in relation to 06/395/CP and the condition on the need to control advertising. They would argue that such controls are available to the Planning Authority under the Control of Advertisements Regulations and accordingly CNPA cannot reasonably apply additional controls through the planning application. There may be some substance to this argument so I have not made reference to any condition.

Recommendations

11. **That Members accept the attached terms of approval for these planning applications**
12. **That Members clarify their intentions for Condition 20 on 07/445/CP**

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Head of Planning

20 December 2007

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