

APPROVED COMMITTEE MINUTES

CAIRNGORMS NATIONAL PARK AUTHORITY

APPROVED MINUTES OF THE PLANNING COMMITTEE

Held at The Community Hall, Boat of Garten
on 1st August 2014 at 11.00am

Members Present

Peter Argyle (Vice Convenor)	Bill Lobban
Duncan Bryden	Eleanor Mackintosh (Convenor)
Angela Douglas	Mary McCafferty
Dave Fallows	Willie McKenna
Katrina Farquhar	Fiona Murdoch
Kate Howie	Martin Price
Gregor Hutcheon	Gordon Riddler
John Latham	Gregor Rimell
Brian Wood	

In Attendance:

Simon Harrison, Head of Planning
Peter Ferguson, Legal Representative, Harper MacLeod LLP
Murray Ferguson, Director of Planning and Rural Development
Jane Shepherd, Development Manager
Tom O'Connor, Planning Officer, Development Management
Matthew Hawkins, Landscape and Ecology Manager
Douglas Stewart, Outdoor Access Officer
Alix Harkness, Clerk to the Board
Sam Wainwright, Planning Systems and Administration Officer

Apologies:

Jeanette Gaul
Paul Easto

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Agenda Items 1 & 2:

Welcome & Apologies

1. The Convenor welcomed all present and clarified the relocation of the Committee meeting from Ballater to Boat of Garten was to be nearer the applications to be determined.
2. The Convenor advised that Item 12 on the Agenda will be held after the meeting as an informal session and will no longer appear on the agenda.
3. The Convenor highlighted the concerns of Aviemore and Vicinity Community Council and apologised for errors in the administrative process leading to interested parties not receiving notifications of the committee date and assured the committee a new procedure is in place to unofficially notify relevant parties 3 weeks before the Committee meeting date.
4. The Convenor advised the committee that planning Item 6 (2013/0073/MS) and 7 (2013/0074/MS) have been withdrawn from the agenda.
5. Apologies were received from the above Members.

Agenda Item 3:

Minutes & Matters Arising from the Previous Meeting

6. The minutes of the previous meeting, 4th July 2014, held at Boat of Garten were approved.
7. The matters arising from the previous meeting were;
 - a) Paragraph 5 – Removal of equipment/structures that had become redundant, Simon Harrison to produce a paper which will now come forward on 29th August as opposed to the originally suggested time-frame of September.
 - b) Paragraph 8 – The venue was changed from Ballater to Boat of Garten.
 - c) Paragraph 35 –The Director of Planning and Rural Development circulated an e-mail regarding the Communications Plan.

Agenda Item 4:

Declaration of Interest by Members on Items Appearing on the Agenda

8. Gregor Rimmel declared an interest in:
 - Item No. 5 – Direct Interest – Prior communication with the objectors.

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Agenda Item 5:

Report on Called-In Planning Application:

Clay Pigeon Shooting (retrospective)

At Gaich, Dulnain Bridge

(Change of Use Application - Retrospective)

(2014/0090/DET)

9. Gregor Rimmel left the meeting.

10. The Convenor reminded the committee of the late consultation response received from the Firearms Department of Police Scotland, and that this had been circulated to all members. It was noted that Bill Lobban did not receive the correspondence.

11. The Convenor informed Members that a request to address the Committee had been received, within the given timescale, from:
 - Keith Ballam – The Applicant
 - Bob Murdoch - Environmental Health Officer Highland Council will be present to answer any technical questions

12. The Committee agreed to the requests.

13. Jane Shepherd informed the Committee of the background to this application related to its deferral from the previous committee. She raised the following points;
 - a) Its deferral from the 4th July Committee Meeting was to allow for the consideration of further information related to transport and access issues.
 - b) Attention was drawn to the information now received from Douglas Stewart, CNPA Outdoor Access Officer within paragraphs 46 and 47 of the report; Transport Scotland within paragraphs 49 and 50 of the report; and the late response received from Police Scotland, as circulated to Members but not included in the report. For this reason, the Committee were advised that a further site inspection had taken place by Police Scotland, who reaffirmed the licence given to the applicant, with an amendment to reduce the operation to one pair of stances, following concerns 'that shot fragment may fall out with the site and over/onto adjoining wetland used by members of the public'.
 - c) That in the amended report, the key planning issues for consideration were amenity, access and economic benefit. It had been concluded by officers in the report that the site was not suitable for clay pigeon shooting and whilst planning would usually seek to try and overcome the concerns raised by imposing conditions on a planning permission; given the tourism and business benefits of the proposal, on balance it was considered that these benefits were not outweighed by the harm caused, as outlined in the four reasons for refusal.

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- d) Proposed amendment to reason for refusal 4; to omit Policy 1 and 5 from the refusal reasons in light of information provide by SNH.

14. Keith Ballam was invited to address the Committee. The presentation covered the following points:

- Introduction of the proposal and the site location
- Expressed their confusion as to why the recommendation in the report was reached before all the evidence had been received.
- Explained that they have been operating for nearly 10 years with no access issues to date or any complaints from paddlers or fisherman.
- Continual proven record of high levels of Health and Safety assessed under the Adventure Activities Licensing Service.
- Quotes various interested parties such as the Scottish Canoe Association Spey User Guide written by David Craig, Grant Mortimer Fishing permit coordinator for that part of the River Spey) and the Landowner Fergus Laing all had no access issues or concerns related to operation of clay pigeon shooting.
- The lack of inherent danger from shot fall and also its effective range of 160-180 yards. The effective angle of range is also only 12 degrees which does not impede the River Spey. The applicant runs through photos from both stances and general safety procedures and site layout and stresses that the river is not shot towards.
- Do not present a significant noise issue under noise legislation
- The applicant informs the committee of the economic value of Craggan Outdoors to the local economy of £800,000 to £1,000,000 which outbalances the noise disturbance caused to local residents.
- Emphasises they would be willing to reduce the number of shooting stances used in line with the Firearms Licensing advice and that they do not pose a noise nuisance under human rights legislation. They further proposed a lower level of shooting days throughout the year and also times of day.

15. The Committee were invited to ask questions of the speaker and the following points were raised:

- a) The Committee requested clarification regarding the trailing arc movement by the shooter following the clay and how this could be sufficiently controlled to prevent shots being fired into the river. The applicant explained that it was a controlled environment and that instructors would prevent shots from being fired towards the stream.
- b) The Committee further requested clarification as to which shooting point would be omitted as per the Firearms Departments recommendation. The applicant stressed the stance removed would be number 2 which shoots towards the river.

16. The Convenor thanked the speakers.

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17. The Committee discussed the application and the following points were raised:
- a) The Committee acknowledged how Craggan Outdoors is a great financial asset to the area but expressed their concern regarding the noise issues.
 - b) The Committee enquired as to the potentially effective methods of noise nuisance mitigation. The Highland Council Environmental Health Officer, Bob Murdoch advised the Committee there would be no effective techniques for noise mitigation for this application.
 - c) Members supported the concerns of local people regarding noise and impacts on capercaille. They emphasised how these impacts demonstrate the sites unsuitability and further supported the planner recommendation of refusal.

18. The Committee agreed to refuse the application subject to the reasons stated in the report and the amendments of reason number 4 as suggested by Jane Shepherd in her presentation.

19. **Action Points arising:**

- **None**

20. Gregor Rimmel returned.

Agenda Item 6:

Report on Called-In Planning Application:

Approval of Matters Specified in Conditions 1 (Plans & Particulars), 4 (Landscaping Information re: Trees), 8 (details required by Condition 1), 9 (Management & Maintenance Statement), 10 (details required by Condition 1), 11 (Phasing Plan), 12 (Detailed Design Statement), 14 (Contoured Site Plan), 16 (Construction Method Statement), 17 (Management & Maintenance Statement), 19 (Programme of Archaeological Work) of Planning Permission in Principle 07/144/CP

**At Land North West Of Dalfaber Farm, Dalfaber Drive, Aviemore
(Matters Specified in Conditions)
(2013/0073/MS)**

21. The Convenor informed Members that further to her previous statement this application had been removed from the Committee Agenda and would be continued for further consideration by Officers..

22. **Action Points arising:**

- **None**

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Agenda Item 7:

Report on Called-In Planning Application:

Approval of Matters Specified in Conditions 1 (Plans & Particulars), 8 (details required by Condition 1), 9 (Management & Maintenance Statement), 10 (details required by Condition 1), 12 (Phasing Plan), 13 (Detailed Design Statement), 15 (Site Plan), 17 (Construction Method Statement), 18 (Management & Maintenance Statement), 20 (Programme of Archaeological Work) of Planning Permission in Principle 07/145/CP.

**At Land North West And South Of Former Steadings, Dalfaber Farm
Dalfaber Drive, Aviemore
(2013/0074/MS)**

23. The Convenor informed Members that further to her previous statement this application had been removed from the Committee Agenda and would be continued for further consideration by Officers.

24. Action Points arising:

- **None**

Agenda Item 8:

Report on Called-In Planning Application:

Erection of house & garage (Plot 1)

**At Land 250M South Of St Vincents Hospital, Gynack Road, Kingussie
(2014/0093/DET)**

25. The Convenor reminded the committee the next 3 agenda items would be presented and discussed as one presentation as they are intrinsically linked, however they would be considered individually.

26. The Convenor informed Members that a request to address the Committee had been received, within the given timescale, from:

- Agent – David Keith

27. The Committee agreed to the request.

28. Tom O'Connor presented a paper recommending that the Committee approve the application subject to the conditions stated in the report.

29. The Committee were invited to ask the Planning Officer points of clarification, the following were raised:

- a) The Committee asked for clarification regarding the points raised by Kingussie and Vicinity Council; specifically keeping the roads in a clean and usable state

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throughout the developments construction and indeed which condition catered for this. Tom O'Connor stated that the road is the responsibility of the Highlands Roads Authority. Previous roads details were considered as part of the original PIP application.

- b) The Committee further supported the addition of a condition related to keeping the road clear of mud sourced from the development site becomes the responsibility of the developer. Tom O'Connor agreed to this suggestion.
- c) The Committee expressed concerns regarding the omission numerous aspects of the proposal such as landscaping from all 3 reports and whether this would be demonstrated to the Committee? Tom O'Connor stated these were being catered for in the conditions.
- d) As to why none of the garages have any windows and whether this is a safety issue. Tom O'Connor explained the responsibility of building control to enforce such matters.

30. The Committee took a brief comfort break.

31. The Convenor explained the following legal advice applies to 2014/0093/DET, 2014/0094/DET and 2014/0095/DET. These are application for Full Planning Permission and therefore the conditions need to be set out in full and the conditions must be amended as not to reference other permissions. Officers will be tasked with doing this subject to the Convenor and Vice-Convenor approval should the recommendations be approved.

32. The Committee noted the Convenor's statement.

33. David Keith was invited to address the Committee. The presentation covered the following points:

- Introduces the application and previous history of the site.
- States that work has begun on some sites related to the discharging of conditions
- Reminds the Committee that these applications are purely for the houses as ecology issues were dealt with in the prior application.
- No objections were received and community council comments are being dealt with.

34. The Committee were invited to ask questions of the speaker and the following points were raised:

- Enquired as to the reasons for including a flat roof extension which is considered not to be very successful in the highlands. Agent argues it meets building control standards and does not detract from the house in terms of design.
- The Committee asked for how these designs demonstrate a high quality of design. The Agent stated the houses had been kept small to lessen the impact on backdrop, and that these are attractive high quality designs.

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35. The Convenor thanked the speaker.

36. The Committee discussed the application and the following points were raised:

- a) Whether the developer should be responsible for the state of the roads and a condition be implemented to enforce this.
- b) Some Members of the Committee expressed disappointment with level of design and lack of aspiration, sustainability and energy efficiency. Others commented though that design costs should not make housing even less affordable to those in need.
- c) The Committee discussed whether a discussion should be arranged to discuss the level and quality of design which is to be expected in the Park.
- d) Whether the Construction Work Limitation advice note should be amended to omit the wording 'it is recommended'.
- e) Whether any conditions dealt with lighting and impacts on nearby woodland and a request for a condition to implement it.
- f) If a condition related to the usage of local materials could be implemented.
- g) Some concerns were raised regarding pedestrian safety related to the road usage.

37. The Committee agreed to approve the applications subject to the amended conditions to be drafted and written by the Planning Officers and approved by the Convenor.

38. Action Points arising:

- **A discussion on design to be taken by the Board at a later date**

Agenda Item 9:

Report on Called-In Planning Application:

Erection of house & garage (Plot 2)

**At Land 200M South Of St Vincents Hospital, Gynack Road, Kingussie
(2014/0094/DET)**

39. The Convenor reminded Members that this application had been considered as with Item 8.

40. The Committee agreed to approve the applications subject to the conditions being amended to be drafted and written by the Planning Officers and approved by the Convenor and Vice-Convenor.

41. Action Points arising:

- **The conditions to be amended, drafted by the Planning Officers and then approved by the Convenor and Vice-Convenor.**

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Agenda Item 10:

Report on Called-In Planning Application:

Erection of house & garage (Plot 4)

**At Land 120M South Of St Vincents Hospital, Gynack Road, Kingussie
(2014/0095/DET)**

42. The Convenor reminded Members that this application had been considered as in conjunction with Item 8.

43. The Committee agreed to approve the application subject to the conditions being amended, drafted and written by the Planning Officers and approved by the Convenor and Vice-Convenor.

44. Action Points arising:

- **The conditions to be amended drafted by the Planning Officers and then approved by the Convenor and Vice-Convenor.**

Agenda Item 11:

Report on Called-In Planning Application:

Relay rail on existing track & provide farm access roads & fences to fields

**At Dismantled Railway Line 420M East Of Viewfield, Easter Curr, Dulnain
Bridge, Highland
(2014/0165/DET)**

45. Tom O'Connor presented a paper recommending that the Committee approve the application subject to the conditions and reasons stated in the report.

46. The Committee were invited to ask the Planning Officer points of clarification, the following were raised:

- a) The Committee enquired as to why there is a condition for future footpath crossings but no condition requiring the provision of the actual future public footpaths. Tom O'Connor could not answer the question.

47. The Committee agreed to approve the application subject to the conditions stated in the report.

48. Action Points arising:

- **None**

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Agenda Item 13: For Information Report on Planning Services Performance Update

49. The Convenor introduced the report on the Planning Service Performance Update.
50. The Committee were invited to ask the Simon Harrison points of clarification, the following were raised:
- a) The Committee requested clarification regarding Paragraph 2 refers to Quarter 1 % of Pre-Application Consultation supplied and whether this had been previously tracked. Simon Harrison explained to the Committee this is a new procedure that has not been previous recorded.
 - b) The Committee further enquired as to why there was no update on enforcement activity. Simon Harrison assured the Committee this paper was related to the first quarter only and that any future enforcement activity would be monitored.
 - c) The Committee expressed their praise for the work of the CNPA Planning team.
51. The Committee accepted the report for information purposes and did not request any changes be made.

52. Action Points arising:

- **None**

Agenda Item 14: Any Other Business

53. The Convenor reminded the Committee that the An Camas Mor masterplan application has been withdrawn and that notification of this has been circulated.

54. Action Points arising:

- **None**

Agenda Item 15: Date of Next Meeting

55. The next Planning Committee meeting will take place on Friday 29th August 2014 in the Grant Arms, Grantown-on-Spey.
56. Committee Members are requested to ensure that any Apologies for this meeting are submitted to the Clerk to the Board, Alix Harkness.

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57. The public business of the meeting concluded at 12:45.