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# CAIRNGORMS NATIONAL PARK AUTHORITY

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## MINUTES OF THE PLANNING COMMITTEE held at Cairngorm Hotel, Aviemore, on 3<sup>rd</sup> April 2009 at 10.30am

### PRESENT

Peter Argyle  
Eric Baird  
Duncan Bryden  
Jaci Douglas  
Dave Fallows  
Lucy Grant  
David Green  
Marcus Humphrey  
Mary McCafferty

Willie McKenna  
Eleanor Mackintosh  
Anne MacLean  
Alastair MacLennan  
Fiona Murdoch  
Andrew Rafferty  
Richard Stroud  
Susan Walker

### IN ATTENDANCE:

Don McKee  
Mary Grier  
Neil Stewart

Andrew Tait  
Hilary MacBean  
Marie Duncan

### APOLOGIES:

<b>Stuart Black</b>	<b>Geva Blackett</b>
<b>Drew Hendry</b>	<b>Bob Kinnaird</b>
<b>Ian Mackintosh</b>	<b>Gregor Rimell</b>

### AGENDA ITEMS 1 & 2: WELCOME AND APOLOGIES

1. The Convenor welcomed all present and introduced board member Peter Argyle, Aberdeenshire Councillor for Aboyne, Upper Deeside and Donside, who has rejoined the board after 5yrs as Bruce Luffmans replacement.
2. Apologies were received from the above Members.

**AGENDA ITEM 3:  
MINUTES & MATTERS ARISING FROM THE PREVIOUS MEETING**

3. The minutes of the previous meeting, 20<sup>th</sup> March 2009, held at Richmond Memorial Hall, Tomintoul were approved subject to amending the minutes to show Anne MacLean as present and removing Dave Fallows name from point 6. as he wasn't present.
4. There were no matters arising.

**AGENDA ITEM 4:  
DECLARATION OF INTEREST BY MEMBERS ON ANY ITEMS APPEARING ON THE AGENDA**

5. Andrew Rafferty declared an indirect interest in Planning Application No. 09/087/CP.
6. Susan Walker declared an interest in Planning Application No. 09/089/CP.
7. Lucy Grant declared an indirect interest in Item No.7 on the Agenda.
8. Mary McCafferty declared an indirect interest in an AOB item, appeal against non-determination 08/420/CP, on the Agenda.

**AGENDA ITEM 5:  
PLANNING APPLICATION CALL-IN DECISIONS  
(Oral Presentation, Andrew Tait)**

9. 09/075/CP - No Call-in
10. 09/076/CP - No Call-in
11. 09/077/CP - No Call-in
12. 09/078/CP - No Call-in
13. 09/079/CP - No Call-in
14. 09/080/CP - No Call-in
15. 09/081/CP - No Call-in
16. 09/082/CP - No Call-in
17. 09/083/CP - No Call-in
18. 09/084/CP - The decision was to call-in the application for the following reason :
  - The proposal is for the redevelopment of a water treatment works providing water to Tomintoul. The site

is adjacent to a number of environmental designations and prominent on a key tourist route through the Cairngorms National Park. The proposal raises issues with regard to natural heritage, cultural heritage and with regard to the social and economic development. Consequently, the proposal raises issues of general significance for the Cairngorms National Park.

- 19.09/085/CP - No Call-in  
20.09/086/CP - No Call-in  
21.09/087/CP - No Call-in  
22.09/088/CP - No Call-in
- Susan Walker declared an interest and left the room.
23. 09/089/CP The decision was to call-in the application for the following reason :
- The proposal involves the retention of a bothy type shelter within an environmentally sensitive area that is subject to a number of environmental designations. The proposal includes a woodland management justification and background regarding the role of such shelters in the Highlands. As such the proposal raises issues of general significance for the Cairngorms National Park.
- Susan Walker returned.
- 24.09/090/CP - No Call-in  
25.09/091/CP - No Call-in  
26.09/092/CP - No Call-in

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

27. The Members wished to make comments to the Local Authorities on the following Planning Application No's 09/078/CP, 09/080/CP, 09/082/CP, 09/083/CP, 09/085/CP, 09/088/CP, 09/090/CP & 09/091/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.

**AGENDA ITEM 6:  
REPORT ON SUPPLEMENTARY PLANNING GUIDANCE ON:  
1. CARBON EMISSIONS.  
2. HOUSING DEVELOPMENT & RURAL BUILDING GROUPS.  
(PAPER 1)**

28. Don McKee presented a paper written by Andy Rockall (SPG Co-ordinator) on two pieces of SPG substantially , prepared by Robert Grant (Planning Officer), recommending that the Committee note and approve the draft SPG (Supplementary Planning Guide) for consultation for the reasons stated in the report.
29. Don McKee advised members Andy Rockall works for SNH and has been seconded to CNPA for part of each week to co-ordinate the production of SPG.
30. Don McKee advised members that with the pressure of the LPI it would not have been possible to bring SPG forward without him.
31. The Committee discussed the application and the following points were raised:
- a) Don McKee advised Committee the purpose of the paper is to note and approve for consultation draft SPG associated with the Deposit Local Plan; Carbon Emissions from New Developments and Housing Development in Rural Building Groups.
  - b) Members were advised of the main points within Carbon Emissions from New Development;
    - Para 1.Planning Authorities implementation of the national requirement for all new development (over 500sqm) to cut carbon emissions by 15%.
    - Para 2. Policy 19 and PAN84 and targets for reducing carbon emissions in new developments.
    - Para 3. Applicants to demonstrate compliance of the 15% target with examples within guidance notes as seen within the flow chart in the appendix.
    - Para.4 Suspensive conditions (Para 21) procedure.
    - Para.5 Committee asked to endorse this draft for consultation.
32. Members were advised of the main points within Housing Development in Rural Building Groups;
- Para 1. Policy 23, reinforcing and sustaining rural communities with the parks allowance for new housing within existing rural groups.
  - Para 2. The draft guidance note (Appendix 2) for rural building groups and applicants.
  - Para 3. Policy and SPG use within existing rural building groups.

33. Don McKee advised members it is proposed to have a consultation period of 8 weeks following receipt of the reporters report to the Local Plan. The draft guidance will be made widely available and the consultation will be launched with a press release with comments and responses submitted to a future meeting for approval. Further updates on the SPG; it will be ready for consultation following receipt of reporters report towards end of year, there are two additional draft SPG on Affordable Housing & Developer Contributions in the course of preparation, Susan Dean has been recruited to cover in Alison Lax's absence and further items to appear before Committee at end of September and by Christmas.
34. The Committee discussed the draft SPG and the following points were raised:
- a) The possibility of new developments to include covering under 500sqm.
  - b) Issues of carbon balance guidance to be provided.
  - c) Clarification whether 500sqm covers accumulative development on sites or individual buildings and limits for commercial developments.
  - d) The possibility of the CNPA encouraging a lower amount of carbon emissions than recommended government target.
  - e) Clarification of embedded CO<sub>2</sub> in materials used in buildings.
  - f) The possibility of including renewable energy advice for persons building and a future SPG on renewable energy.
  - g) Clarification of 100m distance rule for developments in rural building applications.
  - h) Linear developments not to be encouraged.
  - i) Availability of the consultations results.
35. The Committee agreed to note and approve the draft SPG for consultation with a further report being presented to Committee following conclusions of the consultation, providing results and recommendations as required.

**AGENDA ITEM 7:**

**REPORT ON CALLED-IN PLANNING APPLICATION FOR ERECTION OF VISITOR FACILITY (OUTLINE) AT STRATHMASHIE FOREST, STRATHMASHIE, LAGGAN. (PAPER 2)**

36. Hilary MacBean (Planning Officer) presented a paper recommending that the Committee approve the application subject to the conditions stated in the report.
37. Hilary MacBean advised members of amendment to condition 6. to include; Foul drainage shall be to the best environmental standard available and this shall be demonstrated by means of test pits and a report by a qualified person attesting to the suitability of the site for a full soakaway discharge before any other means of disposal is considered.
38. The Committee were invited to ask the Planning Officer points of clarification, the following were raised:
- a) Clarification of gain or loss of parking spaces.

- b) Concerns of pollution in the burn.
- c) Concerns over issues in letters of representation with regards to paths and buildings.
- d) Clarification of paths DDA (Disability Discrimination Act) compliance.
- e) Clarification on the Section 75 agreement pertaining to the removal of the existing buildings, landscaping and the reorganisation and drainage of the car park and access road.
- f) Concerns with lack of parking at events, traffic calming & pedestrian safety.

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

- a) The possibility of replacing the S.75 agreement with a formal tripartite agreement between the CNPA, Forestry Commission and Laggan Forestry Trust.
- b) Inclusion in the advice note of concerns regarding Natural Heritage.
- c) Consideration of traffic calming on public roads.
- d) Expansion on Condition 5. regarding ecology of burn.
- e) Inclusion of reference to events guidance and active pre application discussion.

The Committee agreed to approve the application subject to the conditions stated in the report with amendment to;

- Point (i) a unilateral undertaking by the Forestry Commission to the Laggan Forestry Trust and the Cairngorms National Park Authority
- Condition 5. taking full account of the ecology and water quality of the burn and its environs.
- Condition 6. amendment as in point 37. of minute.
- Advice Notes; Applicant advised to contact SEPA regarding outstanding objection and CNPA Planning before submission of Reserved Matters.

40. Duncan Bryden made Committee aware of the numbers being out of sync on the agenda.

#### **AGENDA ITEM 8:**

#### **COMBINED REPORT ON CALLED-IN PLANNING APPLICATION FOR CHANGE OF USE FROM EXISTING TEAROOM CLASS 3 TO B&B CLASS 7 AND ERECTION OF DWELLINGHOUSE (SITE ADJACENT TO) TOMIDHU, CRATHIE, BALLATER.**

#### **(PAPER 3)**

41. Neil Stewart (Planning Officer) presented a paper recommending that the Committee approve the application subject to the conditions stated in the report.

42. Duncan Bryden advised members that Heather Smith (Agent) was available to answer any questions if requested.

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

- a) Clarification of the excavation of the mound and requirements for reinstatement.
  - b) Clarification of S.75 in relation to the house and B&B.
  - c) Clarification of any variations of finishing and materials between previous and present house proposals.
44. The Committee discussed the application and the following points were raised:
- a) The development as an acceptable conversion.
  - b) The need for the applicants to live on site.
45. The Committee agreed to approve the application subject to the conditions stated in the report.

**AGENDA ITEM 9:  
REPORT ON CALLED-IN PLANNING APPLICATION FOR ERECTION OF  
REPLACEMENT HIDES; UPGRADING OF CAR PARK AND PATHS (for DDA);  
ERECTION OF INTERPRETATION BOARD AT INSH MARSHES NATURE RESERVE,  
KINGUSSIE.  
(PAPER 4)**

46. Mary Grier (Planning Officer) presented a paper recommending that the Committee approve the application subject to the conditions stated in the report.
47. Duncan Bryden advised members that the report indicates the CNPA has supported a grant for the application and any members directly involved should declare an interest.
48. The Committee were invited to ask the Planning Officer points of clarification, the following were raised:
- a) The materials for path surfacing to ensure DDA compliance.
  - b) Concerns over 10mm stone surfacing as a potential hazard for walkers with mobility problems and wheelchairs.
  - c) Clarification of the slope angle on Hide 2.
  - d) Clarification of the inclusion of bike racks in the car park.
  - e) Advice on who the CNPA consults with regards to DDA issues.
  - f) Issues with DDA to be in compliance with Inclusive Cairngorms Group.
  - g) Clarification of different BT standards for access in countryside.
  - h) Concerns on the size of the reception hut in comparison to the previous hut.
  - i) Concerns that the hides may be too big in comparison.
  - j) The inclusion of toilet facilities.
49. The Committee discussed the application and the following points were raised:
- a) Inclusive Cairngorms Group to be used for future consultations.
  - b) The DDA minimum standard.
50. The Committee agreed to approve the application subject to the conditions stated in the report with amendments to include the facilities to be more than the DDA's minimum standard, the slope angle, path

finishing and access adequately addressed and sustainable transport provision.



**AGENDA ITEM 10:  
REPORT ON CALLED-IN PLANNING APPLICATION FOR REMOVAL OF  
DILAPIDATED DEMOUNTABLE CLASSROOM AND REPLACE WITH DOUBLE  
CLASSROOM UNIT AT ALVIE SCHOOL, ALVIE, KINCRAIG.  
(PAPER 5)**

Dave Fallows and Jaci Douglas declared an interest and left the room.

51. Duncan Bryden advised Committee of the planning committee cycle and that Call-in does not necessarily result in delay or refusal.
52. Duncan Bryden advised members Ian McCrae and Marlene Stewart from Highland Council Education were available to answer questions if requested.
53. Mary Grier (Planning Officer) presented a paper recommending that the Committee approve the application subject to the conditions stated in the report.
54. The Committee were invited to ask the Planning Officer points of clarification, the following were raised:
  - a) Possibility of changing colour of the existing portacabin to something more appropriate to the countryside location.
  - b) Clarification of how many extra pupils the portacabin will accommodate.
  - c) Clarification of the development being stand alone or connecting to the existing school.
  - d) Concerns on the positioning of portacabin if constructing a new permanent facility in the vicinity.
55. The Committee were invited to ask questions of Ian McCrae and Marlene Stewart and the following points were raised:
  - a) Clarification of the reason for the extension.
  - b) Consideration of a permanent extension.
  - c) Clarification the building quality purchase will not be affected given the permission is granted and has to be completed within 5yrs.
  - d) Concerns the need for a permanent solution was not recognised earlier.
  - e) Concerns that the proposed site may prevent future development.
  - f) The possibility of siting the temporary portacabin elsewhere on the grounds.
  - g) Clarification if new housing development and planning gain was considered with regards to attendance numbers.
56. The Committee discussed the application and the following points were raised:
  - a) Development commencement timescale.
  - b) Quality of portacabin in relation to educational quality.
  - c) The development and the aims of the park.
  - d) The educational experience in similar developments.
  - e) The colour of the cabin as a condition.
  - f) Additional access and the effects on small children.

g) The requirement for screening and landscaping round the proposal.

57. The Committee agreed to approve the application subject to the conditions stated in the report and amending Condition 4. recommending appropriate colour finishes.

Dave Fallow and Jaci Douglas returned

**AGENDA ITEM 11:  
REPORT ON LOCAL PLAN INQUIRY UPDATE, RESULTS OF CONSULTATION ON 2<sup>nd</sup>  
MODIFICATIONS TO DEPOSIT LOCAL PLAN  
(PAPER 6)**

58. Don McKee (Head of Planning) presented a paper on behalf of Karen Major (Local Plan Officer) recommending that the Committee formally note the additional responses to the consultation on the 2<sup>nd</sup> Modifications to the Deposit Local Plan (DLP) and the next steps towards the Local Plan Enquiry.

59. Don McKee advised members the purpose of the report was to update the Committee on outstanding responses to the results of the consultation on the 2<sup>nd</sup> modifications to the CNP DLP and agree the next steps towards Local Plan Inquiry (LPI).

60. Don McKee advised members;

- 79 responses were received, 49 from new objectors, relating to the 2<sup>nd</sup> modifications and had been reported to committee on 6 Feb 09. It was noted that 5 issues from 2 objectors had mistakenly not been included previously. The issues raised by Mr Swan and Mr Houston and have been appended to the report.
- Officers are proposing that reference to a benchmark of 75% 2 and 3 bed units from the Communities Scotland Report 2008 raised by both Mr Swan and Mr & Mrs Houston be removed from the plan via a post inquiry modification.
- Preparation for the inquiry, commencing the 18<sup>th</sup> May 2009, may include officers suggesting post inquiry modifications for the consideration of the reporters to ensure statements of case are reasonable demonstrating the Authority's best practise to produce a Local Plan.
- Any changes will be set out in officer's statements as not having been endorsed by the CNPA Board and once reviewed by the reporters further changes will be presented to the Board for consideration again. This will be advertised and available on the CNPA web site along with the LP topic papers (CD circulated to members at Committee).

61. The Committee agreed to formally note the additional responses to the consultation on the 2<sup>nd</sup> Modifications to the Deposit Local Plan (DLP) and the next steps towards the Local Plan Inquiry.

**AGENDA ITEM 12**  
**ANY OTHER BUSINESS**

62. Mary Grier (Planning Officer) presented a paper CNPA response to an appeal against the non determination of a called-in planning application for full planning permission for the Erection of a Dwelling House on Land to the North East of Ledgewood, Insh, Kingussie for Mr Jonathon Freshwater. (08/420/CP)
63. Mary Grier advised members of the purpose of the report which was to seek members' position on the application to be taken forward to the appeal. They can no longer determine it.
64. The Committee discussed the application and the following points were raised:
- a) Clarification that the applicant knew what information was required to complete the determination process pre appeal.
  - b) The success of the Mr Freshwaters businesses.
  - c) Concerns of mature tree felling on application site.
  - d) Clarification of S.75 and rejection of restrictions.
  - e) The need for the proposal.
  - f) Clarification on the impact on Natural Heritage.
  - g) The site's restrictions.
  - h) The issue of the appeal stopping the application being determined within the normal process.
65. Susan Walker proposed a motion to support the planners' recommendations. This was seconded by Richard Stroud.
66. Dave Fallows proposed an amendment to support the appeal. This was seconded by Willie McKenna.

67. The vote was as follows:

	MOTION	AMENDMENT	ABSTAIN
Peter Argyle	√		
Eric Baird	√		
Duncan Bryden	√		
Jaci Douglas	√		
Dave Fallows		√	
Lucy Grant	√		
David Green	√		
Marcus Humphrey	√		
Mary McCafferty	√		
Willie McKenna		√	
Eleanor Mackintosh	√		
Anne MacLean	√		
Alastair MacLennan	√		
Fiona Murdoch	√		
Andrew Rafferty	√		
Richard Stroud	√		
Susan Walker	√		
<b>TOTAL</b>	<b>15</b>	<b>2</b>	<b>0</b>

68. Members agreed to support the recommendation to object to the application for full planning permission and request that the appeal to the Scottish Government DPEA against non-determination of the planning application be dismissed subject to the reasons stated in the report.
69. Neil Stewart (Planning Officer) gave a short power point presentation on behalf of Andrew Tait (Planning Officer) seeking the Committees approval on the Mile Hill Wind Farm, in Angus.
70. Neil Stewart advised members that the CNPA were consulted last year on proposals for a 6 turbine windfarm. The site is located approx 4k to the North West of Kirton of Kingoldrum, North West of Kirrimuir. The turbines would be 100m high and the nearest part of the CNPA boundary to the site is approximately 10.5k to North West of the site at Hill of Strone above Glen Prosen Lodge and the site is screened from the Park by a hill.
71. Neil Stewart advised members that there are no objections to the proposal which will not significantly affect the landscape character and the visual impact of the park. SNH and RSPB have also been consulted by Angus Council.

72. Members agreed to approve the recommendation of no objections in response to Angus Council's consultations.
73. Duncan Bryden advised members of the circulated invitation to members to 'Affordable Homes in the Forest Opening Ceremony' on the 17<sup>th</sup> April 09.

**AGENDA ITEM 13**

**DATE OF NEXT MEETING**

74. Friday 10.30am, 17<sup>th</sup> April 2009 at the Village Hall, Kinncraig
75. Committee Members are requested to ensure that any Apologies for this meeting are submitted to the Planning Office in Ballater.
76. The meeting concluded at 13:55pm.