

# 4 March 2011 - APPROVED MINUTES

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## CAIRNGORMS NATIONAL PARK AUTHORITY

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### MINUTES OF THE PLANNING COMMITTEE

held at The Community Hall, Nethy Bridge  
on 4<sup>th</sup> March 2011 at 10.00am

#### PRESENT

Peter Argyle	Eleanor Mackintosh
Geva Blackett	Ian Mackintosh
Duncan Bryden	Mary McCafferty
Angela Douglas	Andrew Rafferty
Jaci Douglas	Gordon Riddler
Marcus Humphrey	Gregor Rimell
Gregor Hutcheon	Brian Wood
Bob Kinnaird	Allan Wright

#### IN ATTENDANCE:

Don McKee	Robert Grant
Mary Grier	Pip Mackie
Andrew Tait	Alison Lax

#### APOLOGIES:

David Green  
Kate Howie  
Willie McKenna

#### AGENDA ITEMS 1 & 2:

#### WELCOME AND APOLOGIES

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

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## **AGENDA ITEM 3:**

### **MINUTES & MATTERS ARISING FROM THE PREVIOUS MEETING**

3. The minutes of the previous meeting, 4<sup>th</sup> February 2011, held at The Cairngorm Hotel, Aviemore were approved with an amendment to:
  - Paragraph 68 c – Amended to read – ‘Page 3 Wilderness – re-word to state ‘An area in a semi natural state...’ - as no area in Scotland is unaffected by human influence.’
4. Duncan Bryden provided an update on the Action Points from the previous meeting:
  - Action Point at Para. 37: The Site Visit had been carried out that morning (4<sup>th</sup> March).
  - Action Point at Para. 39: The application appeared as Item 6 on the Agenda (4<sup>th</sup> March).
  - Action Point at Para. 57: The amended Standing Orders were now displayed on the CNPA website.
  - Action Point at Para. 63: The Affordable Housing policy appeared at Item 11 on the Agenda (4<sup>th</sup> March).
  - Action Point at Para. 78: The points raised were currently being followed up by CNPA Officials.
5. Geva Blackett queried if any further development had been made regarding the complaint received (Para. 59). Alison Lax confirmed it was still being investigated.

## **AGENDA ITEM 4:**

### **OUTCOME OF ELECTRONIC CALL-IN**

6. The content of the Outcome of the Electronic Call-in held on 18<sup>th</sup> February 2011 was noted.

## **AGENDA ITEM 5:**

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

7. Bob Kinnaird declared a direct interest in Item No. 6 (Paper 1) on the Agenda, due to the Applicant having previously been landlord of business premises in which he worked.
8. Bob Kinnaird declared a direct interest in Item No. 9 (Paper 4) on the Agenda, due to being involved in the project.

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## **AGENDA ITEM 6:**

### **REPORT ON CALLED-IN PLANNING APPLICATION FOR RESIDENTIAL DEVELOPMENT; 2 NO. 4 PERSON COTTAGES (SEMI-DETACHED) AND 1 NO. 6 PERSON HOUSE (DETACHED) AT LAND TO REAR OF 129 GRAMPIAN ROAD, AVIEMORE (PAPER 1) (10/360/CP)**

9. Bob Kinnaird declared an interest and left the room.
10. Duncan Bryden stated that a site visit had been carried out that morning for Members to familiarise themselves with the location.
11. Duncan Bryden informed Members that Kerry Bennett, Highland Council Conservation Officer, was present to answer any questions.
12. Duncan Bryden informed Members that a request had been made to address the Committee from –
  - The Applicant: Dorothy Sloan
13. The Committee agreed to the request.
14. Mary Grier presented a paper recommending that the Committee refuse the application for the reasons stated in the report.
15. The Committee were invited to ask the Planning Officer points of clarification, the following were raised:
  - a) Confirmation that a backland development had been approved to the south of the site. Mary Grier confirmed that permission had been granted for 4 flats to be used as holiday accommodation. However, the adjacent property was not a Listed Building.
  - b) The definition of overdevelopment. Mary Grier advised that there were several factors which acted as a guide to overdevelopment including: the overall site area associated with the proposed development; proximity of existing buildings – for overlooking; proximity of the buildings proposed (where more than one was to be developed on the site); associated garden ground with the development.
  - c) Confirmation of the distances from the proposed southern semi-detached unit to the gable end of the detached unit. Mary Grier stated it was 3.8m.
  - d) If planning policy suggests a minimum plot size for a dwellinghouse. Mary Grier stated that the policies did not provide prescriptive guidance. However, there were references in the Design Standard policy and the Sustainable Design Guide. Not being prescriptive is intended to offer the opportunity for Applicants to come up with creative, appropriate solutions for sites.

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16. Dorothy Sloan, Applicant, addressed the Committee. The presentation covered the following points:
- Overdevelopment of the site and the distance of the proposal to existing properties.
  - A meeting that had taken place with CNPA Officials, after the last refusal decision, to discuss the way forward.
  - The amended proposal following the meeting and the reduction from 4 units to 3 units.
  - The lack of trees on site and the relocation of the existing Holly tree.
  - The amended design of the dwellings and the change of the dormer windows to velux windows. The removal of velux windows from the rear of the semi detached properties.
  - Proposed finishings and landscaping for the development and lack of response from the CNPA regarding these.
  - Agreement given to the extension of time, requested from the CNPA, for dealing with the application.
  - Lack of information given regarding Planning Gain.
  - Lack of affordable housing in the area and her families struggle to find housing in the area.
  - The Listing of the building being only a 'C' category.
17. The Committee were invited to ask questions of the speaker. No points were raised.
18. The CNPA Officers were invited to make any points of clarification regarding the speakers presentation - the following points were clarified:
- a) Advice had been given at the meeting with the Applicant regarding minimum standards that would need to be met for any future proposal on the site - including: distance between existing properties and opposing of windows; garden ground area.
  - b) Clarification that the Planner's reference to the change in window type did not refer to the change from dormer to velux, but the change in design of the windows.
  - c) Design advice given was that any proposed development should be subservient to the existing structure and respect the character of the Listed Building. Reference was made to a mews-type development.
19. Duncan Bryden advised Members that any reference to previous applications on the site was purely for information purposes.
20. The Committee discussed the application and the following points were raised:
- a) The Shelter Stone being one of the few Listed Buildings in Aviemore.
  - b) The categories of Listing not having a hierarchy, they should all be treated identically.
  - c) The strong advice given from the Highland Council Conservation Officer regarding the impact of the development on the Shelter Stone building.

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- d) The proposal being overdevelopment, despite the reduction of units.
  - e) The impact of the development on neighbouring properties.
  - f) The proposal being contrary to policy and national guidance on Listed Buildings.
  - g) Concern about the distances between the proposed units.
  - h) Should the Shelter Stone have been Listed in the first place, due to the extension on the northern side of the existing building, detracting from its overall appearance. Duncan Bryden stated that it was not the Committee's position to debate the merits of the Listing. The Shelter Stone was Listed and must be treated as such.
  - i) The approved development to the south of the site potentially having more impact on neighbouring properties than the proposal being discussed.
  - j) The family's local ties to the area and the need to encourage young people to remain in the area for socio-economic benefits to the Park.
  - k) The extension to the Shelter Stone being the old Doctor's Surgery.
  - l) The spurious nature of the Listing of the Shelter Stone building.
  - m) Disagreement that there isn't a hierarchy of Listed Buildings. The Shelter Stone being a 'C' Listed building probably for its frontage, therefore with the proposed development taking place to the rear it would have minimal impact on the Listed Building status.
  - n) The potential for the detached house to be moved further east (towards Shelter Stone), to provide greater distance between the semi detached and detached properties.
  - o) Clarification of where the 3.8m distance was measured from – the front of the porch or the front elevation of the semi detached unit. Mary Grier confirmed it was measured from the front of the porch.
  - p) Clarification that the units, if approved, would be open market housing. Mary Grier confirmed that they would, as the site was located within a settlement area and were not being proposed as regulated affordable housing.
21. A Motion was proposed by Peter Argyle to Refuse the application, as per the Officers recommendation. This was seconded by Angela Douglas.
22. The possibility of an Amendment to Approve the application for socio-economic reasons of encouraging young people to remain in the area and the spurious nature of the Listing of the Shelter Stone.
23. Duncan Bryden sought clarity on the competency of the potential Amendment from Don McKee, Head Planner.

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24. Don McKee stated that the competency of the Amendment had not been sufficiently clarified in planning terms and was concerned about some of the statements that had been made in the discussion. He stated that the socio-economic reasons given were actually the Applicants personal financial situation and was not a planning matter. Affordable housing should be delivered through the raft of policies within the CNP Local Plan. He also was concerned about the lack of regard being shown to the status of the Listing of the Shelter Stone and to the recently adopted CNP Local Plan Policy 9 regarding Listed Buildings. He advised that the reasons given for potentially approving the application were not sufficiently sound planning reasons and some were not material.
25. The Committee discussed the application and the following points were raised:
- a) The possibility of the Applicant being given further advice from CNPA Officials regarding the potential for development on site. Don McKee confirmed that the CNPA Officials would be willing to meet with the Applicant and her Architect to discuss what would be acceptable on the site. Mary Grier stated that design had featured prominently in previous discussion with the Applicant and that advice had been conveyed that any proposal should be subservient, reflect the character of the Shelter Stone and the features of the site and that by carrying out these changes it would require a reduction in overall floor space of the development. However, these suggestions had not been brought forward in the current application due to the apparent conflict between the Applicants specific requirements for the type of accommodation in each of the units and creating a design which could work on the site.
  - b) The floor space of previous applications on the site and it being of comparable size to that currently being considered.
  - c) The Listing of the Shelter Stone also being applicable to the curtilage and the associated garden ground not being a positive asset to the Listed Building and being unseen from Grampian Road.
  - d) The possibility for the Applicant to get the Listing reviewed by Historic Scotland, particularly with regard to the garden ground.
26. Mary Grier stated a point of clarification that the Shelter Stone had been Listed in 2001, outwith the routine listings procedure and at this time, the extension (former Doctor's Surgery) was already in place. She also advised that although it was unfortunate that the garden area was in a run-down state, the proposed development was not the best way forward to make improvements to the site.

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27. The Committee were invited to ask questions of Kerry Bennett, Highland Council Conservation Officer, who addressed the Committee. The following points were raised:
  - a) Clarification of what development would be acceptable on the site.
28. Kerry Bennett responded that she had no objection to development on the site but at a much reduced level. It was also necessary to retain some of the garden ground with the Shelter Stone. She also informed Members that she would be willing to attend a meeting with the CNPA Officials and the Applicant to discuss future proposals for the site.
29. Duncan Bryden thanked the speaker.
30. The Committee agreed to refuse the application for the reasons stated in the report.
31. Bob Kinnaird returned.
32. **Action Points arising:** None.

### **AGENDA ITEM 7:**

#### **REPORT ON CALLED-IN PLANNING APPLICATION FOR ERECTION OF NEW 53 BEDROOM "TRAVELODGE" TYPE HOTEL WITH ASSOCIATED SITE WORKS AND LANDSCAPING AT CAIRNGORM SERVICE STATION, GRAMPIAN ROAD, AVIEMORE (PAPER 2) (10/204/CP)**

33. Duncan Bryden informed Members that a letter from the Applicant had been received within the given timescales, responding to points raised in the Planning Report. Members agreed for the letter to be circulated. The Committee paused to read the letter.
34. Duncan Bryden informed Members that a request had been made to address the Committee from –
  - The Applicant: David Cameron
  - The Agent: Lindsay Allen, Keppie Design & Tom McGougan, Project Manager, Upland Developments.
  - Objectors: Tanya Bairstow & Simon Hughes
35. The Committee agreed to the requests.
36. Robert Grant presented a paper recommending that the Committee approve the application subject to the conditions stated in the report. Robert Grant clarified that that the proposed larch cladding was to be treated. He also advised that the working hours as specified in Condition 19 be amended to 8am – 7pm Monday to Friday and omit working hours on a Saturday as this would be in the interests of residential amenity during the construction period.

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

- a) The effect the development could have on existing businesses of a similar nature in Aviemore and if this was a planning matter to be considered. Don McKee responded that direct business competition was not a material consideration. However, it should be assessed against Tourism policy (Policy 33) relating to the mix of accommodation available, as it was the role of the Planning Authority to facilitate development covering a spectrum of needs.
- b) If any changes were proposed to the Conditions following the letter submitted from Keppie Design. Robert Grant confirmed that the only change proposed was to the permissible working hours, as some of the points raised were regarding minor issues, for example Condition 13 regarding lighting - did not refer to street lighting on the public road and could be covered by submission of a lighting plan. He advised that an Advice Note could be added regarding Condition 17 (breeding birds) and the timing of the breeding period and the use of an Ecologist to survey the site and provide advice on this matter.
- c) The impact of this development to the wider tourism industry, not just in Aviemore. Robert Grant responded that the Cairngorms Business Partnership were supportive of the development and this provided comfort regarding the impact on the wider tourism sector. He also advised that the recently adopted Sustainable Tourism Strategy which encourages different high quality types of accommodation. Robert Grant informed Members that a statement had been sought from the Applicant regarding this issue, but they did not feel it was necessary. Duncan Bryden clarified that the CNPA had a tourism policy but the weight given to it during determination was up to Members, as it was there to support choice and variety, rather than direct competition either in Aviemore or elsewhere in the Park.
- d) The design of the proposed development, how this had evolved from first submission of the application and how it related to the proposed Aviemore Design Framework. Don McKee responded that Bill Stewart, former CNPA Planning Officer, had initial pre-application discussions with the Applicant regarding development for the site. He advised that initially the Applicants had been looking to develop a high quality contemporary design for the site, which was looked upon favourably by the CNPA. A contemporary design was submitted and was considered, that the proposed development was not the best solution for the site. After further discussion with the Applicant it was decided to look at a more traditional style building and achieve a sound, high quality development, which was the current proposal.
- e) The length of time taken from the initial submission of the application to the point of determination. Don McKee responded that it had taken some time to get to the current stage.



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- f) The late submission of letters from Applicants and Representees giving Members very little time to assess the information within them.
- g) By moving from a very contemporary design to a more traditional one has the development ended up as a compromised proposal.
- h) The possibility of waiting for the consultation response on the Aviemore Design Framework before making any determination decision on the application, as any decision taken prior could be pre-emptory.
- i) Concern regarding the site levels, as covered in Condition 4, and the possibility of this work being carried out prior to determination.
- j) The proposed roofing materials and the need for them to be of high quality.
- k) Concern that the proposal is not a bespoke design solution for a gateway site for a community located within a National Park.

38. Lindsay Allen, Agent, & Tom McGougan, Project Officer, addressed the Committee.

The presentation covered the following points:

- The residential development which currently had approval on the site.
- The pre-application discussions which had taken place.
- The initial proposed innovative gateway design.
- The lack of consistency in the advice given by CNPA Planning Officials in discussions pre and post submission of the application.
- The amended design being cleaner, crisper and simpler than the previous submission.
- Concern about the restrictions of construction during the bird breeding period and clarification was sought if this applied to all species of birds.
- The development having the support of the Community Council and the Cairngorms Business Partnership.
- The development being a benefit to the local economy and providing employment opportunities.
- A request to allow working on public holidays (except Christmas and New Year).

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

- a) The levels and engineering works required to stabilise the site. The Agent confirmed that an initial engineering study had been commissioned and that should approval be given further work would be undertaken to discharge the condition.
- b) The potential for disturbance to breeding birds during construction works and that all birds are protected under law. The CNPA Officials responded that should construction work be done during the bird breeding period, the Applicants should carry out a cursory bird survey of the site. Should birds be found the CNPA should be notified and a further site survey carried out by an Ecologist and assess whether works could proceed or if mitigation measures were required.
- c) The timescale of the construction of development. The Agent responded that there was no timescale set as yet.

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- d) The potential for screening of the site during construction works, particularly during peak tourist season. The Agent responded that the Contractors had a duty to ensure that the site was kept safe and the public protected, therefore there would be some sort of separation whether it be fencing or screening.
- e) The Applicants willingness to revert to a more innovative design for the development. The Agent responded that it had been a long and frustrating journey to reach the current stage and, as Agent, he felt that in order to realise the development they would not be willing to revisit the design.
- f) The site being a prominent site within Aviemore and the CNP and an expectation that any development should have be of high quality design and finishings. How the current proposal fits with these expectations. The Agent responded that they had worked with the CNP Officials to bring forward a solution for the site which was recommended for approval and therefore ticked the box. He advised that the development echoed the existing buildings in the vicinity whilst not detracting from the Aviemore gateway.

40. Tanya Bairstow & Simon Hughes, Objectors, addressed the Committee. The presentation covered the following points:

- The proximity of the development to the existing Listed Building across the railway line.
- Concern about the proposed hours of working and potential for noise disturbance to visitors to the Pine Bank Chalets. In line with the Planning Officers revised Condition 19, a request that the working hours be reduced and possibly the omission of working on a Saturday. However, no objection was raised to works taking place on public holidays.
- The visual impact of the development as viewed from Dalfaber Road.
- The loss of trees associated with the development.
- The poor design of the proposed building, particularly at the gateway to Aviemore.
- No objection to the development taking place.
- No concern regarding direct business competition.
- Concern that the development would impact negatively on Pine Bank Chalets during the construction period.
- Lack of a site visit to view the development from Dalfaber Road.

41. The CNPA Officers were invited to make any points of clarification regarding the speakers presentation - the following points were clarified:

- a) The position of the site, the railway and Pine Bank Chalets.
- b) The proposed boundary treatments.
- c) The visual impact of the site when viewed from Dalfaber Road and the Railway Line.
- d) Retention of trees.

42. The Committee were invited to ask questions of the speakers. No points were raised.

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43. Duncan Bryden thanked all the speakers.
44. The Committee discussed the application and the following points were raised:
- a) The need to assess the proposal on the current submission not on a past proposed design.
  - b) The need for the Condition covering the bird breeding period to be clarified.
  - c) The Applicants patience at the length of time the application had been with the Planning Authority through pre-application discussions and submission.
  - d) Whether consideration had been given to the Listing of Pine Bank House when assessing the application. Robert Grant confirmed that the setting of the Listed Building had been taken into account. However, it was separated from the development by the Railway Line.
  - e) Concern that the proposed building is neither iconic nor a gateway feature and that approval may be given for a development just because it ticks boxes. Duncan Bryden expressed concern about Members potentially designing 'on the hoof'.
  - f) The amount of work put into the application both by the Applicant and the CNPA Planning Officials.
  - g) Clarification of what the Planning Officials think the proposed development brings to the special qualities of the Park. Robert Grant stated that design was a very subjective area and the Planning Officials had striven for a high quality design, high levels of sustainability and a gateway site. He stated that the Planning Officials felt this was the optimum solution and the development would be enhanced with the use of natural materials including slate, timber and natural stone finishes. Don McKee added that the Planning Officials were very supportive of obtaining a contemporary, iconic building on the site, but the initial design proposed was not the right solution for the site. In terms of special Cairngorms qualities the development used simple traditional proportions, harling, timber and slate. He stated that the proposal was not an iconic building but it was a safe traditional design which would be enhanced by the use of high quality natural materials, careful treatment of the context of the setting and appropriate soft and hard landscaping.
  - h) The aspirations in the Aviemore Design Framework consultation paper and the lack of regard given to the document by the Planning Officials.
  - i) The photomontages providing reassurance of how the building would work in the context of the site.
  - j) The possibility of the Applicant appealing any decision, if asked to revisit the proposed design.
  - k) The development being for a budget hotel.
  - l) The development needing to be a gateway building of which Aviemore could be proud.

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- m) The conflict of the Committee considering the Aviemore Design Framework later on the Agenda and determination of the application being pre-emptory to the outcome of this consultation.
- n) The financial implications associated with the Applicant being asked to revisit the design and the potential for it to make the project unviable.

45. Don McKee responded that he felt it was unreasonable to defer the application to await the outcome of another piece of work (Aviemore Design Framework).

46. Allan Wright proposed a Motion that the application be Approved as per the Planning Officers revised recommendation and with the Planning Officials to address the following conditions regarding: bird breeding period; lighting; screening; working hours and materials. This was seconded by Peter Argyle.

47. Jaci Douglas proposed an Amendment that the application be Deferred, to allow for the design to be improved as befitting a gateway building to Aviemore and the application be brought back to Committee within 2 months. This was seconded by Geva Blackett.

48. The vote was as follows:

<b>NAME</b>	<b>MOTION</b>	<b>AMENDMENT</b>	<b>ABSTAIN</b>
Peter Argyle	X		
Geva Blackett		X	
Duncan Bryden	X		
Angela Douglas	X		
Jaci Douglas		X	
Marcus Humphrey	X		
Gregor Hutcheon		X	
Bob Kinnaird	X		
Eleanor Mackintosh	X		
Ian Mackintosh	X		
Mary McCafferty	X		
Andrew Rafferty	X		
Gordon Riddler		X	
Gregor Rimell		X	
Brian Wood	X		
Allan Wright	X		
<b>TOTAL</b>	<b>11</b>	<b>5</b>	<b>0</b>

49. The Committee agreed to approve the application subject to the revised recommendation and with the Planning Officials to address the following conditions regarding: bird breeding period; lighting; screening; working hours and materials.

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50. **Action Points arising:** Planning Officials to address the following conditions regarding: bird breeding period; lighting; screening; working hours and materials.

51. The Committee paused for a comfort break at 12:35pm.

52. The Committee reconvened at 12:40pm.

**AGENDA ITEM 8:  
REPORT ON CALLED-IN PLANNING APPLICATION FOR USE OF LAND  
FOR THE PURPOSES OF RECYCLING DUG GROUND INTO SUITABLE  
MATERIAL FOR REUSE  
AT GRANISH FARM, AVIEMORE  
(PAPER 3) (10/452/CP)**

53. Duncan Bryden advised the Committee that the Applicants had withdrawn the application from the CNPA Planning Register prior to the meeting and it would no longer be considered for determination.

54. Robert Grant made a recommendation that the Committee seek approval for formal enforcement action (if and as required) against the unauthorised activities at Granish Farm including recycling and storage of screening materials, creation of a borrow pit and use of the premises as a builders premises for plant vehicles and other construction related purposes.

55. The Committee were invited to ask the Planning Officer points of clarification. No points were raised.

56. The Committee agreed to approve formal enforcement action (if and as required) against the unauthorised activities at Granish Farm.

57. **Action Points arising:** Planning Officials to continue monitoring the activities at Granish Farm.

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## **AGENDA ITEM 9:**

### **REPORT ON CALLED-IN PLANNING APPLICATION FOR REBUILD REFUGE ON LIKE FOR LIKE BASIS AT FORDS OF AVON REFUGE, GLENAVON, TOMINTOUL (PAPER 4) (10/459/CP)**

58. Bob Kinnaird declared an interest and left the room.
59. Duncan Bryden informed Members that a request had been made to answer questions from –
  - The Applicant: Heather Morning
60. The Committee agreed to the request.
  
61. Robert Grant presented a paper recommending that the Committee approve the application subject to the conditions stated in the report with an additional condition requiring the boulders covering the Hut to be the right way round to reduce visual impact. Robert Grant clarified that the Hut had been built in 1970.
62. The Committee were invited to ask the Planning Officer points of clarification. No points were raised.
63. The Committee agreed to approve the application subject to the conditions stated in the report with an additional condition requiring the boulders covering the Hut to be the right way round to reduce visual impact.
64. Bob Kinnaird returned.
  
65. **Action Points arising:** None.

## **AGENDA ITEM 10:**

### **REPORT ON REQUEST TO VARY SECTION 75 LEGAL AGREEMENT FOR ERECTION OF DWELLING AND GARAGE AT FORMER SUMMER HOUSE, CROFTRONAN, BOAT OF GARTEN (PAPER 5) (04/229/CP)**

66. Duncan Bryden informed Members that no requests had been made to address the Committee.
  
67. Andrew Tait presented a paper recommending that the Committee discharge the Section 75 Legal Agreement.

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

- a) Clarification that the Applicants request had been to vary the Section 75 Legal Agreement, still tying the dwelling to the land. However, the recommendation was to discharge the Agreement. Andrew Tait confirmed that this was the case as the dwelling complied with the policy within the CNP Local Plan regarding housing development of brown field sites and rural building groups.

69. The Committee agreed to discharge the Section 75 Legal Agreement.

70. **Action Points arising:** None

### **AGENDA ITEM 11:**

#### **REPORT ON ADOPTION OF SUPPLEMENTARY PLANNING GUIDANCE – AFFORDABLE HOUSING (PAPER 6)**

71. Alison Lax, Strategic Policy Officer and Don McKee, Head Planner, presented a report on the adoption of Supplementary Planning Guidance covering Affordable Housing. Alison Lax advised that Section 6.6 had been revised to clarify the contributions for building 1 or 2 houses.

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

- a) The jump in cost of contributions for building 2 houses and building 3 houses.
- b) The level of building at which the access road needs to be developed to an adoptable standard.
- c) Ensure that suitable monitoring of the policy takes place. Alison Lax confirmed that all the Local Plan policies would be closely monitored.
- d) Clarity of contributions based on developing 3 houses. It was confirmed that Affordable Housing provision was expected to provide between 25 – 40% of units within the development and would be based on an assessment of what was required.
- e) Paragraph 6.5 and the explanation of contributions required for 3 or more houses.
- f) The contributions being ring fenced to the relevant secondary school catchment area.
- g) Clarification that affordable housing contributions were used not only to build new affordable houses but also to maintain existing affordable housing stock. The need for feedback to be received on how these funds were used.
- h) Concern that developers building 3 or more houses would add the cost of the contribution (£25k per unit) onto the purchase cost of the property. Thereby passing the cost onto the purchaser. Don McKee responded that the £25k figure

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was a benchmark and would vary according to location and site requirements. Any proposed development would be passed through the affordable housing model to ascertain the appropriate contribution. He advised that it may have the effect of reducing land values, as any affordable contribution would have to be taken into account by the developer when buying a site. He stated that close monitoring would also take place to assess how the policy was working in practice.

- i) The low number of housing required to be built (3 houses) before the policy required a larger payment towards affordable housing. The possibility of increasing this level of housing to 5 dwellings based on an increment strategy. Don McKee advised that this had been calculated in accordance with the CNP Local Plan policy which specified that any developments of 3 or more dwellings would require a contribution towards affordable housing.
- j) The CNPA having access to an extremely competent Planning Gain team.

73. The Committee agreed to adopt the Supplementary Planning Guidance – Affordable Housing.

74. **Action Points arising:** None.

75. The Committee paused for lunch at 13:10pm.

76. Bob Kinnaird, Andrew Rafferty and Brian Wood left the meeting.

77. The Committee reconvened at 13:50pm.

### **AGENDA ITEM 12: REPORT ON APPROVAL OF SUPPLEMENTARY PLANNING GUIDANCE FOR PUBLIC CONSULTATION – DEVELOPER CONTRIBUTIONS & AVIEMORE DESIGN FRAMEWORK (PAPER 7)**

78. Alison Lax, Strategic Policy Officer, advised that Members were being requested to approve the Supplementary Planning Guidance on Developer Contributions and the Aviemore Design Framework for Public Consultation.

79. Alison Lax advised that the title of the report should have been 'Approval to Consult on Supplementary Planning Guidance'.



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80. Alison Lax stated that the Developer Contributions paper had been revised from the meeting on 4<sup>th</sup> February 2011 and the following topics had been revised – information on commercial developments and community involvement in developer contributions.
81. The Committee were invited to ask the CNPA Officer points of clarification regarding Developer Contributions, the following were raised:
- a) Paragraph 2.3: Make the statement stronger advising future developers that pre-application discussions are essential.
  - b) Paragraph 4.8: Clarification of the figures stated. Alison Lax responded that the figures given were to reflect the different developments and different Local Authority requirements.
  - c) Paragraph 4.13: The possibility of including the emptying of dog fouling bins. It was confirmed that developer contributions could not be used for Local Authority revenue costs.
  - d) Policy 18 – improvements to infrastructure should not be seen as a community benefit by developers. It was necessary to convey that these improvements were planning conditions and should be seen as such.
  - e) The need for the document to be proof read prior to consultation.
82. The Committee agreed to approve the Supplementary Planning Guidance on Developer Contributions for consultation.
83. Alison Lax stated that the work underpinning the Aviemore Design Framework had been put together by Land Use Consultants and Studio CAP. She advised that there had been some difficulty with the pagination and numbering of the document but that these had now been rectified. Alison Lax advised it was important for the community to be involved and express their views on the document.
84. The Committee were invited to ask the CNPA Officer points of clarification regarding the Aviemore Design Framework, the following were raised:
- a) The possibility of the consultation being facilitated including community meetings and drop in sessions in the area. Alison Lax responded that all the consultations would be widely publicised and it was also the intention to make CNPA Staff available to meet with community groups. The possibility of drop in sessions would be investigated.
  - b) The document being too difficult to encourage public involvement
  - c) The document being too lengthy.
  - d) Most of the document being purely aspirational and not necessarily achievable.
  - e) The language used in the document not being in plain English.
  - f) The document being badly written.

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- g) The high level of repetition included in the document.
  - h) The numbering, pagination and structure of the document needing to be addressed.
  - i) The document being too prescriptive and dictatorial.
  - j) No means of explaining how the public are meant to respond to the document.
  - k) The possibility of a summary being included, making the document easier to read.
  - l) The document being broken down into smaller, digestible pieces – possibly by using appendices.
  - m) The public may find it easier to respond to by being asked specific questions regarding the document.
  - n) The content of the document being overwhelming due to the volume of information provided.
  - o) Reassess the document – what is it for, who is it for, what is it to be used for, do the users only need certain sections of information.
  - p) The possibility of carrying out an on-street survey in Aviemore.
  - q) The need to be careful to not create expectations that the CNPA know can't be delivered.
  - r) The lack of context of how the document has been developed over the years. Alison Lax advised that the document originated from the Highland Council Aviemore Masterplan (1997) which set out aspirations for the area, some had been achieved others had not. The CNPA felt it was important to revisit this document and public consultation events had been held in 2007. However, time has moved on since then.
  - s) The document providing advice and suggestion and the need to capture the good content from amongst the poor language and production and convey it to the public in an interesting and engaging format.
  - t) The principle of the document being sound.
  - u) The contents of the document being too broad to be classed as Supplementary Planning Guidance.
  - v) The links between this document with the Community Way Forward exercise.
85. The Committee agreed to defer consideration for a meeting to be arranged to discuss the document further and provide a working framework.

### 86. Action Points arising:

- Developer Contributions – to be proof read.
- Aviemore Design Framework – Alison Lax to send an email to Members to arrange a meeting to discuss the document further and provide a working framework.

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## **AGENDA ITEM 13:**

### **UPDATE REPORT ON AN CAMAS MOR, AVIEMORE (PAPER 8) (09/155/CP)**

87. Don McKee presented an update report on An Camas Mor, Aviemore.
88. The Committee were invited to ask the Head Planner points of clarification, the following were raised:
- a) Clarification that there was no delay in the progress of the application by the CNPA. Don McKee responded that there was no delay on the part of the CNPA and the Planning Officials were waiting for further information being submitted by the Applicant.
  - b) The timescale for the proposed development. Don McKee responded that as yet no decision had been issued, due to the applicant not progressing the Section 75 Agreement and therefore the clock had not yet started ticking.
89. The Committee noted the contents of the report.
90. **Action Points arising:** None.

## **AGENDA ITEM 14:**

### **ANY OTHER BUSINESS**

91. Duncan Bryden informed Members that Planning Service Improvement workshops were due to be held (in conjunction with Planning Aid) on 21 March in Aviemore and 22 March in Ballater. The days would have 2 sessions each, with the afternoon session being for Agents, Architects, Consultees etc. and the evening sessions for community groups and members of the public. He advised that he would be attending the meetings in Aviemore and Peter Argyle had agreed to attend the meetings in Ballater.
92. Jaci Douglas raised the possibility of introducing a design award for the Park.
93. Duncan Bryden advised that on the 28 April the Committee were scheduled to go out and about to look at various developments and their settings, this may be a good opportunity to discuss this topic.
94. Don McKee requested that should any Members have difficulty accessing the E Call-in Presentation to advise the Planning Officials.
95. **Action Points arising:** None

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## **AGENDA ITEM 15:**

### **DATE OF NEXT MEETING**

96. Friday 1<sup>st</sup> April 2011 at The Community Hall, Boat of Garten.
97. Committee Members are requested to ensure that any Apologies for this meeting are submitted to the Planning Office in Ballater.
98. The meeting concluded at 2.25pm.