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# CAIRNGORMS NATIONAL PARK AUTHORITY

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## MINUTES OF THE PLANNING COMMITTEE

held at The Community Centre, Nethy Bridge  
on 5<sup>th</sup> February 2010 at 10.30am

### PRESENT

Peter Argyle  
Stuart Black  
Geva Blackett  
Duncan Bryden  
Jaci Douglas  
Dave Fallows  
Lucy Grant  
Drew Hendry  
Bob Kinnaird  
Mary McCafferty

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

### IN ATTENDANCE:

Robert Grant  
Mary Grier  
Pip Mackie

Don McKee  
Bill Stewart  
Andrew Tait

### APOLOGIES:

Eric Baird  
David Green  
Marcus Humphrey

### AGENDA ITEMS 1 & 2:

#### WELCOME AND APOLOGIES

1. The Convenor welcomed all present.
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, 22<sup>nd</sup> January 2010, held at The Community Hall, Boat of Garten were approved.
4. There were no matters arising.

### AGENDA ITEM 4:

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

5. Dave Fallows declared an indirect interest in Planning Application No. 10/018/CP, due to being a Director of COAT.
6. Jaci Douglas declared a direct interest in Planning Application No. 10/029/CP, due to having spoken on a previous planning application for the same proposal.
7. Dave Fallows declared an indirect interest in Item No.'s 3 and 4 on the Agenda, due to being a Director of COAT.
8. Stuart Black declared an interest in Item No. 7 on the Agenda, due to previously being a tenant of Dorback Estate.
9. Geva Blackett declared an interest in Item No. 8 on the Agenda, due to being related to the Applicant.

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

- |                 |            |
|-----------------|------------|
| 10. 10/018/CP - | No Call-in |
| 11. 10/019/CP - | No Call-in |
| 12. 10/020/CP - | No Call-in |
| 13. 10/021/CP - | No Call-in |
| 14. 10/022/CP - | No Call-in |
| 15. 10/023/CP - | No Call-in |
| 16. 10/024/CP - | No Call-in |

17. 10/025/CP - The decision was to call-in the application for the following reason :
- This proposal is for the approval of matters specified in conditions, resulting from an outline planning permission that was granted by the CNPA, as a result it is considered that this application has significant linkages to the previous applications. Consequently, the proposal is considered to raise issues of general significance for the collective aims of the National Park.
18. 10/026/CP - No Call-in  
19. 10/027/CP - No Call-in
20. 10/028/CP - The decision was to call-in the application for the following reason :
- This proposal relates to an earlier planning decision granted on appeal for outline planning permission for residential development as considered by the CNPA. The proposal is of a significant scale, in a prominent position in one of the main settlements in the National Park and raises issues in terms of the social and economic development of the area. As such, it is considered to raise issues of significance to the collective aims of the National Park.
21. 10/029/CP - Jaci Douglas declared an interest and left the room.  
No Call-in  
Jaci Douglas returned.
22. 10/030/CP - The decision was to call-in the application for the following reason :
- This proposal for the reinstatement of a redundant reservoir and filter bed by infilling it with material won from the surrounding area. It is considered that the proposal raises issues in terms of landscape and natural heritage impacts. Consequently, the proposal raises issues of general significance to the aims of the National Park.

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

23. The Members wished to make comments to the Local Authorities on the following Planning Application No's 10/019/CP, 10/020/CP & 10/027/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 CALLED-IN PLANNING APPLICATION FOR ERECTION OF FOUR HOUSES AT SHELTER STONE, 129 GRAMPIAN ROAD, AVIEMORE (09/225/CP) (PAPER 1)**

24. Duncan Bryden informed Members that Dorothy Sloan, Applicant, was available to answer questions.
25. Mary Grier presented a paper recommending that the Committee refuse the application for the reasons stated in the report.
26. The Committee were invited to ask the Planning Officer points of clarification, the following were raised:
- a) The distance between the proposed dwellings and existing properties.
  - b) The height of the rooflines.
  - c) Guidance on the amount of garden ground required for residential and holiday properties.
  - d) Other backfill properties in the area.
  - e) The Historic Scotland listing of the Shelter Stone and its curtilage.
  - f) Clarification of which of the proposed properties were to be available on the open market.
27. The Committee were invited to ask questions of the Applicant and the following points were raised:
- a) Clarification of why the proposal was being split between open market housing and holiday letting properties.
  - b) The ridge height of the proposed houses and those of the holiday units in the adjoining property and the dwellings in Craig-na-Gower Avenue.
  - c) The difference in ground levels between the application site and Craig-na-Gower Avenue.
28. Duncan Bryden thanked the Applicant.
29. The Committee discussed the application and the following points were raised:
- a) The difficulty in being able to find affordable open market housing in the Aviemore area.
  - b) Overdevelopment of the site.
  - c) The proposal affecting the setting of the listed Shelter Stone building.
  - d) The enhancement of the site by the proposed removal of the timber shed.
  - e) Information requested by the Planners regarding a site section detailing the ground levels, finished floor levels and ridgelines of the Shelter Stone, the proposed properties and dwellings in Craig-na-Gower Avenue and the Applicants unwillingness to provide this.
  - f) The planning reasons given for refusing the application.
  - g) The improvement in the proposal since the previous applications were considered.
30. The Committee agreed to refuse the application for the reasons stated in the report.

**AGENDA ITEM 7:  
REPORT ON CALLED-IN PLANNING APPLICATION FOR THE ERECTION  
OF 2 SELF CATERING UNITS AT GAIRNSHIEL LODGE, GLEN GAIRN,  
BALLATER  
(09/324/CP) (PAPER 2)**

31. Duncan Bryden informed Members that Stewart Anderson, Agent and Archie Buchanan, Applicant were available to answer questions.
32. Robert Grant presented a paper recommending that the Committee approve the application subject to the conditions stated in the report.
33. The Committee were invited to ask the Planning Officer points of clarification, the following were raised:
  - a) The need to maintain the wall adjoining the B976.
  - b) Sustainability inclusions in the proposal.
  - c) The removal of the false chimney from the proposal.
  - d) The design and finishing of the buildings being in keeping with the existing properties to the west of the site.
  - e) Clarification why the proposal was for detached buildings and not semi-detached.
  - f) The possibility of future development on the site.
  - g) Clarification as why Gairnshiel Lodge was not listed by Historic Scotland.
34. The Committee were invited to ask questions of the Agent / Applicant. No questions were asked.
35. The Committee discussed the application and the following points were raised:
  - a) The timing of the implementation of the landscaping plan as detailed in Condition No. 5.
36. The Committee agreed to approve the application subject to the conditions stated in the report.

**AGENDA ITEM 8:  
REPORT ON CALLED-IN PLANNING APPLICATION FOR THE CREATION  
OF 430M LONG X 1.5M WIDE PATH AT LAND WITHIN TORPHANTRICK  
WOOD, CAMBUS O'MAY, BALLATER  
(09/363/CP) (PAPER 3)**

37. Robert Grant presented a paper recommending that the Committee approve the application subject to the conditions stated in the report.
38. The Committee discussed the application and the following points were raised:
  - a) Clarification if the path was to be all ability.
  - b) Clarification that if the proposed path were part of an existing path, then the whole path would require to be all ability.
39. 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 THE CREATION  
OF A 260M LONG PATH TO LINK DINNET ROAD BRIDGE WITH EXISTING  
ACCESS TO GLEN TANAR VIA FIRMOUTH, ABOYNE  
(09/379/CP) (PAPER 4)**

40. Robert Grant presented a paper recommending that the Committee approve the application subject to the conditions stated in the report.
41. The Committee discussed the application and the following points were raised:
  - a) The timing of the proposed clear felling of the surrounding woodland and ensuring that the path was constructed after this had taken place.
42. The Committee agreed to approve the application subject to the conditions stated in the report.

**AGENDA ITEM 10:  
REPORT ON CALLED-IN PLANNING APPLICATION FOR THE  
INSTALLATION OF A 15M HIGH LATTICE TELECOMMUNICATIONS MAST  
AND ANCILLARY EQUIPMENT, FORMATION OF TEMPORARY  
CONSTRUCTION ACCESS TRACK AT LAND 500M SOUTH WEST OF  
NUIDE FARM, NEWTONMORE  
(09/371/CP) (PAPER 5)**

43. Bill Stewart presented a paper recommending that the Committee approve the application subject to the conditions stated in the report.
44. The Committee discussed the application and the following points were raised:
  - a) The length of the access track.
  - b) Proposals for permanent access to the site.
  - c) The potential for re-instating the temporary access track.
  - d) How often access would be required to the site for maintenance of the mast.
45. The Committee agreed to approve the application subject to the conditions stated in the report with an amendment to Condition 4 to include the re-instatement of the access track following construction.

**AGENDA ITEM 11:**

**REPORT ON CALLED-IN PLANNING APPLICATION FOR THE ERECTION OF 30 (AMENDED TO 25) HOUSES AND CONSTRUCTION OF ACCESS ROAD ON LAND SE OF MILLSIDE HOUSE, MILTON, AVIEMORE (09/153/CP) (PAPER 6)**

46. Duncan Bryden informed Members that Philip Neaves, Agent and Niall Murphy, Architect, had requested to address the Committee. The Committee agreed to the requests. Members were informed that Alistair Grant, Applicant, was present.
47. The Committee paused to read several late representations, which had been received within the appropriate deadline.
48. Andrew Tait presented a paper recommending that the Committee refuse the application for the reasons stated in the report.
49. The Committee were invited to ask the Planning Officer points of clarification, the following were raised:
  - a) The boundary treatments being proposed.
  - b) The proposed terraced gardens for Plots 11 – 13 and the distance from the rear of the dwellings to the start of the terrace.
  - c) The surface water drainage proposed for Plots 11- 13 and its ongoing maintenance.
50. Philip Neaves, Agent, and Niall Murphy, Architect, addressed the Committee.
51. The Committee were invited to ask questions of the speaker and the following points were raised:
  - a) The boundary treatments being proposed.
  - b) The proposed finishing materials of the facing of the terraces.
  - c) The appropriateness of terraced gardens in a National Park setting.
  - d) Clarification of the earthworks associated with the garden ground of Plots 11 – 13.
  - e) Other solutions for the surface water drainage associated with Plots 11 – 13.
  - f) The potential for severe weather conditions to affect the effectiveness of the surface water drainage systems being proposed.
  - g) The sun path and how it relates to the sustainability of the dwellings.
  - h) The delivery and location of the Affordable housing related to the application.
  - i) The potential for the layout / design of the proposal to be amended should the Affordable Housing be located at another site in Aviemore.
52. Duncan Bryden thanked the speakers.

53. The Committee discussed the application and the following points were raised:
- a) The solutions found for the surface water drainage.
  - b) The apparent flexibility for the development to proceed without Plots 11 – 13 and whether the Applicant would be willing for these plots to be removed from the proposal.
  - c) The cost of the Affordable houses when sold to the Registered Social Landlord.
  - d) The level of Affordable housing associated with the development.
  - e) The proposal meeting a variety of housing needs regarding size and garden area.
  - f) Highland Council Building Control and Landscape Officer being satisfied with the drainage.
  - g) The overdevelopment of the site, even without Plots 11 – 13.
  - h) The level of housing proposed being considerably over that allocated for the site in the Badenoch & Strathspey Local Plan.
  - i) The density of the housing being proposed and comparison to that of other developments in Aviemore.
  - j) The decreasing amount of land available for development in urban areas and the possible re-evaluation of the level of garden ground associated with residential dwellings.
  - k) The allocation of the site in the forthcoming CNP Local Plan.
54. The Committee sought clarification from the Applicant if he would be willing for the application to proceed without Plots 11 – 13. The Agent responded that in order to provide the level of Affordable housing being proposed, all 25 plots were required to be developed.
55. Lucy Grant proposed a Motion that the application be Refused, in line with the recommendation in the report. This was seconded by Peter Argyle.
56. Willie McKenna proposed an Amendment that the application be Approved, subject to the inclusion of Affordable housing and conditions coming back to the Planning Committee for further approval. This was seconded by Mary McCafferty.



57. The vote was as follows:

	MOTION	AMENDMENT	ABSTAIN
Peter Argyle	√		
Stuart Black		√	
Geva Blackett		√	
Duncan Bryden	√		
Jaci Douglas	√		
Dave Fallows		√	
Lucy Grant	√		
Drew Hendry		√	
Bob Kinnaird		√	
Mary McCafferty		√	
Willie McKenna		√	
Eleanor Mackintosh		√	
Ian Mackintosh	√		
Anne MacLean	√		
Alastair MacLennan	√		
Fiona Murdoch	√		
Andrew Rafferty		√	
Gregor Rimell	√		
Richard Stroud	√		
Susan Walker	√		
<b>TOTAL</b>	<b>11</b>	<b>9</b>	<b>0</b>

58. The Committee agreed to refuse the application for the reasons stated in the report.

59. The Committee paused for lunch at 1:30pm.

60. The Committee reconvened at 2:10pm.

61. Drew Hendry & Fiona Murdoch left the meeting.

**AGENDA ITEM 12:  
REPORT ON CALLED-IN PLANNING APPLICATION FOR THE ERECTION  
OF WOOD CHIP STORE AMENDED DESIGN, DORBACK LODGE,  
DORBACK ESTATE, NETHY BRIDGE (RETROSPECTIVE)  
(09/352/CP) (PAPER 7)**

62. Stuart Black declared an interest and left the room.
63. Andrew Tait presented a paper recommending that the Committee approve the application subject to the conditions stated in the report.
64. The Committee discussed the application and the following points were raised:
  - a) The requirement for the colour finish and detailing of the wall to be added to Condition 3.
  - b) Clarification that the planting / seed species would be native species and locally sourced.
  - c) The scale and extent of the proposed deer fencing.
65. The Committee agreed to approve the application subject to the conditions stated in the report with an amendment to Condition 1b for the 'deer fencing' to be replaced with 'an appropriate enclosure'. The Committee also agreed for a letter to be sent to the Applicant expressing disappointment that the development had taken place which did not conform to the terms of the original planning permission and strongly advising that these circumstances should not be repeated.
66. Stuart Black returned.

**AGENDA ITEM 13:  
REPORT ON CALLED-IN PLANNING APPLICATION FOR THE  
INSTALLATION OF MICRO-HYDRO ENERGY GENERATING PLANT,  
INTAKE WEIR, TURBINE HOUSE, OUTFALL AND ASSOCIATED WORKS  
AT MILLTOWN BURN, ALLARGUE ESTATE, CORGARFF  
REQUEST FOR CHANGE TO APPROVED CONDITIONS NOS. 2 & 8  
(09/014/CP) (PAPER 8)**

67. Geva Blackett declared an interest and left the room.
68. Don McKee presented a paper recommending that the Committee approve the application subject to the conditions stated in the report.
69. The Committee discussed the application and the following points were raised:
  - a) An advice note to the Applicant stating that the planning permission should be read in conjunction with the SEPA CAR Licence.
  - b) That the Planning Committee learn lessons from this application and endeavour to work in conjunction with other Government Agencies in order to expedite applications of this type.
70. The Committee agreed to approve the application subject to the conditions stated in the report.
71. Geva Blackett returned.

**AGENDA ITEM 14:  
UPDATE REPORT ON BEAULY – DENNY TRANSMISSION LINE  
(PAPER 9)**

72. Don McKee presented an update report on the Beauly – Denny Transmission Line informing Members of the terms of the consent, how it will affect the Cairngorms National Park and to seek authority for the next steps.
73. The Committee discussed the report and the following points were raised:
- a) Welcoming the involvement of the CNPA Officials in the liaison groups and looking forward to update reports on these groups to the Committee.
  - b) The financial implications and staff resources for the CNPA being involved in the liaison groups.
  - c) The money already allocated for the marketing initiative for the communities affected by the development, the need for community consultation and ensuring that the money is used on specifically on marketing and not administrating the marketing.
  - d) Staff resources for the marketing initiative.
  - e) The need to keep local Board Members up to date with the marketing initiative.
  - f) The potential for any future monetary benefit for the communities affected by the development.
  - g) Further applications for the compounds associated with the construction of the development.
  - h) Potential for screening the power lines / pylons.
74. The Committee noted the terms of the Scottish Ministers’ decision and agreed the recommendation for the next steps as detailed in the Report with amendments to:
- 23 ii – to include reference to timescales
  - 23 iii – to include ‘with appropriate involvement of Board Members - with particular regard to the marketing initiative’

**AGENDA ITEM 15:  
ANY OTHER BUSINESS**

75. Andrew Rafferty advised Members that he had recently been contacted by a member of the public regarding the recent shortage of diesel fuel available in the Badenoch & Strathspey area. It was agreed that David Green, Board Convenor, would write to the prominent fuel supplier in the area regarding this issue and the frequency of diesel fuel deliveries.

**AGENDA ITEM 16:  
DATE OF NEXT MEETING**

76. Friday 19<sup>th</sup> February 2010 at Duke of Gordon Hotel, Kingussie.
77. Committee Members are requested to ensure that any Apologies for this meeting are submitted to the Planning Office in Ballater.
78. The meeting concluded at 2.50pm.