

**CAIRNGORMS NATIONAL PARK AUTHORITY**

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**DRAFT MINUTES OF THE PLANNING COMMITTEE**

Held at The Albert Hall, Ballater

On 6<sup>th</sup> June 2014 at 11.00am

**Members Present**

Peter Argyle (Vice Convenor)	Bill Lobban
Duncan Bryden	Eleanor Mackintosh (Convenor)
Angela Douglas	Willie McKenna
Dave Fallows	Fiona Murdoch
Katrina Farquhar	Brian Wood
Jeanette Gaul	John Latham
Gordon Riddler	

**In Attendance:**

Murray Ferguson, Director of Planning and Rural Services  
Peter Ferguson, CNPA Legal Advisor from Harper MacLeod LLP  
Simon Harrison, Head of Planning  
Katherine Donnachie, Planning Officer, Development Management  
Dee Straw, Planning Administration Assistant  
Sam Wainwright, Planning Systems and Administration Officer

**Apologies:**

Gregor Hutcheon	Kate Howie
Mary McCafferty	Gregor Rimell
Paul Easto	Martin Price

**Agenda Items 1 & 2:**

**Welcome & Apologies**

1. The Convenor welcomed all present.
2. The Convenor wished Councillor Latham happy birthday.
3. Apologies were received from the above Members.

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## Agenda Item 3:

### Minutes & Matters Arising from the Previous Meeting

4. The minutes of the previous meeting, 9<sup>th</sup> May 2014, held at Boat of Garten were approved.
5. There were no matters arising.
6. The Convener provided an update on the Action Points from the previous meeting
  - Action Points at Para: 6 – The Convener had written to Scottish Government enquiring about the status of guidance on involvement of members in pre-application discussions. The Convener also reported that new guidance was being written by Transport Scotland about A9 signage and once received, it will be circulated
  - Action Point at Para: 24 - First two matters are in hand and letter was sent to applicants. Reply was received from the GH Johnston Building Consultants re: Vehicular access track at Pitmain (2013/0318/DET). The Agent stipulated the lodgement of the application by applicant went against their advice to the client and who had commenced works due to ‘impatience with the planning process’.

## Agenda Item 4:

### Declaration of Interest by Members on Items Appearing on the Agenda

7. Peter Argyle declared an interest in:
  - Item No. 12 (Paper 8) –**Direct** – Applicant is Employer
8. John Latham declared an interest in:
  - Item No. 12 (Paper 8) –**Direct** – Applicant is Employer
9. Katrina Farquhar declared an interest in:
  - Item No. 12 (Paper 8) **Direct** - Applicant is Employer
  - Item No. X (Paper 11) **Indirect** – Applicant is well known to them
10. Gordon Riddler declared an interest in:
  - Item No.12 (Paper 8) –**Indirect** – Close neighbour
11. Brian Wood declared an interest in:
  - Item No.10 (Paper 6) –**Indirect** – Member of Braemar Highland Society
  - Item No.11 (Paper 7) –**Indirect** – Member of Braemar Highland Society
12. Bill Lobban declared an interest in:
  - Item No. 6 (Paper 2) –**Direct** – Friend of an objector
13. Willie McKenna declared an interest in:
  - Item No. 6 (Paper 2) – **Indirect** - Friend of Objector

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### **Agenda Item 5:**

#### **Report on Called-In Planning Application:**

**Installation of 32 Solar Panels 1.65m long x 1m High x 40 Degrees  
(Retrospective) At Braes of Duthil, Carrbridge  
(Detailed Planning Application)  
(Paper 1) (2014/0084/DET)**

14. The Convener reminded members this was the deferred, retrospective application Item 10 (Paper 6) from the last Committee meeting.
15. Simon Harrison (on behalf of Fiona Murphy) presented a paper recommending that the Committee approve the application subject to conditions stated in the report but with the removal of Condition 2 and amendment of condition 3. Simon explained the black covered objects are inverters and so are an integral part of the proposed development.
16. The Committee were invited to ask the Planning Officer points of clarification, the following were raised:
  - a. Is the submission of a landscape plan as described in Condition 1 still required? Yes but it would be proportionate.
  - b. Relative to its required complexity, could the Landscape Plan be prepared by the Applicant? No reason why not, and if necessary with appropriate professional help.
  - c. Is the proposed Landscaping sufficient to conceal the development? The proposals were accepted by the CNPA Landscape Advisor.
17. The Committee discussed the application and the following points were raised:
  - a. Concerns raised regarding the retrospective nature of this planning application.
18. The Committee agreed to approve the application subject to the deletion of condition 2 but otherwise as per recommendation.
19. **Action Points arising: None.**

### **Agenda Item 6:**

#### **Report on Called-In Planning Application:**

**Erection of 12 Self Catering Units (Amended Proposal Ref: 13/1749/FUL)  
At The Garth, 21-23 Castle Road, Grantown on Spey  
(Detailed Planning Application)  
(Paper 2) (2014/0105/DET)**

20. Bill Lobban left the meeting.
21. The Convenor and Simon Harrison explained the next few papers are intrinsically related but must be considered on individual merits. Also that the applicant is not speaking but is available to answer questions.
22. Simon Harrison presented a paper recommending that the Committee approve the application subject to the conditions stated in the report.

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

- a. Clarification on how the financing of the various applications will work if the development is being considered as separate applications? Simon Harrison explained part of the site will initially be developed to allow for the funding and investment to develop Gladstone House as per the conditions.
- b. The height and pitch of the roofs and whether they are consistent with adjacent existing building roof pitches in Grantown-on-Spey conservation area? The applicant advised they are a similar pitch (45 Degree pitch angle).
- c. Whether the materials used for water goods and windows were constructed of materials consistent with the adjacent Garth Hotel and also whether particular material use could be specified in the conditions? Simon Harrison advised that there are restrictions to the materials used presently in the Conditions however these can be amended to account for the components mentioned.
- d. Whether the Conditions restricted the application of external features such as satellite dishes or heat exchangers? Simon Harrison assured the committee these were covered in the conditions and the area's status as a Conservation Area means these are adequately controlled.
- e. Whether the existing access to the site can accommodate the increase in use generated by the development? Simon Harrison advised, and with reference to the Officer's Report, that The Highland Council Roads do not appear concerned due to the reduction in density of the property and have raised no objection to the proposed means of access.

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

- a. Whether there should be an amendment to Condition 10 to include servicing proposals i.e. the burial of telephone cables and power lines;
- b. That the application would be of benefit to Grantown and praised the application on its quality and use of visual aids.

25. The Committee agreed to approve application subject to the conditions stated in the report and the suggested amendments to conditions 4 and 10.

26. **Action Points arising:           None.**

27. Bill Lobban returned to the meeting at this point.

**Agenda Item 7:**

**Report on Called-In Planning Application:**

**Demolition of Garage**

**At The Garth, 21-23 Castle Road, Grantown on Spey**

**(Conservation Area Consent Application)**

**(Paper 3) (2014/0121/CON)**

28. Simon Harrison 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 and no questions were raised.
30. The Committee agreed to approve the application subject to the conditions stated in the report.
31. **Action Points arising:                   None**

**Agenda Item 8:**

**Report on Called-In Planning Application:**

**Renovation and Extensions**

**At The Garth, 21-23 Castle Road, Grantown on Spey**

**At Gladstone House, 17-19 Castle Road, Grantown on Spey**

**(Detailed Planning Application)**

**(Paper 4) (2014/0111/DET)**

32. The meeting was paused due to a medical emergency.
33. Simon Harrison presented a paper recommending that the Committee approve the application subject to the conditions stated in the report.
34. The Committee were invited to ask the Planning Officer points of clarification, the following were raised:
  - a. What is its intended use and how is the application related to rest of the Development? Simon Harrison confirmed it is for residential use, and the applicant had suggested for use by employees of The Garth Hotel.
  - b. Questions were raised with reference to Para. 42 and 44 and Item 35 (page 12) of the application committee report, as to why the applicant is not retaining original windows, doors and lintels (as advised by The Highland Council Historical Architect). Simon Harrison reassured the Committee that Condition 1 addresses these concerns. He further suggested that the word 'lintels' be added into the conditions.
  - c. Whether the top floor windows and the extension were complementary with the character of the Listed Building? Simon Harrison added the materials and the layout are to be consistent and sympathetic with the Listed Building Status. Roofing materials to be reclaimed natural slate.

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35. The Committee agreed to approve application subject to the conditions stated in the report and an amendment to condition 1.

36. **Action Points arising:           None.**

### **Agenda Item 9:**

#### **Report on Called-In Planning Application:**

#### **Renovation and Extension**

**At Gladstone House, 17-19 Castle Road, Grantown on Spey**

**(Listed Building Consent)**

**(Paper 5) (2014/0110/LBC)**

37. Simon Harrison presented a paper recommending that the Committee approve the application subject to the conditions stated in the report.

38. The Committee were invited to ask the Planning Officer points of clarification and no questions were raised.

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

40. **Action Points arising:           None.**

### **Agenda Item 10:**

#### **Report on Called-In Planning Application:**

#### **Demolition of Existing West Stand and Replacement with Grandstand and Visitor Centre Incorporating Exhibition/Interpretive Spaces, BRHS Office, Reception, Retail, Cafe and Supporting Ancillary Accommodation**

**At Land to North of Princess Royal and Duke of Fife Memorial Park, Moorfield House Road, Braemar**

**(Detailed Planning Application)**

**(Paper 6) (2014/0026/DET)**

41. Simon Harrison presented a paper recommending that the Committee approve the application subject to the conditions stated in the report. Simon Harrison reminded the committee that Applications 2014/0026/DET and 2014/0088/CON are intrinsically linked but must be considered on their merits.

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

- a. Whether a condition could be added requiring an Access Statement to address the omitted comments of Inclusive Cairngorms regarding disabled access? Simon Harrison suggested the addition of a required Access Statement to condition 5.

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- b. Whether the colour of exterior materials could be left natural or painted to match the adjacent stands? Simon Harrison confirmed that this is covered in conditions.
43. The Committee agreed to approve the application subject to the conditions stated in the report with the amendment of condition 5.
44. **Action Points arising:                      None.**

### **Agenda Item 11:**

#### **Report on Called-In Planning Application:**

#### **Demolition of West Stand**

#### **At Land to North of Princess Royal and Duke of Fife Memorial Park, Moorfield House Road, Braemar**

#### **(Conservation Area Consent Application)**

#### **(Paper 7) (2014/0088/CON)**

45. Simon Harrison presented a paper recommending that the Committee approve the application subject to the conditions stated in the report.
46. The Committee were invited to ask the Planning Officer points of clarification and no questions were raised.
47. The Committee agreed to approve the application subject to the conditions stated in the report.
48. **Action Points arising:                      None.**

### **Agenda Item 12:**

#### **Report on Called-In Planning Application:**

#### **Erection of 8 Dwellings (Affordable Housing)**

#### **At Open Space, Sir Patrick Geddes Way, Ballater**

#### **(Detailed Planning Application)**

#### **(Paper 8) (2014/0049/DET)**

49. Peter Argyle, Katrina Farquhar and John Latham left the room for the duration of the discussion on this application.
50. Katherine Donnachie presented a paper recommending that the Committee approve the application subject to the conditions stated in the report and the payment of developer contributions.
51. Katherine stated that further information had been submitted on SUDs Drainage and could be covered in conditions
52. Katherine suggested a further condition (12) relating to submission of information to address roads issues and information required by the Roads Service.

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

- a. Whether the new fenced play park area would be fenced? Katherine Donnachie advised that Condition 2 would be amended to require a 'suitably enclosed play area'.
- b. Is the proposed play park suitably located? Katherine Donnachie advised that Aberdeenshire Landscape Services are happy with location however may consider an upgrade of other play areas if a contribution was made.
- c. Do the houses have vehicular access and enough parking? Katherine Donnachie stated Aberdeenshire Council Roads department are satisfied with the layout and amount of available parking.
- d. Was SEPA consulted? Katherine Donnachie responded that the area is not within the defined flood zone so no requirement to consult SEPA and Aberdeenshire Flood Prevention Unit had been consulted.
- e. Do the council provide sheds for external storage? Katherine Donnachie could not answer the question as no sheds shown on the plans, but suggested it can potentially be done under Permitted Development if required.
- f. Asked for clarification regarding the 'door length windows' and whether these were additional entry and exit points or just windows? Katherine Donnachie advised the Board that these are windows that come to ground and will be constructed to meet building warrant requirements.
- g. Could the informative related to construction hours be added as a full condition due to the site's location and to add adequate restraint on the contractors? Katherine Donnachie explained that it is standard practice is to add it as an informative. Simon Harrison added that this is already enforced by Environmental Health and that it would be good practice for the developer to add this as a condition of the building contract rather than have it as a planning condition.

54. The Committee agreed to approve the application subject to the conditions stated in the report and proposed amendments including the addition of condition 12 relating to roads issues.

55. **Action Points arising:                      None.**



### **Agenda Item 13:**

#### **Report on Called-In Planning Application:**

#### **Proposed 100kW Run-of-River Hydro Electric Power Scheme**

#### **At Land 100m West of Tulchan Lodge, Folda, Glen Isla**

#### **(Detailed Planning Application)**

#### **(Paper 9) (2013/0409/DET)**

56. The Convener informed Members that the Agent would be present to answer any questions:

- Agent – Bill Purdie - Green Cat Renewables Ltd

57. Katherine Donnachie presented a paper recommending that the Committee approve the application subject to the conditions stated in the report.

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

- a. What percentage of the flow rate will be extracted under low water conditions? Katherine Donnachie could not answer the question and advised that SEPA would control such matters. Bill Purdie advised the Committee that SEPA guidelines stated that only excess flow rate water can be used for power generation and water will not be extracted at low water conditions.
- b. What is the intention for the use of the removed boulders from tunnel excavation? Katherine Donnachie explained that condition 4 address points regarding the boulders within the construction management statement. Simon Harrison further suggested an amendment of condition 1, to include how excavated material is to be dealt with- this could be considered for CNPA approval if necessary.
- c. Should the scheme stop functioning, what will happen to the intake, service track and other surface structures and could a condition be used to encompass this? Katherine Donnachie advised the Board that the application is not in a designated 'wild area' and reinstatement of the pipeline will be done to look as natural as possible as per the Construction Method Statement. Scottish Government advice is not to overcomplicate with conditions.
- d. Whether condition 1 could be amended to state 'replacement planting or natural regeneration' as an alternative to 'planting'. Katherine Donnachie agreed to the amendment.

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

- a. Bill Purdie advised that committee that SEPA guidelines stated that only excess flow rate water can be used for power generation.
- b. Bill Purdie stated that removed boulders were to be crushed and used as backfill material or for proposed tracks.

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- c. Bill Purdie added that the development will have a life span of 50 years; the benefits of non-removal vastly outweigh the harm of the required restoration works.
60. The Convener thanked the speakers.
61. The Committee agreed to approve the application subject to the conditions stated in the report and the proposed amendments to condition 1 and the inclusion of a condition requiring removal of above ground infrastructure at the intake point should the scheme become redundant.
62. **Action Points arising:                   None**

### **Agenda Item 14:**

#### **Report on Called-In Planning Application:**

#### **Erection of 1 No. Biomass Boiler Housing to Service Proposed Housing Development**

#### **At Land South East of Millside House, Milton, Aviemore**

#### **(Detailed Planning Application)**

#### **(Paper 10) (2013/0302/DET)**

63. Katherine Donnachie presented a paper recommending that the Committee approve the application subject to conditions reasons stated in the report.
64. The Committee were invited to ask the Planning Officer points of clarification, the following were raised:
  - a. Concern was expressed related to initiation of building works before attaining approved planning permission. Katherine Donnachie advised the Board that this application was not retrospective when it was submitted.
  - b. Where the Austin Smith Lord doc. in appendix was sourced from? Katherine Donnachie stated that it was circulated by an objector and related to the original planning application for development here.
65. The Committee agreed to approve the application subject to the conditions stated in the report.
66. **Action Points arising:                   Convenor to send out a letter regarding the premature initiation of development**

### **Agenda Item 15:**

#### **FOR INFORMATION**

#### **Six Month Review of CNPA Planning Obligation Processes and Procedures**

67. Gavin Miles presented an update report on Six Month Review of CNPA Planning Obligation Processes and Procedures
68. The Committee were invited to ask the Planning Officer points of clarification and no questions were raised.

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69. The Committee accepted the report for information purposes and agreed that the new process was working well and was worthwhile.

70. **Action Points arising:                   None**

### **Agenda Item 16:**

#### **Any Other Business**

71. The Convenor updated the Committee on the following points:

- a. The new Planning Committee Standing Orders (5<sup>th</sup> revision) were now being implemented.
- b. Update regarding the Rural Scotland in Focus Report which includes the work that has been carried out with regards to Tomintoul and Glenlivet regeneration programme.
- c. Murray Ferguson had sent out an e-mail regarding the Hearing into Housing Land Supply Issues within the proposed Local Development Plan. The Convenor explained the Hearing had gone well and that the Reporters recognised the difficulty that the CNPA had in preparing and communicating a strategy for housing land supply, given that the CNPA had no Assessment of its own but rather had to rely on the figures from the other five authorities within the Park.
- d. Should removal of surface structures be put in as a standard condition for development of hydro schemes in areas of high value for wildness? Should a set of standard conditions be written for implementation? Simon Harrison suggested this was potentially a complex issue worthy of a proper consideration, and offered to arrange for a report to be brought to a future Committee.

72. Murray Ferguson updated the Committee on the following points:

- a. Scottish Government had announced today that a new wind farm has been granted permission for 67 turbines at Stronelairg, near Fort Augustus – CNPA and SNH had both objected. A new 21 turbine wind farm has been refused consent at New Feild near Locherbie. There was still no update regarding Allt Duine wind farm near Kincaig. New Scottish Planning Policy is to be announced on 23 June. Murray assured Committee that a statement for the media noting CNPA disappointment about Stronelairg is being compiled by the CNPA Press Officer.

73. **Action Points arising:                   Simon Harrison to arrange for a report to be brought to Planning Committee looking at possible ways of removing redundant structures once the approved development was no longer in operation.**

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### **Agenda Item 17:**

#### **Date of Next Meeting**

74. Friday 4<sup>th</sup> July 2014 at Boat of Garten.

75. Committee Members are requested to ensure that any apologies for this meeting are submitted to the Committee Clerk (Alix Harkness).

76. The public business of the meeting concluded at 14:50.