

CAIRNGORMS NATIONAL PARK AUTHORITY

APPROVED MINUTES OF THE PLANNING COMMITTEE held at The Community Centre, Nethy Bridge on 8 July 2016 at 11.00am

Members Present:

Angela Douglas	Eleanor Mackintosh (Convener)
Katrina Farquhar	Willie McKenna
Dave Fallows	Fiona Murdoch
Kate Howie	Gregor Rimell
John Latham	Judith Webb
Bill Lobban	

In Attendance:

Gavin Miles, Head of Planning
Sandra Middleton, Head of Rural Development
Jane Shepherd, Planning Manager, Development Management
Katherine Donnachie, Planning Officer, Development Management
Matthew Taylor, Planning Officer, Development Management
Peter Ferguson, Legal Adviser Harper & MacLeod LLP
Alix Harkness, Clerk to the Board

Apologies:

Peter Argyle	Rebecca Badger
Paul Easto	Jeanette Gaul
Janet Hunter	Gregor Hutcheon
Gordon Riddler	Brian Wood

Agenda Items 1 and 2:

Welcome

- I. The Convener welcomed all present and apologies were noted.

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2. A short video of Ballater made by a young lady from Ballater and funded by local groups was played to the Planning Committee.

Agenda Item 3:

Minutes and Matters Arising from the Previous Meeting

3. The minutes of the previous meeting, 10th June 2016, held at the Albert Hall, Ballater were approved with amendments to the following:
 - a) At Para. 3a: To be amended to read 'UK research centres'.
4. There were no matters arising.
5. The Convener provided an update on the Action Points from the previous meeting:
 - a) **Action point at Para 15i):** Closed – Informative added to suggest signage is erected to inform passers-by of benefit of structure.
 - b) **Action point at Para 15ii):** In Progress – Planning Officer is looking at the appearance of the structure to lessen the impact as part of the condition submission.
 - c) **Action point at Para 30i):** Closed – NPPP Housing evidence paper circulated to the Planning Committee following the National Park Partnership Plan Launch 27 June 2016.
 - d) **Action point at Para 30ii):** Closed – Short note will be added in the future to each relevant development plan site where works have begun and will follow through to future ones.
 - e) **Action point at Para 37i):** Closed – Clerk to the Board emailed the Planning Committee to confirm attendance for next Planning Committee meeting.

Agenda Item 4:

Declaration of Interest by Members on Items Appearing on the Agenda

6. Katrina Farquhar declared an interest in:
 - a) Item No. 8 – Direct interest – Is a tenant of the applicant.
7. Kate Howie declared an interest in:
 - a) Item No. 7 – Direct interest – Has been involved with the Applicant and the Perth & Kinross Enforcement Officer in respect of a different planning application.

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Agenda Item 5:

Application for planning permission under Section 42 (2016/0062/DET)

To vary condition 22 of permission 2011/0177/DET to allow subdivision of the unit, allow a minimum of 60% trading floor area to be exclusively for the sale of convenience goods and allow up to 40% of the trading floor to include a range of comparison goods with no single comparison good occupying more than 40% of that area.

At Land Adjacent to the Winking Owl, Grampian Road, Aviemore

RECOMMENDATION: Approve with Conditions and Legal Agreement

8. Katherine Donnachie presented a paper to the Committee.
9. The Committee were invited to ask the Planning Officer points of clarification, the following were raised:
 - a) Clarification as to which slide showed the correct boundary of the application.
Katherine confirmed that it was the one that included the roundabout, as submitted by the applicant.
 - b) A Member queried why Condition 2 specifically made reference to ensuring ‘not prejudice the ability of the Cairngorm Farmers Market’ given that the area of land being described was out with the site boundary. The Committee discussed the relevance of this sentence with input on the legal side from Peter Ferguson.
Following a full discussion, the Committee agreed to remove the sentence.
 - c) A Member queried the clarity and meaning of the words ‘single comparison goods’ as stated in the Recommendation summary on page 13 of the report against ‘the range of comparison goods’ as stated in condition 18 on page 19 of the report.
Katherine advised that this wording had remained unchanged from the original consent. Peter Ferguson advised that the wording in the condition would take priority over the wording in the recommendation. It was agreed to retain the original wording of the condition in respect of the inclusion of “range”.
 - d) With reference to condition 24, what was the reasoning behind limiting the trading hours on a Sunday from 9am to 9pm when other stores in the area have been granted longer opening hours? Katherine advised that they were not in the position to remove that condition as this had not been applied for, and consulted on with the current Section 42 application. It was in accordance with the original consent and as agreed with the applicants.
 - e) The Convener reminded the Committee that there had been 37 conditions placed on the original permission and that Officers had managed to reduce the number to 24 conditions. She added that most of the conditions had been met and that it would be the responsibility of the applicant to adhere to and follow through on all the conditions.
10. The Committee agreed to approve the application subject to the conditions detailed in the report with an amendment to condition 2.

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11. The Convener noted that the application site was an ideal site in the centre of Aviemore for retail development and has had planning permission for two years, adding that the Planning Committee were in full support of the new proposals. She urged the developers to get on and ensure the facilities would be built as soon as possible.
12. **Action Point arising:**
 - i. **The removal of the words ‘and that the layout does not prejudice the ability of the Cairngorms Farmers Market to use the public open space fronting Grampian Road.’ From Condition 2.**

Agenda Item 6:

Application for Detailed Planning Permission (2016/0092/DET)

Erection of building to provide accessible cooking and toilet facilities for wigwams, siting of temporary portaloo facilities and formation of parking area for bike park (amended proposal, ref; 16/00450/FUL (2016/0042/DET)

At Land to NE of Speyside Trust Badaguish Outdoor Centre, Glenmore, Aviemore.

RECOMMENDATION: Approve subject to Conditions

13. The Convener informed Members that Tessa Jones (Badenoch & Strathspey Conservation Group), Objector wished to address the Committee.
14. Katherine Donnachie presented the paper to the Committee.
15. The Committee were invited to ask the Planning Officer points of clarification, the following was raised:
 - a) Could the meaning of SEPA’s response at paragraph 20 be clarified? Katherine advised that it meant that SEPA had confirmed that the private sewage plant was working satisfactorily and had the capacity to accommodate the proposed development.
16. Tessa Jones, Objector addressed the Committee. The Planning Officer was invited to clarify questions raised during the presentation, and the following points were picked up:
 - a) Scottish Natural Heritage (SNH) had viewed the proposal as acceptable and had agreed that the proposal would not increase the number of visitors to the site over the capacity agreed through previous permissions.
 - b) The Planning Committee had already granted permission for the existing number of wigwams on site and the Applicant did not wish to increase the number of wigwams.
 - c) The signage required as part of the Visitor Management Plan was currently under discussion between the Cairngorms National Park Authority Enforcement Officer and the Applicant.

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17. The Convener thanked the speaker.
18. The Committee discussed the application and the following points were raised:
 - a) Concerns were raised regarding the wigwams not being Disability Discrimination Act (DDA) compliant. Katherine advised that had no relevance as this application was simply for a toilet block with kitchen facilities and a carpark.
 - b) Had the application been considered as part of the overall visitor management plan for the site? Katherine confirmed that it had.
 - c) Would there ever be a masterplan for the site? Katherine advised that the Applicant had submitted a masterplan insofar as they had provided an overall site layout and showed the Committee the appropriate slide of the presentation. She advised that the Applicant had not put any further proposals forward outside the area on the slide.
 - d) Had the Applicant given a clear rationale for the reasons why additional car parking was essential to the development? Katherine confirmed that they had as part of the application but that the need for the car park was not a planning consideration; only the merits.
 - e) Which areas is the cooking area to service? Katherine advised that it was intended to service the sites that had already been approved.
 - f) Bill Lobban proposed the decision be deferred to allow for a site visit. Fiona Murdoch seconded the proposal.
 - g) A request for the masterplan for the site to be included as an Appendix to the papers for this item for the next meeting.
19. The Committee agreed to defer the application for a site visit before taking it to the next Planning Committee meeting on 19th August 2016.
20. **Action Points arising:**
 - i. **Site visit to Badaguish to be organised prior to the next Planning Committee meeting on 19 August 2016.**
 - ii. **Masterplan for Badaguish to be included in the papers going before the Planning Committee meeting on 19 August 2016. Masterplan to include details of what was approved when and if completed the dates associated.**
21. Kate Howie left the room.

Agenda Item 7:

Application for Detailed Planning Permission (2016/0004/DET)

Erection of 3 Holiday cabins and formation of vehicular access

At Land 100m North of Dalnamein Lodge, Calvine

RECOMMENDATION: Approve subject to Conditions

22. Matthew Taylor presented the paper to the Committee.
23. The Committee were invited to ask the Planning Officer points of clarification, the following were raised:
 - a) A question was raised around how it was hoped that the noise arising from the A9 would be dealt with. Matthew advised that Perth & Kinross Environmental Officers had considered the proposal and advised that the proposal would not impact upon the amenity of neighbours, and whilst some road noise from the A9 was inevitable, with suitable landscaping and planting this would be reduced to levels that would be acceptable.
 - b) Was the access to the site via the old A9 which is also the main cycle route? Matthew advised that along this section of the cycle way the route is shared by cyclists, walkers and vehicles. Other sections along the A9 have a dedicated cycle path.
 - c) Concern that there would be little or no disabled access. Had Inclusive Cairngorms been consulted? Inclusive Cairngorms had not been consulted on this planning application and are not consulted on every planning application in the National Park. Matthew advised that development of this type was exempt from building regulations and therefore did not need to be DDA compliant.
 - d) A request was made to ensure that the community's concerns as detailed on point 5 of Appendix 2 were followed through. Matthew agreed to put it forward.
 - e) Concern that the proposed screening would not be maintained. Matthew confirmed that the conditions require maintenance of the landscape planting through the lifetime of the development.
 - f) Whilst accepting these are pre-fabricated structures and there was suitable landscaping and planting to visually contain the development, there was disappointment at the proposed design and 'chestnut brown' finish to the cabins. It was agreed that a further condition would be added to request that the precise colour finish and materials choices for the cladding to the walls and roof of the lodges has been submitted to and approved in writing by the CNPA. A further informative to be added to advise that the use of a 'chestnut brown' finish is not acceptable.
24. The Committee agreed to approve the application subject to the conditions stated in the report with an additional condition and informative.

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25. Action Points arising:

- i. Condition to be added to request that the precise colour finish and materials choices for the cladding to the walls and roof of the lodges has been submitted to and approved in writing by the CNPA.
- ii. Informative to be added to advise that the use of a 'chestnut brown' finish is not acceptable.

26. Kate Howie returned and Katrina Farquhar left the room.

Agenda Item 8:

Application for Detailed Planning Permission (2016/0067/DET)

Maintenance and Upgrading Works to Existing Hill Tracks

At Land at Dinnet Moor, Dinnet, Aboyne

RECOMMENDATION: Approve subject to Conditions

27. Matthew Taylor presented the paper to the Committee. He proposed to include the following sentence at the end of condition 3 as an amendment:

- a) The Landscape Clerk Of Works must be appointed within 3 months of the date of this consent.

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

- a) Had a response been received from Ballater Community Council? Matthew confirmed that there had not.
- b) Suggestion that at paragraph 42 the Latin name for the Juniper Dieback fungus is included in brackets (*Phytophthora*) to avoid any misunderstanding.
- c) Suggestion was made to add the words 'or sedimentation' to the last sentence of condition 1 so that it reads '*A Pollution Prevention Plan which provides adequate detailed measures to ensure no pollution or sedimentation takes place shall be submitted within 3 months of the date of this permission.*' This was agreed.
- d) Suggestion to encourage members of the public through community meetings to be the eyes and ears and help report matters for planning enforcement in their communities.
- e) Concern for CNPA's enforcement capacity. Gavin noted that the CNPA's enforcement resource is greater than most planning authorities when compared to the number of planning applications it deals with.
- f) Suggestion to use the development as an example of good practise at a future Land Management Training session.

29. The Convener expressed the Committee's disappointment over the retrospective nature of the application and volunteered to write a letter to the Applicant expressing such sentiment.

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30. The Committee agreed to approve the application subject to the conditions stated in the report with amendments to Conditions 1 and 3.

31. Action Points arising:

- i. **Additions to be made to Conditions 1 (as per paragraph 28c) and Condition 3 (as per paragraph 27).**
- ii. **Planning Committee Convener to write to Applicant to express the Committee's disappointment over the retrospective nature of the application.**

32. Katrina Farquhar returned to meeting.

Agenda Item 9:

A9 Glen Garry to Dalwhinnie Consultation Response

Recommendation: Approve

32. Sandra Middleton presented the paper to the Committee.

33. The Committee were invited to discuss the report, the following point was raised:
a) Disagreement with the statement 'No significant impact on any community assets or issues...' at Dalnaspidal in Appendix 1. It was reported that there are houses that do not belong to the estate which will be impacted by the junction options. Sandra confirmed that she would review the report and highlight this concern to Transport Scotland.

34. The Committee noted the proposed options and approved the consultation response.

35. Action Point arising:

- i. **Response to Transport Scotland to note concern over impact on private properties at Dalnaspidal.**

Agenda Item 10:

Any Other Business

36. Gavin Miles advised that the closing date to entries for the National Park Design Awards was last week. He reported that there had been more than 30 entries. He advised that the judging date for the entries would be at the end of August to beginning of September 2016. He went on to say that the winner would be announced at an event in November 2016.

37. Gavin provided an update on the Carrbridge HI site where officers were investigating the production of a development brief. The planning team had sought community views on how development might take place there and what concerns it would need to

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address. The planning team were considering the community responses and would prepare a paper for a future Planning Committee to propose a way forward.

38. Gavin provided a brief update on the planning consents and developments at Cairngorm Mountain. He confirmed that site restoration works around the replacement Shieling tow were being carried out in a satisfactory way and that the planning team would continue to monitor the site and work with Natural Retreats to achieve the restoration following construction.
39. The Committee were advised that there were ongoing investigations being carried out at the following sites and agreed to delegate enforcement powers to Officers should they be required :
 - a) Construction Compound Powerline Upgrade, Dalwhinnie.
 - b) Hill Tracks, Cluny Estate, Newtonmore.
40. Clarification was requested as to the envisaged timing of the Local Development Plan Main Issues Report (LDP MIR) open for comment to the Community Councils. Gavin advised that the LDP MIR consultation was envisaged for Easter 2017 however Community Councils would be contacted before then.
41. Board Members who had already attended Community Council meetings to present and invite comment on the current National Park Partnership Plan Consultation reported positive feedback from Community Councils.
42. Gavin reminded the Committee that The Speyside Way extension project had been shortlisted for a Scottish Award for Quality in Planning.
43. **Action Point arising:**
 - i. **Paper on HI Carrbridge to be prepared and brought before the Committee.**

Agenda Item 11:

Date of Next Meeting

44. Friday 19 August 2016 with the venue to be confirmed.
45. Committee Members are requested to ensure that any Apologies for this meeting are submitted to the Clerk to the Board, Alix Harkness.
46. The public business of the meeting concluded at 13.40hrs.