

**CAIRNGORMS NATIONAL PARK AUTHORITY**

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**MINUTES OF THE PLANNING COMMITTEE**

held at The Albert Hall, Ballater  
on 8<sup>th</sup> November 2013 at 11.00am

**Members Present**

Peter Argyle (Vice Convener)  
Duncan Bryden  
Dave Fallows  
Katrina Farquhar  
Jeanette Gaul  
Kate Howie  
Gregor Hutcheon  
John Latham

Bill Lobban  
Eleanor Mackintosh (Convener)  
Mary McCafferty  
Willie McKenna  
Martin Price  
Gordon Riddler  
Gregor Rimell  
Brian Wood

**In Attendance:**

Simon Harrison, Head of Planning  
Katherine Donnachie, Planning Officer, Development Management  
Fiona Murphy, Planning Officer, Development Management  
Pip Mackie, Planning Systems Officer  
Murray Ferguson, Director of Planning and Rural Development  
Lee Murphy, CNPA Legal Adviser, Partner from Harper Macleod LLP Solicitors

**Apologies:**

Angela Douglas  
Fiona Murdoch

# APPROVED COMMITTEE MINUTES

## **Agenda Items 1 & 2:**

### **Welcome & Apologies**

1. The Convener welcomed all present and congratulated the Ballater Halls Committee on the continuing refurbishment of the Hall complex.
2. The Convener advised that the meeting was being recorded for the purposes of minute taking and that once the minutes were prepared the recording would be deleted.
3. Apologies were received from the above Members.

## **Agenda Item 3:**

### **Minutes & Matters Arising from the Previous Meeting**

4. The minutes of the previous meeting, 11<sup>th</sup> October 2013, held at The Lonach Hall, Strathdon were approved.
5. The Convener advised that the minutes at Paragraph 3 had been checked and were an accurate record of events.
6. The Convener provided an update on the Action Points from the previous meeting:
  - Action Point at Para. 12: Further investigation into parking facilities and staff access to the rear of the site had been carried out and the application was due to be discussed at today's meeting.
  - Action Point at Para. 22: CNPA Officers were waiting to hear from the RSPB once the facility was operational.
  - Action Point at Para. 28: It was confirmed that a letter had been sent.
  - Action Point at Para. 32: The consultation response had been submitted to Perth & Kinross Council.
  - Action Point at Para. 36: A review paper was scheduled to come back to Committee in 3 months time.

## **Agenda Item 4:**

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

7. Gordon Riddler declared an interest in:
  - Item No. 5 (Paper 1) - Indirect interest – As a Ballater resident.

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## **Agenda Item 5:**

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

#### **Alterations and Conversion of Bus Depot to Class I (Shops)**

#### **At Bluebird Bus Depot, Golf Road, Ballater**

#### **(Paper I) (2013/0149/DET)**

8. Simon Harrison advised that the Committee had inadvertently been given misleading advice at the last Planning Committee. He advised that the loss of the Bus Depot was a material consideration and so should be taken into account in the determination of the application.
9. Members confirmed they were happy to proceed on this basis.
10. Fiona Murphy presented a paper recommending that the Committee approve the application subject to the prior approval of the contaminated land report, the payment of developer contributions and the conditions stated in the report.
11. The Committee were invited to ask the Planning Officer points of clarification, the following were raised:
  - a) Clarification if the 6 parking spaces were additional to those identified in the parking survey. Fiona Murphy confirmed that they were.
  - b) Clarification that there was adequate room for buses to pass whilst delivery lorries were parked at the front of the store. Fiona Murphy advised that this had been taken into account and assessed by the Roads Authority.
12. The Committee discussed the application and the following points were raised:
  - a) Stagecoach having made it clear that there was a need for operational reasons to keep a Bus Depot in Ballater, just not necessarily at the current location.
  - b) The location of the new Bus Depot being a discussion for a future date.
  - c) The new store presenting a positive opportunity for Ballater.
  - d) Comparison to the recent relocation of the Co-op Store in Aboyne and the benefits that has brought to the community.
  - e) A key factor being that all parties need to work together – Co-op, business community & residential community - to ensure that there are no negative effects.
  - f) The possibility of including a Condition regarding the bus stop in the Square and the need for it to have all abilities access. Fiona Murphy stated that it could not be conditioned due to be outwith the Applicants control. However, the Advice Note could be strengthened to reflect this and include the need to consult with Inclusive Cairngorms.
  - g) A requirement for an Advice Note regarding construction hours. Fiona Murphy advised that this would be included.
  - h) Reassurance for the Business Association that the CNPA local Members would assist in dealing with issues that could not directly be addressed directly through the planning process.

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13. The Committee agreed to approve the application subject to the prior approval of the contaminated land report, the payment of developer contributions and the conditions stated in the report and subject to the following amendments:

- Advice Note 4: The Bus Stop to be all abilities access and be in consultation with Inclusive Cairngorms.
- Additional Advice Note: Regarding the permitted hours of construction.

14. **Action Points arising:** None.

### **Agenda Item 6:**

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

#### **Erection of One 50 KW (26.5 m to Tip) Wind Turbine and Installation of Underground Cable**

**At Land 245 Metres West of Easter Rynaballoch, Cromdale, Grantown on Spey  
(Paper 2) (2013/0203/DET)**

15. Katherine Donnachie presented a paper recommending that the Committee refuse the application for the reasons stated in the report.

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

- a) If the woodland to the west of the site was commercial planting. Katherine Donnachie advised that it was.

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

18. **Action Points arising:** None.

### **Agenda Item 7:**

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

#### **Application Under Section 42 to Vary Condition No 6 to Modify Finished Floor Levels (Ref: 09/109/FULBS)**

**At Land South East of Millside House, Milton, Aviemore  
(Paper 3) (2013/0303/DET)**

19. Simon Harrison advised Members that new information had been received at a late stage regarding the assessment of the proposed culvert and that it was deemed to be acceptable by Highland Council.

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20. The Committee paused to read a consultation response from SEPA and a covering letter from the Applicant.
21. Simon Harrison presented a paper recommending that the Committee approve the application subject to the conditions stated in the report.
22. The Committee were invited to ask the Head of Planning points of clarification, the following were raised:
  - a) Clarification that it was only the change in floor levels being discussed not the proposed Biomass Boiler Houses. Simon Harrison confirmed this was the case.
  - b) Confirmation that the CNPA had costs awarded against the Authority, partially due to the change in floor levels, when the application was approved by the Reporter. Simon Harrison advised that this had happened but that the CNPA would not get any funds returned.
23. The Committee agreed to approve the application subject to the conditions stated in the report.
24. **Action Points arising:** None.

### **Agenda Item 8:**

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

#### **New Reception Centre to Include Bike Hire, Changing Facilities, Cafe and Seminar Space At Wolftrax, Strathmashie, Laggan (Paper 4) (2013/0249/DET)**

25. Fiona Murphy presented a paper recommending that the Committee approve the application subject to updating and re-issue of the Minute of Agreement between FSC, LFT and CNPA in respect of removal of the existing buildings from the site, extension of the car park, landscaping, drainage, providing the entrance area to the new building and accommodating delivery and servicing arrangements and the conditions stated in the report.
26. The Committee discussed the application and the following points were raised:
  - a) Members knowing the site well, due to the number of previous applications dealt with at the site.
  - b) The site being a key gateway to the CNP and adding to the range of facilities available in the Laggan area.
  - c) Welcoming the proposal being brought forward.
  - d) Concern over the design of the building and hopes that it would have been more significant. The proposed building not being much of an improvement to what is currently on site.

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- e) Acceptance that the design is not innovative but functional. However, with the use of appropriate materials the building would assimilate well into the site.
- f) Good design not necessarily being prohibited by cost implications.
- g) The need for good design of developments within the CNP and this proposal falling short of expectations.
- h) The need for local materials to be used. Fiona Murphy advised that the timber used would be FSC and, where possible, would be locally sourced and sustainable.
- i) The design of the building being appropriate for its proposed use and location.
- j) Other Mountain Bike facilities being of similar design.

27. Dave Fallows proposed a Motion to Defer the application to allow further opportunity to improve the design of the building. This was seconded by Mary McCafferty.

28. Duncan Bryden proposed an Amendment to Approve the application as per the recommendation. This was seconded by Kate Howie.

29. The vote was as follows:

	MOTION	AMENDMENT	ABSTAIN
Peter Argyle		√	
Duncan Bryden		√	
Dave Fallows	√		
Katrina Farquhar		√	
Jeanette Gaul		√	
Kate Howie		√	
Gregor Hutcheon		√	
John Latham		√	
Bill Lobban	√		
Eleanor Mackintosh		√	
Mary McCafferty	√		
Willie McKenna	√		
Martin Price		√	
Gordon Riddler		√	
Gregor Rimell		√	
Brian Wood		√	
<b>TOTAL</b>	<b>4</b>	<b>12</b>	<b>0</b>

30. The Committee agreed to approve the application subject to an updated Minute of Agreement and the conditions stated in the report.

**Action Points arising:** None.

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## **Agenda Item 9:**

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

#### **Erection of Block of 6 No Flats (Granish Way)**

#### **At Land at Junction of Frank Spaven Drive and Dalfaber Drive,**

#### **Aviemore**

#### **(Paper 5) (2013/0240/DET)**

31. Simon Harrison presented a paper recommending that the Committee approve the application subject to the completion of a Section 75 Planning Obligation or alternative legal agreement to secure the payment of developer contributions towards sports pitches and ancillary sports/recreation provision or the payment of the required developer contributions in advance of the release of the decision notice and the conditions stated in the report.

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

- a) The incorrect statement in the report that Highland Council have a policy of not taking on Affordable Housing above commercial premises. Simon Harrison advised that this statement had been taken in good faith from the Applicant. However, it was accepted that this may not be the case. He advised that the nature and provision of Affordable Housing would none-the-less have to be agreed and specified, as covered by a Condition.
- b) Concern that information was being accepted from Applicants at face value, particularly when the information was inaccurate. Simon Harrison noted concerns and stated that information had to be taken at face value, unless it was clearly apparent that it was misleading.
- c) Confirmation that checks had been made with the Highland Council Director of Housing, Head of Housing and Head of Housing Development and there was no policy regarding the taking on of Affordable Housing above commercial premises.
- d) Economic changes and flexibility being required to meet the changing market place.
- e) The current visual state of the site.
- f) The requirement for an Advice Note regarding construction hours.

33. The Committee agreed to approve the application subject to the conditions stated in the report subject to the following amendment:

- Additional Advice Note: Regarding the permitted hours of construction.

#### **34. Action Points arising:**

Planning Officials to ensure that an Advice Note is included in recommendations for applications (where appropriate) regarding hours of construction.

## **Agenda Item 10:**

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

**Use of Part of Existing Gravel Pit to Provide a Temporary Compound Area for the Storage of Materials (Cable Drums, Poles, Sand and Gravel), Welfare Facilities, Stores and Offices in 8 Portable Units. Laydown, Storage and Parking Areas to be on Existing Hard Standing. Compound Required in Connection With Beaulieu to Denny Power Line  
At Land 170M South of Coylumbridge Staff Houses, Coylumbridge, Aviemore  
(Paper 6) (2013/0271/DET)**

35. Simon Harrison presented a paper recommending that the Committee approve the application subject to the conditions stated in the report.
36. The Committee were invited to ask the Head of Planning points of clarification, the following were raised:
- a) The possibility of a future access to the site further east along the Ski Road.
  - b) The restoration of the site at the end of the temporary permission. Simon Harrison confirmed that this was covered in Condition 1.
  - c) If measures were required to protect users of the Old Logging Way, crossing the access road. Simon Harrison advised that this should have been assessed by the Roads Authority and no recommendations had been made regarding this issue.
  - d) The section of the Old Logging Way being maintained by Sustrans and Highland Council. Murray Ferguson confirmed that the CNPA were not responsible for this section of the Way.
  - e) The possibility of signage being provided by the Applicant warning vehicle users of the site to look out for cyclists and not the onus on cyclists to look out for vehicles. Simon Harrison advised that this could be requested of the applicant. .
  - f) If Condition 3 regarding the Sand Martins would be actively monitored. Simon Harrison confirmed that it would.
  - g) A requirement for the control of lighting at the site to avoid light pollution. Simon Harrison advised that this had not been raised as an issue by Consultees but that a Condition could be included.
  - h) The temporary nature of the planning permission.
  - i) The possibility of changing the hours of construction on a Saturday given the level of tourism in the area.
37. The Committee agreed to approve the application subject to the conditions stated in the report subject to the following amendments:
- Additional Condition: Regarding the control of lighting at the site.
  - Amendment to Condition 5: Changing the permitted hours of construction to 8am to 1pm on a Saturday.
38. **Action Points arising:** Planning Officials to ensure that a Condition is included in recommendations for applications (where



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appropriate) regarding lighting. A request to be made of the applicant to provide warning signs to cyclists and pedestrians crossing site entrance.

### **Agenda Item 10:**

#### **Any Other Business**

39. Katherine Donnachie provided an update on the Tesco, Aviemore application (11/177/CP) and advised that SEPA had now confirmed they are satisfied with the information provided by the Applicant to address flooding issues (there had been some delays getting accurate information from the Agent to address the points raised by SEPA). She also stated that the wording of the Planning Conditions and Legal Agreement was being finalised and our lawyers were in discussion with a view to progressing the finalisation and signature of the Agreement, which would enable issue of the planning permission, once the process was completed.

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

### **Agenda Item 11:**

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

41. Friday 6<sup>th</sup> December 2013 at The Grant Arms Hotel, Grantown on Spey.

42. Committee Members are requested to ensure that any Apologies for this meeting are submitted to the Planning Office in Ballater.

43. The public business of the meeting concluded at 12.15pm.