

# APPROVED COMMITTEE MINUTES

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## CAIRNGORMS NATIONAL PARK AUTHORITY

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### APPROVED MINUTES OF THE PLANNING COMMITTEE

held at The Community Hall, Boat of Garten

on 9 May 2014 at 11.00am

#### Members Present

Peter Argyle (Vice Convener)

Duncan Bryden

Angela Douglas

Dave Fallows

Katrina Farquhar

Kate Howie

Gregor Hutcheon

John Latham

Bill Lobban

Eleanor Mackintosh (Convener)

Mary McCafferty

Willie McKenna

Fiona Murdoch

Gordon Riddler

Gregor Rimell

Brian Wood

#### In Attendance:

Murray Ferguson, Director of Planning and Rural Development

Simon Harrison, Head of Planning

Katherine Donnachie, Planning Officer, Development Management

Fiona Murphy, Planning Officer, Development Management

Peter Ferguson, CNPA Legal Advisor from Harper MacLeod LLP

Alix Harkness, Clerk to the Board

#### Apologies:

Jeanette Gaul

Martin Price

#### Agenda Items 1 & 2:

##### Welcome & Apologies

1. The Convenor welcomed all present.
2. The Convenor reminded the Committee about the site visit planned for that afternoon, and asked the committee meet to organise car sharing.
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, 11 April 2014, held at Albert Hall, Ballater were approved with the following amendments:
  - At Paras. 8, 14, 24: change from Gregor Rimell to Gregor Hutcheon
  - At Para 23: the paragraph that should be referred to is paragraph 20b not paragraph 18b
  - At Para. 26c: An action point to be added to reflect that since a letter from the Minister had not been received the Committee agreed that the Convenor write to the Minister to express their concerns.
  - At Para 31: to remove the words '*and the Convenor*' as the Convenor did not agree to double check the Highland Council policy with regard to advertising along the A9.
5. The Convenor provided an update on the Action Points from the previous meeting:
  - Action Point at Para. 28: Gavin Miles has prepared these figures which indicate a positive improvement the service improvement statistics. Gavin will produce a short information paper which will be brought to quarterly Planning Committee meetings and it will also feature as an agenda item at the Convenors monthly meetings
  - Action Point at Para. 32: Currently in hand

**6. Action Points arising:**

**The Convenor to write to the Minister to raise the Committee's concerns.**

**Simon Harrison to check Highland Council policy with regard to advertising along the A9.**

## Agenda Item 4:

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

7. Gregor Rimell declared an interest in:
  - Item No. 12 (Paper 8) - Direct interest – The Applicant is his employer
8. Dave Fallows declared an interest in:
  - Item No. 12 (Paper 8) - Direct interest – The Applicant is his employer
9. Bill Lobban declared an interest in:
  - Item No. 12 (Paper 8) - Direct interest – The Applicant is his employer
10. Brian Wood declared an interest in:
  - Item No. 6 (Paper 2) - Indirect interest – The Applicant is a personal friend.
11. Katrina Farquhar declared an interest in:
  - Item No. 10 (Paper 6) - Indirect interest – The land on which the development is situated forms part her father's farm although her father is not directly involved with the application.





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Ferguson informed the Committee that the legal position was that the application had to be judged against development plan and other material considerations – if the Committee were to refuse permission only on the grounds that it was a retrospective application they would then be open to legal challenge.

- f) A suggestion was made that financial implications through fee structure could form part of the sanction to help show the seriousness of retrospective applications. This was noted. Murray Ferguson advised that the Scottish Government were keeping the sensitive issue of upland tracks in the National Park under review and that an update had yet been requested from the Scottish Government Chief Planner.
23. The Committee agreed to approve the application subject to the conditions stated in the report and on the proviso that the Planning Convenor on behalf of the Planning Committee sends a letter expressing disappointment to the applicant regarding the retrospective nature of the application.

**24. Action Points arising:**

**Simon Harrison agreed to raise the issue of retrospective planning applications at the next Heads of Planning meeting.**

**The Planning Convenor and Vice-Convenor agreed to raise the issue of retrospective planning applications at the next Convenors meeting.**

**Convenor to send letter to applicant expressing Committee's disappointment.**

**Agenda Item 8:**

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

**Erection of cabin to provide accommodation for Marine Scotland operatives, installation of storage container and formation of hardstanding area including change of use of agricultural land to sui generis at land to north east of Baddoch, Glen Clunie, Braemar.**

**(Paper 4) (2014/0099/DET)**

25. Fiona Murphy presented a paper recommending that the Committee approve the application subject to the conditions stated in the report.
26. The Committee were invited to ask the Planning Officer points of clarification, the following were raised:
- a) What does the term 'Sui Generis' mean? Peter Ferguson advised that it is Latin for undefined and in this case it refers to uses that are not defined in the Use Class classification.

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- b) What does the term 'onduline' mean? Fiona Murphy advised that it is a type of cladding appropriate to this design.
27. The Committee agreed to approve the application subject to the conditions stated in the report.
28. **Action Points arising:** **None**

### **Agenda Item 9:**

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

**Erection of two garage buildings with integrated dog kennels, ancillary to the keepers and head keeper cottages currently under construction at land 100m east of Dalnaspidal Lodge, Dalnaspidal  
(Paper 5) (2014/0059/DET)**

29. Fiona Murphy presented a paper recommending that the Committee approve the application subject to the conditions stated in the report.
30. The Committee were invited to ask the Planning Officer points of clarification and no questions were raised.
31. The Committee agreed to approve application subject to the conditions stated in the report.

### **Agenda Item 10:**

#### **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  
(Paper 6) (2014/0084/DET)**

32. The Convenor advised that there had been a rogue appendix attached in error to this application and requested that the Committee ignore it.
33. The Convenor highlighted that this application was a retrospective application.
34. Fiona Murphy presented a paper recommending that the Committee approve the application subject to the conditions stated in the report.
35. The Committee were invited to ask the Planning Officer points of clarification, the following were raised:
- a) Was this application located on croft land and if so should it be allowed? Fiona Murphy was unable to provide an answer to this query.
  - b) Were there any photographs taken from the hills behind the development to demonstrate how intrusive it could be to walkers? The Convenor advised that she had been to see it and was surprised at how un-intrusive it is.
  - c) What is the scale of the renewable installations in the Cairngorms National Park? Fiona Murphy was unable to answer the question.

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- d) Can the risk relating to the impact upon people's experience of the character and special landscape qualities of the immediate area and the views further afield be mitigated? Fiona Murphy suggested the planting proposal will help to screen it.
  - e) In relation to the reasoning of condition 3, how is that judged when open to interpretation? Fiona Murphy advised that prior to development it would have been rough land. Fiona added that it would be the Enforcement Officer's responsibility to check that the conditions had been met
  - f) The Landscape plan timescale if they were not met, would there be enforcement? Fiona agreed that there would be.
  - g) Could a reduction in the timescales in relation to the landscape plan and its implementation be applied? Peter Ferguson advised that this could be regarded as unreasonable and open to legal challenge.
  - h) SNH and RSPB are in favour in PV panels and effort should be made to consult with these organisations too. This was noted.
  - i) What do the two vertical structures covered in black plastic which can be seen in the photographs contain? Fiona Murphy advised that she had asked the applicant but to date had not yet received a response.
  - j) Concern that if the two vertical structures covered in black plastic were found to be integral in the operation of the PV panels then adhering to condition 2 could mean that the development would not be able to go ahead.
  - k) Could the Landscape plan to be submitted at same time? Fiona Murphy agreed to request this of the applicant.
36. The Committee agreed to defer the application until the next Committee meeting in June, to give applicants a chance to explain the contents the two vertical structures covered in black plastic.

### **Action points:**

**None**

### **Agenda Item 11:**

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

**Application to extend time limit (10/204/CP), at Cairngorm Service Station, Aviemore  
(Paper 7) (2014/0062/DET)**

37. Fiona Murphy 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, the following were raised:
- a) Is this the site where funding was going to be made available to clear up the site and what were the timescale for it? A Committee Member advised that funding would be granted from the Vacant and Derelict Land Fund.

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- b) Query regarding the previously granted planning permissions and when it would have lapsed. Simon Harrison agreed that the previous planning permission would have lapsed on 20 March 2014, however, since this application had been submitted prior to that date, the time extension could be considered.
  - c) What would be the implications if it was refused? Simon Harrison advised that as it had been previously granted and the existing policies were still being adhered to, it could go to appeal and that costs could be awarded on grounds of unreasonable behaviour.
39. The Committee agreed to approve application subject to the conditions stated in the report.

### **Agenda Item 12:**

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

#### **Conversion and extension to create new office space, including service point, police office, meeting room, new biomass boiler plant and external courtyard at 36 High Street, Kingussie (Paper 8) (2013/0362/DET)**

40. Gregor Rimell, Dave Fallows and Bill Lobban left the room at this point.
41. The Convener informed Members that Highland Council Architect, Mr Mackay, was available to answer questions.
42. Fiona Murphy presented a paper recommending that the Committee approve the application subject to the conditions stated in the report.
43. The Committee were invited to ask the Planning Officer points of clarification, the following were raised:
- a) Clarification as to where the overall decision rests where listed building permission is being sought from Historic Scotland. Fiona Murphy advised that unless both permissions are granted they might not be able to go ahead. Fiona added that it is the responsibility of the applicant to apply for amendments to make both permissions fit with each other.
  - b) Clarification regarding the roof: is it proposed to be a flat roof or a pitched roof? Fiona advised that the photo in the presentation was of the material in use on another building elsewhere and was for illustrative purposes.
  - c) Concern regarding the practicality of the car parking facilities, was there sufficient capacity in town? Fiona said that there are four car parks within walking distance of the site. Fiona advised that the plan was submitted showing the location of the building with a couple of disabled spaces on site.
  - d) Would Planning Gain be taken if no parking spaces were provided? Simon Harrison agreed to look into this.
  - e) At what stage is Historic Scotland with the listed building consent? Fiona advised that they had only been referred to HS recently.

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- f) Regarding the suspensive conditions which refer to the landscaping and biomass heating, why had the detailed plans for this not been included in the report for recommendation? Fiona advised that she had been shown these but the plans still needed to be tightened up.
  - g) Concern regarding the right of way of the path, how could it be addressed? Fiona advised that this could be tackled in the form of an Advisory Note as the path sits out with the development site.
  - h) Had Transport Scotland submitted their response? Fiona advised that they had confirmed no objection to the application.
44. The Committee were invited to ask questions of the applicant and the following points were raised:
- a) Clarification as to the meaning of the terms 'terne-coated steel' and 'RAL colours' and how much stone and steel work is intended to be left at the end? Mr McKay advised that it is the term used to describe weathered looking steel as opposed to shiny looking steel. He advised that 'RAL colours' is a technical term for referencing to a RAL chart which details colours through the spectrum. He went on to explain that the existing stone wall will form part of the gable.
  - b) Is the other side which is not glazed intended to be a solid wall? Mr McKay advised that it would not be, it would be broken up with the use of timber.
  - c) In reference to figure 3 of appendix 2, it looks as if the gable is timber clad is this correct? Mr McKay advised that the vertical lines on the gable are the standing seams of the stainless steel.
  - d) Is there no window facing south on that building? Mr Mackay advised that due to building standard regulations this was not possible however north facing glazing was being provided.
  - e) Will the proposed building be able to house 3 or 4 Highland Council departments, railways station and police personnel; is the size of the proposed building likely to be an issue at a later date? Mr McKay advised that first floor that could accommodate up to an additional 10 workspaces, could be added at a later date if required.
45. The Committee agreed to approve the application subject to the conditions stated in the report.
46. **Action Points arising:** **None**
47. Gregor Rimell, Dave Fallows and Bill Lobban returned to the room at this point.

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### **Agenda Item 13:**

#### **Any Other Business**

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

- a) The Planning Standing Orders which were discussed at the Board Meeting in March Board had been circulated to the Planning Convenor and Vice-Convenor and it was hoped that these would be signed off and implemented in time for the next Committee meeting in June;
- b) The Kingussie Appeal was lost much to the disappointment of the local community and the Cairngorms National Park Authority;
- c) The Design Awards which ran successfully two years ago and which was scheduled to re-run this year has been postponed until 2016 to coincide with the Scottish Government's Year of Architecture and Design;
- d) The Speyside Way Extension works have commenced this week which when complete will bring the route as far as Kincaig;
- e) Following the next Planning Committee meeting in Ballater in June a visit to various projects and sites had been scheduled, however, due to a hefty agenda that day this visit has had to be postponed.

49. A Committee Member informed the Committee about a planning application that came before the Committee 3 years ago which was for a house in Braemar that was refused on the basis of its design. The decision was subsequently overturned by a Scottish Government Reporter. A couple of weeks ago that house was awarded a design award from the Aberdeen Architects' Association and has now gone forward for two further awards.

50. **Action Points arising:** **None**

### **Agenda Item 14:**

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

51. Friday 6<sup>th</sup> June 2014 at Albert Hall, Ballater.

52. Committee Members are requested to ensure that any Apologies for this meeting are submitted to the Clerk to the Board, Alix Harkness.

53. The public business of the meeting concluded at 1.00pm.