

APPROVED COMMITTEE MINUTES

CAIRNGORMS NATIONAL PARK AUTHORITY

APPROVED MINUTES OF THE PLANNING COMMITTEE

held at The Albert Hall, Ballater
on 9 November 2018 at 11.00am

Members Present

Peter Argyle	Douglas McAdam
Rebecca Badger	Xander McDade
Geva Blackett	Willie McKenna
Carolyn Caddick	Ian McLaren
Dave Fallows	William Munro
Pippa Hadley	Anne Rae Macdonald
Janet Hunter	Dr Gaener Rodger
John Latham	Derek Ross
Eleanor Mackintosh (Convener)	Judith Webb

In Attendance:

Gavin Miles, Head of Planning & Communities
Emma Wilson, Planning Officer
Dave Berry, Planning Manager
Ed Swales, Monitoring & Enforcement Officer
Peter Ferguson, Legal Adviser, Harper MacLeod LLP
Dot Harris, Planning Administration & Systems Officer
Lindsay Coleman, Minute Taker

Apologies: Fiona Maclean

Agenda Items 1 & 2:

Welcome & Apologies

1. The Convener welcomed all present, in particular the new Committee members, Anne Rae Macdonald, Douglas McAdam, Dr Gaener Rodger, William Munro, Fiona McLean and Derek Ross. Apologies were noted.

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Agenda Item 3:

Minutes & Matters Arising from the Previous Meeting

2. The minutes of the previous meeting, 12th October 2018, held at The Community Hall, Boat of Garten, were approved with no amendments.
3. There were no matters arising.
4. The Convener provided an update on the Action Points from the previous meeting:
 - **Action Point at Para 21 i) Ongoing** – *Applicant to provide evidence of ownership or control of the land that will be used for mitigation.*
 - **Action Point at Para 25 i) Completed** – *Addition of the further conditions.*
5. **Action Point Arising: None**

Agenda Item 4:

Declaration of Interest by Members on Items Appearing on the Agenda

6. Item 11 – Aviemore Community site - William Munro declared an indirect interest as his son and daughter in law live on the Lochan Mor development site. However they have no opinion regarding the Aviemore Community site.
7. Item 11 – Xander McDade declared a direct interest as a Local Ward Councillor in relation to the Calvene site and so will not take part in the discussion.
8. Item 9 – Douglas McAdam declared an indirect interest as he occasionally works for Galbraiths who have been working with the Estate connected to the A9 dualling. He has not however done any work on the A9 himself.

Agenda Item 5: Application for Matters Specified in Conditions

(2018/0183/MS) to satisfy the conditions of Planning Permission PPA-270-2127 for residential units at land to the South of Dalfaber Farm, Land South of Dalfaber Farm, Dalfaber Drive, Aviemore

&

Application for Matters Specified in Conditions (2018/0184/MS) to satisfy the Conditions of Planning Permission PPA-270-2126 for residential units, Land North West of Dalfaber Farm, Dalfaber Drive, Aviemore, Highland

Recommendation: Approve

9. Emma Wilson, Planning Officer presented the paper to the Committee.

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10. Prior to the start of this discussion, the Convener mentioned the press and social media activity prior to today, complaining about the location of the meeting. It was noted that when the next application for this plan is submitted, the meeting will take place in Badenoch and Strathspey.
11. The Committee were invited to ask points of clarity and none were forthcoming.
12. Tessa Jones – Objector, Badenoch and Strathspey Conservation Group was invited to address the Committee. She was then invited to answer the Committee's questions. The following points were raised:
 - a) A member asked for the abbreviations used to be explained for new members in particular. Tessa explained an SPA is a Special Protection Area and in this context refer to Kinveachy, Abernethy Forest, Glenmore forest and Rothiemurchus forest.
 - b) A member asked about Para 25. Tessa said that the most recent Forestry Officer's recent submission on the planning portal explained how there are various aspects of the forestry proposals that she didn't consider purified the conditions.
 - c) A member asked if the habitat will be maintained for the Small Scabious Mining Bee. Tessa confirmed that there are wild flower mixes included, which is a positive, although they are hard to get up and running. She asks that during construction these areas are protected from harm.
13. The Convener thanked Tessa.
14. The Convener invited Emma Wilson and Gavin Miles to come back following on from the speaker, the following points were made:
 - a) Gavin confirmed that the site has had the principal of development on it for many years and no HRA was required as the application was for discharge of matters specified in conditions, none of which would have an impact on European designated sites.
 - b) Gavin confirmed that the CNPA would have conditioned pre-commencement surveys and advised the Reporter to do so, but that the Reporter chose not to apply them. This is why CNPA are adding clear information to the applicant to ensure they abide by the law.
 - c) The Forestry Officer provided comments after the reports were written. They have treated them as fresh applications without account of the relevant planning history. However the CNPA is satisfied that the information is sufficient to discharge the conditions.
 - d) A member asked how much protection would be given to the trees during the construction period. It was confirmed that there would be a full inspection of the site with CNPA staff to identify trees to be removed and protected. The

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member asked whether we can add an Informative enlarging on the detail of the particular codes regarding tree protection and planting, with current guidance and the relevant BSI. This was agreed.

15. Sam Sweeney, Agent, was invited to address the Committee. He was then invited to answer the Committee's questions. The following points were raised:
 - a) A member asked whether screening could be provided for plots the lack of tree 1 and 2 on the south of the site. The Agent said it would be unusual to put screen planting between houses and an access road. He suggested there could be some frontage planting instead.
 - b) A member asked about the affordable housing issue. The Agent said that matter was being negotiated with Highland Council and the outcome would be imminent.
 - c) A member asked about the design and impact on the golf course regarding the boundary. The Agent explained that a design statement and guide formed part of the appeal decision, subject to minor adjustments regarding planting in relation to the boundaries of the golf course and that the details submitted had incorporated those adjustments. He also reassured that the houses would be made from high quality natural materials that they have used successfully in other local projects.
 - d) Page 10 and 11, para 24 - a member asked what the Agent knew about the bat roosts, badger, otter and red squirrel. The Agent explained the bat survey at the farmhouse will need to be done at a later stage in the development. The Applicant is also happy to carry out pre-development surveys if asked.
16. The Convener thanked Sam Sweeney.
17. The Committee were invited to discuss the report, the following points were raised:
 - a) Para 67i - A member asked for legal clarity of this paragraph which was answered by Peter Ferguson who ran through the history of the applications.
 - b) A member queried whether the deadline of March 2019 was for the Applicant to submit the remaining matters specified, or whether this was the date they must be approved by. Gavin confirmed the Applicant has until March 2019 to apply.
 - c) It was agreed that an informative could be added asking that no non-native species are used in the landscaping plan.
18. **The Committee approved the application with the addition of two informatives, advising on tree protection measures Standards and advising against the use of native of local origin in the landscaping plan.**

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19. Action Point arising:

- i. The addition of two informatives covering tree protection standards and use of native species only in landscaping.

Agenda Item 6: Application for Planning Permission in Principle (2018/0173/PPP)

Demolition of existing shop and cafe and erection of 6 new housing units and associated car parking and cycle storage

At Dow Store And The Osprey Café, Deshar Road, Boat Of Garten

Recommendation: Approve Subject to Conditions

20. Emma Wilson, Planning Officer presented the paper to the Committee. She noted that the paper had omitted reference to a letter of support which had been received.
21. The Convener invited Mr Dow, applicant to address the Committee. He was then invited to answer the Committee's questions. The following points were raised:
 - a) The Convener asked whether any planning in principle can be tied to affordable housing. It was clarified that the existing condition for 25% affordable housing was the maximum that could be secured through condition but that the applicant could voluntarily provide more than that.
22. The Committee were invited to ask points of clarity and none were forthcoming.
23. The Committee were invited to discuss the report, the following points were raised:
 - a) Several members voiced their support of this application, in light of the competition the applicant faces from bigger retailers and because the accommodation will be affordable housing.
 - b) A member expressed concern as to whether the daylight would be blocked for the next door house. Emma explained this would be looked at during the detailed stage.
 - c) A member asked if there was any implication on changing from an economic development to residential status. Gavin said it was simply a change in society causing a change in status.
24. **The Committee agreed to approve the application.**
25. **Action Point arising: None.**

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**Agenda Item 7: Application for Detailed Planning Permission (2018/0301/DET)
Formation of Private Way, Site West Quoich Track, Mar Lodge Estate,
Braemar UIm CIm
At Linn of Dee via Mar Lodge To Linn of Quoich, Braemar, Aberdeenshire
Recommendation: Approve subject to Conditions**

26. Edward Swales, Monitoring & Enforcement Officer, presented the paper to the Committee.
27. The Committee were invited to ask points of clarity.
28. The Convener introduced David Frew representing the National Trust of Scotland. However, there were no questions asked.
29. The Committee were invited to discuss the report, the following point was raised:
 - a) Members expressed their approval and support of a well put together application.
30. **The Committee approved the application.**
31. **Action Point arising: None.**

**Agenda Item 8: Application for Detailed Planning Permission (2018/0349/DET)
Upgrade of the existing track (in retrospect)
At Aultcharn, Tomintoul Road, Grantown on Spey, Highland, PH26 3NN
Recommendation: Approve subject to Conditions**

32. Edward Swales, Monitoring & Enforcement Officer, presented the paper to the Committee.
33. The Committee were invited to ask points of clarity. The following were raised:
 - a) A member asked whether we make it a Condition that they have to remove the 'No access' sign on the gate rather than an Informative. This has not breached planning legislation but the Access team can resolve this situation.
 - b) A member asked if the three other informatives could be removed. It was agreed that the first one would be removed.
34. **The Committee approved the application subject to conditions in the report and the addition of a further informative to remove the 'No Access' sign on the gate.**

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35. **Action Point arising:**

- i. **The Addition of an Informative to remove the 'No Access' sign on the gate.**

**Agenda Item 9: Application for Planning Permission in Principle
(2018/0354/PPP)**

Relocation of Balavil Home Farm (due to the dualling of the A9) & construction of new farm buildings, farmyard, associated utilities/ drainage, landscape & access road to new farm

At Land E Of Lynovoan, Lynchat, Kingussie

Recommendation: Approve subject to Conditions and notification to Scottish Ministers

36. Gavin Miles, Head of Planning & Communities presented the paper to the Committee.
37. The Committee were invited to ask points of clarity. The following were raised:
- a) A member asked if there was a long term plan for the Estate. Gavin answered that yes, he believed there was a long term estate plan but that it wasn't required in order to determine this planning application.
 - b) A member asked whether if the Committee resolved to grant Planning Permission today, would it be possible for the parties to have dialogue with Transport Scotland. Gavin explained that the application would have to be notified to Scottish Ministers who might then call in the application to determine themselves, but that if permission was granted, the applicant would have the opportunity to discuss the detail of a scheme with Transport Scotland before making further applications.
38. The Committee were invited to hear from the Agent and Applicant. This was deemed unnecessary.
39. **The Committee approved the application subject to the conditions in the report and notification to Scottish Ministers.**
40. **Action Point arising: None.**

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Agenda Item 10 FOR INFORMATION: Planning and Environmental Appeals Division - Appeal Decision Notice PPA-001-2018 - Application for Detailed Planning Permission 2017/0284/DET

At Ballater Old School, Abergeldie Road, Ballater, AB35 5RR &

Planning and Environmental Appeals Division - Appeal Decision Notice LBA-001-2000 - Application for Listed Building Consent 2017/0285/LBC

At Ballater Old School, Abergeldie Road, Ballater, AB35 5RR

41. Gavin Miles, Head of Planning & Communities presented the information paper to the Committee.
42. The Committee noted the decisions and noted their disappointment at the outcome.
43. **Action Point arising: None**

Agenda Item 11: Local Development Plan 2020 – Responses to New Sites Consultation

44. Xander McDade left the room.
45. David Berry, Planning Manager presented the paper to the Committee. David went through each of the new sites that were subject to consultation. He recommended that they should be included in the Proposed LDP, with the exception of the following two particular sites:
 - a) Frank Spaven Drive, Aviemore. Lochan Mor residents had objected in significant numbers to the proposal to reallocate the land as community use rather than protected open space and have collectively paid fees to its maintenance as an open space.
 - b) Landmark – Carrbridge wish to extend their boundary. A smaller area for future expansion has been agreed with Landmark that will not have a significant impact on the community's access to the woods.
46. The Committee were invited to discuss the report, the following points were raised:
 - a) A member asked that a new site is found in Aviemore for a hall.
 - b) Another member suggested that CNPA make supportive comments regarding the location of a new site in Aviemore.
 - c) David explained that there is an existing community use designation (CI) on Dalfaber Drive, and a general objective to support the delivery of a village hall in Aviemore will be included in the Proposed LDP.
47. **The Committee agreed all the recommendations in Appendix I of the report.**

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48. **Action Point arising:**

- i. **Include a general objective to support delivery of a community hall in Aviemore.**

AOCB

49. Xander McDade returned to the meeting.
50. The Convener has been to the annual gathering of Planning Conveners in Edinburgh to discuss the new Planning Bill which is at Stage 2. There were 345 amendments made and the Local Communities Committee was now working through these. It should get to Stage 3 before Christmas.

Date of Next Meeting

51. Friday 14th December 2018 at The Community Hall, Boat of Garten. A plea was made to Members to notify the Clerk to the Board of any apologies in a timely manner.
52. The public business of the meeting concluded at 1.20pm.