

**CAIRNGORMS NATIONAL PARK AUTHORITY**

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**MINUTES OF THE PLANNING COMMITTEE**

held at The Community Hall, Boat of Garten

on 9<sup>th</sup> December 2011 at 10.30am

**PRESENT**

Peter Argyle (Arrived Late)	Mary McCafferty
Duncan Bryden	Willie McKenna
Jaci Douglas	Gordon Riddler
Marcus Humphrey (Arrived Late)	Gregor Rimell
Gregor Hutcheon	Brian Wood
Eleanor Mackintosh	Allan Wright
Ian Mackintosh	

**IN ATTENDANCE:**

Don McKee	Pip Mackie
Mary Grier	Jane Hope
Bob Grant	

**APOLOGIES:**

Angela Douglas	David Green
Dave Fallows	Kate Howie
Katrina Farquhar	Martin Price

**AGENDA ITEMS 1 & 2:**

**Welcome & Apologies**

1. The Convenor welcomed all present and advised that due to the adverse weather conditions Peter Argyle and Marcus Humphrey would be arriving late.
2. Apologies were received from the above Members.

# APPROVED COMMITTEE MINUTES

## **AGENDA ITEM 3:**

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

3. The minutes of the previous meeting, 11 November 2011, held at The Community Hall, Boat of Garten were approved.
4. There were no matters arising.
5. The Convener provided an update on the Action Points from the previous meeting:
  - Action Point at Para. 54: Completed.
  - Action Point at Para. 78: Don McKee to arrange a discussion for Members on the presentation of environmental information and a training session on Natura legislation.

## **AGENDA ITEM 4:**

### **Outcome of Electronic Call-In**

6. The content of the Outcome of the Electronic Call-in held on 11 & 25 November 2011 was noted.

## **AGENDA ITEM 5:**

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

7. Eleanor Mackintosh & Mary McCafferty declared a direct interest in Item No. 6 (Paper 1) on the Agenda, due to being members of the CNPA Finance Committee which had awarded the project finance for a feasibility study in 2010. It was noted that Dave Fallows and David Green were also on the Finance Committee, but neither were present at the Planning meeting.
8. Willie McKenna declared a direct interest in Item No. 7 (Paper 2) on the Agenda, due to being involved with Aviemore Community Development Group.
9. Gordon Riddler declared an indirect interest in Item No. 7 (Paper 2) on the Agenda, due to being the CNPA Board representative with Inclusive Cairngorms, who had provided a consultation response on the application.
10. A request was made that in order to achieve Committee quorum (10 Members), Paper 1 be deferred until later in the meeting once Peter Argyle & Marcus Humphrey had arrived.
11. Members agreed.
12. A Member queried if the speakers were present for papers further down the Agenda.
13. Mary Grier confirmed that the speaker for Paper 2 was already in attendance and that there were no speakers for Paper 3.

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## **AGENDA ITEM 7:**

### **Report on Called-In Planning Application for Demolition of Community Hall and Erection of 20 Affordable Houses**

#### **At Aviemore Public Hall, Grampian Road, Aviemore (Paper 2) (2011/0266/DET)**

14. As previously agreed, Paper 2 was to be discussed first.
15. Willie McKenna declared an interest and left the room.
16. The Convener informed Members that a request to answer questions had been received, within the given timescale, from:
  - Applicant / Agent – Lindsay Allen, Keppie Design
17. The Committee agreed to the request.
  
18. Mary Grier presented a paper recommending that the Committee approve the application subject to the conditions stated in the report.
19. The Committee were invited to ask the Planning Officer points of clarification, the following were raised:
  - a) Had any reference been made to the Aviemore Design Framework (ADF). Mary Grier confirmed that reference had been made to the ADF by the CNPA Landscape Officer, and these points had been addressed in the revised design.
  - b) The opportunity for the provision of community growing space. Mary Grier advised that limited space was available within the site boundary (once all the essential open space and car parking had been accommodated) and that space for growing opportunities would be limited.
  - c) The large amount of hardstanding to the rear of the building. Mary Grier advised that the Applicant was to submit a landscaping plan and finishing materials for approval and there may be scope to soften the landscaping through the use of suitable materials.
  - d) The low carbon standard of the development. Mary Grier advised that a design and sustainability statement had been submitted and from the requirements detailed in planning policy they were considered appropriate.
  - e) The possibility of including ski / snowboard storage. Mary Grier advised that ski / snowboard storage had not been considered. In terms of sustainability the key element had been for the provision of bike storage.
  - f) The deficit of car parking spaces as referred to by the Roads Authority and the availability of car parking elsewhere. Mary Grier responded that there were no public car parks nearby and the Aviemore Medical Centre had raised concern that their premises may be used as an informal overflow car park. However, the limited size of the proposed units was not likely to give rise to above average car ownership rates. The location of the development was within walking distance to village amenities and in close proximity to both north and southbound bus stops.

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- g) Clarification of the inclusion of both a Condition and an Advice Note regarding public transport and concern that this was excessive. Mary Grier responded that the Roads Authority had requested that the development provide both the north and southbound bus stop improvements and infrastructure. However, as these upgrades were to be part of an ongoing transportation project it was felt that this request was too excessive. Condition 5 only requires for provision to be made to accommodate the repositioning of the bus stop, whilst the Advice Note is to encourage discussion between the Applicant and the Roads Authority regarding other potential future improvements.

20. Peter Argyle & Marcus Humphrey arrived at the meeting at 11.00am.

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

- a) The potential overdevelopment of the site and if a reduction in numbers would improve the quality of the housing and the residential amenity. Mary Grier responded that this issue had been discussed with the Applicant and the improved layout and design had been submitted in response.
- b) Was the level of housing on the site being accepted due to it being an Affordable development. Mary Grier responded that the number of units (whether affordable or open market) in the proposed layout would generally be acceptable in the proposed village setting.
- c) Concern that the site may be cleared and left vacant for a period of time. Mary Grier responded that there were conditions which had to be complied with prior to the clearance of the site. Duncan Bryden advised that community activities were to be moved to the new school site and therefore the site may become vacant sooner than anticipated.
- d) The retention of the stone wall to the front of the site. Mary Grier advised that the wall was to be taken down and rebuilt along the front boundary line (with a recess for the bus stop).
- e) Where the community activities are to be relocated once the hall ceases to be used. Mary Grier responded that activities were to be transferred to the community section of the new Aviemore School.

22. The Committee were invited to ask questions of Lindsay Allen and the following points were raised:

- a) Landscaping Issues: The rear of the development was to include raised beds to contain planting. Lindsay Allen confirmed the Applicant was willing to discuss further options with the CNPA.

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- b) Sustainability: Lindsay Allen stated that the Applicant was always looking at ways to maximise energy efficiency, including some simple measures such as maximising insulation, improving air tightness and off-site construction. He advised that these issues could be addressed in the detailed design.
- c) Ski / Snowboard Storage: Lindsay Allen stated that this issue had not been considered and advised that a secure unit could potentially be made available for this purpose.
- d) Scale: Lindsay Allen stated that the site was not considered to be densely developed and that there was a constant balance between construction costs, land values and the funding available for Affordable Housing projects.
- e) Timescale for Development: Lindsay Allen advised that funds were not particularly forthcoming for Affordable Housing projects due to the constrained economic climate. He advised that the site would be developed as soon as the market conditions permitted.
- f) Consideration for Biomass Heating: Lindsay Allen stated that the issue would be part of the energy study (yet to be undertaken). However, there had been issues with wood chips freezing in adverse weather conditions.
- g) Requirements for a Lift within the Development: Lindsay Allen confirmed that there was not a lift, as building technical standards only required a lift where the development consisted of 4 or more storeys.

23. Duncan Bryden thanked the speaker.

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

- a) The need for the site to be kept visually amenable once the existing Hall had ceased to be in use. Mary Grier stated that an Advice Note could be added highlighting the significance of the site.
- b) Welcoming the raised beds being potentially used as vegetable growing spaces by the residents.
- c) The possibility of including fruit trees / bushes in the landscaping plan.
- d) The requirement for the development to be kept as Affordable Housing in perpetuity. Mary Grier confirmed this was covered in Condition 2.
- e) Support for the recommendation.
- f) The improvement of the revised design.

25. The Committee agreed to approve the application subject to the conditions stated in the report with an additional Advice Note highlighting the significance of the site and the need for it to be kept visually amenable prior to / and during any construction works.

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

27. Willie McKenna returned.

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### **AGENDA ITEM 6:**

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

#### **Develop Mountain Bike Centre Consisting of Creating New Car Park, Installing Wooden Building to Provide Toilets Information & Cafe Facilities within Commercial Forest Plantation**

#### **At Carn Meilich & Cairn Daimh, Glenlivet Estate, Tomintoul**

#### **(Paper 1) (2011/0302/DET)**

28. The Committee were advised that as Peter Argyle & Marcus Humphrey had arrived at the meeting Paper 1 would be discussed.
29. Eleanor Mackintosh & Mary McCafferty declared an interest and left the room.
30. The Convener informed Members that a request to address the Committee had been received, within the given timescale, from:
  - Applicant / Agent – Andrew Wells & Vicky Hilton from the Crown Estate
  - Objector(s) – Tilly Smith
31. The Committee agreed to the requests.
32. Mary Grier presented a paper recommending that the Committee approve the application subject to the conditions stated in the report with an amendment to Condition 8 to read 'Prior to the first use of any element of the Mountain Bike facility a Trail Management Plan shall be submitted....'.
33. The Committee were invited to ask the Planning Officer points of clarification, the following were raised:
  - a) The access for rescue services on remote parts of the trails. This was advised to be a point for the Applicant.
  - b) The rural setting and the appropriateness for the first 15m of track to be surfaced. Mary Grier advised that this requirement would not affect the rural setting, as it was only the first 15m of the forestry track from the public road that would be surfaced.
  - c) The requirement for a reinstatement plan. Mary Grier responded that this could be included as an additional Condition.
  - d) A requirement for the larch cladding to be locally sourced. Mary Grier responded that this could be included as an additional Condition.
  - e) The use of the felled wood in the construction of the hub building and the possibility of including interpretation on this subject. This was advised to be a point for the Applicant.
  - f) Had the negative impact of the development on other local businesses been assessed. Mary Grier responded that whilst recognising the concerns expressed by local businesses, there was only so far planning could go in terms of determining an appropriate land use.
  - g) The long term plans for the commercial forest area. This was advised to be a point for the Applicant.

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- h) Clarification of what constituted an organised event (as covered in Condition 10). Mary Grier responded that it would be publicised events / competitions, which would potentially attract a large crowd.
  - i) Clarification if there was a restriction of the number of people allowed on the site at one time. Mary Grier responded that there was no restriction on numbers allowed on the site. However, the Roads Authority required car parking provision levels based on 50 / 100 etc. competitors.
  - j) Clarification if the development would require a safety or evacuation plan. Mary Grier advised that this may be required by other legislation but not under planning legislation.
34. Andrew Wells & Vicky Hilton (Crown Estate) were invited to address the Committee. The presentation covered the following points:
- The project assisting the Estate economy, tourism and encouraging visitors to the area.
  - Mountain Biking being a growing sport and this being predicted to continue.
  - The strategic fit with other commercial regeneration projects.
  - The selection of the site.
  - Acknowledging concerns about the project and providing mitigation measures.
  - Key Considerations for the project including biodiversity impact, traffic management, economic impact.
  - The anticipated outcomes for the project.
  - The development being proportional to the scale of the site.
35. A Member clarified that the support for the project given by Moray Council was from the Economic Development Officer only and that elected Members had not seen the application to either support or object to the proposal.
36. The Committee were invited to ask questions of the speaker and the following points were raised:
- a) How the Estate would ensure that the proposed signage was adhered to. Vicky Hilton advised that a traffic survey would be undertaken for 2 weeks during the summer, prior to the Trails opening. This survey would then be repeated once the Trails had opened. The Roads Authority had confirmed that this would be acceptable to assess if signage was being adhered to.
  - b) The need to engage with the Tomintoul community regarding marketing strategies. Vicky Hilton advised that the Estate was already involved with the local marketing group, the Hub would provide space for a notice board and for local businesses to display leaflets. The Hub was to be run as a franchise which may be of interest to a local business. It was also intended for the Hub to have an interpretation board advertising local attractions and villages.

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- c) The use of the felled wood in the construction of the hub building and the possibility of including interpretation on this subject. Vicky Hilton advised that some of the wood was to be utilised in the construction of picnic tables, bike racks, car park edging etc. However, the majority of the felled wood would be used as firewood to heat the Hub building.
  - d) The local sourcing of the larch cladding. Vicky Hilton responded that the Estate were currently looking at pre-fabricated buildings. However, the intention was to use local suppliers.
  - e) If the development would require a safety or evacuation plan. Andrew Wells responded that the planning of the routes link closely with the existing forest access roads. The routes were no more than approximately 400m from one of the forest access roads and the Estate's intention would be to produce a safety management plan in conjunction with the operator of the Hub.
  - f) The long term plans for the commercial forest area. Andrew Wells advised that there was a rotational felling programme in place, which would continue as part of the long term woodland management. The Trails would be managed around the felling process and would, where possible, retain trees for amenity features around the Hub area. Vicky Hilton advised that the timber extraction lorries would be using a different access to the forest than members of the public.
  - g) The possibility of including interpretation for the site. Vicky Hilton advised that the Estate had been involved in providing interpretation for a number of years and this would be included at the site.
37. Tilly Smith (Objector) was invited to address the Committee. The presentation covered the following points:
- Being a local resident, farmer and accommodation provider in the area.
  - Having a good working relationship with the Crown Estate.
  - The Mountain Bike Trail examples used by the Estate – Wolftrax, Laggan being on a main road and the Welsh site having a village location – both very different locations to that being proposed.
  - The Hub building being in competition with existing businesses in Tomintoul.
  - The business plan being based on the Trails being open all year round, where as it was currently being proposed that they be open for 7 / 8 months per year (due to adverse weather conditions often experienced in the area).
  - The environmental statement being based on only 3 days surveying, being anecdotal and biased without due recognition being given to the presence of Wildcat. The importance of the Wildcat as stated in the CNPA Park Plan 2012 – 2017.
  - Concern about the level of traffic which may be generated (particularly at weekends) and ad hoc parking.
  - The lack of consultation with the emergency services based in Tomintoul.

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- The high level of rent to be charged for the franchise plus the track maintenance and marketing costs to be met by the Hub operator. The size and scale of the development should be for the operator to decide.
38. The Committee were invited to ask questions of the speaker and the following point were raised:
- Clarification if the main concern about the proposal was for Wildcat or economic impact. Tilly Smith responded that her main concern was that the commercial aspect of the development had not been properly assessed and it required the Hub operator to carry out a lot of additional work.
39. Duncan Bryden thanked the speaker.
40. The Committee discussed the application and the following points were raised:
- a) Clarification why the Trails were graded as 'red' routes when they were intended to attract a range of users, particularly families. Bob Grant, Senior Outdoor Access Officer, advised that the colouring of routes was to mirror the grading used in skiing and that a 'red' route was classed as moderate. Vicky Hilton clarified that on advice received from the Trail developer some aspects of the route were easy and others moderate. Due to the length of the route and the gradients involved the Trails had to be classed as 'red', but they did not include jumps or boardwalks and would suit families if taken slowly.
41. Don McKee advised that only the proposed land use was a planning consideration not the viability of a project.
42. The Committee discussed the application and the following points were raised:
- a) Concern about what would happen to the site should the facility fall into disuse. Don McKee advised that an additional condition could be included requiring the reinstatement of the site.
  - b) If the economic benefits / negatives are taken into account during the assessment of an application. Don McKee advised that the wider economic impact is taken into account but not the impact on an individual business or competition which may arise.
  - c) Clarification if the Wildcat Officer had been consulted on the proposal. Mary Grier responded that the Wildcat Officer had not specifically been consulted. However, the CNPA Ecology Officer had been consulted and it was possible that they had liaised with the Wildcat Officer.
  - d) The ecology statement and the information provided to SNH for consultation purposes. Mary Grier advised that there were no designated sites within the Trails area. SNH had been provided with all the information required to assess the proposal and were aware of the burn being a tributary of the River Spey SAC and Wildcat being in the vicinity.

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43. The Committee agreed to approve the application subject to the conditions stated in the report with the following amendments:

- Condition 8: to read 'Prior to the first use of any element of the Mountain Bike facility a Trail Management Plan shall be submitted...'
- Additional Condition: Requiring the reinstatement of the buildings and signage at the site should the Trails fall into disuse.
- Additional Condition: Requiring the larch cladding for the Hub building to be of local provenance.

44. **Action Points arising:** None.

45. Eleanor Mackintosh & Mary McCafferty returned.

### **AGENDA ITEM 8:**

#### **Report On Called-In Planning Application for Display of Advertisements: 2 Signboards**

**At Land 120m East of 30 Lodge Lane & West on the A9 Northbound, Highburnside, Aviemore  
(Paper 3) (2011/0308/ADV)**

46. Mary Grier presented a paper recommending that the Committee refuse the application for the reasons stated in the report.

47. Mary Grier advised that certain types of banner sign were exempt from requiring planning permission and this issue was being investigated by the CNPA Enforcement Officer.

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

- a) The signs covered by the planning application.

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

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

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## **AGENDA ITEM 10:**

### **Progress Report on Planning Service Improvement Plan 2011/12 (Paper 4)**

51. Don McKee presented an update report on the Planning Service Improvement Plan (SIP) 2011/12.
52. The Committee were invited to ask the Head Planner points of clarification, the following were raised:
- a) If there was scope for communication to be included in the SIP. The need for planning to be proactive with planning communications and not on the defensive once a decision had been taken. Don McKee advised that this issue was being discussed and the CNPA tried to get information out to the public both in advance and after a decision had been taken. He advised that work was currently being done on a planning leaflet and a range of planning materials for the CNPA website (including planning statistics and case studies).
  - b) The need for the CNPA to be proactive with the press when issuing planning statements including the decision taken and the constraints (if applicable) on the Committee in taking the particular decision.
53. Jane Hope, Chief Executive, advised that the CNPA were reliant on the press publishing statements and that the area of new media was being investigated. She advised that there would be a paper regarding Communications & Engagement presented to Members in January.
54. The Committee discussed the report, the following points were raised:
- Discussing the CNPA not being a Planning Authority, but having a robust CNP Local Plan to allow Local Authorities to make all the planning decisions.
  - The importance of using schools to get interest in planning in the community.
  - The recent Aberdeenshire Council Developer Forum being an opportunity to raise issues with the Planning Officers and then provide feedback at a later date.
  - Speed of determination not being the only way to judge performance of a planning authority. The need to also look at the quality of the decisions made.
  - The need for the CNPA to have a statement of approach to planning.
  - The requirement for a 'post-application' service once a decision has been taken, regardless of whether or not the application was approved or refused. Don McKee advised the CNPA had to be careful as they were not the project promoters. He advised that the best course of action was for the Applicant to engage in pre-application discussion.
55. The Committee accepted the report for information purposes.
56. **Action Points arising:** None.

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### AGENDA ITEM 11:

#### Any Other Business

57. Duncan Bryden advised that there would be an informal discussion session after lunch for Members.
58. Duncan Bryden advised that there had been meetings with CNPA internal co-ordination group to prioritise activity, Seafield Estate and the Community Council regarding the housing issue in Boat of Garten. He advised that CNPA Officers had invested a huge amount of time on this issue and that Di Alexander (CNPA Affordable Housing Officer) was working with the community looking at various different housing models. There was to be a meeting between CNPA and SNH to discuss Capercaillie mitigation parameters and the result of this discussion would be presented to Members at a Committee meeting. He advised there was a lot of intensive work happening between now and January and further information should be available for Members in February.
59. Jaci Douglas requested that thought be given to the erection of screening at sites prior to and during construction works. She asked that the CNPA be innovative and proactive in the approach to this issue.
60. Duncan Bryden stated that it was an ongoing issue requiring thought, particularly in the current economic climate.
61. **Action Points arising:** Planning Officers to give thought to the screening of sites prior to and during construction works.

### AGENDA ITEM 12

#### Date of Next Meeting

62. Friday 6 January 2012 at The Albert Hall, Ballater.
63. Committee Members are requested to ensure that any Apologies for this meeting are submitted to the Planning Office in Ballater.
64. The public business of the meeting concluded at 12.50pm.