
CAIRNGORMS NATIONAL PARK AUTHORITY

DRAFT MINUTES OF THE PLANNING COMMITTEE held at The Community Hall, Boat of Garten on 10th December 2010 at 10.30am

PRESENT

Peter Argyle
Geva Blackett (arrived late)
Duncan Bryden
Angela Douglas (arrived late)
Jaci Douglas
David Green
Kate Howie
Marcus Humphrey
Gregor Hutcheon (arrived late)
Bob Kinnaird

Eleanor Mackintosh
Ian Mackintosh (arrived late)
Mary McCafferty
Willie McKenna
Andrew Rafferty
Gordon Riddler (arrived late)
Gregor Rimell
Brian Wood (arrived late)
Allan Wright

IN ATTENDANCE:

Don McKee
Mary Grier

Andrew Tait
Pip Mackie

APOLOGIES:

No Apologies were received.

AGENDA ITEMS 1 & 2: WELCOME AND APOLOGIES

1. The Convenor welcomed all present and advised that the Members attending the Audit Committee (Angela Douglas, Gregor Hutcheon, Ian Mackintosh, Gordon Riddler and Brian Wood) would be arriving slightly late.
2. It was noted that no Apologies had been received.
3. The Members who had attended the Audit Committee arrived.

AGENDA ITEM 3: MINUTES & MATTERS ARISING FROM THE PREVIOUS MEETING

4. The minutes of the previous meeting, 12th November 2010, held at The Grant Arms Hotel, Grantown on Spey were approved subject to an amendment to reflect that Marcus Humphrey was at the meeting.
5. There were no matters arising.

**AGENDA ITEM 4:
OUTCOME OF THE PREVIOUS ELECTRONIC CALL-IN**

6. The outcome of the electronic Call-in of 26th November 2010 was noted.
7. Geva Blackett arrived at the meeting.

**AGENDA ITEM 5:
DECLARATION OF INTEREST BY MEMBERS ON ANY ITEMS APPEARING
ON THE AGENDA**

8. Eleanor Mackintosh declared a direct interest in Item No. 8 (Paper 3) on the Agenda, due to her niece living in the vicinity of the application site.
9. Jaci Douglas & Andrew Rafferty declared an indirect interest in Item No. 10 (Paper 5) on the Agenda, due to being friends with, Lucy Grant, the Applicants wife. It was also noted that Lucy Grant was an ex-Board Member of the CNPA.
10. Marcus Humphrey declared a direct interest in Item No. 11 (Paper 6) on the Agenda, due to the application site being located on land belonging to his son.
11. Duncan Bryden informed Members that Item No. 13 (Paper 8) would be taken first. This was due to the fact that Jim McKinnon, Chief Planner, had been scheduled to visit but could no longer attend due to the bad weather. However, the PowerPoint presentation had been ordered with this paper at the start and it would therefore be taken first.

**AGENDA ITEM 13:
REPORT ON CALLED-IN PLANNING APPLICATION - REQUEST FOR
AMENDMENTS TO: PERMITTED SITE LAYOUTS, TO BE CONSIDERED AS
NON MATERIAL VARIATIONS TO THE ORIGINAL PLANNING
PERMISSIONS
AT THE HORSE FIELD, AVIEMORE HIGHLAND RESORT
(PAPER 8) (05/304/CP & 05/306/CP)**

12. Mary Grier presented a paper recommending that the Committee agree to approve the amendments as non material variations.
13. The Committee were invited to ask the Planning Officer points of clarification, the following were raised:
 - a) The level of Affordable Housing associated with the development.
14. The Committee agreed to approve the amendments as non material variations.

**AGENDA ITEM 6:
REPORT ON CALLED-IN PLANNING APPLICATION FOR ERECTION OF 6
NEW HOUSES; 2 DETACHED AND 4 SEMI-DETACHED - ALONG WITH
ASSOCIATED ROADS, LANDSCAPING AND SERVICES
AT ARDGEAL, INSH, KINGUSSIE
(PAPER 1) (10/281/CP)**

15. Duncan Bryden informed Members that Susan Hunter, HSCHT Project Officer, was available to answer questions. He also advised that a letter had been received from the applicants within the required timescales and had been circulated for members to read.
16. Mary Grier presented a paper recommending that the Committee approve the application subject to the conditions stated in the report.
17. The Committee were invited to ask the Planning Officer points of clarification, the following were raised:
 - a) The proposed floor area of the properties and disappointment with the floor areas of Phase I of the development.
 - b) Clarification if buyers had been found for the shared equity properties.
 - c) If there was any requirement for the access road to be tarmacked. Mary Grier responded that in this instance, possibly due to the gradient of the access road and to protect the informal rural setting, the Roads Authority did not require the road to be tarmacked.
 - d) That the Roads Authority were content with the increased level of traffic on the access road and potential bad weather that may be experienced. Mary Grier responded that the Roads Authority were content and additional parking was to be made available at the base of the hill.
 - e) If the trees indicated on the landscaping plan would be new planting or retention of existing planting. Mary Grier responded that it would be new planting.
 - f) The potential for Condition 7 to include that any features of the Ancient Woodland Inventory be retained, protected and enhanced as part of the Tree Protection Plan. It was confirmed this could be included.
18. The Committee were invited to ask questions of Susan Hunter, HSCHT Project Officer and the following points were raised:
 - a) The increase in floor area of the properties.

- b) Clarification if buyers had been found for the shared equity properties. It was confirmed that potential buyers had been interviewed and assessed for the properties.
 - c) The gradient of the access road.
 - d) The proposed tree planting.
 - e) The potential for the access road to be adopted by the Local Authority, particularly with regard to snow clearing.
 - f) The provision of a footpath from Ardgeal to Kinraig.
19. Duncan Bryden thanked Susan Hunter.
20. The Committee discussed the application and the following points were raised:
- a) The potential for the footpath linking Ardgeal to Kinraig to be brought forward in line with the construction of the development. It was confirmed that both the construction of the footpath and the properties should dovetail.
 - b) The commendation of the application due to its having good sustainable and design features.
21. The Committee agreed to approve the application subject to the conditions stated in the report with an amendment to Condition 7 to include that any features of the Ancient Woodland be retained, protected and enhanced as part of the Tree Protection Plan.

**AGENDA ITEM 7:
REPORT ON CALLED-IN PLANNING APPLICATION FOR UPGRADING
AND CONSTRUCTION OF ADDITIONAL INFRASTRUCTURE
(ABOVE AND UNDERGROUND)
AT KINGUSSIE WASTEWATER TREATMENT WORKS, MANSE ROAD,
KINGUSSIE
(PAPER 2) (09/255/CP)**

22. Duncan Bryden informed Members that Tim Muir, Agent, was available to answer questions.
23. Mary Grier presented a paper recommending that the Committee approve the application subject to the conditions stated in the report.
24. Mary Grier advised that she had received a phone call from Kingussie Community Council to say that they had seen the planning report and recommendation and felt that their concerns had been listened to and addressed as far as practicable.
25. The Committee were invited to ask the Planning Officer points of clarification, the following were raised:
 - a) The potential for Odour and who was responsible for monitoring the situation. It was confirmed that Environmental Health would be responsible for monitoring this aspect.
 - b) The screening to the north and west side of the development. Mary Grier responded that the Landscape Officer had made a number of recommendations to overcome the concerns and these would have to be agreed by the submission of a further landscaping plan.
 - c) The potential to condition the colour and materials of the proposed buildings. It was confirmed that an additional condition could be included to cover this issue.
 - d) The access track by the School and the potential for it to fall into a further state of disrepair if it was to be frequently used by lorries accessing the site. It was confirmed that the condition of the access track could be included in Condition 2.
 - e) The capability of the Gynack Bridge to carry HGV's. It was clarified that HGV's currently used the bridge and no concern had been raised on this issue by the Roads Authority.
 - f) The potential for tree planting to assist with minimising the Odour associated with the sludge removal from the works. It was agreed that an Advice Note could be added to cover the issue of Odour management.
26. The Committee were invited to ask questions of Tim Muir, Agent, and the following points were raised:
 - a) The expected level of use of the access track to the site.
 - b) The maintenance of the access track.
27. Duncan Bryden thanked Tim Muir.
28. The Committee discussed the application and the following points were raised:
 - a) The possibility to condition the colour of the existing building located on the site. It was confirmed that this could be done.
29. The Committee agreed to approve the application subject to the conditions stated in the report with:
 - An Additional Condition – covering the colour and materials of the proposed and existing buildings.

- Amendment to Condition 2 – to include the access track to the site.
- An Additional Advice Note – covering the issue of Odour.

**AGENDA ITEM 8:
REPORT ON CALLED-IN PLANNING APPLICATION FOR MAINTENANCE
OF ACCESS TRACK
AT KEPPOCH COTTAGE, TOMINTOUL
(PAPER 3) (10/082/CP)**

30. Eleanor Mackintosh declared an interest and left the room.
31. Mary Grier presented a paper recommending that the Committee approve the application subject to the conditions stated in the report and also agree for a letter to be issued to the applicant expressing disappointment at the retrospective nature of the works. An Advice Note is also to be added setting out information required by monitoring condition.
32. The Committee were invited to ask the Planning Officer points of clarification, the following were raised:
 - a) Due to the retrospective nature of the application, the inability of the Committee to assess the use of local resources and materials in the development and concern that this may set a precedent for future developments.
 - b) Clarification of permitted development rights with regard to track maintenance and repair.
33. The Committee agreed to approve the application subject to the conditions stated in the report.
34. Eleanor Mackintosh returned.

**AGENDA ITEM 9:
REPORT ON CALLED-IN PLANNING APPLICATION FOR RETROSPECTIVE
APPLICATION FOR EMERGENCY REPLACEMENT AND REPAIR WORKS
AT BRIDGE OF LOIN BHEAG, GLENAVON ESTATE, TOMINTOUL
(PAPER 4) (10/179/CP)**

35. Andrew Tait presented a paper recommending that the Committee approve the application subject to the conditions stated in the report and also agree for a letter to be issued to the applicant expressing disappointment at the retrospective nature of the works. An Advice Note is also to be added setting out information required by monitoring condition.
36. The Committee were invited to ask the Planning Officer points of clarification, the following were raised:
- a) The number of public sector bodies, amount of time spent and money from the public purse involved in assessing the application and if such extensive involvement was necessarily required.
 - b) Clarification of how applications of this type were assessed by the CNPA, if applied for retrospectively. Andrew Tait responded that the CNPA tried to be flexible and respond quickly on issues of this kind – he stated that any works carried out by the Estate would at their own risk until a planning application (if required) had been granted.
 - c) The CNPA developing Supplementary Guidance on wild land which would include sections on Estate Tracks and Bridges.
 - d) The potential for the issue of determining applications for “emergency” works to be discussed, next year, for inclusion in delegated powers.
 - e) Concern that sending a letter regarding the retrospective nature of the application would appear to be heavy handed, given the like for like replacement and the fact that no representations had been received.
37. The Committee agreed to approve the application subject to the conditions stated in the report and to send a positively phrased letter to all Estates in the CNP, stating that the CNPA would try and assist in situations of this type, due to flood situations. Also, to advise that the CNPA were in the process of developing Supplementary Guidance and any input would be welcome.

**AGENDA ITEM 10:
REPORT ON CALLED-IN PLANNING APPLICATION FOR ERECTION OF
ANEMOMETER MAST TO MEASURE WIND SPEED
AT GASKBEG FARM, NEWTONMORE
(PAPER 5) (10/339/CP)**

38. It was noted that the Applicant was the husband of ex-Board member, Lucy Grant.
39. Andrew Tait presented a paper recommending that the Committee approve the application subject to the conditions stated in the report.
40. The Committee agreed to approve the application subject to the conditions stated in the report.

**AGENDA ITEM 11:
REPORT ON CALLED-IN PLANNING APPLICATION FOR EXTENSION OF
EXISTING CAR PARK
AT BURN O VAT VISITOR CENTRE, DINNET
(PAPER 6) (10/359/CP)**

41. Marcus Humphrey declared an interest and left the room.
42. Andrew Tait presented a paper recommending that the Committee approve the application subject to the conditions stated in the report.
43. The Committee agreed to approve the application subject to the conditions stated in the report.
44. Marcus Humphrey returned.

**AGENDA ITEM 12:
REPORT ON CALLED-IN PLANNING APPLICATION - REQUEST FOR:
(A) AMENDMENTS TO TERMS OF SECTION 75;
(B) AMENDMENTS TO DESIGN; AND
(C) VARIATION OF A PLANNING CONDITION ASSOCIATED WITH THE
PROPOSED KINRARA SPORTING LODGE
AT LAND 290M NORTH OF BALLINLUIG FARM, AVIEMORE
(PAPER 6) (09/376/CP)**

45. Duncan Bryden informed Members that Andrew Beatson, from Harry Taylor Associates, and Malcolm Younger, from CKD Galbraith, had requested to address the Committee. The Committee agreed to the request.
46. Mary Grier presented a paper recommending that the Committee approve request A and B and Refuse request C. Mary Grier also informed members that samples of proposed reconstituted stone and natural stone had been provided by Mr Beatson and were displayed.
47. The Committee were invited to ask the Planning Officer points of clarification, the following were raised:
 - a) The proposed colour of the natural stone conditioned in the original decision notice.
 - b) The amendment to the terms of the Section 75 Legal Agreement, agreeing to the reduction in the associated land and leasing of the property. However, rejecting the proposal for a 7 yearly review of the Legal Agreement.

48. Andrew Beatson and Malcolm Younger, addressed the Committee.
49. The Committee were invited to ask questions of the speaker and the following points were raised:
- a) Had the Applicants investigated sources of locally quarried stone. Andrew Beatson responded that this had not been but could be investigated.
 - b) The extent of use of stone on the proposed development. Andrew Beatson responded that it was to be used on window surrounds, chimney copes, pediments, columns and corner pieces.
50. Duncan Bryden thanked the speaker.
51. The Committee agreed to approve recommendations A and B.
52. The Committee discussed recommendation C and the following points were raised:
- a) The use of reconstituted stone at other locations in the vicinity (Doune House, Rothiemurchus).
 - b) The need for any use of reconstituted stone to be a more appropriate colour.
 - c) Whether or not the use of reconstituted stone being a cost effective and sustainable solution.
 - d) The need for natural stone to be used, reflecting the local heritage and culture of the area.
 - e) The need for investigation of quantities, costings and suitability of locally sourced natural stone to be undertaken.
 - f) The need for a technical report to be obtained comparing the performance of natural stone versus reconstituted stone.
53. The inclusion of use of natural stone in the CNPA Sustainable Design Guide.
54. The potential for the use of reclaimed stone to be used.
55. The Committee agreed to refuse recommendation C of the report.

**AGENDA ITEM 14:
ANY OTHER BUSINESS**

56. Duncan Bryden advised Members that Jim McKinnon, Chief Planner, had been due to visit but due to the recent bad weather this had been cancelled. He advised that the visit had now been rescheduled for the 4th February 2011.
57. Don McKee advised Members that due to the festive holidays and timescales involved for the Planning Committee due to be held on 7th January 2011, the Call-in report would be discussed at the actual meeting and not dealt with electronically.
58. Duncan Bryden informed Members that Don McKee, Head of Development Management, and Jane Hope, Chief Executive, had (due to bad weather) recently held a conference call with Lindsey Nicoll, Chief Reporter of the Planning Appeals Unit.
59. Don McKee advised that the discussion had included the nuances of the CNP legislation as opposed to the Planning Legislation. They had also discussed the recent Planning Appeal decision at Milton, Aviemore and Lindsey Nicoll had responded that this particular decision (with regards to the level of Affordable Housing) had not been a good decision and issues surrounding it were being addressed.
60. Don McKee advised that since this initial discussion had been positive, he felt the CNPA should take the opportunity to develop a proactive relationship with the Reporters Unit and therefore there was no need to send a formal letter expressing the CNPA's concerns.
61. Don McKee advised that a meeting had been scheduled for February 2011 and that CNPA staff could also attend a Reporters Unit monthly seminar in 2011 to be a presentation on National Parks.
62. Willie McKenna stated that he had received complaints regarding the screening of the at the Aviemore Water Treatment Works.
63. Mary Grier responded that the treatment works was to be landscaped and appropriate colours used. She also advised that Bruce Luffman, Enforcement Officer, was closely monitoring the development.
64. Willie McKenna queried if any progress had been made regarding a planning application for a replacement Bridge at Glenfeshie, which had been washed away.
65. Don McKee responded that an application had been made to upgrade the Bridge. However it had then been washed away and the application had subsequently been withdrawn. An application for a new bridge had been anticipated but as yet, no further application had been made.
66. Willie McKenna raised concern that as the Bridge was not essential for Estate management purposes, a replacement Bridge may not be a priority. He stated that public bodies needed to be careful to not curtail developments of this kind through too much bureaucracy.
67. Don McKee suggested the CNPA staff (access and/or planning) contact the estate to discuss the issue further and see what can be done to facilitate a new bridge

AGENDA ITEM 15:

DATE OF NEXT MEETING

68. Friday 7th January 2011 at The Community Hall, Boat of Garten.

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

70. The meeting concluded at 1:15pm.

Draft