

# APPROVED COMMITTEE MINUTES

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## CAIRNGORMS NATIONAL PARK AUTHORITY

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### APPROVED MINUTES OF THE PLANNING COMMITTEE

held at Community Hall, Boat of Garten

on 11<sup>th</sup> October 2019 at 11.30am

#### Members Present

Eleanor Mackintosh (Convener)  
Peter Argyle (Deputy Convener)  
Geva Blackett  
Carolyn Caddick  
Deirdre Falconer  
Pippa Hadley  
Janet Hunter  
John Kirk  
John Latham

Anne Rae Macdonald  
Douglas McAdam  
Xander McDade  
Willie McKenna  
Ian McLaren  
Dr Fiona McLean  
William Munro  
Dr Gaener Rodger  
Derek Ross

#### In Attendance:

Grant Moir, Chief Executive  
Gavin Miles, Head of Planning & Communities  
Dan Harris, Planning Manager (Forward Planning & Service Improvement)  
Stephanie Wade, Planning Officer, Development Management  
Katherine Donnachie, Planning Officer, Development Management  
Nina Caudrey, Planning Officer, Development Planning  
Matthew Hawkins, Conservation Manager  
Sally Mackenzie, Conservation Officer  
Alix Harkness, Clerk to the Board  
Dot Harris, Planning Support Officer

**Apologies:** Judith Webb

#### Agenda Items 1 & 2:

##### Welcome & Apologies

1. The Convener welcomed all present and reported that there had been a successful site visit to Carr-bridge earlier that morning.

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2. The Apologies were noted.

### **Agenda Item 3:**

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

3. The minutes of the previous meeting, 13<sup>th</sup> September 2019, held at CNPA HQ were approved with no amendments.
4. The Convener reported on the progress of the Actions arising from the minutes on 13<sup>th</sup> September 2019:
  - a) At Para 11i) – **Closed** - David Cameron incorporated the Planning Committee's comments and amendments into the draft Planning Committee's Standing orders which were subsequently ratified by the Board at their meeting on Friday 20th September 2019.
  - b) At Para 11ii) – **In Hand** - Planning Committee Terms of Reference to be devised and brought to the Planning Committee for comment and any amendments made prior to going before the Board for ratification on 6th December 2019.
  - c) At Para 11iii) – **In Hand** - David Cameron to draft guidance for Planning Committee members on how best to respond to late representations that would be annexed to the Board Members Code of Conduct.
5. The Convener reported that the Planning Committee Standing Orders had been reviewed by the Planning Committee at their last meeting and subsequently ratified by the Board in September. Gavin Miles, Head of Planning & Communities advised that changes had resulted in one area of potential confusion for those making representations, in that the opportunity to request to make an oral representation to the Planning Committee only applies to those who have made a valid written representation. It had never been available as an alternative way of making representation. To prevent any confusion, it is recommended an additional line be inserted to the Standing Orders to clarify definitively. First sentence of Section 11 on oral representations would now read:

*"In relation to the determination of applications called-in by the CNPA, any applicant/agent/supporter, objector and Community Council, who has made a valid representation on a planning application qualifying under Section 9 of these Standing Orders, who wish to make oral representations to the Committee in respect of an agenda item must request to do so in writing and/or by email to planning officials at the National Park Authority."*

6. **This was agreed by the Planning Committee.**

7. **Action Point arising:**

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- i. **Amendment as detailed in paragraph 5 to be made to Planning Committee Standing Orders and published on our corporate website.**

### **Agenda Item 4:**

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

8. All Members declared an interest in:
  - I. Item No. 5 - Indirect interest – Rebecca Badger, Objector to the application was a National Park Board Member and is therefore well known to the members of the Committee.
9. Peter Argyle declared an interest in:
  - Item No. 10 - Indirect interest – As a councillor of Aberdeenshire Council but not directly involved in the Ballater Flood Management Feasibility Study.
10. John Latham declared an interest in:
  - Item No. 10 - Indirect interest – As a councillor of Aberdeenshire Council but not directly involved in the Ballater Flood Management Feasibility Study.

### **Agenda Item 5:**

#### **Application for Detailed Planning Permission (2019/0120/DET)**

#### **Construction of 47no. houses/ flats, associated roads and footways**

#### **At Land 80M SE Of, 2 Carr Place, Carrbridge**

#### **Recommendation: Approve Subject to Conditions and Legal Agreement**

11. The Convener informed Members that the Tessa Jones and Rebecca Badger (Objectors were present to give a presentation to the Committee. She added that the Agent, Sam Sweeney was also present and available to answer questions.
12. Stephanie Wade, Planning Officer presented the paper to the Committee.
13. The following point of clarification were raised:
  - a) With reference to the current Local Development Plan the 11 affordable units being proposed was slightly under the 25% recommended in the Plan could it be confirmed if this was a departure from the Local Development Plan? Gavin Miles, Head of Planning and Communities advised that the reason less was being accepted was as a result of the higher specification house that was being proposed as part of the affordable housing, that this was considered acceptable and was not a departure from the LDP.

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14. Tessa Jones and Rebecca Badger (Objectors) were invited to address the Committee. They each gave a presentation.
15. The Committee were invited to ask points of clarity. The following was raised:
  - a) Could the prohibition of people be explained further? Tessa Jones clarified that she meant negligible numbers of people using the path not prohibition.
  - b) Where had the figure of the average number of cars on Carr Road as being 316 come from? Rebecca Badger advised that the developer's assessment stated 395 and she had averaged it to 316.
  - c) Could the proposed school path be used by the Grammar School pupils as well as the Primary school pupils? Rebecca Badger disagreed and pointed to where the Grammar School pupil's bus stop was in relation to the site.
  - d) Do the children use the entire length of Carr road? Rebecca Badger confirmed that they do.
16. The Convener thanked the speakers.
17. The Committee were invited to discuss the report, the following points were raised:
  - a) With reference to page 5 of the Habitats Regulations Assessment (HRA) specifically under stage 3 could it be explained why although it had been deemed as having a significant impact there was no mitigation detailed? Matthew Hawkins explained that stage 3 was the early in the screening process and that the full appraisal and appropriate assessment considered the effects and any mitigation required in more detail. The full assessment concluded that there would not be a change in recreational behaviour and that the development would not result in a significant impact on capercaillie.
  - b) A query regarding the desire lines that an objector had spoken about. Matthew Hawkins advised that they had considered the likelihood of it and officers were satisfied with their conclusions.
  - c) Could it be explained what the RSPB's concerns were in the HRA surrounding capercaillie? Matthew Hawkins advised that the RSPB had highlighted their general concern that people can disturb capercaillie but that the HRA considered whether there would be an effect on capercaillie.
  - d) Could officers confirm that they were confident that the HRA with the conclusions of the HRA? Matthew Hawkins confirmed that he was confident and that it had been agreed with SNH.
  - e) The Convener asked if it was possible to have a discussion with the developer to try to ensure that the units are aimed at local people in the first instance. Gavin Miles said that was possible and that the developer had done so in a previous application. Sam Sweeny (Agent) nodded his head in agreement.
  - f) Concern raised that the development could have an effect on the capacity of the local schools and that numbers of children might be under estimated. Gavin

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Miles advised that the calculations used to assess impact on school role were based on numbers of units and a standard rate was applied across Highland Council area.

- g) Was there a risk that the five bed house could be sold on the open market should the initial inhabitants move out? Gavin Miles advised that it would not be in the best interests of the housing association or council to do this and therefore highly unlikely.
  - h) Would the path to school be cleared in the winter? Gavin Miles advised that the additional path would not be cleared in the winter but that Carr Road would be cleared under the current road clearing arrangement of Highland Council.
  - i) Concern raised for the children using the road in the winter, what was the precedent of the snow clearing on the road and what priority was given to school routes? Gavin Miles advised that he could not speak for the local authority but advised that the current 30 miles per hour speed limit would be reduced and traffic calming measures put in place should this application be granted, all making the road safer than it currently is for existing and new users.
  - j) Concern raised with regard to the lack of detail of the traffic calming proposals on Carr Road. Gavin Miles advised that the Local Authority have ownership of Carr Road and were satisfied the measures could be designed and implemented within it.
  - k) Would the proposed new path to the centre of Carrbridge that the CNPA would provide have lighting? Gavin Miles advised it was not intended to be lit; that it would be an additional countryside path that people could choose to use, but that the existing pavements and modified Carr road would provide street lighting.
  - l) Had the measures of Carr Road taken into consideration the fact that there would be more Grantown Grammar School pupils using it as they would not be using the school path as the bus stop was at the end of Carr Road? Gavin Miles confirmed that all pedestrians had been taken into account.
  - m) Was there evidence that the proposed 20mph zone and calming measures had worked elsewhere in the National Park before? Gavin Miles advised that they were not common in the National Park but were effective and common in the UK and abroad.
  - n) Suggestion made to move the bus stop to the end of the footpath so that it could be used by secondary school pupils as a safe route to school.
18. The Convener summarised the Committee's concerns regarding the footpath and asked if following the concerns raised today, anything be done to the proposal to address them? Gavin Miles explained that it would not be appropriate to tarmac and light the additional path to the centre of Carrbridge. He explained that further discussions with the Highland Council Transport department and the Applicant would need to take place to refine the proposals for Carr Road, which would require the

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consent of Highland Council as the Transport Authority. Gavin Miles went on to advise that the Committee's choice today would be to refuse or defer the application and seek further detail. He noted that the applicant could appeal non-determination of the application if deferred as it would run beyond the timescale and terms of the processing agreement.

19. The Convener asked the Committee if they were content to defer the decision to seek further information on the proposed traffic calming measures and proposed path. She asked Sam Sweeny, the Agent if he would be willing to work up more detailed plans with the Planning staff. Sam Sweeny confirmed that he would discuss the matter with his client.
20. The Convener asked the Committee if they had any further issues with the proposal aside from the traffic calming measures and increase in pedestrians using Carr Road and the path. The Committee raised the following points:
  - a) Concern raised surrounding the number of units proposed on the site given that the next Local Development Plan (which was currently at examination) recommended 35. Gavin Miles advised that 72 houses were allocated on this site in the current Local Development Plan and that the proposed plan had not yet been examined so could not be given significant weight.
  - b) Further details on the construction management plan requested. Gavin Miles agreed that this would be conditioned prior to any work commencing.
21. There was a five minute recess to allow legal advice to define the wording for the deferral. This was agreed by the Committee.
22. The Convener announced that the Committee agreed to defer the decision to allow the detail of traffic calming measures, currently covered by a proposed suspensive condition, to be more fully worked up and provided for review and the application to be considered at a future meeting.
23. A Committee member disagreed with the decision to defer the decision and asked for his dissent to be recorded. Derek Ross proposed an amendment to determine the application on its merits today. This was seconded by John Latham. Eleanor Mackintosh put forward the motion to defer the application for the reasons stated above. This was seconded by Peter Argyle.

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24. The Committee proceeded into a vote. The result of the vote was as follows:

Name	Motion	Amendment	Abstain
Peter Argyle	√		
Geva Blackett	√		
Carolyn Caddick	√		
Deirdre Falconer	√		
Pippa Hadley	√		
Janet Hunter	√		
John Kirk	√		
John Latham		√	
Eleanor Mackintosh	√		
Douglas McAdam	√		
Xander McDade	√		
Willie McKenna	√		
Ian McLaren	√		
Fiona McLean	√		
William Munro	√		
Anne Rae Macdonald	√		
Gaener Rodger	√		
Derek Ross		√	
<b>TOTAL</b>	<b>16</b>	<b>2</b>	<b>0</b>

25. The Committee agreed to defer the application for reasons above.

26. Action Point arising: None.

28. The meeting paused for lunch.

### Agenda Item 6:

#### Application for Detailed Planning Permission (2018/0221/DET)

Erection of 18 houses, upgrade of access,

40M NE of Rose Cottage, Dulnain Bridge

**Recommendation: Approve Subject to Conditions**

29. Stephanie Wade, Planning Officer presented the paper to the Committee.

30. The Committee were invited to discuss the report, the following points were raised:

- a) Observation made that the community council had requested electric charging points for cars, had this been accommodated? Stephanie Wade explained that

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the Highland Council roads department had not seen this as a requirement on this application therefore it had not been accommodated.

- b) A plea made to ensure the drainage was carefully planned and constructed given that the site was really wet and there was a real danger the drainage would come back on the road.
- c) With reference to paragraph 78 on page 20 of the report clarification sought as to why there was no contribution to the school(s) included? Gavin Miles explained that there was currently capacity in both Grantown primary and secondary schools and that the current bus service was sufficient.
- d) Clarification sought on how to determine whether or not developer contributions for services out with education were required as part of an application. Gavin Miles provided a couple of examples: for every additional 3000 people, they may need an extra GP or if a development was so big it may require an additional bin lorry.
- e) Concern raised that the proposed 1.8m high boundary fence may not be in keeping with the village. Stephanie Wade explained that the council's priority was around ensuring the safety of the occupiers and their needs. She added that it had been reviewed as part of the landscape plan and that the Council had refused to lower the fence.
- f) Officers agreed to include a condition on boundary treatments that officers would use to ensure that either the tall timber fencing was replaced by less obvious fencing or that landscape planning screened and softened the impact of the timber fencing.
- g) Clarification sought that there were two heights of fences being proposed 1.8m and 1.5m. Stephanie Wade confirmed.
- h) Given the current climate emergency could the need for electric charging points be addressed in a condition? Gavin Miles explained that typically electric charging points are provided in communal areas such as car parks and public buildings. Householder have the ability to charge from their own properties.
- i) What species of plants were planned as part of the compensatory planting given the wet ground considerations? Gavin Miles advised that officers would ensure appropriate planting was provided.
- j) The Convener welcomed the application.

**31. The Committee agreed to approve the application as per the Officer's recommendation subject to a condition requiring further detail on boundary treatments to be approved.**

**32. Action Point arising:** None.



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### **Agenda Item 7:**

#### **Application for Detailed Planning Permission (2019/0209/DET)**

**Erection of a distillery, visitor centre, warehouse, car parking, road junction and associated infrastructure and landscaping**

**At Land 350M SE Of Lower Gaich, Dulnain Bridge**

**Recommendation: Approve Subject to Conditions and Legal Agreement**

33. Geva Blackett departed the meeting.
34. The Convener informed Members that the Applicant, Matthew Garstang was present to show a drive through video and would also be available to answer questions along with Nicola Drummond (Agent) and Mark Fresson (Architect).
35. Katherine Donnachie, Planning Officer presented the paper to the Committee.
36. The Convener praised the pre-application process on this application given that this proposal was a major development and had not received one representation.
37. The following points of clarification were raised:
  - a) Query that there was a condition that specified that there should be no provision for coaches. Katherine Donnachie confirmed that the applicant was content with this condition as that they did not wish to cater for coach parties.
  - b) Concern raised that air pollution at a distillery was common. Katherine Donnachie advised that as part of the Environmental Impact Assessment process, the Highland Council and SNH had confirmed they were content with the impacts associated with this development.
  - c) With reference to page 62 of the report concerning freshwater pearl mussels downstream could this be explained further? Matthew Hawkins advised that it was regarding the temperature of the water, it had been looked at carefully to ensure the water going back in was not too hot to upset the chemistry of the water which could disturb their habitat. Sally Mackenzie added that the water quality and thermal discharge had been modelled and the thermal uplift would dissipate quickly after discharge into the Spey. This would be regulated by SEPA through the CAR license.
  - d) Why was there a lot of redacted information in the HRA? Katherine Donnachie explained that the location of pearl mussels would not be shown in public documents.
  - e) Would there be visual screening from the road of the proposed chimney stack? Katherine Donnachie advised that it was not considered to be a dominant feature in the development and there was no proposal to screen it.
  - f) Query around water abstraction and the cumulative effect on the Spey. Gavin Miles advised that water the extracted from the Spey would be returned and

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that all the water extraction and possible impacts on the River Spey had been conserved through the HRA.

- g) Could the parking at Craggan be used for coaches visiting the distillery and the proposed footpath link from Craggan to the distillery? Katherine Donnachie advised that there had been no suggestion of that, the purpose of the footpath was to improve the connectivity between the two sites.
38. Matthew Garstang (Applicant) showed a drive through video to the Committee.
39. The Committee were invited to ask the Applicant (Ewen Mackintosh and Matthew Garstang) points of clarity. The following was raised:
- a) Why was there no provision for coach parties? Ewen Mackintosh explained that coach parties do not spend much money on distillery tours or other facilities so it was a commercial decision based on the type of visitor they wanted attract.
  - b) During events such as the whisky festival how would they accommodate that? Ewen Mackintosh advised that they would be accommodated outside with operational hours and could be dropped off.
  - c) How many jobs would be created during the construction phase and after that? Ewen Mackintosh explained that the intention was to use some of their existing employees but that there would be at least a distillery manager, two other permanent visitor centre staff and more seasonal visitor staff.
  - d) With regards to the design statement, within the design how would they see it reinforcing the local vernacular? Ewen Mackintosh explained the concept was around modern identity, reflecting the traditional whisky-making methods in a modern building.
  - e) With reference to the Land Control Plan what was the intention of the dotted blue line? Matthew Garstang explained that it was the overall area they had select the site within, but the red line showed what they now proposed to purchase in order build the distillery.
40. The Convener thanked the speakers.
41. Katherine Donnachie was invited to come back on points raised during the presentation:
- a) Condition no. 25 – no access to the site for coaches – suggestion made to change that to no coach parking at the site? The Planning Committee agreed.
  - b) Condition no. 6 - where it refers to condition 3, it should refer to condition 2. The Planning Committee agreed to amend this typo.
42. The Committee were invited to discuss the report, the following comment was made:
- a) A good development for the area.

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43. **The Committee agreed to approve the application as per the Officer's recommendation subject to the conditions stated in the report with the following amendments:**
- a) **At Condition 25 – no access to the site for coaches to be changed to no coach parking**
  - b) **At Condition 6 – change reference to condition 3 to condition 2.**
44. **Action Point arising:           None.**

### **Agenda Item 8:**

#### **Application for Detailed Planning Permission (2019/0263/DET)**

**Erection of 8 dwellinghouses, installation of Replacement Bridge and associated works (revised design)**

**Land 40 Meters North Of Little Orchard Blair Atholl**

**Recommendation: Approve Subject to Conditions**

45. Katherine Donnachie, Planning Officer presented the paper to the Committee.
46. The following point of clarification were raised:
- a) The new designs appeared smaller - had they replaced the bathrooms with shower rooms? Katherine Donnachie advised that the footprint was the same as previously approved and that she hadn't looked at the internal modifications.
47. **The Committee agreed to approve the application as per the Officer's recommendation subject to the conditions stated in the report.**
48. **Action Point arising:           None.**

### **Agenda Item 9:**

#### **LDP Monitoring Report**

49. Dan Harris, Planning Manager and Nina Caudrey, Planning Officer presented the paper to the Committee.
50. The Committee were invited to discuss the paper, the following points were raised:
- a) The Convener asked if it was apparent that local authorities had used more of the LDP policies more frequently over recent years. Dan Harris confirmed that most of the time Local Authorities were determining householder applications where landscape policies rarely apply.
  - b) Was there evidence that the local authorities were using our policies in general for applications not called in? Dan Harris confirmed that in order to collate the

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information, Nina had gone through the data produced on each planning application considered by both the Park Authority and Local Authorities, therefore the information contained in the report on policy use had come directly from the Local Authorities.

- c) The Convener reported that at the recent developer's forum meeting, the Authority had been criticised for saying that 95% of applications were approved, as they said applicants are encouraged to withdraw applications that would be refused. Gavin Miles explained that it was the developer's choice whether they withdraw their application or saw it come to committee with a recommendation of refusal. The same rules apply across Scotland so the statistics were comparable with other areas and other planning authorities.

**51. The Planning Committee thanked Dan Harris and Nina Caudrey for the report.**

**52. The Committee noted the paper.**

**53. Action Points arising:                      None.**

### **Agenda Item 10:**

#### **Any Other Business**

**54.** A Planning Committee member reported that at the developer's forum most of the blame was not focussed on the National Park Authority but on other bodies such as SEPA or utilities companies.

**55.** The Planning Manager Dan Harris provided the following update on the Ballater Flood Management Feasibility Study Consultation:

- a) Aberdeenshire Council held an informal consultation on a consultants' assessment of flood management options for Ballater. CNPA officers attended an engagement event in Ballater on the 25<sup>th</sup> September and have responded to the consultation that reflect the CNPA's response to Aberdeenshire Council's (now withdrawn) representation to the Proposed Plan:
  - i. The proposals to relocate the caravan park, council depot fire station and police station to locations on site H1 is not supported.
  - ii. Ballater is highly constrained by topography and the River Dee and H1 represents the only option for meeting Ballater's long-term housing needs.
- b) It should be noted that the feasibility study does not form a Plan in itself, but is the basis for a bid to Scottish Government for funding. The proposals set out within it are therefore likely to be subject to change as well as further consultation at a later date.

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56. The Convener advised that the Ballater Flood Management Plan would come back as a formal consultation.
57. Gavin Miles provided the following updates:
- a) Legal agreements securing affordable housing at Dalfaber housing sites almost completed so decision notices would soon be issued.
  - b) Laurel Bank site in Aviemore – Highland Council had consulted the CNPA on the prior notification for demolition of Laurel Bank itself.
58. A member asked if the word limit when submitting objections via the public access planning pages could be increased following the recent negative comment received from objectors. Gavin Miles advised that the online form clearly showed that there was a character limit and that it was also clear that people could make representation by letter or email. He explained that the form and structure of the online form was not something that could be easily changed by the CNPA staff.
59. **Action Points arising:** **None.**

### **Agenda Item 11:**

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

60. Friday 15<sup>th</sup> November 2019 in Albert Hall, Ballater.
61. The public business of the meeting concluded at 15.25.