
CAIRNGORMS NATIONAL PARK AUTHORITY

MINUTES OF THE PLANNING COMMITTEE

held at The Grant Arms Hotel, Grantown on Spey
on 12th November 2010 at 10.30am

PRESENT

Peter Argyle
Geva Blackett
Duncan Bryden
Angela Douglas
Jaci Douglas
David Green
Marcus Humphrey
Gregor Hutcheon
Bob Kinnaird

Eleanor Mackintosh
Mary McCafferty
Willie McKenna
Andrew Rafferty
Gordon Riddler
Gregor Rimell
Brian Wood
Allan Wright

IN ATTENDANCE:

Don McKee Murray Ferguson
Mary Grier Fiona Munro
Pip Mackie

APOLOGIES:

Kate Howie
Ian Mackintosh

AGENDA ITEMS 1 & 2: WELCOME AND APOLOGIES

1. The Convenor welcomed all present.
2. Apologies were received from the above Members.

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

3. The minutes of the previous meeting, 29th October 2010, held at The Lonach Hall, Strathdon were approved with an amendment to the list of Members present to include Peter Argyle.
4. There were no matters arising.

**AGENDA ITEM 4:
DECLARATION OF INTEREST BY MEMBERS ON ANY ITEMS APPEARING ON THE AGENDA**

5. Jaci Douglas and Gregor Rimell, as Highland Councillors, declared a direct interest in Planning Application No. 10/388/CP.
6. Mary McCafferty declared a direct interest in Planning Application No. 10/392/CP.
7. Geva Blackett declared an indirect interest in Item No. 8 (Paper 3) on the Agenda, due to being Vice Chair of Braemar Community Council, which had submitted an objection to the application. Geva Blackett advised that she had not been present at the Community Council meeting when the matter had been discussed.
8. It was noted for Item No. 10 (Paper 5) on the Agenda, that Willie McKenna was an employee of Rothiemurchus Estate (Applicant). However, it was felt that as the Paper was for information purposes only he did not have to declare an interest.

**AGENDA ITEM 5:
PLANNING APPLICATION CALL-IN DECISIONS
(Oral Presentation, Mary Grier)**

- | | |
|-----------------|------------|
| 9. 10/368/CP - | No Call-in |
| 10. 10/369/CP - | No Call-in |
| 11. 10/370/CP - | No Call-in |
| 12. 10/371/CP - | No Call-in |
| 13. 10/372/CP - | No Call-in |
| 14. 10/373/CP - | No Call-in |
| 15. 10/374/CP - | No Call-in |
| 16. 10/375/CP - | No Call-in |
| 17. 10/376/CP - | No Call-in |
| 18. 10/377/CP - | No Call-in |
| 19. 10/378/CP - | No Call-in |
| 20. 10/379/CP - | No Call-in |

21. Jaci Douglas left the meeting.

22. 10/380/CP - The decision was to call-in the application for the following reason :
- The current Section 42 application is directly linked to a planning permission which was previously granted by the Cairngorms National Park Authority. The proposal is considered to be of significance to the aims of the National Park.

23. I0/381/CP - No Call-in
24. I0/382/CP - No Call-in
25. I0/383/CP - No Call-in
26. I0/384/CP - No Call-in
27. I0/385/CP - No Call-in
28. I0/386/CP - No Call-in
29. I0/387/CP - No Call-in
30. I0/388/CP - No Call-in
31. I0/389/CP - No Call-in
32. I0/390/CP - No Call-in
33. I0/391/CP - The decision was to call-in the application for the following reason :
- The proposed wind energy development is within an area of great landscape value (AGLV). It is considered to raise issues in relation to natural heritage, landscape impact and economic development and is therefore considered to be of significance to the aims of the National Park.
34. I0/392/CP - The decision was to call-in the application for the following reason :
- This proposal is for recreational activities on land which is within a woodland setting. The proposal is considered to raise issues of significance to the aims of the National Park with regard to natural heritage, landscape, trees, promoting the enjoyment of the area and also in relation to the economic development of the area. Consequently, the proposal raises issues of general significance with regard to the collective aims of the National Park.
35. I0/393/CP - No Call-in
36. I0/394/CP - No Call-in
37. I0/395/CP - No Call-in
38. I0/396/CP - No Call-in
39. I0/397/CP - No Call-in
40. I0/398/CP - The decision was to call-in the application for the following reason :
- The proposed site is located outside the settlement boundary of Blair Atholl, on land which is at the western entrance to the village. The proposed development is considered to raise issues of general significance to the aims of the National Park, particularly in terms of landscape impact, housing policy and the social and economic development of the area.
41. I0/399/CP - No Call-in

COMMENTING ON APPLICATIONS NOT CALLED-IN BY THE COMMITTEE

42. The Members wished to make comments to the Local Authorities on the following Planning Application No's 10/371/CP, 10/373/CP, 10/377/CP, 10/379/CP, 10/384/CP, 10/385/CP, 10386/CP, 10/387/CP & 10/396/CP. The planning officers noted these comments and were delegated with the responsibility of whether or not to submit the comments to the Local Authorities.

AGENDA ITEM 6:

**REPORT ON CALLED-IN PLANNING APPLICATION FOR FORMATION OF A TEMPORARY SITE CONSTRUCTION COMPOUND AND ASSOCIATED WELFARE AND ACCOMMODATION FACILITIES IN CONNECTION WITH THE BEAULY - DENNY 400KV OVERHEAD ELECTRICITY TRANSMISSION LINE
AT DALWHINNIE LORRY PARK, DALWHINNIE
(PAPER 1) (10/264/CP)**

43. Duncan Bryden informed Members that Richard Higgins, Agent from CKD Galbraith, was available to answer any questions.
44. Mary Grier presented a paper recommending that the Committee approve the application subject to the conditions stated in the report.

45. The Committee were invited to ask the Planning Officer points of clarification, the following were raised:
- a) Had any discussion taken place regarding a bond to secure the restoration of the site. Don McKee responded that this issue could be addressed with the Applicant.
 - b) The proposed new parking arrangements for Lorries, behind the garage, and if this required planning permission. Mary Grier responded that if it constituted a change of use then it would require permission.
 - c) The proposed use of the site after the compound was no longer required. Mary Grier responded that the future use of the site would be for the land owner to decide.
 - d) Given the sites proximity to the river, would Condition 7 cover surface water produced by the washing of equipment. Mary Grier responded that an environmental management plan had been submitted, and condition 7 would necessitate a more elaborate version of this which would incorporate this issue and the Condition would strengthen the need to adhere to the plan.
 - e) What measures had been taken by the Applicant in choosing the location of the site and minimising the impact of the site on the National Park. Don McKee responded that pre-application discussions had taken place with the CNPA regarding the location of the site.
 - f) The requirement for lighting on the site and the need for any impact to be minimised. Mary Grier advised that an additional condition could be included to cover this issue.

46. Richard Higgins, Agent, was available to answer questions.

47. The Committee were invited to ask questions and the following points were raised:
- a) Background information and context regarding the development and CKD Galbraith's role in the process.
 - b) What measures had been taken by the Applicant in choosing the location of the site and minimising the impact of the site on the National Park.
 - c) The proposed lorry parking and long term arrangements in Dalwhinnie. Members requested that reference be made to the future arrangements 'post site' in Advice Note 2.
 - d) The Applicants amenability to a bond for securing the restoration of the site.
 - e) Had any discussion been undertaken with the Police regarding lorry parking if the snow gates were closed. It was advised that this matter was outwith planning, however, there was another lorry park at Newtonmore which could be used and that discussions had taken place between the Applicant and Highland Council Roads Authority.
 - f) Clarification if any further applications would be forthcoming for this type of development associated with the Beauly to Denny Transmission Line. Richard Higgins confirmed that there were no other applications planned.

48. Duncan Bryden thanked Richard Higgins.

49. The Committee discussed the application and the following points were raised:
- a) The need for a bond to secure the restoration of the site and the timescale involved in preparing the bond.
 - b) The bond being secured by either a Section 75 Legal Agreement or a suspensive condition. Don McKee responded that a restoration plan would be required in order to judge the amount of the bond, and the issue would require discussion with the Applicant. Don McKee advised that a Section 75 Legal Agreement would take

some time to prepare and would have to be signed off prior to any Decision Notice being issued, whereas, a suspensive condition would allow the Decision Notice to be issued fairly quickly and no works could take place on site until the bond was in place.

c) The need for a bond being a reasonable request to make on the Applicant.

50. The Committee agreed to approve the application for the reasons stated in the report with additional conditions covering:

- Lighting on the site and minimising the impact of light pollution.
- A suspensive condition requiring a bond based on the estimated cost of restoring the site.

AGENDA ITEM 7:

REPORT ON CALLED-IN PLANNING APPLICATION FOR FORMATION OF A TEMPORARY SITE CONSTRUCTION COMPOUND AND ASSOCIATED WELFARE AND ACCOMMODATION FACILITIES IN CONNECTION WITH THE CONSTRUCTION OF BEAULY-DENNY 400KV OVERHEAD ELECTRICITY TRANSMISSION LINE AT LAND TO THE EAST OF SPEY DAM, LAGGAN (PAPER 2) (10/239/CP)

51. Duncan Bryden informed members that a letter of representation had been received within the required timescales and had been circulated to Members.

52. Mary Grier presented a paper recommending that the Committee approve the application subject to the conditions stated in the report and with 1 additional condition covering lighting and a suspensive condition requiring a bond based on the estimated cost of restoring the site.

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

- a) Where road access was to be taken to the site. Mary Grier confirmed that access would be taken from Strathmashie. This information was included in the Traffic Management Plan which had been approved in the Beauly to Denny Transmission Line permission and would have to be adhered to.
- b) The existing caravan park nearby and if this been considered as an option for locating the caravans. Mary Grier responded that accommodation requirements had been discussed with the Applicant and that the caravans were required on site due to personnel working in remote and difficult locations and to cut down on their travel time to and from work.

54. Richard Higgins, Agent, was available to answer questions.

55. The Committee were invited to ask questions and the following points were raised:

- a) The numbers of caravans required to be located on the site. Richard Higgins advised that the caravans were required for temporary workers who may be needed on site, and that they would not be a permanent accommodation solution.

56. The Committee agreed to approve the application subject to the conditions stated in the report with additional conditions covering:

- Lighting on the site and minimising the impact of light pollution.

- A suspensive condition requiring a bond based on the estimated cost of restoring the site.

**AGENDA ITEM 8:
REPORT ON CALLED-IN PLANNING APPLICATION FOR ERECTION OF
DWELLINGHOUSE (CHANGE OF HOUSE TYPE)
AT PLOT 13, INVERCAULD GARDENS, BRAEMAR
(PAPER 3) (10/331/CP)**

57. Mary Grier presented a paper recommending that the Committee approve the application subject to the conditions stated in the report.
58. Mary Grier advised that John MacPherson, representative of Braemar Community Council, was unable to attend the meeting but had provided photos of the site and general area which were presented to the Committee as part of a powerpoint presentation.
59. The Committee discussed the application and the following points were raised:
- a) The context of the photos submitted by Braemar Community Council.
 - b) The visual impact of the proposal when viewed from local walking routes.
 - c) The proposed design of the dwelling and the contrast between it and the existing granite and slate houses in the locality.
 - d) Existing wooden dwellings in Braemar – the concentration of them in the east of Braemar, their usual location towards the rear of properties and the dwellings not being highly visible.
 - e) The development being contrary to planning policies (Scottish, Aberdeenshire Structure Plan and CNP, National Parks and Local Plan) by not enhancing or complementing the local identity of the built and historic environment of the location. The application failing to conserve and enhance the cultural heritage of the area. The dwelling not being well sited or properly designed to fit in with its surroundings. The dwelling not enhancing or complementing the landscape in this area of the Park.
 - f) The dwelling being prominently sited on a main approach to Braemar.
 - g) Any forthcoming application on the adjacent Plot 12 and what development potentially could be proposed on the site.
 - h) The history of Braemar as a settlement. Braemar being two separate villages, Castleton and Auchendryne, united into one village. Castleton being predominantly granite and slate buildings and Auchendryne being more rustic with the inclusion of wooden bothies located in gardens.
 - i) It was queried if any wooden bothies were located in the Castleton area of Braemar. Mary Grier stated that the photos included in the presentation had mostly been taken in Chapel Brae and Broombank Terrace located in the Auchendryne area.
 - j) An existing wooden dwelling located at the start of the Cromlins walking route and its appropriate colour and setting against the trees behind it. In contrast to the proposed dwelling, which has no background setting and would stand starkly against the existing granite buildings.
 - k) The larger scheme approved by the CNPA for the Invercauld Gardens site with proposed stone and slate buildings. Concern that the adhoc development of plots would have a negative impact on the visual cohesion of the overall development.
 - l) The design of the building being good but not appropriate for this location.

- m) The proposed colour of the dwelling not being in keeping with other buildings in the vicinity.
- n) The timber construction and colour of the former bus station building located close to the site.
- o) Planning Officials had not given sufficient weight to the comments provided by Braemar Community Council. Don McKee responded that the Planning Officer had considered the Community Council response along with other factors.
- p) Don McKee stated that a lot of focus had been on the colour of the dwelling shown on the submitted drawing rather than the building itself. He advised that the Planning Officials felt that the proposed dwelling was more in keeping with the local vernacular, than other dwellings in the area that had been approved in more recent times. He advised that the dwelling previously approved on the site was to be a buff pink colour and not granite gray, as other buildings in the area and a condition was proposed to allow the colour of the walls and roof of the proposed building to be agreed so that it could complement the surroundings.

60. Brian Wood proposed a Motion to Refuse the application due to the proposed dwellinghouse being in a prominent location on the edge of a larger development site and the proposed design and materials are not compatible with the character of the approved scheme or existing buildings on the site. The proposal is therefore be contrary to the strategic objectives of the Cairngorms National Park Plan in respect of landscape, built and historic environment; Policy 11 of the Aberdeen and Aberdeenshire Structure Plan 2001 which requires developments to be well sited and properly designed to fit their surroundings; and Cairngorms National Park Local Plan Policy 6 Landscape, Policy 11 The Local and Wider Cultural Heritage of the Park, and Policy 16 Design Standards for Development as it does not reflect the local vernacular or complement and enhance the landscape character or its setting. This was seconded by Geva Blackett.

61. No Amendment was proposed.

62. The Committee agreed to refuse the application for the reasons given above.

AGENDA ITEM 9:

UPDATE REPORT ON PLANNING SERVICE IMPROVEMENT PLAN 2010 – 2011 (PAPER 4)

63. Murray Ferguson, Director of Sustainable Rural Development, presented an update report on the Planning Service Improvement Plan 2010 – 2011, including a planning feedback forum and work on the user orientated service. He advised that the plan would cover a 4 month period until March 2011, when work would start on the next Service Improvement Plan. Murray Ferguson also proposed that an additional action be included in the Plan to promote a review of information on the CNPA website and the language used in planning reports and correspondence.

64. Murray Ferguson advised that should the Committee approve the Plan, the next steps would be to forward it to the Scottish Government and commence the implementation of the Plan.

65. The Committee discussed the report and the following points were raised:

- a) Welcoming the implementation of the planning feedback forum, with the inclusion of community interest groups.
 - b) The two different types of community groups – location specific and communities of interest – and the need to include both in the feedback forum.
 - c) The timescales of the proposed action points and whether the Plan was deliverable.
 - d) Welcoming the proposal for Design Awards.
 - e) The need for the milestones to be ‘smartened up’ in the next Plan.
 - f) The importance of planning to be seen as a development tool and of increased public understanding.
 - g) Investment in pre-application advice being beneficial to bringing forth a competent planning application.
 - h) The need for Local Authorities to ensure that applications are competent and professional at the validation stage, ensuring a more efficient means of working.
 - i) The need for Developers and Agents to recognise and acknowledge the culture change occurring in the planning system.
 - j) The move towards the online Call-in report and need for contingency plans should technical problems be experienced.
66. The Committee agreed the Service Improvement Plan for submission to the Scottish Government and that the Plan will be reviewed in March 2011.

AGENDA ITEM 10:

UPDATE REPORT ON AN CAMAS MÒR (PAPER 5)

67. Don McKee, Head of Development Management, presented an update report on the An Camas Mòr development and progress to date.
68. Don McKee advised that some progress had been made since the update report had been issued;
- The Applicant has started worked towards establishing a public/private partnership and he and others would be attending a meeting the following week to discuss this further.
 - A meeting had taken place last week between the Applicants’ design team and CNPA Staff, which he understood had gone well.
 - He had met with the Applicant this week to discuss various aspects of the discharge of conditions on the outline planning permission (decision granted 11 June 2010), but the substantive progress will only happen when there is proper focus on the Masterplan and the CNPA have a clear programme and timetable from the applicant.
69. The Committee discussed the report and the following points were raised:
- a) The need for the community consultation to include communities of interest as well as location specific community groups. Don McKee responded that this issue had been discussed with the Applicant and both groups would be included in the consultation.
 - b) The significance of the development not just for the local area but for the Park as a whole.
 - c) The need for the CNPA to have the resources available for pre-application advice to dovetail in with the work programme of the Applicant. Don McKee replied that an internal co-ordination team had been set up to discuss progress and was meeting on

a regular basis, however, CNPA require a copy of the Applicants work programme (once prepared) to ensure that staff resources can be available to engage in this process and make a constructive contribution.

- d) The work being undertaken by the Applicant with the Highland Housing Alliance to provide housing for local people.

70. The Committee noted the contents of the report.

AGENDA ITEM 11: ANY OTHER BUSINESS

71. Fiona Munro, CNPA Housing Officer, advised the Committee that she had been approached by the Grampian Housing Association who are dealing with the sale of low cost home ownership properties in Braemar (2 houses) and Tomintoul (1 house). Due to the current economic climate and banks not being as willing to lend, they are experiencing difficulty in finding buyers for these properties. Fiona Munro advised that the properties were about to be re-advertised for sale and if Members knew of anyone who may be interested in purchasing to contact either herself or Judith Sutherland at the Grampian Housing Association. If the properties could not be sold through the low cost home ownership scheme, there was a way they could be converted to rental properties, however, this would require a housing association grant and at the moment there was a lack of funds to provide these grants.

72. Geva Blackett informed Members of a local person who would have liked to buy one of the Braemar properties, however, because he was a single person and the property was 3 bedroomed the Scottish Government would not permit him to buy the house - despite protestations from the Community and the Housing Association. This meant there was under occupation of the house.

73. Marcus Humphrey stated that Aberdeenshire Council were in the process of reviewing their housing allocation policy and queried how this fitted with the current situation.

74. Fiona Munro clarified that Aberdeenshire Council had 'front funded' the houses, due to lack of public investment available at the moment. As Aberdeenshire Council had lent the Housing Association the money to complete the properties they retained 100% nomination on the houses.

75. Fiona Munro clarified that if the properties were not sold, they would not be sold on the open market. If the houses remained unsold, the Housing Association wished to convert them to rental properties, but there were specific criteria set by the Scottish Government that must be met prior to the conversion.

76. Geva Blackett queried if the houses were converted to rental properties, would anyone on the Aberdeenshire Council housing waiting list be able to apply to live in them Fiona Munro confirmed that this was the case.

77. The Committee Convenor advised that the Determination Meeting on the 10th December 2010 in Boat of Garten would commence at 10.00am and not 10.30am.

AGENDA ITEM

DATE OF NEXT MEETING

78. Friday 26th November 2010 at 10.30am The Community Hall, Nethy Bridge.

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

80. The meeting concluded at 1.15pm.