

CAIRNGORMS NATIONAL PARK AUTHORITY

MINUTES OF THE PLANNING COMMITTEE

held at The Community Hall, Boat of Garten
on 14 October 2011 at 10.30am

PRESENT

Duncan Bryden
Angela Douglas
Jaci Douglas
Dave Fallows
Katrina Farquhar
David Green

Kate Howie
Eleanor Mackintosh
Ian Mackintosh
Willie McKenna
Gordon Riddler
Allan Wright

IN ATTENDANCE:

Don McKee
Mary Grier
Andrew Tait

Robert Grant
Pip Mackie

APOLOGIES:

Peter Argyle
Marcus Humphrey
Gregor Hutcheon

Mary McCafferty
Gregor Rimell
Brian Wood

AGENDA ITEMS 1 & 2:

WELCOME AND APOLOGIES

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

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AGENDA ITEM 3:

MINUTES & MATTERS ARISING FROM THE PREVIOUS MEETING

3. The minutes of the previous meeting, 16 September 2011, held at The Community Hall, Boat of Garten were approved subject to an amendment to remove Dave Fallows and Kate Howie from the list of attendees as they had both submitted apologies.
4. There were no matters arising.
5. The Convener provided an update on the Action Points from the previous meeting:
 - Action Point at Para. 18: Completed.
 - Action Point at Para. 34: Completed.
 - Action Point at Para. 48: Completed.

AGENDA ITEM 4:

OUTCOME OF ELECTRONIC CALL-IN

6. The content of the Outcome of the Electronic Call-ins held on 16 & 30 September 2011 were noted.

AGENDA ITEM 5:

DECLARATION OF INTEREST BY MEMBERS ON ANY ITEMS APPEARING ON THE AGENDA

7. Jaci Douglas & Dave Fallows, declared a direct interest in Item No. 6 (Paper 1) on the Agenda, due to being Highland Councillors.
8. Willie McKenna declared a direct interest in Item No. 6 (Paper 1) on the Agenda, due to being a member of the Aviemore Development Company.
9. Dave Fallows declared a direct interest in Item No. 11 (Paper 6) on the Agenda, due to being a member of the Highland Council Planning Committee.

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AGENDA ITEM 6:

REPORT ON CALLED-IN PLANNING APPLICATION FOR CONSTRUCTION OF A SYNTHETIC PITCH, ERECTION OF 5 METRE BOUNDARY FENCE, 8 X 16 METRE FLOODLIGHTING COLUMNS AND SITING OF METAL STORAGE CONTAINER AT LAND TO EAST OF FOOTBALL PITCH, BIRCH ROAD, AVIEMORE (PAPER 1) (2011/0216/DET)

10. Duncan Bryden informed Members that there was an issue with quorum for the application. He advised that quorum for the Planning Committee was usually 10 Members. However, due to the declarations of interest and unexpected apologies given, there would only be 9 Members present for the item. Duncan Bryden proposed suspending Standing Orders to allow a determination decision to be taken on the application. In order to proceed, two thirds of the Members present would have to agree to the suspension of Standing Orders. Members agreed to suspend Standing Orders and to proceed to determine the application with 9 Members present.
11. Jaci Douglas, Dave Fallows & Willie McKenna declared an interest and left the room.
12. Robert Grant presented a paper recommending that the Committee approve the application subject to the conditions stated in the report and also agree to a letter being sent, expressing the Committee's disappointment at the retrospective nature of the application.
13. The Committee were invited to ask the Planning Officer points of clarification, the following were raised:
 - a) Whether or not any provision had been made for spectator facilities. Robert Grant responded that there was 3m (approximately) strip of land surrounding the pitch and this could be utilised by spectators to view proceedings.
 - b) The submitted lighting plan and how this was interpreted with regard to light distribution. Robert Grant advised that the plan indicated how the light from the proposed floodlights would be disseminated, with 0 being no light overspill.
 - c) Further potential for incorporating spectator viewing facilities. Robert Grant advised that there was some open land to the south of the application. However, the site was quite constrained with existing landscaping.
 - d) The possibility of the colour of the lighting poles (covered in Condition 3) being agreed with the CNPA.
 - e) Concern about producing a definitive list of options for informal public use. Robert Grant stated that it was envisaged that the facility would be closely supervised and could be monitored by the use of a booking system. Don McKee responded that the responsibility for the management of the facility including any booking system would rest with the Highland Council and was not necessarily a planning consideration.

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- f) The proposed size and timescale for providing of the additional grassed area. Robert Grant responded that no timescale had been specified but it was envisaged that works would begin on the synthetic pitch within the next 2 / 3 months.
 - g) Clarification that should any problems be encountered with providing the additional grassed area, these would be reported back to the Planning Committee. Don McKee advised that if an Applicant could not comply with any condition attached to a permission it would have to be brought back before the Planning Committee.
 - h) Disappointment that although the proposed pitch was up to Scottish Football League (SFL) standard, no adequate spectator provision had been included. Robert Grant indicated the constrained nature of the site, which had been utilised to maximise the size of the pitch up to SFL standard and in turn this had reduced the ability to include provision for spectators.
 - i) The positive impact of a recent synthetic pitch installed in Angus and the close management of the facility by the Local Authority. The increased year round usage of a synthetic pitch as opposed to a grassed pitch.
 - j) The possibility of including a condition that spectator provision be investigated further.
14. The Committee agreed to approve the application subject to the conditions stated in the report, with the following amendments:
- Condition 3: The colour of the lighting poles to be agreed with the CNPA.
 - Condition 7: The wording being tightened regarding informal use of the pitch and the management of the facility including litter / toilet provision.
 - Additional Condition: The Applicant to further investigate the possibility of both seated and standing spectator provision.
15. The Committee agreed to a letter being sent expressing the Committee's disappointment at the retrospective nature of the application.
16. **Action Points arising:** The Planning Officials to send a letter expressing the Committee's disappointment at the retrospective nature of the application.
17. Jaci Douglas, Dave Fallows & Willie McKenna returned.
18. David Green left the meeting.
19. Duncan Bryden obtained Members agreement to reinstate the Planning Committee Standing Orders.

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AGENDA ITEM 7:

REPORT ON CALLED-IN PLANNING APPLICATION FOR ERECTION OF 2 HOUSES (REVISED PROPOSAL) AT LAND TO REAR OF 129 GRAMPIAN ROAD, AVIEMORE (PAPER 2) (2011/0245/DET)

20. Mary Grier presented a paper recommending that the Committee approve the application subject to the conditions stated in the report.
21. The Committee were invited to ask the Planning Officer points of clarification, the following were raised:
- a) How the requirement for landscaping to the front of Shelter Stone was linked to the proposed development. Mary Grier advised that the Listed Building classification also covered the overall setting of property and previously there had been a traditional garden frontage. She also informed Members that the Planning Officer's recommendation for the first application on the site (in 2008) had been to refuse the proposal for 8 flats and for the Committee to consider taking enforcement action to restore the land to the front of the Shelter Stone. Mary Grier advised that the Committee decided not to undertake enforcement action on the understanding that any future application for the site would include enhancement measures for the frontage.
 - b) The increase in the separation distance from 7 metres to 9 metres between the rear elevations of the proposed development and the boundary fence at the rear of the site. Mary Grier advised that the increase in distance had been to take account of neighbouring residents concerns about the proximity of the development.
 - c) The advice given to the Applicant regarding separation distance. Mary Grier stated that the minimum separation distance required between residential properties was 18 metres, which would mean locating the proposed dwellings a minimum of 7 metres from the boundary fence. However, given continuing concerns from neighbouring properties and taking account of the rise in ground levels, it was proposed that an increased distance of 9 metres would address the issue without adversely affecting the proposed development.
 - d) With the proposed dwellings being moved forward on the site were the parking and manoeuvring requirements (as specified in Condition 3 Paragraph 4) still achievable. Mary Grier responded that there would still be adequate provision.
 - e) Clarification of where the eastern boundary fence would be relocated. Mary Grier indicated on the site plan where the fence was proposed to be located.
 - f) Clarification of the surfacing treatment proposed to the immediate rear of the Shelter Stone building. Mary Grier responded that it was proposed to use tarmac.
 - g) Clarification if the proposed dwellings were parallel to the existing dwellings on Craig na Gower Avenue. Mary Grier responded that they were parallel to No. 27 (other properties are gable ended).

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- h) Clarification of how much further up in the roof it was proposed to relocate the velux windows. Mary Grier responded that it would be the subject of discussion between the Planning Officials and the Architect. However, a distance of 0.5 metres was proposed. This would allow the dwellings to benefit from natural light without issues of overlooking.
 - i) The existing frontage of the Shelter Stone and how this could be improved. Mary Grier responded that prior to 2008 the frontage had a more traditional garden appearance and included soft landscaping. Since this point the ground had completely been taken over by a hard surfaced car parking area with limited soft landscaping round the perimeter. Whilst recognising the need to provide a car parking area to service the business, it was envisaged to achieve a compromise between accommodating car parking and more sensitive overall surface finishes and further landscaping improvements.
 - j) Concern about the improvements being proposed to the front of the Shelter Stone whilst the unattractive 'Bothy' extension remains in situ.
 - k) An explanation of the rationale behind relocating the velux windows and concern about having a window that you can't look out from. Mary Grier responded that the velux windows were a compromise, as previous applications for the site had not included any windows on the rear elevation.
 - l) Concern about the large area of hard standing to the immediate rear of the Shelter Stone. Mary Grier advised that hard standing had been in this location for some time and that it may not be practical to change the area. However, the area could be softened by using some higher quality finishings.
22. The Committee agreed to approve the application subject to the conditions stated in the report and the completion of a Planning Obligation agreement to secure the payment of developer contributions towards affordable housing, primary education and secondary education or the payment of the required developer contributions in advance of the release of the decision notice.

23. **Action Points arising:** None.

**AGENDA ITEM 8:
REPORT ON CALLED-IN PLANNING APPLICATION FOR ERECTION OF 10
VILLAS ON PLOTS 11 TO 20 WITH ASSOCIATED WORKS (PHASE 3)
AT LAND AT HIGH BURNSIDE, AVIEMORE
(PAPER 3) (2011/0217/DET)**

24. Mary Grier presented a paper recommending that the Committee approve the application subject to the conditions stated in the report.

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25. The Committee were invited to ask the Planning Officer points of clarification, the following were raised:
- a) Had any detailed information been submitted on the proposed equipment to be provided in the play space. Mary Grier advised that no specific information was currently available. However, it was a requirement of Condition 6 for this information to be submitted and agreed with the CNPA prior to the commencement of the development.
 - b) A query regarding the proposed provision of the stone boundary retaining walls between some of the properties. Mary Grier confirmed that it was to do with the site levels and that they were retaining walls which would be built to ground level, normal boundary treatments would be erected on top of the walls.
 - c) Clarification of the materials being proposed for the retaining walls. Mary Grier responded that it was proposed to use the same stone as used in the base course of the houses and then capped where necessary.
 - d) The necessity for the landscaping to be carried out expediently. Mary Grier responded that Condition 4 had been developed in consultation with the CNPA Landscape Officer to allow for the works to be carried out as soon as possible. Mary Grier informed Members that there was also an Advice Note proposed regarding this issue.
 - e) A 'kick about area' being included in the overall site masterplan. Mary Grier confirmed that this area was still proposed as part of the phasing works on the lower site and attention could be drawn to this by an Advice Note.
 - f) Clarification if the proposed house types reflected existing dwellings already built on the site. Mary Grier confirmed that they were and the house plots were orientated to take advantage of the surrounding views.
 - g) The possibility of strengthening Condition 6 regarding the play space with a requirement to look at sensitive use of materials and an innovative design for the National Park setting.
 - h) An additional Advice Note requiring the Applicant to look at adequate on site recreation opportunities in both the informal and formal play spaces of the site.
26. The Committee agreed to approve the application subject to the conditions stated in the report, with the following amendments:
- Additional Advice Note: Requiring the Applicant to look at adequate on site recreation opportunities in both the informal and formal play spaces of the site.
 - Condition 6: The inclusion of a requirement to look at the sensitive use of materials in the play space and an innovative design for the National Park setting.

27. **Action Points arising:** None.

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AGENDA ITEM 9:

REPORT ON CALLED-IN PLANNING APPLICATION FOR CONSTRUCTION OF REPLACEMENT FOOTBRIDGE, SHORT LENGTHS OF NEW ACCESS PATH TO LINK NEW BRIDGE TO EXISTING PATHS; RE-DIRECTION OF EXISTING POWER CABLE ONTO NEW BRIDGE & REMOVAL OF EXISTING BRIDGE.

**AT REPLACEMENT FOOTBRIDGE 32M NW OF STRATHLYNN, ARDBROILACH ROAD, KINGUSSIE
(PAPER 4) (2011/0246/DET)**

28. Robert Grant presented a paper recommending that the Committee approve the application subject to the conditions stated in the report.
29. The Committee were invited to ask the Planning Officer points of clarification. No points were raised.
30. The Committee agreed to approve the application subject to the conditions stated in the report.
31. **Action Points arising:** None.

AGENDA ITEM 10:

REPORT ON CALLED-IN PLANNING APPLICATION FOR AGRICULTURAL SHED

**AT ASHFIELD, DRUMGUISH, KINGUSSIE
(PAPER 5) (11/097/CP)**

32. The Convener informed Members that a request to address the Committee had been received, within the given timescale, from:
- Objector(s) – John Barton
33. The Committee agreed to the request.
34. Robert Grant presented a paper recommending that the Committee approve the application subject to the conditions stated in the report.
35. John Barton, Objector, was invited to address the Committee. The presentation covered the following points:
- The shallow pitch of the shed roof.
 - The limited timber cladding being proposed.
 - The inappropriateness of a commercial building being located within a residential village curtilage.

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- The use of the garden ground for storing machinery and other building supplies.
 - The proposed shed not being large enough to store all the machinery currently located on the site.
 - The adverse visual impact the shed will have to users of the area, particularly when viewed from popular walking routes.
36. The Committee were invited to ask questions of the speaker. No questions were asked.
37. Duncan Bryden thanked the speaker.
38. The Committee discussed the application and the following points were raised:
- a) The pitch of the roof being adequate to cope with adverse weather conditions particularly snow. Duncan Bryden advised that the structural soundness of a building was not a planning matter. Robert Grant stated that the Agent had confirmed that the pitch was at 12.5% and had been designed as such to maximise the usable area of the building.
 - b) The pitch of the roof being an individual choice by the developer.
 - c) The differences between the build specifications for agricultural and industrial buildings.
 - d) The reduced scale of the proposed shed now being acceptable and thanking the Planning Officer for the work on the application.
 - e) The possibility of conditioning the immediate curtilage associated with the shed for agricultural use only.
39. The Committee agreed to approve the application subject to the conditions stated in the report.
40. **Action Points arising:** None.

**AGENDA ITEM 11:
REPORT ON CONSULTATION FROM SCOTTISH GOVERNMENT ON
ADDITIONAL ENVIRONMENTAL INFORMATION FOR APPLICATION
UNDER SECTION 36 ELECTRICITY ACT 1989:
CONSTRUCTION OF 31 TURBINE WIND FARM
AT ALLT DUINE, KINCRAIG
(PAPER 6)**

41. Dave Fallows declared an interest and left the room.
42. Andrew Tait presented an update report on the consultation and a recommendation to amend reason 1 on the previously submitted objection.

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43. Andrew Tait advised that if agreed the consultation response would be submitted to the Scottish Government and copied to Highland Council. He advised that Highland Council were due to submit their response next month.
44. The Committee were invited to ask the Planning Officer points of clarification. No points were raised.
45. The Committee agreed that the amended response of Objection be submitted.
46. **Action Points arising:** The consultation response to be submitted to both the Highland Council and the Scottish Government.
47. Dave Fallows returned.

AGENDA ITEM 12: REPORT ON REVIEW OF PLANNING CALL IN ARRANGEMENTS (PAPER 7)

48. Don McKee presented a report on the review of planning call-in arrangements.
49. The Committee discussed the report, the following points were raised:
 - a) The low response rate from Members being unacceptable, responding to the Call-in report was an integral part of a Members responsibility. Duncan Bryden urged Members to participate and submit any apologies when necessary.
 - b) The message forum currently being trialled and the lack of reference to it in the report.
 - c) The need to further investigate options for transparency to enable the public to view the comments Members have submitted to the Planning Officials. Duncan Bryden advised that there should be less debate due to the clear Local Plan policies and guidelines which were widely consulted upon.
 - d) The need for the comments submitted to the Local Authorities to be circulated to Members. Don McKee confirmed that these could be included in the Outcome of the Call In Report which is circulated to various interested parties.
 - e) IT connection problems occasionally experienced, due to bandwidth issues, making it difficult to access the online presentation. Don McKee requested that Members should let the Planning Officials know of any connection difficulties.
 - f) The short timescale Members have to view the presentation and submit comments. Don McKee responded that although it was a tight timescale the Planning Officials endeavoured to make the presentation available for viewing as soon as practicable.
 - g) The items being discussed would not be issues if the CNPA were a full Planning Authority.

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- h) The possibility of amending the Planning Officers recommendation on the Call In Report to reflect the Call In decision the Committee had made, prior to circulation with the Outcome of Call In Report.

50. The Committee accepted the report for information purposes.

51. **Action Points arising:**

- Planning Officials to ensure that the comments submitted to the Local Authorities on planning applications are included in the Outcome of the Call In Report.
- Planning Officials to highlight on the Call In Report that the Officer recommendation was produced prior to the Call In presentation becoming available and that for the updated recommendation the online presentation should be viewed.

AGENDA ITEM 11 ANY OTHER BUSINESS

52. Duncan Bryden informed Members that the public consultation on the National Park Plan & Local Development Plan Main Issues Report was currently underway and Members should be aware of the public meetings they were scheduled to attend.

53. Duncan Bryden advised Members that the Planning Application for housing at Boat of Garten was scheduled to be determined at the Planning Committee in November.

54. Don McKee informed Members that the Applicant had submitted a Capercaillie mitigation report and that the Planning Officials had consulted various interested parties, including SNH, and Representatives on the information. He advised that the CNPA were currently carrying out an Appropriate Assessment on the report. He informed Members that the meeting would take place at The Community Hall, Boat of Garten.

55. **Action Points arising:** None.

AGENDA ITEM 12: DATE OF NEXT MEETING

56. Friday 11 November 2011 at The Community Hall, Boat of Garten.

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

58. The public business of the meeting concluded at 12:45pm.