

# 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 16 January 2015 at 11.00am

#### Present

Peter Argyle (Deputy Convenor)	Bill Lobban
Duncan Bryden	Eleanor Mackintosh (Convenor)
Paul Easto	Mary McCafferty
Kate Howie	Katrina Farquhar
Gregor Hutcheon	Fiona Murdoch
John Latham	Gordon Riddler
Angela Douglas	Gregor Rimell
Brian Wood	

#### In Attendance:

Simon Harrison, Head of Planning  
Fiona Murphy, Planning Officer, Development Management  
Peter Ferguson, CNPA Legal Advisor, Harper MacLeod LLP  
Matthew Hawkins, Landscapes & Ecology Manager  
Alix Harkness, Clerk to the Board  
Stephanie Lawrence, Planning Support Officer

#### Apologies:

Willie McKenna                      Jeanette Gaul  
Dave Fallows

#### Agenda Items 1 & 2:

##### Welcome & Apologies

1. The Convenor welcomed all present and extended the welcome to Sally MacKenzie who had recently joined the Cairngorms National Park Authority staff in the post of Ecology Advisor.
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, 19 December 2014, held at Albert Hall, Ballater were approved subject to the following amendments:
  - Para 11: Eleanor Mackintosh was not involved in the land in which the site of the application for the distillery extensions but a separate piece of land;
  - Para 6: Should be amended to read Marr Area Committee and not Marr Area Partnership;
  - Para24a: The Plan states that the fencing surrounds the entire site therefore this sentence needs to reflect this;
  - Para28: The reason for deferral was to allow the flood risk assessment to be reviewed and had nothing to do with fencing, to be amended to reflect this;
  - Para 40: To add in, Members concern around the works to the roads only starting from phase 2 and the risk that Phase 2 may never happen.
4. There were no matters arising.
5. The Convenor provided an update on the Action Points from the previous meeting:
  - Action Point at Para. 32: discharged;
  - Action Point at Para. 55: discharged;
  - Action Point at Para. 67: discharged;
  - Action Point at Para. 71: discharged;
  - Action Point at Para. 88: discharged.

### **Agenda Item 4:**

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

6. There were no interests declared.

### **Agenda Item 5:**

#### **Erect 24 wigwam holiday camping pods and associated works including access track drainage and water supply**

#### **At Land To South Of Main Street, South East Of Crown Estate Office, Tomintoul, Moray**

#### **(2014/0311/DET) (Detailed Planning Permission)**

7. The Convenor informed Members that a request to address the Committee had been received, within the given timescale, from:
  - Objectors – Edward Stuart and Mike Budd
8. The Committee agreed to the requests.
9. Fiona Murphy presented a paper recommending that the Committee approve the application subject to the conditions stated in the report.
10. The Committee were invited to ask the Planning Officer points of clarification, the following were raised:

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- a) Clarification was requested with regard to the existing woodland as from the photographs it looked like a majority of spruce with birch and rowan present. Fiona Murphy advised that the existing woodland is dense she added that it is mixed and classed as a broadleaf plantation.

11. Edward Stuart was invited to address the Committee. The presentation covered the following points:

- Born in Glenlivet, has lived half his life there and the other half in Tomintoul;
- Has a keen interest in community involvement, is Chair of the Tomintoul Community Association whose main effort was to get some development into the village which involved putting pressure on the Crown Estate;
- Tomintoul is the coldest place in Scotland yet has no official weather station. It has the wind chill factor as a result of the open landscape;
- The Crown Estate hold ultimate power of the land in Tomintoul;
- Is reluctant to be against the development as the village has had no other development;
- He showed a 1908 OS map slide and explained that the woodland was created to shelter the village from the snow coming off the hill;
- He proceeded to show a Google map and pointed out the woodland, the mile of trees, the woodland walk out of Tomintoul and advised that it had been thinned 3 times in the past. He also pointed out the areas of surrounding woodland that had recently been felled;
- He advised that the dense woodland boasts its own character and if this development was to go ahead it was unlikely that any more than 10% of the woodland could be saved;
- He drew Members attention to sections of the Master Plan for Tomintoul which states that the land to the north and south of village is not deemed suitable for development.

12. Mike Budd was invited to address the Committee. The presentation covered the following points:

- A resident of the village and agrees with Mr Stuart's concerns;
- The area that is deemed not suitable for development in the Local Plan is being proposed for development;
- Wade's Road woodland is gone and the site is a habitat for red squirrel and bats;
- Concern that the re-planting may never happen as the open vista of open space is more appealing to visitors than seeing trees;
- If the development goes ahead then gap will be opened up resulting in the village becoming less sheltered from the weather;
- Woodland in the area has already been destroyed;
- Should replacement woodland be planted it would take 15 years before the trees are mature enough to provide a habitat for the red squirrels and bats;

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- Suggested an alternative site which is located East of the Crown Estate office which was planned to house a caravan site which would then bring trade to the shops within the village;
  - Reiterated that wind blow is and would become an even bigger problem.
13. The Committee were invited to ask questions of the speakers and the following points were raised:
- a) In reference to condition 4 would ensuring that a scheme of compensatory planting was in place before the development begins help? Mr Stuart advised that it would take many years for them to grow to provide adequate shelter for the village;
  - b) Were they aware of any survey's having been carried out on red squirrels? Mr Budd advised that as recent as on 2<sup>nd</sup> January he had seen red squirrels on the site. He added that he thought the applicant was supposed to have carried out such a survey however he wasn't sure if they had.
14. The Convenor thanked the speakers.
15. The Committee discussed the application and the following points were raised:
- a) Has provision been made for overspill car parking and if so where? Fiona Murphy advised that only some of the wigwams had allocated car parking but that Moray Council had requested one parking space per wigwam. This had been addressed by condition. Fiona added that the wigwams are small structures and are designed to accommodate a double bed and sofa bed in them. .
  - b) What percentage of the existing trees would be removed on the site to give an indication of the number that would be compensated on a 3 to 1 basis? Fiona Murphy advised that the exact number of trees that would need to be removed is not known. Matthew Hawkins advised in relation to compensation planting that they would be looking for an area calculation based on the area being removed. He advised that he was not sure of the total area in question but stated that it must include access and service areas as well as the wigwam sites as well.
  - c) Would birch trees grow to the height of the cabins in 4-5yrs? Matthew advised that it would be between 5 and 10 years before the trees would grow to that height.
  - d) Matthew Hawkins advised that there was no scope for planting the compensatory woodland on site because this was already filled with woodland. He advised that the key criteria would be to look where it would be most effective, taking wind speed into account.
  - e) Could the location of the compensatory tree planting be imposed as a condition? Fiona Murphy advised that this would not be possible as the land does not belong to the Applicant.
  - f) Would the 3 to1 planting take place within the area? Fiona Murphy advised that there was an opportunity to improve the management of the woodland by providing additional planting.
  - g) In relation to red squirrels if a pre-construction check took place and animals were found, what happens to the planning process? Matthew advised that in that situation,

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if they were found to be located within disturbing distance the applicant would have to apply to SNH for a licence.

- h) The Agent who was in the audience, Mr Joe Geoghegan a Charter Town Planner with Grant and Geoghegan was invited to address the Committee to clarify the point surrounding the location of the compensatory planning. Mr Geoghegan advised that the Crown Estate had advised during discussions that they were open to having compensatory planting on the adjacent land surrounding the site for example as part of suspensive conditions. He added that this would give the CNPA the control to look at accommodating the re-planting outside of the site and within the site once the Forest Management Plan is in place.
  - i) Suggestion was made to defer the application until the Applicant could come up with a compensatory Planting Plan which could be viewed by the Planning Committee in advance of any decision.
  - j) Would want to know how the compensatory planting is going to help the village by providing it with shelter. A request that this issue is that taken into account for any plan coming forward. Fiona Murphy advised that in her opinion, condition 4 satisfies this request. Simon Harrison added that an amendment to the reason under condition 4 could address this.
  - k) A further suggestion was made to request that the Forest Management Plan include evidence that any new habitat creation is supportive of red squirrel habitat;
  - l) Is it possible to impose a condition that is for an activity out with the subject of the application? Peter Ferguson advised that conditions could be imposed however in this case the applicant differs from the land owner therefore a negative suspensive condition could be imposed.
  - m) Concern was raised with regard to the safety within the site, the fire safety within the wigwams with very little ventilation inside the structures and having no details of fire extinguishers etc. Fiona Murphy advised that this was not a planning issue.
  - n) GR – support deferral looking a density of wigwams, opportunity applicant and estate to look at land good opportunity
  - o) Would the detail of the Forest Management Plan, including location and volume need to be discussed be with CNPA staff? Simon agreed that it would and would need to be approved by CNPA staff.
  - p) Would like to have the compensatory planting to be linked to the village, to protect the village from wind chill and snow.
  - q) If the application was deferred would the negative suspensive condition be required? Peter Ferguson agreed that it would unless in the meantime the Applicant could demonstrate control of the land from land owner.
- 16. The Committee agreed that they were fully supportive of the scheme and the economic development that it would bring to the village. The Committee agreed to defer the application to allow the Applicant to discuss and obtain written agreement from the Crown Estate which would allow planting in the right place to deliver the correct outcomes: specifically to**

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shelter the village and to protect red squirrel habitat. The Committee agreed that they would like a swift turnaround for this application and would like to see it brought back to Committee at their next meeting.

17. **Action Points arising:** Planning Officer to advise the Applicant of reasons for deferral and ask them to carry out the discussions as requested by the Planning Committee in paragraph 16.

### **Agenda Item 6:**

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

**Change of house type designs approved by CNPA ref 2012/0187/DET for 30 no apartments (26 units at 1-25 Sluggan Drive, Aviemore and 4 units at 21-24 Granish Way, Aviemore At Sluggan Drive, Aviemore, Highland (2014/0345/DET) (Detailed Planning Permission)**

18. The Convenor informed Members that no request to address the Committee had been received.
19. Fiona Murphy presented a paper recommending that the Committee approve the application subject to the conditions stated in the report.
20. Simon Harrison drew Members attention to the requirement of adding an additional condition related to the provision of Affordable Housing. He advised Members that a small risk exists in that if the previously approved development does not start then the affordable housing would not be provided.
21. The Committee discussed the implications of not adding this additional condition and agreed that the Planning Officer should work up this condition and include it in the decision notice should the decision be to approve this application.
22. The Committee were invited to ask the Planning Officer points of clarification, the following were raised:
- a) Concern was raised regarding the removal of the porch as this could result in a loss of heat from the interior of the house. Fiona Murphy advised that the interior of the house is not a Planning Committee consideration;
  - b) Concern was raised regarding the proposed wooden steps going up to main door and the dangers associated with this when the weather is bad. Fiona advised that this would be considered and addressed through the issue of a building warrant;
  - c) Peter Ferguson requested clarification regarding whether solely the additional condition for the provision of Affordable Housing had been mentioned or was reference made to the possibility of putting a legal agreement in place also mentioned in discussions with the Applicant? Simon advised that Scottish Government policy encourages seeking a condition in the first instance and if it is deemed inappropriate then a legal agreement should be sought. He went on to advise that the difficulty with this application was as a result of the history of the site

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and numerous approved applications it was important to seek control for the provision of affordable housing.

23. The Committee agreed to approve the application subject the conditions stated in the report with the additional condition and/ or legal agreement for the provision of Affordable Housing.
24. **Action Points arising:** **Planning Officer to work up an additional condition/ legal agreement for the provision of Affordable Housing.**

### **Agenda Item 7:**

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

**Change of house type and orientation (approved on CNPA Ref: 2012/0187/DET)**

**At 5-12 Sluggan Drive, Aviemore**

**(2014/0349/DET) (Detailed Planning Permission)**

25. The Convenor informed Members that no request to address the Committee had been received.
26. Fiona Murphy presented a paper recommending that the Committee approve the application subject to the conditions stated in the report.
27. The Committee were invited to ask the Planning Officer points of clarification, the following were raised:
- a) Was a change of colour proposed as before? Fiona agreed that it was.
28. The Committee agreed to approve the application subject to the conditions stated in the report with the additional condition and/ or legal agreement for the provision of Affordable Housing.
29. **Action Points arising:** **Planning Officer to work up an additional condition/ legal agreement for the provision of Affordable Housing.**

### **Agenda Item 8:**

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

**Formation of no. 1 Bio-mass Boiler Housing Unit to serve housing development**

**At Land South East Of Millside House, Milton, Aviemore**

**(2014/0322/DET) (Detailed Planning Permission)**

30. The Convenor informed Members that Patrick Bell the Applicant's Legal Advisor was present and prepared to answer questions that the Committee had.
31. The Committee noted this.
32. The Convenor reminded Members that the Planning Committee that due to our procedures surrounding Call-In and applications associated with previous CNPA determinations, any subsequent applications on the site would be Called-In by the Cairngorms National Park Authority.

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33. Simon Harrison presented a paper recommending that the Committee approve the application subject to the conditions stated in the report.
34. The Committee agreed to approve the application for the conditions stated in the report.
35. **Action Points arising:** **None.**

### **Agenda Item 9:**

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

#### **Affordable house type substitutions to plots 12 - 15**

#### **At Land South East Of Millside House, Milton, Aviemore**

#### **(2014/0336/DET) (Detailed Planning Permission)**

36. The Convenor informed Members that Patrick Bell the Applicant's Legal Advisor was present and prepared to answer questions that the Committee had.
37. The Committee noted this.
38. Simon Harrison presented a paper recommending that the Committee approve the application subject to the conditions stated in the report.
39. The Committee agreed to approve the application subject to the conditions stated in the report.
40. **Action Points arising:** None.

### **Agenda Item 10:**

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

#### **Demolition of cottage and shed; erection of two houses**

#### **At Mains Of Curr Cottage, Dulnain Bridge, Highland**

#### **(2014/0190/PPP) (Planning Permission in Principle)**

41. The Convenor informed Members that informed Members the Applicant, Mr Andrew Norvall was present and prepared to answer questions that the Committee had.
42. The Committee noted this.
43. Simon Harrison presented a paper recommending that the Committee approve the application subject to the conditions stated in the report.
44. The Committee were invited to ask the Planning Officer points of clarification, the following were raised:
  - a) With reference to paragraph 28 of the report, the un-climbable stock proof fence, what type of fence is this likely to be? Aware that Transport Scotland are insisting on it. Simon Harrison advised that Condition 1j and Condition 4 addresses this and the suitability of it could include the wording appropriate to a rural setting/ location.
  - b) Clarification as to why in the Design Statement there is a shed included in the plans however in the other documents there is no mention of a shed? Simon Harrison advised that further details such as this would have to be ironed out as part of the



