

# 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 Friday 17<sup>th</sup> July 2015 at 11.00am

#### Members Present

Peter Argyle (Deputy Convenor)	John Latham
Rebecca Badger	Bill Lobban
Duncan Bryden	Eleanor Mackintosh (Convenor)
Angela Douglas	Willie McKenna
Paul Easto	Fiona Murdoch
Dave Fallows	Gordon Riddler
Katrina Farquhar	Gregor Rimell
Jeanette Gaul	Brian Wood
Kate Howie	
Gregor Hutcheon	

#### In Attendance:

Grant Moir, Chief Executive  
Murray Ferguson, Director of Planning and Rural Development  
Jane Shepherd, Planning Manager (Development Management)  
Gavin Miles, Planning Manager (Strategic Policy and Improvement)  
Katherine Donnachie, Planning Officer, Development Management  
Matthew Taylor, Planning Officer, Development Management  
Dee Straw, Planning Administration and Systems Officer  
Stephanie Lawrence, Planning Support Officer

**Apologies:** Judith Webb

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## **Agenda Items 1 & 2:**

### **Welcome & Apologies**

1. The Convenor welcomed all present.
2. Apologies were received from the above Member.
3. The Convenor noted that following the meeting the Planning Team had an informal session over lunch to promote good joint working between staff and members.

## **Agenda Item 3:**

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

4. The minutes of the previous meeting, 12 June 2015, held at the Albert Hall, Ballater were approved subject to the following amendment:
  - Angela Douglas left the room during Agenda Item 5 and did not return until the meeting concluded.
5. There were no matters arising.
6. The Convenor provided an update on the Action Points from the previous meeting:
  - Action Point at Para. 11: Discharged;
  - Action Point at Para. 26: Discharged. Letter was sent to SSE and a response has been received from the Project Director from SSE with a meeting organised for the week after next. The Committee will be kept informed.

## **Agenda Item 4:**

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

7. There were no interests declared.

## **Agenda Item 5:**

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

#### **Retention of section of track and bridge crossing over the River Pattack originally constructed as part of the Beauly to Denny power line upgrade at Land 690M SE of Birch cottage, Kinloch Laggan, Highland PH20 1BX (2015/0075/DET) (Detailed Planning Permission)**

8. The Convenor informed Members that a Representative from the Applicants, Mr Graham Prest, Forestry Commission was present to answer questions.
9. Matthew Taylor, Planning Officer 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:
  - a) Clarification was sought as to whether discussion has to take place between SSE and Scottish Government to allow setting aside the condition? Matthew responded that

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this was a stand-alone application from The Forestry Commission that could be determined today.

- b) Could it be conditioned that after completion the path be restored to a path only. This would make more sense in terms of use for the next 20-25 years. There was a price to be paid for a partial restoration. Matthew stated we have a clear opportunity for planning benefits to be gained through habitat improvements and plantation and the public access on a low key route.
  - c) Clarification was sought as to this being part of a larger forest area and to its wider usage for example, thinning or harvesting. It may be useful to better understand whether this is a route that would service wider operational uses and to understand the context. This route may be needed again even in 10 or 20 years' time. Was clarification given to Matthew on this point?
  - d) Clarification was sought as to the East Highland Way Route mentioned in Para 31. Is there a need for an advisory or a condition to identify this as a long term link once the route is further established? Matthew confirmed an opportunity to highlight this as an informative and would liaise with the Outdoor Access Officer in this regard.
11. Mr Prest was invited to answer the Committee with regard to the above clarification point (c)?
- Mr Prest confirmed this is a substantial forest. If the current track and bridge were not already there, the Forestry Commission would be required to build around this location. This is for future harvesting. This is a mature forest in which there will be continued planting and harvesting for many years. In the future Forestry Commission would be looking to access another part of the forest from this area. The forest requires long term forest management. So if this part of the track was reinstated then the Forestry Commission would have to come back to re-build it at a future date.
12. The Committee were invited to ask further questions of the speaker and the following points were raised:
- a) If the track is to be used beyond the current plan will it need to be extended past the hammer head? Mr Prest confirmed that in the longer term Forestry Commission would be looking at extending the road network in that area. The plans are not yet formed but there is more forest that will require harvesting in the future.
13. The Convener thanked the speaker.
14. The Committee discussed the application and the following points were raised:
- a) In reference to para.47 there is no binding concept in the planning system.
  - b) Retention of this, particularly the bridge, would be highly advantageous.. Further restoration should be considered by The Forestry Commission
  - c) Would the community in Laggan benefit from any planning gain? Matthew confirmed the direct gain would be the provision of the low key linking route from the car park to the Falls of Pattack. There currently is an informal route the community use and this would set aside or safe guided from the forestry operations but this permission

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would allow for this to be set aside and maintained in the long term for public. This is a planning benefit rather than a planning gain.

- d) The East Highland Way is unapproved and not an official route in same way in that of The West Highland Way or The Speyside Way. The Committee should be aware of the difference in status.
15. The Committee agreed to approve the application subject to the conditions stated in the report and for the Planning Officer to add an informative.
16. **Action Points arising:**
- i. **Matthew Taylor to add a suitable informative regarding linkages of the path network.**

### **Agenda Item: 6**

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

**Change of use of former waste water treatment works to mini golf course and cafeteria kiosk with the reuse of the existing tank (infilled) for leisure use at Land 125M North of Speybank, Dalfaber road, Aviemore, PH22 1PU (2014/0356/DET) (Detailed Planning Permission)**

17. The Convenor informed Members that a request to address the Committee by Mr Grierson, Aviemore and Vicinity Community Council, had not been taken up.
18. The Convenor informed Members that the Applicant, Mr John Smith, was present to answer questions.
19. Katherine Donnachie, Planning Officer presented a paper recommending that the Committee approve the application subject to the conditions stated in the report.
20. The Committee were invited to ask questions of Mr Smith and the following points were raised:
- a) The Convenor asked Mr Smith to clear up the issue of how customers were going to get to the development. Mr Smith stated he adhered to what has been recommended and to Government policy encouraging people to walk and cycle. This is a facility for tourists already in Aviemore, if they are in the centre of Aviemore they will be encouraged to walk to it. There is a 100 metre walk under a railway line to take tourists from the centre of Aviemore to the development. Another concern is getting the disabled to the site, although there is a wheelchair access from the centre of Aviemore to the site. Mr Smith confirmed he will provide a drop off point at the site which is designed for the disabled. Mr Smith went on to say the informal site offered as car parking currently exists as a parking area. Mr Smith stated he has negotiated with the Reidhaven Estates and they are happy to agree a lease of that land. What cannot be done is to surface it because SEPA have stated any surfacing will make the situation for flooding worse. Mr Smith stated he is more than happy to do anything to perhaps increase the amount of spaces or level the area out. No indication had been given by Planning Officers as to if there is a need to increase parking spaces.

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- b) Mr Smith was asked if he would discourage people to travel by vehicle? Mr Smith did not think he had the right to discourage people to drive on an adopted road, although agreed there is an issue and would be happier if people came by walking or cycling through the under pass or by Dalfaber Road.
  - c) Mr Smith was asked whether in his publicity and signage he will would be actively encouraging foot or cycle access? Mr Smith confirmed this would be case. The informal parking would not be publicised. This will be marketed as pedestrian access.
  - d) Clarification sought whether there will be a drop off for wheelchair access and not for parking? Mr Smith confirmed there is one drop off point dedicated for wheelchair access in the site.
  - e) What is the wheelchair access around the miniature course? Mr Smith confirmed working with designers and the first 9 holes are specifically for wheelchair use and the remaining 9 for others. The member further commented this is an excellent demonstration of how to accommodate the disabled.
  - f) Has the applicant grappled with signage and people finding the way under the underpass? Mr Smith relayed this would be a professional marketing exercise, calling this “The Light” as there is “Light at the end of the tunnel”. The issue will be addressed and the public will be persuaded.
21. The Convenor thanked the applicant Mr Smith.
22. The Committee discussed the application and the following points were raised:
- a) Para.36 states the site is a medium to high risk of flooding. The site will flood and has flooded in the past regularly and this appears to be fine with the Applicant. This area does have a far higher than medium to high risk.
  - b) This is an excellent development and a superb use of what is currently an eyesore. It will provide economic benefits to the whole area.
  - c) Concerns were raised regarding the parking. It was felt people would not walk and therefore would advise the Applicant to take up the offer of some form of parking which would be available further up from the development.
  - d) Concern regarding whether there is a path from the informal parking offered to the Applicant and from Dalfaber Road to the development site. Katherine confirmed there is no footpath. A Member also stated there is no pavement but that this is a dead end road. The amount of traffic is not high. It is also a core path at the moment therefore people do already walk along here and it is not perceived to be a problem.
  - e) Comment regarding the good design and transformation use of this current eyesore.
  - f) It is fantastic to see the potential of this site being cleared up.
  - g) This is an interesting development and is welcomed by Inclusive Cairngorms for the efforts in looking after the disabled.
  - h) Would it be relevant to add how to reach the site? Katherine confirmed an informative note could be added highlighting the use of promotional material to highlight how to access the site by foot.

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- i) Comment regarding the Applicant Mr Smith being a breath of fresh air. Fantastic to see an applicant being upfront and answering questions in a straight forwards manner.
23. The Committee agreed to approve the application subject to the conditions stated in the report and for the Planning Officer to add an informative regarding use of promotional material
24. **Action Points arising:**
- i. **Katherine Donnachie to add a suitable informative regarding the use of promotional material encouraging access to the site by foot.**

### **Agenda Item 7:**

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

#### **Retrospective application for extract duct – ATM aerial and lights at Co-Operative Group, Main Street, Newtonmore, PH20 IDR (2015/0038/DET) (Detailed Planning Permission)**

25. The Convenor informed Members that no request to address the Committee had been received.
26. Matthew Taylor, Planning Officer, 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) Clarification sought if the lighting on the east was to light the cycle store? If so, this would now be in the dark. Could we ask for the cycle store to be moved to a lit location? Matthew confirmed there is a wall mounted cycle rack on this east side. There would be ambient lighting from the front of the store but it obviously would be darker. Matthew advised that he was happy to speak to applicant to establish if there is indeed a more suitable place.
28. The Committee discussed the application and the following points were raised:
- a) The initial siting of the extracts is thought to be totally inappropriate. The new siting to the other side in a much more open spaced area is more suitable. The new siting would answer all issues.
  - b) It was requested that the Convenor write to the Co-operative Group to convey the Committee's displeasure regarding this retrospective application. Convenor confirmed this would be done, as with all retrospective applications.
29. The Committee agreed to approve the application subject to the conditions stated in the report.
30. **Action Points arising:**
- i. **Matthew Taylor to add an informative regarding the lighting point above the bike rack.**

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- ii. **Convenor to send a letter to the Co-operative Group regarding the Committee's displeasure relating to the retrospective nature of this application.**

### **Agenda Item 8:**

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

**Application under section 42 to vary condition 1 of planning permission 2014/0186/DET (14/02421/S42) at Gravel Pit 220M West of Dell of Killiehuntly Farmhouse, Kingussie, Highland PH21 1NS (2015/0126/DET) (Detailed Planning Permission)**

31. The Convenor informed Members that no request to address the Committee had been received.
32. Katherine Donnachie, Planning Officer presented a paper recommending the Committee approve the application subject to the conditions stated in the report.
33. The Committee agreed to approve the application for the reasons stated in the report.
34. **Action Points arising: None**

### **Agenda Item 9:**

#### **Adoption of Non-Statutory Planning Guidance**

35. Gavin Miles, Planning Manager presented a report on a paper that asks the Planning Committee to adopt four development briefs as non-statutory planning guidance for Dulnain Bridge (HI), Grantown-on-Spey (HI), Kincaig (HI) and Newtonmore (HI) and inform them of further non-statutory guidance to be developed by the CNPA.
36. The following issues were raised:
  - a) A suggestion was made that not to adopt the briefs today, or to make significant changes, would mean further consultation on the development briefs, and so the Committee should look at ways to improve future versions going forward.
  - b) Gavin clarified the role of the briefs in determining planning applications.
  - c) For Aviemore a suggestion was made to ensure Tesco's be consulted and not just MacDonald's. Gavin made clear Tesco's would be consulted as they are the owner of the site and this should be useful to them also. It is unknown if Tesco will sell the site. In working up a spatial plan it is required to have a level of agreement and consensus with the owner. If any potential developers become known they will be consulted.
  - d) The word "streetscape" was queried, especially in relation to small places like Kincaig. Gavin clarified the definition of "streetscape" to be a space around a street. This will vary in different places and does not present an issue. Gavin agreed with the Member a compact urban street in a rural place would not be ideal.
  - e) A suggestion was made for all briefs about the expectations of the consultation process making it clear there is a need for updates when plans change.

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- f) A suggestion was made to make it clear regarding the information required from developers, clarifying type of plans, two dimensional maps of certain scale and standard, architectural concept drawings with images in a 3D fashion for clearer understanding regarding what is being proposed. Gavin clarified that for the next development briefs it would be ideal to set out the requirements for a planning application in more detail.
  - g) A suggestion was made in regards paragraph 43 in the development brief for Newtonmore that the alternating building heights be amended today to read from 1 to 2.5 storey as 3.5 storey is not acceptable. Gavin suggested changes to both paragraphs 42 and 43 within the development brief for Newtonmore to read 2.5 storey and also that the site has capacity for up to 40 units.
  - h) A suggestion on more information on how housing needs surveys are carried out, what is taken into account. Gavin clarified these briefs accompany the Local Development Plan. The Plan sets out the policy for housing and capacity. Gavin advised in future they will be more detailed and prescriptive about the type and size of units which fit onto site based on analysis and what is needed within that community.
  - i) A suggestion was made to provide clickable links to the various schemes, highlight appropriate surveys and other useful documents mentioned within the briefs. Gavin agreed and would take that into account for future versions.
37. The Committee approved the four development briefs as non-statutory planning guidance.
38. **Action Points arising:**
- i. **Gavin Miles to amend paragraphs 42 and 43 within the development brief for Newtonmore to read 2.5 storey and also note that the site has capacity for up to 40 units.**
  - ii. **Gavin Miles to amend page 3, paragraph 8 to show capital B in the word bridge.**

### **Agenda Item 10:**

#### **Any Other Business**

39. The Convenor noted that the Deputy Convenor had highlighted at the last Board meeting the success of the Grantown 250 event about design in a historic planned town. The Planning Committee could perhaps look at the planned towns, possibly one on either side of the Park, to see how the design process helps achieve a good outcome.
40. Murray Ferguson summarised a paper that had been circulated for information regarding the scheduling of the project on dualling of the A9. There are 12 sections of the project from north to south; six are in the National Park. The paper sets out how the timetable would for Planning Committee commenting on each of those sections. A further paper will be brought to the September Committee. Murray continued to inform the Committee regarding other work in relation to the A9, including meetings with the



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Cairngorms Tourism Partnership, the Digital Steering Group, contributions to the Design Guide, associated planning applications, the Business and Community Forum, the Access Strategy, and the methodology on the landscaping for Stage 3.

41. Grant Moir informed the Committee there been press enquiries from the Sunday Herald on An Camus Mòr in terms of public investment and a short statement had been provided by CNPA.

### **42. Action Points arising: None.**

### **Agenda Item 11:**

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

43. Friday 14<sup>th</sup> August 2015 at 11.00am at Community Hall, Boat of Garten.
44. Committee Members are requested to ensure that any Apologies for this meeting are submitted to the Clerk to the Board, Alix Harkness.
45. The public business of the meeting concluded at 12.45.