

CAIRNGORMS NATIONAL PARK AUTHORITY

MINUTES OF THE PLANNING COMMITTEE

held at The Albert Hall, Ballater
on 17 August 2012 at 10.30am

Members Present

Peter Argyle
Duncan Bryden
Jaci Douglas
Dave Fallows
Katrina Farquhar
David Green
Kate Howie
Marcus Humphrey

Gregor Hutcheon
Eleanor Mackintosh
Ian Mackintosh
Willie McKenna
Martin Price
Gordon Riddler
Brian Wood
Allan Wright

In Attendance:

Don McKee, Head Planner
Mary Grier, Senior Planning Officer, Development Management
Andrew Tait, Senior Planning Officer, Development Management
Katherine Donnachie, Planning Officer, Development Management
Pip Mackie, Planning Systems Officer
Bruce Luffman, Monitoring & Enforcement Officer
Gavin Miles, Strategic Planning Programme Manager

Apologies:

Angela Douglas
Mary McCafferty
Gregor Rimell

COMMITTEE MINUTES

Agenda Items 1 & 2:

Welcome & Apologies

1. The Convenor welcomed all present and introduced Katherine Donnachie, who had recently started work as a CNPA Planning Officer.
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, 20 July 2012, held at The Community Hall, Boat of Garten were approved with amendments to the following:
 - Para. 33: Change 'Brain Wood' to 'Brian Wood'.
 - Para. 38: Change 'Brain Wood' to 'Brian Wood'.
4. Matters arising:
 - Para. 8: The CNPA Local Plan Officer and Perth & Kinross Council Local Planning Officers to discuss the potential for PKC to adopt the current CNP Developer Contributions Policy as an interim measure pending the productions of the Local Development Plan in order to have a consistent policy across the Park.
5. Dave Fallows arrived at the meeting.
6. The Convener provided an update on the Action Points from the previous meeting:
 - Para. 57: Andrew Tait had written to Tesco to prompt the supply of further information in order for the decision notice to be issued.

Agenda Item 4:

Outcome of Electronic Call-In

7. The content of the Outcome of the Electronic Call-in held on 3 August 2012 was noted.

Agenda Item 5:

Declaration of Interest by Members on Items Appearing on the Agenda

8. Peter Argyle declared an interest in:
 - Item No. 16 (Paper 11) - Direct interest - due to being an Aberdeenshire Councillor.

COMMITTEE MINUTES

9. Peter Argyle, Duncan Bryden, Kate Howie, Gregor Hutcheon, Marcus Humphrey, Martin Price, Gordon Riddler & Brian Wood declared an interest in:
- Item No. 14 (Paper 9) - Indirect interest - due to being a Member of the National Trust for Scotland.
 - Item No. 15 (Paper 10) - Indirect interest - due to being a Member of the National Trust for Scotland.
10. Katrina Farquhar declared an interest in:
- Item No. 10 (Paper 5) – Indirect interest - due to her Father renting land adjacent to the application site.
 - Item No. 14 (Paper 9) - Indirect interest - due to her Father renting land from Mar Lodge Estate.
 - Item No. 15 (Paper 10) - Indirect interest - due to her Father renting land from Mar Lodge Estate.
 - Item No. 16 (Paper 11) - Direct interest - due to being an Aberdeenshire Councillor.
11. Allan Wright declared a direct interest in:
- Item No. 12 (Paper 7) on the Agenda, due to being a Moray Councillor.

Agenda Item 6:

Report on Called-In Planning Application for Change of Use of Hall to Gallery/Tearoom, Two Dwellings and One Holiday Letting Unit Public Hall, Deshar Road, Boat of Garten (Paper 1) (2012/0124/DET)

12. The Convener informed Members that a request to answer questions had been received, within the given timescale, from:
- Applicants – Mr & Mrs Gordon
13. The Committee agreed to the request.
14. Mary Grier presented a paper recommending that the Committee approve the application subject to the conditions stated in the report.
15. The Committee were invited to ask the Planning Officer points of clarification, the following were raised:
- a) Clarification of which path was subject to drainage issues. Mary Grier advised that it was the path to the east of the site and that there was a requirement in the condition to ensure that the drainage was adequate.

COMMITTEE MINUTES

- b) Why flood risk had been included as a condition. Mary Grier advised that it was a standard precautionary requirement by the Roads Authority. However, it could be moved to an Advisory Note.
- c) The application being a good mixed development proposal.

16. No questions were asked of the Applicants.

17. The Committee agreed to approve the application subject to the conditions stated in the report with Condition 9 regarding flood risk to be moved to an Advisory Note.

18. **Action Points arising:** None.

Agenda Item 7:

Report on Called-In Planning Application for Construction of a Pedestrian Footbridge and Associated Access Duckboard Path across the Duack Burn Land 65M South West of Swamp Castle, Nethy Bridge (Paper 2) (2012/0177/DET)

19. The Convener informed Members that no requests to address the Committee had been received.

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. No points were raised.

22. The Committee agreed to approve the application subject to the conditions stated in the report.

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

Agenda Item 8:

Report on Called-In Planning Application to Replace Three Existing Holiday Cottages, Extend Existing Keeper's Cottage, Convert Derelict Former Kennels to Holiday Cottage and Alter & Upgrade Drive to Serve Estate Invereshie House, Kincaig (Paper 3) (2012/0138/DET & 2012/0144/LBC)

COMMITTEE MINUTES

24. The Convener informed Members that no requests to address the Committee had been received.
25. Mary Grier presented a paper recommending that the Committee approve the application subject to the conditions stated in the report.
26. The Committee were invited to ask the Planning Officer points of clarification, the following were raised:
- a) The proposed design for the windows and extensions to Keepers Cottage and the Kennels. Mary Grier advised that the design reflected some existing features whilst using new timber and glazing elements. The Applicant had endeavoured to work with the existing openings in The Kennels building and had tried to replicate the existing windows in Keepers Cottage.
 - b) The proposed application being an improvement on the previously approved application.
 - c) The extent of tree protection in the area of the development.
 - d) The extent of the curtilage of the Listed Building. Mary Grier advised that Highland Council had not considered the 2007 application to be within the curtilage of Invereshie House and therefore Listed Building Consent was not deemed necessary at the time. However, at the validation stage for this application Highland Council (in conjunction with their Conservation Architect) had considered the proposal to be within the curtilage and therefore a Listed Building application was required.
 - e) Scope to approve the Detailed Planning Permission application but defer the Listed Building Consent application to address the issue of the fenestration. It was advised that the development needed to be assessed within the entire context which required both applications being considered together. However, there were differing opinions on the suitability of the proposed windows.
27. The Committee agreed to approve the applications subject to the conditions stated in the report.
28. **Action Points arising:** None.

Agenda Item 9:

Report on Called-In Planning Application for Formation of Additional Windows and External Material Variations to Rear Flatted Development Waltzing Waters, Main Street, Newtonmore (Paper 4) (2012/0184/DET)

29. The Convener informed Members that no requests to address the Committee had been received.

COMMITTEE MINUTES

30. Mary Grier presented a paper recommending that the Committee refuse the application for the reasons stated in the report and authorise any necessary enforcement activity to ensure that the structure is developed in accordance with the approved plans.
31. The Committee were invited to ask the Planning Officer points of clarification, the following were raised:
- a) Clarification if a Stop Notice had been issued. Don McKee responded that no Stop Notice had been issued as most of the works had already been carried out. There were concerns over many areas of the development including Building Regulation issues.
 - b) Clarification of the unauthorised works. Mary Grier advised that the dormer windows were of different proportions to those approved, dormer windows were missing from the 2 end units, windows to the front of the site were missing from the 2 end units, timber cladding had not been incorporated into the porches and additional window openings had been created on both the east and west elevations.
 - c) Given other Enforcement issues at the site, the Applicant should be aware that plans should be adhered.
 - d) If the Applicant had provided any evidence for the structural issues which hindered the development being constructed in accordance with the approved plans. Mary Grier advised that no structural details had been provided. She also stated that no reasons had been given for the omission of the ground floor front windows or timber cladding. Mary Grier advised that incorrect plans had initially been submitted which did not reflect the extent of works which had already been undertaken on site. Mary Grier advised that if structural issues were a factor it may not be possible to restore the site to the approved plans. However, this would require discussion with the Applicant regarding any further changes to be made, prior to them being implemented.
 - e) The need for Affordable Housing to be brought forward on the site, but not in this way.
 - f) The development having predominantly north facing windows and therefore it was no surprise that extra openings had been created on the east and west elevations.
32. The Committee agreed to refuse the application for the reasons stated in the report and authorise any necessary enforcement activity to ensure that the structure is developed in accordance with the approved plans.
33. **Action Points arising:** The CNPA Monitoring & Enforcement Officer to take the necessary action to ensure that the structure is developed in accordance with the approved plans.

Agenda Item 10:

Report on Called-In Planning Application for Formation of Vehicular Access Gairnshiel Lodge, Glen Gairn, Ballater (Paper 5) (2012/0212/DET)

34. The Convener informed Members that the Applicant, Archie Buchanan was available to answer any questions.
35. Mary Grier presented a paper recommending that the Committee refuse the application for the reasons stated in the report and authorise any necessary enforcement activity to ensure that the unauthorised opening in the drystone wall is reinstated to a satisfactory condition. Mary Grier advised that the Applicants had made a late submission proposing that an existing gated entrance (near to Gairnshiel Bridge) could be reinstated as drystone wall as mitigation for the new entrance.
36. No questions were asked of the Applicant.
37. The Committee discussed the application and the following points were raised:
- a) Clarification of the location of the existing gated entrance being proposed as mitigation.
 - b) If the Roads Authority would require more of the drystone wall to be demolished in order to achieve visibility splays. Mary Grier advised that the Roads Authority had provided a standard response which gave no indication if the application was viewed as a positive or negative development.
 - c) A new access changing the relationship between Gairnshiel Lodge and the Chalets, in which the Chalets could potentially be sold off and encourage further development in the area. Mary Grier responded that the permission for the Chalets required them to be kept in the same ownership as Gairnshiel Lodge in perpetuity. No boundary division was identified between the Chalets and the Lodge on the approved plans and a new access changes the focus and fragments of the site.
 - d) The potential for relocating the access road to the Chalets within the site via discussion between the Applicant and CNPA Planning Officers.
 - e) The Applicant not having made a strong enough case to warrant a new entrance for the Chalets and reference to other self catering / catered accommodation in the area which is served by shared entrances.
 - f) The potential for the new access to allow the sub division of the site and therefore sell the Chalets separately at a future point.
38. Don McKee advised that if an access solution for the Chalets could be found within the existing site, it could potentially be dealt with as a Non Material Variation to the previous planning permission and would not require a new application to be submitted.

39. The Committee agreed to refuse the application for the reasons stated in the report and authorise any necessary enforcement activity to ensure that the unauthorised opening in the drystone wall is reinstated to a satisfactory condition.
40. **Action Points arising:** The CNPA Monitoring & Enforcement Officer to take the necessary enforcement activity to ensure that the unauthorised opening in the drystone wall is reinstated to a satisfactory condition.

Agenda Item 11:

Report on Called-In Planning Application for Change to Planning Approval 07/098/CP (07/59/FULBS)(Part built) to Erect 3 Retail Units (Offices) with 3 Flats Over, 32 Cottage Flats (including 5 Affordable Residential Units) and Relocation of Play Area/Open Space Land at Junction of Frank Spaven Drive And Dalfaber Drive, Aviemore (Paper 6) (2012/0187/DET)

41. The Convener informed Members that no requests to address the Committee had been received.
42. Mary Grier presented a paper recommending that the Committee approve the application subject to the conditions stated in the report with an amendment to Condition 7 requiring all car parking areas to have a porous surface.
43. The Committee were invited to ask the Planning Officer points of clarification, the following were raised:
- a) The size of the Affordable Housing Units. Mary Grier confirmed there was 2 x 3 bedroom and 3 x 2 bedroom properties.
 - b) Clarification of how the Affordable Housing was to be delivered. Mary Grier responded that this had not yet been clarified. However, the Applicants were currently in discussion with Highland Council regarding this issue.
 - c) If there were any evidence that 2 bedroom properties were more in demand than the previously approved 3 bedroom properties. Mary Grier replied that no evidence had been submitted regarding this issue. However she suggested that the Applicant may have carried out their own research.
 - d) Clarification of the type and layout of the proposed play equipment. Mary Grier responded that the equipment was to be of wooden construction as had been required by the CNPA on a different site.
 - e) The level of Affordable Housing previously approved on the site. Mary Grier advised that of the previous approved development 50% had been for Affordable Housing, this had all now been delivered. The level of Affordable Housing being proposed for

COMMITTEE MINUTES

the revised development was 50% of the increase in residential units (10 extra units were being proposed, 5 of which were for Affordable Housing).

- f) The possibility of deferring the application to find out the type of housing required by the Aviemore community e.g. 2 bedroom open market housing or 3 bedroom affordable housing. Concern was raised that the development may be at risk by deferring the application and that the Applicant would only propose to build the type of housing they envisaged would sell in that area.
- g) The need to take advantage of any opportunity being presented for Affordable Housing, particularly in the current economic climate. Don McKee advised that the Highland Council as Housing Authority were aware of the proposed development, having been consulted by the CNPA, but had not responded with any comments.

44. The Committee agreed to approve the application subject to the conditions stated in the report with an amendment to Condition 7 requiring all car parking areas to have a porous surface.

45. **Action Points arising:** None.

Agenda Item 12:

Report on Called-In Planning Application for Create a New Cemetery with Access from the Adjacent Public Road Land Adjacent to Drumin Farm Cottage, Ballindalloch (Paper 7) (2012/0015/DET)

46. Allan Wright declared an interest and left the room.

47. The Convener informed Members that no one had attended who wished to speak.

48. Andrew Tait presented a paper recommending that the Committee approve the application subject to the conditions stated in the report with an amendment to Condition 3c to include reference to the car parking surface treatments.

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

- a) Concern over the proposed boundary treatment not reflecting existing graveyards within the locale and suggesting they should be drystone wall. Andrew Tait advised that the Applicant had been approached regarding drystone walling and had not been adverse to using it. However, there were increased cost implications. Andrew Tait advised that a compromise may be to use a drystone wall to the front of the site and partially on the east and west boundaries.
- b) Cost implications of developments not being a planning matter.
- c) Confirmation that the agricultural shed close to the site was to be demolished.

COMMITTEE MINUTES

50. Andrew Tait recommended that the application be approved subject to the conditions in the report and a requirement that Moray Council provide a revised plan incorporating drystone walling to the boundary treatment. If Moray Council would not provide this revised plan, the application would be brought back to Committee for reconsideration.

51. The Committee agreed to approve the application subject to the conditions stated in the report with an amendment to Condition 3c to include reference to the car parking surface treatments and a requirement that Moray Council provide a revised plan incorporating drystone walling to the boundary treatment.

52. **Action Points arising:** None.

53. Allan Wright returned.

Agenda Item 13:

Report on Called-In Planning Application for Erection of 4 Dwellinghouses (Change of House Types) of Previous Approval APP/2007/4373 Plots 17, 22, 23 & 25, Site at Glenshee Road, Braemar (Paper 8) (2012/0209/DET)

54. The Convener informed Members that no requests to address the Committee had been received.

55. Katherine Donnachie presented a paper recommending that the Committee approve the application subject to the conditions stated in the report.

56. The Committee were invited to ask the Planning Officer points of clarification. No points were raised.

57. The Committee agreed to approve the application subject to the conditions stated in the report.

58. **Action Points arising:** None.

Agenda Item 14:

Report on Called-In Planning Application for Replacement Footbridge Upper Quoich Footbridge, Linn of Quoich, Mar Lodge Estate, Braemar (Paper 9) (2012/0181/DET)

59. The Convener informed Members that no requests to address the Committee had been received.
60. Katherine Donnachie presented a paper recommending that the Committee approve the application subject to the conditions stated in the report.
61. The Committee were invited to ask the Planning Officer points of clarification, the following were raised:
- a) Clarification why the application had been called in. Don McKee responded that due to the remote site area, the Natura designations on the site and the level of information available at the call in stage it had been considered that call in was necessary. However, the application had been dealt with and brought forward for determination quickly.
62. The Committee agreed to approve the application subject to the conditions stated in the report.
63. **Action Points arising:** None.

Agenda Item 15:

Report on Called-In Planning Application for Replacement Bridge Allanaquoich Bridge, Linn of Quoich, Mar Lodge Estate, Braemar (Paper 10) (2012/0180/DET)

64. The Convener informed Members that no requests to address the Committee had been received.
65. Katherine Donnachie presented a paper recommending that the Committee approve the application subject to the conditions stated in the report.
66. The Committee were invited to ask the Planning Officer points of clarification, the following were raised:
- a) Clarification why the separate cycle track was required. Katherine Donnachie responded that the Applicant had proposed it as part of the development.
 - b) The possibility of including an Advisory Note requesting the incorporation of nesting boxes for dippers on the underside of the bridge.

67. The Committee agreed to approve the application subject to the conditions stated in the report with an Advisory Note requesting the incorporation of nesting boxes for dippers on the underside of the bridge.

68. **Action Points arising:** None.

Agenda Item 16:

Consultation Report on Response to Aberdeenshire Council: Erection of 3 Wind Turbines & Associated Infrastructure At Blackhills Farm, Cushnie, Alford (Paper 11)

69. Katherine Donnachie presented a report on the consultation and recommended that the Committee agree a response of No Objection to be submitted.

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

- a) The visibility impact of the Turbines when viewed from within the CNP.
- b) The interpretation of the term 'significant'.
- c) The previous application (on which the CNPA had been consulted) being for the same number and height of Turbines on which the Committee had also responded with No Objection.
- d) The reason the previous application had been withdrawn. Katherine Donnachie responded that this was due to inaccuracies contained in the Environmental Statement.
- e) The possibility of including 'Zones of Theoretical Visibility' maps in presentations for future Wind Farm consultations.
- f) The CNPA previously objecting to the larger Wind Farm development at Pressendye (close to the currently proposed Blackhills site) and although it was refused by the Scottish Government Reporter this was due to local input and the development not considered as having any significant impact on the CNP.

71. The Committee agreed the response of No Objection to be submitted to Aberdeenshire Council.

72. **Action Points arising:** None.

Agenda Item 17:

Planning Monitoring & Enforcement in the Cairngorms National Park 2011/2012 (Paper 12)

73. Bruce Luffman presented an update report on Planning Monitoring & Enforcement in the Cairngorms National Park 2011/2012 and recommended that Members accept the report for information purposes and agree that no changes be made to the Enforcement Charter.
74. The Committee were invited to ask the CNPA Officer points of clarification, the following were raised:
- a) The need for suspensive planning conditions to be monitored and enforced.
 - b) The problem of keeping sites tidy prior to them being developed and if this could be enforced. Bruce Luffman responded that it was an issue being looked at and could potentially be addressed with appropriate boundary treatments by condition. He detailed a couple of cases that had been resolved by negotiating with the Applicants. Don McKee advised that it also depended if the planning permission had started to be implemented – if it had, the issue could be more readily addressed than if works had not begun. Duncan Bryden stated that this issue could be raised at the next Developers Forum.
75. The Committee accepted the report for information purposes and did not request any changes be made to the Enforcement Charter.
76. **Action Points arising:** None.

Agenda Item 18:

Consultation Report from Scottish Government on: 'A Policy on Architecture & Place Making for Scotland' (Paper 13)

77. Gavin Miles presented a consultation report on 'A Policy on Architecture & Place Making for Scotland' and advised that any comments from Members should be sent to Alison Lax for incorporation by 27 August 2012.
78. The Committee were invited to ask the CNPA Officer points of clarification, the following were raised:
- a) The consultation report covering a fundamentally important subject, which required a robust response from the CNPA.

COMMITTEE MINUTES

b) Clarification of the closing date for the consultation response to be submitted to the Scottish Government. Gavin Miles responded that it was mid-September.

79. The Committee accepted the current report for information purposes and agreed that any further comments for incorporation would be submitted to Alison Lax by 27 August 2012.

80. **Action Points arising:** Members to ensure that any further comments for incorporation would be submitted to Alison Lax by 27 August 2012.

Agenda Item 19:

Any Other Business

81. Duncan Bryden reminded Members that there was to be an informal discussion session regarding the Local Development Plan after lunch.

82. Duncan Bryden informed Members that there had been 54 entries for the CNP Design Awards and that the results were scheduled to be announced in November 2012.

83. Bruce Luffman provided Members with an update on the unauthorised works which had taken place at the Co-op building, Newtonmore. He advised that unauthorised fan units had been installed and a wall had been increased in height which interfered with sight lines for the junction to the rear of the site. He advised that these issues had been raised several times with the Co-op and the Agent over the past few weeks and that no response had been forthcoming. He therefore requested that Members agree for the CNPA to pursue enforcement action against these breaches.

84. Members agreed to enforcement action being undertaken.

85. Duncan Bryden welcomed Anders Esselin to the CNP. He was involved in National Park management in Sweden and was due to give a presentation to Staff on Monday 20 August at the CNPA Office, Grantown on Spey. Board Members were also welcome to attend.

86. Duncan Bryden informed Members that it would be Pip Mackie's last Planning Committee before going on maternity leave and wished her the best.

87. Duncan Bryden advised that Peter Argyle (Vice Convener) would be chairing the next Planning Committee (14 September) as he was on holiday.

COMMITTEE MINUTES

88. **Action Points arising:** None.

Agenda Item 20:

Date of Next Meeting

89. Friday 14 September 2012 at The Community Hall, Boat of Garten.

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

91. The public business of the meeting concluded at 1.10pm.