

CAIRNGORMS NATIONAL PARK AUTHORITY

DRAFT MINUTES OF THE PLANNING COMMITTEE

held at The Albert Hall, Ballater
on 17th August 2018 at 11.00am

Members Present

Rebecca Badger
Carolyn Caddick
Dave Fallows
Pippa Hadley
Janet Hunter
Gregor Hutcheon

John Latham
Eleanor Mackintosh (Convener)
Xander McDade
Willie McKenna
Ian McLaren
Brian Wood

In Attendance:

Gavin Miles, Head of Planning and Communities
Ed Swales, Monitoring and Enforcement Officer
Colin Bradley, Graduate Planner
Peter Ferguson, Legal Adviser Harper & MacLeod LLP
Kirsty Mackenzie, Support Officer

Apologies: Gordon Riddler (Deputy Convener)
Geva Blackett
Judith Webb

Peter Argyle
Angela Douglas

Agenda Items 1 & 2:

Welcome & Apologies

1. The Convener welcomed all present and apologies were noted.

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Agenda Item 3:

Minutes & Matters Arising from the Previous Meeting

2. The minutes of the previous meeting, 29 June 2018 held at The Community Hall, Nethy Bridge were approved with no amendments.
3. Matters arising:
 - a) In response to the Local Development Plan Consultation, one response was recorded incorrectly. This was due to a member of the public submitting comments on behalf of Aviemore Community Council as opposed to personally. This did not affect discussion or outcome at the Committee meeting and the documents have been corrected.
4. The Convener provided an update on the Action Points from the previous meeting:
 - a) **Action Point at Para 26i) Completed** - Condition to be added requiring appropriate signage to advise that it is not a footbridge.
 - b) **Action Point at Para 30i) In hand** - That officers clarify road surface requirements for individual properties during development of the LDP.
 - c) **Action Point at Para 40i) Completed** - To pass on the Committee's request that the number of touring sites would be retained in any application.
 - d) **Action Point at Para 48i) In hand** - Officers to prepare proposed LDP in light of the above recommendations.
 - e) **Action Point at Para 52i) In hand** - 2018 Town Centre Health Check report to be circulated to Members for information once completed.

Agenda Item 4:

Declaration of Interest by Members on Items Appearing on the Agenda

5. No interests were declared.

Agenda Item 5:

Report on Called-In Planning Application:

Application for Detailed Planning Permission (2018/0027/DET)

Change of use and conversion of office block to form 20 flats and erection of 4 flats, cycle stores and bin stores

At Spey House, Cairngorm Technology Park, Dalfaber Drive, Aviemore

Recommendation: Approve Subject to Conditions

6. Gavin Miles, Head of Planning & Rural Development presented the paper to the Committee.
7. Pippa Hadley joined the Committee during Gavin Miles' presentation.

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8. The Committee were invited to raise points of clarification. The following was raised:
 - a) Is the development 100% affordable housing, and not linked to any other development? Yes that is correct, it will be a commercial transaction between the developer and Albyn Housing who will purchase the units.
9. The Agent, Greg Duncan and Yvonne Simpson of Albyn Housing were invited to address the Committee. The following questions were asked:
 - a) How do you retain affordability in perpetuity? The applicant confirmed that the social rent residents do not have the right to buy, mid-market rent is the same, and shared equity housing if sold must be offered back to the housing association.
 - b) What is the mix between flats to rent and flats to buy? The applicant confirmed 20 are for social rent, two of the new build flats are for mid-market rent, and two for shared equity purchase.
 - c) What is the principle heating system? The applicant confirmed it will be provided through Quantum Storage Heating and Solar PV Panels. This will bring down the residents service charges as the PV solar panels will provide electricity for the communal areas.
 - d) Are the service charges affordable? The agent confirmed this.
 - e) What provision has been made for residents to dry washing in the flats? The agent confirmed there are communal drying facilities provided at the rear of the properties. The agent added that within the kitchen there is space for a washing machine and dryer. There will be one communal space at the back of the development which will be provided for residents to use to dry washing.
 - f) Aside from the need for 1 and 2 bedroom flats, what is the demand for 3 bedroom family accommodation? The agent confirmed there is also a high demand for 3 bedroom properties and the developer is looking at an additional piece of land in Aviemore to develop family accommodation.
 - g) It is not clear if there is provision for outdoor areas for children to play? The agent confirmed that they had a children's play park on the original plans, however The Highland Council and housing associations state that there is no requirement or desire for play areas due to the maintenance and upkeep. The costs would need to be picked up by residents within the service charges, so this is discouraged in 1 and 2 bed properties. Gavin Miles added that most of the external space is available for children to play in. A member added there is a large amount of available space in alternative surrounding areas.
 - h) How do the proposed access routes link with other routes in Aviemore? The agent confirmed that one access route leads on to Dalfaber Drive, and the other access leads into the town itself. Cycle stores are also included in the development.

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10. The Convener thanked the speakers and opened the application for discussion. The following points were raised:
 - a) How will the building look when finished? Gavin Miles explained that it would look almost identical to the existing building as most changes were to be internal.
 - b) Member noted this was a good application that addressed the need for the affordable housing demand.
11. The Committee agreed to approve the application subject to the conditions stated in the report.
12. **Action Points arising:**
 - i. **Condition 2 is to be removed from the report due to the site already having an acceptable drainage scheme in place.**

Agenda Item 6:

Report on Called-In Planning Application:

Application for Detailed Planning Permission (2018/0140/DET)

Applications 03/00046/FULBS and 08/00038/FULBS under Section 42 to vary Condition 1 of Planning Permission 08/00038/FULBS to extend time limit for further 10 years

At Broomhill Quarry, Dulnain Bridge, Grantown-on-Spey

Recommendation: Approve Subject to Conditions

13. Ed Swales, Monitoring & Enforcement Officer presented the paper to the Committee.
14. Gavin Miles noted that a number of neighbours had made representations of concern at the blasting activity and potential issues of compliance with conditions requiring notification to be given to neighbours on the previous consent. They had requested to speak but were unable to attend the meeting. He noted that if permission was granted, the CNPA would be monitoring the site consent and would visit those residents during a blasting operation.
15. The Convener opened the application up for discussion. The following questions were asked:
 - a) Was the Management Plan complied with last time? There were discussions with the applicant at the time who agreed to various arrangements regarding water management. The condition had been discharged by the CNPA but it was not clear that the Scottish Environment Protection Agency had been consulted on it.
 - b) How does the blasting fit in with Scottish outdoor access code? Should this not be out of bounds for public access? Officers noted that the public had a right of

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- responsible access and that as an operating quarry, those rights do not apply. There is signage clearly explaining that the public should not access the site.
- c) What were the previous Conditions in relation to the timing of blasting and how well were these complied with? The previous application had similar conditions and the applicant complied with these. It is the applicant's responsibility to demonstrate these are complied with, but the CNPA would take a more active monitoring role in future.
 - d) Does the quarry have a warning system in place when blasting is taking place? Who monitors this process? The neighbours must be notified and notices placed around the site. A siren sounds when the blasting takes place but this is for workers on site. The CNPA will be monitoring compliance with the planning conditions but not matters of health and safety.
 - e) How will monitoring of extraction take place? The applicant is required to submit extraction reports every year.
 - f) Will there be more extraction over the next 10 years, than what has taken place in the last 5 years? The operators were allowed to extract up to 30,000 tonnes per year, for 5 years. This application is to extend this timeframe and the CNPA are capping extraction at 30,000 tonnes per year, up to a max of 120,000 tonnes. If they hit this limit the applicant will either submit an application to vary the Condition, or state that works have finished.
 - g) How precise can the CNPA ask the operators to be in relation to blasting times? It is considered that a day and time window was reasonable as there could be many operational needs that would influence the exact timing. Gavin Miles noted that condition 10 on noise from the site would need to be clarified with a time period for the average noise limit.
16. The Committee agreed to approve the application subject to the conditions stated in the report and change proposed to condition 10.
17. **Action Point arising:**
- i. **Condition 10 to be amended to clarify the duration of average noise level limit.**

Agenda Item 7:

Report on Called-In Planning Application:

Application for Detailed Planning Permission (2018/0209/DET)

Resurfacing and widening of the existing track (retrospective)

At Land 1115M NW of Moss Cottage, Glen Road, Newtonmore

Recommendation: Approve Subject to Conditions

18. Colin Bradley, Graduate Planner presented the paper to the Committee.

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19. Gavin Miles noted that the CNPA were notified of this development by a member of the public. On investigation by the CNPA, it was clear that a track had been present for many years, but that some of the upgrading works would have required planning permission. The CNPA's view was that the lower section of track did not require planning permission but that the upper section, being considered through this retrospective planning application did require planning permission in order to be authorised. The CNPA had served a Section 33A Notice requiring a planning application to be made for this section of track.
20. The Agent, Caroline Webster was invited to address the Committee. The following question was asked:
 - a) Is there a timescale set for the works? Yes this is set out in Conditions stated within the CNPA report.
21. The Convener invited Tessa Jones from Badenoch and Strathspey Conservation Group to address the Committee. The following point was raised:
 - a) The Convener clarified that the CNPA cannot add a condition to block all future development as further applications may be submitted in the future.
22. The Convener thanked the speaker and opened up to the Committee for discussion:
 - a) Member raised concern that the Condition does not follow through on mitigation. What can we introduce in to the condition to make sure that the end result is mitigated in as short a period as possible? Gavin Miles added the landscape scheme must include mitigation and must be delivered within.
 - b) Member reiterated that it is not acceptable for land owners to develop these tracks without planning permission, and that the middle strip is important in the mitigation of the track.
 - c) Can the application be required to clean the drains out on a regular basis? The drains are designed to catch material themselves and they will be maintained in perpetuity. This is included in a Condition.
23. The Committee agreed to approve the application, with an addition of a Condition to address mitigation. The Convener also agreed to write a letter to the land owner reiterating disappointment in this retrospective application.
24. **Action Points arising:**
 - i. **Convener to write a letter to the Land Owner of Glenbancher Estate expressing the Committees disappointment in receiving a retrospective application.**

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Agenda Item 8:

Report on Called-In Planning Application:

Application for Detailed Planning Permission (2018/0210/DET)

Upgrade agricultural access track (retrospective)

At Land 570M NW of Fernisdale, Glentruim, Newtonmore

Recommendation: Approve Subject to Conditions

25. Colin Bradley, Graduate Planner presented the paper to the Committee.
26. The Committee were invited to raise points of clarification. The following were raised:
- a) Member noted that the track is not visible from the road.
 - b) Why was a 2.8m wide track considered acceptable when the CNPA was conditioning that the track be 2m wide in the previous application? Gavin Miles explained that this track was intended for heavy farm vehicles including tractors and therefore needed to be stronger and have a greater running width.
27. The Committee agreed to approve the application subject to the Conditions stated in the report, and a letter will be sent to the land owner expressing disappointment in a retrospective application.
28. **Action Point arising:**
- i. **Convener to write a letter to the Land Owner of Glentruim Estate expressing the Committees disappointment in receiving a retrospective application.**

Agenda Item 9:

Report on Consultation Response to Scottish Government Energy Consents

Unit The Electricity Works (Environmental Impact Assessment) (Scotland)

Regulations 2017. Electricity Act 1989 Section 36 and Schedule 8 Application for the proposed Paul's Hill II Wind Farm

At West of Upper Knockando in the Planning Authority Area of Moray Council (2018/0153/PAC) (Consultation)

29. Gavin Miles presented the paper.
30. The Committee raised the following points:
- a) The Convener noted that the tracks linked to Dorenell Wind Farm are unacceptable, although nothing to do with the National Park.
 - b) Member noted that the additional turbines will not make a difference. It would be useful to know how much additional power will be generated through these developments. Gavin Miles added that this could be included in reports but

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should not have a bearing on the Committee decision as the CNPA is only considering the impacts on the National Park, not making a decision on the overall merits of the proposal.

- c) Member suggested responding with a letter of concern about the visual impact of the tracks. Gavin Miles noted that the tracks would not be visible from the National Park, only the wind turbines.
- d) Concern raised about the ZTV map, a substantial part of the Nethy Bridge road falls within the ZTV. Gavin Miles noted that that was correct but that the views to the turbines would also frequently be hidden by trees and other vegetation so officers didn't consider the impacts to have a significant impact on the National Park.
- e) Members agreed not to object to the proposal but that in responding, concern should be raised at continued addition of turbines around the edge of the National Park.

31. The Committee agreed the officer's recommendation of no objection, however a response will be sent raising concern.

32. **Action Points arising:** **None.**

Agenda Item 10:

Any Other Business

33. The Decision Notice for Allt Mor housing development in Aviemore has been issued following a delay in the Legal Agreement.

34. The CNPA has received an appeal for the planning application at Ballater School following a refusal from the Committee in May 2018. We are in the process of providing information to the DPEA and a final decision will be made through a written report and site visit.

35. Today is the deadline for the Grantown on Spey Conservation Area Review. The CNPA have responded to The Highland Council's proposal to alter the boundary. Key point in the review is a recommendation to complete a Management Plan for the area to identify specific areas.

36. Another six week consultation has started for a few additional sites being considered for inclusion in the proposed Local Development Plan. It is not a re-opening the Main Issues Report for debate, but a chance to comment on a limited number of new sites that have been identified from the initial consultation.

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37. There are a few staff changes within Planning. We are currently recruiting a Development Planning Manager to replace Jane Shepherd, as well as an additional Planning Officer within Development Management. Kirsty Mackenzie is now working for the LEADER team, and we have replaced Kirsty with Dot Harris. Colin Bradley is leaving mid-September, he is moving to a graduate planner role at North Lanarkshire Council.

38. **Action Points arising:** **None.**

Agenda Item 12:

Date of Next Meeting

39. Friday 14th September 2018 at The Community Hall, Boat of Garten.
40. Reminder to the Committee that we will be attending a Beaully/Denny site visit prior to September's Planning Meeting, and we have a board meeting on 28th September.
41. Committee Members are requested to ensure that any Apologies for this meeting are submitted to the Clerk to the Board, Alix Harkness.
42. The public business of the meeting concluded at 13:00hrs.