

APPROVED COMMITTEE MINUTES

CAIRNGORMS NATIONAL PARK AUTHORITY

APPROVED MINUTES OF THE PLANNING COMMITTEE

held at The Albert Hall, Ballater
on 19th February 2016 at 11.00am

Members Present

Peter Argyle
Rebecca Badger
Angela Douglas
Paul Easto
Katrina Farquhar
Dave Fallows
Jeanette Gaul
Kate Howie
Janet Hunter

Gregor Hutcheon
John Latham
Bill Lobban
Eleanor Mackintosh (Convener)
Willie McKenna
Fiona Murdoch
Gordon Riddler (Deputy Convener)
Gregor Rimell
Brian Wood

In Attendance:

Gavin Miles, Head of Planning
Jane Shepherd, Planning Manager, Development Management
Katherine Donnachie, Planning Officer, Development Management
Matthew Taylor, Planning Officer, Development Management
David Allan, Planning Technician
Matthew Hawkins, Landscapes & Ecology Manager
Peter Ferguson, Legal Adviser Harper & MacLeod LLP
Pip Mackie, Acting Clerk to the Board

Apologies: Judith Webb

Agenda Items 1 & 2:

Welcome

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

APPROVED COMMITTEE MINUTES

Agenda Item 3:

Minutes & Matters Arising from the Previous Meeting

2. The minutes of the previous meeting, 29th January 2016, held at The Community Hall, Boat of Garten were approved with amendments to the following:
 - a) Para. 17: to include 'the local Co-op representative to be contacted directly to express disappointment.'
3. There were no matters arising.
4. The Convener provided an update on the Action Points from the previous meeting:
 - a) Action point at Para 13i: The report was submitted to the Scottish Government.
 - b) Action point at Para 18i: The Breach of Notice would be served if remedial works and agreements had not taken place by 29th February 2016.

Agenda Item 4:

Declaration of Interest by Members on Items Appearing on the Agenda

5. Brain Wood declared an interest in:
 - a) Item No. 9 – Indirect interest – The applicant was a benefactor to local community projects, one of which he chaired.
 - b) Item No. 10 – Direct interest – He had been on the judging panel for the viewpoint project.
 - c) Item No. 11 – Direct interest – He had been on the judging panel for the viewpoint project.

Agenda Item 5:

Report on Called-In Planning Application:

Erection of House and Outdoor Horse Livery - (Resubmission of 14/03246/FUL)

At Land East of B970 Opposite Balliemore, Nethy Bridge

(2015/0290/DET)

Recommendation: Approve Subject to Conditions

6. The Convener informed Members that Ingrid Kendall, Applicant, Stuart Black (Abernethy Old Kirk Association) & Tessa Jones (Badenoch & Strathspey Conservation Group), Objectors wished to address the Committee.
7. Katherine Donnachie presented a paper recommending that the Committee approve the application subject to the conditions stated in the report. Katherine noted that some objectors disputed the Highland Council's roads records of road safety incidents in the vicinity of the proposal.

APPROVED COMMITTEE MINUTES

8. The Committee were invited to ask the Planning Officer points of clarification, the following were raised:
 - a) If the importance of the landscape had been considered in relation to historic sites. Matthew Hawkins advised that the landscape character, development pattern and existing features had all been assessed in this capacity.
 - b) The lack of a photomontage of the site. Katherine Donnachie advised that it had been requested but had been unable to be produced.
 - c) Clarification of the land in the applicant's ownership.
 - d) If the landscape planting would be fenced to protect it from grazing. It was confirmed it would be.
 - e) How far the permitted development rights would extend. It was confirmed they would only apply within the red line site boundary.

9. Ingrid Kendall, Applicant, addressed the Committee. The Committee were invited to ask questions, and the following points were raised:
 - a) The fencing of the landscape planting area.
 - b) The retention of the loose boxes and caravan at the north of the site.
 - c) The number of horses to be on the site.
 - d) Where the schooling of horses would take place on the site.
 - e) If jumps were to be erected.
 - f) A dung management scheme.

10. Stuart Black & Tessa Jones, Objectors, addressed the Committee. The Committee were invited to ask questions, and the following points were raised:
 - a) The statement made that the field should be sold to the community, but the majority of the community supporting the application.
 - b) The adequacy of the landscape plan.
 - c) The potential for the development to assimilate in the landscape in time.

11. The Convener thanked the speakers.

12. The Committee discussed the application and the following points were raised:
 - a) The public availability of the information in the Otter survey.
 - b) The material differences between this current and the previous application on the site.
 - c) Concern that the landscape planting may affect the openness of the view.
 - d) The possibility of having a site visit.
 - e) Difficulty in assessing the landscape impact without a photomontage.
 - f) How services would be taken to the site.
 - g) Concern that non CNP native species had been included in the landscape plan.
 - h) The provenance of the species in the landscape plan. Katherine Donnachie advised that planning condition 1 could be amended to include that species be of local provenance.

APPROVED COMMITTEE MINUTES

- i) How the affordable housing contribution had been calculated.
- j) The application being supported by the Planning Officers.
- k) The local support for the application.

13. The Committee agreed to defer the application for a site visit to be held, prior to the next Planning Committee.

14. Action Points arising:

- i. **Site visit to be arranged.**

15. The Committee paused for a refreshment break.

Agenda Item 6:

Report on Called-In Planning Application:

Erection of 35 Retirement Apartments (4 x One Bedroom and 31 x Two Bedroom Apartments)

At Land 115M SE of Four Seasons Hotel, The Aviemore Centre, Grampian Road, Aviemore

(2015/0373/DET)

Application withdrawn by applicant

Agenda Item 7:

Report on Called-In Planning Application:

Advertisement of the following types: Hoarding and Illuminated Advertisement Sign

Land 115M SE of Four Seasons Hotel, MacDonald Aviemore, The Aviemore Centre, Grampian Road, Aviemore

(2015/0396/ADV)

Application withdrawn by applicant

Agenda Item 8:

Report on Called-In Planning Application:

Use of Land for Siting of 10 No. Wigwams

(Renewal of Permission 2012/0120/DET(12/01400/FUL))

Badaguish Outdoor Centre, Glenmore Lodge Road, Glenmore, Aviemore

(2015/0375/DET)

RECOMMENDATION: Approve Subject to Conditions

16. The Convener informed Members that Tessa Jones (Badenoch & Strathspey Conservation Group), Objector, wished to address the Committee.

APPROVED COMMITTEE MINUTES

17. Katherine Donnachie presented a paper recommending that the Committee approve the application subject to the conditions stated in the report.
18. Tessa Jones, Objector, addressed the Committee. The Committee were invited to ask questions, and the following points were raised:
 - a) The existing level of wigwams on site and the difference this application would make regarding Capercaillie.
 - b) Awareness of the Sluggan Road as a right of way.
 - c) Confirmation of the date the photo was taken of the access visibility splay.
19. The Convener thanked the speaker.
20. The Committee discussed the application. The following points were raised:
 - a) The applicant's seemingly perpetual disregard for the planning process and Committee's frustration, particularly since Andrew MacKenzie of the Speyside Trust had assured the Committee during the consideration of their previous retrospective application in September 2015, that there could be no more retrospective planning applications for the Badaguish site.
 - b) The consequences should the application be refused and appealed.
 - c) The possibility of publishing the applicant's track record of retrospective planning applications.
 - d) The need for robust monitoring and enforcement.
 - e) Restricting the time period of the permission to 1 year instead of 3 years.
 - f) Requesting a masterplan for the Badaguish site.
 - g) The Committee receiving an annual report on the site.
 - h) The Convener writing a letter to the Chairman & Chief Executive of the Speyside Trust expressing disappointment over the repeated pattern of retrospective planning applications.
 - i) The expiry date for the permission should it have been applied for at the correct time.
 - j) The possibility of meeting with the Speyside Trust Chairman to discuss the issues.
21. The Committee agreed to approve the application subject to the conditions stated in the report.
22. **Action Points arising:**
 - i. **The Convener to write to the Chairman and Chief Executive of the Badaguish Trust expressing disappointment at the serial repeat occurrences of retrospective applications being received on the site. A copy to be included with the minutes.**
23. The Committee paused for lunch at 13:00 hrs.

APPROVED COMMITTEE MINUTES

24. The Committee reconvened at 13:30 hrs.

Agenda Item 9:

Report on Called-In Planning Applications:

Alterations, Extension and Refurbishment of Hotel

Fife Arms Hotel, Mar Road, Braemar

(2015/0386/DET) & (2015/0387/LBC)

RECOMMENDATIONS: Approve Subject to Conditions

25. Matthew Taylor 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 and discuss the application, the following points were raised:
- a) The managers house being covered by the listed building status.
 - b) The possibility of improving the sustainability of the building regarding window treatments, insulation and heating.
 - c) The timescale for the project.
 - d) The potential negative impact of heavy vehicles using Fife Brae.
 - e) The application being positive and an economic boost for the village.
 - f) The need for an appropriate species of heather for the roof to be investigated.
 - g) The high quality design of the application.
27. The Committee were invited to ask questions of representatives of Highlands Hospitality Ltd, Applicants, and the following points were raised:
- a) The reduction in bed numbers.
 - b) The car parking arrangements in the village.
 - c) The treatment of the windows in the refurbishment.
 - d) The interior design of the building.
 - e) The timescale for opening being hopefully in the first quarter of 2018.
28. The Convener thanked the speaker.
29. The Committee agreed to approve the applications subject to the conditions stated in the report.
30. **Action Points arising: None.**

APPROVED COMMITTEE MINUTES

Agenda Item 10:

Report on Called-In Planning Application:

Construction of Viewpoint Feature and Improve the Amenity of Existing Layby Craighaulkie Quarry, A939 from Main Street Tomintoul to Highland Boundary at Bridge of Brown, Tomintoul

(2015/0379/DET)

RECOMMENDATION: Approve Subject to Conditions

31. David Allan presented a paper recommending that the Committee approve the application subject to the conditions stated in the report.
32. The Committee were invited to ask the Planning Officer and Pete Crane, Applicant, points of clarification, the following were raised:
 - a) The creation of a path from Tomintoul to the viewpoint. This was being pursued with the Crown estate and tenant farmer.
 - b) Clarification of the materials to be used for the viewing platform box.
 - c) If the viewpoint had all abilities access. It was confirmed that it did not, the engineering required would be too onerous. Interpretation would be available in the car park.
 - d) The CNPA should not be involved in projects of this kind which did not have all abilities access.
 - e) The suitability of the gabions for walking upon.
 - f) The need to provide photomontages in the papers circulated to members.
 - g) The removal of the wooden fence and replacement with gabion baskets.
 - h) The reflective properties of the materials to be used. A reflectivity study had been carried out and approved by the Landscape Officer.
 - i) The viewpoint being well designed.
33. The Committee agreed to approve the applications subject to the conditions stated in the report with an informative to be included requiring the applicant to investigate a path between Tomintoul and the viewpoint with the Crown Estate and tenant farmer.
34. **Action Points arising:**
 - i. **An Informative to be included requiring the applicant to investigate a path between Tomintoul and the viewpoint with the Crown Estate and tenant farmer.**

APPROVED COMMITTEE MINUTES

Agenda Item 11:

Report on Called-In Planning Application:

**Construction of a Viewpoint Seat, Path and Visitor Information Point Layby at Creagan Nam Cam, Glenshee
(2015/0404/DET)**

RECOMMENDATION: Approve Subject to Conditions

35. David Allan presented a paper recommending that the Committee approve the application subject to the conditions stated in the report.
36. The Committee were invited to ask the Planning Officer and Pete Crane, Applicant, points of clarification, the following were raised:
 - a) The design being good.
 - b) Clarification of all abilities access to the viewpoint. All abilities access was available to the seating platform but not the track beyond.
 - c) The reduced number of proposed car parking spaces at the layby. The number of spaces could be further discussed with the land holders Invercauld Estate.
37. The Committee agreed to approve the application subject to the conditions stated in the report.
38. **Action Points arising:**
 - i. **The number of proposed car parking spaces to be discussed with Invercauld Estate.**

Agenda Item 12:

Report on Called-In Planning Application:

**Variation of Condition 2 (Rate of Extraction) (Approved Under Ref: 05/015/CP)
Seeking an Uplift in the Rate of Annual Extraction from 50,000 T to 150,000T
At Meadowside Quarry, Kingussie
(2015/0154/DET)**

RECOMMENDATION: Approve Subject to Conditions

(Officer Recommendation to Alter Condition on Site Restoration Prior to Issue of Decision Notice)

39. Matthew Taylor presented a paper recommending that the Committee approve the application subject to the conditions stated in the report.

APPROVED COMMITTEE MINUTES

40. The Committee were invited to ask the Planning Officer points of clarification. No questions were asked.
41. The Committee agreed to approve the applications subject to the conditions stated in the report.
42. **Action Points arising: None.**

Agenda Item 13:

Any Other Business

43. Clarification if planning papers could be downloaded onto an iPad. Eleanor Mackintosh confirmed that they could.
44. **Action Points arising: None.**

Agenda Item 14:

Date of Next Meeting

45. Friday 18th March 2016 at The Community Hall, Boat of Garten.
46. Committee Members are requested to ensure that any Apologies for this meeting are submitted to the Clerk to the Board, Alix Harkness.
47. The public business of the meeting concluded at 15:30 hrs.

Andrew Mackenzie
Executive Director
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11 March 2016

Dear Mr Mackenzie

2015/0375/DET – Temporary use of land for siting of 10 no Wigwams (Retrospective application) at Badaguish Outdoor Centre, Glenmore Lodge Road, Glenmore, Aviemore.

I am writing to you and the Directors of the Speyside Trust, operators of the Badaguish centre to express the serious concern of the Cairngorms National Park Authority (CNPA) Planning Committee at your repeated failure to apply for planning permission before you undertake works that require it at Badaguish.

The application **2015/0375/DET** was the third application in the past four months that was made after you had undertaken development without planning permission. The Planning Committee found it particularly galling given that you had assured me in public at our meeting in November 2015 (when your preceding retrospective planning applications were determined) that there was no further unauthorised development at the site and therefore no need for any further applications for retrospective permission. The Committee asked that I write to you in my role as Convenor of the Planning Committee in the strongest of terms to express this concern directly. I have copied this letter to all directors of the Speyside Trust, the agent for this application and Graeme Prest of Forestry Commission Scotland in their capacity as landowner of part of your facility for their information.

While the Planning Committee will continue to consider every planning application on its merits, your recent approach to planning permission for development at Badaguish has undermined your credibility with the Planning Committee and their trust in what you tell them. You run a significant

and needless risk in undertaking unauthorised development on the site for your investment in it, for your customers, your business and ultimately for the landowner.

As you know, the Planning Committee have repeatedly asked the Speyside Trust to provide a clear long term vision for development of Badaguish so that they can have confidence in a coherent plan for the site and so you can bring forward the individual components for consent.

It is not in the interest of the Speyside Trust or the CNPA that you undertake unauthorised development in future. I'd urge you to now consider this again and to set out a long term plan for Badaguish that can give the CNPA as well as your directors and investors, confidence in its long term management and operation. I would like to meet you in person with the CNPA's Head of Planning, Gavin Miles, to discuss a pragmatic way forward.

Please let Margaret Smith (margaretsmith@cairngorms.co.uk tel 01479 870502) know when you would be available to meet in the next month.

Yours faithfully



ELEANOR MACKINTOSH
Convenor of the CNPA Planning Committee

cc

Ms Kirsty Montgomery, Bracewell Stirling

Martyn Crawshaw, Director Speyside Trust
Neil MacLean, Director Speyside Trust
John McDonald, Director Speyside Trust
Alan McIntosh, Director Speyside Trust
William D. Morrison, Director Speyside Trust
David R. Ward, Director Speyside Trust
Gail Ward, Director Speyside Trust

Graeme Prest, Forestry Commission Scotland