

CAIRNGORMS NATIONAL PARK AUTHORITY

DRAFT MINUTES OF THE PLANNING COMMITTEE

held at The Cairngorm Hotel, Aviemore
on Friday 19th July 2013 at 11.00am

Members Present

Duncan Bryden	Eleanor Mackintosh (Convener)
Katrina Farquhar	Willie McKenna
Jeanette Gaul	Fiona Murdoch
David Green	Martin Price
Kate Howie	Gordon Riddler
Gregor Hutcheon	Gregor Rimell
Bill Lobban	Brian Wood

In Attendance:

Murray Ferguson, Director of Sustainable Rural Development
Katherine Donnachie, Planning Officer, Development Management
Fiona Murphy, Planning Officer, Development Management
Fiona Oldroyd, Planning Support Officer
Pip Mackie, Planning Systems Officer

Apologies:

Peter Argyle (Vice Convener)
Angela Douglas
Dave Fallows
John Latham
Mary McCafferty

Agenda Items 1 & 2:

Welcome & Apologies

1. The Convenor welcomed all present.
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, 21 June 2013, held at The Community Hall, Boat of Garten were approved subject to the following amendments (in italics):
 - Paragraph 8:
Brian Wood declared an 'indirect' interest.
 - Paragraph 13:
Insertion of the word 'approve'.
 - Paragraph 33 a):
The *overwhelming* need for Affordable Housing having been demonstrated.
 - Para 33 w):
The Authority being confident that any significant effects could be excluded on the basis of objective information and that there will be no impact as a result of the mitigation measures. Matthew Hawkins advised that the mitigation measures were thought, 'beyond reasonable scientific doubt' to adequately address the impacts of the development. The conclusion was that CNPA had certainty that this was the case and *this conclusion* was supported by SNH. RSPB had also withdrawn their objection giving confidence that they shared this view also.
4. Eleanor Mackintosh advised that a letter had been received from an Objector regarding the housing application at Boat of Garten and the Community Council raising new information in their presentation to the Committee. The letter was concerned with the fact that as an Objector (who spoke first) they were not able to redress the new points raised. Eleanor Mackintosh advised that a response would be sent and that if Members wished to see the letter it could be circulated.
5. The Convener provided an update on the Action Points from the previous meeting:
 - Action Point at Para. 54:
Katherine Donnachie was waiting for a response from Highland Council Flood Team prior to preparing conditions.
 - Action Point at Para. 59:
Discussions had taken place between the CNPA, the Applicants and the Land Owners (Rothiemurchus Estate) and an agreement for the path had been signed. A Decision Notice could now be issued and works progress.
 - Action Point at Para. 77:
The consultation response was due to be submitted to the Scottish Government within the next few days.

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Agenda Item 4:

Declaration of Interest by Members on Items Appearing on the Agenda

6. There were no declarations of interest.

Agenda Item 5:

Report on Called-In Planning Application:

Application Under Section 42 to Vary Condition I of Planning Ref: BS/1976/96; for the Additional Siting of 5 No Static Holiday Caravans

At Boat of Garten Caravan Site, Deshar Road

(Paper 1) (2013/0134/DET)

7. Katherine Donnachie presented a paper recommending that the Committee approve the application subject to the conditions stated in the report.
8. The Committee discussed the application and the following points were raised:
 - a) Concern at the loss of touring caravan and camping pitches. Katherine Donnachie responded that there was an increasing trend towards Static Caravans and that the Applicant was responding to this demand. She advised that planning policy supports tourism but did not specify the type.
 - b) Static caravans currently on the site without planning permission. Katherine Donnachie responded that the CNPA Enforcement Officer had been in contact with the Applicant regarding this issue and retrospective planning application had now been submitted.
 - c) The level of Static Caravans in private ownership and not available for rental purposes.
 - d) The provision of interpretive materials regarding the special qualities of the area being made available to all users of the Caravan Park. Katherine Donnachie advised that this had been discussed with the Site Owner and they were happy to provide this information. CNPA Natural Heritage & Communication Officers would be made aware of the situation and information provided.
 - e) Clarification of the location of the nearest touring Caravan Park. Katherine Donnachie advised that the CNPA had recently approved a touring Caravan Park at Granish, Aviemore which was still to be developed.
9. The Committee agreed to approve the application subject to the conditions stated in the report.
10. **Action Points arising:** None.

Agenda Item 6:

Report on Called-In Planning Application:

Conversion of Steading to Form 3 Residential Units At Steading at Mains of Monaltrie, Crathie, Ballater (Paper 2) (2013/0138/DET)

11. The Convener informed Members that a request to answer questions had been received, within the given timescale, from:
 - Applicant – Callum Mitchell
12. The Committee agreed to the request.
13. Katherine Donnachie presented a paper recommending that the Committee approve the application subject to the conditions stated in the report. As per Recommendation A - Katherine Donnachie advised that the Aberdeenshire Council Flood Prevention Unit were had no further comments. The Roads Authority required the first section of the road to be tarred and a greater pull-in area for vehicles. The Applicant was happy to do this and had provided amended plans.
14. The Committee were invited to ask questions of the Applicant. No questions were asked.
15. The Committee discussed the application and the following points were raised:
 - a) Concern about the access on to the A93 and vehicles that park in the vicinity. Katherine Donnachie responded that the Roads Authority had confirmed that the visibility was acceptable and subject to the tarring and greater pull-in section, they were content with the proposals.
 - b) The proposal being of good design and a sympathetic conversion.
 - c) The potential for the development to be submitted in a future CNPA Design Award category.
 - d) The need to highlight the parking issue on the A93 to the Roads Authority. Katherine Donnachie advised that this could be done.
 - e) Spelling mistake in Condition 2: 'any' not 'ant'.
16. The Committee agreed to approve the application subject to the conditions stated in the report.
17. **Action Points arising:** Katherine Donnachie to highlight the A93 parking issue to the Roads Authority.

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Agenda Item 7:

Report on Called-In Planning Application:

Extraction of Gravel (Renewal of Planning Permission S030001MIN)

At Gravel Pit Land to North East of Birkford, Strathdon

(Paper 3) (2012/0318/DET)

18. Katherine Donnachie presented a paper recommending that the Committee approve the application subject to the conditions stated in the report.
19. The Committee discussed the application and the following points were raised:
- a) Clarification if there was an existing condition regarding the hours of work. Katherine Donnachie responded that there wasn't, presumably due to the small scale and rural location. She advised that it would be onerous to put on such a condition at this point, as the application was only seeking for an extension to the time period.
 - b) Concern about heavy goods vehicles travelling to and from the site. Katherine Donnachie responded that the level of extraction was low and that movement was usually by tractor and trailer.
 - c) If the restoration plan included provision for the existing Sand Marten population. Katherine Donnachie responded that the plan indicated restoration to agricultural land and so didn't currently show provision for Sand Marten habitat. However, Condition 4 could be amended to include provision for nesting Sand Martens.
 - d) Concern that no reference had been made in the planning report to geodiversity. Katherine Donnachie responded that there were no environmental designations on the site and that the CNPA Natural Heritage Officers had no concern with the proposals. However, this could be raised as an issue for similar future applications.
20. The Committee agreed to approve the application subject to the conditions stated in the report with the following amendments:
- Condition 4: To include provision for nesting Sand Martens.
21. **Action Points arising:** Katherine Donnachie to raise the issue of geodiversity with the CNPA Natural Heritage Officers.

Agenda Item 8:

Report on Called-In Planning Application:

Erection of Dwellinghouse Including Demolition of Derelict Cottage and Store and Erection of Footbridge at Derelict Cottage

At Blue Mill, Glenkindie Estate, Glenkindie

(Paper 4) (2013/0127/DET)

22. The Convener informed Members that a request to answer questions had been received, within the given timescale, from:

- Applicant / Agent – Gordon Thomson (Barton Wilmore)

23. The Committee agreed to the request.

24. Fiona Oldroyd presented a paper recommending that the Committee approve the application subject to the conditions stated in the report.

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

- a) Clarification of the type of bridge being proposed. Fiona Oldroyd confirmed it was a vehicular bridge. Gordon Thomson, Agent, advised that the bridge was to allow vehicular access to the property and further details would be submitted in accordance with conditions.
- b) The design being unsympathetic to the character of the area. Fiona Oldroyd responded that there had been discussion (with the CNPA Planning Officers and CNPA Landscape Officer) regarding design on the previously approved application. The current proposal for the same design. Katherine Donnachie advised that the proposal showed a high standard of finishings, an appropriate palette of colours, the site being brownfield and the design being a creative approach to sustainable design and having a good blend of traditional and contemporary.
- c) The need for more realistic drawings. Murray Ferguson advised that this issue could be raised at the Developers Forum.
- d) The site being prominent in the surrounding landscape and the need for good screening.
- e) Committee discussion on the previous approved application including landscape advice from the CNPA Heritage Officer. Murray Ferguson advised that the previous application had been approved by the Committee and so any desire to now change the design of the proposal would be highly questionable.
- f) Clarification how Condition 2 regarding emergency vehicle access would be achieved. Gordon Thomson, Agent, advised that there were 2 options. Either the proposed bridge could be designed to accommodate emergency vehicles in a flood situation or an existing track to the South East of the site could be upgraded to allow access. However, any upgrading of the track would require further planning permission.

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- g) The burn being a tributary of the River Don and the lack of reference to migratory fish. Fiona Oldroyd advised that this would be addressed in the Construction Method Statement as required in Condition 3.
- h) The need for Condition 9 to be reinforced to ensure that there is adequate mature planting, to act as a screen and add landscape context.
- i) Confusion of the requirement and specification for hours of construction works. Fiona Oldroyd responded that this arose from the comments of the Ecologist regarding the Otter Survey. This requirement had been made clear to the developer.
- j) The need for the design of the bridge to have as minimal a visual impact as possible. The bridge being the preferred access option rather than the upgrading of the track. Katherine Donnachie advised that further design details of the bridge were required under Condition 3, it could be amended to state that it should be of a simple design and reflect the rural setting.
- k) The need to use local materials. Fiona Oldroyd advised that this could be included in Condition 10.
- l) The proposal being of high quality.

26. The Convener thanked the Agent.

27. The Committee agreed to approve the application subject to the conditions stated in the report with the following amendments:

- Condition 3: The inclusion of the bridge being of a simple design and reflect the rural setting.
- Condition 9: To be reinforced to ensure that there is adequate mature planting, to act as a screen and add landscape context.
- Condition 10: The inclusion of the need to use local materials.

28. **Action Points arising:** The need for realistic drawings to be raised at the Developers Forum.

Agenda Item 9:

Report on Called-In Planning Application:

Upgrading of 40kW Hydro Generating Plant to 100kW, New Fish Pass and Fish Management Proposals, Erection of Turbine House and Demolition of Implement Shed

At Invergelder Farmhouse, Balmoral (Paper 5) (2013/0067/DET)

29. The Convener informed Members that a request to answer questions had been received, within the given timescale, from:
- Agent – John Duncanson, Engineer
30. The Committee agreed to the request.
31. Katherine Donnachie presented a paper recommending that the Committee approve the application subject to the conditions stated in the report and SEPA agreeing the Construction Method Statement.
32. The Committee were invited to ask questions of John Duncanson. No questions were asked.
33. The Convener thanked the Agent.
34. The Committee discussed the application and the following points were raised:
- a) Clarification that the Turbine House was of a sympathetic design to the nearby B Listed Steading. Katherine Donnachie advised that the Turbine House was a simple timber/slate shed. However, the use of local materials could be included in Condition 2.
 - b) Clarification of how the electrical connection to the Castle would be made. Katherine Donnachie responded that it would be via underground cable.
 - c) Clarification of the distance of the Turbine House to the nearest residential property. Katherine Donnachie advised it was approximately 100 metres.
 - d) The need for any community contribution for the scheme. Katherine Donnachie advised that due to the scheme being an upgrade/reinstatement developer contribution would not be looked for.
35. The Committee agreed to approve the application subject to the conditions stated in the report with the following amendments:
- Condition 2: Requiring the use of locally sourced materials.
36. **Action Points arising:** None.

Agenda Item 10:

Report on Called-In Planning Application:

Application Under Section 42 to Vary Condition Regarding Boundary

Treatment to the Rear Fence of Plots 11-15. To Replace Existing 0.9 metre High Post & Wire Fence with 1.8 metre High Timber Screen Fence

At Land at High Burnside, Aviemore

(Paper 6) (2013/0150/DET)

37. Fiona Murphy presented a paper recommending that the Committee approve the application subject to the conditions stated in the report.
38. The Committee were invited to ask the Planning Officer points of clarification, the following were raised:
- a) Who would be responsible for the upkeep of the fence in perpetuity. Fiona Murphy advised it would be the Applicant (Aviemore & Highland Developments Ltd) and this could be included in the overall factoring scheme for the development.
 - b) The need to look at taking permitted development rights away on similar future applications.
 - c) Concern about the visual impact of a solid timber fence.
 - d) A post and wire fence allows for better visual integration into the woodland setting.
 - e) Concern if the application is not approved, the potential for several different styles of boundary treatment to be erected.
 - f) The potential for planting to soften the visual impact of the fence. Fiona Murphy advised that blocks of planting were to be carried out, along with the existing landscape strip, which would help disguise the fence.
 - g) Clarification of the timber to be used. Fiona Murphy advised it was to be treated, unstained locally sourced timber.
 - h) The timber fence having implications for the connectivity of the wildlife. Fiona Murphy advised that no specific measures had been included for the movement of wildlife.
 - i) If the residents would have any access to the woods. Fiona Murphy advised that they would not have access to the woods except through the official accesses.
 - j) Could anything stop a resident removing the timber fence and replace it with a post and wire fence. Fiona Murphy advised that the application was for a timber fence and this would be required to be retained under the approved permission.
 - k) The residents permitted development rights and how these could be applied to boundary treatments.
39. Duncan Bryden proposed an Amendment to Refuse the application that the proposal was contrary to paragraph 95 of Scottish Planning Policy where all new development should respond to the character of the location. There was no seconder for the Amendment.

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40. The Committee agreed to approve the application subject to the conditions stated in the report with the following amendments:

- Condition 1: The maintenance of the fence to be included in the overall factoring scheme of the development.
- Additional Condition: Requiring a gap to be left under the fence to allow for movement of wildlife.

41. **Action Points arising:** Fiona Murphy to speak to the CNPA Ecologist regarding fencing and connectivity of wildlife.

Agenda Item 11:

Any Other Business

42. Gregor Rimell advised Members that he had recently attended a function at Holyrood, where the owner of Glenfeshie Estate was trying to lobby to achieve the removal of the hydro electric scheme from his Estate by Scottish and Southern Energy and the reinstatement of the water course. Gregor Rimell advised that this was an interesting concept and whilst it may make good sense environmentally, it may not practically be possible.

43. Duncan Bryden advised that a discussion on water abstraction was due to be held in the future.

44. **Action Points arising:** None.

Agenda Item 12:

Date of Next Meeting

45. Friday 16 August 2013 at The Duke of Gordon Hotel, Kingussie

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

47. The public business of the meeting concluded at 12:50 hrs.