

CAIRNGORMS NATIONAL PARK AUTHORITY

APPROVED MINUTES OF THE PLANNING COMMITTEE
held at The Community Centre, Nethy Bridge
on 19th August 2016 at 11.00am

Members Present

Peter Argyle	Gregor Hutcheon
Rebecca Badger	John Latham
Angela Douglas	Bill Lobban
Paul Easto	Eleanor Mackintosh (Convener)
Katrina Farquhar	Willie McKenna
Jeanette Gaul	Fiona Murdoch
Janet Hunter	Gordon Riddler (Deputy Convener)
Brian Wood	Judith Webb

In Attendance:

Gavin Miles, Head of Planning
Katherine Donnachie, Planning Officer, Development Management
Matthew Taylor, Planning Officer, Development Management
David Allan, Planning Technician
Peter Ferguson, Legal Adviser Harper & MacLeod LLP
Margaret Smith, PA to Chief Executive, Convener and Director of Corporate Services
Kirsty MacKenzie, Support Officer

Apologies:

Kate Howie
Gregor Rimell
Dave Fallows

APPROVED COMMITTEE MINUTES

Agenda Items 1 & 2:

Welcome

1. The Convener welcomed all present and apologies were noted. Apologies given as the meeting would not be recorded due to failure of recording equipment.

Agenda Item 3:

Minutes & Matters Arising from the Previous Meeting

2. The minutes of the previous meeting, 8th July 2016, held at The Community Centre, Nethy Bridge were approved with amendments to the following:
 - a) Para. 28b Spelling correction - Phytophthora.
3. There were no matters arising.
4. The Convener provided an update on the Action Points from the previous meeting:
 - a) **Action at Para 12i): Completed.** The removal of the words 'and that the layout does not prejudice the ability of the Cairngorms Farmers Market to use the public open space fronting Grampian Road.' From Condition 2.
 - b) **Action at Para 20i): Done.** Site visit to Badaguish to be organised prior to the next Planning Committee meeting on 19 August 2016.
 - c) **Action at Para 20ii): Done.** Masterplan for Badaguish to be included in the papers going before the Planning Committee meeting on 19 August 2016. Masterplan to include details of what was approved when and if completed the dates associated. The Convener clarified that this was the applicant's masterplan.
 - d) **Action at Para 25i): Completed.** Condition to be added to request that the precise colour finish and materials choices for the cladding to the walls and roof of the lodges has been submitted to and approved in writing by the CNPA.
 - e) **Action at Para 25ii): Completed.** Informative to be added to advise that the use of a 'chestnut brown' finish is not acceptable.
 - f) **Action at Para 31i): Completed.** Additions to be made to Conditions 1 (as per paragraph 28c) and Condition 3 (as per paragraph 27).
 - g) **Action at Para 31ii): To be finalised and sent out next week.** Planning Committee Convener to write to Applicant to express the Committee's disappointment over the retrospective nature of the application.
 - h) **Action at Para 35i): Completed.** Response to Transport Scotland to note concern over impact on private properties at Dalnaspidal.
 - i) **Action at Para 43i): To be taken to September Planning Committee.** Paper on HI Carrbridge to be prepared and brought before the Committee.

APPROVED COMMITTEE MINUTES

Agenda Item 4:

Declaration of Interest by Members on Items Appearing on the Agenda

5. No declarations of interest.

Agenda Item 5:

Application for Detailed Planning Permission (2016/0092/DET)

Erection of building to provide accessible cooking and toilet facilities for wigwams, siting of temporary portaloo facilities and formation of parking area for bike park (amended proposal, ref: 16/00450/FUL (2016/0042/DET)

At – Land to NE of Speyside Trust Badaguish Outdoor Centre, Glenmore, Aviemore

RECOMMENDATION: Approve subject to conditions set out in report.

6. Katherine Donnachie presented a paper to the Committee.
7. The Committee were invited to ask the Planning Officer points of clarification, the following were raised:
 - a) Member asked what had the site for the proposed carpark originally been designated for – Katherine confirmed that it had been a landscaped area.
 - b) Application for permission to provide “accessible” toilet/kitchen facilities – the word “accessible” normally implies accessible for all abilities. Is this about true accessibility (for all abilities) rather than just being accessible for the development? Katherine said that the building would be wheelchair friendly and therefore fully accessible. Appendix 1 page 3 shows a wheelchair ramp.
 - c) The Chair invited Mr MacKenzie (the applicant) to address the Committee regarding this point and he stated that the building will be fully accessible for wheelchairs. Therefore “accessible” meant for all abilities. In the future some of the pods would have fully constructed ramps rather than portable ones.
 - d) Condition 4 — did the six month reference mean that the area could not be used for laydown of materials after this time? Katherine explained that the reason talking about restricting the parking area to being a laydown area for 6 months but should be reserved for parking after that time. Reason for putting 6 months restriction on it was to get the parking area defined by logs and applicant agreed to six months to do this. “Unless otherwise agreed” would provide flexibility for use as laydown area too.
 - e) Supporting statement in relation to toilet facilities. Refers to the toilet/kitchen pod being used as a pilot and adds that if pod was successful then more may be constructed to go along with the further construction of more pods. Would this be for the currently approved phase ~~application phase~~ or would there be more proposed applications in the future. Katherine said- this applied to the current

APPROVED COMMITTEE MINUTES

- ~~approved phase and that the applicant may apply for that there would not be a further application for more pods. Second a further kitchen/toilet pod within the approved scheme would be applied for~~ if the proposed kitchen/toilet pod proved successful ~~and would be built~~. ~~Planning applications would be required for any such further pods nearer pods which have not been built yet but which have been approved.~~
- f) What happens regarding compensation for loss of landscaping and what would happen if more applications come forward? Need to keep in mind the landscaping for future to ensure a quality design. When the current application came forward applicant was asked to put more landscaping around the carpark area into their application which they have now done. Landscape Advisor happy with this change.
- g) Landscaping has to be maintained. Member said that significant failure of new planting was evident when site visit done today. Was a failure percentage set when planning permission was given? Suggestion was made that there was a need to put in a condition as to what the expected take should be. There is already a landscape condition approved set and same terms would be set in conditions for this application. The approved landscape maintenance scheme sets out that all failures will be replaced.
- h) Five year period to replace trees/plants/shrubs which do not take. Members considered that there should be a specific percentage of take put into the condition, as well as a time limit, to ensure that the landscape scheme is upheld.
- i) Katherine said that it might be difficult to put on additional requirements a condition in as the landscaping scheme for the current development had already been approved. ~~The 5 year maintenance conditions~~ had been looked at by our heritage team and deemed to be suitable. Could be something to look at in future applications and will be raised with Heritage Team.
- j) Member considered that any planting that is required for this application should not be tied into previous application as this was a new application and it should be possible to reconsider now add to this application if it was for the same area. Katherine explained that only part of the approved landscape scheme lies within the red line application site now being considered – wider landscaping lies within the area outlined in blue as being under the applicants' control said that only small parts of the site are part of this application only section within the red line on the site plan.
- k) Member suggested an amendment to Condition 2 adding a sentence to say that there should be a survival rate of 80% of any planting in year 5, with possibly an extension to the number of years. Planners can are looking at a way to expand the Condition further than 5 years. It was agreed that the Committee were content to go with survival rate of 70-80%. Forestry Commission Guidance is already available on survival rate percentages.

APPROVED COMMITTEE MINUTES

- l) Condition 1 – A Member was concerned that there would be a lot of monitoring to be done by CNPA, especially regarding the carpark and how much impact it would this have on site in terms of additional visitor numbers. Officers explained that monitoring of visitor impacts was part of the
- m) A Visitor Management Plan ~~has been~~ drawn up by the applicant along with Forest Enterprise Scotland. That plan says that Speyside Trust will work closely with Forest Enterprise Scotland and monitor the ground to see that there no informal paths start to appear. The Visitor Management Plan as approved covers operations how things operate at Badaguish and this will include the current proposals. Carpark/toilets and will be monitored by them.
- n) Would this bring additional people to site who were not staying at Badaguish to use car park and will the VMP be robust enough to ensure that numbers are kept within the existing boundaries. Officers considered that this was the case and also pointed out that the Forestry Commission lease the land to Badaguish and so they also would be monitoring the surrounding area.
- o) A Member considered that the car park was of no use to the pods and that the existing parking facilities could be used instead. Suggestion made that this was purely a carpark for the bike park and should therefore be left as landscaped ground.

8. The Committee discussed the application and the following points were raised:
- a) A Member considered making a motion to refuse the carpark area only but allow the rest of the application but after discussion with officers and legal advisor decided not to do so.
9. The Committee agreed to approve the application subject to additions to Condition 2.
10. The Convener reinforced the Committee's message that the work on the site had not been of a good standard so far and had to be done better in the future.
11. **Action Points arising:**
- i. **Additional sentence to be added to Condition 2 – “In particular for any plants a survival rate of more than 80% for year 5.”**
 - ii. **Officers to review with ~~Overall this is something which is missing from landscaping conditions – planners look~~ heritage team at this that long term maintenance of landscaping is fully considered with new development.**

Agenda Item 6:

Application for Detailed Planning Permission (2016/0089/DET)

To build an all abilities bridge and boardwalk path between Steel's Mill, Culvardie, Nethy Bridge and the Tulloch Road, Nethy Bridge

APPROVED COMMITTEE MINUTES

At Land 235M SW of Upper Duack Cottage, Nethy Bridge

RECOMMENDATION: Approve

12. David Allan presented a paper recommending to the Committee.
13. The Committee were invited to ask the Planning Officer points of clarification, the following were raised:
 - a) Member felt that this was an excellent application but the emphasised that the material for the sub base of the path must not be recycled building materials.
 - b) Member asked if the planners were satisfied that the bridge would not be in danger of being washed away if there is a flood. The officer said that he was happy that this was the case.
 - c) Ant's nests – Member asked if there was mitigation to move ants nests if they were in the way of the path. The whole route would be checked and this taken into account. Any significant ecological features will be marked and the path microsited to avoid.
 - d) Historic landfill site – path rerouted to avoid this site.
 - e) Point for the future – Para 30 says there would be a short-term loss of the designated habitat. Concerned about the use of the word “short-term” loss as part of the habitat being lost is ancient woodland which would be irreplaceable. This to be taken into account in the future.
14. The Committee agreed to approve this application subject to wording change.
15. **Action Points arising:**
 - i. **Change made to the condition to say that recycled building materials must not be used to build paths (both sub-base and quarry dust).**

Agenda Item 7:

Application for Detailed Planning Permission (2016/0134/DET)

Installation of 25kW Micro Hydro System including Low Level Single Wall Weir, 200mm Buried Penstock and Turbine House

At Site to the South East of House of Glenmuick, Glen Muick, Ballater.

RECOMMENDATION: Approve:

16. David Allan presented a paper to the Committee.
17. Apologies given regarding a mistake in the report which stated that Braemar Community Council had been consulted when in fact it was Ballater and Crathie Community Council. This has been changed.

APPROVED COMMITTEE MINUTES

18. The Committee were invited to ask the Planning Officer points of clarification, the following were raised:
- a) Pollution and siltation to water course suggestion that 10 metre buffer to be used. The application does include the weir in the water course. Officers agreed to clarify the 10m buffer in consultation with SEPA.
 - b) Is this a brown field site. – Gavin said that it was not.
19. The Committee agreed to approve with amendments to condition 11.
20. **Action Points arising:**
- i. **Amendment to Condition 11 - to be reviewed and reworded or removed as appropriate. If removed requirement for 10 metre buffer will be controlled through Condition 5.**

Agenda Item 8:

Application for Detailed Planning Permission (2016/0120/DET)

Proposed extension to provide further accommodation block for the outdoor centre

At Abernethy Trust, Nethy Bridge

RECOMMENDATION: Approve

21. Matthew Taylor presented a paper to the Committee.
22. The Committee were invited to ask the Planning Officer points of clarification, the following were raised:
- a) Officer had said that whilst this was not a direct effect of the proposal, the applicant had voluntarily removed American Skunk Cabbage on request by the ecology adviser. Member asked if this non-native species might return and should be part of a planning condition. The officer advised that reference to the removal of the American Skunk Cabbage in the report was to demonstrate the applicant's willingness to enhance the site, and as the removal was not directly related to the proposal, it would not be appropriate to apply a planning condition.
 - b) Member asked if there was a visualisation on what the proposed extension would be like against the original building. The officer said that there were no visualisations but that the site of the extension was set back from the main building and finished in materials that would make it appear subservient to the earlier manse. During the site inspection the officer had felt that there was sufficient information to assess the relationship of the proposal with the existing buildings.
23. The Committee agreed to approve the application.

APPROVED COMMITTEE MINUTES

24. **Action Points arising:** **None**

Agenda Item 9:

Any Other Business

25. Bill Lobban brought up the point that at a previous committee meeting which he had attended approval was given to an application at Pitmain Estate. HC provided 50% of the funding for this application. This fact only came to his attention yesterday so he apologised to the Committee as had he known of this he would have declared an interest before the application was heard.
26. Section 42 application for Kingussie Housing – Gavin Miles reported that no progress had been made on the Section 75 agreement, therefore this will be taken back next month for review and Committee will be asked to decide on this.
27. Cairngorm Mountain – planning application now been validated by Highland Council for the unauthorised track at the Sheiling tow. That will be on call in list for next week.
28. Park Authority asked by Scottish Government to take part in a social impact pledge. One of the items decided was to hold a planning committee in one of the secondary schools. Pupils will be allowed to observe the committee and there will be a session afterwards where pupils will be able to ask questions on planning. This would be a normal planning committee open to the public.
29. Date for diaries – Design Awards 14th November. Venue tbc.

Agenda Item 11:

Date of Next Meeting

30. Friday 16th September 2016 at venue tbc.
31. Committee Members are requested to ensure that any Apologies for this meeting are submitted to the Clerk to the Board, Alix Harkness.
32. The public business of the meeting concluded at 12.40hrs.