

APPROVED COMMITTEE MINUTES

CAIRNGORMS NATIONAL PARK AUTHORITY

MINUTES OF THE PLANNING COMMITTEE

held at The Community Hall, Boat of Garten
on 20 July 2012 at 10.30am

Members Present

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| Peter Argyle | Eleanor Mackintosh |
| Duncan Bryden | Willie McKenna |
| Angela Douglas | Martin Price |
| Jaci Douglas | Gregor Rimell |
| David Green | Brian Wood |
| Kate Howie | Allan Wright |
| Marcus Humphrey | |

In Attendance:

Murray Ferguson, Sustainable Rural Development Director
Mary Grier, Senior Planning Officer, Development Management
Andrew Tait, Senior Planning Officer, Development Management
Marie Duncan, Planning Systems Officer

Apologies:

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| Dave Fallows | Ian Mackintosh |
| Katrina Farquhar | Mary McCafferty |
| Gregor Hutcheon | Gordon Riddler |

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, 22nd June 2012, held at The Albert Memorial Hall, Ballater were approved subject to the following amendment:
 - Paragraph 55c – Clarification if the provision of a forest plan (approved by the Forestry Authority) and EIA (Environmental Impact Assessment) would be adequate and therefore any developments would not require further planning permission so as to avoid two consent regimes.
4. There were no matters arising.
5. The Convener provided an update on the Action Points from the previous meeting:
 - Action Point at Para 65.: Murray Ferguson finalised and sent Service Improvement Plan to Scottish Government. The project team has met to initiate the SIP as a project, Duncan Bryden will be on Project Board and update with progress.
 - Action Point at Para 71.: Any Members who hadn't sent comments on checklist to Alison Lax were reminded to do so.

Agenda Item 4:

Outcome of Electronic Call-In

6. The content of the Outcome of the Electronic Call-in held on 13th July 2012 was noted.

Agenda Item 5:

Declaration of Interest by Members on Items Appearing on the Agenda

7. Peter Argyle declared a direct interest in Item No. 9 (Paper 4) on the Agenda, due to being an Aberdeenshire Councillor.
8. Marcus Humphrey declared interests in the following:
 - Direct interest - Item No. 9 (Paper 4) on the Agenda, due to being involved with the group managing the Church Yard.
 - Indirect interest - Item No.10 (Paper 5) on the Agenda, due to owning adjoining land to Invercauld Estate.
9. Brian Wood declared a direct interest in Item No. 10 (Paper 5) on the Agenda, due to his relationship with Invercauld Estate.

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Agenda Item 6:

Report on Called-In Planning Application for Construction of a pond, including dipping platform, picnic table and seats

At Land 65 Metres North Of Lairig View, Aviemore (Paper I) (2012/0070/DET)

10. Mary Grier presented a paper recommending that the Committee approve the application subject to the conditions stated in the report.
11. The Committee were invited to ask the Planning Officer points of clarification, the following were raised:
 - a) Clarification if the application was within the settlement boundary. Mary Grier confirmed after checking that it was just outside the boundary.
 - b) The consideration of some type of 'masterplan' due to the increased number of applications on land to the north of Aviemore. Mary Grier confirmed this application wasn't within the settlement but it complied with policy and would not adversely impact upon the area.
 - c) Murray Ferguson added that there have been maps distributed to all the community councils to gather views and aspirations to assist with the LDP considerations and it's likely that issues like these will be raised and discussed in future with Members.
 - d) Clarification on Para 38. and the necessity to remove the island in the pond. Mary Grier confirmed that in this instance it was in the best interests of the whole project that it is omitted from the plans as consultees agreed that it would attract excessive amounts of wild fowl, which could damage the ecological value of the pond.
 - e) Clarification on Para 32. and maintenance of the pond and the possibility to have a condition to cover the pond as well as tree maintenance. Mary Grier advised that the applicant would be responsible for long term maintenance proposals.
 - f) Clarification if the island was already in existence. Mary Grier confirmed the feature wasn't currently present.
12. The Committee were invited to ask questions of John Grierson (Aviemore and Vicinity Community Council) and the following points were raised:
 - a) The Applicant confirmed that pond maintenance and instructions of the works would be the responsibility of Aviemore and An Camas Mór Enhancement Company Ltd, a community company created by the Aviemore and Vicinity Community Council.
 - b) Duncan Bryden asked John Grierson if he was content with Condition 5 and landscaping plan. John Grierson agreed he was.
 - c) Members agreed to change wording in Condition 5b to reflect that maintenance obligations applied to the whole site over the longer term and not just planting.
13. Duncan Bryden thanked John Grierson.

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14. The Committee discussed the application and the following points were raised:
 - a) The possibility of including the An Camas Mór Enhancement Company Ltd within the condition regarding responsibility of maintenance. Mary Grier advised that the permission pertained to the land not the Applicant and that it was up to the applicant how they discharged the conditions.
 - b) Commending the Aviemore and Vicinity Community Council on the application which is considered a welcomed feature to the northern entrance of Aviemore.
15. The Committee agreed to approve the application subject to the conditions stated in the report and changing the wording in Condition 5b from 'planting' to 'site'.
16. **Action Points arising:** None.

Agenda Item 7:

Report on Called-In Planning Application for Erection of house on the footprint of an existing stone bothy. Gable remains of bothy to be retained as part of the scheme

**At Edencaille, Grantown-On-Spey
(Paper 2) (2012/0125/DET)**

17. Duncan Bryden advised the Committee that the Applicant (Mrs Alison Robertson) was present but did not wish to speak.
18. Mary Grier presented a paper recommending that the Committee approve the application subject to the conditions stated in the report.
19. The Committee were invited to ask the Planning Officer points of clarification, the following were raised:
 - a) Concerns with the size of gap between the gable and the new build. Mary Grier pointed out the gable would be a screen wall and the site plan indicated quite a degree of space between them both.
 - b) Clarification of Para 48. and if VAT implications were a planning consideration. Mary Grier explained that the VAT implications were referred to as background information to explain why the applicants required the proposal to be assessed as a new dwelling rather than as accommodation ancillary to the main dwelling house, and that in the context of a proposal for a dwelling house, details were provided to justify it as a development on brownfield land.
 - c) The definition of Brownfield. The definition was read out from the Glossary of the Local Plan on page 163.
20. Duncan Bryden thanked the Applicants for attending.

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

22. Action Points arising: None

Agenda Item 8:

Report on Called-In Planning Application for Demolition of derelict house and erection of a dwelling house

At Land At Laggan No 1 Croft, Kingussie

(Paper 3) (2012/0107/MS)

23. Mary Grier presented a paper recommending that the Committee approve the application subject to the conditions stated in the report.

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

- a) Opportunity to promote the sustainable use of local resources through the use of a condition and the potential for the applicant to use local natural resources, for example the Granite. Mary Grier advised that an Advice Note would be more appropriate to reinforce encouraging use of locally sourced materials.
- b) The use of horizontal rather than apex window design on the two front walls of the projecting gables. Mary Grier replied that lengthy discussions had taken place with the applicant/agent regarding design directions. Previously approved design examples had been pointed out but in the end the applicant decided upon the proposed design.
- c) Duncan Bryden commended Planners on their hard work with the applicant on the design changes and improvements to make this an acceptable proposal.

25. The Committee agreed to approve the application subject to the conditions stated in the report and an Advice Note with regards to the sustainable use of local stone.

26. Action Points arising: None

Agenda Item 9:

Report on Called-In Planning Application for Erection of Shelter to House Symbol Stones

At Land to East of Tullich Churchyard, A93 Castlehill, Tullich to B972 at Tullich, Tullich, Ballater

(Paper 4) (2012/0155/DET)

27. Peter Argyle and Marcus Humphrey declared an interest and left the room.

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28. Mary Grier presented a paper recommending that the Committee approve the application subject to the conditions stated in the report.
29. The Committee were invited to ask the Planning Officer points of clarification, the following were raised:
- a) Concerns in Para 2. about the possible use of Cypress and in particular Lawson's Cypress to create the hedge. Mary Grier suggested adding an Advice Note recommending the more traditional Yew as the preferred species.
 - b) The response from the Applicant to the Ballater and Crathie Community Council query regarding the use of a boat shape design which is well known in the Western Isles and the possibility of a design consideration more local to the area. Mary Grier confirmed the origins of the shape didn't present any significant planning issues.
 - c) Inclusion of a condition to replace dying hedges. Mary Grier confirmed a condition could be included requiring that it be developed and maintained in conjunction with the landscaping strategy for the cemetery extension.
 - d) Whether Cedar shingles are the best option for the roof and the material not being local to the area. It was advised they were most likely chosen due to endurance and cost issues.
 - e) Noted the incorrect spelling of 'Cyprus' within the report. Apologies were made.
 - f) The potential for directional signage to the site. It was noted that this could also be included in an advice note.
30. The Committee agreed to approve the application subject to the conditions stated in the report and an Advice Note to include Yew as the preferable species and a condition requiring that the maintenance of the hedge be linked to the landscape strategy on the Church yard and directional signage.

31. Action Points arising: None

32. Peter Argyle and Marcus Humphrey returned.

Agenda Item 10:

Report on Called-In Planning Application for Creation of 450m Hill Track, Re-instatement of 477m of Existing Hill Track, Re-building of 337m of Hill Track, Re-opening of Existing Borrow Pit

**At Land at Glen Gairn, NJ188016, Invercauld Estate, Ballater
(Paper 5) (2012/0126/DET)**

33. Brian Wood declared an interest and left the room.
34. Andrew Tait presented a paper recommending that the Committee approve the application subject to the conditions stated in the report.

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

- a) Clarification of what part of the application is being restored and renewed. Andrew Tait confirmed it's the land alongside the river that is being restored.
- b) If there are any examples of what the path will look like and landscaping will be done. Andrew Tait replied there was a construction method statement at the back of the report which indicates how this will be carried out.
- c) Concerns with the implications of the application and the Rights of Way on the paths. Andrew Tait responded a suitable diversion is to be in place.
- d) Clarification on the dates of works within the report and the actual start of works. Andrew Tait explained that suitable weather conditions mean works can start when consent is granted.
- e) The possibility of conflict with Right of Way users access during track restoration. Andrew Tait confirmed that the option to leave the single footpath could be looked at within conditions.
- f) Clarification of condition 4 concerning public management. The importance of public understanding explaining the project is an improvement rather than an addition with suitable signage to cover any access or Right of Way issues to be included in the statement.
- g) Application noted as being positive move and a sensible approach.

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

37. Action Points arising: None

38. Brian Wood returned.

Agenda Item 11:

**Report on Called-In Planning Application for Upgrading of argocat track at
At Land 450M SW of Drumochter Radio Station
Dalwhinnie
(Paper 6) (12/00978/FUL)**

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

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

- a) Concerns with the part retrospective aspect and the need for planning permission earlier. Andrew Tait clarified the applicant consulted the appropriate authorities beforehand seeking confirmation that the works did not require planning permission, though the works done were more extensive than anticipated. The applicant

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stopped further works when advised consent was required to finish the upper part of the track.

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

42. **Action Points arising:** None

Agenda Item 12:

Report on Called-In Planning Application for At Easter Tulloch Cottage, Nethy Bridge (Paper 7) (2012/0018/DET)

43. Andrew Tait presented a paper recommending that the Committee approve the application subject to the conditions stated in the report (with some amendments).

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

- a) Concerns within Condition 6 and bin storage and the possibility including screening. Andrew Tait agreed this could be added to the condition.
- b) Whether the red corrugated roof will remain and if appropriate to setting. Andrew Tait replied the material are typical and complement each other.
- c) Planners again commended in improving this design.

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

46. **Action Points arising:** None

Agenda Item 13:

Report on Called-In Planning Application for Installation of hydro electric scheme, powerhouse, access tracks and bridges At Bruar Hydro Scheme, Pitagowan, Blair Atholl (Paper 8) (2012/0055/DET)

47. Andrew Tait presented a paper recommending that the Committee approve the application subject to the conditions stated in the report.

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

- a) Agreement with project and requests by applicant to amend conditions but concerns that no Planning Gain was sought. Andrew Tait replied that the area is not covered by the CNP Local Plan therefore not covered by Planning Gain policy and similarly

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within Perth and Kinross Council Local Plan there is no requirement, so the request cannot be made.

- b) If contributions are suggested to local communities by developers outside the planning system they cannot be considered as part of this planning application.
- c) Clarification on Blair and Atholl & Struans Community Council Response and what the viability and sustainability of the community is considered to be. Kate Howie confirmed that Atholl Estates are the main employers in the area and that two other Hydro schemes nearby completed by the Applicants are supported locally and finished to a high standard.
- d) Confirmation that Bruar Hydro is part of Atholl Estates along with various consultants.
- e) Andrew Tait confirmed the condition changes made in the report to satisfy both applicant and CNPA:
 - Condition 8 – related to the restoration of a small part of track by the A9 and not all of it.
 - Condition 16 – remove condition relating to spoil and add as an advice note.
 - Condition 17 – Insert the words ‘wing walls’ when referring to use of natural stone on the dam and make the part about information about inundation of the Loch to become an advice note.
 - Conditions 12,13 & 14 – to be removed and added to Condition 3
 - Conditions 5, 15 & 20- to be removed and added to Condition 4.

49. The Committee agreed to approve the application subject to the conditions stated in the report and the amended conditions. Duncan Bryden spoke about how positive it was to see further renewable projects coming forwards within the Park and how, with careful planning and management, they could be developed with minimal impacts.

50. **Action Points arising:** None

Agenda Item 14:

Any Other Business

51. Andrew Tait updated Members on the Tesco Application approved at committee on the 27th April 2012. Members were reminded of the caveats required before releasing a decision notice, which included SEPA withdrawing the objection on flooding issues, the payment of planning contributions towards core paths and public transport and additional information on the protection of the Aviemore burn. The Committee were aware of the strong local desire to ensure that this development was progressed as soon as possible and asked Andrew Tait to write on behalf of Committee Members, prompting the supply of further information so that the decision notice could be issued.

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52. Willie McKenna asked for clarification on the relocation of Dragonflies from the pond within the Tesco site. Andrew Tait replied that this was part of a condition and the CNPA has offered help with this.
53. Jaci Douglas asked what happens to photographic records that are requested on applications and suggested they could also go to local museums. Andrew Tait responded that the CNPA store them and a copy also goes to the Local Authority Archaeologists. Andrew Tait agreed that the opportunity to pass them onto local museums was a good idea.
54. Allan Wright referred to the length of time taken to determine Paper 7 (Easter Tulloch Cottage, Nethy Bridge) and the excellent results that had been achieved through negotiations between the planning staff and applicants during this time. He suggested this should be highlighted to the Scottish Government as a positive example of how good outcomes in planning did not always take place quickly but that the end result was extremely positive. It was suggested that this could make a good case study about planning on our website.
55. Willie McKenna advised the Committee of his recent visit to the new Aviemore Primary school (for which CNPA had granted permission planning permission in July 2010) with Jaci Douglas and Gregor Rimmel and described it as fantastic with a potential for the CNPA to use the excellent facilities within the community wing.
56. **Action Points arising:** Andrew Tait to write to Tesco to prompt the supply of further information to allow the decision notice to be issued.

Agenda Item 12:

Date of Next Meeting

57. Friday 17th August 2012 at 10.30am
58. Committee Members are requested to ensure that any Apologies for this meeting are submitted to the Planning Office in Ballater.
59. The public business of the meeting concluded at 12:32hrs