

# APPROVED COMMITTEE MINUTES

---

## CAIRNGORMS NATIONAL PARK AUTHORITY

---

### APPROVED MINUTES OF THE PLANNING COMMITTEE

held at The Grant Arms Hotel, Grantown on Spey

on 21<sup>st</sup> October 2016 at 11.45am

#### Members Present

Peter Argyle  
Rebecca Badger  
Angela Douglas  
Paul Easto  
Dave Fallows  
Kate Howie

John Latham  
Bill Lobban  
Eleanor Mackintosh (Convener)  
Willie McKenna  
Fiona Murdoch  
Gordon Riddler (Deputy Convener)

#### In Attendance:

Murray Ferguson, Director of Planning and Rural Development  
Jane Shepherd, Planning Manager, Development Management  
Katherine Donnachie, Planning Officer, Development Management  
David Allan, Planning Technician  
Matthew Hawkins, Landscape and Ecology Manager  
Hayley Wiswell, Ecology Advisor  
Peter Ferguson, Legal Adviser, Harper & MacLeod LLP  
Kirsty Mackenzie, Planning Support Officer

**Apologies:** Katrina Farquhar  
Janet Hunter  
Gregor Rimell  
Brian Wood

Jeanette Gaul  
Gregor Hutcheon  
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, 16<sup>th</sup> September 2016, held at The Community Centre, Boat of Garten were approved with no amendments.
3. There were no matters arising.
4. The Convener provided an update on the Action Points from the previous meeting:
  - a) **Action at Para 27i): DONE.** Amendments have been made to the Draft Development Brief as detailed as points (a), (b) and (c) in paragraph 26 of the minutes. The document is now ready to go out for public consultation.

### Agenda Item 4:

#### Declaration of Interest by Members on Items Appearing on the Agenda

5. Bill Lobban declared an interest in:
  - a) Items No. 5 and 6 – Direct Interest – The Highland Council is the applicant for item 6 which is intrinsically linked to the application under item 5.
6. Dave Fallows declared an interest in:
  - a) Items No. 5 and 6 – Direct Interest – The Highland Council is the applicant for item 6 which is intrinsically linked to the application under item 5.
7. Bill Lobban and Dave Fallows left the room.

### Agenda Item 5:

#### Application for Detailed Planning Permission (2016/0060/DET)

#### Creation of residential plot layout (43 units), Roads, Drainage and Strategic Landscaping

#### At Land 150m NW of Beachan Court, Grantown on Spey

#### **RECOMMENDATION: Approve Subject to Conditions**

8. It was noted that a Committee site visit took place for this item and item 6. Katherine Donnachie presented a paper to the Committee.
9. The Committee were invited to ask the Planning Officer points of clarification, the following were raised:
  - a) Member asked how this and other developments would affect Grantown in regards to the access exit from Co-op and onto the main street and what effect

## APPROVED COMMITTEE MINUTES

the 10 houses would have on the existing access at Beachan Court. Katherine clarified that the Beachan road network would be suitable to service the 10 houses but the construction access would be taken via Seafield Avenue. There would be no through road to avoid the road being a dominant feature and to encourage people to make better links with the cycle paths and foot paths. Katherine also confirmed the nearest bus stop is on the High Street.

- b) Concern expressed about the volume of traffic on the High Street and the impact it would have, and the distance of the bus stop. Katherine confirmed that The Highland Council Roads Department had taken this all into consideration and confirmed the road network would be suitable for this development.
- c) Clarity on condition 11 - were the consultees confident that Sustainable Urban Drainage Systems (SUDS) Pond 2 has the capacity to contain the extra drainage which then feeds back into the burn through Dulaig? Katherine confirmed the consultees were satisfied with the drainage arrangements.
- d) Clarity regarding the detail of the landscaping revision. How were the landscaping issues addressed in the conditions? Katherine confirmed there would be steep stepping at this part of the site which required addressing.

10. The Convener invited Dr Gordon Bulloch, who had objected to the proposed development, to address the Committee. The Committee were invited to ask questions, and the following points were raised:

- a) Member asked if the burn would cope with flooding if the culvert was upgraded? The understanding was there was a significant flood in 2001 where the culvert was then upgraded with the addition of small pipes above and it was agreed if it was improved once again it would assist this problem.
- b) Dr Bulloch was thanked for his presentation. It was asked if he was speaking on behalf of Grantown on Spey Community Council. He confirmed that he had had discussions with them but that he was speaking as an objector who lived close to the proposed development.
- c) Member asked Dr Bulloch what was his concern with the detail. He explained that he was not against part of the site being built on. His concerns was that he wished to have a clear set of plans in front of everybody from the applicant and had asked that CNPA convene a meeting with interested parties to sort out these issues, as many of them could be resolved.
- d) Katherine explained that in regards to his points made that that the cut and fill plans are indicative only, it was the cross sections which represented the proposals and these did raise some concern. She also stated that as well as SEPA's comments, The Highland Council Flood Prevention Team had also fully considered this application.

## APPROVED COMMITTEE MINUTES

11. The Convener invited Badenoch and Strathspey Conservation Group, to address the Committee. The Committee were invited to ask questions, and the following points were raised:
  - a) The Convener asked if it would be helpful regarding the SUDS if the landscaping was more naturalised. It was agreed that it would help, and it was understood that the SUDS's ponds can be used by otters.
12. The Convener thanked the speakers.
13. The Convener invited Matthew Hawkins to make comments on the issues raised:
  - a) Stated confidence in the reports provided by applicant's ecological consultants and that their report would have picked up any issues.
  - b) Regarding SNH response, Matthew stated that it is common that capercaillie issues rely on professional judgement, that the recreational impacts had been fully considered.
14. The Convener invited members to discuss the application.
  - a) Concern was expressed about the culvert near Revoan and it was stated something better could be done to alleviate the water overtopping by carrying out works to the culvert. Katherine explained that the culvert is within the private property of Revoan and is not within the applicant's control. Katherine also explained that the Roads Department identified this problem of the water overtopping and that if it was under their control she would have anticipated that would have been explored this with the applicant.
  - b) Member asked if it was not unusual for an application to include changes to the landscape at this stage, including cut and fill, so that the Committee can properly consider impacts on neighbours and residential amenity? Katherine stated that it is not unusual with this sort of application and Officers had considered the sections and distance from the properties to the plots, and concluded that further minor changes including the up filling of the ground can be modified to minimise any impacts on the neighbours, as suggested in condition 1. A further question was asked relating to the photo shown in Dr Bulloch's presentation; was this taking the proposed cut and fill works into account? Katherine explained that the proposed groundworks are approximately 10 metres away from the Revoan Drive property.
  - c) The Convener asked if the SUDS ponds could be more naturalised and did condition 1 make provision for this? Katherine advised that in terms of landscaping, condition 1 was seeking a revised landscape scheme to show contours underneath. Matthew Hawkins explained that the intention is that we

## APPROVED COMMITTEE MINUTES

- end up with a more naturalistic landscape with a greater variety of wetland /grassland habitat.
- d) The Convener questioned how we take account of the contributions from statutory consultees. Peter Ferguson explained that such bodies provide advice, and it is for the Committee to form their own view. Any decision has to be based on proper grounds and if we were not to take proper account of advice from statutory consultees this could be used for a claim of expenses at appeal.
  - e) Concern was raised regarding the culvert at Revoan in that consultees have not responded on this issue, and it was considered that we should through approving this application have had the capacity to improve the situation with flooding on the road. Katherine explained that she is reliant on the experts, who were aware of objectors' concerns relating to the Revoan Drive culvert and considered this in their responses.
  - f) Member asked if it is assumed that water will be able to pass under road and would not act as a dam. Katherine explained that the Roads Department were anxious to have it justified that SUDS pond 1 would not make any existing problems worse. Applicants have explained the proposals will not increase the flow into the culvert and that this had been discussed with the Flood Team who advised that the requirements of proposed condition 11 were considered to be achievable, for example making the pond larger to hold the water back further.
  - g) The Convener asked if there is anything that can be added to the conditions and informatives regarding the ability of the applicants to improve the culvert at Revoan. Katherine explained the conditions were worded following discussion with the Flood Prevention Team and that it was not appropriate to include this in a planning condition. Suggestion was made to consider adding an informative advising the applicant to discuss potential improvements with the owner of the Revoan Culvert but it was highlighted that there was no onus on the applicants to do such works.
  - h) Concern was expressed over the second culvert at Rhuarden Court in terms of its adequacy. Katherine re-assured members that consultees had not over-looked the possibility of flooding.
  - i) Does SUDS Pond 2 give betterment and reduce the flood risk and are we confident that the applicants are improving the situation. Suggestion was made that if members are uncomfortable with this particular issue then perhaps a similar condition for SUDS Pond 2 should be included as per condition 11. Katherine explained that the culvert had been considered and Officers remained confident in the advice of our consultees.
  - j) Concerns were expressed at how many conditions there were, and several questions were asked: How confident are we as a planning authority at reaching a decision on the information that would be provided to fulfil condition 1? Katherine explained that we are fully confident.

## APPROVED COMMITTEE MINUTES

- k) What is our decision on the need for a recreation plan? Matthew added that we looked at this in relation to capercaillie and had discussions with the Outdoor Access Team and SNH and in conclusion the Heritage Team were comfortable that this was not required.
  - l) Had a water flow and pressure test been considered? We received no comments from Scottish Water, and there is nothing to indicate that we need this test. There is a normal condition that relates to the need to connect to a public water and drainage supply.
  - m) Whose responsibility is it to make sure that SUDS maintenance is carried out and done well? Katherine stated there is a SUDS maintenance statement attached and condition 16 covers the ongoing maintenance.
  - n) Are there any circumstances in which allotments could be required? There is no allotment association up in Grantown, nor a Local Development Plan policy requiring this at present. This is a matter which could be raised by interested parties during the preparation the next Local Development Plan.
  - o) Member requested a recess to raise a query related to legal issues with Peter Ferguson. A brief recess ensued where the member concerned spoke to Peter Ferguson, the Convener and staff.
15. The meeting reconvened and the Convener clarified that the queries raised would be of interest to other members and all other interested parties. The following queries and points were raised:
- a) Is there sufficient information on this application to show how residential amenity will be impacted from the proposal to enable a view to be reached because the conditions that are applied will not come back before the committee? Katherine explained there is sufficient distance between the houses and the new road. The existing sections show stepped levels. The condition is to secure a reduction in the amount of up fill and a smoother more natural effect, which will further protect the amenities or residents. Requiring these changes would not change the principle of the development, the position of the road and the distances from the houses. It was advised that full applications will come in for individual residential units.
  - b) Clarity on condition 1 regarding what was being requested? Katherine clarified the changes sought by advising that the sections currently show cutting deep into the site up to the woods. What the condition is seeking to secure is less deep cutting and lower levels on the site.
  - c) This is a difficult site with many interactions and that it would have been more helpful if there was a full application in front of us. It was suggested that one option was to defer this application based on uncertainty on issues.

## APPROVED COMMITTEE MINUTES

16. The Convener invited the agent, Colin Armstrong, and the engineer, Andrew McLeod to address some the points raised. The Committee were invited to ask questions.
- a) Member questioned the status of the comments made by Dr Bulloch against the advice provided by statutory consultees. Katherine explained all comments made by Dr Bulloch in his representations, including the photographs, were circulated to SEPA and the Flood Prevention Team and they remained of the view that this development is acceptable in terms of flooding and drainage.
  - b) The Convenor queried how they were addressing the concern about the culvert at the Revoan road end and is there any way to see betterment of the situation at this culvert? Andrew McLeod advised that this has been dealt with in the design for the site. They have made sure that what is put back into the watercourse is not greater than what is happening on site at the moment. They are attenuating water in the detention basin for the whole site to hold back water at a lesser rate than what is happening at the moment, which is an improvement.
  - c) Member queried the physical measurements of flow rates coming of the hill. Was this based on actual measurements and not just modelling? Andrew McLeod advised that it is based on Wallingford hydrological information whereby they determine the ground conditions on the site and the amount of rainfall in the area, which allows a calculation to be done as to the flow rate of water that discharges. He confirmed that investigations were carried out on site.
  - d) Member queried whether Condition 1 presents any issues from an engineering point of view? Andrew McLeod advised that the access road had to be at a specific level so that it is above the flood (1 in 200 year event) but once they have dug into the embankment, they can look at levels and he did not see it as an issue.
  - e) Confirmation sought that by member that the statement made that at all times run off into the watercourses as a result of this development will be less than at present. The Convenor confirmed that was what she had heard. The Convenor also clarified that under policy were not able to seek betterment just no worsening of the situation as a result of the development.
  - f) Member proposed the Committee should approve this application and support the Planning Officers recommendation.
17. The Committee agreed to approve the application.
18. The Director of Planning and Rural Development was asked about the number of planning conditions and informatives imposed. He was confident that Officers had scrutinised the conditions through our legal advisor. With regard to the number of informatives, he advised that they were largely included to be helpful. He agreed that there were too many and he would be looking at this for future applications.
19. **Action Points arising:** **None.**

## APPROVED COMMITTEE MINUTES

### **Agenda Item 6:**

#### **Application for Detailed Planning Permission (2015/0394/DET)**

**Erection of 10 affordable housing development (6 semi-detached houses and 4 cottage flats) including road and drainage infrastructure**

**At Land North of 45 Beachan Court, Grantown on Spey**

**RECOMMENDATION: Approve Subject to Conditions**

20. Katherine Donnachie presented a paper to the Committee.
21. The Committee were invited to ask the Planning Officer points of clarification, the following were raised:
  - a) Clarity was sought about the roads around the area and 'ex' adopted. Katherine clarified this means existing.
  - b) It was stated that the occupants may not have the funds to fix any problems within their properties and grounds in the future. A Member explained that there are Highland Council properties.
  - c) Are the flats going to be higher than the other properties? Katherine explained that the illustrations showed that they are the same height.
  - d) Member asked if there are planting proposals or will it look this 'stark'. Katherine explained there will be detailed landscaping on this site.
  - e) It was stated that there is a strong need for housing in this area and suggestion is made to approve this application.
22. The Committee agreed to approve the application.
23. **Action Points arising:                      None.**
24. Bill Lobban and Dave Fallows returned to the room.



## APPROVED COMMITTEE MINUTES

### **Agenda Item 7:**

#### **Application for Detailed Planning Permission (2016/0110/DET)**

**Conversion of hotel to form residential units (6 no. flats and 1 no. house), demolition of existing steel escape stairs and single storey extension to rear and alterations to existing building**

**At Seafeld Lodge Hotel, 5 Woodside Avenue, Grantown on Spey**

**RECOMMENDATION: Approve Subject to Conditions**

25. David Allan presented a paper to the Committee. He highlighted that while condition 7 was legally competent way forwards the Committee had an option to seek affordable housing in perpetuity and this could be covered by a modified condition.
26. The Committee were invited to ask the Planning Officer points of clarification, the following were raised:
  - a) The Convener explained her support for affordable housing in perpetuity and sought a legal perspective. Peter Ferguson explained that a change to condition 7 is possible and if the Committee agreed he would work with staff to help draft a suitable condition. Members agreed this change was desirable.
  - b) Members raised concerns over condition 8 concerning marketing. The planning condition should relate to residents of Badenoch and Strathspey, and not the Cairngorms National Park. This was agreed. Peter Ferguson confirmed this is a challenging condition to enforce.
  - c) Member asked for clarification on the south elevation. What are the vertical stripes on the wall? Suggestion made that the design could be improved.
  - d) Member asked for clarity on condition 4 regarding the bat report; was this covered by the condition? David confirmed it forms part of the condition as part of the species protection plan.
27. The Committee agreed to approve the application with the modified conditions.
28. **Action Points arising:**
  - i. **Condition 7 to be redrafted in accordance with paragraph 27a above.**
  - ii. **Condition 8 is to be reworded in accordance with paragraph 27b above.**

# APPROVED COMMITTEE MINUTES

## Agenda Item 8

### Any Other Business

29. Murray provided an update on Dinnet Hill Tracks. Following approval of their retrospective application in July the applicant had been given three months to submit specific information relating to conditions. The three months had run out last Friday and, while the some information had been submitted, this was insufficient to satisfy the conditions. Meetings had taken place and the applicant had been urged to move quickly. Very recently an approved Landscape Clerk of Works had been appointed. A paper will be brought to the November Planning Committee to give a further update on the proposed works.
30. The Convener advised that she had been invited to attend the Scottish Government Convener Planning Review meeting on 26 October 2016, which would inform a paper going to Scottish Government with regards to the Planning Review. This meeting clashes with the next Developers Forum and the Deputy Convener will chair the Developers Forum meeting.
31. The next Planning Meeting will take place on 18 November, in which both local secondary schools have been invited to attend. Murray reported that Kingussie High School would be sending up to 15 pupils, and a response was still awaited from Grantown Grammar School. Members will be briefed on detailed arrangements and pupils will get papers before the meeting.
32. A Member raised concerns about the weight given to individual objectors and professional advice. The Convener noted the importance of advice from respective professional bodies and the importance of hearing for people with view on planning applications.
33. Member stated disappointment in absence from SEPA, and Scottish Water failing to provide a response. The Convener explained that these public bodies are under financial pressure. Murray confirmed they will be having discussions with these public bodies to ensure that the planning process is as efficient as possible.
34. **Action Points arising:**
  - i. **Update Paper on Dinnet Hill Tracks to be brought to the Planning Committee meeting on 18<sup>th</sup> November 2016.**

## APPROVED COMMITTEE MINUTES

### **Agenda Item 13:**

#### **Date of Next Meeting**

35. Friday 18<sup>th</sup> November 2016, Community Hall, Boat of Garten.
36. Committee Members are requested to ensure that any Apologies for this meeting are submitted to the Clerk to the Board, Alix Harkness.
37. The public business of the meeting concluded at 14.45hrs.