

APPROVED COMMITTEE MINUTES

CAIRNGORMS NATIONAL PARK AUTHORITY

APPROVED MINUTES OF THE PLANNING COMMITTEE

held at The Community Hall, Boat of Garten

on 22 March 2019 at 11.00am

Members Present

Peter Argyle (Vice Convener)

Geva Blackett

Carolyn Caddick

Pippa Hadley

John Latham

Eleanor Mackintosh (Convener)

Douglas McAdam

Xander McDade

Willie McKenna

Ian McLaren

Fiona McLean

Anne Rae Macdonald

Gaener Rodger

Derek Ross

Judith Webb

In Attendance:

Gavin Miles, Head of Planning & Communities

Emma Wilson, Planning Manager (Development Management)

Katherine Donnachie, Planning Officer

Roslyn Macdonald, Legal Adviser, Harper MacLeod LLP

Alix Harkness, Clerk to the Board

Dot Harris, Planning Administration & Systems Officer

Apologies:

Janet Hunter,

William Munro,

Deirdre Falconer

Agenda Items 1 & 2:

Welcome & Apologies

1. The Convener welcomed all present and reported that a worthwhile site visit had taken place that morning.
2. The Convener congratulated Geva Blackett, Willie McKenna and herself on their recent re-election to the CNPA Board for terms to last four years. She reported that

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the Board had sadly lost Dave Fallows who was a very conscientious member of the Committee and suggested that she write to him to thank him for his contribution over the years. This was agreed.

3. The Convener announced that following last night's local Elections Deirdre Falconer had been elected to represent Ward 1 and would undergo planning committee training before sitting on the committee.
4. Apologies were noted.
5. **Action:**
 - i. **Planning Committee Convener to write to Dave Fallows to thank him for his contribution to the Planning Committee over the years.**

Agenda Item 3:

Minutes & Matters Arising from the Previous Meeting

6. The minutes of the previous meeting, 22 February 2019, held in the Cairngorm Hotel Aviemore, were approved with no amendments.
7. There were no matters arising.
8. The Convener provided an update on the Action Point from the previous meeting:
 - a) **Action Point at Para 19i) In Hand** – *Additions as detailed in paragraph 18 are being added to the decision notice.*
9. **Action Point Arising: None.**

Agenda Item 4:

Declaration of Interest by Members on Items Appearing on the Agenda

10. Geva Blackett declared a Direct interest in:
Item No. 6 Reason: Has family connections to many of the objectors to the development.
11. Peter Argyle declared an Indirect interest in:
Item No. 6 Reason: Is a Board member of Visit Aberdeenshire, but Visit Aberdeenshire's representation was prior to him becoming a Board Member.

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Agenda Item 5:

Application for Detailed Planning Permission (2018/0043/DET)

Erection of 28 apartments with associated works (amended design)

At development site on Former Filing Station, Grampian Road, Aviemore, Highland

Recommendation: Refuse

12. The Convener advised Scott Donald the Agent had requested to be heard and would be represented by Brian Muir of Rydens.
13. Katherine Donnachie, Planning Officer presented the paper to the Committee. She highlighted that there had been a typing error at paragraph 106 where it should read ‘...Because this application is recommended for approval, these issues form ancillary reasons for refusal, but would be easily addressed were the application to be approved.’
14. The Committee were invited to ask points of clarity. The following point was raised:
 - a) The Convener asked that the position on affordable housing be explained. Gavin Miles explained that the applicant had been in discussions with the housing authority (The Highland Council) at the point that they were developing houses at Sluggan Drive, Aviemore. The developer offered affordable houses at Sluggan Drive and the housing authority accepted. He added that should this current application not proceed the housing provided at Sluggan Drive would continue to be a credit-note for the developer that could be used against affordable housing contributions.
 - b) With regards to the scaling of the plans, were the trees behind the building to scale or just an artist’s impression? Katherine Donnachie suggested that questions be put to the Agent.
 - c) With reference to the visualisation, the description states that the tallest building would be double the height of the street lights whereas the visualisation does not portray this. Gavin Miles suggested that the question be put to the Agent. Katherine Donnachie advised that the street lights were 8m high and the tallest building would be 16m high.
 - d) Could the height of the Happy Haggis building be given to help work out perspectives? Katherine Donnachie approximated that it was 5 meters high but suggested the Agent be asked to confirm.
 - e) The street lights seemed to get shorter in height when nearing the town centre. Katherine Donnachie reported that she had received the details on the street lights height from the Highland Council specifically on that site.
15. Scott Donald (Architect), Brian Muir of Ryden Planning, (Agent) and Cameron Munro (Applicant) gave a presentation.

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16. The Committee were invited to ask questions of the speakers. The following were raised:
- a) With regards to the scaling of the plans, were the trees behind the building to scale or just an artist's impression? Scott Donald advised that the dark green trees had been surveyed and drawn accurately to scale as had the chip shop building. He added that the lighter trees pictured in the background were not accurately drawn to scale.
 - b) Had the street lights been drawn to scale? Scott Donald advised that the person who had created the 3D images was not present. He suggested that he could go away and check that and then come back with the information. He added that regardless of the images the wall height of the highest building of the development would be the same height as the approved Premier Inn, 13 metres. He confirmed that the pitched roof would increase the height to 16 metres.
 - c) With reference to the visualisation, if the Happy Haggis building was 5 meters tall, the gable end of the proposed development next door did not look as if it was 16 meters tall. Brian Ryden agreed that this comment was valid. He advised that he had permission from his client to withdraw the visualisations from the Committee's consideration of this application. Katherine Donnachie agreed and asked the Committee to focus on the proposed plans.
 - d) With regards to the removal and retention of trees, concern raised with regard to the impact of cutting back tree areas, causing damage to the tree roots and stability problems and therefore leading to further tree loss. Scott Donald reported that his client had looked at different ways of building the car port area and that the current pile driven solution reduced the number of trees needing to be removed. He explained that a Tree Consultant had been hired to work with the developer. Trees on the site had been categorised for quality and benefit to the wider community. He advised on site 11% are category A listed, 32% are category B, well over half are C or U. He advised of the Category A trees, it was being proposed to remove 8% of the total.
17. Katherine Donnachie was invited to come back on points that she had heard:
- a) Policy 5 Landscape was clear it applied throughout the National Park and not just to the remote and wild areas.
 - b) Policy 3 Sustainable Design states that development must be sympathetic to the area, this policy also applies to that site.
 - c) With regard to the comparison made to the Premier Inn development whereby a precedent was set for development of this height she highlighted that the topography differs for each site.
 - d) Tree protection and construction of retaining wall – the Highland Council Forestry Officer shares the same concerns as CNPA officers and members and had requested that an arboricultural statement be produced.

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- e) Applicants have tried to address concerns by cutting back on car parking through the reduction of flats, and the construction method of the retaining wall which has reduced the disturbance to trees.
18. The Convener thanked the speakers.
19. The Committee were invited to discuss the report, the following points were raised:
- a) Did the Highland Council Forestry Officer still have concerns? Katherine Donnachie confirmed that he did.
 - b) Agree that it was an ideal site for residential housing however the concern with this proposal was the height of the building next to the chip shop. Had the building been three and a half storey rather than four and half, would have been more supportive.
 - c) Praise for the Agent's presentation however disagreement with the conclusions drawn.
 - d) General concern raised around the scale and size of the proposed development.
 - e) Suggestion made that poles to indicate proposed building heights could have been erected for this morning's site visit to aid with visualisation. Katherine Donnachie advised that the Applicant had been asked to provide this but were not able to.
20. **The Committee agreed to refuse the application as per the Officer's recommendation.**
21. **The Convener added that there was strong support for some form of housing on the site if developers want to rethink the scale.**
22. The meeting paused for short comfort break.
23. **Action Point arising:** None.
24. Geva Blackett left the room.

Agenda Item 6:

Application for Detailed Planning Permission (2018/0043/DET)

Erection of 12 Holiday Cabins and Associated Ancillary Plant Building, Ground Mounted solar panels and formation of parking area

At Laghlasser, Corgarff, Strathdon, AB36 8YP

Recommendation: Approve Subject to Conditions

25. The Convener advised that Rachel Gray (Agent), A J Walker (Objector) and Paul Toohey (Community Council) had requested to be heard.

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26. Emma Wilson, Planning Manager presented the paper to the Committee. She highlighted that the Council's Roads Department submitted additional comments and have requested that should the application be supported further conditions be attached to any consent. These were received after the committee report was prepared and relate to:
- a) The specification of the visibility splay at the junction of the site with the A939;
 - b) The gradient and finish of the access;
 - c) The servicing arrangements and vehicle manoeuvrability within the site.
27. It was also recommended that an additional condition was required to ensure the proposed Private Water Supply's provision will be fit for human consumption and evidence be provided to demonstrate this.
28. The Committee were invited to ask the Planning Manager points of clarity. The following were raised:
- a) The Convener asked if there would be more felling required should the development be given the go ahead? Emma Wilson suggested that the question be put to the Agent.
 - b) Concern raised that in Aberdeenshire lots of water supplies were private and regularly run dry during dry spells, could reassurance be given as to the adequacy of the private water supply? Emma Wilson suggested adding that as a requirement prior to development starting.
 - c) Could reassurance be given that the private water supply had capacity to service all 12 proposed buildings and would not have an adverse impact on other water supplies in the area? Emma Wilson suggested that the question be directed to the Agent.
 - d) Would the surrounding woodland become an amenity forest for the development? Emma Wilson advised that it would remain commercial with plans to restock it as per the woodland management plan.
 - e) Clarification sought on the lighting arrangements at night. Emma Wilson advised that there would be low key lighting around the cabins and on the drive.
 - f) What was the estimated employment directly as a result of the development? Emma Wilson advised that there would be opportunities during the construction phases, they planned to build 2 structures at a time over 6 years. She added that once the structures were built there would be employment opportunity for 2 to 3 members of staff to service the cabins.
 - g) With regards to the lighting was there a restriction in place to ensure that it would be downward pointing? Emma Wilson suggested the Agent be asked to confirm the lighting proposed.
 - h) With reference to the trees in the woodland the report suggests best practise on larch trees? Gavin Miles advised that the application was not looking to bring the

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surrounding woodland into the application site, the surrounding woodland was under a forest management plan that Forestry Commission Scotland would approve.

- i) Suggestion made that it would have been useful to have a visualisation looking down from the Watchers. Gavin Miles agreed and took that point going forward.
- j) Concern raised that the parking area in the middle lacked screening. Emma Wilson advised that the parking area would be screened by landscape planting and that a condition covered the submission of a landscape plan for approval.

28. Rachel Gray (Agent) addressed the Committee. The Committee were invited to ask questions of the speaker:

- a) If approved what would the visitor see where the woodland would be seen from the Watcher's at the moment? Rachel Gray advised that a landscape and visual appraisal had been commissioned and it concluded that at the beginning the development would inevitably be visible however with replanting, over time the development would be screened.
- b) How could you guarantee that the development would not affect other water supplies? Rachel Gray advised that they had had done a professional water supply report that found that it had capacity.
- c) Were any other properties relying on the same water supply? Rachel Gray confirmed that currently the water source supplied the applicant's one bedroom cottage.
- d) Comment made that it would have been useful to see the visual impact of the development, had other measures to screen the car parking area been investigated? Rachel Gray advised that they wanted trees and not artificial structures. She added that the car park had been designed circular to tie in with the top of a mountain.
- e) Concern raised around the reflective cladding causing bird strike issues and the increase in light pollution. Rachel Gray advised that they had worked with the architect on 3D artificial renders to reduce glare on sunny days. She added that the cladding design would blend in with the trees because it reflected them.
- f) If the forest is productive, more felling would be likely and may cause further wind blow, had the impact of that been assessed? Rachel Gray explained that this was the purpose of the phased approach. She added that the forest management plan's aim is to maintain forest cover and that additional planting that is carried out would strengthen the forest cover.
- g) Could clarification be given on the impact of the lighting in an isolated area? Rachel Gray explained that they need to make the site safe for people arriving, took out majority of lighting, and took out on track and instead propose reflective bollards. Path lighting would be below knee height and pointing downwards. Their intention was to keep lighting to a minimum while being safe to access.

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29. Mr A J Walker (Objector) was invited to address the Committee.
30. Paul Toohey from the Donside Community Council representing Strathdon addressed the Committee.
31. The Convener invited Emma Wilson to come back on points that she had heard:
 - a) Reflective cladding, would be subject to condition, sample cladding would be requested and tested and approved.
 - b) Visibility splay did satisfy council standards, would be subject to condition to ensure road safety rules are addressed.
32. The Convener thanked the speakers and invited the Committee to discuss the report, the following points were raised:
 - a) With reference to Policy 10 Existing private water supplies, would it be fair to have a condition that states it should be bottomed out before the development starts on site? Emma Wilson confirmed that it was appropriate that they would have to demonstrate upfront how it would be addressed from the outset. Roslyn MacDonald confirmed that would be possible to impose the condition before commencement of the development.
 - b) Comment made that the concept was positive and the enthusiasm of the applicant was applauded however concern raised that it was in the wrong location, as this was an unspoiled part of the National Park with spectacular landscapes.
 - c) Could the applicant be asked to provide some long term reassurance with regards to the surrounding woodland to the site? Gavin Miles advised that it would involve seeking the Applicants agreement and would remove their ability to receive woodland grants.
 - d) Resounding agreement that the setting was critical especially with the risk of adversely impacting on the landscape setting.
 - e) Concern raised on the lack of screening on the car parking area.
 - f) Unfortunate not having an aerial view of the site and setting.
 - g) Comment made that they liked the design of the units.
 - h) Request made for visualisations to be created showing the woodland if felled. Gavin Miles advised that while officers could create a fly through of the site using aerial photography, it could only give a sense of the site, not an accurate picture.
 - i) Recognition for the enthusiasm of the applicant and concern raised of the number of conditions; insufficient evidence water supplies, use of reflective material, health and safety of road and access and limited job creation. Gavin Miles confirmed that the council were content with the visibility splay.
 - j) A member indicated that they the intended to propose a motion to refuse the application for a variety of reasons including the landscape and visual impacts, and

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limited economic benefits. A second member indicated that they would second such a motion.

- k) A member proposed a site visit to better understand the site and issues before making a decision on the planning application.

33. The Committee agreed to defer the application to allow for a site visit, further work to be carried out on the following:

- a) **To establish the water supply and its effect on the neighbours**
- b) **On the woodland management**
- c) **Visualisation of the development site.**

34. Action Point arising:

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

35. Geva Blackett returned to meeting.

Agenda Item 7:

Any Other Business

36. Gavin Miles provided the following updates:

- a) The S75 agreement for An Camas Mor had been issued for signing by all parties.
- b) Note that the LDP MIR Consultation Report had an error where the CBP were not referenced as having commented on all the issues that they had actually commented on. However their detailed comments were taken into account and were addressed in the detailed analysis in the report. The report has now been updated to correctly reference their comments.
- c) The CNPA has been asked to attend a hearing session for Public Inquiry into right of way diversion order at Pitmain Lodge Kingussie. Members may recall a previous planning application for diversionary track here – need to divert right of way was highlighted then and this led to the diversion order. Katherine Donnachie, Planning Officer and Doug Stewart, Outdoor Access Officer will attend.
- d) The next Planning Representatives Network and Developers forum meeting will take place next Wednesday 27th March 2019.
- e) The Spittal of Glenshee hotel site should be tidied up by the following week and if not, the CNPA would serve an amenity notice.

37. Action Point arising: None.

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Agenda Item 8:

Date of Next Meeting

38. Friday 26th April 2019 at The Community Hall, Nethy Bridge.
39. Committee Members are requested to ensure that any Apologies for this meeting are submitted to the Clerk to the Board, Alix Harkness.
40. The public business of the meeting concluded at 13.46.