

**CAIRNGORMS NATIONAL PARK AUTHORITY**

---

**APPROVED MINUTES OF THE PLANNING COMMITTEE**

held at The Community Hall, Boat of Garten

on 23<sup>rd</sup> March 2018 at 11.00am

**Members Present**

Peter Argyle

Rebecca Badger

Geva Blackett

Carolyn Caddick

Angela Douglas

Dave Fallows

Pippa Hadley

Gregor Hutcheon

John Latham

Eleanor Mackintosh (Convener)

Willie McKenna

Ian McLaren

Brian Wood

**In Attendance:**

Gavin Miles, Head of Planning & Communities

Emma Wilson, Planning Officer, Development Management

Katherine Donnachie, Planning Officer, Development Management

Peter Ferguson, Legal Adviser Harper & MacLeod LLP

Alix Harkness, Clerk to the Board

**Apologies:**

Janet Hunter

Xander McDade

Gordon Riddler

Judith Webb

Walter Wilson

**Agenda Items 1 & 2:**

**Welcome**

1. The Convener welcomed all present and apologies were noted.

**Agenda Item 3:**

**Minutes & Matters Arising from the Previous Meeting**

2. The minutes of the previous meeting, 23 February 2018, held at the Albert Hall, Ballater were approved with the following amendment:
  - At Para. 19: typo 'orposed' to be changed to 'proposed'

## APPROVED COMMITTEE MINUTES

3. There were no matters arising.
4. The Convener provided an update on the Action Points from the previous meetings:
  - a) **Action Point at Para. 14i) In Hand** - Letter of support had been written, agreed and sent to the Tomintoul & Glenlivet Landscape Partnership.
  - b) **Action Point at Para. 17i) In Hand**– Similar updates to be reported to Committee periodically to provide information on applications that are awaiting further information or experiencing delays.
  - c) **Action Point at Para. 22i) In Hand**– Murray Ferguson circulated the two Greenburn DPEA decision notices, to instigate a review to ensure processes with SNH were working well.
  - d) **Action Point at Para. 22ii) In Hand** –discussion session with DPEA and the Planning Committee will take place after the April Planning Committee meeting.

### **Agenda Item 4:**

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

5. There were no interests declared.

### **Agenda Item 5:**

#### **Application for Detailed Planning Permission (2017/0264/DET)**

#### **Erection of 8 Dwellinghouses**

#### **At Land 40 Meters North of Little Orchard, Blair Atholl**

6. Katherine Donnachie, Planning Officer presented the paper to the Committee.
7. The Committee were invited to ask points of clarity the following were raised:
  - a) Could it be clarified why the development was being described as affordable housing when it seemed more like mid-market rent? Katherine Donnachie explained that the Rural Housing Fund had provided the applicant with funding towards the feasibility study and that the type of housing being provided in the application was in line with the terms used by the Rural Housing Fund.
  - b) Concern raised that double glazing may not provide a sufficient acoustic barrier for the block of two units which would be closer to the railway line than the existing house already on site. Katherine Donnachie advised that the application had been further discussed with Perth & Kinross Council Environmental Health department to clarify that an acoustic barrier was not necessary for this development.
  - c) How was it intended it heat the properties? Katherine Donnachie confirmed that she did have this detail and recommended that they put this question to the Agent who was present and available to answer questions.

## APPROVED COMMITTEE MINUTES

8. Mr Rod Paul (Agent) was invited to answer the Committee's questions. The following points were raised:
  - a) How was it intended it heat the properties given that the units did not have chimneys? Mr Paul advised that they had not decided yet but were considering gas or electricity. He confirmed that no chimneys were being put in. He added that they have to meet energy efficiency requirements of building regulations. The Convener noted that the Committee would be looking for the chosen heating system to be as sustainable as possible.
  - b) Had the possible vibration issues been considered as part of the acoustic tests? Mr Paul confirmed that they had and had found that there were no perceived issues on the site. Katherine Donnachie added that a noise and vibration impact survey had been carried out, submitted with the application and that Environmental Health had raised no concerns.
  - c) Concern raised that the development might be affordable rent but not be affordable to heat given the location of the site; it could be damp and frosty there. Mr Paul advised that the buildings would be built as a well fabricated envelope to minimise the heat lost in accordance to current building regulations and the "fabric first" approach.
  - d) Could more information be given about the access road and the proposed upgrades? Mr Paul advised that the bridge upgrade would be to allow refuse collections and the fire brigade access to the site. The bridge upgrade would also benefit those who live across the bridge. He added that the track would continue to be a track with a rolled dust finish.
  - e) Was the finish considered appropriate considering the usage levels? Mr Paul confirmed that it would be in the developer's best interests to keep the track maintained.
9. The Convener thanked the speaker.
10. The Committee discussed the report, the following points were made:
  - a) Comment made that it was a good quality application.
  - b) Could clarity be given as to why lime trees had been chosen for the site? Katherine Donnachie advised that this had been a recommendation from the CNPA Heritage Officer. Gavin Miles added that the site is in a Conservation Area and that lime trees are often used to create a formal structure.
  - c) Excellent application that is well laid out with good design and an affordable element. Landscaping fine and the noise from the railway has been addressed.
  - d) Confirmation sought that the applicants would have to come back with a new application if they felt they needed to install chimneys to the properties. This was confirmed.

# APPROVED COMMITTEE MINUTES

- e) Concern raised around the lack of information on the heating system with the danger of the properties not being affordable to heat. Suggestion made that the decision on the application be deferred to allow the applicant to come back with a heating system proposal. Gavin Miles advised that if the applicant decided to install chimneys or heating pumps they would have to make a planning application as the site lies within a Conservation Area where permitted development is restricted. Peter Ferguson confirmed that the lack of a proposed heating system for the properties in this application was not a relevant consideration for making a condition on this application.
- f) Were there any conditions associated with mid-market rent and the Rural Housing Fund Guidance that would address the need for affordable heating systems? Gavin Miles advised that the renters would have a secure tenancy and the owner would be obliged to provide suitable housing.
- g) Suggestion made to add an informative that requests some form of renewable heating is provided. Gavin Miles advised that it would add no weight to the decision because the developer would have to comply with building regulations and standards as a matter of course.

**11. The Committee agreed to approve the application subject to conditions detailed in the report.**

**12. Action Point arising:                                  None.**

## **Agenda Item 6:**

### **Application for Detailed Planning Permission (2017/0325/DET) Redevelopment of former secondary school site for erection of 9 houses At Former Tomintoul Secondary School, Main Street, Tomintoul**

13. Emma Wilson, Planning Officer presented the paper to the Committee.

14. The Committee were invited to ask the Planning Officer points of clarity the following were raised:

- a) Was the development going to be hard up against the street line? It was confirmed that the development would be on the same line as the existing school house, set back from the street.
- b) Concern raised that the old playground was currently being used by the primary school for car parking and what were the implications for them with this development? Emma Wilson advised that there had been no mention of any informal agreement made regarding the parking arrangements and that this matter would have to be resolved between the relevant land owners.

## APPROVED COMMITTEE MINUTES

- c) Why did these houses not have chimneys? Emma Wilson advised that these features had not been included in the final design of the properties and their design was in keeping with other houses in the vicinity.
15. Alan Ogilvie (Agent) and Mr and Mrs Paget (Owners) were invited to answer the Committee's questions. The following points were raised:
- a) Could it be explained why the affordable housing had no chimneys? Mr Ogilvie explained that through discussions with Moray Council, air source heat pumps were the most likely heating source and did not require chimneys. He added that the private housing had been designed to allow for wood burning stoves but all the properties would be very energy efficient to comply with building standards.
  - b) Was the housing intended to be council housing? Mr Ogilvie confirmed that this was still being finalised with the Moray Council however it was very likely that it would be.
16. The Convener thanked the speaker.
17. The Convener invited Emma Wilson, the Planning Officer to come back with points of clarity, the following point was made:
- a) Preference to see timber windows as opposed to UVPC windows. Emma Wilson advised that there are a variety of window styles and finishes in the area. The site was not within a conservation area and the finishes proposed were considered acceptable.
18. The Committee were invited to discuss the report, the following points were raised:
- a) Concern raised around the proposed SUDS scheme, could pressure be put on the council to provide a more environmental SUDS scheme in the future? Gavin Miles advised that Moray Council have standards for drainage that the application satisfied. Gavin Miles confirmed that environmentally friendly SUDS are encouraged in discussions with applicants from the start of the planning process.
  - b) Comment made that the site is currently all tarmacked and the proposed landscape plan will be an improvement as it will provide some green. Praise for intention to have an alternative heating source installed which will help if there are electricity outages.
  - c) Really good development that fits in well with its surrounds. Only concern would be the original concept of affordable housing is that it should not be distinguishable from non-affordable housing. Welcome that one of the units is terraced and will accommodate a bigger family.
  - d) Good to see the site being tidied up.
  - e) Suggestion made to hold an informal discussion on heating affordable homes. This was agreed and Gavin Miles to program that in.

## APPROVED COMMITTEE MINUTES

- f) A Planning Committee member was uncomfortable in approving planning applications for affordable housing without a heating system in mind at the time of decision.
- g) Agreement that it was a good application and very welcome in Tomintoul.

19. **The Committee agreed to approve the applications subject to the conditions in the report.**

20. **Action Points arising:**

- i. **Informal discussion session on heating affordable housing to be scheduled.**

### **Agenda Item 7:**

#### **Digital Telecommunications Update**

21. Gavin Miles presented the paper to the Committee.

22. The Committee were invited to discuss the update, the following point was raised:

- a) How and when do masts become live? Gavin Miles advised that most of the masts are generally switched on as soon as possible as it is in the operator's interest to have customers use them.
- b) Peter Ferguson advised that there had been a recent change in regulations of the telecommunications code that meant that land owners could no longer prevent mobile network providers from sharing the mast with other mobile network providers. Gavin Miles added that this was good news as it would mean that there would be more networks available in the area offering the same coverage.
- c) Will 5G be better and getting through 3foot granite walls? Gavin Miles didn't know but explained that it was likely to be integrated with other high speed data connections. It was not yet known how many masts will be required to enable 5G services.

23. **The Committee noted the update.**

24. **Action Point arising:** **None.**

### **Agenda Item 8:**

#### **Any Other Business**

25. The application for the telecommunications mast at the Lecht has been withdrawn.

## APPROVED COMMITTEE MINUTES

26. Gavin Miles reported that the An Camas Mòr Section 75 agreement is moving on well. A draft was expected back from the applicant imminently and it was hoped to send it to the Highland Council in near future.
27. Gavin Miles advised that he had attended the Planning Representatives Network this Wednesday and had given feedback on the Local Development Plan Main Issues Report consultation.
28. **Action Point arising:** **None.**

### **Agenda Item 9:**

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

29. Friday 20 April 2018 at The Community Hall, Boat of Garten.
30. Committee Members are requested to ensure that any Apologies for this meeting are submitted to the Clerk to the Board, Alix Harkness.
31. The public business of the meeting concluded at 12.20 hrs.