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# CAIRNGORMS NATIONAL PARK AUTHORITY

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## MINUTES OF THE PLANNING COMMITTEE held at The Grant Arms Hotel, Granttown on Spey on 23<sup>rd</sup> July 2010 at 10.30am

### PRESENT

Peter Argyle  
Eric Baird  
Stuart Black  
Geva Blackett  
Duncan Bryden  
Dave Fallows  
Lucy Grant  
Marcus Humphrey  
Bob Kinnaird

Mary McCafferty  
Willie McKenna  
Eleanor Mackintosh  
Ian Mackintosh  
Anne MacLean  
Andrew Rafferty  
Richard Stroud  
Susan Walker

### IN ATTENDANCE:

Mary Grier  
Derek Manson  
Andrew Tait

Robert Grant  
Pip Mackie

### APOLOGIES:

Jaci Douglas  
David Green  
Drew Hendry

Alastair MacLennan  
Fiona Murdoch  
Gregor Rimell

### AGENDA ITEMS 1 & 2: WELCOME AND APOLOGIES

1. The Convenor welcomed all present.
2. Apologies were received from the above Members.

### AGENDA ITEM 3: MINUTES & MATTERS ARISING FROM THE PREVIOUS MEETING

3. The minutes of the previous meeting, 9<sup>th</sup> July 2010, held at The Village Hall, Braemar were approved.
4. There were no matters arising.

### AGENDA ITEM 4:

## **DECLARATION OF INTEREST BY MEMBERS ON ANY ITEMS APPEARING ON THE AGENDA**

5. Bob Kinnaird declared a direct interest in Planning Application No. 10/241/CP, due to the Applicant being an employee of his work organisation at Glenmore Lodge.
6. Lucy Grant declared a direct interest in Planning Application No. 10/244/CP, due to the Applicant being her Brother-in-Law.
7. Anne MacLean declared an indirect interest in Item No. 6 (Paper 1) on the Agenda, due to being a friend of the Representee.
8. Bob Kinnaird declared an indirect interest in Item No. 7 (Paper 2) on the Agenda, due to his wife working at the existing Aviemore Primary School.
9. Willie McKenna declared an indirect interest in Item No. 7 (Paper 2) on the Agenda, due to having a community interest in the application.
10. Stuart Black and Dave Fallows declared a direct interest in Item No. 7 (Paper 2) on the Agenda, due to the Applicant being Highland Council and them being locally appointed Highland Councillors.
11. Geva Blackett declared a direct interest in Item No. 8 (Paper 3) on the Agenda, due to being Vice Chair of the Braemar Community Council and the Community Council providing comments on the application.
12. Lucy Grant declared a direct interest in Item No. 10 (Paper 5) on the Agenda, due to the Applicant being a neighbour. Lucy Grant stated that she had not taken part in any discussion regarding the Applicant, Mr Huisman, or the application when it had been previously been spoken about at Committee meetings.

### **AGENDA ITEM 5: PLANNING APPLICATION CALL-IN DECISIONS (Oral Presentation, Mary Grier)**

- |                 |            |
|-----------------|------------|
| 13. 10/219/CP - | No Call-in |
| 14. 10/220/CP - | No Call-in |
| 15. 10/221/CP - | No Call-in |
| 16. 10/222/CP - | No Call-in |
| 17. 10/223/CP - | No Call-in |
| 18. 10/224/CP - | No Call-in |
| 19. 10/225/CP - | No Call-in |
| 20. 10/226/CP - | No Call-in |
| 21. 10/227/CP - | No Call-in |
| 22. 10/228/CP - | No Call-in |
| 23. 10/229/CP - | No Call-in |
| 24. 10/230/CP - | No Call-in |
| 25. 10/231/CP - | No Call-in |
| 26. 10/232/CP - | No Call-in |
| 27. 10/233/CP - | No Call-in |
| 28. 10/234/CP - | No Call-in |
| 29. 10/235/CP - | No Call-in |
| 30. 10/236/CP - | No Call-in |
| 31. 10/237/CP - | No Call-in |
| 32. 10/238/CP - | No Call-in |

33. 10/239/CP - The decision was to call-in the application for the following reason :
- The proposed development is on open grazed land within an Area of Great Landscape Value. The proposed compound is extensive in size and could be in place for up to five years. The proposed development is considered to raise issues in relation to landscape and natural heritage, and the socio economic development of the area and is therefore of significance to the aims of the National Park.
34. 10/240/CP - No Call-in
35. 10/241/CP - No Call-in  
Bob Kinnaird declared an interest and left the room.  
Bob Kinnaird returned.
36. 10/242/CP - No Call-in
37. 10/243/CP - No Call-in
38. 10/244/CP - No Call-in  
Lucy Grant declared an interest and left the room.  
Lucy Grant returned.
39. 10/245/CP - No Call-in
40. 10/246/CP - No Call-in
41. 10/247/CP - No Call-in

#### **COMMENTING ON APPLICATIONS NOT CALLED-IN BY THE COMMITTEE**

42. The Members wished to make comments to the Local Authorities on the following Planning Application No's 10/220/CP, 10/221/CP, 10/224/CP, 10/226/CP, 10/227/CP, 10/228/CP, 10/229/CP, 10/230/CP, 10/232/CP, 10/238/CP, 10/240/CP, 10/245/CP & 10/247/CP. The planning officers noted these comments and were delegated with the responsibility of whether or not to submit the comments to the Local Authorities.
43. Members raised concern about the number of individual house sites the Crown Estate was applying for in Morayshire, and the consequent lack of affordable housing proposals and the implications for access and infrastructure in the area. Members requested that a meeting be arranged with the Crown Estate to discuss future housing development and Affordable Housing provision in Tomintoul and surrounding area. Planning Officials agreed that a meeting would be arranged to discuss the points raised.

#### **AGENDA ITEM 6:**

##### **REPORT ON CALLED-IN PLANNING APPLICATION FOR**

##### **A. RE-DEVELOPMENT OF EXISTING HOTEL AND ERECTION OF NEW EXTENSION**

##### **B. CONVERSION OF PART OF EXISTING HOTEL TO DWELLING HOUSE**

##### **C. ERECTION OF EIGHT FLATS (PHASING PROPOSALS TO SUPPORT VARIATION OF CONDITION 13 OF 08/0147/CP (08/102/FULBS)**

##### **AT STRATHSPEY HOTEL, HIGH STREET, GRANTOWN ON SPEY 10/112/CP (FULL PLANNING PERMISSION) &**

**ERECTION OF SINGLE STOREY EXTENSION FROM THE EXISTING BUILDING GABLE WALL IN ORDER TO RETAIN HOTEL BAR FLOOR AREA LOST BY DEMOLITION OF 1960'S FLAT ROOF EXTENSION AT STRATHSPEY HOTEL, HIGH STREET, GRANTOWN ON SPEY 10/130/CP (LISTED BUILDING CONSENT) (PAPER 1)**

44. Anne MacLean declared an indirect interest and remained in the room.
45. Members paused to read a letter of representation which had been submitted within the required timescales.
46. Duncan Bryden informed Members that Graham Stuart, Representee had requested to address the Committee. The Committee agreed to the request.
47. Mary Grier presented a paper recommending that the Committee approve the application subject to the conditions as stated in the report.

48. The Committee were invited to ask the Planning Officer points of clarification, the following were raised:
- a) The phasing of the flats and timing of the construction of the associated car parking.
  - b) The necessity for the pavement to be kept clear at all times during construction.
  - c) Confirmation that the extension to the Townhouse would be harled.
  - d) The existing construction materials used on the Hotel Gable end.
  - e) The existing pointing used on the Hotel frontage.
49. Graham Stuart, Representee, addressed the Committee.
50. The Committee were invited to ask questions of the speaker and the following points were raised:
- a) The ridge height and street levels of the proposed flats.
  - b) The height of existing buildings in the vicinity of the proposed development.
51. Duncan Bryden thanked the speaker.
52. The Committee discussed the application and the following points were raised:
- a) Clarification of the technical reasons for the changes to the height of the roofline.
  - b) The height of the proposed roofline of the flats in relation to the existing Hotel.
  - c) The potential for the inclusion of a false chimney pot on the chimney of the hotel, to assist with symmetry and minimise the visual impact of the slightly increased ridge height of the new block of flats realigning the visual impact.
  - d) The need for the site to be closely monitored during construction.
  - e) Clarification if the development included doorsteps onto the pavement on Spey Avenue. It was confirmed there were no doorsteps indicated on the submitted drawings.
53. The Committee agreed to approve the application subject to the conditions stated in the report with additional conditions and amendments covering:
- Additional Condition: Requiring safe pedestrian passage on the development side of the road during construction, if the pavement is unavailable for use.
  - Additional Condition: Requiring a false chimney pot to be added to the existing hotel chimney.
  - Amendment to Condition 13: Requiring car parking to be constructed in association with the phasing of the flats and to be finished prior to the first occupation of the flats.
  - Additional Advice Note: Requiring considerate construction practices to be adhered to.

**AGENDA ITEM 7:  
REPORT ON CALLED-IN PLANNING APPLICATION FOR CONSTRUCTION  
OF A COMMUNITY PRIMARY SCHOOL AND ASSOCIATED PLAY  
GROUND, ACCESS AND SUPPORTING INFRASTRUCTURE.  
CONSTRUCTION OF A PLAYING FIELD AREA, RE-SITING OF PLAY  
EQUIPMENT AND GENERAL SITE LANDSCAPING AT MUIRTON,  
AVIEMORE  
AT LAND TO EAST OF FOOTBALL PITCH, BIRCH ROAD, AVIEMORE  
10/153/CP (APPROVAL OF MATTERS SPECIFIED IN CONDITIONS)  
(PAPER 2)**

54. Stuart Black and Dave Fallows declared a direct interest and left the room.
55. Bob Kinnaird and Willie McKenna declared an indirect interest and remained in the room.
56. Duncan Bryden informed Members that John Grierson, Representative of Aviemore & Vicinity Community Council had requested to address the Committee and Stuart More, Representative of the Applicant, was available to answer questions. The Committee agreed to the request.
57. Robert Grant presented a paper recommending that the Committee approve the application subject to the conditions stated in the report.
58. The Committee were invited to ask the Planning Officer points of clarification, the following were raised:
  - a) Clarification of the times that the football pitch and playpark would be available for use.
  - b) The potential for the Green Travel Plan to include audio/visual crossings, low level buses and make reference to the emerging pilot exercise regarding rural bus services in Grantown and Aviemore.
  - c) The need for the Green Travel Plan to be approved by the CNPA in consultation with Highland Council Roads Authority and Inclusive Cairngorms.
  - d) The separation of traffic and pedestrian access to the development.
59. The Committee were invited to ask questions of Stewart More, Representative of the Applicant, and the following points were raised:
  - a) Vehicular access to the south of the development site including the playground area.
  - b) Regular service buses providing transport to the site.
  - c) The accessibility of the building for all users.
  - d) The management of the traffic flow around the nursery drop off point.
  - e) The proposed wood pellet heating system and suppliers of the pellets.
  - f) The location that pedestrian pupils would access the building.
  - g) The potential for the requirement of fencing between the Health Centre and the School, to avoid the Health Centre car park being used as a 'cut through'.
  - h) Other schools in the area using woodchip heating systems as opposed to wood pellet heating systems.
  - i) The management of traffic outwith the school campus.
  - j) The construction of the roof and its ability to withstand adverse weather conditions particularly snow.
60. John Grierson, Chairman of Aviemore & Vicinity Community Council, addressed the Committee.
61. The Committee were invited to ask questions of the speaker. No questions were asked.

62. The Committee were invited to ask further questions of Stewart More, Agent, and the following points were raised:
- a) The sustainability credentials of the building.
  - b) The energy use and generation associated with the building.
  - c) The BREEAM rating to be achieved by the completed building.
  - d) The importance of getting traffic management right from the outset of development.
63. Duncan Bryden thanked the speakers.
64. The Committee discussed the application and the following points were raised:
- a) The need to strengthen Condition 7 regarding the requirement for a 4 way signal, pedestrian crossings and a 20 mph zone.
  - b) The need to strengthen Condition 6 regarding the Green Travel Plan.
65. The Committee agreed to approve the application subject to the conditions stated in the report with Condition 6 (Green Travel Plan) and Condition 7 (Vehicular and Pedestrian Access) to be strengthened, in consultation with the Highland Council Roads Authority, and brought back to the next Planning Committee for approval by Members.
66. Stuart Black and Dave Fallows returned.
67. The Committee paused for lunch at 1.05pm.
68. The Committee reconvened at 1.45pm.
69. Mary McCafferty left the meeting.

**AGENDA ITEM 8:  
REPORT ON CALLED-IN PLANNING APPLICATION FOR ERECTION OF 25  
DWELLINGHOUSES AT SITE AT GLENSHEE ROAD, BRAEMAR  
07/444/CP (FULL PLANNING PERMISSION)  
(PAPER 3)**

70. Geva Blackett declared an interest and left the room and the meeting.

71. Robert Grant presented a paper recommending that the Committee approve the application subject to the conditions stated in the report and an additional condition regarding a priority purchase scheme- requiring marketing of the properties locally for a specified period of time.
72. The Committee were invited to ask the Planning Officer points of clarification, the following were raised:
- a) The number of houses being proposed on the site.
  - b) The Community Council not being consulted regarding the allocation of Planning Gain contributions.
  - c) The level of proposed Affordable Housing on the site and Aberdeenshire Council and the CNPA Housing Officer being content the amount.
  - d) The visual amenity of the site in its current state.
  - e) The requirement for the existing secure fencing to be improved at the site.
  - f) The maintenance schedule of the proposed landscaping and how this was to be achieved in perpetuity.
  - g) The boundary treatments being proposed at the site.
  - h) The CNPA Ecology Officer being content with the proposal.
  - i) The turning point at the south of the site.
  - j) The requirement for a condition regarding a commitment to sustainable development.
  - k) The materiality of financial implications of a development.
  - l) The drainage on the site and the maintenance of the SUDS system in perpetuity.
73. The Committee agreed to approve the application subject to the conditions stated in the report with additional conditions and amendments covering:
- Additional Condition: Regarding a priority purchase scheme- requiring marketing of the properties locally for a specified period of time.
  - Additional Condition: Requiring a commitment to sustainable design.
  - Amendment to Condition 5: Inclusion of the wording ‘..the retention of the *relocated* drainage ditch...’ and the requirement for the SUDS system to up to Scottish Waters adoptable standard.
  - Amendment to Condition 9: Requiring the early implementation of the landscaping scheme.
  - Additional Advice Note: Requiring the improvement of the security fencing and the general tidiness of the site.
74. Anne MacLean requested that in future Planning Reports contain the CNPA Housing Policy Officers consultation response.
75. Planning Officials agreed to this being done.

**AGENDA ITEM 9:  
REPORT ON CALLED-IN PLANNING APPLICATION FOR ERECTION OF  
FOUR HOUSES FOR STAFF ACCOMMODATION AT ALTNACRICHE,  
AVIEMORE  
10/048/CP (FULL PLANNING PERMISSION)  
(PAPER 4)**

76. Duncan Bryden informed Members that Paul Bayton, Manager of Scripture Union (Applicant) had requested to address the Committee. The Committee agreed to the request.
77. Derek Manson presented a paper recommending that the Committee approve the application subject to the conditions stated in the report.
78. The Committee were invited to ask the Planning Officer points of clarification, the following were raised:
  - a) Clarification that the wording of the Section 75 Legal Agreement allowed staff member's families to reside in the proposed dwellings.
79. The Committee agreed to approve the application subject to the conditions stated in the report.
80. Duncan Bryden thanked Paul Bayton for attending the meeting.

**AGENDA ITEM 10:  
REPORT ON REQUEST FOR REMOVAL OF SECTION 75 LEGAL  
AGREEMENT: ERECTION OF DWELLING AT SITE IN GROUNDS OF  
LAGGAN COUNTRY HOTEL, LAGGAN  
06/336/CP (FULL PLANNING PERMISSION)  
(PAPER 5)**

81. Lucy Grant declared a direct interest and left the room.
82. The Committee paused to read 2 letters of representation which had been submitted within the required timescales. The Committee were advised that one of the letters had only been circulated to Members (not members of the public) due to it containing sensitive medical information.
83. Duncan Bryden informed Members that David Huisman, Applicant, had requested to address the Committee. The Committee agreed to the request.
84. Andrew Tait presented a report to refuse the request for the removal of the Section 75 Legal Agreement which was attached to the application. He advised that the CNPA had been continuing to work with Jim McKinnon, Chief Planner and Mortgage Lenders regarding S75's. Andrew Tait informed Members that Trunk Roads had no objection to the initial application providing that the house was not sold separately from the Hotel, therefore, should the Committee be minded to lift the S75 Trunk Roads would have to be re-consulted prior to any decision letter being issued.
85. David Huisman, Applicant, addressed the Committee.
86. The Committee were invited to ask questions of the speaker and the following points were raised:
  - a) The potential for the Applicant to sell the existing Gate Lodge in order to raise funds to complete the development.
  - b) Mr Huisman's statement that it would not be sensible for Applicants to start building a house without first obtaining finance and the relevance of this statement to Mr Huisman's current situation.

87. Duncan Bryden thanked the speaker.

88. The Committee discussed the report and the following points were raised:

- a) The approval of other dwellings in the locality, their siting in policy areas which supported rural development (without the need for a S75). The difference between these approvals and the permission granted to Mr Huisman for a dwelling which, in policy terms, was located in a Restricted Countryside area where development would not normally be permitted without a S75 Agreement.
- b) Previous owners of the Hotel not living on site and the varying degrees of success they had in operating the business.
- c) The need to investigate alternative methods of allowing developments to proceed without the need for a S75.
- d) Concern about the impact on the local tourism industry should the development not be completed.
- e) The requirement for an update on S75 talks that had taken place. Andrew Tait advised Members that Don McKee had been dealing with this issue. He stated that Don McKee had recently met with Jim McKinnon, Chief Planner and other Local Authorities to discuss a common working practice to S75's. This issue was to be taken forward to the Heads of Planning meeting scheduled for the Autumn to agree a future approach.
- f) The potential for the efficient running of the Hotel to be affected should the S75 be lifted.
- g) The further consultation of Trunk Roads should the S75 be lifted.
- h) The level of traffic to the site, which could be increased by a rise in private business alongside the existing coach party trade.
- i) S75 being a voluntary agreement into which the Applicant enters.
- j) S75's being a mechanism to allow development to proceed in areas where it would not usually be permitted.
- k) The precedent set by lifting previous S75s and the issue of fairness countrywide to those other Applicants who had complied with the terms of the S75 Agreements.
- l) The need for applications to be dealt with on a case by case basis and assessed on its individual merits.
- m) Sympathy for the Applicants current living arrangements.
- n) The need to be mindful of the country's change in financial situation and the implications it may have for individuals wishing to borrow finance.
- o) Previous Committee discussions regarding S75s and assurances that Mortgage Lenders would be on board.
- p) The requirement for Applicants to fully understand the implications of a S75 Agreement prior to signing.
- q) The timing of the signing of the S75 for this application (May 2009).
- r) The need for the Applicant to have had finance in place prior to the commencement of the development.
- s) The potential to defer any decision until after the Heads of Planning meeting in the Autumn.

89. Jane Hope, Chief Executive, addressed the Committee and clarified the situation as there was confusion as to whether the Applicant was applying for borrowing against the house or the business, this situation was different to that of the crofting house previously discussed. These two issues were intrinsically different and it was a level of conversation which needed to take place at Scottish Government level.

90. The Committee resumed their discussion and the following points were raised:

- a) Clarification if the Applicant had sought to borrow funds against the business and not just on the dwelling. Mr Huisman responded that he had approached their current lenders, Abbey National and also the Chelsea, and they were not willing to lend on the basis of the S75. He advised that he wished to keep the business and dwelling finances separate as they may extend the Hotel in future and would require additional finance for that project.
91. Peter Argyle proposed a Motion to Refuse the application for the reasons stated in the report. This was seconded by Richard Stroud.
92. Willie McKenna proposed an Amendment to Approve the removal of the Section 75 Legal Agreement due to the country's changing financial climate, the difficulties in individuals obtaining borrowing and the need for compassion in certain situations. This was seconded by Andrew Rafferty.
93. The vote was as follows:

	MOTION	AMENDMENT	ABSTAIN
Peter Argyle	√		
Eric Baird	√		
Stuart Black	√		
Duncan Bryden	√		
Dave Fallows		√	
Marcus Humphrey	√		
Bob Kinnaid	√		
Willie McKenna		√	
Eleanor Mackintosh	√		
Ian Mackintosh	√		
Anne MacLean	√		
Andrew Rafferty		√	
Richard Stroud	√		
Susan Walker	√		
<b>TOTAL</b>	<b>11</b>	<b>3</b>	<b>0</b>

94. The Committee agreed to Refuse the request to lift the agreement for the reasons stated in the report.
95. Lucy Grant returned.

**AGENDA ITEM 11:  
ANY OTHER BUSINESS**

96. Eleanor Mackintosh raised the previously discussed issue of the Crown Estate applying for individual house sites in Tomintoul and surrounding area and the need for a meeting between the Estate and the Planning Officials regarding Affordable Housing. She stated that there was a need for Affordable Housing in Tomintoul and the Crown Estate could potentially be a provider.

97. Eleanor Mackintosh raised concern that Moray Council had again missed notifying the CNPA of several applications which fell within the CNP boundary, and this had been picked up by a member of planning staff. She requested that the Planning Officials address this issue with Moray Council either at a Protocol or special meeting and report back to Committee on the matter. Andrew Tait confirmed that Don McKee would address the issue and report back on the action points.
98. Eric Baird stated that the Crown Estate must have an indication of future plans for Tomintoul and surrounding area and these should be discussed with the Planning Officials.
99. Sue Walker stated concern about the allegations, made by an earlier speaker, regarding enforcement matters in Laggan and requested that Bruce Luffman, Enforcement Officer, visit the area to investigate. Lucy Grant confirmed that there were enforcement issues in Laggan which required looking into.
100. Dave Fallows requested that a comprehensive debate be organised on Planning Gain and the CNPA aspirations for its delivery.

101. Duncan Bryden advised that the CNPA visit to the Housing Exposition, Inverness was due to take place on 13<sup>th</sup> August and Members should have responded to Fiona Munro, Housing Policy Officer, if they wished to attend.
102. Duncan Bryden informed Members that it was Derek Manson's last Planning Committee as he was leaving the employment of the CNPA and was due to start a new job with SNH, in Clydebank. Duncan Bryden thanked Derek Manson on behalf of the Committee for all his hard work over the past months and wished him well for the future.

**AGENDA ITEM 12:  
DATE OF NEXT MEETING**

103. Friday 6<sup>th</sup> August 2010 at Glenmore Lodge, Glenmore, Aviemore.
104. Committee Members are requested to ensure that any Apologies for this meeting are submitted to the Planning Office in Ballater.
105. The meeting concluded at 3.20pm.