

**CAIRNGORMS NATIONAL PARK AUTHORITY**

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**DRAFT MINUTES OF THE PLANNING COMMITTEE**

held at Duke of Gordon Hotel, Kingussie  
on 24 May 2013 at 10.30am

**Members Present**

Peter Argyle  
Duncan Bryden  
Angela Douglas  
Jeanette Gaul  
David Green  
Kate Howie  
Gregor Hutcheon

John Latham  
Bill Lobban  
Eleanor Mackintosh  
Willie McKenna  
Fiona Murdoch  
Martin Price

**In Attendance:**

Mary Grier, Senior Planning Officer, Development Management  
Katherine Donnachie, Senior Planning Officer, Development Management  
Charlotte Milburn, Planning Systems Officer

**Apologies:**

Dave Fallows	Gordon Riddler
Katrina Farquhar	Brian Wood
Mary McCafferty	

**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, 26 April 2013, held at The Cairngorm Hotel, Aviemore were approved.
4. There were no matters arising.
5. The Convener provided an update on the Action Points from the previous meeting:
  - Action Point at Para.18: The Badaguish applications (2013/0098/DET and 2013/0096/DET) are scheduled to return at the 21 June Committee meeting.

## **Agenda Item 4:**

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

6. Eleanor Mackintosh declared an interest in:
  - Item No.9 (Paper 5 ) - Direct interest due to chairing the Finance Committee. Peter Argyle will take the chair when Eleanor leaves
7. Kate Howie explained that although there were a number of Perth and Kinross applications due to be heard she would not be declaring an interest as she does not sit on the relevant Committee of the Council.

## **Agenda Item 5:**

### **Report on Called-In Planning Application:**

#### **Alterations and Extension to Shop and Formation of Cafe At Braemar Mountain Sports, Invercauld Road, Braemar (Paper 1) (2013/0092/DET)**

8. The Convener informed Members that the applicant was present to answer questions if necessary and a request to address the Committee had been received, within the given timescale, from:
  - Objector – Sandie Geddes
9. The Committee agreed to the request.
10. Katherine Donnachie made the Committee aware of a number of changes to the published report: In paragraph 20 it should say a category C listed building, Paragraph B of the recommendations should say Aberdeenshire Council flood prevention and not Highland Council and a recommended addition to Condition 3 to say ‘the approved screen to be retained for the lifetime of the development hereby approved’.

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11. Katherine Donnachie presented a paper recommending that the Committee approve the application subject to the conditions stated in the report.
12. The Committee were invited to ask the Planning Officer points of clarification, the following were raised:
  - a) What will happen to the part of the old mill that remains? Katherine Donnachie said that Aberdeenshire Council are dealing with planning permission for the demolition and they are aware of this current application.
  - b) Is the proposed car parking adequate? Katherine Donnachie said that based on the Roads consultation it was sufficient and the provision of a disabled car space is listed as a condition.
13. Sandra Geddes was invited to address the Committee. The presentation covered the following points:
  - The junction with the A93 is complicated and the tour buses that turn in and out of the junction make it dangerous. There is also an issue with people parking near the junction.
  - The proposed decking is not decking but in fact a veranda which will overwhelm the building.
  - The application contravenes CNPA Policy 10 and is not in character with the existing buildings.
  - There is not enough space needed for the parking, according to Aberdeenshire Council 6 spaces requires 14.4m of width and there is only 10m available, there is not enough space for delivery vehicles.
  - There is an issue with privacy with the veranda overlooking the bistro, even with the screen.
  - There is not enough business in Braemar to support this business expansion
  - Invited Members to visit the site.
14. The Committee were invited to ask questions of the speaker, no points were raised.
15. Eleanor Mackintosh thanked Sandra Geddes.
16. The Committee discussed the application and the following points were raised:
  - a) Can an advice note be added to restrict construction hours if the application is approved? Katherine Donnachie confirmed this could be added.
  - b) The expansion of an outdoor business could increase footfall in the village and bring in new business for all.
  - c) Parking seems to be an issue, is the grass area to be included in the final parking spaces? Katherine Donnachie said the applicant has had discussions on the parking layout with the Roads Department and Roads are happy with the proposal.

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- d) There will be cooking smells from the kitchen, have arrangements been made to mitigate? Katherine Donnachie said that Environmental Health had asked for additional information on this subject and were satisfied with the arrangements in place.
- e) The proposal would be an economic benefit to Braemar and could compliment the Bistro which is primarily an evening venue. It was pointed out that the Bistro is open in the daytime too.
- f) Could the decking be reduced or moved to the west of the building which would get the afternoon sun? Katherine Donnachie said there had already been a discussion about reducing the size of the decking area but the applicant felt the proposed size was necessary to accommodate the flow of customers from the shop to the cafe. Moving the decking would make it look into the mill building.
- g) Footfall in Braemar has fallen but competition is not a planning issue.
- h) The gable end will be only 3m away from the adjacent property and this is overbearing. There must be another solution that meets everyone's needs and supports both businesses. Katherine Donnachie said that there is an alternative application lodged with Aberdeenshire Council for the conversion of the Mill building to a cafe with a link between the two buildings. The CNPA would be keen to see the retention of the mill building but this application must be considered on its own merits.
- i) There is ample parking in the centre of the village and draws people to wander throughout the village.
- j) Will there be bike parking available on the site?
- k) The view from the window that the objector referred to is already blocked by her own building.
- l) A concern was raised about delivery vehicles and space for parking, could the parking be available only for deliveries and disabled?
- m) There is more than just the cafe expansion to this application, there is also the aim of increasing hire, attracting people for residential courses and increasing storage on site.

17. The Convenor invited the applicant, Mr Bruce to answer questions from the Committee, the following points were raised:

- a) Has thought been given to bike parking? Mr Bruce said they already had a cycle rack for 8 bikes on site, the intention is that this will sit on the deck.
- b) Members asked Mr Bruce to comment on the design process. Mr Bruce confirmed that he had considered converting the mill building into a cafe but the floor level is 840mm lower than existing shop floor which would cause complications and the building is not structurally sound. Engineers are currently examining the structure. The Cafe will be open every day except for Christmas Day, the design needs to lend itself to being able to open everyday of the year with regard to the staffing levels required to operate both the shop and the cafe.

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- c) It was suggested that the onus could be put on business owners to influence their customers to make use of the village car park. Mr Bruce said that might only work with regular customers.
- d) Mr Bruce was asked whether deliveries would be an issue, he replied that they have had no issues in the past twenty years of business. Most daily deliveries are for local produce and are in smaller vehicles. Aberdeen Roads Department have not raised any issues and Mr Bruce pointed out that Mr Craig in the Roads Department has been doing the job for twenty years and he has never heard of any issues about that particular junction.

18. The Convenor thanked Mr Bruce.

19. Duncan Bryden proposed a motion that the application be approved according to the recommendation laid out in the report, including the advice note about construction times and the addition to condition 3.

20. Willie McKenna seconded the motion.

21. Peter Argyle proposed an amendment that the permission be refused because the application does not protect the amenities enjoyed by the adjacent properties.

22. John Latham seconded the amendment.

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23. The vote was as follows.

	MOTION	AMENDMENT	ABSTAIN
Peter Argyle		√	
Duncan Bryden	√		
Angela Douglas	√		
Jeanette Gaul		√	
David Green	√		
Kate Howie	√		
Gregor Hutcheon	√		
John Latham		√	
Bill Lobban	√		
Eleanor Mackintosh	√		
Willie McKenna	√		
Fiona Murdoch		√	
Martin Price	√		
Gregor Rimmell	√		
<b>TOTAL</b>	<b>10</b>	<b>4</b>	

24. The Committee agreed to approve the application subject to the conditions stated in the report and with the additional Advice Note of restricted construction hours and the addition to condition 3 with regard to the screen.

25. **Action Points arising: None**

**Agenda Item 6:**

**Report on Called-in Planning Application:**

**Alterations and formation of intake structure for hydro scheme**

**At Blair Castle, Blair Atholl**

**(Paper 2) (2013/0086/DET)**

26. Katherine Donnachie, Senior Planning Officer, presented a paper recommending that the Committee approve the application subject to the conditions stated in the report

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

- a) It was noted that the Fisheries Board had not submitted any comments when the paper was produced, had comments been received subsequently? Katherine Donnachie said that there had not, however they were not a statutory consultee. The applicant had been in discussions with them and as the sites are upstream of the spawning grounds and fish are unable to access them they had no issues. SEPA had been consulted and they had no issues either.
- b) It was asked whether the loch was covered by the Reservoirs Act? Katherine Donnachie said that she did not know but as SEPA would be licensing this the CNPA would not seek to duplicate their work and would be satisfied they had looked at the issue.

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

29. **Action Points arising: None**

### **Agenda Item 7:**

#### **Report on Called-in Planning Application:**

#### **Installation of settling tank as part of hydro scheme**

#### **At Blair Castle, Blair Atholl**

#### **(Paper 3) (2013/0062/DET)**

30. Katherine Donnachie, Senior Planning Officer, presented a paper recommending that the Committee approve the application subject to the conditions stated in the report.

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

32. **Action Points arising: None**

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### **Agenda Item 8:**

#### **Report on Called-in Planning Application:**

#### **Realignment of the A93 and the B951, construction of a new A93/B951 junction and bridge over Allt Na Lair burn**

#### **At Land 50 Metres South East Of East Lair, Glenshee**

#### **(Paper 4) (2013/0028/DET)**

33. Mary Grier, Senior Planning Officer, presented a paper recommending that the Committee approve the application subject to the conditions stated in the report, with a minor change to condition 9 that the working hours on a Saturday be changed to 8.00-14.00.
34. The Convenor advised Members that the engineers were present to answer any questions.
35. The Committee were invited to ask the Planning Officer points of clarification, the following were raised:
- a) In Para 54 there is reference to the applicant being willing to provide further details, had they been received? Mary Grier said that they had not but the applicant was content that it be build into conditions which they would take on board.
  - b) Condition 6 specifies 'woodland mix' grass seed, could this be changed to include 'woodland mix and semi-natural grass seed? Also in paragraph 10 could it be changed to include the word 'native'? Mary Grier confirmed the changes would be made.
  - c) It seems the burn is not actually within the Park boundary, is that why there is no mention of fish in the report? Mary Grier confirmed that the issue of fish was considered in the Environmental Impact Assessment.
  - d) Is the Park entry point marker staying in its current position? Mary Grier confirmed it was.
  - e) It was suggested that advice note F has an addition to include the provision of nesting boxes for wagtails and dippers under the bridge. Mary Grier said that would be added.
36. The Committee agreed to approve the application subject to the conditions stated in the report.
- 37. Action Points arising: None**

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### **Agenda Item 9:**

#### **Report on Called-in Planning Application:**

#### **Development of mountain bike hub consisting of building for provision of cafe public toilets information facilities and associated car parking**

#### **At Cairn Meilich, Tomintoul, Moray**

#### **(Paper 5) (2013/0106/DET)**

38. Eleanor Mackintosh left the room and Peter Argyle took the Chair.
39. Peter Argyle informed members that Vicky Hilton from The Crown Estate and Neil Smith from Smiths-Gore were present to answer questions.
40. Mary Grier presented a paper recommending that the Committee approve the application subject to the conditions stated in the report with the addition of the following: Condition 5 covers passing places but the passing place on the plan is unworkable and so condition 5 should omit reference to the specific plan and instead say that details of the passing place to be agreed with CNPA and the Transportation Section. Condition 6 refers to the same plan and should also omit the drawing number. One additional condition is recommended that precise details of drainage be submitted for the approval of the CNPA prior to commencement of works.
41. The Committee were invited to ask the Planning Officer points of clarification, the following were raised:
- a) Is there a possibility of the applicant providing an alternative energy source to supplement the use of a diesel generator? It was suggested that renewable sources be explored first and a generator used only if other sources were not feasible. Mary Grier said that hadn't been explored in the context of this application but the applicant was available to answer questions. Peter Argyle suggested the discussion continue to see if any other questions for the applicant came up.
  - b) When the paper was provided the local community council had not responded, have they done so since? Mary Grier said she had not received a response from them.
  - c) Can the words native and semi natural be included in condition 7d with reference to species? Mary Grier confirmed that could be changed.
  - d) Is the waste water treatment with regard to toilets, bike washing, diesel storage and oil residues still to be clarified? Mary Grier confirmed that further information was still required, but there are no anticipated difficulties as the site is not near a water course.
  - e) Will there be more than one passing place on this road as this is prime concern of the community? The stipulation from the Transportation Section is to achieve 100m inter-visibility between passing places, the one that is needed on this stretch of road would need to meet that criteria.

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- f) Paragraph 35 says the Environmental Health considers the water supply suitable, has it looked at possible impact on neighbouring properties? Mary Grier confirmed that the water supply does not supply any other properties.
42. Peter Argyle invited Vicky Hilton and Neil Smith to answer questions from the Committee Members, the following points were raised:
- a) The issue of renewable energy was discussed, Vicky Hilton said that the preference would be for mains electricity if budgets allow. In terms of renewable the heating will come from a woodburning stove using wood from the site. Solar panels have been looked at, there is an issue with seasonality so even if budget allows you would be reliant on an alternative power source as well.
  - b) It was suggested that solar panels could be mounted at the back of the quarry which is south facing, Neil Smith said they have not gone that far in their discussions with the Landscape officer. Vicky Hilton said that in principle they would love to explore the feasibility of renewables, but it will come down to budget allowances as this is a not-for-profit scheme. In addition most renewable schemes require the site to be connected to the mains to supply renewable energy back into the grid.
  - c) The nearest property is 600m away and the quote for connecting to the national grid is £20k. This figure is in the budget, but the budget has not been approved yet.
  - d) The question was raised as to whether wind power had been considered. It was suggested that being a woodland site it would not be feasible.
  - e) The design of the hub building was questioned, could it be made more attractive?. Neil Smith explained that other mountain bike hubs had been visited and this was standard, however perhaps design could be looked at possible additional glazed areas on the south elevation. Vicky Hilton said they had a local partner in this and did not want to miss this season.
  - f) Could rainwater be collected for the bike wash? Vicky Hilton said this was in the original application and had not been carried over however it was their intention to do the same.
  - g) Has signage been looked at, will the applicant be seeking to attract other visitors that are not bikers? Mary Grier confirmed that the previous signage obligations would still need to be complied with.
43. Peter Argyle thanked Neil Smith and Vicky Hilton.
44. It was suggested that a condition be added that the applicant prove they have given consideration to all renewable energy options and give a rationale as to why they had been selected or rejected. Mary Grier said that it was not possible to condition that but an advice note could be added to suggest the applicant explore renewable energy.

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45. It was suggested that an advice note be added to the effect that the applicant revisit the design to make it more attractive and appropriate for the Cairngorms National Park. Mary Grier said that any design alterations should be contained with a condition not an advice note.
46. The Committee agreed to approve the application subject the conditions stated in the report, with the addition of an advice note about renewable energy and a condition that design is improved on the south elevation.
47. **Action Points arising:** None

### **Agenda Item 10**

#### **Report on Called-in Planning Application:**

#### **Demolition of existing cottage and erection of 3 dwellinghouses**

#### **At Dalnaspidal Lodge, Dalnaspidal, Pitlochry**

#### **(Paper 6) (2013/0061/DET)**

48. Eleanor Mackintosh returned to the Chair.
49. Eleanor Mackintosh informed the Committee that the agent, Brian Hall was present to answer questions.
50. Mary Grier presented a paper recommending that the Committee approve the application subject to the conditions stated in the report.
51. The Committee were invited to ask the Planning Officer points of clarification, the following were raised:
- a) It was asked if there were any access issues with rights of way for walkers. Mary Grier confirmed that it would not encroach on any rights of way.
  - b) It was commented that Blair Atholl Community Council wanted the design to be in keeping with the locality, but the staff accommodation does not appear to fulfil this. Mary Grier explained that the design of that particular building had been a point of concern and it had been raised with the agent, but the agent particularly wanted it to remain as it was in order to give extra floor space in the main living room. It is covered in Condition 2 which requests the design be revisited to include a traditional pitched roof.
  - c) Concerns were raised over staff accommodation building which has direct access to the main room area from the outside. Mary Grier said that the property also had two rear entry points and would not recommend including a condition covering the entry points as it would be too prescriptive.

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52. The Committee discussed the application and the following points were raised:
- a) The concerns over the projection of the staff accommodation building were discussed and it was suggested that it was important that any revisions do not cut down the floor area of the main living room. Mary Grier said that a revised, traditional pitched roof projection should still allow for quite a degree of living space in the room and with a traditional pitched roof it could even project further.
  - b) It was pointed out that the Head Keepers cottage also has a similar design of a bay protrusion as the staff accommodation and concerns were raised that a possible redesign could lose windows and light into the building. Mary Grier said that condition 2 was not intended to stifle the design or reduce living space and there was even potential for a sun room to be incorporated with a pitched roof. Mary Grier suggested removing the reference 'smaller form' in condition 2 as this was causing the confusion with the redesign.
  - c) It was suggested that the reference to the pitched roof should also be omitted so that condition 2 read, 'redesigned to a more appropriate traditional form to the satisfaction of the planning authority.' The applicant was asked if they would be happy to revisit the design, they confirmed that they would.
  - d) The issue of refuse collection was raised, would there be provision for the extra accommodation? Mary Grier said that the bins are collected from the main road.
  - e) There is a desire to increase the sporting use of the estate but the plans do not include provision for a game larder and kennels. Mary Grier said that this was a standalone application for dwellings, but that nearby agricultural buildings were available for the purpose.
  - f) It was noted that there is an unmanned railway crossing nearby on the estate, questions were raised over whether signage was needed there. Mary Grier said that the crossing already had signage on both sides. In addition the extra residents would not be members of the public but estate staff so it would be reasonable to assume that they had a safe working knowledge of the crossing. Kate Howie added that Network Rail have visited every crossing from Perth to Inverness to ensure that sufficient signage was in place.
  - g) It was suggested that condition 6 include the word 'native' in reference to trees and shrubs. The Convenor asked Mary Grier if it could be taken as read that with appropriate rural applications any reference to planting of trees and shrubs would refer to native species. Mary Grier confirmed that this was already the case.
  - h) The question of sustainable energy use was raised, with regard to the Perth and Kinross Local Plan, and whether the applicant had commented on the subject. Mary Grier said that the properties show provision for wood stoves. The Perth and Kinross plan is dated 2000 and thinking has moved on, the Plan does cover sustainability but it is more concerned with limiting movement of transport with regard to biodiversity.

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- i) The Blair Atholl Community Council made the point that they would like to see the cottage tied to the business, it was asked what the present advice is on this. Mary Grier said that to impose such restrictions would be inconsistent with the Scottish Government guidance.

53. The Committee agreed to approve the application subject to the conditions stated in the report and with the rewording of condition 2.

**54. Action Points arising: None**

### **Agenda Item 10: AOCB**

55. The Association of Cairngorms Communities Planning Network took place on 13 May 2013. Murray Ferguson reported that there was good attendance and the meeting had a positive tone, sustainable development was discussed and how it translates into local policy and affects planning decisions. Gary Johnson and a colleague (G H Johnston Building Consultants Ltd), attended the meeting and presented on how planning works from a developer's perspective which led to a helpful debate. Don McKee gave a general update on planning in the Park. Gregor Rimmel was also present at the meeting and he commented on how the number of communities taking part was increasing, the change of Chair has brought new vitality and the whole meeting is very positive. Kate Howie commented that the feedback from the Community Councils has been positive and they are really benefitting from the Network.

56. Murray Ferguson gave an update on Scottish Planning Policy and the National Planning Framework 3 consultation. The CNPA has submitted consultation responses jointly with the Loch Lomond and the Trossachs National Park Authority (LLTNPA), there is a lot to welcome in the consultation drafts. There is better national recognition of National Parks and how they sit alongside national scenic areas which provides helpful clarification. There are also strong helpful pointers about the role of National Parks and areas of wild land in relation to onshore wind. There are proposals for greater flexibility in terms of location of housing numbers and proposals to develop a better suite of long distance routes throughout Scotland. However, there are some disappointing areas and adjustments require to be made about how the four aims of the Park work together. More cross references could also be made to the National Park Partnership Plan which was approved and signed off by Ministers, especially the introductory text about national expectations of National Parks. The LLTNPA are proposing to take a paper to their June committee to finalise their response and we plan to share resources and discuss it in the same week and then finalise our response to be signed off by the Convenor and Deputy Convenor in consultation with LLTNPA by 24 July 2013.

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## **Agenda Item 11**

### **Date of Next Meeting**

57. Friday 21 June at The Community Hall, Boat of Garten. The Boat of Garten housing application is scheduled to be heard at that meeting so a site visit will be planned for before the meeting, details and times to be confirmed. Committee Members are requested to ensure that any Apologies for this meeting are submitted to the Planning Office in Ballater.
  
58. Eleanor Mackintosh bade farewell to Mary Grier and thanked her for all her hard work over the past 8 years. Mary was presented with a gift from the Committee.
  
59. The public business of the meeting concluded at 13.07