
CAIRNGORMS NATIONAL PARK AUTHORITY

MINUTES OF THE PLANNING COMMITTEE

held at The Community Hall, Boat of Garten

on 24th July 2009 at 10.30am

PRESENT

Peter Argyle
Eric Baird
Stuart Black
Dave Fallows
David Green
Drew Hendry
Marcus Humphrey
Bob Kinnaird

Mary McCafferty
Willie McKenna
Eleanor Mackintosh
Ian Mackintosh
Anne MacLean
Alastair MacLennan
Richard Stroud
Susan Walker

IN ATTENDANCE:

Don McKee
Mary Grier
Marie Duncan

Andrew Tait
Hilary MacBean

APOLOGIES:

Geva Blackett
Jaci Douglas
Fiona Murdoch
Gregor Rimell

Duncan Bryden
Lucy Grant
Andrew Rafferty

AGENDA ITEMS 1 & 2: WELCOME AND APOLOGIES

1. The Vice Convenor (David Green) advised Committee he was chairing the Planning Committee in the Convenors (Duncan Bryden) absence and that the meeting will be recorded for the purpose of ensuring we have an accurate minute. David Green welcomed all present including a new member of the planning team Mr Bill Stewart who is the Planning Manager for Development Management.
2. David Green reminded Committee of the full agenda and he would endeavour to timetable the agenda where possible to try and guarantee the Dalfaber application (07/144/CP & 07/145/CP) would not take place before 13.00hrs. Members agreed to this.
3. Apologies were received from the above Members.

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

4. The minutes of the previous meeting, 10th July 2009, held at the Village Hall, Braemar were approved.
5. There were no matters arising.

AGENDA ITEM 4: DECLARATION OF INTEREST BY MEMBERS ON ANY ITEMS APPEARING ON THE AGENDA

6. Dave Fallows & Willie McKenna declared an interest in Planning Application No. 09/228/CP.
7. Marcus Humphrey declared an interest in Item No. 6 on the Agenda.
8. Susan Walker declared an interest in Item No. 7 on the Agenda.
9. Anne McLean declared an interest in Item No. 11 on the Agenda.

AGENDA ITEM 5: PLANNING APPLICATION CALL-IN DECISIONS (Oral Presentation, Andrew Tait)

10. 09/219/CP - No Call-in
11. 09/220/CP - No Call-in
12. 09/221/CP - No Call-in
13. 09/222/CP - No Call-in
14. 09/223/CP - No Call-in
15. 09/224/CP - The decision was to call-in the application for the following reason :
 - The proposed development, although on land allocated in the Badenoch and Strathspey Local Plan for new development, is for housing in an elevated and partially wooded area. The development therefore raises issues in relation to the conservation and enhancement of the natural heritage of the area and social and economic development and the impacts on existing developments. As such the proposal is of general significance to the collective aims of the National Park.

16. 09/225/CP - The decision was to call-in the application for the following reason :

- The proposal involves the erection of 4 dwellings in 2 blocks to the rear of a traditional property, which is a 'C' listed building. The proposal raises a range of issues with regard to tree retention, building design and cultural heritage. Consequently, the proposal is considered to raise issues of general significance for the collective aims of the Cairngorms National Park.

17. 09/226/CP - No Call-in

18. 09/227/CP - No Call-in

Dave Fallows & Willie McKenna declared an interest and left the room.

19. 09/228/CP - No Call-in

Dave Fallows & Willie McKenna returned.

20. 09/229/CP - No Call-in

21. 09/230/CP - No Call-in

22. 09/231/CP - No Call-in

23. Andrew Tait (Planning Officer) advised members of a system error and that there isn't an application 09/232/CP in the Call in report it should be 09/231/CP.

COMMENTING ON APPLICATIONS NOT CALLED-IN BY THE COMMITTEE

24. The Members wished to make comments to the Local Authorities on the following Planning Application No's 09/221/CP, 09/222/CP & 09/228/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.

Marcus Humphrey declared an interest and left the room.

**AGENDA ITEM 6:
REPORT ON CALLED-IN PLANNING APPLICATION FOR ERECTION OF
CHEESEMAKING DAIRY& SITE TO THE SOUTH OF CRANNACH HOUSE,
THE OLD SAWMILL, CAMBUS O MAY, BALLATER
(PAPER I)**

25. David Green advised members of an extra letter from Ballater & Vicinity Community Council which has been circulated. Members paused to read the letter.
26. David Green informed members Mr Alex Reid (Applicant) was available to answer questions. The Committee agreed to the request.
27. Andrew Tait (Planning Officer) presented a paper recommending that the Committee approve the application for the reasons stated in the report.
28. The Committee were invited to ask the Planning Officer points of clarification, the following were raised:
 - a) The exact location of the loudspeaker in relation the river Dee and the Deeside Way.
 - b) Clarification of the type of sales from the premises.
 - c) The size of the car park and the level of car parking anticipated.
 - d) Clarification of the access to be used for the house application.
 - e) The possibility of sediment entering the burn and erosion.
 - f) Clarification of the protection of the burn from Cattle.
 - g) Modifying Condition 5. to reflect protection of the burn from approaching Cattle.
 - h) Clarification of the number of cows before and after.
 - i) Clarification if the application was SRDP (Scottish Rural & Development Programme) funded.
 - j) Clarification if the water wheel will be used for power or as just a feature.
 - k) Strengthening Condition 7. to add that no lights shall be installed and directed onto the Culsten Burn during construction.
29. The Committee were invited to ask Mr Alex Reid (Applicant) points of clarification, the following were raised:
 - a) Clarification of replacing the straw bales.
 - b) Clarification on the size of the building in relation to number Cattle sheltered.
 - c) Clarification of the wintering of the herd.
 - d) The potential for further employment in future in relation to car parking capacity.
 - e) Concerns on loudspeakers on non-visitors and the possibility to incorporate another means of translating the information.
30. David Green thanked Mr Alex Reid.
31. The Committee discussed the application and the following points were raised:
 - a) Inclusion of Condition 19. regarding the site levels due to SEPA withdrawing their objection.
 - b) Agreement to amend Condition 5. & 7.
 - c) Consultation by Scottish Water prior to the decision notice being issued.
 - d) The application as an excellent project, local product and example of what the CNPA are trying to promote.
 - e) The issue of Planning Gain and the application.
32. The Committee agreed to approve the application for the reasons stated in the report, the inclusion of Condition 19. Amendments to Condition 5 & 7 the provision of Planning Gain contribution to Aberdeenshire Council & the satisfactory consultation response from Scottish Water.

Marcus Humphrey returned
Susan Walker declared an interest and left the room.

**AGENDA ITEM 7:
REPORT ON CALLED-IN PLANNING APPLICATION FOR RETENTION OF
TIMBER BOTHY AT LAND 130M WEST OF CUCHANLUPE, STRAANRUIE
WOOD, NETHYBRIDGE
(PAPER 2)**

33. David Green advised members of an extra letter of support from Mr John Hay (Applicant) which has been circulated. Members paused to read the letter.
34. Hilary MacBean informed Members that Mr John Hay (Applicant) had requested to address the Committee.
35. Hilary MacBean (Planning Officer) presented a paper recommending that the Committee approve the application subject to the conditions stated in the report.
36. Mr John Hay (Applicant) addressed the Committee.
37. The Committee were invited to ask questions of the speaker, there were no questions.
38. The Committee were invited to ask the Planning Officer points of clarification, the following were raised:
 - a) The issue of the time limit on the condition.
 - b) The possibility of a review after the 10yrs time limit condition expires instead of submitting a full application.
39. David Green thanked Mr Hay.
40. The Committee discussed the application and the following points were raised:
 - a) The risk of permanence and setting precedence.
 - b) General support of the application.
 - c) The definition of forestry bothy.
 - d) The reasons for the reporter's recommendation of 10yrs.
 - e) Compromising with 15yrs to keep the principal of temporary position.
 - f) Clarification on the start date of permission.
41. The Committee agreed to approve the application subject to the conditions stated in the report including amending Condition 5. to 15yrs from the date of this planning permission.

Susan Walker returned.

**AGENDA ITEM 8:
REPORT ON CALLED-IN PLANNING APPLICATION FOR INSTALLATION
OF DOMESTIC MICRO-HYDRO TURBINE AND ASSOCIATED WORKS AT
SITE NORTH WEST OF MILLTOWN, ALLARGUE ESTATE, CORGARFF,
STRATHDON
(PAPER 3)**

42. Hilary MacBean (Planning Officer) presented a paper recommending that the Committee approve the application subject to the conditions stated in the report.

43. Hilary MacBean advised members that SEPA is currently considering a license application under The Water Environment (Controlled Activities) (Scotland) Regulations 2005 (CAR License). SEPA have no objection to the planning application and are minded to grant the CAR license subject to resolving the design of the weir in relation to fish passage and consultations with SNH and the Don District Salmon Fisheries Board.
44. Hilary MacBean advised members the CNPA Heritage and Land Management Group have since provided comments regarding survey work relating to water voles and otters requesting they are repeated if the development isn't carried out within the next 12 months and additions to Condition 2. to cover further information concerning the construction of the access track and pipe runs.
45. The Committee were invited to ask the Planning Officer points of clarification, the following were raised:
 - a) Clarification of the level of generation and connection to the houses.
 - b) Clarification of the cables and level of excavation.
 - c) Concerns on the process and the CNPA's obligations.
 - d) Concerns on the conflicts on aims and consultation responses.
 - e) Clarification of PAN (Planning Advice Note) 51 in relation to the CAR licence.
46. The Committee discussed the application and the following points were raised:
 - a) The issue of the dual process on influencing the determining the planning application.
 - b) Concerns with Condition 9. If the intake weir becomes disused and whether this will be included in the CAR license.
 - c) The possibility of amending Condition 9.
 - d) Amending Condition 4. to add 'in consultation with SEPA' at the end of the sentence.
 - e) Clarification of the contents of the final CAR licence.
 - f) The possibility of deferring the application so the CAR license may be reviewed before determination.
 - g) Concerns the CAR license contain design changes which may have a visual impact on the development and its context in the landscape.
 - h) Concerns with Paragraph 28, a lack of ecological information and the applicants admission that there would be an impact on migratory fish if the burn is altered.
 - i) The comparison of the CNPA and local authorities when it comes to specifics within the CAR license and the responsibility of the CNPA in respect of Aim 1.
47. The Committee agreed to defer the application and bring it back as soon as possible (August or September), and further coordination with and information on the CAR license is available.

**AGENDA ITEM 9:
 REPORT ON CALLED-IN PLANNING APPLICATION FOR DEMOLITION OF
 EXISTING HOLIDAY HOMES AND ERECTION OF 6 HOLIDAY HOMES AT
 KEEPERS HOUSE, INVERESHIE, INSH
 (PAPER 4)**

48. Mary Grier (Planning Officer) presented a paper recommending that the Committee approve the application subject to the conditions stated in the report.
49. The Committee were invited to ask the Planning Officer points of clarification, the following were raised:

- a) Clarification if Keepers Cottage will be retained.
- b) Clarification of the sewage treatment plant on Point 7.
- c) Clarification on the letting operator.
- d) The condition of the cottages as described on the website compared to within the report.
- e) Clarification of the cottages as a single entity and the potential separation from the rest of the estate. It was clarified that the recommended Condition No. 2 is consistent with conditions previously imposed on similar tourist accommodation proposals and would secure the retention of the development as a single entity operation, without the need for a Section 75 Legal Agreement.
- f) Consideration of bicycle storage, recycling facilities and renewable energy.

50. The Committee discussed the application and the following points were raised:

- a) Requirement to provide a sustainability statement as a condition.
- b) Strengthening Condition 2 to include 2 months 'per annum'
- c) Clarification regarding Condition 5 a) and concede that tree root systems in vicinity could impact on drainage.
- d) Inclusion of a condition requiring photographic record of internal and external of existing buildings and then completed designs to use to encapsulate development progress on the site.

51. The Committee agreed to approve the application subject to the conditions stated in the report and amending Condition 5 to ensure the drainage isn't compromised, adding a condition to include a sustainability statement and a condition to include a photographic record.

The Committee paused for lunch at 12.25hrs

Peter Argyle left the meeting.

The Committee reconvened at 13.15hrs

AGENDA ITEM 10:

REPORT ON CALLED-IN PLANNING APPLICATION FOR INSTALLATION OF WATER TREATMENT WORKS BUILDING, ASSOCIATED SITE WORKS AND CONSTRUCTION OF ACCESS ROAD AT LAND BETWEEN B9152 AND RAILWAY LINE AT EASTER KINAKYLE, AVIEMORE (PAPER 5)

52. David Green informed Members that Mr Tim Muir of Scottish Water Solutions (Agent) was available to answer questions.

53. Mary Grier (Planning Officer) presented a paper recommending that the Committee approve the application subject to the conditions stated in the report.

54. The Committee discussed the application and the following points were raised:

- a) Clarification of roofing colour finish of the concrete tank.
- b) Clarification of the rendering on the concrete tank.
- c) Clarification of the proposed landscaping.
- d) Concerns regarding the cumulative impact.
- e) Clarification of the independence and interdependence of the proposal.
- f) Concerns on impact on the new proposed Speyside Way route.
- g) Inclusion of an advice note to considering the Speyside Way route.

55. There were no questions for Mr Muir and David Green thanked him for attending.
56. The Committee agreed to approve the application subject to the conditions stated in the report and inclusion of an advice note regarding the Speyside Way route.

Anne McLean declared an interest and left the room.

**AGENDA ITEM 11:
REPORT ON CALLED-IN PLANNING APPLICATION FOR DEVELOPMENT
OF SERVICED HOUSE PLOTS AT LAND NORTH WEST OF DALFABER
FARM, DALFABER DRIVE & DEVELOPMENT OF HOUSES ON LAND
NORTH WEST & SOUTH OF FORMER STEADINGS, DALFABER FARM,
DALFABER, AVIEMORE
(PAPER 6)**

57. David Green advised members of 2 extra letters of representation and that a colour version of the new site plan had been circulated. Members paused to read the letters.
58. David Green informed Members that Jill Patterson of Halliday Fraser Munro (Agent), Mr Bill Loban of Dalfaber Action Group (Representee), Mrs Tessa Jones of Badenoch and Strathspey Conservation Group (Representee) and Mr John Grierson of Aviemore and Vicinity Community Council (Representee) had requested to address the Committee. The Committee agreed to the requests.
59. Mary Grier (Planning Officer) informed members she would circulate A0 maps in order to see more detail.
60. Mary Grier advised Committee of typing errors within the report and clarified that planning application 07/144/CP is an outline application for 10 serviced plots not 11 and on 07/145/CP is an outline application for 83 units not 88.
61. Mary Grier presented a paper recommending that the Committee approve the application subject to the conditions stated in the report and amendment to the recommended S.75 to require a development contribution towards level crossing crossroads.
62. Ms Jill Patterson (Halliday Fraser Munro) addressed the Committee.
63. The Committee were invited to ask questions of the speaker and the following points were raised:
 - a) Clarification why applications were submitted.
 - b) Clarification of elements of adopted road.
 - c) Clarification on the adoptability of a single track road.
 - d) Concerns on road maintenance especially in the winter if they weren't adopted roads.
 - e) Clarification on the Flood Risk and Spey Survey undertaken in the winter months.
64. Mr Bill Loban (Dalfaber Action Group) then Mrs Tessa Jones (Badenoch & Strathspey Conservation Group) addressed the Committee.
65. The Committee were invited to ask questions of the speakers and the following points were raised:
 - a) Clarification of an acceptable level of development.
 - b) Clarification of studies within the Natural Heritage report.
 - c) Clarification if the Dalfaber Golf Course had submitted a letter of representation.
 - d) Clarification on the position of the sewage pipe on the map.
66. Mr John Grierson of Aviemore and Vicinity Community Council (Consultee) addressed the Committee
67. The Committee were invited to ask questions of the speaker and the following points were raised:
 - a) Clarification if the Community Council participates in the Highland Community Planning Forum.
68. Mary Grier responded and the following points were raised:

- a) Clarification of the situation regarding single track road adoption as detailed by the roads department.
 - b) Clarification that the site layout plans are indicative.
 - c) Clarification of the recommended reasons for refusal in the deferred reports in June 2007.
 - d) Clarification of the CNPA figures in the CNP Local Plan 1st & 2nd Mods.
 - e) The compatibility of golf courses residential developments on adjacent lands.
 - f) Numbers of terraced and semi detached houses to be seen in possible future detailed applications.
 - g) Clarification of landscape impact on present outline application.
 - h) Clarification that the sustainability statement is covered within the conditions and amendments to be made to ensure it covers the entire scheme.
 - i) Clarification that a Habitats and Species survey was submitted with the application.
 - j) Explanation of why two applications were dealt with in a combined report approach.
 - k) Issues regarding the roundabout in the indicative site layout.
69. The Committee were invited to ask the Planning Officer points of clarification, the following were raised:
- a) Clarification of the 4 house rule.
 - b) Adoptability of the roads.
 - c) The extent of Flood Plain within the site layout and evacuation concerns.
 - d) Issues regarding emergency routes and impact on emergency services.
 - e) Clarification of the Ecology Survey.
 - f) Clarification on the agreement by the applicant, CNPA and local authority for the Steam Railway Crossing works.
70. Hamish Trench (Head of Heritage and Land Management) advised Committee of the findings from the survey and a site visit carried out by the ecology officer.
71. The Committee discussed the application and the following points were raised:
- a) Concerns with building houses in the amenity woodland.
 - b) Concerns with the potential loss of views from the golf course.
 - c) The issue of density in particular near the golf course and in the amenity woodland.
 - d) Concerns with the integrity of the golf course and its future advertising of the area.
 - e) Concerns over losing green spaces and wildlife corridors.
 - f) The impact on the golf course and returning users.
 - g) The possibility of suggesting fewer houses in the applications.
 - h) The consequences of refusing the application.
 - i) Consideration of the community objections.
 - j) Clarification of the reporter's decision and maximum number of housing units permitted.
 - k) Clarification of the appeal process and options available at this stage.
 - l) The need for planting and screening on the periphery.
 - m) Clarification of the number of the affordable housing and the locally marketed element.
 - n) Clarification of the level of amenity woodland at Corrou Road.
72. Susan Walker proposed a motion to approve the applications as recommended by the planner with an additional agreement of housing 'up to' 83 + 10 - conditions to maintain the wildlife corridor and amenity woodland and provide adequate screening and landscaping periphery to protect the scenic integrity of the site also omitting development from amenity woodland area at Corrou Road. This was seconded by Eric Baird.

73. Stuart Black proposed an amendment to defer the application for a total of 73 on both applications. This was seconded by Willie McKenna.
74. The vote was as follows:
- 75.

| | MOTION | AMENDMENT | ABSTAIN |
|--------------------|-----------|-----------|---------|
| Eric Baird | √ | | |
| Stuart Black | | √ | |
| Dave Fallows | √ | | |
| David Green | √ | | |
| Drew Hendry | √ | | |
| Marcus Humphrey | √ | | |
| Bob Kinnaird | √ | | |
| Mary McCafferty | √ | | |
| Willie McKenna | | √ | |
| Eleanor Mackintosh | √ | | |
| Ian Mackintosh | √ | | |
| Alastair MacLennan | √ | | |
| Richard Stroud | √ | | |
| Susan Walker | √ | | |
| TOTAL | 12 | 2 | |

76. The Committee agreed to approve the application in favour of the motion and for the reasons stated in the report (and the 2 new amendments to the report regarding the S.75 and the contribution to the Railway Crossing and the sustainability scheme.)
77. David Green advised members that the amended conditions should be taken back to the next determination committee on 21st August 2009 for agreement. Members agreed.
78. David Green thanked the speakers.

AGENDA ITEM 12 ANY OTHER BUSINESS

79. Dave Fallows requested clarification regarding the accessing of Badenoch & Strathspey planning applications in public files as it was brought to his attention that they are only available in the Grantown on Spey and Ballater offices and therefore difficult for Highland residents to inspect. Don McKee advised Committee they will be available online in the future but in the meantime they are also available at the Highland Planning Office in Kingussie and arrangements made for plans to be issued at site close to someone's home in special circumstances, this new information can be advertised to the public.
80. Eleanor Mackintosh asked for assurance that application 09/190/CP for the Water Treatment Plant at Tomintoul will be determined soon due to more complaints within the community after having been issued with another notice to boil water before consumption. Don McKee informed committee it is due to be determined on the 21st August 09 Planning Committee.
81. Mary Grier gave a short power point presentation advising members of a request for a non material variation at Invercauld Farm Steading site near Braemar on 6 of the dwellinghouses. Mary Grier advised that non material variations are normally dealt

with at an officer level but due to the level of community interest Committees approval is sought. Geva Blackett had already brought this matter to the attention of the Community Council.

82. Mary Grier advised members a Granite finish was approved on the front elevation but due to increased cost and availability a change to a traditional harled finish is requested.
83. Don McKee suggested that a report be presented to members and brought to back to Committee for consideration after talking with the Braemar and Vicinity Community Council.

AGENDA ITEM 13
DATE OF NEXT MEETING

84. Friday 10.30am 7th August 2009 at Glenmore Lodge, Glenmore.
85. Committee Members are requested to ensure that any Apologies for this meeting are submitted to the Planning Office in Ballater.
86. The meeting concluded at 15.30hrs.