

CAIRNGORMS NATIONAL PARK AUTHORITY

DRAFT MINUTES OF THE PLANNING COMMITTEE

held at The Albert Hall, Ballater
on 25th May 2018 at 11.00am

Members Present

Peter Argyle	Gregor Hutcheon
Rebecca Badger	John Latham
Geva Blackett	Eleanor Mackintosh (Convener)
Carolyn Caddick	Xander McDade
Angela Douglas	Willie McKenna
Dave Fallows	Ian McLaren
Pippa Hadley	Gordon Riddler
Janet Hunter	Brian Wood

In Attendance:

Gavin Miles, Head of Planning & Communities
Katherine Donnachie, Planning Officer, Development Management
Colin Bradley, Graduate Planner
Murray Ferguson, Director of Planning & Rural Development
Peter Ferguson, Legal Adviser Harper & MacLeod LLP
Alix Harkness, Clerk to the Board

Apologies: Angela Douglas 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, 20 April 2018, held at the Community Hall, Boat of Garten were approved with no amendments.

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3. There were no matters arising.
4. The Convener provided an update on the Action Points from the previous meetings:
 - a) **At Para. 4b) In Hand** - letter to SSE with regards to SSE tracks at Dalwhinnie, reported that a response had been chased and a reply would be imminent.
 - b) **Action Point at Para. 10i) Closed** - Condition around external lighting added.
 - c) **Action Point at Para. 20i) Closed** – Sentence added to Development Plan Scheme that responses would be taken into account.
 - d) **Action Point at Para. 29i) Closed**– Additional discussion session on ‘affordable staying’ added to the Training Programme for 2018-19.
 - e) **Action Point at Para. 40i) Closed** – Clerk to the Board reminded the Committee of the A939 Gairnsheil bridge closure in advance of this Planning Committee meeting.

Agenda Item 4:

Declaration of Interest by Members on Items Appearing on the Agenda

5. Peter Argyle declared an interest in:
 - a) Item No. 5 – Indirect interest – As an Aberdeenshire councillor, Aberdeenshire Council holds an interest in the building and has been involved in discussions around the application however he has not been involved in those discussions.
6. Geva Blackett declared an interest in:
 - a) Item No. 5 – Indirect interest – As an Aberdeenshire councillor, Aberdeenshire Council holds an interest in the building and has been involved in discussions around the application however she has not been involved in those discussions.
7. John Latham declared an interest in:
 - a) Item No. 5 – Indirect interest – As an Aberdeenshire councillor, Aberdeenshire Council holds an interest in the building and has been involved in discussions around the application however he has not been involved in those discussions.

Agenda Item 5:

Application for Detailed Planning Permission (2017/0284/DET) &

Application for Listed Building Consent (2017/0285/LBC)

Demolition of ancillary buildings, conversion of school to 10 dwellinghouses, reinstatement of schoolhouses to form 2 dwellinghouses, erection of 3 dwellinghouses and 11 flats (affordable houses), formation of access and alterations to boundary walls

At Ballater Old School, Abergeldie Road, Ballater, Aberdeenshire, AB35 5RR

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8. Katherine Donnachie, Planning Officer presented the paper to the Committee.
9. The Committee were invited to ask points of clarity the following were raised:
 - a) Could the proposed bin collection routine be explained? Katherine Donnachie advised that the bins would be stored in the communal bin stores and that the refuse lorry would drive along Abergeldie road and collect the bins from there.
 - b) Could it be confirmed that the housing would be allocated on a local basis not just for Ballater but also the whole of Aberdeenshire? Katherine Donnachie confirmed that Aberdeenshire Council had confirmed that the housing allocation would be based on need.
 - c) Could it be explained why this level of density was acceptable in planning terms, was it being driven by the developers need to make a profit or was it based on housing need? Katherine Donnachie explained that the developer required this level of density to make the development viable. The developer had received a loan from the Scottish Government which would have to be paid back. She went on to say that from Planning Policy perspective, the proposed development is acceptable and is not considered to be too dense for this site.
 - d) Would the bins have to be delivered to the pavement edge? Katherine Donnachie advised that the waste management service would have to review the refuse bin collection and that this had been covered in a condition which asks for a management plan of the bins and refuse collections.
 - e) With regards to the adverse effect on the landscape character described at paragraphs 49 and 52 of the report, did these comments still stand? Katherine Donnachie advised that these meant that more detail in the landscape plan would be required rather than it having an impact on the integrity of the landscape. She added that the landscape officer had no issues with this regard.
 - f) Would there be sufficient room to exit the development and turn right onto School Lane if there was a vehicle parked on the opposite side of the road? Katherine Donnachie advised that vehicles should be able to come in and out however if a car was parked on the opposite side it may become tight. She added that the Roads departments had requested build outs from the applicant for reasons of pedestrian safety which had been incorporated into the plans.
 - g) Would residents of the proposed flats situated along School Lane be expected to carry their rubbish from their residences to the bin stores when required? Where would residents with no private gardens be expected to dry their washing? Would the management charge imposed on residents be at the same level irrelevant of whether they had a private or communal garden? Noted that these were points for the agent or applicant to answer.
 - h) Could the distance between the 3 bedroom unit's window which opens on to the dining room of the house next door be clarified? Katherine Donnachie advised that it was 3 meters.

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- i) Did the Authority have any policies for parking and communal spaces? Concern raised that children living in the units with communal gardens would not have adequate space to play. Katherine Donnachie advised that supplementary guidance recommends that 20% of the site should be for green space and this includes gardens.
 - j) Could it be confirmed what the maximum number of residents could be? Katherine Donnachie confirmed that up to 83 residents could be housed in this development.
 - k) Was there any supplementary guidance around parking spaces? Katherine Donnachie advised that 2 parking spaces per household was recommended in the Supplementary Guidance however it was considered by the Roads Service and officers that 1 parking space per household would be sufficient on the site with the addition of spaces on the street.
10. Ian Rodger (agent) and Craig Stirrat (applicant) Grampian Housing Association were invited to address the Committee. They were then invited to answer the Committee's questions. The following points were raised:
- a) Could it be confirmed that the density was based on profit? The agent/ applicant confirmed that it was based on housing need and financial viability. They explained that housing need had called for smaller units and therefore the income from these would be lower.
 - b) Had they had contact with Ballater Royal Deeside or other Ballater based community groups and considered working in partnership with them to apply for funding through the rural fund? The agent/ applicant confirmed that they had not but that they had received additional funding from Aberdeenshire Council because of the challenge and cost in renovating a listed building.
 - c) With regard to the parking spaces, how would vehicle ownership be controlled and what were residents with a second car, work van, or caravan supposed to do? The applicant advised that they would not be allocating spaces to individual properties; that this approach works in their other developments and they do not police parking but that if problems were encountered then they would discuss this with the residents to find a solution.
 - d) Would residents of the proposed flats situated along School Lane be expected to carry their rubbish from their residences to the bin stores when required? The agent/ applicant agreed that it was not ideal however the roads department had told them that they would not be able to use School Lane but that this proposed compromise would be adequate.
 - e) Where would the residents without access to private gardens be expected to dry their washing? The applicant advised that residents would be expected to use the internal drying facilities that they provide as standard in their properties.

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- f) Would the management charge imposed on residents be at the same level irrelevant of whether they had a private or communal garden? The applicant confirmed the service charges would be the same for all properties.
 - g) Had having all the green space as public amenity been considered instead of a mix of the two? The agent/applicant advised that the mix had been identified in part to maintain the frontage to Abergeldie Road.
 - h) Concern raised that there was only one parking space per unit, in cities this may be adequate but not in rural areas where public transport is poor. The agent/ applicant advised that it was a common design for their developments and on this site it was not possible to provide any more per property.
 - i) What percentage of the potential 83 residents would likely be children as there does not seem to be a space for them to play? The applicant advised that potentially 24-27 of the 83 could be children.
 - j) From experience, children who reside in flats may come down to play in communal areas may then unintentionally cause issues to residents of properties close to the communal areas, had this been considered? The applicant advised that they had never experienced such behaviour caused by the layouts of their developments.
 - k) How would the parking provision of one parking space per unit be managed if it was not being monitored? The applicant advised that when a new tenant moved in, they would be briefed on their expectations as a tenant and if there were difficulties it may be necessary at that point to put in controls.
 - l) With regards to the allocation of the units, would the homeless persons Act be taken into consideration? The agent/ applicant confirmed that it was a statutory requirement for local authorities.
11. Sarah Copp, Gavin Gray, School Lane Residents per George Woods (Objectors) were invited to address the Committee.
12. Joanne Croll (Ballater and Crathie Community Council) was invited to address the Committee.
13. The Convener thanked the speakers.
14. The Convener invited Katherine Donnachie, the Planning Officer to come back with points of clarity, the following points were made:
- a) With regards to alternative schemes for the site, we are obliged to consider this scheme in front of us and officers are of the opinion that the proposed development is appropriate.
 - b) With regards to the information from the Aberdeenshire Council roads team referred to by one objector, Katherine Donnachie noted that this information was available on the CNPA website and highlighted that the Roads Service did not

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object to the proposal subject to conditions and to parking being satisfactorily managed. Officers are satisfied with the proposed parking arrangements subject to a condition that there is no allocation of parking spaces to individual properties. It is not the duty of developer to solve existing problems on School Lane.

- c) With regard to open space and communal open space, the private garden areas reflect the existing street scape along Abergeldie Road. Katherine Donnachie highlighted that the site is particularly well located, close to the village centre within ready walking distance of all facilities and amenities. Children can use play park facilities elsewhere and residents are not wholly dependent on having own transport.

15. The Committee were invited to discuss the report, the following points were raised:

- a) Comment made that Ballater has poor public transport; residents of social housing may have work vans and caravans. Concern raised that residents without private gardens would not have somewhere to dry their clothes outside.
- b) Agreement that there is a need for affordable houses, concern with the density of the proposed development. Concern raised that there were many residents objecting to the development and not one in support.
- c) Concern raised that the proposed development does not improve neighbours amenity and therefore goes against Policy 3.
- d) Concern raised that the development could cause a loss of integrity of the landscape of what was a quiet residential area and therefore go against Policy 5.
- e) Concern raised that there was no clear or satisfactory information provided on how the parking would be managed effectively. Concern raised that the build outs on the lane would mean that 5-6 parking spaces on School Lane would be lost from the beginning.
- f) Comment made that they were not against the concept of affordable housing but did not support this current proposal as it stands.
- g) Understanding of the need for affordable housing and that the density would be required to offset the costs of providing small units, however from a conservation perspective, it seemed that one side of the development and its streetscape was more important than the other side.
- h) Concern raised around the road access and parking, the increased traffic causing safety issues. Concern that the communal gardens seemed to be located all on one side and children would potentially have to walk across the carpark to get to it.
- i) Agreement that it had been a very difficult application. Comments made that the Ballater Old School was of importance to the built heritage to Ballater. Recognition that the community had previously worked up proposals looking into options for the site, all which came to nothing.
- j) Recognition of the viability of the development where renovating is very expensive and the costs of redeveloping are high.

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- k) Site visit highlighted the issues with access, particularly out onto school lane, where the proposed build outs to the road would clearly make access potentially more difficult.
 - l) Peter Argyle stated the he wished to disassociate himself with the comment made during one of the objectors' presentations that Aberdeenshire Council had colluded with the applicant.
 - m) Recognition that there was a huge need for social housing however this needed to be balanced with the quality of life for residents living in it. Concern highlighted regarding play space for children. Suggestion made that they would like to see access from Abergeldie Road and only pedestrian access on School Road.
16. Geva Blackett indicated she would like to put forward a motion to refuse the application. Gordon Riddler indicated he would support such a motion. The meeting paused for these members to seek legal advice on the wording of the motion.
17. Members returned to the meeting. Geva Blackett put forward a motion to refuse the application on the grounds of inadequate car parking facilities and vehicle access; poor domestic amenity particularly in respect of the flatted accommodation; lack of recreational space, especially for children and connected road safety issues due to having to cross car parking spaces to reach communal space. As a result of these constraints, the application presents over development and access issues on School Lane and for these reasons fails to comply with Policy 3.1 of the Cairngorms National Park Local Development Plan (LDP). She added that there are policies which support this application but that in not complying with Policy 3.1, the development is contrary to the LDP as a whole. She urged that the applicants enter into discussions with the Aberdeenshire Council Housing Service and the Ballater community so that they can work together to find a solution that benefits the Ballater Community.
18. No other motions were presented.
19. The Convener concluded that the Planning Committee were supportive of affordable housing on that site however this proposed development caused concerns around density and access and the Planning Committee were refusing the listed building consent also. The Convenor also advised the applicants to consider these concerns with any future submissions on the site
20. **The Committee agreed to refuse the application contrary to the Planning Officer's recommendation.**
21. **Action Point arising: None.**

Agenda Item 6:

Application for Detailed Planning Permission (2017/0458/DET)

Erection of 20M Emergency Services Network (ESN) mast, cabinet, 2No. antennas and 1No. dish antenna attached to mast, creation of pedestrian access path, and installation of a cabinet, remote generator and associated service channel

At Land 320m NE of Achlean, Feshiebridge

22. Colin Bradley, Graduate Planner presented the paper to the Committee.
23. The Committee were invited to ask the Graduate Planner points of clarity the following were raised:
- a) Could it be confirmed that the mast would not provide coverage to a large area? Gavin Miles confirmed and explained that its main purpose was to provide emergency service coverage to the properties in Glenfeshie.
 - b) If the coverage was for emergency services only then what were the economic benefits? Gavin Miles explained that EE would be the network provider and there was scope for the emergency services network sites to add to the commercial network availability.
24. **The Committee agreed to approve the applications subject to the conditions in the report.**
25. **Action Points arising: None.**

Agenda Item 7:

Planning Service Performance

26. Gavin Miles presented the paper to the Committee.
27. The Committee were invited to discuss the update, the following observations were made:
- a) The Convener thanked the planning staff for their hard work in achieving good performance.
 - b) Comment made acknowledging the hard work of staff preparing applications for Committee meetings and appreciation that if the Committee go against planning officers' recommendations it can be frustrating, but it is not a reflection of the effort the officers work.
28. **The Committee noted the internal planning service monitoring results.**
29. **Action Point arising: None.**

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Agenda Item 8:

Any Other Business

30. Gavin Miles, Head of Planning & Communities reported that the DPEA report on the now withdrawn Dorenell windfarm application had been published and had public recommended approval. He explained that the Reporters have apportioned more weight to economic considerations, recognising that SNH and CNPA are advising on landscape impacts only. Reporters concluded that the “core” area of CNP and the integrity of the National Park would not be affected and did not consider the changes to represent a step change from that which was previously approved.
31. Gavin Miles provided an update on the Section 75 at An Camas Mor, noting that terms were currently being discussed with the Highland Council and thereafter the applicants would be provided with a response very soon.
32. Gavin Miles reminded that Committee that at the last meeting he had informed them that the Section 75 for the Allt Mor Housing had been signed and the decision was ready to go. However he reported that there had been a last minute delay in registering the agreement due to land control issues which the applicant would need to address.
33. **Action Point arising:** **None.**

Agenda Item 13:

Date of Next Meeting

34. Friday 29 June 2018 at The Community Hall, Nethybridge.
35. Committee Members are requested to ensure that any Apologies for this meeting are submitted to the Clerk to the Board, Alix Harkness.
36. The public business of the meeting concluded at 13.30 hrs.