
CAIRNGORMS NATIONAL PARK AUTHORITY

MINUTES OF THE PLANNING COMMITTEE

held at The Albert Hall, Ballater
on 25th June 2010 at 10.30am

PRESENT

Peter Argyle
Eric Baird
Stuart Black
Duncan Bryden
Jaci Douglas
Dave Fallows
Lucy Grant
Drew Hendry
Marcus Humphrey

Mary McCafferty
Willie McKenna
Eleanor Mackintosh
Ian Mackintosh
Anne MacLean
Gregor Rimell
Richard Stroud
Susan Walker

IN ATTENDANCE:

Mary Grier Pip Mackie
Don McKee Andrew Tait

APOLOGIES:

Geva Blackett Alastair MacLennan
David Green Fiona Murdoch
Bob Kinnaird Andrew Rafferty

AGENDA ITEMS 1 & 2:

WELCOME AND APOLOGIES

1. The Convenor welcomed all present and introduced a new member of staff, Clare Muckart, who as part of her role as Press Officer would be covering planning.
2. Apologies were received from the above Members.
3. Members were advised that Fiona Murdoch was unable to attend recent meetings due to being seriously ill. Members all sent their best wishes.

AGENDA ITEM 3:

MINUTES & MATTERS ARISING FROM THE PREVIOUS MEETING

4. Willie McKenna stated that as he did not attend the previous meeting, due to declaring an interest in the An Camas Mor application, he would not make any comment on the minutes.
5. Anne MacLean requested a pause in proceedings in order to read the revised minutes.

6. The minutes of the previous meeting, 11th June 2010, held at The Community Hall, Boat of Garten were approved – subject to the following amendments:
 Page 4 – Title of the Paper – to read: ‘Up to 1500 Houses’.
 Paragraph 66 e) – to read: An anomaly between Transport Scotland’s DDA Code of Practice Guide and Designing Streets.
 Paragraph 81 c) – Condition 3, Bullet Point 5 – to read: ‘The contribution of An Camas Mòr in terms of both finance and active involvement in the community led partnership to facilitate delivery of a direct foot/cycle path link to central Aviemore via a bridge over the River Spey in tandem with the initial phase of development.’
 Paragraph 81 d) – Condition 3, Bullet Point 12 – to read: ‘...in consultation with a qualified Access Consultant.’
 Paragraph 81 g) – to read: ‘...the Applicants to demonstrate that woodland cover on and around the site...’
 Paragraph 81 h) – replace ‘fully adoptable standard’ with ‘to the satisfaction of CNPA in consultation with Highland Council TEC Services.’
7. There were no matters arising.

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

8. Jaci Douglas declared a direct interest in Planning Application No. 10/180/CP, due to the wife of the Applicant being a good friend. This declaration was made at the comments stage of the call-in process and therefore Jaci Douglas did not leave the room, but took no part in the comments which were made on the application.
9. Dave Fallows declared a direct interest in Planning Application No. 10/192/CP, due to being a neighbour and tenant of the Applicant.
10. Marcus Humphrey declared a direct interest in Item No. 7 (Paper 2) on the Agenda, due to the application site having been purchased from his son.

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

11. 10/179/CP - The decision was to call-in the application for the following reason :
 - The application relates to retrospective, emergency works for a burn crossing over a Special Area of Conservation in a remote mountain area of the Park. The track over the burn is a recognized recreational route. The works raise a range of issues with regard to conservation of the natural and cultural heritage and promoting understanding and enjoyment in the form of recreation. The proposal also raises issues with regard to land management given the need for the crossing to assist with estate activities. Consequently, the proposal raises issues of general significance for the collective aims of the Cairngorms National Park.
12. 10/180/CP - No Call-in
13. 10/181/CP - No Call-in
14. 10/182/CP - No Call-in
15. 10/183/CP - No Call-in

16. 10/184/CP - No Call-in

17. 10/185/CP - No Call-in

18. 10/186/CP - The decision was to call-in the application for the following reason :

- The proposal is for the erection of a single house to the south east of Nethy Bridge. In policy terms the area is allocated as Restricted Countryside by the Badenoch and Strathspey Local Plan and the proposal would not appear to fit with the latest CNP Planning Policy on rural building groups. The proposal raises a range of issues with regard to housing policy, precedent, landscape and the economic and social development of the local community. Consequently, the proposal raises issues of general significance for the collective aims of the Cairngorms National Park.

19. 10/187/CP - The decision was to call-in the application for the following reason :

- The proposal is for the erection of a single house at Croftronan to the east of Nethy Bridge. In policy terms the area is allocated as Restricted Countryside by the Badenoch and Strathspey Local Plan and the proposal would not appear to fit with the latest CNP Planning Policy on rural building groups. The proposal raises a range of issues with regard to housing policy, precedent, landscape and the economic and social development of the local community. Consequently, the proposal raises issues of general significance for the collective aims of the Cairngorms National Park.

20. 10/188/CP - No Call-in

21. 10/189/CP - No Call-in

22. 10/190/CP - No Call-in

23. 10/191/CP - No Call-in

24. 10/192/CP - Dave Fallows declared an interest and left the room.

No Call-in

Dave Fallows returned.

25. 10/193/CP - No Call-in

26. 10/194/CP - No Call-in

27. 10/195/CP - No Call-in

28. 10/196/CP - No Call-in

29. 10/197/CP - No Call-in

30. 10/198/CP - No Call-in

31. 10/199/CP - No Call-in

32. 10/200/CP - No Call-in

33. 10/201/CP - No Call-in

COMMENTING ON APPLICATIONS NOT CALLED-IN BY THE COMMITTEE

34. The Members wished to make comments to the Local Authorities on the following Planning Application No's 10/180/CP, 10/181/CP, 10/184/CP, 10/192/CP, 10/193/CP, 10/194/CP, 10/196/CP, 10/197/CP & 10/200/CP. The planning officers noted these comments and were delegated with the responsibility of whether or not and how to submit the comments to the Local Authorities.

**AGENDA ITEM 6:
REPORT ON CALLED-IN PLANNING APPLICATION FOR ERECTION OF 22
HOUSES AND CONSTRUCTION OF ACCESS ROAD
AT LAND SE OF MILLSIDE HOUSE, MILTON, AVIEMORE
(PAPER 1) (10/062/CP)**

35. Duncan Bryden informed Members of the history of applications on the site the number of times that Committee had discussed the site and the venues which the discussions had taken place most of which were on the West side of the park along with the ample time allowed for both the applicant and objectors to make submissions on this application. He stated that the application (09/153/CP) on the site, which was determined at the Committee meeting of 5th February 2010, was currently the subject of an appeal against refusal and that the outcome was being awaited.
36. Duncan Bryden informed Members that Representatives for the Applicant wished to address the Committee / be available for questions – they were:
- Alastair Grant, Applicant, would be available for questions
 - Philip Neaves, from CB Ellis Richard
 - Niall Murphy, from Austin Smith Lord
37. Duncan Bryden informed Members that requests from other parties had been made to address the Committee – they were:
- Anne Stewart, Representee
 - John Grierson, Chair of Aviemore & Vicinity Community Council
38. The Committee agreed to the requests.
39. Andrew Tait presented a paper recommending that the Committee approve the application subject to a Section 75 Legal Agreement and conditions as stated in the report.
40. The Committee were invited to ask the Planning Officer points of clarification, the following were raised:
- a) The level of Affordable Housing associated with the application and its location either on site or at an alternative site at Kila, Aviemore.
 - b) Highland Council's Housing Departments response to the location of the Affordable Housing and concern that it could be located off site.
 - c) The local marketing initiative.
 - d) The widening of the orbital path associated with the access to Plot 7.
 - e) Concern regarding the levelling to take place on the site.
 - f) CNP Local Plan Policy 17 and its relevance to this development.
 - g) The proposed boundary treatments.
 - h) The need for a mechanism to ensure the maintenance and management of the Meall Mill and associated interpretation.
 - i) Highland Council Roads consultation response regarding the number of houses served by non adopted roads.
 - j) The potential for a number of houses to be in the same ownership of an Affordable Housing provider and the associated implications for the adopted status of the road.
 - k) Safety issues regarding the pond to the south west of the site.

- l) The gradient for car parking as specified by Highland Council Roads.
- m) The requirement for garages to be used only for the parking of cars and the impact this could have on normal domestic storage.

41. Philip Neaves and Niall Murphy, Representatives of the Applicant, addressed the Committee and provided a Powerpoint presentation.
42. Lucy Grant left the meeting.
43. The Committee were invited to ask questions of the speakers and the following points were raised:
 - a) The boundary treatments being proposed.
 - b) The potential for the retention of the pond.
 - c) Clarification of the winter sun path across the site.
 - d) The bearing on the status of the appeal on the previous application, should the application under consideration be approved. Mr Neaves responded that the applicant wanted to fully test the acceptability of the 3 plots that were not in this application.
 - e) The development being a proposed Home Zone, the shared surfaces within it and the need to use the services of a qualified Access Consultant.
44. John Grierson, Chair of Aviemore & Vicinity Community Council, addressed the Committee and provided a Powerpoint presentation.
45. The Committee were invited to ask questions of the speaker and the following points were raised:
 - a) The alternative community areas in which the contributions could be utilised, instead of play parks (due to there already being 2 in close proximity to the development area).
 - b) The '4 house rule' for Highland Council adopting roads.
 - c) A study on the potential downstream ecological impacts should the pond be diverted.
46. Anne Stewart, Representee, addressed the Committee.
47. The Committee were invited to ask questions of the speaker. No questions were asked.
48. Duncan Bryden thanked the speakers.
49. The Committee discussed the application and the following points were raised:
 - a) The number of existing properties accessed from the road to the West of the site.
 - b) The difference in density of housing and size of site between the outline planning permission and the application currently under consideration.
 - c) Plot 7 and its inclusion in the development.
 - d) The need for an investigation into the hydrology of the site.
 - e) The potential for part of the site to be a wetland habitat.
50. The Committee agreed to approve the application subject to a Section 75 Legal Agreement and conditions as stated in the report with the following additional conditions and amendments:
 - Section 75 Legal Agreement – the contributions to be towards community amenities, in consultation with the community rather than simply to playareas.
 - Additional Condition – Requiring the services of an Access Consultant regarding the Home Zone area and a constructive discussion with the local Access Panel and Inclusive Cairngorms.
 - Additional Condition – The requirement for the creation of a wetland habitat (at the location of the existing pond), which is sympathetic to the biodiversity of the area.
 - Condition 10 – Upgrading of the access track to Plot 7 and to ensure that the bridge is strong enough to withstand the associated construction traffic. The requirement for a maintenance and method statement for the access track.

- Condition 14 – Rewording to allow items other than cars to be stored in the garages.
- Condition 15 – The limiting of hours in which construction and deliveries to the site can be carried out and for this to be included in the construction method statement.
- Condition 19 – The need for an ongoing maintenance requirement for the Meall Mill and associated interpretation.

51. The Committee paused for lunch at 1:10pm.

52. The Committee reconvened at 1:45pm.

53. Eleanor Mackintosh left the meeting.

**AGENDA ITEM 7:
REPORT ON CALLED-IN PLANNING APPLICATION FOR ERECTION OF
DWELLINGHOUSE AND GARAGE
AT SITE TO SE OF CRANNACH HOUSE, THE OLD SAW MILL, CAMBUS O
MAY
(PAPER 2) (08/359/CP)**

54. Marcus Humphrey declared an interest and left the room.

55. Andrew Tait presented a paper recommending that the Committee approve the application subject to a Section 75 Legal Agreement and conditions as stated in the report and an additional condition – requiring the Contaminated Land remediation to be carried out in accordance with the developer’s report, as specified in the Aberdeenshire Council’s Contaminated Land consultation response.

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

- a) The need to ensure the safety of people using the Deeside Way during the construction period.
- b) The drainage system being proposed and its ability to handle the large quantities of water associated with a swimming pool.
- c) The high quality of the design and application.
- d) The heat source associated with the swimming pool.
- e) The use of the existing chimney as a flue for the woodchip boiler.
- f) The property being well screened from the A93.
- g) The prominence of the proposed Tower in the landscape.

57. The Committee agreed to approve the application subject to a Section 75 Legal Agreement and conditions as stated in the report, with the following additional conditions and amendments:

- Additional Condition – Requiring the Contaminated Land remediation to be carried out in accordance with the developers report.
- Additional Condition – Regarding the means for drainage of the swimming pool to be approved due to its proximity to the River Dee and the SAC.
- Additional Condition – Requiring the ground source heat pump to provide heating to the swimming pool.
- Condition 5 & the Construction Method Statement – the requirement to ensure the safety of people using the Deeside Way during the construction period.

58. Marcus Humphrey returned.

**AGENDA ITEM 8:
REPORT ON CALLED-IN PLANNING APPLICATION FOR ERECTION OF
SPORTING LODGE, NEW ACCESS ROAD, LANDSCAPING INCLUDING
FORMATION OF PONDS AND GATEWAY FEATURES
AT LAND 290M NORTH OF BALINLUIG FARM, AVIEMORE
(PAPER 3) (09/376/CP)**

59. Duncan Bryden advised Members that a late letter of representation had been received from Professor Garraway, Representee. As Professor Garraway had requested to address the Committee within the required timescales but had since changed his mind, Duncan Bryden advised that the Committee would pause to read the letter.
60. The Committee paused to read the letter.
61. Duncan Bryden informed Members that Henry Dempsey, Agent, did not wish to address the Committee, but was available for questions.
62. Mary Grier presented a paper recommending that the Committee approve the application subject to a Section 75 Legal Agreement and conditions as stated in the report with an additional condition requiring the ponds to be stocked with native species of fish and an amendment to Condition 13 to include a landscape and construction method statement, an amended landscape plan and landscape management plan.
63. The Committee were invited to ask the Planning Officer points of clarification, the following were raised:
- a) The sustainability of the development and its relevance to Policy 17 regarding carbon emissions.
 - b) The access for residents being taken from the B9152.
 - c) Confirmation that access for construction traffic and deliveries would be taken from the A9.
 - d) Concern raised by the owners of Druim Mhor regarding the increased traffic flow past their property.
 - e) The retention of the turning point for large vehicles at Druim Mhor.
 - f) The large scale of the project and the proof of viability for the development.
 - g) A preference for the use of locally sourced materials.
 - h) The requirement for the development not to hinder or restrict public access to the area for walking etc.
64. The Committee were invited to ask questions of Henry Dempsey, Agent, and the following points were raised:
- a) The proposed method of heating and ensuring a high level of sustainability for the property.
 - b) Construction and Delivery vehicles accessing the site from the A9.
 - c) The retention of the turning point for large vehicles at Druim Mhor.
 - d) The proposed sourcing of and materials to be used.
 - e) The garden area/curtilage associated with the property.
 - f) A preference to employ the skills of local tradesmen in the construction of the property.
65. Duncan Bryden thanked the speaker.
66. The Committee agreed to approve the application subject to a Section 75 Legal Agreement and conditions as stated in the report with an additional condition requiring the ponds to be stocked with native species of fish and an amendment to Condition 13 to include a landscape and construction method statement, an amended landscape plan and landscape management plan.

67. Drew Hendry left the meeting.

**AGENDA ITEM 9:
ANY OTHER BUSINESS**

68. Don McKee advised that there was to be a Public Local Inquiry (PLI) in October 2010, regarding the proposed Dorenell Wind Farm. The CNPA had been consulted on the application in September 2008 and had strongly objected to the development. He informed Members that Andrew Tait had recently attended a pre-Inquiry meeting about the proposed development. Don McKee sought Members agreement to present a case at the PLI on behalf of the CNPA. Members agreed to this action being taken.

69. Duncan Bryden advised Members that Anne MacLean had brought to his attention a flatted development that had been built in Tomintoul which included outside staircases to access the upper level properties. The development had been approved by Moray Council.
70. Anne MacLean raised concern for future developments that outside staircases could potentially be hazardous particularly in harsh weather conditions, such as those experienced earlier in the year.
71. Mary McCafferty sought clarification that the staircases were not fire escapes.
72. Eric Baird suggested that outside staircases should not be dismissed outright, but a design solution such as overhanging eaves be investigated.
73. It was agreed that the planning staff would feed views into the work on the design guide.

**AGENDA ITEM 10:
DATE OF NEXT MEETING**

74. Friday 9th July 2010 at The Village Hall, Braemar.
75. Committee Members are requested to ensure that any Apologies for this meeting are submitted to the Planning Office in Ballater.
76. The meeting concluded at 2.50pm.