

**CAIRNGORMS NATIONAL PARK AUTHORITY**

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**MINUTES OF THE PLANNING COMMITTEE**

held at The Cairngorm Hotel, Aviemore  
on 26 April 2013 at 10.30am

**Members Present**

Peter Argyle  
Duncan Bryden  
Angela Douglas  
Dave Fallows  
Katrina Farquhar  
Jeanette Gaul  
David Green  
Kate Howie

Gregor Hutcheon  
John Latham  
Bill Lobban  
Eleanor Mackintosh  
Mary McCafferty  
Willie McKenna  
Martin Price  
Brian Wood

**In Attendance:**

Don McKee, Head Planner  
Mary Grier, Senior Planning Officer, Development Management  
Katherine Donnachie, Senior Planning Officer, Development Management  
Charlotte Milburn, Planning Systems Officer  
Fiona Oldroyd, Planning Support Officer  
Murray Ferguson Sustainable Rural Development Director

**Apologies:**

Fiona Murdoch  
Gordon Riddler  
Gregor Rimmel

**Agenda Items 1 & 2:**

**Welcome & Apologies**

1. The Convenor welcomed all present and introduced Fiona Oldroyd as the new Planning Support Officer.
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, 28 March 2013, held at Community Hall, Boat of Garten were approved.
4. An update on Para 27 was requested which concerned the Developers Forum, Murray Ferguson said this would be covered under AOCB

### **Agenda Item 4:**

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

5. Gregor Hutcheon declared an interest in:
  - Item No. 8 (Paper 4 ) - Direct interest as a Director of COAT
6. Katrina Farquhar declared an interest in:
  - Item No. 8 (Paper 4 ) - Direct interest as nominated Council representative on the COAT board.

### **Agenda Item 5:**

#### **Report on Called-In Planning Application for Proposed new house and refurbished steading for storage/garage ancillary to the house At Croftcarnoch, Kingussie (Paper 1) (2013/0025/DET )**

7. Mary Grier, Senior Planning Officer, presented a paper recommending that the Committee approve the application subject to the conditions stated in the report.
8. The Convenor informed the Committee that the applicant, Mr MacPherson, was present to answer questions.
9. The Committee were invited to ask the Planning Officer points of clarification, the following were raised:
  - a) Clarification was needed with regard to the elevations, Mary Grier explained the plans in more detail.
  - b) Whether the existing house would be retained for accommodation for the new operator of the business and comply with Policy 22. Mary Grier explained that whilst the final use of the house has not yet been confirmed, Mr MacPherson is retiring as the operator and the existing house would be required by the new operators of the business and this satisfies Policy 22.
  - c) The siting of the new house appears to be quite elevated from the information provided in the report. Mary Grier said that there would be some excavation taking place and the final level of the house would be lower than the existing level of the site.
10. The Committee discussed the application and the following points were raised:

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- a) The likely visibility of the building from a distance. Mary Grier said that views would be limited from the immediate A9 as the road is in a cutting at that point and even from a further distance on the A9 the view would be minimal because of the landform. The property would be visible from the Highland Wildlife Park, however it was noted in the Landscape Officer's report that there are a number of large farmhouses and lodges in the area and this design would fit with the pattern of development in the area. In addition, a significant amount of landscaping is proposed for the site with tree coverage, which would minimise visibility.
  - b) It was asked whether the application could be subject to a Section 75. Mary Grier explained that recent Scottish Government guidance has been issued on the subject. It clearly states that if a case has been made to comply with policy, further restrictions in terms of occupancy or linking a building to an existing land holding should not be imposed on an application.
  - c) It was suggested that the design appears to have a mixture of different styles within the building, and the question was asked as to whether this could be simplified. Mary Grier explained that design had been a subject of pre application discussion and in the course of the planning applications requests had been made to simplify some elements of the design, which had been substantially done by the applicant.
  - d) The design was discussed in more detail and it was suggested that it was not appropriate for the setting.
11. The Convenor suggested that the Committee may wish to put questions to the Applicant, Mr McPherson. The Committee agreed and the following questions were asked:
- a) The Committee requested an explanation on the design. Mr McPherson said that the reasoning behind the design was an attempt to combine a contemporary feel with living use and a more traditional farmhouse style. It was designed to combine space with a contemporary feel and traditional materials such as slate, timber and natural stone.
  - b) Members wanted confirmation that Mr McPherson was retiring and that Balavil House would be needed by the incoming managers of the business. Mr McPherson confirmed that this was indeed the case. He went on to explain that whilst the exact plans for the future of the house remained undecided he could confirm that the house would stay with the estate as one entity and the house was needed in order to run the Sporting Enterprise side of the business.
12. The Convenor thanked Mr McPherson and the Committee continued to discuss the application, the following points were covered:
- a) Clarification was requested on whether Policy 22 specifically required the house to be used as a home or only as an asset to the business. Mary Grier explained that the Local Plan does not specifically state that the house must be a home but just that it is 'required' for the new business operator.
  - b) It was suggested that the question of design comes down to personal preference, and this particular application is seeking to make the property look like it has grown organically.

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

14. **Action Points arising:** None

### **Agenda Item 6:**

**Report on Called-In Planning Application for Alter design proposals to carry out appropriate improvements/modifications to provide safe dual useage to the existing access road rather than creating a standalone new parallel cycle track over the section which was proposed under consent 09/295/CP**

**At Speyside Trust Badaguish Outdoor Centre, Glenmore, Aviemore  
(Paper 2 ) (2013/0098/DET)**

15. Mary Grier, Senior Planning Officer, presented a paper recommending that the Committee approve the application subject to the conditions stated in the report.

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

- a) The application is a 'dumbing down' of the existing planning permission, the rest of the route already has a separate cycle path and walkway and this proposal for the final section would not continue this. Mary Grier agreed that it was a significant change to the previous proposal, but the main thing to focus on is whether it is acceptable in safety and landscape terms, and if it considered on its own merits it is acceptable in both of those respects.
- b) One of the previous application objectives was to ensure that the path would be safe for wheelchair access, there are concerns that the proposals in this application would be a step back from that.
- c) There were concerns raised about the safety provision not only for wheelchair users but those with small children and less confident cyclists and walkers.
- d) There was a suggestion that there appears to be no justification for the proposed changes and the decision could be deferred to allow the applicant to provide more information. Mary Grier explained that the extent of justification provided by the applicant had been summarised in the report. She also explained that the land covered two different landowners and there had been some discussions over the past two years which may have a bearing on the current proposal although none of this formed part of the details supporting the current application. Don McKee added that he was aware of a wider context but the applicant had not chosen to include that as part of the application so this application has been considered purely in terms of planning policy.
- e) It was commented that the proposed 'pull-in' areas for cyclists would hinder rather than enable the flow of traffic on the route.
- f) A question was raised with regard to Policy 34 and whether this current proposal met with the policy. Mary Grier said that the current situation on the access road had raised safety issues and this proposal would improve the situation and in that context did comply with Policy 34. She reiterated that whilst this application may be seen as less robust than the separate path approved in the existing permission, the current proposal should be considered as a stand alone application and as such it meets policy.

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- g) Concern was raised that even if the decision was deferred the justification that the applicant may provide may relate to the background issues with the landowners, and that this would not be relevant to planning policy.
- h) It was suggested that this situation was further proof that the Badaguish area is in need of a Masterplan.
- i) Peter Argyle proposed a motion that the application be deferred, this was seconded by Brian Wood.
- j) Dave Fallows proposed an amendment that the application be refused on the grounds that there were concerns over safety. Bill Lobban seconded the amendment.
- k) Some members felt that if the application was refused it could result in nothing being done on site and then safety would still be an issue. Or the other extreme that it could be won on appeal.
- l) The question was asked as to how long it would be before the application came back to committee should it be deferred. Don McKee said that Members could request that it came back at the next Committee or the one after.
- m) It was proposed that if the Committee did decide to defer the decision then a strong message should be relayed to the applicant that the Committee desire to see a consistent standard, to fulfil the requirements of all ability access and safety, as was indicated in the original planning application,
- n) Dave Fallows withdrew his amendment on the condition that the applicant is given the clear message that coming back to Committee with justifications for the same proposal was likely to be met with refusal. Bill Lobban agreed to withdraw his seconding of the amendment.

17. The Committee agreed to defer the application and request more information from the applicant in the context of the strong views expressed by Members with regard to departure from the original proposals.

**18. Action Points arising: The application must come back to committee within two months.**

### **Agenda Item 7:**

**Report on Called-In Planning Application for Application under Section 42 to variation of Condition 3 of consent 2011/0206/DET at Land To NE Of Speyside Trust Badaguish Outdoor Centre, Glenmore,Aviemore (Paper 3)(2013/0096/DET)**

19. The Convener informed Members that this application was linked to the previous one and also had to be deferred.

20. The Committee agreed to defer on the same basis as Item 6.

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### **Agenda Item 8:**

**Report on Called-In Planning Application for the Temporary siting of the Remote Accommodation System, to allow footpath works on Sron na Lairige, for a maximum period of 7 months from 1st April 2013 to 31st October 2013 at Land 1000M South Of Corrie Gorm Summit, Cairngorms, Aviemore (Paper 4)(2013/0038/DET)**

21. Katrina Farquhar and Gregor Hutcheon left the room.
22. Katherine Donnachie, Senior Planner, presented a paper recommending that the Committee approve the application subject to the conditions stated in the report.
23. The Committee discussed the application and the following points were raised:
  - a) It was suggested that the decision on this type of application could be delegated to the Head Planner in future. The Convenor said that that could be looked at in the service improvement plan but could not be implemented currently.
  - b) The report contains the condition that the ground would be reinstated to its former condition within a timescale of a month. It was suggested that this be taken out as it is not ecologically possible for that to happen. Katherine Donnachie said it could be amended to read 'reinstated to the satisfaction of the CNPA'.
  - c) It was requested the last sentence on the advice note be changed from 'for' to 'to'.
24. The Committee agreed to approve the application subject to the conditions stated in the report with the minor revisions above.
25. **Action Points arising: None**
26. Katrina Farquhar and Gregor Hutcheon returned to the room.

### **Agenda Item 9: AOCB**

27. The Convenor reminded members that the last few agendas have been light but there are five substantial applications on the books so Members need to be prepared for heavier agendas in the coming committee meetings.
28. The Developers Forum is having a workshop on May 8<sup>th</sup> to discuss the purpose of a Design Panel and how it could feed into the Planning Committee. If any Members wished to attend they would be welcome to but they must let Murray Ferguson know in advance.

### **Agenda Item 10:**

#### **Date of Next Meeting**

29. Friday 24 May at The Community Hall, Boat of Garten. (Subsequently changed to Duke of Gordon Hotel, Kingussie.)
30. Committee Members are requested to ensure that any Apologies for this meeting are submitted to the Planning Office in Ballater.
31. The public business of the meeting concluded at 12.05pm