

**CAIRNGORMS NATIONAL PARK AUTHORITY**

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**DRAFT MINUTES OF THE PLANNING COMMITTEE**

held at The Cairngorm Hotel, Aviemore  
on 27 April 2012 at 10.30am

**Members Present**

Peter Argyle	Eleanor Mackintosh
Duncan Bryden	Ian Mackintosh
Angela Douglas	Willie McKenna
Jaci Douglas	Gordon Riddler
Dave Fallows	Gregor Rimell
Katrina Farquhar	Allan Wright
Marcus Humphrey	

**In Attendance:**

Don McKee, Head Planner  
Mary Grier, Senior Planning Officer, Development Management  
Andrew Tait, Senior Planning Officer, Development Management  
Pip Mackie, Planning Systems Officer  
Matthew Hawkins, Heritage Manager  
Murray Ferguson, Director of Sustainable Rural Development

**Apologies:**

David Green	Mary McCafferty
Kate Howie	Martin Price
Gregor Hutcheon	Brian Wood

**Agenda Items 1 & 2:**

**Welcome & Apologies**

1. The Convenor welcomed all present and advised that Item 9 (Paper 4) had been withdrawn by the Applicant, prior to the Planning Committee and would therefore not be discussed.
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, 30 March 2012, held at The Community Hall, Boat of Garten 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. 16: Planning Staff will make it clear in future to Applicants and Objectors that Planning Committee will not accept late letters.
  - Action Point at Para. 20: Staff are currently investigating providing guidance for Applicants/Agents on Renewable Energy schemes, in conjunction with SEPA and SNH.
  - Action Point at Para. 46: CNPA Planning Officials have written to the Co-op.

### **Agenda Item 4:**

#### **Outcome of Electronic Call-In**

6. The content of the Outcome of the Electronic Call-in held on 13 April 2012 was noted.

### **Agenda Item 5:**

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

7. Jaci Douglas, Dave Fallows & Gregor Rimell, as Highland Councillors, declared a direct interest in Item No. 8 (Paper 3) on the Agenda, due to the Applicant being Highland Council.

### **Agenda Item 6:**

#### **Report on Called-In Planning Application for Erection of Class I Retail Store with Associated Parking, Servicing and Landscaping At Land Adjacent to the Winking Owl, Grampian Road, Aviemore (Paper 1) (11/177/CP)**

8. The Convener informed Members that a request to answer questions had been received, from:
  - Applicant / Agent – Douglas Wilson (Applicant) & Phil Pritchett (Agent)
  - Representative of the Community Council – John Grierson (Not Present)
9. The Committee agreed to the requests.

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10. Andrew Tait presented a paper recommending that the Committee approve the application subject to:
- A. Satisfactory response from SEPA withdrawing their objection with regard to flooding issues;
  - B. Planning Contributions towards core paths and improvements towards public transport by either section 75 Agreement, or contribution to be provided prior to the decision notice being issued;
  - C. Information to be provided to SNH on prevention of sedimentation of Aviemore Burn, and;
  - D. The conditions stated in the report – with the following amendments:
    - Condition 18 – ‘donor’ pond changed to ‘recipient’ pond.
    - Condition 27 – to be deleted, as it requires the same details as Condition 17 but with differing timings.
    - Additional Condition – requiring environmental interpretation to be placed at the site within 6 months of the store opening.
    - Additional Condition – requiring the CNPA to receive reports on the building regulations proposals for the development, as the intention of the Applicant is to submit Design Statements along with the building regulations applications. This would require the Applicant to submit the Design Statements to the CNPA also.
11. Andrew Tait advised that two late letters of representation had been received from BSCG and Buglife, but not circulated. Andrew Tait informed Members of the contents of the letters, which covered –
- BSCG letter:
- The Northern Damsfly being endangered on the Red Data List for Great Britain and thereby facing a high risk of extinction. Concern is raised about condition 18 for translocation of the Damsfly. The letter points out that the translocation is experimental and success by no means assured. The letter points out that that the condition fails to take account of the fundamental requirement to ensure that the translocation is effective before removing the donor lochan on site.
- Buglife letter:
- The letter draws attention to the Northern February red stonefly which is found nowhere else in the world outside of Scotland and that the pond is of very high conservation value. BSCG raises concern that the letter from Buglife contains material information with legal implications and BSCG consider the planning paper to be legally unsound.
12. Matthew Hawkins, CNPA Senior Heritage Officer, addressed the Committee regarding the natural heritage aspects of the site, his presentation covered:
- Preference is to keep valuable natural habitat on site, but this is not always possible.
  - The reason behind Condition 18 being to achieve a new pond in the vicinity and to mitigate for the loss of the Damsfly on the site.

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- The mitigation measures for the protection of the Northern Damselfly.
- The pond being a valuable habitat for a number of species.
- The process involved in any translocation of the Northern Damselfly, the timing and the monitoring process to be adhered to.
- The Northern Damselfly being on both the Scotland and Cairngorms Biodiversity Action List.
- The existing pond not currently being actively managed.

13. The Committee were invited to ask the Planning & Heritage Officers points of clarification, the following were raised:

- a) That the planning contribution to core paths and public transport was used specifically in the local Aviemore area. Don McKee responded that this would be done, in consultation with Highland Council and the Cairngorms Outdoor Access Trust.
- b) If Condition 18 fully covered the points raised in the British Dragonfly Society (BDS) letter and if the CNPA would take up the offer of help and advice from the BDS. Matthew Hawkins responded that the letter had been very helpful and the CNPA would be looking to the BDS for guidance on the translocation process (which the CNPA already had). He advised that the Condition, as currently worded, covered all the points raised in the BDS letter.
- c) The deletion of Condition 27 – and where the safe and direct route for cyclists / pedestrians would now be picked up. Andrew Tait responded that the landscape plan, as required in Condition 17, would cover safe access and would be agreed in consultation with Highland Council TEC Services. However, this point could be specifically included in Condition 17.
- d) The lack of reference to the design of the Trolley Parks, Bridge and Bus Stop. Andrew Tait responded that material samples were required in Condition 12 and this could be extended to incorporate the Trolley Parks, Bridge and Bus Stop.
- e) The sedimentation in the burn and if this would be monitored after construction. Andrew Tait responded that the CNPA Monitoring & Enforcement Officer would closely monitor the site during construction works. There was a 10 metre buffer zone proposed and enhancement proposals for the burn and the species that live there, as requested by SNH. Matthew Hawkins responded that SNH had requested silt traps to be included in the drainage system for the car park, these had now been included and SNH were content with the proposals.
- f) Lighting for the development and the potential for light pollution. Andrew Tait stated that the lighting had to be agreed with Highland Council Environmental Health, the timings and brightness of the lighting could be looked at.
- g) Condition 2 – the addition of ...to be agreed 'in writing' by the CNPA. Andrew Tait acknowledged that this was an omission and would be included.

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- h) If an alternative recipient pond was already in mind for the translocation of the Damselfly. Matthew Hawkins responded that no pond had yet been identified, further research was required on the conditions required for the Damselfly regarding water chemistry and morphology of any recipient pond. He advised that there was a risk that there may not be a suitable recipient pond but that the investigation must be carried out. Andrew Tait advised that the Applicants had stated that they would rather undertake the translocation of the Damselfly than provide monetary compensation.
  - i) The age of the existing pond. Matthew Hawkins responded that it did not appear on the map of 1871, but first reference to Damselfly being found on the site appeared in 1900. Therefore the pond was at least 112 years old.
  - j) Request that Condition 22, regarding retail space is also monitored. Andrew Tait advised that this would be done by the CNPA Monitoring & Enforcement Officer.
  - k) The orientation of the raised stone area as shown in one of the visualisation slides. Andrew Tait responded that the raised stone area was to be in the North East corner of the site, between the Store and Grampian Road.
  - l) The improvement to public transport (Part B of the recommendation) being required in the immediate Aviemore Area, to prevent any displacement of existing services in the wider area. Andrew Tait advised that the Applicant had raised this issue and did not wish to displace any other operators from the vicinity; therefore the recommendation had been amended to reflect this.
  - m) Condition 3 – first bullet point requires ‘...indicate a range ‘of’ measures...’
  - n) Condition 17 – to ensure that the landscaping plan does not prejudice the ability of the Cairngorms Farmers Market to use the public space fronting Grampian Road.
  - o) Condition 29 – The requirement for the real time enabled screen for the bus stop / in store and if this was technically possible to provide in the area. Andrew Tait advised that this had been requested by the Highland Council Transport Officer and may be part of a wider scheme in the area, yet to be rolled out.
  - p) The colour of the proposed Passive Vents on the roof of the development. Andrew Tait responded that it would be best asked of the Agent if other colours were available.
14. Douglas Wilson & Phil Pritchett were invited to answer questions and the following points were raised:
- The contents of the lighting plan to be submitted. Phil Pritchett responded that a lighting plan diagram and lux plan would be submitted to the CNPA for consideration. He advised that particular attention would be paid to the lighting of the wild flower meadow, with dimmable lights and timings of lighting included in the plan.

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- The colour of the proposed Passive Vents on the roof of the development. Phil Pritchett advised that if Members were concerned about this issue, to state in conditions that the colour of the Vents was not approved and this would then ask the question of Tesco and the Manufacturer as to other colours available.
- The ongoing monitoring of the percentage of types of goods on the trading floor and the possibility of a log being made available for inspection. Phil Pritchett stated that for previous developments and prior to the opening of the store, a sales floor plan has been provided showing the delineation between the comparison and convenience goods. Store managers were made aware of these restrictions and should adhere to them. Douglas Wilson responded that community feedback showed that the primary need for the store was to provide food and fresh food and this would be the focus of the store.
- The ongoing monitoring of the ecology of the site. Phil Pritchett responded that the landscaping and buffer zone would require monitoring and maintenance and the Applicants would be happy for this to be done on either a seasonal or annual basis with a report submitted to the CNPA. Andrew Tait responded that a new Condition could be included to incorporate this issue, including subsequent remedial works (if required).
- The local sourcing of produce. Douglas Wilson advised that Tesco already had a dedicated Scottish sourcing unit based in Livingston, and that any local suppliers were encouraged to make contact with them.
- If the provision of a sales floor plan would remove the flexibility for the goods to be moved around within the store. Phil Pritchett responded that it would be at the Store Managers discretion to move the goods around the store, within the maximum goods threshold specified and as long as the proportions remained the same. If the Enforcement Officer felt that the threshold had been breached, it could be specified in conditions that a further sales floor plan is to be provided to the CNPA.

15. Duncan Bryden thanked the speakers.

16. The Committee were invited to discuss the application. No points were raised.

17. The significance of the application for the area and the huge amount of work undertaken by Staff in bringing the application forward.

18. The possibility of Members receiving updates on the works involved in the translocation of the Damsel fly. It was agreed that this would be done.

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19. The Committee agreed to approve the application subject to the conditions stated in the report, subject to the following:
- A. Satisfactory response from SEPA withdrawing their objection with regard to flooding issues;
  - B. Planning Contributions towards core paths and the improvement of public transport within the immediate vicinity of Aviemore by either section 75 Agreement, or contribution to be provided prior to the decision notice being issued;
  - C. Information to be provided to the satisfaction of SNH on prevention of sedimentation of Aviemore Burn, and;
  - D. The conditions stated in the report – with the following amendments:
    - Condition 2: inclusion of ‘...to be agreed ‘in writing’ by the CNPA...’
    - Condition 3: first bullet point requires ‘...indicate a range ‘of measures...’
    - Condition 12: to incorporate samples for the Trolley Parks, Bridge, Bus Stop and Passive Roof Vents.
    - Condition 18: ‘donor’ pond changed to ‘recipient’ pond.
    - Condition 17: to specifically mention the safe access route for pedestrians / cyclists to be included in the landscaping plan. The landscaping plan to not prejudice the use the ability of the Cairngorms Farmers Market to use the public space fronting Grampian Road.
    - Condition 27: to be deleted, as it requires the same details as Condition 17 but with differing timings.
    - Additional Condition: requiring environmental interpretation to be placed at the site within 6 months of the store opening.
    - Additional Condition: requiring the CNPA to receive reports on the building regulations proposals for the development including environmental performance, as the intention of the Applicant is to submit Design Statements along with the building regulations applications. This would require the Applicant to submit the Design Statements to the CNPA also.
    - Additional Condition: requiring the monitoring and maintenance of the landscaping and buffer zone, with a report submitted to the CNPA on a time specified basis. Also including any remedial works, should they be necessary.
    - Additional Condition: requiring the submission of a sales floor plan to be provided, prior to the opening of the store, showing the delineation between the comparison and convenience goods. Further sales floor plans can be requested by the CNPA.

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20. **Action Points arising:** Members to receive updates on the works involved in the translocation of the Damselfly.

### **Agenda Item 7:**

**Report on Called-In Planning Application for Application under Section 42 to Vary Condition 1 of Planning Permission Reference 06/62/FULBS (CNPA APPROVAL: 06/086/CP & 10/413/CP) to Extend Period of Approval by 3 Years At Development Site on Former Filling Station, Grampian Road, Aviemore (Paper 2) (2012/0050/DET)**

21. The Convener informed Members that a request to address the Committee had been received, within the given timescale, from:
- Applicant – Alastair Grant
22. The Committee agreed to the request.
23. Andrew Tait presented a paper recommending that the Committee approve the application subject to the conditions stated in the report.
24. The Committee were invited to ask the Planning Officer points of clarification. No points were raised.
25. The Committee discussed the application. No points were raised.
26. The Committee agreed to approve the application subject to the condition stated in the report.
27. **Action Points arising:** None.

### **Agenda Item 8:**

**Report on Called-In Planning Application for Construction of New Storage/Office Buildings and Associated Site Access, Drainage and Landscaping Works At Highland Folk Museum, Aultlarie Croft, Kingussie Road, Newtonmore (Paper 3) (2011/0418/DET)**

28. Jaci Douglas, Dave Fallows and Gregor Rimell declared an interest and left the room.



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29. The Convener informed Members that a request to answer questions had been received from:
- Representative of the Applicant –Mark Kilkenny, Architect, and Judy Menadney, both from Highland Council Services.
30. The Committee agreed to the requests.
31. Mary Grier presented a paper recommending that the Committee approve the application subject to the conditions stated in the report.
32. The Committee were invited to ask the Planning Officer points of clarification, the following were raised:
- a) The improvement of the design of the building from the original submission.
  - b) Clarification if the development included any flat roofs. Mary Grier responded that the roof of the middle section of the building had been lessened in height to reduce the visual impact. Mark Kilkenny stated that the building did not incorporate any flat roof sections.
  - c) The height/width of the east and west gables of the proposed building. Mary Grier advised that the height/width of the east gable was approximately 12.5 x 12.5 metres, with the west gable being slightly smaller in scale.
  - d) The possibility of reducing the pitch of the roofs to further reduce the height and therefore visual impact of the development.
33. The Committee were invited to ask questions of the speakers and the following points were raised:
- a) The proposed construction of the roof on the middle section. Mark Kilkenny responded that it was to be a series of sedum roofs with slight pitches and valleys going along the width of the building, running into channels along the length of the building. This design should enable any snow to be held away from construction junctions whilst also avoiding water leaks.
  - b) Reduction of the pitch of the gables. Mark Kilkenny responded that the pitch of the roofs had been carefully considered. A lower pitch had been debated but it was felt that it gave the building a more industrial look, more commonly found in out of town retail / business parks. The increased pitch had been chosen to give a modern take on a vernacular type of building.
  - c) If the building had taken future storage requirement into account. Judy Menadney advised that this had been thought of and was considered to be future proof for at least the next 20 years. Mark Kilkenny stated that the increased roof pitch also provided possibilities for future storage options.

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d) If there was a longer term plan to provide public access to the building. Judy Menadney responded that a study had been undertaken with various Stakeholder groups, including the CNPA, to come up with a 20 year plan, 4 phase development for the museum. She advised that the construction of the building was Phase 1. Phase 2 would cover provision of exhibition galleries, giving year round access to the public, not just seasonal opening as at the present time. Work had already begun on planning Phase 2.

34. Duncan Bryden thanked the speakers.

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

- a) The building being well designed, functional and in context with the surrounding area.
- b) Thanking CNPA staff for the hard work put into bringing the application forward for determination and the improvement in the amended design from that originally proposed.

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

37. **Action Points arising:** None.

38. Jaci Douglas, Dave Fallows and Gregor Rimell returned.

### **Agenda Item 9:**

#### **Report on Called-In Planning Application for Erection of Dwellinghouse At Site to the West of Gairnbank Cottage, Bridge of Gairn, Ballater (Paper 4) (2012/0035/PPP)**

39. Duncan Bryden informed Members that the application had been withdrawn prior to the Planning Committee and therefore would not be discussed.

40. **Action Points arising:** None.

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## **Agenda Item 10:**

### **Any Other Business**

41. Duncan Bryden advised that he had written a letter to Derek Mackay, Minister for Local Government and Planning, raising a number of general issues. He advised that the letter follows the announcement on Planning Reform and advises on progress within the CNP.
42. Dave Fallows requested the letter to be circulated to Members.
  
43. Duncan Bryden advised that the meeting on 25 May 2012, would be held in Boat of Garten and following the conclusion of the meeting there would be a visit for Members to Farr Wind Farm. Don McKee advised that the Planning Committee would potentially start earlier to give Members more time at the Wind Farm.
44. Ian Mackintosh advised that the Audit Committee for this date would be dealt with via correspondence with a further meeting being held in June 2012.
  
45. Murray Ferguson updated Members on the progress of the Boat of Garten Housing Working Group. He advised that a number of complex issues were currently being worked on, including potential mitigation measures for Capercaillie. He stated that signs were due to be erected in the area advising of the Capercaillie sensitivities and that a community-based Ranger was to be employed to provide guidance on behavioural issues on the site. Discussion had also taken place with the Estate about bringing forward a new planning application for the site. The Estate had advised that they had been in contact with the Developers and had urged them to contact CNPA Officials to arrange a meeting. A meeting has now been arranged with CNPA Officials to discuss this issue. Murray Ferguson advised that the Community Council had pro-actively agreed a set of principles which they would like to see the Developer meet when bringing forward the new planning application. He advised that the Community Council had received praise for their leadership on this issue. The CNPA had acknowledged as being a helpful piece of work.
46. Murray Ferguson advised that the next stage was the pre-application meeting between the CNPA Officials and Developers.
  
47. Peter Argyle advised that Aberdeenshire Council had yesterday moved to adopt their new Local Development Plan. It would be formally adopted on 1 June 2012, unless Scottish Ministers have any objection. He advised that there was considerable discussion on the 2009 regulations governing the almost binding outcome of the Inquiry and the recommendations from the Scottish Government Reporters. There was general agreement that this needed to be changed and was currently being looked at by the Minister.

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48. There was some discussion following up the National Park Partnership meeting on 19 March 2012 at which comments had been made about the CNPA's unique planning arrangements. A paper was being prepared which Members would be able to discuss in the near future.

49. **Action Points arising:** The letter from Duncan Bryden to the Planning Minister to be circulated to Members.

### **Agenda Item 11:**

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

50. Friday 25 May 2012 at The Community Hall, Boat of Garten.

51. Committee Members are requested to ensure that any Apologies for this meeting are submitted to the Planning Office in Ballater.

52. The public business of the meeting concluded at 12.30pm.