
CAIRNGORMS NATIONAL PARK AUTHORITY

MINUTES OF THE PLANNING COMMITTEE

held at The Lecht Ski Centre, Strathdon
on 29th May 2009 at 10.30am

PRESENT

Peter Argyle
Eric Baird
Stuart Black
Geva Blackett
Duncan Bryden
Jaci Douglas
Dave Fallows
Lucy Grant
David Green
Marcus Humphrey
Bob Kinnaird

Mary McCafferty
Willie McKenna
Eleanor Mackintosh
Ian Mackintosh
Anne MacLean
Alastair MacLennan
Fiona Murdoch
Andrew Rafferty
Gregor Rimell
Richard Stroud
Susan Walker

IN ATTENDANCE:

Don McKee
Mary Grier
Marie Duncan

Andrew Tait
Hilary MacBean

APOLOGIES:

Drew Hendry

**AGENDA ITEMS 1 & 2:
WELCOME AND APOLOGIES**

1. The Convenor welcomed all present including lecturer John MacDonald and Rural Development students from the Scottish Agricultural College (SAC) in Aberdeen who were attending to observe how planning committees function.
2. Duncan Bryden advised members that Item 14 (Paper 9) will be the first paper on the agenda due to the board's interest as some members were leaving early and Robert Grant (Planning Officer) was on sick leave so Mary Grier and Andrew Tait will be covering his reports.
3. Apologies were received from the above Member and Duncan Bryden advised Committee that Bob Kinnaird, Gregor Rimell, Andrew Rafferty, Dave Fallows, David Green & Anne MacLean would be leaving early throughout the meeting.

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

4. The minutes of the previous meeting 15th May 2009, held at The Community Hall, Boat of Garten were approved.
5. There were no matters arising.

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

6. Willie McKenna declared an interest in Planning Application No. 09/155/CP.
7. Lucy Grant declared an interest in Planning Application No. 09/156/CP.
8. David Green & Anne MacLean declared an indirect interest in Planning Application No. 09/155/CP.
9. Geva Blackett declared an interest in Item No. 7 on the Agenda.
10. Willie McKenna declared an interest in Item No. 13 on the Agenda.

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

- | | |
|-----------------|--|
| 11. 09/142/CP - | No Call-in |
| 12. 09/143/CP - | No Call-in |
| 13. 09/144/CP - | No Call-in |
| 14. 09/145/CP - | No Call-in |
| 15. 09/146/CP - | No Call-in |
| 16. 09/147/CP - | No Call-in |
| 17. 09/148/CP - | No Statutory Call-in Powers |
| 18. 09/149/CP - | No Call-in |
| 19. 09/150/CP - | No Call-in |
| 20. 09/151/CP - | No Call-in |
| 21. 09/152/CP - | No Call-in |
| 22. 09/153/CP - | The decision was to call-in the application for the following reason : |

- While recognising that the site is identified for new development in the existing Local Plan, the scale of the proposal, the existence of birch woodland within the site, and the potential new crossing over the Aviemore Burn raise issues in relation to natural heritage. The proposal also raises issues in relation to the enjoyment of the area by the general public particularly due to the existence of the Aviemore Orbital Path through the site. It also raises issues in relation to the provision of affordable housing and would be of significance to the social and economic development of the area. The proposal is therefore of general significance to the aims of the National Park.

23. 09/154/CP -

No Call-in

Willie McKenna declared an interest and left the room

24. 09/155/CP -

The decision was to call-in the application for the following reason :

- The development of a new community, which includes proposals for the provision of 1500 homes, as well as business and community facilities and the provision of infrastructure is of general significance to the aims of the National Park.

Willie McKenna returned

Lucy Grant declared an interest and left the room

25. 09/156/CP -

The decision was to call-in the application for the following reason :

- The proposal is linked to earlier applications determined by the CNPA on the site, and as such is of linked general significance to the aims of the National Park

Lucy Grant returned

COMMENTING ON APPLICATIONS NOT CALLED-IN BY THE COMMITTEE

26. The Members wished to make comments to the Local Authorities on the following Planning Application No's 09/142/CP & 09/152/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.

Anne MacLean left the meeting

AGENDA ITEM 14

UPDATE REPORT ON TERMS OF COMMITTEE RESOLUTION ON DETERMINED PLANNING APPLICATION FOR MIXED USE DEVELOPMENT AT THE AVIEMORE CENTRE, GRAMPIAN ROAD, AVIEMORE FOR AVIEMORE HIGHLAND RESORT LTD (PAPER 9)

27. Duncan Bryden informed members that MS Karine Suller from Aberdeenshire Planning Gain Service and Mr Gary Johnston (Agent) from G H Johnston Building Consultants Ltd were available for questions.
28. Don McKee (Head of Planning) presented a paper recommending that with regard to the resolution of the Planning Committee on 20th February 2009 the Committee agree to recommendation A) and D) as stated in the report. He confirmed that AHR had agreed a Community Benefit package with Aberdeenshire Planning Gain Service, offered 6 affordable units over 25% minimum, and this had all been accepted by the Community Council.
29. The Committee were invited to ask the Head of Planning points of clarification, the following were raised:
- a) Clarification of the Section 75 and outstanding issues on compliance.
 - b) Clarification of Community provision and affordable housing in the Section 75 in part e).
 - c) The decision of Aviemore & Vicinity Community Council as a consultee.
 - d) Clarification of Aviemore & Vicinity Community Council's acceptance of the community benefit package.
30. The Committee were invited to ask questions of Ms Karine Suller and Mr Gary Johnston and no questions were asked.
31. The Committee discussed the application and the following points were raised:
- a) Recognition of the work to reach agreement between the Community Council and developer with the assistance of the Planning Gain Service.
 - b) Local awareness of the ongoing negotiations between the Community Council and Planning Gain Service.
 - c) Overall satisfaction with the co-operation and the facilitations skills of the Planning Gain team.
32. The Committee agreed with recommendation A) and D) as stated in the report.
33. Duncan Bryden thanked Ms Karine Suller and Mr Gary Johnston for being available for questions.

AGENDA ITEM 6:

REPORT ON CALLED-IN PLANNING APPLICATION TO VARY THE TERMS OF A COMPLETED SECTION 75 LEGAL AGREEMENT ASSOCIATED WITH FULL PLANNING PERMISSION FOR THE ERECTION OF A BUILDING FOR TEMPORARY ACCOMODATION AT URLAMORE, TOMINTOUL (TEMPORARY ACCOMMODATION) (PAPER 1)

34. Mary Grier (Planning Officer) presented a paper recommending that the Committee agree to vary the terms of the Section 75 agreement.
35. The Committee were invited to ask the Planning Officer points of clarification, the following were raised:
 - a) Clarification of the time delay in construction activity on the site and years in total that the temporary accommodation had been in place.
 - b) Clarification that the original application was retrospective.
 - c) Clarification the cabin is currently in use as applicant's accommodation.
 - d) Clarification of expected completion time scale for the steading development.
 - e) Concerns whether 6 months is sufficient to enable completion of development.
36. The Committee discussed the application and the following points were raised:
 - a) Concerns the timescale is too short.
 - b) The visual impact of the temporary building.
 - c) The economic circumstances and business development intended at the site.
 - d) The possibility of extending the time further for the temporary accommodation to enable the applicants to live and work on site whilst completing new build.
 - e) Concerns this is not a permanent construction and to extend time further would give the wrong message.
 - f) Clarification if removal of temporary accommodation is within or after expiry of 6 months.
 - g) Clarification of the rewording of the Section 75.
 - h) Concerns over the success of applicants holiday lets and the opportunity to extend the period for the temporary accommodation to remain on site in the future if required.
37. The Committee agreed to vary the terms of the Section 75 legal agreement as stated in the report.

Geva Blackett declared an interest and left the room

**AGENDA ITEM 7:
REPORT ON CALLED-IN PLANNING APPLICATION FOR ALTERATION AND EXTENSION TO CAR PARK AT AUCHALLATER, BRAEMAR FOR INVERCAULD ESTATE (PAPER 2)**

38. Andrew Tait (Planning Officer) presented a paper recommending that the Committee approve the application subject to the conditions stated in the report.
39. The Committee were invited to ask the Planning Officer points of clarification, the following were raised:
 - a) Clarification that the 'Right of Way' sign will be retained after excavation.
 - b) Inclusion of a condition to ensure that the route remains open during development.
 - c) Clarification of the waste management policy within the CNPA.

- d) The effect of waste bins in other similar sites.
 - e) Concerns on over use of bins due to close proximity to road.
 - f) Concerns over dumping of larger waste items on site.
 - g) Clarification on who maintains waste collection.
 - h) Clarification on site of toilet block.
 - i) Concerns over displacement of camping being dealt with.
 - j) Clarification of car park spaces arrangement.
 - k) Possible Inclusion of condition that estate checks car park daily.
 - l) Concerns over whether facilities should be introduced.
 - m) Clarification on charging for car park and issues surrounding this.
 - n) Concerns that the proposal is not need based.
 - o) Clarification if users of the recreation area were consulted.
 - p) Level of current use of site.
 - q) Clarification of distance of toilet soakaway from burn and type of facility to be installed.
40. The Committee discussed the application and the following points were raised:
- a) The concept of charging for car park use.
 - b) The need for planning permission on a parking meter.
 - c) The intended use of the profits.
 - d) Concerns on conflicts between consultations with SEPA or SNH regarding toilet.
 - e) Concerns toilets will further encourage camping on nearby Clunie flats.
 - f) The issue of rough parking spaces already being limited in area.
 - g) Recommendation that car park extension is done sympathetically to the area and potential displacement from a paying facility.
 - h) Inclusion of traffic management condition.
 - i) The need for the outdoor access team to negotiate with the estate.
- j) Support for no waste bins and need for signs to encourage visitors take rubbish home.
 - k) The need for an information board.
 - l) The need for VSRG to be consulted.
 - m) Inclusion of condition to upkeep the site.
 - n) The inclusion of the word 'Litter' in the maintenance condition.
41. Eric Baird requested in future the Board look strategically into recreation and access management issues in this area as indicated by Richard Stroud and that this be recorded in the minutes.
42. The Committee agreed to approve the application subject to the conditions stated in the report and amendment to Condition 7 to include the word 'Litter' as part of the maintenance.

Geva Blackett returned.

**AGENDA ITEM 8:
REPORT ON CALLED-IN PLANNING APPLICATION FOR RENEWAL OF
TEMPORARY CONSENT FOR GATEWAY FEATURE AT NORTHERN LINK
AND SOUTHERN ACCESS ROADS THE AVIEMORE CENTRE, GRAMPIAN
ROAD, AVIEMORE FOR AVIEMORE HIGHLAND RESORT LTD
(PAPER 3)**

43. Andrew Tait (Planning Officer) presented a paper recommending that the Committee approve the application subject to the conditions stated in the report.
44. Duncan Bryden informed members that Gary Johnston (Agent) from G H Johnston Building Consultants Ltd was available for questions.
45. The Committee were invited to ask questions of Gary Johnston (Agent) and the following points were raised:
 - a) Clarification of long term plans after extension to temporary consent for gateway feature.
46. The Committee agreed to approve the application subject to the conditions stated in the report.

**AGENDA ITEM 9:
REPORT ON CALLED-IN PLANNING APPLICATION FOR USE OF LAND
FOR SITING OF 10 TIMBER WIGWAM TENTS AT SPEYSIDE TRUST
BADAGUISH OUTDOOR CENTRE GLENMORE, AVIEMORE
FOR BADAGUISH OUTDOOR CENTRE
(PAPER 4)**

47. Mary Grier (Planning Officer) presented a paper on behalf of Robert Grant (Planning Officer) recommending that the Committee approve the application subject to the conditions stated in the report and subject to an additional condition requiring the undergrounding of services.
48. Duncan Bryden informed members that Mrs Dylis Stretton (co-ordinator at Badaguish Outdoor Centre) was available for questions on behalf of the Applicant.
49. The Committee were invited to ask questions of Mrs Dylis Stretton and the following points were raised:
 - a) Clarification of advertising of wigwam tents.
50. The Committee discussed the application and the following points were raised:
 - a) Support for the concept of the project.
51. Duncan Bryden thanked Mrs Dylis Stretton.
52. The Committee agreed to approve the application subject to the conditions stated in the report.

**AGENDA ITEM 10:
REPORT ON CALLED-IN PLANNING APPLICATION FOR ERECTION OF
HOUSE AND GARAGE FOR ESTATE KEEPER
AT LAND 190M NORTH EST OF PITMAIN LODGE, KINGUSSIE
FOR PITMAIN ESTATE LTD
(PAPER 5)**

53. Duncan Bryden informed members that Mr Neil Smith (Agent) from Smiths Gore was available for questions on behalf of the Applicant.
54. Andrew Tait (Planning Officer) presented a paper on behalf of Robert Grant (Planning Officer) recommending that the Committee approve the application subject to the conditions and Section 75 Legal Agreement as stated in the report.
55. The Committee were invited to ask the Planning Officer points of clarification, the following were raised:
 - a) Clarification of additional element of S.75.
 - b) Clarification of use of the existing building after new development is built.
 - c) The need for the S.75.
 - d) Clarification that the S.75 is compatible with Condition b. ii) and whether it need be included.
 - e) Clarification of the dependant's situations within the S.75 agreement.
 - f) Clarification if applicants are happy to sign the S.75.
 - g) Querying whether demolition of existing site is necessary in order to comply with policy.
56. Andrew Tait (Planning Officer) recommended deletion of Condition b. ii).
57. The Committee were invited to ask questions of Mr Neil Smith (Agent) and the following points were raised:
 - a) Clarification of the issue of occupancy by a dependant in the future.

- b) Clarification of dependant's situation in case of occupiers ceased employment in relation to the S.75.
58. The Committee discussed the application and the following points were raised:
- a) The matter of contract of employment between the estate and the employee and how this relates to the S.75.
 - b) The need to tie the old building into the S.75.
 - c) Concerns on the use of the estate in future and the effects of the S.75.
 - d) Amendment to the wording in the S.75 to refer to provisions of Condition No b. ii) and also to link the existing residential accommodation into the S.75 to ensure it is retained as part of the estate and not sold separately.
 - e) Whether to delete Condition b. ii) or reword a. or incorporate Condition b. ii) into a.
59. The Committee agreed to approve the application subject to the conditions stated in the report and incorporating the provisions of Condition b. ii) into the S.75, and deleting b. ii) from the schedule of conditions.

The Committee paused for lunch at 13.00pm
 David Green, Dave Fallows, Andrew Rafferty & Gregor Rimell left the meeting.
 The Committee reconvened at 13:45hrs

**AGENDA ITEM 11:
 REPORT ON CALLED-IN PLANNING APPLICATION FOR DEMOLITION OF
 CONVERTED STEADING AND ERECTION OF HOUSE AT BALNAGOWAN
 STEADING, NETHY BRIDGE
 (PAPER 6)**

60. Hilary MacBean (Planning Officer) presented a paper recommending that the Committee approve the application subject to the conditions stated in the report.
61. Hilary MacBean informed members Mark Myles (Agent) was unable to attend and sends his sincere apologies and stresses consultants from HGA Consulting Engineers Construction and Design Management Regulations Inspector CDMM will be in attendance to answer any specific questions on the engineers report.
62. Duncan Bryden informed members that Mr John Grant (HGA Consulting Engineers) and Mr Mike Burton (Construction and Design Management Regulations Inspector) was available for questions.
63. The Committee were invited to ask the Planning Officer points of clarification, the following were raised:
- a) Clarification that consideration of a new planning application would mean refusing the application presented.
 - b) Clarification that approval would require redesign.
 - c) Clarification of the NORTEC structural survey as to what parts of the building needs to be rebuilt.
 - d) Clarification of reconstruction and underpinning required.
 - e) Concerns on cost and inclusion of viability study.
 - f) Clarification on material weight planning committee can give to financial viability of a development.
 - g) The involvement of the Local Plan and Policies.
 - h) Clarification of 'demolishing the building as permitted development'.
 - i) Concerns with the engineers report and the option of retaining the house.

64. The Committee were invited to ask questions of Mr John Grant and the following points were raised:
- a) Clarification on the 2 different outcomes on the 2 surveys
65. The Committee discussed the application and the following points were raised:
- a) The need for a new application if opting for redesign.
 - b) Issues with proposed design and considerations of alternatives.
 - c) The extent of redesign.
 - d) Concerns with design not being sympathetic to surroundings and original building.
 - e) The strong views that restoration is favoured within the community.
 - f) The building as a key part of the communities' cultural history and heritage.
 - g) The possibility of a comparison between the existing building and new design.
 - h) The effect of previous appeal verdict on the current application.
 - i) Concerns application goes against Badenoch and Strathspey Local 1997 Plan and the First Aim of the CNPA.
 - j) The siting fails within the B&S LP.
 - k) Concerns with the reports interpretation of the NORTEC report.
 - l) The dwelling house as an important reminder of Nethybridge's agricultural past.
 - m) The possibility and risk of an appeal if the application is refused.
 - n) The potential for a sympathetic restoration of the building including an extension in a sympathetic style.
 - o) Clarification that the application is a dwelling house and not a steading.
 - p) The conflicting technical information received.
66. The Committee agreed to refuse the application on the grounds that the application is contrary to the B&S 1997 LP and the First Aim of the Park, the Reporters' original reasons for refusal was an important consideration for resisting the proposal and the independent structural survey had shown the potential for some restoration rather than the need for a complete rebuild.
67. Duncan Bryden thanked Mr John Grant and Mr Mike Burton for attending.

AGENDA ITEM 12:

REPORT ON CALLED-IN PLANNING APPLICATION FOR ERECTION OF 50 BED NURSING HOME AT LAND 30M WEST OF 31 ALLT MOR, AVIEMORE FOR RATHVEN INVESTMENTS (PAPER 7)

68. Hilary MacBean informed members that Lindsay Allan (Agent) from Keppie Design Ltd was available for questions.
69. Hilary MacBean (Planning Officer) presented a paper recommending that the Committee approve the application subject to a unilateral undertaking regarding a contribution to bus service and to the conditions stated in the report.
70. The Committee were invited to ask the Planning Officer points of clarification, the following were raised:
- a) Concerns no consultations responses were received from Social Work Service or Highland Community Care.
 - b) Clarification about actual figures to assess the need to progress.
 - c) Clarification of the relative height of 2 storey in relation to adjacent A9.
 - d) Clarification of the height of portacabin on the site.
 - e) Visibility from the A9.

Fiona Murdoch left the meeting.

71. The Committee were invited to ask questions of Lindsay Allan (Agent) and the following points were raised:
 - a) Indication of the proposed height and design.
 - b) Requirements of design to accommodate 50 beds.
 - c) Success on seeking figures for feedback to assess the need for the proposal.
 - d) Professional medical advice taken to determine the type of building to be used.
 - e) The need for the facility.
 - f) The safeguarding of the orbital footpath.
72. Duncan Bryden thanked Lindsay Allan.
73. The Committee discussed the application and the following points were raised:
 - a) The need for detail at Outline application stage.
 - b) Satisfaction that the site is suitable.
 - c) Uncertainty of the height at this stage.
 - d) The need to specify 2 Storey at outline stage.
 - e) Suggestion to remove the '2 Storey' from the application description to just include the 50 beds.
 - f) The effect on the future full planning application, if outline is approved, can the detailed application be refused if the height is unacceptable.
 - g) Scope to reposition the service yard.
 - h) The effect of decision and opportunity for applicants to appeal in future.
 - i) The outline application design sympathetic to environment.
 - j) The representations on the applications.
74. The Committee agreed to approve the application subject to the conditions stated in the report and amending the wording to include a 'maximum of 2 storey'.

Willie McKenna declared an interest and left the room.

**AGENDA ITEM 13:
REPORT ON CALLED-IN PLANNING APPLICATION FOR CONSTRUCTION
OF AN ADVENTURE ROPES COURSE AND ERECTION OF RECEPTION
BUILDING AT LAND 20M SOUTHEAST OF ST JOHNS EPISCOPAL
CHURCH, INVERDRUIE, AVIEMORE, HIGHLAND
FOR J P GRANT
(PAPER 8)**

75. Hilary MacBean informed members that Johnnie Grant (Applicant) of Rothiemurchus was available for questions.
76. Hilary MacBean (Planning Officer) presented a paper recommending that the Committee approve the application subject to the conditions stated in the report.
77. The Committee were invited to ask the Planning Officer points of clarification, the following were raised:
 - a) Clarification of traffic calming & safety.
 - b) Confirmation if Condition 4 answers the objection raised by the Highland Council Forestry officer on page 8 regarding the design of the reception building
 - c) Confirmation of condition numbering and typo.
78. Duncan Bryden invited Johnnie Grant to speak and the invitation was declined.
79. The Committee discussed the application and the following points were raised:
 - a) The biodiversity issues covered by conditions.
 - b) Support for the project from CNPA Visitor and Recreation Services Group.

- c) Agreement the application is a valuable attraction to the area.
80. The Committee agreed to approve the application subject to the conditions stated in the report and amendment in Condition 10 to include that the new rope course shall not operate from between 10am & 12pm on Sundays and during worship on Good Friday, and other times to be arranged by mutual agreement with St Johns Episcopal Church

Willie McKenna returned.

**AGENDA ITEM 15
ANY OTHER BUSINESS**

81. Duncan Bryden took the opportunity to commend CNPA staff in particular the planning team on their work so far on the Local Plan Inquiry. They have done extremely well in sometimes difficult circumstances putting forward a very positive and credible face to the public and reporters. Members agreed.
82. Don McKee added acknowledgement to Sara Krawczynskas work as Programme Officer as have the reporters, for her hard work and tolerance involved in co-ordinating the logistics and large work load of the LPI.
83. Duncan Bryden advised members the Sustainable Design Guide (SDG) is progressing and Andy Rockall requires confirmation of a date in June 09 from members asap.
84. Duncan Bryden informed members Stephanie Bungay (Climate Change & NPP Communications Officer) is looking to be advised of any relevant events or meetings being attended by members to go into the CNPA's forward look briefing note.
85. Duncan Bryden advised members of information received from David Green in reference to An Camas Mòr. The project was included as part of a new Scottish Sustainable Communities Initiative awarded by the MSP Nicola Sturgeon and has been identified as one of 11 exemplar projects allowing bidding for special funding to progress with plans.
86. Eric Baird suggested that in addition to comments on finishing and appearances etc that developers follow SDG.
87. Peter Argyle sought clarification from committee on objectors and applicants rights with regards to addressing the committee.

**AGENDA ITEM 16
DATE OF NEXT MEETING**

88. Friday 10.30am, 12th June at The Retreat, Glen Esk.
89. Committee Members are requested to ensure that any Apologies for this meeting are submitted to the Planning Office in Ballater.
90. The meeting concluded at 15:35pm.