
CAIRNGORMS NATIONAL PARK AUTHORITY

DRAFT MINUTES OF THE PLANNING COMMITTEE
held in Spey/ Dee Meeting rooms, CNPA HQ,
Grantown on Spey (hybrid)
on 26th August 2022 at 9:30am

Members Present:

Dr Gaener Rodger (Convener)	John Latham
Eleanor Mackintosh (Deputy Convener)	Xander McDade
Peter Argyle	Doug McAdam
Geva Blackett	Willie McKenna
Carolyn Caddick	Ian McLaren
Pippa Hadley	Dr Fiona McLean
Derek Ross	Willie Munro
John Kirk	

In Attendance:

Emma Bryce, Planning Manager, Development Management
Dan Harris, Planning Manager, Forward Planning and Service Improvement
Alan Atkins, Planning Officer, Development Management
Peter Ferguson, Harper McLeod LLP
Mariaan Pita, Executive Support Manager

Apologies: Judith Webb Janet Hunter Anne Rae Macdonald

Agenda Items 1 & 2:
Welcome & Apologies

1. The Convener welcomed all present and apologies were noted

Agenda Item 3:
Declaration of Interest by Members on Items Appearing on the Agenda

2. There were no interests declared.

Agenda Item 4:
Minutes & Matters Arising from the Previous Meeting

3. The minutes of the previous meeting, 24th June 2022, held via video conferencing were approved with no amendments
4. **Outstanding Actions from Previous Meetings:**

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- **At Para 23 i) In Hand** – Confirmation of Service Priorities to be brought back to a future Committee Meeting.
- **Para 23 ii) In Hand**– Format of future Service Priorities reports to be revised.

Agenda Item 5:

Detailed Planning Permission 2021/0390/DET (21/05440/FUL)

Demolition of derelict farmhouse and erection of house

At Dalfaber Farm, Dalfaber Drive, Aviemore, Highland

RECOMMENDATION: Approve Subject to Conditions

5. Alan Atkins, Planning Officer presented the paper to the Committee.
6. The Committee were invited to ask points of clarity, the following points were raised:
 - a) The stone and slate were discussed and asked if it would be reused and how this would be done as it was not clear from the submission. The planning officer explained that this will be covered in the Construction Method Statement which would outline what stone and slate could be used and how it would be used within the development.
 - b) A member commented that Aviemore Community Council had objected to the application stating that the original planning permission for the wider site included the retention of the original building; that it was of local cultural heritage value; and that because the remainder of the surrounding housing site would be viable, the developer should have to restore the building. The planning officer noted that the structural engineer's report concluded that restoration was not viable due to the dilapidated condition of farmhouse and due to the expense of remediation works. The planning officer noted that the building is not listed or in a conservation area, it is a derelict building that is not safe or financially viable. The Planning Manager confirmed that officers were satisfied with the structural engineer's report.
 - c) A member asked if the application was part of a wider development as per Aviemore Community Council's objection and if there was a previous planning application. The planning officer noted that the restoration of the building had been approved through the wider housing consent but that the applicant was now seeking planning permission for the replacement of the building.
 - d) The Convenor noted that it was part of the H2 sight (Dalfaber) where consent for the 83 houses including renovation of the farmhouse has been granted and a member asked why the applicant now wanted to replace it. Peter Ferguson, Harper McLeod confirmed that condition 23 on the planning permission for the wider site refers to restoration of the building for residential use, but the owners have given information that it's not viable to do so with the new application for its replacement.
 - e) Concerns were raised that the building had been left intentionally to become derelict, as the developer did not want to renovate the existing building. Clarity was sought on what deterioration there has been on the current building since the previous planning application. The planning officer summarised some of the details from the structural engineer's report. The Planning Manager noted that the new application requires to be considered on its merits and against planning policy.

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- f) Concern was raised that the proposed building now had a bigger footprint and noted in para 50 there was no contribution towards affordable housing provision, and as such we should seek contribution towards affordable housing. The Planning Manager advised that consideration was given for affordable housing provision, and advice from Peter Ferguson was taken. He confirmed that an affordable housing contribution had been secured for the wider site with 19 affordable homes secured from the earlier permission and that a number of factors were relevant to securing any new financial contribution from the single house proposed in this application.
7. The Committee were invited to discuss the report, the following points were raised:
- a) Concerns were raised that a previous planning permission for the wider site included a condition for its refurbishment. A structure of a similar size should therefore replace the derelict farmhouse and a condition requiring this should be included to specify what type of building is sited here. It was suggested that the LDP policy relating to listed buildings or conservation areas was relevant to the determination of the application.
- b) The Planning Manager confirmed that the existing building was not a listed building nor in a Conservation Area so those policies were not relevant. They noted the planning application should be dealt with on its merits based on what was proposed and relevant policy. They noted that design could be a subjective issue where it was difficult to articulate sound grounds for refusal of an application but that it was the Committee's decision whether they considered it appropriate to do so in this instance. Any consent would include a condition requiring details of how it is intended to re-use the existing materials.

Xander McDade briefly left the meeting and then re-joined the meeting.

- c) Xander McDade questioned whether a motion could be brought based on Policy 9.4 Other Cultural Heritage of the LDP. Peter Ferguson confirmed that it would be the type of advice that he would give during a recess.
8. Peter Argyle proposed the motion in the officer's recommendation. This was seconded by Carolyn Caddick.
9. Xander McDade proposed an amendment to refuse the application on the basis of the building's cultural heritage value. This was seconded by Deirdre Falconer.

There was a recess in the Committee business while the proposer and the seconder sought advice on the wording of an amendment from Peter Ferguson, legal adviser. They returned to the meeting 15 minutes later.

10. The Convener asked if there were any other discussion points:
- a) It was mentioned that the Committee would like to retain some control over the site and ensure tighter controls over re-use of materials, limit on further development, and a condition to preclude any further change to the footprint that might be approved today. The Planning Manager confirmed that it would also be possible to restrict Permitted Development (PD) rights.

Janet Hunter joined the meeting at 10:50

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11. Xander McDade proposed an amendment to refuse this application on the grounds of the motion:

That on the basis of Planning Policy

- a) 9.4, the building could be conserved or enhanced, or elements of the building could be conserved or enhanced; and
 - b) 3.4b “as it does not use the original footprint.”;
 - c) that in the previous planning decisions it had been considered “*A significant feature of the locality*” and is also clearly the view of the local community as can be seen from the community council’s objection;
 - d) and that although it may comply with other policy tests he believed as a whole it does not comply with the LDP and moved to refuse the application.
12. Peter Argyle confirmed that the condition that was imposed on the original planning permission would be superseded with this planning application. Demolition was justified by the structural engineer’s report, and no issues raised support the argument that the building should be kept. It is not financially viable and therefore it is not reasonable to consider cost. Working on the basis that the demolition is justified we then must consider design. The design as put forward complies with development plan. It is a modern building, and it will reuse existing materials. We don’t seek a pastiche replacement but something that respects its context. In those terms it meets the policy and it is suitable for the site. We must consider all of the planning issues. There is a difficult history to the house, but this should not impact on the planning issues that need to be considered. Paper is very clear, and it is clear we should approve. Future conditions for the removal of permitted development will be added to safeguard the site.
13. The Committee proceeded to a vote. The result was as follows:

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NAME	MOTION	AMENDMENT	ABSTAIN
Peter Argyle			
Geva Blackett			
Carolyn Caddick			
Deirdre Falconer			
Pippa Hadley			
Janet Hunter			
John Kirk			
John Latham			
Eleanor Mackintosh			
Douglas McAdam			
Xander McDade			
Willie McKenna			
Ian McLaren			
Fiona McLean			
Willie Munro			
Gaener Rodger			
Derek Ross			
TOTAL	9	7	1

14. The Committee **APPROVED** Planning Permission for the application as per the recommendation in the Officer's report.

15. Action Point arising: **None.**

Geva Blackett left the meeting at 10:56

Agenda Item 6: FOR INFORMATION

Proposal of Application Notice (PAN)

PRE/2020/0016 non-motorised user route between the settlements of Aviemore and Carrbridge

16. Emma Bryce, Planning Manager, (Development Management) presented the paper to the Committee.
17. The Committee were invited to ask points of clarity, the following points were raised:
- a) Clarity was asked on what the cycle path will be made off, it is important what is on the surface to keep people off the main road.
 - b) The route between Tromie Bridge and Ruthven is an example of the above as there are still people using the road and there is a path that runs along it.
 - c) It was also asked that they put in cattle grids rather than gates.

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- d) Clarity was asked on when the A9 dualling will start as it refers to 2025. It was confirmed that 2025 was still the official end date for the A9 upgrade works. It was also noted that the dualling programme would be unlikely to meet that timetable and that the Aviemore to Carrbridge non-motorised route was intended to be undertaken at the same time as the dualling upgrade for that section. Suggestion made that the CNPA should be talking to partners to see if this could be taken forward with a scheme as its own.
26. The Committee were happy with what was discussed.
27. **Action Point arising:**
(i) **CNPA Officers to explore whether partners could take forward the Aviemore to Carrbridge non-motorised route independently of A9 dualling.**

Agenda Item 10: AOB

28. Emma Bryce, planning manager noted that the CNPA had recently received the planning appeal decision for the Bothy at Killiehuntly. The application, refused by Planning Committee, had been approved by the DPEA reporter. The decision would be tabled formally at the next Planning Committee meeting.
29. Everyone was made aware that the Tomintoul affordable housing project that was approved by this committee in May 2021 at the site of the old school was a finalist in the Scottish Land and Estates 'Make it Happen' awards 2022.
30. It was confirmed Scottish Government had confirmed that the CNPA could adopt the Developer Obligations supplementary guidance.
31. **Action Points arising:** **None**

Agenda Item 11

Date of Next Meeting

44. The date of the next meeting is Friday 23 Sept 2022 at 10am via video/telephone conference.
45. The public business of the meeting concluded at 11.19 hours.

Live stream ended 11:19