

# APPROVED COMMITTEE MINUTES

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## CAIRNGORMS NATIONAL PARK AUTHORITY

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### APPROVED MINUTES OF THE PLANNING COMMITTEE

held at The Community Hall, Boat of Garten  
on 15<sup>th</sup> December 2017 at 11.00am

#### Members Present

Peter Argyle	John Latham
Rebecca Badger	Eleanor Mackintosh (Convener)
Geva Blackett	Xander McDade
Carolyn Caddick	Willie McKenna
Angela Douglas	Ian McLaren
Paul Easto	Gordon Riddler (Deputy Convener)
Gregor Hutcheon	Judith Webb
Janet Hunter	Brian Wood

#### In Attendance:

Gavin Miles, Head of Planning & Communities  
Murray Ferguson, Director of Planning & Rural Development  
David Berry, Planning Manager, Forward Planning & Service Improvement  
Jane Shepherd, Planning Manager, Development Management  
Emma Wilson, Planning Officer, Development Management  
Katherine Donnachie, Planning Officer, Development Management  
Matthew Hawkins, Landscapes & Ecology Manager  
Peter Ferguson, Legal Adviser Harper & MacLeod LLP  
Alix Harkness, Clerk to the Board

**Apologies:** Pippa Hadley Dave Fallows  
Walter Wilson

#### Agenda Items 1 & 2:

##### Welcome

1. The Convener welcomed all present and apologies were noted.

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## Agenda Item 3:

### Minutes & Matters Arising from the Previous Meeting

2. The minutes of the previous meeting, 17 November 2017, held at the Albert Hall, Ballater were approved with the following amendments:
  - At Para. 20b: The housing survey was done by Highland Small Communities Housing Trust (HSCHT) and not in relation to An Camus Mor – to be corrected.
  - At Members Present: Dave Fallows should not be listed there.
  - At Held at: To be corrected to read Ballater.
3. There were no matters arising.
4. The Convener provided an update on the Action Points from the previous meetings:
  - a) **Action Point at Para 12i) – Discharged** – Planning Committee's points on the Hospital pre-application have been fed back to the Applicant.
  - b) **Action Point at Para 20b) – Outstanding** - Housing Survey to be circulated.

## Agenda Item 4:

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

5. Carolyn Caddick declared an interest in:
  - a) Item No. 5 – Indirect interest – As a Highland Councillor has an interest in the wider site and the affordable units being built.

## Agenda Item 5:

### Application for Detailed Planning Permission (2017/0286/DET)

### Construction 16 private homes comprising of 8 blocks of semi-detached dwellings and access roadway At Land 150M NW of Beachen Court, Grantown on Spey

6. Katherine Donnachie, Planning Officer presented the paper to the Committee.
7. Robbie McLeod (Applicant) was invited to address the Committee.
8. The Convener thanked the speaker and the Committee were invited to ask points of clarity the following were raised:
  - a) Where would the next phase of affordable housing be on the plan? Robbie McLeod confirmed pointed to the east side of the site on the Presentation slide. An application is expected to be submitted in the near future.
  - b) Why were they two-storey houses and not one and three-quarter storey houses as originally planned? Robbie McLeod advised that it was more cost effective to build two-storey houses.

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- c) How crucial was the number of storeys of the houses dependant on delivering through the affordable scheme? Robbie McLeod confirmed that it could be a struggle if the houses were reduced to one and three-quarter storey's.
  - d) What does the extra height deliver for the occupier? Robbie McLeod advised that it would provide better loft space and better bedroom height.
  - e) Could a level space for children to play ball games be incorporated into the landscape plans? Robbie McLeod confirmed that this is already included in the Landscape plan.
  - f) Question raised as to why the increase to two-storey instead of one and three quarter storey as per the original approval? Robbie McLeod reiterated that it provides the occupier with more space, provides a mix of house designs and cost plays a part in it.
  - g) Was there a demand for this type of houses? Robbie McLeod confirmed that there had been lots of first time buyer enquiries for the 16 units and he thought they would have no problem in selling.
9. Dr Gordon Bulloch (Objector) was invited to address the Committee and gave a presentation.
10. The Convener thanked the speaker.
11. Gavin Miles, Head of Planning and Communities advised the Committee that planning policy required that developments provided affordable housing and that in most cases the affordable housing built was subsidised through the public sector. It is not a requirement for a developer to build affordable housing at their own cost. The Convener added that the Planning Committee would be disappointed if people thought that the Committee took decisions on a whim as the objector suggested they might and stressed that the Planning Committee take their decision making role very seriously.
12. Bill Sadler of Grantown & Vicinity Community Council was invited to address the Committee.
13. The Convener thanked the speaker and the Committee were invited to ask points of clarity, the following were raised:
- a) Bus shelter? Bill Sadler confirmed that part of the planning obligation was that the developer builds a bus shelter in the High Street however the Community Council did not want a bus shelter where the bus route finishes and ask that that condition be removed.
  - b) Confirmation sought that the community council were not complimentary to the design and height of the proposed houses? Bill Sadler agreed.

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14. The Convener invited Katherine Donnachie, the Planning Officer to come back with points of clarity, the following points were made:
- a) Play Area for small children was included in the original landscape plan and a level area for ball games was reflected in the proposed landscape plan.
  - b) The future maintenance of the open space is covered by planning conditions where the maintenance schedule sets out how landscaping will be maintained in the future and in perpetuity.
  - c) If the company goes into liquidation then and landscape works were not completed/maintained then appropriate enforcement action could be pursued.
  - d) With regard to design, two-storey is acceptable and fits into the area.
  - e) There is an overall plan for the site which includes landscaping and 43 plots has been previously agreed.
  - f) Bus Shelter – the information was provided by the Applicant at the request of Highland Council Transport Planning Team and subsequently approved by them so will be created when houses are occupied.
15. The Committee were invited to discuss the report, the following points were raised:
- a) Comment made that they welcomed award winning design however it needs to be cost effective for it to be affordable housing.
  - b) Comment made that a simple design can be made to look nice.
  - c) Could the height of the adjacent housing be indicated on the slide in relation to the surrounding properties? Katherine explained that the houses at Revoan Drive sit above the site and while Revoan itself was lower down it was a large house. She added that the proposed housing would not be dominating the landscape.
  - d) Were the cabling servicing for powerlines and telephones underground? The Applicant confirmed that this was correct.
  - e) Concern and disappointment raised regarding the prominence of the crash barrier on the wider scheme and would it have to remain? Katherine Donnachie agreed that they shared that concern but it had been a requirement of the Roads Department with measures for landscaping being pursued with the applicant.
  - f) Concern raised that deviating from 1.5 storey to 2-storey houses was quite significant. Matthew Hawkins disagreed and noting officer's opinion that with the existing trees, proposed planting and level changes on the site, the height difference would not make a significant difference. He added that the differing designs would help. Gavin Miles added that although the Development Brief was the starting point for considering the site, it was non-statutory planning guidance, could be adapted in the detailed design process and wasn't intended as an absolute requirement.
  - g) Concern raised that the development brief states that diversity was required however it was not felt this was being provided. Matthew Hawkins explained that visually the biggest difference between the two heights/styles was visual complexity, 2 storeys would allow for a much simpler building. He advised that

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the current Beachan Court contained housing of both types. He added that the while houses would look similar, the eye line would change given the variation in levels on the site and that the proposed planting would break up the views to houses. He noted that he was comfortable with the proposed design and level changes.

- h) Who would be charged with maintaining the open space? Katherine Donnachie confirmed that a factor would be. Who would appoint the factor would it be the developer? Katherine confirmed that the developer would appoint the factor and that there was no issue with that only that they maintain the open space as per requirements.
- i) Discussion around bonds to ensure that the initial development is completed. Katherine Donnachie advised the bonds have never been used in the National Park for the implementation of landscaping but have been used for reinstatement purposes for quarry developments.
- j) Clarity sought on the aspen regeneration zone and would the conditions be strong enough to protect it? Matthew Hawkins advised that the intention was that the area would be fenced off to prevent grazing so would regenerate by itself without the need for significant maintenance. He added that this formed part of the maintenance plan. Gavin Miles confirmed that those conditions from the original application still stood.
- k) Was the green open space part of the planning conditions and not part of the planning gain? Gavin Miles confirmed that the green open space did form part of the application.
- l) Gavin Miles reminded the Committee that the development brief is non statutory planning guidance and that the 1.5 storey statement had not been intended as a rigid rule. He added that officers would look at the wording of future development briefs to ensure they didn't appear to create rules that were not intended.

- 16. The meeting was paused briefly for a Committee member to seek legal wording advice.
- 17. Xander McDade proposed a motion for refusal on the basis of the development being contrary to Local Development Plan Policy 3.1 Sustainable Design point (b), adding that in his opinion; the proposal was not sympathetic to the traditional pattern and character of the surrounding area. This was seconded by Geva Blackett.
- 18. Eleanor Mackintosh proposed an amendment to follow the Planning Officer's recommendation of approval. This was seconded by Peter Argyle.

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19. The Committee proceeded into a vote. The result was as follows:

Name	Motion	Amendment	Abstain
Peter Argyle		√	
Rebecca Badger	√		
Geva Blackett	√		
Carolyn Caddick		√	
Angela Douglas		√	
Paul Easto		√	
Janet Hunter		√	
Gregor Hutcheon		√	
John Latham		√	
Eleanor Mackintosh		√	
Xander McDade	√		
Willie McKenna		√	
Ian McLaren		√	
Gordon Riddler		√	
Judith Webb		√	
Brian Wood		√	
<b>TOTAL</b>	<b>3</b>	<b>13</b>	<b>0</b>

20. The Committee agreed to approve the application subject to conditions detailed in the report.
21. The Convener added that it was exciting to see a site develop quickly and getting on with delivering.
22. **Action Point arising: None.**

### **Agenda Item 6:**

#### **Application for Detailed Planning Permission (2017/0347/DET)**

#### **Remove condition 3 of consent 2014/0339/DET**

#### **At the retained track, Drumochter Lodge, Dalwhinnie**

23. Emma Wilson presented the paper to the Committee.
24. Gavin Miles advised that representatives from the North East Mountain Trust, who taken a close interest in the Track and Badenoch & Strathspey Conservation Group had both decided to withdraw requests to be heard when they knew the recommendation was for refusal.

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25. The Committee were invited to discuss the report, the following points were raised:
  - a) Comment made that the planting strip is an important element to soften the look of the track and is a reasonable condition.
  - b) Comment made that no real reason to retain the track had been provided.
26. **The Committee agreed to refuse the application for the reason detailed in the report.**
27. **Action Points arising:                      None.**

### **Agenda Item 7:**

#### **Update: Transport Scotland A9 Dualling - Killiecrankie to Glen Garry Section Proposals**

28. Gavin Miles provided an oral update to the Committee and gave a presentation, noting that the proposals appeared to have taken account of the CNPA's comments throughout the process to date. He recommended that the Committee did not object to the proposals but that officers write to Transport Scotland with any detailed comments on further mitigation that could be applied to the section.
29. The Committee were invited to discuss the update, the following point was raised:
  - a) Why was the proposed bridge design better than a Bow String bridge? Gavin Miles advised that the proposed option would be much less intrusive in the landscape and have a smaller impact on the spectacular views that can be seen in the area.
30. **The Committee agreed with the recommendation of NO OBJECTION.**
31. **Action Point arising:**
  - i. **Officers are to write to Transport Scotland with detailed comments on any further mitigation that could be applied to the section.**

### **Agenda Item 8:**

#### **Planning Enforcement Review**

32. Gavin Miles presented the paper to the Committee.
33. The Committee were invited to discuss the paper, the following points were raised:
  - a) Could the Planning Committee Convener and Deputy Convener be notified as soon as any notices were actioned? Gavin confirmed that they would be.

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- b) How often would this be reported to Planning Committee? Gavin Miles confirmed that this would form part of standard reporting which could be dealt in a public or closed session on a case by case basis.
  - c) With reference to paragraph 15, a request made to change the procedure wording so that it read Director of Planning & Rural Development or Chief Executive to ensure that one or the other would be needed as opposed to both.
  - d) Comment made that hill tracks are the most contentious and difficult to monitor and progress done on that to date was to be commended.
  - e) Praise to staff for the work done to date.
34. **The Committee noted the update and agreed to delegate some additional powers (Planning Contravention Notices, Section 33A Notices, Breach of Condition Notices and associated Temporary Stop Notices to the Head of Planning & Communities, or the Planning Managers (Forward Planning & Service Improvement and Development Management), or if neither of them was available then Director of Planning & Rural Development or Chief Executive.**
35. **Action Point arising:               None.**

### **Agenda Item 9:**

#### **Planning Service Performance Update**

36. Gavin Miles presented the paper to the Committee. He highlighted that feedback from Scottish Government would normally have been provided by them by this point but it had not yet been received.
37. The Committee were invited to discuss the paper, the following points were raised:
- a) Can an applicant opt out of a pre-application agreement? Gavin Miles noted the processing agreements were voluntary agreements but that that they should offer a clear route to a Planning Committee decision.
  - b) With reference to paragraph 7, would there be any merit in trying to split out the applications where applicants ask for extensions that delay the determination? Gavin Miles advised that he didn't consider this would add much value as if both parties agreed to the extension, both should be satisfied.
  - c) Had the team reviewed the customer feedback process yet? Gavin Miles advised that now that the team were at full complement one of the Planning Graduates was moving forwards with that piece of work.
38. **The Committee noted the report.**
39. **Action Points arising:               None.**



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### **Agenda Item 10:**

#### **Beaully-Denny Transmission Line Project Progress Update**

40. Matthew Hawkins, Landscapes and Ecology Manager presented the paper to the Committee.
41. The Convener stressed the importance of Matthew Hawkins feeding into the project steering group.
42. The Committee were invited to discuss the paper, the following points were raised:
  - a) Were the consequences of new fencing on deer movements being considered? Matthew Hawkins confirmed that Scottish Natural Heritage (SNH) were looking into that.
  - b) Was the confidence level relevant to the more remote parts of the site? Matthew Hawkins confirmed that the percentages referred to covered all the line within the National Park. He added that annual ECOW report is reasonable overview of what had happened.
  - c) Noted that it was good to see some progress being made.
  - d) Reassurance sought that there would not be two walls of fencing and that tried and tested methods would be used? Matthew Hawkins mentioned that mobile electric fencing had been discussed and as the area was Special Protection Area it would be closely monitored.
  - e) Comment made that the land at Drummochter was degraded prior to the pylons being erected and how could it be fixed? Matthew Hawkins agreed that because it was steep it was difficult to reinstate. He advised that Stephen Corcoran had confirmed that there are methods of repairing peat soils and that these methods had been fed back to SSE.
  - f) It was agreed that the Planning Committee Convener write a letter to SSE.
  - g) It was agreed that it would be useful for a visit to the site to be arranged in the future for the Planning Committee.
43. **The Committee noted the paper.**
44. **Action Point arising:**
  - i. **The Planning Committee Convener to write a letter to SSE.**

### **Agenda Item 11:**

#### **The Planning (Scotland) Bill**

45. Gavin Miles provided an oral update to the Committee.

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46. **The Committee noted the Bill and looked forward to receiving some analysis on the implications of the Bill.**

47. **Action Point arising:                      None.**

### **Agenda Item 12:**

#### **Any Other Business**

48. Gavin Miles reported that the heads of terms for a Section 75 agreement covering Planning Obligations for the Alt Mor Housing (2016/0224/DET) which was considered at 17 September 2017 meeting, were now agreed in principle.
49. Gavin Miles reported that with regard to the Planning Obligations for Delmhor affordable housing (2016/0434/DET) also considered at 17 September 2017 meeting, discussions around education contributions and viability were ongoing and officers hoped to move them on to a legal agreement in January 2018.

50. **Action Point arising:                      None.**

### **Agenda Item 13:**

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

51. Friday 26 January 2018 at The Pagoda, Grantown-on-Spey
52. Committee Members are requested to ensure that any Apologies for this meeting are submitted to the Clerk to the Board, Alix Harkness.
53. The public business of the meeting concluded at 13.05 hrs.