
CAIRNGORMS NATIONAL PARK AUTHORITY

MINUTES OF THE PLANNING COMMITTEE held at The Albert Memorial Hall, Ballater on 1st June 2007 at 10.00am

PRESENT

Eric Baird	Eleanor Mackintosh
Stuart Black	Anne MacLean
Geva Blackett	Alastair MacLennan
Nonie Coulthard	Sandy Park
Angus Gordon	Andrew Rafferty
Lucy Grant	David Selfridge
David Green	Sheena Slimon
Marcus Humphrey	Richard Stroud
Bob Kinnaird	Susan Walker
Bruce Luffman	Ross Watson
Mary McCafferty	

IN ATTENDANCE:

Don McKee	Andrew Tait
Mary Grier	Pip Mackie
Neil Stewart	Iram Mohammed

APOLOGIES:

Duncan Bryden	Willie McKenna
Basil Dunlop	Bob Wilson

WELCOME AND APOLOGIES

1. The Convenor welcomed all present.
2. Apologies were received from the above Members.

MATTERS ARISING FROM THE PREVIOUS MEETING

3. The minutes of the previous meeting, 18th May 2007, held at The Community Centre, Nethy Bridge were approved.
4. David Green advised that the existing Council elected Members would remain on the Board until September when the new elected Members would join.

5. Don McKee advised Members about the relevance of the forthcoming CNPA Local Plan in taking planning decisions. He stated that as the CNPA Local Plan had not been published it had absolutely no bearing on any decisions to be taken and should not be referred to. Reference could only be made to the Local Plan once it had been through the consultation period and even then in a very limited way. Don McKee advised that a briefing paper would be brought to the Planning Committee on the 15th June explaining this matter further.

DECLARATION OF INTEREST BY MEMBERS ON ANY ITEMS APPEARING ON THE AGENDA

6. Anne MacLean declared an interest in Planning Application No. 07/198/CP.
7. Eric Baird declared an interest in Planning Application No. 07/200/CP.
8. Lucy Grant declared an interest in Item No. 12 on the Agenda.
9. Stuart Black declared an interest in Item No. 14 on the Agenda due to being a tenant of Dorback Estate.
10. Sheena Slimon advised that she was no longer a director of the Highland Small Communities Housing Trust and therefore did not have to declare an interest in items regarding this group as she had done on previous occasions.

**PLANNING APPLICATION CALL-IN DECISIONS
(Oral Presentation, Mary Grier)**

- 11.07/189/CP - No Call-in
- 12.07/190/CP - No Call-in
- 13.07/191/CP - No Call-in
- 14.07/192/CP - No Call-in
- 15.07/193/CP - No Call-in
- 16.07/194/CP - No Call-in
- 17.07/195/CP - No Call-in
- 18.07/196/CP - No Call-in
- 19.07/197/CP - No Call-in

20.07/198/CP - Anne MacLean declared an interest and left the room.
No Call-in
Anne MacLean returned.

21.07/199/CP - No Call-in

22.07/200/CP - Eric Baird declared an interest and left the room.
No Call-in
Eric Baird returned.

- 23.07/201/CP - No Call-in
- 24.07/202/CP - No Call-in
- 25.07/203/CP - No Call-in
- 26.07/204/CP - No Call-in
- 27.07/205/CP - No Call-in

- 28.07/206/CP - No Call-in
- 29.07/207/CP - No Call-in
- 30.07/208/CP - No Call-in
- 31.07/209/CP - No Call-in
- 32.07/210/CP - No Call-in
- 33.07/211/CP - No Call-in
- 34.07/212/CP - The decision was to call-in the application for the following reason :
- The proposal is for the erection of a commercial based tourist facility on a prominent site on the A82 overlooking Loch Laggan at the south western gateway to the Cairngorms National Park. The proposal therefore raises issues relating to landscape impact, social and economic development and natural and cultural heritage. As such it is of general significance to the collective aims of the Cairngorms National Park.
- 35.07/213/CP - The decision was to call-in the application for the following reason :
- The proposed development is in a prominent position at the entrance to the settlement of Nethy Bridge. The proposal raises issues in relation to landscape impact and social and economic development and is therefore of general significance to the collective aims of the Cairngorms National Park.
- 36.07/214/CP - The decision was to call-in the application for the following reason :
- The proposed road is of strategic relevance to the long term development of the core area of Aviemore and as such is of significance to the collective aims of the Cairngorms National Park.
- 37.07/215/CP - No Call-in
- 38.07/216/CP - No Call-in
- 39.07/217/CP - No Call-in
40. Sandy Park requested that a Roads Engineer be present for the determination of Planning Application 07/214/CP due to the issues involved.

COMMENTING ON APPLICATIONS NOT CALLED-IN BY THE COMMITTEE

41. The Members wished to make comments to the Local Authorities on the following Planning Application No's 07/190/CP, 07/191/CP, 07/192/CP, 07/195/CP, 07/199/CP, 07/201/CP, 07/202/CP, 07/203/CP, 07/206/CP, 07/209/CP, 07/215/CP & 07/217/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.

REPORT ON CALLED-IN PLANNING APPLICATION FOR ERECTION OF FOUR HOUSES AT LAND AT MILEHOUSE, 200M EAST OF JUNCTION AT LOCH INSH WATERSPORTS, KINCRAIG (PAPER 1)

42. David Green advised Members that Di Alexander from the Highland Small Communities Housing Trust (HSCHT) wished to address the Committee and that David Somerville, Architect was present to answer any questions Members may have. Members agreed to the request to address the Committee.
43. Neil Stewart presented a paper recommending that the Committee approve the application subject to the conditions stated in the report.
44. Members were given the opportunity to ask the Planning Officer questions regarding the application.
45. Di Alexander addressed the Committee.
46. Members were given the opportunity to ask Di Alexander and David Somerville questions regarding the application.
47. David Green thanked Di Alexander and David Somerville.
48. The Committee discussed the application and the following points were raised:
- a) The possibility of incorporating a public footpath from the development to the village.
 - b) The application being a good innovative scheme.
 - c) Welcoming the fact that the houses would be built to Communities Scotland standard.
 - d) Had other sites for possible development been investigated nearer to the village.
 - e) What the development site was classed in planning terms.
 - f) Ways in which the ground flora could be reinstated once the development had been carried out.
 - g) The suitability of the proposed housing in comparison to the current need in the area.
 - h) The possibility of future development at the site.
 - i) The retention of tree cover to the north, south and east of the site and the need for a Section 75 Legal Agreement.
 - j) The inappropriateness of the junction bollards at the entrance to the access road due to it being a rural location.
 - k) The possibility of removing the permitted development rights for the development.

49. The Committee agreed to approve the application subject to the conditions stated in the report with the removal of Condition No. 8c for the need for junction bollards at the entrance to the access road but including a Section 75 Legal Agreement relating to retention, protection and management of surrounding woodland.

REPORT ON CALLED-IN PLANNING APPLICATION FOR ERECTION OF DWELLING AND CONSTRUCTION OF NEW ACCESS ROAD AT WEST OF CNOC NAN CRUACH, CATLODGE (PAPER 2)

50. Neil Stewart advised Members that 4 additional submissions had been received within the allowed timescale. Members paused to read the further submissions.

51. Neil Stewart presented a paper recommending that the Committee refuse the application for the reasons stated in the report.

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

- a) The possibility for the applicants to obtain housing in an adjacent HSCHT proposed development.
- b) It being unwise to assume that the applicants would qualify for housing through HSCHT.
- c) The applicants work involving land management in the general local area.
- d) Representations being received for both support and objection.
- e) The proposed development being located within an AWI and the health of the trees on the site.
- f) The area of local countryside covered by woodland.
- g) The possibility of enlarging the site to include more woodland and therefore a management scheme.
- h) The previous determined application at Milehouse, Kinraig also being located within an AWI.
- i) The need to balance cultural heritage with natural heritage.
- j) Clarification of the point of access for the new HSCHT housing.
- k) How the proposed house would remain affordable in perpetuity.
- l) The site being surrounded by fragile countryside with potentially more appropriate sites for development.
- m) The outstanding objection by the Trunk Roads Authority and the possibility of the application being called-in by the Scottish Executive.
- n) The existing Badenoch & Strathspey Local Plan being out of date.

53. Bruce Luffman proposed a Motion that the application be refused for the reasons stated in the report. This was seconded by David Selfridge.

54. Lucy Grant proposed an Amendment that the application be deferred for further discussion with the Trunk Roads Authority. This was seconded by Andrew Rafferty.

The vote was as follows:

	MOTION	AMENDMENT	ABSTAIN
Eric Baird	√		
Stuart Black		√	
Geva Blackett		√	
Nonie Coulthard	√		
Angus Gordon		√	
Lucy Grant		√	
David Green	√		
Marcus Humphrey	√		
Bob Kinnaird	√		
Bruce Luffman	√		
Mary McCafferty		√	
Eleanor Mackintosh		√	
Anne MacLean	√		
Alastair MacLennan		√	
Sandy Park	√		
Andrew Rafferty		√	
David Selfridge	√		
Sheena Slimon		√	
Richard Stroud	√		
Susan Walker	√		
Ross Watson		√	
TOTAL	11	10	0

55. The Committee agreed to refuse the application for the reasons stated in the report.

REPORT ON CALLED-IN PLANNING APPLICATION FOR FORMATION OF 725M FOOTPATH AND ERECTION OF INTERPRETATION PANEL AT BEAG-GHLEANN, GLENMORE FOREST PARK, GLENMORE (PAPER 3)

56. Mary Grier presented a paper recommending that the Committee approve the application subject to the conditions stated in the report with an Advice Note to the Applicant to state that any promotional material for the path should include advice on how the less able can access the track.

57. The Committee discussed the application and the following points were raised:
- a) The height of the interpretation panel being accessible for all abilities.
 - b) The possibility of reinstating the Beglan township.
 - c) Clarification of why no indicative design for the interpretation panel had been provided.
58. The Committee agreed to approve the application subject to the conditions stated in the report with the above Advice Note and an amendment to Condition No. 4 to state that the height of the interpretation panel should be accessible for all abilities and that the design / layout of the interpretation panel should be submitted to Planning Officers for the CNPA's approval.
59. David Green advised Members that the CNPA were involved in the Water Aid challenge to get teams of people on the summit of every Munro in Scotland on Saturday 9th June. The team of CNPA Staff included Andrew Tait, Neil Stewart, Wendy Mitchell, Gareth Austin, John Thorne and Chris Taylor. David Green informed Members that there was a container for Members to make a donation to this cause.
60. The Planning Committee paused for the lunch break at 12:45hrs.
61. The Planning Committee reconvened at 13:30hrs.

REPORT ON CALLED-IN PLANNING APPLICATION FOR CONVERSION OF STEADING TO FORM TWO DWELLINGS AT KNOCK STEADING, GLENLIVET (PAPER 4)

62. David Green advised that Rachel Bromby from Smiths Gore was available to answer any questions Members may have.
63. Mary Grier presented a paper recommending that the Committee approve the application subject to the conditions stated in the report with an additional condition stating that the drains associated with the neighbouring property should be re-routed prior to the commencement of any development on site, and an additional condition requiring the provision of 2 Pipistrelle bat boxes in a local vicinity to the steading in consultation with the CNPA and Condition 10 amended to state '... to the satisfaction of the Moray Council Environmental Health section'.
64. Members were given the opportunity to ask the Planning Officer questions regarding the application.
65. Members were given the opportunity to ask Rachel Bromby questions regarding the application.
66. David Green thanked Rachel Bromby.
67. The Committee discussed the application and the following points were raised:
- a) A requirement that the adjacent track is not obstructed.
 - b) Clarification of why SEPA were not consulted on the application.
 - c) Assurance that the neighbouring properties water is not disproportionately affected by the development.
 - d) The weighting given to a representation received on behalf of another party.
 - e) The bat survey undertaken on the steading.

68. The Committee agreed to approve the application subject to the conditions stated in the report with an additional condition stating that the drains associated with the neighbouring property should be re-routed prior to the commencement of any development on site, and additional condition requiring the provision of 2 Pipistrelle bat boxes in a local vicinity to the steading in consultation with the CNPA and Condition 10 amended to state ‘...without detriment to existing users’ and ‘... to the satisfaction of the Moray Council Environmental Health section’. Also required were conditions covering the non-obstruction of the track; water conservation measures to be incorporated into the design of the dwellings; and provision of satisfactory drainage, all to the satisfaction of SEPA.

REPORT ON CALLED-IN PLANNING APPLICATION FOR ERECTION OF LUNCH HUT (RETROSPECTIVE) SITE TO THE NORTH WEST OF RHINSTOCK, GLENBUCHAT, STRATHDON (PAPER 7)

69. Iram Mohammed presented a paper recommending that the Committee approve the application.
70. The Committee discussed the application and the following points were raised:
- a) The application being one of three retrospective applications by the applicant for this type of development.
 - b) The need to send a letter to the applicants to reinforce the importance of the requirement of planning permission.
 - c) The possibility of the hut being left unlocked for the use of hill walkers.
 - d) The need for restorative work to be carried out on the access track to the hut.
71. The Committee agreed to approve the application subject to an additional condition requiring mitigation measures to be carried out on the access track to the hut.

REPORT ON CALLED-IN PLANNING APPLICATION FOR ERECTION OF DWELLING AT SITE IN GROUNDS OF LAGGAN COUNTRY HOTEL, LAGGAN (PAPER 8)

72. Lucy Grant declared an interest and left the room.
73. David Green advised that Mr Huisman, Applicant, was available to answer any questions Members may have.
74. Andrew Tait presented a paper recommending that the Committee approve the application subject to a Section 75 Legal Agreement and the conditions stated in the report.
75. There were no questions asked of Mr Huisman.
76. The Committee discussed the application and the following points were raised:
- a) Clarification of the length of time taken to determine the application.
 - b) The type of stone proposed on the dwelling.
 - c) The terms of the Section 75 Legal Agreement.
 - d) Proposed landscaping.
 - e) The location of the proposed dwelling in the grounds of the hotel.
 - f) Clarification of which caravan was to be removed from the site and the temporary planning permission for another caravan on site.

77. The Committee agreed to approve the application subject to a Section 75 Legal Agreement and the conditions stated in the report.
78. Lucy Grant returned.

REPORT ON CALLED-IN PLANNING APPLICATION FOR DEMOLITION OF COTTAGE BOTHY; ERECTION OF HOUSE AT (AMENDED DESIGN) PLOT IN GARDEN GROUND OF DELL OF ROTHMURCHUS, AVIEMORE (PAPER 9)

79. David Green advised that Rory McGrath, Applicant, had requested to address the Committee. Members agreed to the request.
80. Andrew Tait presented a paper recommending that the Committee refuse the application subject to the conditions stated in the report.
81. Members were given the opportunity to ask the Planning Officer questions regarding the application.
82. Rory McGrath addressed the Committee.
83. Members were given the opportunity to ask Rory McGrath questions regarding the application.
84. David Green thanked Rory McGrath.
85. The Committee discussed the application and the following points were raised:
- a) Clarification of the SEPA objection and flood risk study.
 - b) The impact of the development on the An Camus Mor buffer zone.
 - c) The existing services associated with the bothy.
 - d) The Highland Council 'Housing in the Countryside' policy and other policy supporting the demolition of the bothy.
 - e) The planning tests used to determine if an existing building can be classed as a dwelling.
 - f) The new dwelling not being located on the footprint of the bothy.
 - g) The existing trees on the site.
 - h) The proposal not complying with existing Highland Council policy.
 - i) Whether the proposal could be classed as a replacement dwelling.
 - j) The possibility of retaining the bothy.
 - k) The cultural heritage significance of the bothy.
 - l) The amended design of the proposed dwelling.
86. David Selfridge proposed a Motion to Refuse the application for the reasons stated in the report. This was seconded by Richard Stroud.
87. Bruce Luffman proposed a First Amendment to approve the application with a condition to retain and maintain the bothy. This was seconded by Stuart Black.
88. Lucy Grant proposed a Second Amendment to approve the application, allowing the demolition of the bothy but with a requirement to make a photographic record of the building. This was seconded by Marcus Humphrey.

The vote of the First Amendment versus the Second Amendment was as follows, with the winner going on to face the Motion:

	FIRST AMENDMENT	SECOND AMENDMENT	ABSTAIN
Eric Baird		√	
Stuart Black	√		
Geva Blackett		√	
Nonie Coulthard	√		
Angus Gordon		√	
Lucy Grant		√	
David Green	√		
Marcus Humphrey		√	
Bob Kinnaird		√	
Bruce Luffman	√		
Mary McCafferty		√	
Eleanor Mackintosh	√		
Anne MacLean	√		
Alastair MacLennan		√	
Sandy Park		√	
Andrew Rafferty		√	
David Selfridge			√
Sheena Slimon		√	
Richard Stroud	√		
Susan Walker	√		
Ross Watson		√	
TOTAL	8	12	1

The vote of the Motion versus the Second Amendment was as follows:

	MOTION	SECOND AMENDMENT	ABSTAIN
Eric Baird	√		
Stuart Black		√	
Geva Blackett		√	
Nonie Coulthard		√	
Angus Gordon		√	
Lucy Grant		√	
David Green		√	
Marcus Humphrey		√	
Bob Kinnaird		√	
Bruce Luffman	√		
Mary McCafferty		√	
Eleanor Mackintosh		√	
Anne MacLean	√		
Alastair MacLennan		√	

Sandy Park		√	
Andrew Rafferty		√	
David Selfridge	√		
Sheena Slimon		√	
Richard Stroud	√		
Susan Walker		√	
Ross Watson		√	
TOTAL	5	16	0

89. The Committee agreed to approve the application subject to the conditions contained in the Annex of the report, however, with the removal of Condition No. 6 and the requirement for a photographic record to be made of the bothy.

REPORT ON CALLED-IN PLANNING APPLICATION FOR ERECTION OF WOODCHIP STORE AT SITE OF FORMER GRAVEL PIT, WEST OF DORBACK LODGE, NETHY BRIDGE (PAPER 10)

90. Stuart Black declared an interest and left the room.
91. Andrew Tait presented a paper recommending that the Committee approve the application subject to the conditions stated in the report.
92. The Committee discussed the application and the following points were raised:
- a) Clarification of the new housing referred to in the supporting letter.
 - b) The need for the roof to be of an appropriate colour.
93. The Committee agreed to approve the application subject to the conditions stated in the report with an additional element to form part of the materials condition, requiring the roof to be of an appropriate colour.
94. Stuart Black returned.

ANY OTHER BUSINESS

95. David Green advised Members that the CNPA were having a stand at the Royal Highland Show, Edinburgh (21 – 24 June), any Members were more than welcome to attend.
96. Lucy Grant raised concern over inaccuracies sometimes included in submissions by Applicants / Agents in support of their proposals.
97. Marcus Humphrey queried if members should retain Planning Papers 5 & 6 at Dalfaber (withdrawn from the Agenda) for a future meeting. Planning Officials confirmed that these papers would be rewritten before coming to Planning Committee and Members did not require to keep the previously issued reports.
98. Andrew Rafferty sought clarification over where the photographic records of buildings were stored. The Planning Officials responded that the records were kept on file with the Local Authorities Archaeological department.
99. David Green raised concern about applications submitted with incomplete information, he requested that applicants be made aware of the various information that was required for an application and that perhaps this could be addressed in the forthcoming CNPA sustainable design guide.

100. Susan Walker queried if an application could be refused due to the applicant giving the authority a lack of information. The Planning Officials confirmed that an application could be refused for this reason, however, wherever possible the CNPA always looked for a positive outcome.

DATE OF NEXT MEETING

101. Friday, 15th June 2007, The Panmure Arms Hotel, Edzell.
102. Committee Members are requested to ensure that any Apologies for this meeting are submitted to the Planning Office in Ballater.
103. The meeting concluded at 15:15hrs.