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# CAIRNGORMS NATIONAL PARK AUTHORITY

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## MINUTES OF THE PLANNING COMMITTEE held within The Community Centre, Nethy Bridge on 1st July 2005 at 10.30am

### PRESENT

Eric Baird	Alastair MacLennan
Stuart Black	Anne MacLean
Duncan Bryden	Sandy Park
Sally Dowden	Andrew Rafferty
Basil Dunlop	Gregor Rimell
Douglas Glass	Joyce Simpson
David Green	Sheena Slimon
Angus Gordon	David Selfridge
Lucy Grant	Richard Stroud
Bruce Luffman	Andrew Thin
Willie McKenna	Sue Walker
Eleanor Mackintosh	

### IN ATTENDANCE:

Don McKee	Neil Stewart
Mary Grier	Pip Mackie
Gavin Miles	

### APOLOGIES:

Marcus Humphrey  
Bob Wilson

### WELCOME AND APOLOGIES

1. The Convenor welcomed all present.
2. Apologies were received from Marcus Humphrey & Bob Wilson.

### MATTERS ARISING FROM THE PREVIOUS MEETING

3. The minutes of the previous meeting, 17<sup>th</sup> June 2005, held in Ballater were approved.
4. There were no matters arising.

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

5. Andrew Rafferty declared an interest in Planning Application No. 05/281/CP.
6. Willie McKenna declared an interest in Planning Application No. 05/289/CP.

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

7. 05/272/CP - No Call -in
8. 05/273/CP - No Call -in
9. 05/274/CP - No Call -in
  
10. 05/275/CP - The decision was to Call -in this application for the following reason:
  - Having regard to the overall scale and design of the proposed dwelling on an open and exposed site, it is considered that the development may impact on the enjoyment and understanding of the special qualities of this area of the Park and would therefore be of significance to the aims of the Park.
  
11. 05/276/CP - No Call -in
12. 05/277/CP - No Call -in
13. 05/278/CP - No Call -in
  
14. 05/279/CP - The decision was to Call -in this application for the following reason:
  - The proposed development represents the formation of a residential unit in an area identified in the Badenoch and Strathspey Local Plan (1997) as restricted countryside. The proposal therefore raises issues in relation to housing in the countryside, and could set a precedent for further development of this nature. As such the proposed development is viewed as being of general significance to the aims of the National Park.
  
15. 05/280/CP - The decision was to Call -in this application for the following reason:
  - The proposed development represents the formation of a residential unit in an area identified in the Badenoch and Strathspey Local Plan (1997) as restricted countryside. The proposal therefore raises issues in relation to housing in the countryside, and could set a precedent for further development of this nature. As such the proposed

development is viewed as being of general significance to the aims of the National Park.

- 16.05/281/CP - Andrew Rafferty declared an interest and left the room.  
No Call -in  
Andrew Rafferty returned.
- 17.05/282/CP - No Call -in  
18.05/283/CP - No Call -in  
19.05/284/CP - No Call -in  
20.05/285/CP - No Call -in  
21.05/286/CP - No Call -in  
22.05/287/CP - No Call -in  
23.05/288/CP - No Call -in
- 24.05/289/CP - Willie McKenna declared an interest and left the room.  
No Call -in  
Willie McKenna returned.
- 25.05/290/CP - No Call -in

#### **COMMENTING ON APPLICATIONS NOT CALLED - IN BY THE COMMITTEE**

26. It was agreed that the planning officers submit comments to the Local Authorities on Planning Application No's 05/273/CP, 05/276/CP, 05/277/CP, 05/282/CP, 05/283/CP, 05/285/CP & 05/290/CP.

#### **REPORT ON CALLED - IN PLANNING APPLICATION FOR THE ERECTION OF DWELLING HOUSE AT LAND BETWEEN SMIDDY HOUSE AND TORCROY, KINGUSSIE (Paper 1)**

27. Neil Stewart presented a paper recommending that the Committee refuse the application for the reasons stated in the report.
28. Andrew Thin advised that the Applicants father, Mr Mackenzie and a representee, Deidre Falconer, had requested to address the Committee. The Committee agreed to the requests.
29. Mr Mackenzie addressed the Committee.
30. Deidre Falconer addressed the Committee.
31. The Committee were invited to ask questions of the speakers.
32. Andrew Thin thanked, Mr Mackenzie and Deidre Falconer.
33. The Committee discussed the application and the following points were raised:
- a) Planning Officers were asked to clarify the term "cluster" with reference to a grouping of houses.
  - b) Outcome of discussions between CNPA and Section 75 Agreement Mortgage lenders.
  - c) The difficulty of funding a self-build property.
  - d) The application being premature to the production of the CNP Local Plan.

- e) TheBadenoch&StrathspeyHighlandCouncilLocalPlanbeingoutdated.
  - f) ThepossibilityoftheApplicantobtainingaruralhomeownershipgrant.
  - g) The existing dwellings in the area and possible future landscape /infrastructuralimprovements.
  - h) Thepossibilityofasitevisit.
34. GregorRimellproposedaMotiontoApprovetheapplication.Thiswasseconded bySheenaSlimon.
35. Anne MacLean proposed an Amendment to defer the application for the Memberstoattenda sitevisitandtoallowtheApplicantandPlanningOfficerssto investigateruralhomeownershipgrantsandaSection75Agreement. Thiswas secondedbyEricBaird.

Thevotewasasfollows:

NAME	MOTION	AMENDMENT	ABSTAIN
EricBaird		√	
DuncanBryden		√	
StuartBlack	√		
SallyDowden		√	
BasilDunlop	√		
DouglasGlass	√		
AngusGordon	√		
LucyGrant	√		
DavidGreen	√		
BruceLuffman		√	
WillieMcKenna	√		
EleanorMackintosh	√		
AlastairMacLennan	√		
AnneMacLean		√	
SandyPark	√		
AndrewRafferty	√		
GregorRimell	√		
DavidSelfridge	√		
JoyceSimpson	√		
SheenaSlimon	√		
RichardStroud		√	
AndrewThin	√		
SusanWalker		√	
<b>TOTAL</b>	<b>16</b>	<b>7</b>	<b>0</b>

36. The Committee agreed to approve the application and delegate the issuing of conditions to the Planning Officers. The reasons stated for approving the application were that the proposal provided the opportunity to consolidate an existinghousinggrouponasitewhere therewasonceadwellinghouse, andthat thehousewouldhelp provideaffordableaccommodationforalocalfamily.

**REPORT ON CALLED -IN PLANNING APPLICATION FOR THE ERECTION OF 4 RESIDENTIAL LODGES AT BADAGUISH OUTDOOR CENTRE, GLENMORE, AVIEMORE (PAPER 2)**

37. Neil Stewart presented a paper recommending that the Committee approve the application subject to the conditions stated in the report and an amendment to condition No. 8 to include the submission of a scheme to repair the fence if/when required.
38. The Committee briefly discussed the application and the following points were raised:
- Clarification of the term "short term" in condition No. 2.
  - Clarification that lifts were not included in the proposal for the new accommodation.
  - Screening of the lodges through the Forest Design Plan and how the CNPA would comment upon this.
39. The Committee agreed to approve the application subject to the amendment to condition No. 8 and an amendment to condition No. 2 to specify a time limit of 6 weeks.

**REPORT ON CALLED -IN PLANNING APPLICATION FOR THE CONSTRUCTION OF A NEW ACCESS ROAD & UNDERPASS BRIDGE AT LAND BETWEEN A9 & CROFTS IDE NORTH HOUSING DEVELOPMENT, AVIEMORE (PAPER 3)**

40. Mary Grier presented a paper recommending that the Committee approve the applications subject to the conditions stated in the report.
41. The Committee briefly discussed the application and the following points were raised:
- The access to be restricted through the existing tunnel to non-vehicular traffic.
  - The inclusion of a condition requiring a method statement covering, pollution, noise, dust management etc. to be agreed with SEPA.
42. The Committee agreed to approve the application for the reasons stated in the report plus an additional condition requiring a method statement as agreed with SEPA.

**REPORT ON CAIRNGORMS NATIONAL PARK LOCAL PLAN –CONSULTATION DRAFT (PAPER 4)**

43. Don McKee presented a paper providing the Committee with an update on the progress of the CNP Local Plan and requested that the Committee give their agreement for the publication of a Consultation Draft Local Plan and the holding of a series of Local Plan workshops for Members.
44. The Committee briefly discussed the report and the following points were raised:
- How the Local Plan will address smaller settlements/areas not specifically defined as a community.

- b) Settlements/areas not defined as a community being covered by criteria based policy with a hypothetical map based example.
  - c) The possibility of providing a map based plan for all clusters of houses within the CNP.
  - d) Ensure that the Local Plan uses clear definitions of planning terms and that the document is user friendly.
  - e) The possibility of recreating smaller communities where settlements have been previously more heavily populated.
  - f) To make clear that although the majority of the public may be in favour of zoning a particular area, the zoning may not take place as other planning/environmental legislation may prohibit it.
  - g) Make the public aware that the Scottish Executive have rights to modify the CNP Local Plan.
  - h) To ensure that the CNP Local Plan is compatible with the Scottish Executive Plan regarding particular issues such as farm diversification.
  - i) Would be dangerous to prejudge the outcome of the CNP Local Plan and would urge Planning Officers to hold public workshops as soon as possible.
45. The Committee agreed to the publication of a Consultation Draft Local Plan and the holding of a series of Local Plan workshop sessions for Members.

## ANY OTHER BUSINESS

46. Bruce Luffman requested an update from the Planning Officers regarding Stewarton Cottage, Bridge of Brown. Don McKee responded that he had written to the Estate, and copied the letter to Highland Council, to express the CNPA's displeasure at the lost opportunity to conserve an historic building. DM informed the Committee that the Estate stated they had been advised to take down sections of the cottage by a structural engineer.
47. Richard Stroud requested that where there had been a significant delay in bringing an application for determination before the Committee that the Planning Officers provide a reason(s) as to the delay. The Planning Officers agreed to his request. Andrew Thin informed the Committee that due to the sheer volume of applications and general shortage of Planning Officers some applications were taking longer to determine than the specified time scale. However, Planning Officers were doing their best to move forward the applications for determination. AT also advised the Committee that most Local Authorities were in the same situation.
48. Don McKee advised the Committee that an unauthorised track had been created on Invercauld Estate, by the person who currently holds the shooting rights. Aberdeenshire Council had issued an Enforcement Notice. However, an Appeal has subsequently been lodged with the Scottish Executive. DM informed the Committee that the CNPA had been invited to make a representation to the Scottish Executive and that any Members interested should speak to him.
49. David Selfridge requested an update for the Enforcement Notice which had been served on Aviemore Highland Resort for the boundary fence. Don McKee responded that there had been a procedural problem regarding the Notice, this had been corrected and that Aviemore Highland Resort had appealed the Notice to the Scottish Executive.

## **DATE OF NEXT MEETING**

50. Friday 15<sup>th</sup> July, Ballater.

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

52. The meeting concluded at 12.40hrs.