
CAIRNGORMS NATIONAL PARK AUTHORITY

MINUTES OF THE PLANNING COMMITTEE held at The Community Hall, Boat of Garten on 2nd May 2008 at 11.00am

PRESENT

Eric Baird	Willie McKenna
Stuart Black	Eleanor Mackintosh
Duncan Bryden	Ian Mackintosh
Jaci Douglas	Anne MacLean
Dave Fallows	Alastair MacLennan
Lucy Grant	Fiona Murdoch
David Green	Sandy Park (arrived late)
Drew Hendry	Andrew Rafferty
Bob Kinnaird	Richard Stroud
Bruce Luffman	Susan Walker
Mary McCafferty	Ross Watson

IN ATTENDANCE:

Don McKee	Andrew Tait
Mary Grier	Pip Mackie
Neil Stewart	

APOLOGIES:

Geva Blackett
Nonie Coulthard
Marcus Humphrey

AGENDA ITEMS 1 & 2: WELCOME AND APOLOGIES

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

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

3. The minutes of the previous meeting, 18th April 2008, held at The Albert Hall, Ballater were approved.
4. There were no matters arising.

AGENDA ITEM 4:

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

5. Andrew Rafferty declared an interest in Planning Application No. 08/149/CP.
6. The Highland Councillors declared an interest in Planning Application No. 08/159/CP.
7. Ross Watson declared an interest in Item No. 7 on the Agenda.
8. Anne MacLean declared an interest in Item No. 8 on the Agenda.
9. Bob Kinnaird declared an interest in Item No. 10 on the Agenda.
10. Mary McCafferty declared an interest in Item No. 10 on the Agenda.

AGENDA ITEM 5: PLANNING APPLICATION CALL-IN DECISIONS (Oral Presentation, Neil Stewart)

- | | |
|----------------|--|
| 11.08/142/CP - | No Call-in |
| 12.08/143/CP - | No Call-in |
| 13.08/144/CP - | No Call-in |
| 14.08/145/CP - | No Call-in |
| 15.08/146/CP - | No Call-in |
| 16.08/147/CP - | The decision was to call-in the application for the following reason : |
| | <ul style="list-style-type: none">• The proposal continues to represent a significant development within the Conservation Area of Grantown-on-Spey which is directly related to and involves works to the Strathspey Hotel which is a Category B Listed Building. The development continues to raise issues in relation to cultural and built heritage, the character of the streetscape, the impact on visitor facilities and accommodation, and social and economic development. The proposal is therefore considered to raise issues of general significance to the collective aims of the National Park. |
| 17.08/148/CP - | The decision was to call-in the application for the following reason : |
| | <ul style="list-style-type: none">• The proposal continues to represent a significant development within the Conservation Area of Grantown-on-Spey which is directly related to and involves works to the Strathspey Hotel which is a Category B Listed Building. The development continues to raise issues in relation to cultural and built heritage, the character of the streetscape, the impact on visitor facilities and accommodation, and social and economic development. The proposal is therefore considered to raise issues of general significance to the collective aims of the National Park. |

- 18.08/149/CP - Andrew Rafferty declared an interest and left the room.
No Call-in
Andrew Rafferty returned.
- 19.08/150/CP - No Call-in
- 20.08/151/CP - No Call-in
- 21.08/152/CP - No Call-in
- 22.08/153/CP - No Call-in
- 23.08/154/CP - No Call-in
- 24.08/155/CP - No Call-in
- 25.08/156/CP - No Call-in
- 26.08/157/CP - No Call-in
- 27.08/158/CP - No Call-in
- 28.08/159/CP - The Highland Councillors declared an interest and left the room.
No Call-in
The Highland Councillors returned.
- 29.08/160/CP - No Call-in
- 30.08/161/CP - No Call-in
- 31.08/162/CP - No Call-in
- 32.08/163/CP - No Call-in
- 33.08/164/CP - No Call-in
- 34.08/165/CP - No Call-in
- 35.08/166/CP - No Call-in
- 36.08/167/CP - No Call-in
- 37.08/168/CP - No Call-in
- 38.08/169/CP - No Call-in

**AGENDA ITEM 6:
COMMENTING ON APPLICATIONS NOT CALLED-IN BY THE COMMITTEE**

39. The Members wished to make comments to the Local Authorities on the following Planning Application No's 08/142/CP, 08/143/CP, 08/149/CP, 08/152/CP, 08/154/CP, 08/157/CP, 08/158/CP, 08/162/CP, 08/165/CP, 08/167/CP & 08/168/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.

**AGENDA ITEM 7:
REPORT ON CALLED-IN PLANNING APPLICATION FOR CHANGE OF USE
FROM HOTEL TO RESIDENTIAL USE AT HEATHERBRAE HOTEL, NETHY
BRIDGE
(PAPER 1)**

40. Ross Watson declared an interest and left the room.
41. The Committee paused to read a letter of representation.
42. Andrew Tait presented a paper recommending that the Committee approve the application subject to the conditions stated in the report.
43. Members were invited to ask the Planning Officer any points of clarification regarding the presentation; the following point was raised:
 - a) Clarification that the points stated in the applicants supporting letter were factually correct.
44. Duncan Bryden stated that Mr Brian Taylor, Applicant, had requested to address the Committee. The Committee agreed to the request.
45. Mr Brian Taylor addressed the Committee.
46. The Committee asked Mr Taylor questions and the following points were raised:
 - a) Clarification that the applicant wished to sell the premises.
 - b) The figures stated in the report by the economic consultant.
 - c) The viability of the business when operated by previous owners.
 - d) The business streams of the previous owners.
 - e) Clarification the property was to be sold as a private dwelling.
 - f) The clearance of fittings from the bar / restaurant area.
47. Duncan Bryden thanked Mr Taylor.
48. The Committee discussed the application and the following points were raised:
 - a) The previous inadequate marketing of the property as a business.
 - b) The economic consultants report and their belief that the premises could be operated as a viable business.
 - c) The hotel being in the centre of the village and an important part of the local community.
 - d) No guidance being provided in the Badenoch & Strathspey Local Plan regarding the marketing of hotel premises prior to conversion to private dwellings.
 - e) The change in tourism requirements away from serviced accommodation.
 - f) The Committee not being in a position to force the applicant to continue with a business that he doesn't wish to.
 - g) The importance of the application not setting a precedent for other establishments in the area.
 - h) The positive business confidence that is felt, in general, in Nethy Bridge.
 - i) The other existing hotels which are in Nethy Bridge.
49. Sue Walker proposed a Motion that the application be Approved subject to the condition as stated in the report. This was seconded by Bruce Luffman.
50. Alastair MacLennan proposed an Amendment that the application be Refused on the basis that the property was an integral part of the Nethy Bridge community, it had not been previously adequately marketed as a hotel business, the consultants report stating that the business had the potential to be economically viable and policy in the emerging CNPA Local Plan. This was seconded by Jaci Douglas.

51. Don McKee clarified that although the CNPA Local Plan was in the public domain and a material consideration, Members should not attribute any weight to the Plan as there were outstanding objections on all policies within it.
52. Sandy Park arrived at the meeting.
53. The vote was as follows:

	MOTION	AMENDMENT	ABSTAIN
Eric Baird	√		
Stuart Black		√	
Duncan Bryden	√		
Jaci Douglas		√	
Dave Fallows	√		
Lucy Grant	√		
David Green	√		
Drew Hendry	√		
Bob Kinnaird	√		
Bruce Luffman	√		
Mary McCafferty		√	
Willie McKenna		√	
Eleanor Mackintosh	√		
Ian Mackintosh	√		
Anne MacLean	√		
Alastair MacLennan		√	
Fiona Murdoch	√		
Sandy Park			√
Andrew Rafferty	√		
Richard Stroud	√		
Susan Walker	√		
TOTAL	15	5	1

54. The Committee agreed to approve the application subject to the condition stated in the report.
55. Ross Watson returned.
56. Alastair MacLennan and Andrew Rafferty left the meeting.
57. The Committee paused for lunch at 12:30hrs.
58. The Committee reconvened at 13:30hrs.

**AGENDA ITEM 8:
REPORT ON CALLED-IN PLANNING APPLICATION FOR ERECTION OF 13
HOUSES AT LAND WEST OF TIGH NA FRAOCH, NETHY BRIDGE
(PAPER 2)**

59. Anne MacLean declared an interest and left the room.
60. Duncan Bryden stated that there had been a letter of representation received, which Members had the opportunity to read over the lunch break.
61. Duncan Bryden informed the Committee that Helen Barton and Donald Lockhart, Albyn Housing Society and Michael Jack, Architect from Bracewell Stirling were available to answer any questions Members may have.
62. Mary Grier presented a paper recommending that the Committee approve the application subject to the conditions stated in the report with an additional condition requiring the submission of a landscaping plan prior to the commencement of development.
63. Members were invited to ask the Planning Officer any points of clarification regarding the presentation; the following point was raised:
 - a) The proposed building line of the properties at the west of the site.
 - b) The use of the access road indicated through the site.
 - c) Clarification of the proposed finishing materials.
 - d) Incorporation of pavements and a pedestrian crossing to facilitate access to the village amenities.
 - e) The potential for a condition restricting the construction hours at the site, due to its central village location.
64. There were no questions for either the Applicants or the Agent.
65. The Committee discussed the application and the following points were raised:
 - a) Commendations to Albyn Housing Society for the community involvement in the project.
 - b) The proposal being a welcome addition to Nethy Bridge.
66. The Committee agreed to approve the application subject to the conditions stated in the report and additional conditions regarding the submission of a landscaping plan, permitted construction hours and finishing materials.
67. Anne MacLean returned.

**AGENDA ITEM 9:
REPORT ON REVISED SECTION 75 LEGAL AGREEMENT FOR ERECTION OF
DWELLINGHOUSE AND AGRICULTURAL BUILDING AT SITE TO NORTH OF
MAINS OF GLENCARVIE, STRATHDON
(PAPER 3)**

68. Duncan Bryden stated that Robert and Pam Taylor, Applicants, were available to answer any questions Members may have.
69. Mary Grier presented a paper recommending that the Committee approve the application subject to an amended Section 75 Legal Agreement and the conditions stated in the report.
70. There were no questions for either of the Applicants.
71. There was no discussion regarding the application.
72. The Committee agreed to approve the application subject to the amended Section 75 Legal Agreement and the conditions stated in the report.

73. Jaci Douglas and Drew Hendry left the meeting.

**AGENDA ITEM 10:
REPORT ON CALLED-IN PLANNING APPLICATION FOR ERECTION OF HOUSE
LAND 62 METRES SOUTH WEST OF PARKHEAD CROFT, SKYE OF CURR,
DULNAIN BRIDGE
(PAPER 4)**

74. Mary McCafferty declared an interest and left the meeting.

75. Duncan Bryden stated that David McCafferty, Applicant and Archie McNab from the Crofters Commission were available to answer any questions Members may have. Mr Boyce, Representative of Dulnain Bridge Community Council, had requested to address the Committee – the Committee agreed to the request.

76. Neil Stewart presented a paper recommending that the Committee approve the application subject to the conditions stated in the report.

77. Members were invited to ask the Planning Officer any points of clarification regarding the presentation; the following point was raised:

- a) The potential for using existing vacant houses already on the croft.
- b) The existing level of housing in the Skye of Curr area.
- c) The Crofters Commission support for the application.
- d) The application compounding the sporadic type of suburban development in the area.
- e) The development being proposed on in-by croft land.
- f) The application potentially setting a precedent in the area.

78. Members were invited to ask David McCafferty any questions, the following points were raised:

- a) Clarification why existing vacant houses on the croft could not be used.
- b) The land at Croft 20 being used as justification for 3 houses being previously built.
- c) The potential for tenant's right to buy.
- d) Clarification of the Applicants term of crofting as a means to providing affordable housing.

79. Members were invited to ask Archie McNab any questions, the following points were raised:

- a) Crofters Commission support had been given to previous applications for dwellings at this location.
- b) Clarification of the division of crofts 18, 19 and 20 under Crofting legislation and how many times a croft could be sub-divided.
- c) The potential for any tenant of the proposed dwelling to come from the Crofters waiting list.
- d) Clarification of how the tenancy of a croft provides an income for the landlord.
- e) The potential for the tenant to be removed from working the croft but still inhabit the dwelling.

80. Mr Boyce, Representative of Dulnain Bridge Community Council addressed the Committee.

81. Members were invited to ask Mr Boyce any questions, the following points were raised:
- a) Clarification of the number of houses being tied via Section 75 Legal Agreements (S75) to crofts 18, 19 and 20.
82. Duncan Bryden thanked all the speakers.
83. Bob Kinnaird declared an interest and left the room.
84. The Committee discussed the application and the following points were raised:
- a) Clarification if a S75 could work given that the land the dwelling would be under different ownership.
 - b) Clarification if a house was already attached to croft 20.
 - c) Clarification of the previous S75 tying a house to croft 20 and the subsequent amendment allowing no further development on the land.
 - d) The apparent contradiction between crofting and planning legislation.
 - e) The applicants' ability to revoke the previous S75.
 - f) The apparent financial reasons behind the application which do not constitute a planning matter.
 - g) The existing level of housing on the croft.
 - h) The application being premature due to no tenant being in place.
 - i) The proposal having no adequate land management justification.
85. The Committee agreed to refuse the application for the following reasons – the application being in contravention to Highland Council Badenoch & Strathspey Local Plan policy 4.13.1; the existing S75 stating that no further development being permitted at the croft; difficulty with the S75 being proposed due to the land and dwelling being ultimately under different ownership and the lack of any adequate land management justification.
86. Bob Kinnaird and Mary McCafferty returned.

**AGENDA ITEM 11:
ANY OTHER BUSINESS**

87. There was no other business.

**AGENDA ITEM
DATE OF NEXT MEETING**

69. Friday, 16th May 2008 at The Clova Hall, Glen Clova.
70. Committee Members are requested to ensure that any Apologies for this meeting are submitted to the Planning Office in Ballater.
71. The meeting concluded at 14:40hrs.