
CAIRNGORMS NATIONAL PARK AUTHORITY

MINUTES OF THE PLANNING COMMITTEE held within The YMCA Community Centre, Grantown-on-Spey on 2nd July 2004 at 10.30am

PRESENT

Mr Peter Argyle	Ms Eleanor Mackintosh
Mr Eric Baird	Mr Alistair MacLennan
Mr Stuart Black	Mr Gregor Rimell
Mr Duncan Bryden	Mr David Selfridge
Ms Sally Dowden	Mr Robert Severn
Mr Basil Dunlop	Mrs Joyce Simpson
Mr Douglas Glass	Mrs Sheena Slimon
Mr Angus Gordon	Mr Richard Stroud
Mrs Lucy Grant	Mr Andrew Thin
Mr Willie McKenna	Mrs Susan Walker

IN ATTENDANCE:

Don McKee	Andrew Tait
Neil Stewart	Sandra Middleton
Pip Mackie	

APOLOGIES:

Mr David Green	Mr Bruce Luffman
Ms Anne MacLean	Mr Andrew Rafferty
Mr Bob Wilson	

WELCOME AND APOLOGIES

1. The Convenor welcomed all present and introduced Karen Powell as the new CNPA Press Officer.
2. Apologies were received from Mr David Green, Mr Bruce Luffman, Ms Anne MacLean, Mr Andrew Rafferty and Mr Bob Wilson.

MATTERS ARISING FROM THE PREVIOUS MEETING

3. The minutes of the previous meeting were approved.

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

4. Sheena Slimon declared an interest in Planning Application No. 04/315/CP.
5. Sally Dowden declared an interest in Planning Application No. 04/317/CP & 04/318/CP.
6. Eric Baird declared an interest in Planning Application No. 04/323/CP.
7. Bob Severn declared an interest in Planning Application No. 04/325/CP.
8. The Convener informed the Committee that Planning Application No. 04/319/CP is in the name of the CNPA.
9. Eleanor Mackintosh declared an interest in Item 7 on the Agenda.

PLANNING APPLICATION CALL-IN DECISIONS (Oral Presentation, Andrew Tait)

10. 04/301/CP - No Call-in
11. 04/302/CP - No Call-in
12. 04/303/CP - No Call-in
13. 04/304/CP - No Call-in
14. 04/305/CP - No Call-in
15. 04/306/CP - No Call-in
16. 04/307/CP - No Call-in
17. 04/308/CP - No Call-in
18. 04/309/CP - No Call-in
19. 04/310/CP - No Call-in
20. 04/311/CP - No Call-in
21. 04/312/CP - No Call-in
22. 04/313/CP - No Call-in
23. 04/314/CP - No Call-in

24. 04/315/CP - Sheena Slimon declared an interest and left the room.
No Call-in
Sheena Slimon returned.

25. 04/316/CP - No Call-in

26. 04/317/CP - Sally Dowden declared an interest and left the room.
No Call-in

27. 04/318/CP - The decision was to Call-in this application for the following reason:

- The proposal is for a mixed use development on a site that is allocated by the Local Plan for business and Industry, the Speyside Way also runs across the site. Because of this the proposal may

raise issues of general significance to the collective aims of the National Park.

Sally Dowden returned.

The Convener advised the Committee that the next application was in the name of the CNPA and if the decision was taken to Call-in the application he would ask the Planning Officials for further guidance.

28. 04/319/CP - No Call-in

29. 04/320/CP - No Call-in

30. 04/321/CP - No Call-in

31. 04/322/CP - No Call-in

Eric Baird declared an interest and left the room.

32. 04/323/CP - No Call-in

Eric Baird returned.

33. 04/324/CP - The decision was to Call-in this application for the following reason:

- The energy based nature of the proposal is considered to be of general significance to the collective aims of the National Park, particularly in relation to the promotion of the sustainable use of natural resources. The proposal also has linked significance to an application called in for housing which the district heating building is intended to serve.

Bob Severn declared an interest and left the room.

34. 04/325/CP - No Call-in

Bob Severn returned.

COMMENTING ON APPLICATIONS NOT CALLED-IN BY THE COMMITTEE

31. It was agreed that comments be made to the Local Authorities on applications 04/313/CP, 04/315/CP, 04/321/CP, 04/323/CP and 04/325/CP.

32. The Highland Councillors declared an interest in applications 04/313/CP, 04/315/CP, 04/321/CP and 04/325/CP and left the room.

33. The Committee agreed to submit the following comments to the Highland Council on application 04/313/CP;

The rear extension significantly breaches the ridge line of the existing house. In the interest of good design principles suggestions are made that the extension should be

subsidiary in appearance to the existing dwelling. The height of the extension should be reduced to achieve this.

34. The Committee agreed to submit the following comments to the Highland Council on application 04/315/CP;

The house appears to be in an area of woodland. It is suggested that any siting for the dwelling retains trees wherever possible. It is also recommended that any proposal be subject to a condition for a detailed landscaping scheme and that a site working method statement is provided to ensure that any excavated material from the construction process does not find its way into the adjacent candidate SAC Spey tributary.

Would suggest concerns regarding affordable housing within the Park. Encouragement should be given to ensuring that the house is available for members of the local community and that the proposal does not purely result in a holiday home.

35. The Committee agreed to submit the following comments to the Highland Council on application 04/321/CP;

The recommendation is made that a condition be attached to any approval that the existing dwelling is removed prior to the first occupation of the house hereby approved. In addition it is suggested that the design of the house is confused and that the design of the facings, windows and doors should be simplified to match the contemporary nature of the roof design.

36. Bob Severn declared an interest and left the room.

37. The Committee agreed to submit the following comments to the Highland Council on application 04/325/CP;

A range of comments have been suggested in relation to this proposal.

1. That the affordable housing offered by the application should be secured by the appropriate legal means and should be properly integrated into the development.
2. A detailed working method statement shall be sought by condition for the means of construction to enable access to the site over the candidate SAC tributary.
3. Any detailed proposals should be submitted with a full tree survey, identifying those trees to be removed, together with those to be retained, measures should also illustrate how retained trees will be protected.
4. Any detailed proposals should be submitted with a full habitat/species and hydrological survey of the site.
5. Any proposals should ensure the protection of the setting of the Aviemore Orbital footpath and other informal footpaths throughout the site that have over time been used by the local community.
6. The advice of Scottish Natural Heritage should be sought upon this proposal.

38. The Highland Councillors and Bob Severn returned.

39. The Aberdeenshire Councillors and Eric Baird declared an interest in application 04/323/CP and left the room.

40. The Committee agreed to submit the following comments to the Aberdeenshire Council on application 04/323/CP;

Given the individual design of the house, suggestion is made that the materials proposed shall closely match those of the existing house.

41. The Aberdeenshire Councillors and Eric Baird returned.

**DECISION ON CALLED-IN APPLICATION 04/134/CP FOR OUTLINE TO DIVIDE FEU AND ERECT DWELLINGHOUSE AT 57 MAIN STREET, TOMINTOUL
(Paper 1)**

46. Eleanor Mackintosh declared an interest and left the room.

47. Andrew Tait presented a paper recommending that the Committee refuse the application for the reasons stated in the Report with an additional reason: "The application does not provide evidence that the site is free from contamination and consequently fails to demonstrate that the site would be suitable for the residential development proposed".

48. Stuart Black informed the Committee that this would be a good opportunity to improve the visual amenity of the site, however, it would be beneficial to clarify that the garage is disused and that the applicant has use of the whole site. He recommended that the application be deferred to allow discussions on these points with the applicant.

49. Basil Dunlop raised concern that a property set back from the pavement would not fit in with the established Tomintoul street scene.

50. Discussion arose that although the principle to improve the site was commendable, the proposal did not cover the entirety of the disused garage site. Concerns were also raised due to the fact that a contaminated land report had not been received for the site and that the proximity of the garage workshop, due to noise etc., may impinge on the residential amenity of the new property.

51. Andrew Thin advised the Committee that there appeared to be two options being discussed, either to refuse this application and enter negotiations for an improved application for the entire site, or defer determination while negotiations take place with the applicant to try and resolve the problems and amend the proposal.

52. Andrew Tait advised that the most practical solution would be to refuse this application and then discuss a new proposal with the applicant for the whole site.

53. After further discussion the Committee agreed to refuse the application for the reasons stated in the report and with the additional reason presented, but requested that Andrew Tait enter into discussions with the applicant to obtain a new application for the redevelopment of the whole site, which may include proposals for a house in a position which respects the existing pattern of development in the area.

54. Eleanor Mackintosh returned.

**REPORT ON SCOTTISH EXECUTIVE CONSULTATION PAPER:
RIGHTS OF APPEAL IN PLANNING (Oral Presentation)**

55. Andrew Thin informed the Committee that the closing date for consultation responses for this paper is 30th July 2004 and that due to the importance of this paper the CNPA should respond.
56. Andrew Thin advised that Members should submit their comments for inclusion in the response to Neil Stewart via e-mail by Friday 9th July 2004. If there was a consensus among the comments submitted these would be incorporated into a consultation response and forwarded directly to the Scottish Executive. If however, the comments submitted were vastly different they would be brought to a future Planning Committee meeting for discussion and approval.
57. Neil Stewart gave an oral presentation advising the Committee that under the current system, third party objectors do not have any rights of appeal. He informed Members that although changes to the appeal system may not be necessary, the Scottish Executive are investigating alternatives with a view to offer this right of appeal.
58. David Selfridge informed the Committee that there may be a need for third party rights of appeal under certain circumstances, for instance, if an application is approved by the Committee against the planning officers recommendation. However, if the planning officers recommendation had been accepted by the Committee, there should be no third party right of appeal. He also reminded the Committee that under the present system, if an appeal is lodged with the Scottish Executive, the third party is able to write to the Reporter and lodge an opinion on the application.
59. Lucy Grant queried how many appeals were generally received for the number of planning applications dealt with.
60. Neil Stewart advised that the percentage was roughly about 5% and Richard Stroud commented that this was for the number of applications which appear before a Local Authority Planning Committee.
61. Basil Dunlop felt that third party rights of appeal for all applications could cause unnecessary delay and expense and could, in theory, take away the Planning Committee's powers.
62. Eric Baird raised concern that delay and expense are not reasons to disallow third party rights of appeal. He also expressed the point that Planning Authority's should have clarity on how decisions are made and consistency in the decisions taken.
63. Richard Stroud expressed concern at the lack of information the public have regarding the level of detail which goes into the Reporters decision during an appeal and that more publicity regarding the process should be made available.
64. Duncan Bryden queried if the Local Plan consultation process could be extended to reduce the likelihood of appeals in the future. Don McKee responded by advising that if a Planning Authority focus on getting the Local Plan right it should follow that decisions should not be taken contrary to policy.
65. Peter Argyle agreed that a good planning base was essential, however he was concerned that even with extensive consultation, Local Plan policies still tend to be challenged when planning applications are submitted.

66. Neil Stewart clarified that the Scottish Executive would not open third party rights in an unrestricted way, there would be defined circumstances of when an appeal would be permitted.

ANY OTHER BUSINESS

67. Andrew Thin advised that Scottish & Southern Energy (SSE) had published the three route options for the Beaulay to Denny Transmission Line all of which pass through the National Park. He informed the Committee that staff will be consulting with SSE, as well as partner organisations - Highland Council and SNH.
68. AT expressed that due to the standpoint the CNPA made in March he was concerned that the Authority should not be excluded from the detailed discussions regarding the development which could happen in the NP.
69. AT informed the Committee that the timescale for the process would be between July and October 2004 including an Environmental Impact Assessment (EIA), with the completion estimated at being early November 2004, when SSE will be seeking statutory consent.
70. Alistair MacLennan was concerned that the EIA was being funded by SSE, therefore the CNPA must ensure it is all encompassing.
71. Andrew Thin advised that discussions with SSE should include the possible undergrounding of the line, minimal impact on the affected communities in the Park and the potential for planning gain to balance the unavoidable measures to be taken.
72. Eric Baird queried the ability of the Authority to assess the landscape impacts. Don McKee responded that in-house landscape skills were limited and the CNPA would either be looking to bring a landscape specialist in-house or contract out for the expertise. The CNPA could also look to SNH for guidance on the issue but that organisation also had a limited landscape capacity. Andrew Thin advised that it would be important to pool resources.
73. Sheena Slimon was dismayed that all three options for the proposed line are routed through the Drumochter Pass which is a main entry point for the NP.
74. David Selfridge queried if any planning applications had been received for Windfarms within the NP. Neil Stewart replied that as yet the CNPA had received no notice of any applications, although since the Park opening there had been a few enquiries.
75. Peter Argyle advised the Committee that there is a Parliamentary Committee website regarding Renewable Energy which is very informative.
76. Richard Stroud questioned whether it may be beneficial for Members of the Committee who had not seen a Scottish Executive Reporters decision to be supplied with a copy of one. Any Members requiring a copy of a report were asked to contact Neil Stewart.

DATE OF NEXT MEETING

77. Friday 16th July, Aviemore.
78. Committee Members are requested to ensure that any Apologies for this meeting are submitted to the Planning Office in Ballater.
79. The meeting concluded at 12.20pm.