
CAIRNGORMS NATIONAL PARK AUTHORITY

MINUTES OF THE PLANNING COMMITTEE

held at Albert Hall, Ballater
on 6th March 2009 at 10.30am

PRESENT

Eric Baird
Stuart Black
Duncan Bryden
Jaci Douglas
Dave Fallows
Lucy Grant
David Green
Drew Hendry
Marcus Humphrey

Bob Kinnaird
Willie McKenna
Eleanor Mackintosh
Ian Mackintosh
Alastair MacLennan
Gregor Rimell
Richard Stroud
Susan Walker

IN ATTENDANCE:

Don McKee
Mary Grier
Neil Stewart

Hilary MacBean
Andrew Tait
Marie Duncan

APOLOGIES:

Geva Blackett
Fiona Murdoch

Mary McCafferty
Andrew Rafferty

**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 20 February 2009, held at Talla nan Ros, Kingussie were approved.
4. There were no matters arising.

**AGENDA ITEM 4:
DECLARATION OF INTEREST BY MEMBERS ON ANY ITEMS APPEARING ON THE AGENDA**

5. Bob Kinnaird and Alistair MacLennan declared an interest in Planning Application No. 09/047/CP.
6. Willie McKenna declared an interest in Planning Application No. 09/058/CP.
7. Stuart Black, Jaci Douglas, Dave Fallows, Drew Hendry and Gregor Rimell declared an interest in Planning Application No. 09/060/CP.
8. David Green declared an interest in Item No.7 on the Agenda.
9. Anne MacLean declared an interest on AOB (Revised conditions 07/230/CP)

**AGENDA ITEM 5:
PLANNING APPLICATION CALL-IN DECISIONS
(Oral Presentation, Mary Grier)**

- 10.09/045/CP - No Call-in
- 11.09/046/CP - No Call-in
Bob Kinnaird and Alistair MacLennan declared an interest and left the room.
- 12.09/047/CP - No Call-in
Bob Kinnaird and Alistair MacLennan returned.
- 13.09/048/CP - The decision was to call-in the application for the following reason :
- The development seeks to accommodate the principle of significant levels of housing development, as well as an area for economic development and community and commercial uses. The proposal is considered to be of importance to the future development of Kingussie. Two

candidate core paths are also located within the proposed site boundaries. The overall proposal is considered to raise issues of general significance to the collective aims of the National Park.

14. Duncan Bryden suggested to members scheduling a site visit for 09/048/CP.

15. 09/049/CP - The decision was to call-in the application for the following reason :

- The development represents a further consolidation of an established business which is sited within a National Scenic Area. Similar to the case with previous applications relating to the established business, the proposal is of general significance to the aims of the National Park, and is of particular significance in terms of conserving and enhancing the natural heritage of the area, the promotion of recreation and tourism and also social and economic development.

16. 09/050/CP - No Call-in

17. 09/051/CP - No Call-in

18. 09/052/CP - The decision was to call-in the application for the following reason :

- While recognising that the site has outline planning permission, the scale of the proposal, together with its location in a woodland setting which forms the settlement edge to Nethy Bridge, raises issues in relation to natural heritage, the sustainable use of natural resources and the social and economic development of the area. Consequently, the proposal is considered to raise issues of general significance to the collective aims of the National Park.

19. 09/053/CP - The decision was to call-in the application for the following reason :

- The proposed development is located on land which has a wide variety of natural heritage designations including the River Spey SAC and SSSI. The site also encompasses a Spey Access Point and is a candidate core path. The proposal raises issues in relation to natural heritage, recreational access issues and is also of significance to the social and economic development of the area.

20.09/054/CP - The decision was to call-in the application for the following reason :

- The proposed development is for the erection of a new dwellinghouse in a Restricted Countryside Area in the Badenoch and Strathspey Local Plan. The access to the proposed site also forms part of the Speyside Way and is a candidate core path. As such the proposal raises issues in relation to housing in the countryside policy, and also impacts on formal recreational access, and social and economic development. As such it is considered to raise issues of general significance to the collective aims of the Cairngorms National Park.

21.09/055/CP - No Call-in

22.09/056/CP - No Call-in

23.09/057/CP - No Call-in

Willie McKenna declared an interest and left the room.

24.09/058/CP - No Call-in

Willie McKenna returned.

25.09/059/CP - No Call-in

Stuart Black, Jaci Douglas, Dave Fallows, Drew Hendry and Gregor Rimell as Highland Councillors declared an interest and left the room.

26. Susan Walker proposed a motion to Call in 09/060/CP due to the nature of the design, preferring instead an extension to the original building .This was seconded by Eric Baird.

27. Marcus Humphrey proposed an amendment that the application is not Called in but that comments are submitted to the Highland Council. This was seconded by Lucy Grant.

28.

The vote was as follows:

	MOTION	AMENDMENT	ABSTAIN
Eric Baird	√		
Duncan Bryden		√	
Lucy Grant		√	
David Green	√		
Marcus Humphrey		√	
Bob Kinnaird	√		
Willie McKenna		√	
Eleanor Mackintosh	√		
Ian Mackintosh	√		
Anne MacLean		√	
Alastair MacLennan	√		
Richard Stroud		√	
Susan Walker	√		
TOTAL	7	6	0

29. The Committee agreed to call in application 09/060/CP as it was seen as significant to the aims of the Cairngorms National Park.

30.09/060/CP - The decision was to call-in the application for the following reason :

- The proposed development is for a substantial temporary building within the grounds of Alvie primary school, where the original school building is considered to be of significance to the cultural heritage of the area. This appears to be replacing an existing temporary unit and seems to be part of a continuous cycle of providing temporary accommodation at Alvie Primary School rather than the provision of a permanent solution. The proposal therefore raises issues in relation to the aims of the National Park, including conserving and enhancing the cultural heritage of the area, as well as the promotion of the social and economic development of the area.

The Highland Councillors returned.

31.09/061/CP - No Call-in

32.09/062/CP - No Call-in

33.09/063/CP - No Call-in

34.09/064/CP - No Call-in

COMMENTING ON APPLICATIONS NOT CALLED-IN BY THE COMMITTEE

35. The Members wished to make comments to the Local Authorities on the following Planning Application No's 09/045/CP, 09/047/CP, 09/051/CP, 09/056/CP, 09/058/CP, 09/059/CP, 09/061/CP, 09/063/CP & 09/064/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 6:

REPORT ON CALLED-IN PLANNING APPLICATION FOR ERECTION OF 6 HOLIDAY CHALETS SITES TO NORTH AND EAST OF GLEN CLOVA HOTEL, GLEN CLOVA. (PAPER 1)

36. Andrew Tait (Planning Officer) presented a paper recommending that the Committee approve the application subject to the conditions in the report.

37. Andrew Tait advised members of amendments to be made to conditions;

- Condition.4 - Phased landscaping to continue throughout development.
- Condition.11- Delete Loch Brandy and replace with Loch Esk.

38. The Committee were invited to ask the Planning Officer points of clarification, the following were raised:

- a) Concerns over visibility on Site 2.
- b) Appraisal 25- the possibility of further expansion and the effect on the facilities.
- c) Clarification of Paragraph 33- and the installation of a district heating scheme.
- d) Clarification of sustainability and home grown timber.
- e) Clarification of Condition 10 and sustainability statement.

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

- a) The success of the site and increase in visitors.
- b) The need for further accommodation and the positive response from the community.
- c) The need to strengthen Condition 10 to include the heating facility.

40. The Committee agreed to approve the application subject amendments in Condition.4, Condition.10 and Condition.11. Members agreed to delegate amending conditions to Andrew Tait.

**AGENDA ITEM 7:
REPORT ON CALLED-IN PLANNING APPLICATION FOR ERECTION OF HOUSE AT
MULLINGARROCH CROFT, STREET OF KINCARDINE, BOAT OF GARTEN.
(PAPER 2)**

David Green declared an indirect interest.

41. Hilary MacBean (Planning Officer) presented a paper recommending that the Committee approve the application subject to the conditions stated in the report.
42. Hilary MacBean advised members of some outstanding issues;
 - Including 'Street of Kincardine' to the development address.
 - SEPA objection outstanding but evidence clear that site out with flood risk area.
43. Hilary MacBean advised members Fiona Powell and Mick Morris (Applicants) and Greig Munro (Agent) was present but did not wish to address the Committee formally but was available for questions.
44. The Committee were invited to ask the Planning Officer points of clarification, the following were raised:
 - a) Clarification of access options and alternatives.
 - b) Clarification of letting and regaining land.
 - c) Clarification on static caravan use and condition.
 - d) Clarification on letter of representation
45. The Committee were invited to ask questions of Fiona Powell and Mick Morris (Applicants) and discuss the application and the following points were raised:
 - a) The farmers' co-operation on regaining the land.
 - b) Confirmation the static caravan is in good working condition.
 - c) Confirmation that it is a registered croft.
 - d) The development as an Eco-croft.
 - e) Sustainability and materials.
 - f) The farm produce and livestock.
 - g) Measures taken to ensure a low carbon footprint within development.
46. Duncan Bryden thanked Fiona Powell and Mick Morris.
47. The Committee discussed the application and the following points were raised:
 - a) Inclusion of the Eco features within a sustainability statement.
 - b) Addition of condition implementing a sustainability statement.
 - c) Possibility of application for cover over plants to extend growing season.
 - d) Future employment opportunities.
48. The Committee agreed to approve the subject to;
 - The SEPA objection is withdrawn.
 - Applicants sign Section 75 agreement.
 - Access sightline resolved.
 - Condition 3. varied to allow field access to be used for agricultural purposes.
 - A condition that a sustainability statement is provided.

- A condition to ensure the caravan is maintained in the appropriate way.

AGENDA ITEM 8:

REPORT ON CALLED-IN PLANNING APPLICATION FOR ERECTION OF 6 FLATS (PHASE 1) AT LAND SOUTH EAST OF GRANT ARMS HOTEL, 25-26, THE SQUARE, GRANTOWN ON SPEY (PAPER 3)

49. Hilary MacBean (Planning Officer) presented a paper recommending that the Committee approve the application subject to the conditions stated in the report.
50. The Committee discussed the application and the following points were raised:
- a) Clarification of access and road safety.
 - b) Concerns over traffic and high pedestrian use.
 - c) The possibility of different road surfacing for pedestrian routes.
 - d) Clarification on the advice note on energy efficiency.
 - e) The positive design changes made to the application in order to meet the aims of the park.
 - f) Clarification on Condition.4 and Sustainable Urban Drainage Systems (SUDS) approval by CNPA.
51. The Committee agreed to approve the application subject to the conditions stated in the report and reinforcing the advice note.

AGENDA ITEM 9:

REPORT ON CALLED-IN PLANNING APPLICATION FOR DEMOLITION OF STEADING AND ERECTION OF HOUSE AT BALNAGOWAN STEADING, NETHYBRIDGE (PAPER 4)

52. Duncan Bryden advised members Mark Myles (Agent) was present but did not wish to address the Committee formally but was available for questions.
53. Hilary MacBean (Planning Officer) presented a paper recommending that the Committee approve the application subject to the conditions stated in the report.
54. Hilary MacBean advised members of a late Bat Survey not yet submitted to SNH for consultation and would be minded to grant subject to SNH response and conditions governing timing of works and resurveying.
55. The Committee were invited to ask the Planning Officer points of clarification, the following were raised:
- a) Clarification of Condition in relation to SNH response.
 - b) The disturbance of the bats depending on the outcome of SNH response.
 - c) The stability of the building.

- d) Clarification of the previous application on the site.
 - e) Clarification of double garage and colour of paint.
 - f) Clarification of demolition and permitted development.
 - g) Concerns over the size, stone and footprint of new design.
 - h) The Status of the house and consideration of infill policy.
56. The Committee were invited to ask questions of Mark Myles (Agent) and the following points were raised:
- a) Paragraph 26 & 27 and clarification on stabilisation.
 - b) The engineer's reports.
 - c) Consideration of existing structure to the culture of the village.
 - d) The opportunity to renovate and rebuild instead of replace.
 - e) Concerns on why issue of stability was not recognised on previous planning application.
 - f) Clarification of low roof levels in new development.
57. Duncan Bryden thanked Mark Myles (Agent).
58. The Committee discussed the application and the following points were raised:
- a) Detrimental effect to Nethy Bridge Plan.
 - b) Concerns the character of development is not similar to existing Nethy Bridge builds.
 - c) Consideration of the aims of the CNPA.
 - d) The historic importance and link to agricultural past.
 - e) The consultation response from CNPA Landscape officer.
 - f) The possibility of a rebuild and not replacement.
 - g) The lack of engineering expertise available at meeting for this application.
 - h) The possibility of an independent survey.
 - i) Clarification of what would happen if application was refused or deferred.
 - j) The possibility of a site visit.
 - k) More sympathetic aspects of design.
59. The Committee agreed to defer the application until an independent engineer's survey is done and to allow, in the meantime, some further consideration of design changes. Copies of engineering reports to be published on agenda in full and an engineer to be present at committee and at proposed site visit.

AGENDA ITEM 10
ANY OTHER BUSINESS

60. Neil Stewart (Planning Officer) used a short power point presentation to inform members of an Appeal against non-determination (received 25 Feb 09) for full planning permission for erection of 6 No Flats (Amended Proposal), Shelter Stone, 129 Grampian Road, Aviemore (08/406/CP).
61. Neil Stewart advised members he needed to seek Committees opinion on the development to inform position to be taken at appeal.

62. The Committee discussed the application and the following points were raised:
- a) Scale, siting, size & design and unacceptable adverse impacts on listed building.
 - b) The height of design and unacceptable impact on neighbours.
 - c) Precedent for inappropriate infilling.
 - d) Concerns that the previous reasons for refusal have not been addressed.
63. Neil Stewart recommended members defend appeal on the basis of the same reasons for refusal previously made but acknowledge potential economic benefits of provision of holiday accommodation.
64. Members agreed to defend appeal, on this basis.

Anne MacLean declared an interest and left the room.

65. Neil Stewart advised members of the recommendation paper prepared by Andrew Tait for the revised conditions 2, 5, 29, 35, 36 and 37 from 20th February 2009 Planning Committee meeting (Paper 2) Erection of 81 Houses and access roads at Newtonmore (07/230/CP).
66. The Committee agreed to approve the amendments to the conditions.

Anne MacLean returned.

67. David Green reminded members he was looking for volunteers from the board to help at the CNPA stand at the Royal Highland Show 25th – 28th June 09.
68. Concerns were raised and discussed over subjectivity of design on applications within CNP.
69. Gregor Rimell asked that planning application 09/060/CP, Alvie School, should be determined promptly as the school role is at its maximum level.

AGENDA ITEM 11

DATE OF NEXT MEETING

70. Friday 10:30am on 20th March 2009 at Richmond Memorial Hall, Tomintoul.
71. Committee Members are requested to ensure that any Apologies for this meeting are submitted to the Planning Office in Ballater.
72. The meeting concluded at 13:50pm.