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# CAIRNGORMS NATIONAL PARK AUTHORITY

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## DRAFT MINUTES OF THE PLANNING COMMITTEE held at The Community Centre, Nethy Bridge on 7<sup>th</sup> March 2008 at 10.30am

### PRESENT

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

Bruce Luffman (arrived late)  
Mary McCafferty  
Willie McKenna  
Eleanor Mackintosh  
Ian Mackintosh  
Anne MacLean  
Alastair MacLennan  
Fiona Murdoch (arrived late)  
Andrew Rafferty  
Susan Walker

### IN ATTENDANCE:

Don McKee  
Mary Grier  
Neil Stewart  
Iram Mohammed

Andrew Tait  
Pip Mackie  
Wendy Mitchell

### APOLOGIES:

Geva Blackett  
Sandy Park  
Richard Stroud  
Ross Watson

### 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, 22<sup>nd</sup> February 2008, held at The Community Hall, Boat of Garten were approved with slight amendments to the following:
  - a) paragraph 37 – ‘...the opportunity for an informal discussion had been offered with the Cairngorms Chamber of Commerce.’
  - b) paragraph 38 – ‘Alastair MacLennan advised that he was in agreement with informal discussions taking place, however, he advised caution in the board meeting with too many organisations, as the amount of meetings may become unmanageable.’
4. There were no matters arising.

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

5. The Highland Councillors declared an interest in Planning Application No. 08/065/CP.
6. Anne MacLean declared an interest in Item No.'s 8 and 12 on the Agenda.
7. Andrew Rafferty wished it noted that his brother-in-law had requested to address the Committee on Item No. 11 on the Agenda, however, he did not feel this connection was sufficient to declare an interest.

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

8. 08/062/CP - No Call-in
9. 08/063/CP - No Call-in
10. 08/064/CP - The decision was to call-in the application for the following reason :
  - The proposal is for the erection of a single new dwellinghouse in a countryside area which is designated as a Restricted Countryside Policy Area in the adopted Badenoch and Strathspey Local Plan. This policy presumes against new houses unless there is a land management justification. The development raises issues in relation to compliance with this policy, precedent, cumulative impact of single houses in the countryside, promotion of social and economic development, and the conservation of natural and cultural heritage of the area. As such, and to be consistent with other similar proposals in the Restricted Countryside Area, it is considered that the development raises issues of general significance to the collective aims of the National Park.

- 11.08/065/CP - The Highland Councillors declared an interest and left the room.  
No Call-in  
The Highland Councillors returned.
- 12.08/066/CP - No Call-in  
13.08/067/CP - No Call-in  
14.08/068/CP - No Call-in  
15.08/069/CP - No Call-in  
16.08/070/CP - No Call-in  
17.08/071/CP - No Call-in  
18.08/072/CP - No Call-in  
19.08/073/CP - No Call-in  
20.08/074/CP - No Call-in  
21.08/075/CP - No Call-in  
22.08/076/CP - No Call-in  
23.08/077/CP - No Call-in

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

24. The Members wished to make comments to the Local Authorities on the following Planning Application No's 08/066/CP & 08/067/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 ERECTION OF  
DWELLING AND GARAGE AT LAND TO REAR OF HILLCREST, NETHY BRIDGE  
ROAD, BOAT OF GARTEN  
(PAPER 1)**

25. The Committee paused to read a letter of representation.
26. David Green advised that Ian Rourke, Applicant had requested to address the Committee. The Committee agreed to the request.
27. Neil Stewart presented a paper recommending that the Committee refuse the application for the reasons stated in the report.
28. The Committee asked questions to the Planning Officer regarding the following matters:
- a) The loss of privacy to Hillcrest.
  - b) The proposed S75 and ownership of Hillcrest.
  - c) Access issues.
  - d) Landscaping and screening of the proposed property.
  - e) The associated garden area to the front of Hillcrest.
  - f) The precedent of building in a backland area.
  - g) CNPA history of dealing with applications for the sub-division of plots.
  - h) Alternative mechanisms to restrict the occupancy of the property other than Section 75 Legal Agreements (S75).

- i) The financial difficulties that can be associated with Section 75 Agreements.
  - j) The potential to extend the existing accommodation.
29. Ian Rourke addressed the Committee.
30. Bruce Luffman arrived at the meeting.
31. The Committee asked questions to the speaker regarding the following matters:
- a) Had the applicant approached the NFU as a potential lender.
  - b) The possibility of either extending or rebuilding Hillcrest to provide the extra accommodation required.
  - c) Access issues.
32. David Green thanked the speaker.
33. The Committee discussed the application and the following points were raised:
- a) Discussions regarding S75 Agreements that had taken place between the CNPA and various lenders.
  - b) The unusual type of S75 Agreement that had been proposed.
  - c) The proposal potentially meeting the majority of the policies covering the application.
  - d) The proposal being from a local family with a local business.
  - e) Sympathy for the situation the family were in.
  - f) The potential for planning policies and the aims of the CNP to be conflicting.
  - g) The Park Plan advocating affordable housing.
  - h) Affordable housing being delivered in an adhoc way.
  - i) The proposed property having issues of overlooking Hillcrest.
  - j) Alternative mechanisms to restrict the occupancy of the property other than S75 Agreements.
  - k) Clarification of the material planning considerations.
34. Anne MacLean proposed a Motion to refuse the application for the reasons stated in the report. This was seconded by Marcus Humphrey.
35. Alastair MacLennan proposed an Amendment that the application be approved without a S75 Agreement as the proposal fits with Highland Council policies and the CNP aims and that mitigation could be taken on site to alleviate the possibility of the development overlooking Hillcrest. This was seconded by Dave Fallows.

The vote was as follows:

	MOTION	AMENDMENT	ABSTAIN
Eric Baird	√		
Stuart Black		√	
Duncan Bryden	√		
Nonie Coulthard	√		
Jaci Douglas		√	
Dave Fallows		√	
Lucy Grant		√	
David Green	√		
Drew Hendry	√		
Marcus Humphrey	√		
Bob Kinnaird	√		
Bruce Luffman			√
Mary McCafferty		√	
Willie McKenna		√	
Eleanor Mackintosh	√		
Ian Mackintosh	√		
Anne MacLean	√		
Alastair MacLennan		√	
Andrew Rafferty		√	
Susan Walker	√		
<b>TOTAL</b>	<b>11</b>	<b>8</b>	<b>10</b>

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

**AGENDA ITEM 8:  
REPORT ON CALLED-IN PLANNING APPLICATION FOR ERECTION OF 4  
HOUSES AT BRAES OF BALNAGOWAN, NETHY BRIDGE  
(PAPER 2)**

- 37. Anne MacLean declared an interest and left the room.
- 38. The Committee paused to read a letter of representation.
- 39. David Green advised that Donald Lockhart, Representative of the Applicant had requested to address the Committee. The Committee agreed to the request.
- 40. Neil Stewart presented a paper recommending that the Committee approve the application subject to the conditions stated in the report.
- 41. Donald Lockhart addressed the Committee.
- 42. The Committee asked questions to the speaker regarding the following matters:
  - a) The potential for it be easier to recycle properties within the affordable sector if they are rented, as opposed to Homestake.
  - b) The energy efficiency of the properties.
- 43. David Green thanked the speaker.
- 44. There was no discussion on the application.

45. The Committee agreed to approve the application subject to the conditions stated in the report.
46. Anne MacLean returned.

**AGENDA ITEM 9:  
REPORT ON CALLED-IN PLANNING APPLICATION FOR ERECTION OF 8  
FLATS WITH CAR PARKING AT 57 MAIN STREET, TOMINTOUL  
(PAPER 3)**

47. David Green advised that William Lippe, Agent had requested to address the Committee. The Committee agreed to the request.
48. Mary Grier presented a paper recommending that the Committee approve the application subject to the conditions stated in the report.
49. The Committee asked a question to the speaker regarding the following matter:
- The material being proposed for the windows.
50. David Green thanked the speaker.
51. The Committee discussed the application and the following points were raised:
- The application being a positive step for reasonable priced housing in Tomintoul.
  - The possibility that the flats could become second homes.
  - The decision taken at the previous meeting to investigate the potential for affordable housing through a Registered Social Landlord in the development.
  - The visual improvement the development would make to Tomintoul.
  - The length of time the application had taken in the planning system.
52. The Committee agreed to approve the application subject to the conditions stated in the report and with amendments to the following conditions:
- Condition 2 – the windows to be timber sash and case, with samples submitted for the CNPA's approval.
- Condition 15 – the number of rotary dryers reduced to 4.

**AGENDA ITEM 10:  
REPORT ON CALLED-IN PLANNING APPLICATION FOR CONTINUATION OF  
QUARRY EXTRACTION AT LAND AT CARN DHOMHNUILL BHAIN,  
DALWHINNIE  
(PAPER 4)**

53. David Green informed the Committee that the Applicant had wished to be present at the meeting but was currently abroad on holiday.
54. Mary Grier presented a paper recommending that the Committee approve the application subject to the conditions stated in the report and an additional condition requiring the submission of a revised restoration plan.
55. The Committee discussed the application and the following points were raised:
- The possibility of keeping the aggregate mounds beneath the skyline.
  - Concern that SEPA had not been consulted on the application regarding the wheel wash.
  - The potential for involving the community in the restoration plans and the need for mitigation to be started sooner rather than later.
  - The need for SNH and SEPA to be consulted on the restoration plan.

- e) The visual impact of the excavated material.
  - f) Clarification if the site was being used for recycling or storage purposes.
56. The Committee agreed to approve the application subject to the conditions stated in the report with an amendment to the following condition:  
Condition 8 – ‘...in consultation with SEPA.’  
and an additional condition limiting the height of the aggregate mounds.

57. The Committee stopped for lunch at 12.35hrs.

58. The Committee reconvened at 13.00hrs.

**AGENDA ITEM 11:  
REPORT ON CALLED-IN PLANNING APPLICATION FOR ERECTION OF  
DWELLING AT LAND 100M NORTHWEST OF BIRCH COTTAGE, DRUMUILLIE,  
BOAT OF GARTEN  
(PAPER 5)**

59. David Green advised that John Kirk wished to address the Committee on behalf of the applicant and that Barbara Davison wished to address the committee as an objector.
60. Iram Mohammed presented a paper recommending that the Committee Refuse the application for the reasons stated in the report.
61. The Committee asked the Planning Officers questions on the following points:
- a) Access and road safety issues
  - b) The Trunk Roads objection and their justification.
  - c) The lack of a clear land management justification being provided by the applicant
  - d) The extent of the explanation given to the applicant regarding the implications of a Section 75 Legal Agreement
  - e) Section 75 legal agreements on crofts
62. John Kirk addressed the Committee on behalf of the applicant.
63. The Committee asked Mr Kirk questions on the following points:
- a) The Applicants understanding of what was asked in terms of providing a land management justification for the proposal and whether there is a land management justification.
  - b) The applicants understanding of a Section 75 legal Agreement.
64. Barbara Davison addressed the Committee.
65. The Committee asked Mrs Davison questions on the following points:
- a) Previous objections to the applications for adjacent houses
  - b) Access/road safety issues
  - c) Section 75 legal agreement issues
  - d) Size of crofts and ownership of lots
  - e) The extent to which Drumuillie is considered a community.
66. The Committee discussed the application and the following points were raised:
- a) The need to know more about the justification for objection from Trunk Roads
  - b) Issues surrounding whether there is a land management justification.
  - c) Issues surrounding a Section 75 Legal Agreement.
  - d) The fact that crofting is important in this area.

67. Members asked the Planning Officers for clarification of whether retrospective permission had been sought for the static home that was positioned on site. Iram Mohammed advised that a retrospective application had been received by Highland Council but that it was invalid at present.
68. The Committee agreed to defer the application for clarification from Trunk Roads regarding their objection, and further clarification from the applicant as to whether there is a clear land management justification for the proposal.

**AGENDA ITEM 12:  
REPORT ON CALLED-IN PLANNING APPLICATION FOR ERECTION OF 7  
HOUSES AT PLOTS 34, 35, 36, 37, 38, 39 & 64, LOCHAN MOR HOUSING  
DEVELOPMENT, AVIEMORE  
(PAPER 6)**

69. Anne Mclean left the room.
70. David Green advised the Committee that Mr Meikle and Mr Walker from Robertson Homes were available to answer questions.
71. Andrew Tait presented a paper recommending that the Committee approve the application subject to the conditions stated in the report.
72. The Committee asked Andrew Tait questions on the following points:
- Condition No. 2 – timing and the possibility of fixing a price
  - Issues surrounding the self-build plots
  - The timing for the landscaping plans
  - District Heating System
  - Planning Gain
73. Mr Meikle and Mr Walker from Robertson Homes responded to some of the points raised by the Committee and gave a short statement.
74. The Committee asked Mr Meikle and Mr Walker questions on the following points:
- Issues surrounding Self build plots including , Design, prices and local demand
  - District heating System
  - Issues surrounding selling to local people
  - Landscaping proposals
75. The Committee asked Andrew Tait some further points of clarification.
76. The Committee discussed the application and the following points were raised:
- Issues surrounding the self build plots
  - That the idea of selling locally was a worthwhile experiment
  - That further discussion would be needed with the applicant regarding Condition No. 2.
77. The Committee agreed to approve the application subject to the conditions stated in the report with an amendment to condition No. 2 and an amendment to Condition No. 4 to state that the planting scheme should begin sooner than is currently stated.
78. Anne MacLean returned.

**AGENDA ITEM 13:  
REPORT ON CALLED-IN PLANNING APPLICATION FOR ERECTION OF  
HOUSES AND CONSTRUCTION OF ACCESS ROAD AT LAND BETWEEN  
AVIEMORE BURN AND AVIEMORE ORBITAL PATH, OPPOSITE GRAMPIAN  
VIEW, AVIEMORE  
(PAPER 7)**

79. David Green advised the Committee that two objectors, Douglas Graham and Mrs Dick wished to address the Committee and that Mr Neaves wished to address the Committee on behalf of the applicant.
80. Andrew Tait presented a paper recommending that the Committee approve the application subject to the conditions stated in the report.
81. The Committee asked Andrew Tait questions on the following points:
- Condition No. 6 – regarding the accessibility of the Meal Mill.
  - Condition No. 5 – regarding the area not to be worked without written consent of the CNPA.
  - The Density of housing on the site.
  - The finish floor level stipulated by SEPA.
82. Mr Neaves addressed the Committee on behalf of the applicant.
83. The Committee asked Mr Neaves a question relating to the density of houses planned for the site.
84. Mr Graham and Mrs Dick address the Committee.
85. The Committee asked Mr Graham and Mrs Dick questions on the following points:
- Affordable housing issues
  - Flooding issues
86. The Committee asked Andrew Tait some further points of clarification:
- Planning Gain
  - Flooding and Trees
87. The Committee discussed the application and the following points were raised:
- Condition No. 6 – that there should be mention of some consolidation works to be made to the Meal Mill.
  - Permitted Development Rights removal and the possibility of restricting of any works to the banks of the burn.
  - Whether this was indeed part of the flood plain and whether there should be any development here at all.
  - Issues regarding building houses on stilts.
  - Objectors need reassurance of monitoring and enforcement activity.
  - Affordable housing issues including the need for the housing association to be registered as a charitable Housing Society and be registered as an RSL and be registered under the Rural Housing Burden.
  - Whether the application could be deferred until the CNPA Local Plan becomes adopted. Don Mckee responded by stating that this was not an option.
88. Bruce Luffman proposed a motion to approve the application as stated in the report with amendments to condition No's 4, 5 & 6 to state that there needs to be an archaeological survey carried out, that there needs to be consolidation works carried out to the Meal Mill and that there are to be no works in the Western part of the site without written consent form the CNPA.
89. This was seconded by Mary McCafferty.

90. Stuart Black proposed an amendment to refuse the application due to the Highland Council Local Plan being out of date, the flooding issues and the loss of open space in Aviemore.

91. This was seconded by Lucy Grant.

92. The vote was as follows:

	MOTION	AMENDMENT	ABSTAIN
Eric Baird	√		
Stuart Black		√	
Duncan Bryden	√		
Nonie Coulthard	√		
Jaci Douglas	√		
Dave Fallows	√		
Lucy Grant		√	
David Green	√		
Drew Hendry	√		
Marcus Humphrey	√		
Bob Kinnaird	√		
Bruce Luffman	√		
Mary McCafferty	√		
Willie McKenna	√		
Eleanor Mackintosh	√		
Ian Mackintosh	√		
Anne MacLean	√		
Alastair MacLennan	√		
Fiona Murdoch	√		
Andrew Rafferty	√		
Susan Walker	√		
<b>TOTAL</b>	<b>19</b>	<b>2</b>	

93. The Committee agreed to approve the application subject to the conditions stated in the report with amendments to condition No's 4, 5 & 6 to state that there needs to be an archaeological survey carried out, that there needs to be consolidation works carried out to the Meal Mill, that there are to be no works in the Western part of the site without written consent from the CNPA, and that a Design Brief is required.

**AGENDA ITEM 14:  
ELECTION OF CONVENER & VICE-CONVENER**

94. David Green asked Members to put forward any nominees for Planning Convener.

95. Anne Maclean nominated Duncan Bryden and this was seconded by Eric Baird.

96. Duncan Bryden consented to the nomination.

97. There were no more nominees.

98. Duncan Bryden was elected as Planning Convener.
99. David Green asked Members to put forward any nominees for Planning vice Convener.
100. Eric Baird nominated David Green, this was seconded by Sue Walker.
101. There were no more Nominees.
102. David Green was elected as Planning vice Convener.

**AGENDA ITEM 15:  
ANY OTHER BUSINESS**

103. Drew Hendry asked Don McKee if some investigations could be carried out into the sustainability of different types of windows and the results brought back to the Committee so that Members could be fully informed and therefore make better decisions on applications.
104. Don McKee responded by saying that this would be possible.

**AGENDA ITEM 16:  
DATE OF NEXT MEETING**

69. **Thursday**, 20<sup>th</sup> March 2008 at The Richmond Hall, Tomintoul.
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 15:55hrs.