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# CAIRNGORMS NATIONAL PARK AUTHORITY

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## MINUTES OF THE PLANNING COMMITTEE held at The Village Hall, Newtonmore on 7<sup>th</sup> April 2006 at 10.30am

### PRESENT

Eric Baird	Bruce Luffman
Stuart Black	Willie McKenna
Duncan Bryden	Eleanor Mackintosh
Douglas Glass	Anne McLean
Angus Gordon	Andrew Rafferty
Lucy Grant	David Selfridge
David Green	Sheena Slimon
Marcus Humphrey	Richard Stroud

### IN ATTENDANCE:

Don McKee	Neil Stewart
Mary Grier	Wendy Rogerson

### APOLOGIES:

Basil Dunlop	Andrew Thin
Alistair MacLennan	Susan Walker
Sandy Park	Bob Wilson
Gregor Rimell	

### WELCOME AND APOLOGIES

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

### MATTERS ARISING FROM THE PREVIOUS MEETING

3. The minutes of the previous meeting, 24<sup>th</sup> March 2006, held at The Albert Memorial Hall, Ballater were approved.
4. There were no matters arising.

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

5. Sheena Slimon declared an interest in Planning Application No. 06/110/CP and item No. 9 on the agenda.
6. Anne Maclean declared an interest in Planning Application No. 06/106/CP
7. Marcus Humphrey declared an interest in Planning Application No. 06/099/CP
8. Eric Baird advised the Committee that all Aberdeenshire Councillors were to declare an interest in application Nos. 06/103/CP & 06/104/CP.

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

9. 06/093/CP - The decision was to call-in the application for the following reason :

- The proposed development involves substantial alterations to a distinctive riverside building within Braemar Conservation Area. The existing building contributes to the cultural heritage of the area and it is also located immediately adjacent to the River Dee SAC. The development has implications for the cultural heritage and natural heritage of the area and is of general significance to the aims of the National Park.

10. 06/094/CP - No Call-in  
11. 06/095/CP - No Call-in  
12. 06/096/CP - No Call-in  
13. 06/097/CP - No Call-in  
14. 06/098/CP - No Call-in, Members having been advised that the CNPA had no power to call in this category of application.

15. 06/099/CP - Marcus Humphrey declared an interest and left the room.  
The decision was to call-in the application for the following reason :

- The proposed development is of a significant scale and is located at a heavily visited site within the Muir of Dinnet National Nature Reserve and a designated Site of Special Scientific Interest. The development has implications on the natural and cultural heritage of the area, as well as being or relevance to the provision of visitor services and facilities. It is therefore of general significance to the aims of the Cairngorms National Park.

Marcus Humphrey returned.

16. 06/100/CP - No Call-in  
17. 06/101/CP - No Call-in

- 18.06/102/CP - No Call-in
- Aberdeenshire Councillors declared an interest and left the room.
- 19.06/103/CP - No Call-in, Members having been advised that the CNPA had no power to call in this category of application.
- 20.06/104CP - No Call-in, Members having been advised that the CNPA had no power to call in this category of application.
- The Aberdeenshire Councillors returned.
- 21.06/105/CP - No Call-in
- Anne Maclean declared an interest and left the room.
- 22.06/106/CP - The decision was to call-in the application for the following reason :
- The development is for a sizeable residential development on land in Nethy Bridge which is allocated for housing in the Badenoch and Strathspey Local Plan. It is known that capacity at the Nethy Bridge Waste Water Treatment Works is currently restricted. The development therefore raises issues in relation to social and economic development, in the form of housing and affordable homes provision, and natural heritage in the form of landscape character and potential for pollution. As such the proposal is of general significance to the collective aims of the National Park
- Anne Maclean returned.
- 23.06/107/CP - The decision was to call-in the application for the following reason :
- The development is proposed on garden ground of an existing dwelling house, where the area of garden concerned is identified in the Badenoch and Strathspey Local Plan as a forestry / restraint area. In addition, an emergency TPO has recently been served on the subject site and adjacent lands. The proposed development is therefore of significance to the aims of the National Park, particularly in respect of the conservation and enhancement of the natural heritage of the area.
- 24.06/108/CP - No Call-in
- 25.06/109/CP - No Call-in
- 26.06/110/CP - Sheena Slimon declared an interest and left the room.  
No Call-in  
Sheena Slimon returned.

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

27. The Members wished to make comments to the Local Authorities on the following Planning Application No's 06/094/CP, 06/095/CP, 06/096/CP, 06/098/CP, 06/104/CP, 06/105/CP & 06/109/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.

## **REPORT ON CALLED-IN PLANNING APPLICATION FOR THE CONVERSION OF EXISTING WATER MILL INTO 4 BEDROOM DWELLINGHOUSE AND TWO 2 BEDROOM SELF CONTAINED HOLIDAY LETS AT URLAMORE, TOMINTOUL (PAPER 1)**

28. Eric Baird advised the Committee that following the presentation one of the applicants, Mrs Nash wished to address the Committee and that Mr Nash was available for questions.
29. Eric Baird welcomed Mr & Mrs Nash.
30. Eric Baird instructed Mr & Mrs Nash on the time they would have to address the Committee.
31. Eric Baird advised the Committee of a late letter, submitted in connection with this item and item No. 8 on the agenda.
32. The Committee paused to read the letter.
33. Mary Grier presented a paper recommending that the Committee approve the application subject to the conditions stated in the report.
34. The Committee agreed to allow Mrs Nash to address the Committee.
35. Mrs Nash addressed the Committee.
36. Members were invited to ask questions of Mr & Mrs Nash.
37. Members asked Mr & Mrs Nash questions.
38. Eric Baird thanked Mr & Mrs Nash.
39. The Committee discussed the application and the following points were raised:
  - a) The fact that Mr & Mrs Nash were a young, enthusiastic couple and that they should be supported.
  - b) Landscaping issues
40. Eleanor Mackintosh proposed a Motion to support the recommendation. This seconded by Bruce Luffman.
41. The Committee agreed to approve the application subject to the conditions stated in the report.

## **REPORT ON CALLED-IN PLANNING APPLICATION FOR THE ERECTION OF A BUILDING FOR USE AS TEMPORARY ACCOMMODATION FOR PERIOD OF APPROXIMATELY 2 YEARS AT URLAMORE, TOMINTOUL (PAPER 2)**

42. Mary Grier presented a paper recommending that the Committee refuse the application for the reasons stated in the report.
43. Members asked the planners for clarification of some points raised in the report.
44. Eric Baird advised the Committee that Mrs Nash wished to address the Committee and that Mr Nash was available for questions.

45. The Committee agreed to allow Mrs Nash to address the Committee.
46. Mrs Nash addressed the Committee.
47. Members were invited to ask questions of Mr & Mrs Nash.
48. Members asked Mr & Mrs Nash questions.
49. Eric Baird thanked Mr & Mrs Nash.
50. Members sought clarification from the planners regarding planning policy issues.
51. The Committee discussed the application and the following points were raised:
  - a) Sympathy for the applicant's situation.
  - b) The fact that a cabin would be more aesthetically pleasing than a caravan.
  - c) The unsuitability of living in a caravan in the winter.
  - d) Concern over whether the structure was intended to be temporary and whether it could become permanent.
  - e) Whether a Section 75 Agreement would ensure removal of the cabin after a certain time period.
  - f) Concern regarding the prominence of position of the cabin.
  - g) Concern that the application is contrary to Planning Policy.
  - h) Concern that if approved it may set a precedent.
  - i) Ignorance (on the part of the applicants) should not be used as an excuse to override planning regulations.
52. Members sought clarification from the planners regarding Section 75 Agreements.
53. Duncan Bryden Proposed a Motion to approve the application subject to a Section 75 Agreement for a period of 2 years. This was seconded by Eleanor Mackintosh.
54. Richard Stroud proposed an Amendment to refuse the application as recommended. This was seconded by Bruce Luffman.
55. The vote was as follows:

	MOTION	AMENDMENT	ABSTAIN
Eric Baird	√		
Stuart Black	√		
Duncan Bryden	√		
Douglas Glass	√		
Angus Gordon	√		
Lucy Grant	√		
David Green	√		
Marcus Humphrey	√		
Bruce Luffman		√	
Willie McKenna	√		
Eleanor Mackintosh	√		
Anne MacLean	√		
Andrew Rafferty	√		
David Selfridge	√		
Sheena Slimon	√		
Richard Stroud		√	
<b>TOTAL</b>	<b>14</b>	<b>2</b>	<b>0</b>

56. The Committee agreed to approve the application subject to a Section 75 Agreement for a period of 2 years and conditions on the planning permission in respect of external materials and landscaping.
57. Members requested if planners could arrange for the precise conditions of the permission to be available at the next Committee meeting.

**REPORT ON CALLED-IN PLANNING APPLICATION FOR ERECTION OF HOUSE AND GARAGE [OUTLINE] AT AND SOUTH-EAST OF CRAIGNEUK BURNSIDE SKYE OF CURR ROAD DULNAIN BRIDGE (PAPER 3)**

58. Sheena Slimon declared an Interest and left the room.
59. Eric Baird advised the Committee of a late letter.
60. The Committee paused to read the letter.
61. Neil Stewart presented a paper recommending that the Committee refuse the application for the reasons stated in the report.
62. David Green advised the Committee that he is Chairman of the Crofters Commission but for the purposes of this application he did not need to declare an interest as he has had no input into the consultation on the proposal.
63. Eric Baird advised the Committee that the applicant, Mr Grant was available for questions and introduced Mr Grant to the Committee.
64. Members asked questions of Mr Grant.
65. Eric Baird thanked Mr Grant.
66. The Committee discussed the application and the following points were raised:
  - a) Sympathy for applicant's situation.
  - b) The fact that there have been many builds in Skye of Curr recently.
  - c) The fact that there would be no loss of current farmland as the land had not been farmed as a croft lately.
  - d) The fact that access would not be a major consideration.
  - e) Whether the project could be termed as diversification.
  - f) Whether or not there is a need for another house.
  - g) The specific circumstances of the applicant.
  - h) Planning Policy regarding inbye land and cohesion of houses.
  - i) Whether, given the amount of land available in Skye of Curr, the approval of this application would set a precedent for the future.
  - j) Suggestion of the use of a Section 75 Agreement, to keep new house part of the croft.
  - k) The significance of the removal of Scottish Water's objection.
67. Eric Baird allowed Members to seek clarification from the applicant as to whether or not the croft would be restored to a working croft in the future.
68. Members sought clarification from the planners regarding the use of Section 75 Agreements.
69. Bruce Luffman proposed a Motion to refuse the application as recommended. This was seconded by Marcus Humphrey.
70. Andrew Rafferty proposed an amendment to approve the application subject to a Section 75 Agreement tying the current croft to the new house. This was seconded by Stuart Black.
71. The vote was as follows:

NAME	MOTION	AMENDMENT	ABSTAIN
Eric Baird	√		
Stuart Black		√	
Duncan Bryden	√		
Douglas Glass	√		
Angus Gordon		√	
Lucy Grant		√	
David Green		√	
Marcus Humphrey	√		
Bruce Luffman	√		
Willie McKenna		√	
Eleanor Mackintosh		√	
Anne MacLean	√		
Andrew Rafferty		√	
David Selfridge	√		
Richard Stroud	√		
<b>TOTAL</b>	<b>8</b>	<b>7</b>	<b>0</b>

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

73. Sheena Slimon returns.

### **ANY OTHER BUSINESS**

74. Basil Dunlop arrived at the meeting.

75. Eric Baird asked Don McKee to advise the committee of the set up of the next committee meeting.

76. Don McKee informed the Committee of what would happen at the next meeting and the timing of the Transmission Line site visit.

77. Eric Baird reminded the Committee that they had previously agreed to set aside Standing Orders in relation to the next Committee Meeting.

78. Eric Baird asked Don McKee if there were any updates on certain Planning Enforcements or any other Issues that the Committee should be made aware of.

79. Don McKee stated that there were no changes regarding the issue of the AHR Fence.

80. Don McKee stated that he had had a meeting with Scottish Water and it looked as if there may be improvements in the water and sewerage capacity situation in Badenoch and Strathspey.

### **DATE OF NEXT MEETING**

69. Friday, 21<sup>st</sup> April 2006 in Dalwhinnie.

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 13:15hrs.