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# CAIRNGORMS NATIONAL PARK AUTHORITY

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## MINUTES OF THE PLANNING COMMITTEE

held at The Lonach Hall, Strathdon  
on 7<sup>th</sup> October 2005 at 10.30am

### PRESENT

Eric Baird  
Stuart Black  
Duncan Bryden  
Sally Dowden  
Basil Dunlop  
Douglas Glass  
Angus Gordon  
Lucy Grant  
David Green  
Marcus Humphrey  
Bruce Luffman

Anne McLean  
Alastair MacLennan  
Eleanor Mackintosh  
Sandy Park  
Andrew Rafferty  
Gregor Rimell  
David Selfridge  
Richard Stroud  
Andrew Thin  
Susan Walker  
Bob Wilson

### IN ATTENDANCE:

Don McKee  
Mary Grier  
Andrew Tait

Neil Stewart  
Pip Mackie  
Wendy Rogerson

### APOLOGIES:

Willie McKenna  
Joyce Simpson

Sheena Slimon

### WELCOME AND APOLOGIES

1. The Convenor welcomed all present.
2. Apologies were received from Willie McKenna, Joyce Simpson & Sheena Slimon.

### MATTERS ARISING FROM THE PREVIOUS MEETING

3. The minutes of the previous meeting, 23rd September 2005, held at The Ben Mhor Hotel, Grantown on Spey were approved. Officials were asked to amend the phrasing of paragraph 26 for future minutes.
4. There were no matters arising.

## **ELECTION OF CONVENOR AND VICE-CONVENOR**

5. Don McKee invited nominations for the position of Planning Committee Convenor.
6. Eric Baird proposed Andrew Thin. This was seconded by Bruce Luffman.
7. There were no other nominations and Andrew Thin was elected Planning Committee Convenor.
8. Andrew Thin invited nominations for the position of Planning Committee Vice-Convenor.
9. Duncan Bryden proposed Sandy Park. This was seconded by Gregor Rimell.
10. There were no other nominations and Sandy Park was elected Planning Committee Vice-Convenor.
11. Andrew Thin expressed thanks to Bruce Luffman for his role as Vice-Convenor for the previous year.

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

11. Andrew Rafferty declared an interest in Planning Application No. 05/417/CP.
12. Alastair MacLennan declared an interest in Planning Application No. 05/422/CP.
13. Stuart Black declared an interest in Planning Application No. 05/424/CP.
14. Basil Dunlop declared an interest in Planning Application No. 05/426/CP.
15. Anne MacLean and the Highland Councillors declared an interest in Item No. 8 on the Agenda.
16. Sally Dowden declared an interest in Item No.s 9 & 10 on the Agenda.

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

- |                 |  |
|-----------------|--|
| 17. 05/415/CP - | No Call-in   |
| 18. 05/416/CP - | No Call-in   |
| 19. 05/417/CP - | Andrew Rafferty declared an interest and left the room.<br>No Call-in<br>Andrew Rafferty returned. |
| 20. 05/418/CP - | No Call-in   |
| 21. 05/419/CP - | No Call-in   |

- 22.05/420/CP - The decision was to call-in the application for the following reason :
- The proposal represents the erection of a new dwellinghouse in a countryside area where there are general restrictions on residential development unless there is a demonstrable justification. The site also lies within an Area of Landscape Value. The proposal therefore generates considerations in relation to the principle of housing in countryside areas, precedent for other similar developments, and the cumulative visual and landscape impacts of single houses throughout the countryside of the National Park. As such the proposal is viewed as raising issues of general significance to the collective aims of the National Park.
- 23.05/421/CP - No Call-in
- 24.05/422/CP - Alastair MacLennan declared an interest and left the room.  
No Call-in  
Alastair MacLennan returned.
- 25.05/423/CP - No Call-in
- 26.05/424/CP - Stuart Black declared an interest and left the room.  
No Call-in  
Stuart Black returned.
- 27.05/425/CP - No Call-in
- 28.05/426/CP - Basil Dunlop declared an interest and left the room.  
No Call-in  
Basil Dunlop returned.

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

29. The Members wished to make comments to the Local Authorities on the following Planning Application No's 05/417/CP, 05/418/CP, 05/423/CP & 05/423/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 RESPONSE TO HIGHLAND COUNCIL CONSULTATION ON AMENDED OUTLINE APPLICATION FOR RESIDENTIAL DEVELOPMENT AT LAND SOUTH OF DEISHAR ROAD, BOAT OF GARTEN (PAPER 1)**

30. Anne MacLean and the Highland Councillors declared an interest and left the room.
31. Neil Stewart presented a paper recommending that the Committee approve the consultation response as detailed in the report but with an amendment to clause 22 to make reference to the importance of the amenity woodland to the setting for this part of Boat of Garten and an additional point making reference to the third aim of the Park covering the impact on the quality of recreational access to the area.
32. The Committee discussed the consultation response and the following points were raised:
  - a) Clarification of the level of concern in the community regarding the proposed development.
  - b) Would the forthcoming CNPA Local Plan include any zoning of land for Community use.
  - c) Concern over the apparent high density of housing proposed in this amended development.
  - d) The lack of water services in Boat of Garten.
33. The Committee agreed to approve the consultation response as detailed in the report and the amendments previously stated by Neil Stewart but with an additional point covering the lack of water sewerage infrastructure available in Boat of Garten.
34. Anne MacLean and the Highland Councillors returned.

**REPORT ON CALLED-IN PLANNING APPLICATION FOR ERECTION OF 2 FLATTED HOLIDAY LETTING UNITS AT THE OLD MINISTER'S HOUSE, ROTHMURCHUS (PAPER 2)**

35. Sally Dowden declared an interest and left the room.
36. Andrew Thin advised that a late letter of representation had been submitted. The Committee paused to read the late submission.
37. Andrew Thin advised that the Applicant, Mr Stretton, was available for answering any questions Members may have.
38. Andrew Tait presented a paper recommending that the Committee approve the application subject to the conditions stated in the report.
39. The Members had an opportunity to ask Mr Stretton questions.
40. Andrew Thin thanked Mr Stretton.
41. The Committee discussed the application and the following points were raised:
  - a) The infill policy that currently applies along the Inverdrue Road.
  - b) The prominent position and character of The Old Minister's House.
  - c) The possibility of setting a precedent for similar types of development along Inverdrue Road.
  - d) The retention of trees on the site.

42. The Committee agreed to approve the application subject to the conditions stated in the report.
43. Sally Dowden returned.

**REPORT ON CALLED-IN PLANNING APPLICATION FOR DISPLAY OF ILLUMINATED ADVERTISEMENTS AT NEW RETAIL PAVILION, AVIEMORE HIGHLAND RESORT, AVIEMORE (PAPER 3)**

44. Sally Dowden declared an interest and left the room.
45. Andrew Tait presented a paper recommending that the Committee approve the application subject to the conditions stated in the report.
46. The Committee discussed the application and the following points were raised:
- a) The majority of the proposed signs already being erected.
  - b) Concern over erecting the last 10 sign panels due to them being located in an inappropriate location on the building.
  - c) Clarification over the scale of the proposed signs.
  - d) Clarification that the application was retrospective in part.
  - e) The length of time taken to bring the application for determination before the Committee.
  - f) The possibility of writing to the applicants to re-iterate the risks of going against planning procedure with regard to erecting the signs prior to receiving the relevant planning consent.
  - g) The possibility of light pollution from the panels.
  - h) The possibility of conditioning the hours of illumination for the panels.
  - i) The possibility of conditioning the content of the advertisements.
47. The Committee agreed to approve the signs already erected on the building subject to the conditions stated in the report and with additional conditions covering the maximum wattage for the light panels and the hours of illumination. The Committee did not approve the erection of the proposed final 10 signs. The Committee also sanctioned Don McKee to write to the applicants to re-iterate the risks of starting development without having the proper planning consents in place.
48. Sally Dowden returned.

**REPORT ON CALLED-IN PLANNING APPLICATION FOR ERECTION OF NEW DWELLINGHOUSE AT LAND ADJACENT TO TIGH NA BEA, DUTHIL, CARRBRIDGE (PAPER 4)**

49. Andrew Thin advised that a late letter of representation had been submitted. The Committee paused to read the late submission.
50. Andrew Thin clarified that under the Standing Orders Members who had not taken part in the site visit were still eligible to participate in the discussion and any vote which may take place.
51. Andrew Thin advised that the Applicant, Mr Palmer, was available to answer any questions Members may have.

52. Andrew Thin also advised that a request to address the Committee had been received from Mr Thompson, on behalf of the representees.
53. Mr Thompson addressed the Committee.
54. Members were invited to asked question of both Mr Palmer and Mr Thompson.
55. Andrew Thin thanked Mr Palmer and Mr Thompson.
56. Andrew Tait presented a paper recommending that the Committee approve the application subject to the conditions stated in the report.
57. The Committee discussed the application and the following points were raised:
- The usefulness of Members attending the arranged site visit.
  - Clarification of the Highland Council policy covering general countryside areas.
  - Concern over possible loss of farmland in the future for development.
  - Clarification why the proposed house was not located in one of the allocated Local Plan housing sites in Duthil.
  - The possibility of reducing the speed limit in Duthil.
  - Road safety and visibility splays for the existing and proposed accesses onto the A938.
58. Bruce Luffman proposed a Motion to approve the application subject to the conditions stated in the report but with an amendment to condition 6 to require the dwelling to be powered as far as possible by renewable energy sources and a condition requiring the dwelling to have wooden windows. This was seconded by Marcus Humphrey.
59. Richard Stroud proposed an Amendment to defer the application to investigate the feasibility of carrying out engineering works on the original access with Seafield Estate. This was seconded by Stuart Black.

The vote was as follows:

NAME	MOTION	AMENDMENT	ABSTAIN
Eric Baird		√	
Stuart Black		√	
Duncan Bryden		√	
Sally Dowden	√		
Basil Dunlop		√	
Douglas Glass		√	
Angus Gordon	√		
Lucy Grant		√	
David Green	√		
Marcus Humphrey	√		
Bruce Luffman	√		
Eleanor Mackintosh	√		
Anne MacLean	√		
Alastair MacLennan		√	
Sandy Park	√		
Andrew Rafferty	√		
Gregor Rimell	√		
David Selfridge	√		
Richard Stroud		√	
Andrew Thin	√		

Susan Walker		√	
Bob Wilson		√	
<b>TOTAL</b>	<b>12</b>	<b>10</b>	<b>0</b>

60. The Committee agreed to approve the application subject to the conditions stated in the report but with an amendment to condition 6 to require the dwelling to be powered as far as possible by renewable energy sources and a condition requiring the dwelling to have wooden windows.

**REPORT ON CALLED-IN PLANNING APPLICATION FOR SUB-DIVISION OF DWELLINGHOUSE INTO 2 DWELLINGHOUSES AT CRAIGMORE COTTAGE, NETHY BRIDGE (PAPER 5)**

61. Andrew Thin advised that the Applicant, Mrs Bateman, was available to answer any questions that Members may have.
62. Mary Grier presented a paper recommending that the Committee approve the application subject to the conditions stated in the report.
63. The Committee discussed the application and the following points were raised:
- a) Concern that the recommendations in the report appeared to go against current policy.
  - b) Clarification that the proposal was not for new housing in the countryside but was re-instatement of 2 dwellings which had previously existed on the site.
  - c) Clarification that the proposed development was already part of an established housing group which already exceeds Highland Council's 'Four House Rule' regarding the upgrading of the access track.
  - d) The possibility of adding a condition to upgrade the road entrance.
  - e) Concern that the property may become a holiday house in the future.
  - f) Concern that the development had no occupancy restriction.
  - g) Traffic levels on the access track.
64. Bruce Luffman Proposed a Motion to refuse the application as it was contrary to a number of policies and had no condition restricting occupancy to local people. This was seconded by Bob Wilson.
65. Marcus Humphrey proposed an Amendment to approve the application as recommended with an additional recommendation for the Planning Officers to investigate to ensure the bellmouth at the end of the access track was to a satisfactory standard for the Roads Authority. This was seconded by Sally Dowden.

The vote was as follows:

NAME	MOTION	AMENDMENT	ABSTAIN
Eric Baird	√		
Stuart Black		√	
Duncan Bryden		√	
Sally Dowden		√	
Basil Dunlop		√	
Douglas Glass		√	
Angus Gordon		√	
Lucy Grant		√	
David Green		√	
Marcus Humphrey		√	
Bruce Luffman	√		
Eleanor Mackintosh		√	
Anne MacLean	√		
Alastair MacLennan		√	
Sandy Park		√	
Andrew Rafferty		√	
Gregor Rimell		√	
David Selfridge		√	
Richard Stroud	√		
Andrew Thin		√	
Susan Walker	√		
Bob Wilson	√		
<b>TOTAL</b>	<b>6</b>	<b>16</b>	

66. The Committee agreed to approve the application subject to the conditions stated in the report with an additional recommendation that the Planning Officers investigate to ensure the bellmouth at the end of the access track was to a satisfactory standard for the Roads Authority.

## ANY OTHER BUSINESS

67. Don McKee provided an update on the Beauly to Denny Transmission Line. DM informed the Committee that SSE had lodged the planning application with the Scottish Executive last week and the CNPA were currently awaiting formal notification of the application. A consultative draft of the application had been received by CNPA. DM advised the committee that the planning department would be seeking to extend the consultation period from 2 months to 4 to 6 months to allow the CNPA to carry out a thorough consultation. DM advised the committee that the first stages in the consultation process would include; scoping exercises, how the work would be shared and with whom, meetings and consultations with Local Authorities and other bodies, community meetings, site visits and committee meetings.



68. An update on the AHR Fence was requested by Anne MacLean. Andrew Tait informed the committee that the Scottish Executive Reporter handling the appeal had arranged a site visit for 1 November 2005.
69. Andrew Tait informed the Committee that a site visit for the appeal at Balliemore, Nethy Bridge (04/109/CP) would also take place on 1 November 2005.

#### **DATE OF NEXT MEETING**

69. Friday 21st October, Ballater.
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 12:55hrs.