
CAIRNGORMS NATIONAL PARK AUTHORITY

MINUTES OF THE PLANNING COMMITTEE held at The Community Centre, Nethy Bridge on 8th February 2008 at 10.00am

PRESENT

Eric Baird	Mary McCafferty
Stuart Black	Willie McKenna
Geva Blackett	Eleanor Mackintosh
Nonie Coulthard	Ian Mackintosh
Jaci Douglas	Anne MacLean
Dave Fallows	Alastair MacLennan
Lucy Grant	Fiona Murdoch
David Green	Sandy Park
Drew Hendry	Andrew Rafferty
Bob Kinnaird	Susan Walker
Bruce Luffman	Ross Watson

IN ATTENDANCE:

Don McKee	Andrew Tait
Mary Grier	Pip Mackie
Neil Stewart	Iram Mohammed

APOLOGIES:

Duncan Bryden
Marcus Humphrey
Richard Stroud

WELCOME AND APOLOGIES

1. The 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, 25th January 2008, held at The Cairngorm Hotel, Aviemore were approved with a slight amendment, Sandy Park was shown as being present at the meeting and as having given apologies. Sandy Park confirmed that he was not at the meeting.
4. Eleanor Mackintosh queried if any progress had been made regarding the timely notification of planning applications from Moray Council. Don McKee confirmed

that he had received a letter from the Director of Environment and Planning apologising for the error, he had identified a couple of issues which had led to the delay in notifying the CNPA, however these had now been resolved and the situation should not arise again.

5. David Green stated that a meeting had been arranged with the Convener and Chief Executive of Moray Council and this issue could be addressed at that time.

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

6. Eric Baird declared an interest in Planning Application No. 08/043/CP.
7. Ross Watson declared an interest in Item No. 8 on the Agenda, due to signing the petition which had been appended at the back of the report
8. Don McKee, Head of Planning, declared an interest in Item No. 14 on the Agenda.
9. Jaci Douglas and Anne MacLean declared an interest in Item No. 16 on the Agenda.
10. Lucy Grant wished it noted that she was a member of the Laggan Community Association but had not taken part in any discussion regarding Item No. 7 on the Agenda and therefore did not feel the need to leave the room when discussing the application.
11. Mary McCafferty wished it noted that she was a member of the Dulnain Bridge Community Council, as was the applicant for Item No. 10 on the Agenda and did not feel the connection was sufficient to leave the room when discussing the application.

PLANNING APPLICATION CALL-IN DECISIONS (Oral Presentation, Mary Grier)

12.08/021/CP -	No Call-in
13.08/022/CP -	No Call-in
14.08/023/CP -	No Call-in
15.08/024/CP -	No Call-in
16.08/025/CP -	No Call-in
17.08/026/CP -	No Call-in
18.08/027/CP -	No Call-in
19.08/028/CP -	No Call-in
20.08/029/CP -	No Call-in
21.08/030/CP -	No Call-in
22.08/031/CP -	No Call-in
23.08/032/CP -	No Call-in
24.08/033/CP -	No Call-in
25.08/034/CP -	No Call-in
26.08/035/CP -	No Call-in
27.08/036/CP -	No Call-in
28.08/037/CP -	No Call-in
29.08/038/CP -	No Call-in
30.08/039/CP -	No Call-in

- 31. 08/040/CP - No Call-in
- 32. 08/041/CP - No Call-in
- 33. 08/042/CP - No Call-in

- 34. 08/043/CP - No Call-in
Eric Baird declared an interest and left the room.
Eric Baird returned.
- 35. 08/044/CP - No Call-in

COMMENTING ON APPLICATIONS NOT CALLED-IN BY THE COMMITTEE

- 36. The Members wished to make comments to the Local Authorities on the following Planning Application No's 08/025/CP, 08/029/CP, 08/031/CP, 08/033/CP, 08/034/CP, 08/038/CP, 08/039/CP & 08/044/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 CONSTRUCTION OF ROAD; FORMATION OF 7 SERVICED HOUSE PLOTS AT LAND TO WEST OF RATHEN, CATLODGE, DALWHINNIE (PAPER 1)

- 37. Lucy Grant's interest was noted, but she did not leave the room.
- 38. The Committee paused to read late letters of representation.
- 39. David Green advised members that Di Alexander, representative of the applicants, HSCHT, had requested to address the Committee. Issi McGrath, HSCHT, and Ross Cairns, Agent, were also available to answer any questions Members may have.
- 40. David Green advised members that Adrian Gill, Objector and George Alder, representative of the Laggan Community Association had also requested to address the Committee.
- 41. Members agreed to the requests to address the Committee.
- 42. Neil Stewart presented a paper recommending that the Committee approve the application subject to the conditions stated in the report.
- 43. The Committee asked the Planning Official for clarification on the following points:
 - a) The amount of street lighting being proposed for the development and the need for it to be low key due to the rural setting.
 - b) Clarification on how the development would increase car travel as stated in paragraph 46. Neil Stewart responded that this was due to the location of the proposal and the distance to local amenities and services in Laggan.
 - c) Clarification of whether or not condition 13 was a standard condition.
 - d) Clarification of why the Highland Council would not adopt the entire length of the access road.
 - e) Confirmation that it was satisfactory to determine the application without an adequate water supply being proven.
 - f) Confirmation that SEPA were happy with the proposals for the properties to have individual septic tanks.

- g) Whether or not it is the Applicants or potential owner's responsibility for the maintenance of the landscaping required.
 - h) Clarification of why the access to the farm track has to be closed as part of the approval conditions.
 - i) The size of the plots being proposed.
 - j) The stone dyke to be retained to the rear of the site.
 - k) The possibility of the pasture land adjacent to the site being developed in the future.
 - l) Clarification that the conditions being recommended by the CNPA Natural Heritage Group were enforceable.
 - m) The potential that the housing may become unaffordable due to constraints in the Design Brief.
 - n) The distance of the water supply from the foul drainage.
44. Di Alexander addressed the Committee.
45. Members were invited to ask questions, the following points were raised:
- a) The cost of the self build plots.
 - b) The dilemma between affordable housing and the need for a good design brief.
 - c) The increasing costs associated with self build projects.
 - d) The timing of the phasing of the development.
 - e) The potential for alternative development sites in the area.
 - f) Which plots were to be located on the adoptable road and potential cost implications for plots not on the adoptable section.
 - g) The potential for buyers to reduce costs by employing one builder for the whole development.
 - h) Why were detached houses being proposed, instead of the potentially more affordable semi-detached.
 - i) The long term use of the water supply.
46. Adrian Gill addressed the Committee.
47. Members were invited to ask questions, the following points were raised:
- a) The potential for a filtration system.
 - b) The landscaping required for the development compared to the existing landscaping of Catlodge.
48. George Alder addressed the Committee.
49. Members were invited to ask questions – no questions were asked.
50. David Green thanked the speakers.
51. The Committee discussed the application and the following points were raised:
- a) The need for Laggan Community Association to be consulted on the design brief for the development.
 - b) The application being the type of proposal that the CNPA want to see and surprise at objections to the development.
 - c) The importance of looking at ways to reduce the costs of self building.
 - d) The need for water issues to be resolved before any building work starts.
 - e) The proposal respecting the traditional development pattern of the Laggan area.
 - f) The rural home ownership grant.
 - g) The hope that the 3 market houses in the development could also be offered to local families.
 - h) Thanks were given to Neil Stewart and HSCHT for all the hard work carried out on this application.

52. The Committee agreed to approve the application subject to the conditions stated in the report.
53. Andrew Rafferty left the meeting.

REPORT ON CALLED-IN PLANNING APPLICATION FOR CHANGE OF USE FROM HOTEL TO RESIDENTIAL USE AT HEATHERBRAE HOTEL, NETHY BRIDGE (PAPER 2)

54. Ross Watson declared an interest and left the room.
55. The Committee paused to read 2 letters of representation, the letters had been received prior to the 48 hour deadline. Another letter of representation had also been received, but outwith the deadline, the Committee decided to not circulate the letter for reading.
56. David Green advised members that Brian Taylor, Applicant, and Malcolm MacLennan, Obejctor, had requested to address the Committee.
57. Members agreed to the requests to address the Committee.
58. Andrew Tait presented a paper recommending that the Committee approve the application subject to the conditions stated in the report.
59. The Committee asked the Planning Official for clarification on the following points:
- a) Confirmation of the number of letting rooms in the property.
 - b) Clarification if planning permission was required for the internal alterations.
 - c) Clarification if the applicants run or lease the hotel.
 - d) The Heatherbrae could be classed as being in the centre of Nethy Bridge for walkers / cyclists.
 - e) Clarification of the weighting to attributed to the proposed policies in the CNPA Local Plan. It was confirmed that very little weighting could be given to the policies at this current time.
 - f) Clarification of what is / is not a planning issue in relation to the application e.g. the viability of the business / evidence of marketing.
60. Brian Taylor addressed the Committee.
61. Members were invited to ask questions, the following points were raised:
- a) Confirmation that the applicants were the current owners of the hotel.
 - b) Which agent's had been used to market the hotel.
 - c) How the hotel had been tenanted / managed.
 - d) The trade experience of the couple running the hotel.
 - e) How valuable the local trade was to the hotel.
 - f) The facilities that the hotel offered and the time of year these were most in demand.
 - g) Clarification of land surrounding the hotel being sold by a previous owner.
62. Malcolm MacLennan addressed the Committee.
63. Members were invited to ask questions, the following points were raised:
- a) The potential patronage of the other 2 establishments in Nethy Bridge and the facilities that they currently provide.
 - b) Speculative monthly turnover in order for the hotel to run as a viable business.
 - c) Had the objector viewed any of the account's showing business income.
 - d) The objectors experience in the hotel / tourist trade.
 - e) Had any consideration been given to a community buyout.

64. David Green thanked the speakers.
65. Andrew Tait clarified that market forces were not a planning issue.
66. Don McKee stated that the application must only be considered on planning issues.
67. The Committee discussed the application and the following points were raised:
- a) The existing establishments in Nethy Bridge and the facilities they currently provide.
 - b) The potential for the property to be re-let at a more competitive rental charge.
 - c) The property to be re-marketed with a more widespread campaign.
 - d) The difference in market value between hotels and residential properties.
 - e) Nethy Bridge being a fragile economic community, which relies heavily on tourist trade.
 - f) Past owners proving the hotel could be a viable business.
 - g) The National Park Plan promoting social infrastructure of communities.
 - h) The importance of looking at similar experiences in other villages.
 - i) The applicant being able to appeal any decision to refuse the application.
 - j) The importance of businesses requiring local support in order to keep trading through winter months.
 - k) The different views of the viability of the business from the applicant and the community.
 - l) The possibility of deferring the application to allow an independent report into the viability of the business and the community investigating a buyout.
68. David Green allowed Mrs Taylor to interject to clarify certain points.
69. The Committee continued to discuss the application:
- a) The length of time the hotel had been marketed.
 - b) The business already being closed.
 - c) The need to use specialist companies when marketing businesses for sale.
 - d) Without trading figures being available, it would be difficult to find a potential buyer.
 - e) The need to take into consideration issues which are not planning matters, such as the Highland tourist economy.
 - f) The economic impact on Nethy Bridge should the Heatherbrae cease trading permanently.
 - g) Lots of opinions being stated but not being supported by facts or planning policies.
70. Sue Walker proposed a Motion to defer the application to allow an independent analysis of the viability of the Heatherbrae to be carried out. This was seconded by Bruce Luffman.
71. Alastair MacLennan proposed an Amendment to Refuse the application as the proposal conflicted with the National Park Plan - 5.3.2 on sustainable tourism, the fourth aim of the CNPA and the Badenoch & Strathspey Local Plan (1997) aspirations for Nethy Bridge. This was seconded by Stuart Black.
72. Clarification was sought about who was responsible for funding the independent financial analysis. David Green stated that as the CNPA were requesting the information, the onus was on the Authority to pay for any work undertaken.
- The vote was as follows:

	MOTION	AMENDMENT	ABSTAIN
Eric Baird	√		
Stuart Black		√	
Geva Blackett	√		
Nonie Coulthard		√	
Jaci Douglas		√	
Dave Fallows		√	
Lucy Grant		√	
David Green	√		
Drew Hendry	√		
Bob Kinnaird	√		
Bruce Luffman	√		
Mary McCafferty		√	
Willie McKenna	√		
Eleanor Mackintosh		√	
Ian Mackintosh	√		
Anne MacLean	√		
Alastair MacLennan		√	
Fiona Murdoch	√		
Sandy Park	√		
Susan Walker	√		
TOTAL	12	8	0

73. The Committee agreed to defer the application to allow an independent analysis of the viability of the Heatherbrae to be carried out.

74. Ross Watson returned.

75. The Committee broke for lunch at 13:40hrs.

76. The Committee reconvened at 14:10hrs.

77. Geva Blackett left the meeting.

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 3)

78. David Green advised that the following paper was recommending Members attend a site visit. David Green stated that some of the Representees were currently in attendance, however, he had spoken to them and explained the arrangements regarding the site visit, to which they would be welcome to attend.
79. Andrew Tait informed Members that the site visit would take place on Friday 15th February at 13:30hrs. The meeting point would be advised to Members by e-mail and Representees by post. Andrew Tait advised anyone attending the site visit to wear appropriate outdoor clothing and footwear.
80. Andrew Tait advised that the application would hopefully come before the Committee for determination on 7th March 2008 and that Members should hold onto the copies of the representations previously issued.
81. The Committee agreed to defer the determination of the planning application to attend a site visit on 15th February 2008.
82. It was requested that any Members wishing to attend the site visit inform the Planning Office.

REPORT ON CALLED-IN PLANNING APPLICATION FOR ERECTION OF HOUSE LAND 35M SOUTH OF KINAKYLE, DULNAIN BRIDGE (PAPER 4)

83. David Green advised that George Grant, Applicant, was available to answer any questions Members may have.
84. Mary Grier presented a paper recommending that the Committee approve the application subject to a Section 75 Legal Agreement and the conditions stated in the report.
85. Members were invited to ask questions of George Grant – no questions were asked.
86. The Committee discussed the application and the following points were raised:
- a) The possibility of a condition regarding the water supply.
 - b) The Roads department requiring the upgrading of the existing access to Kinakyle even though a separate access is being proposed for the new development.
87. The Committee agreed to approve the application subject to a Section 75 Legal Agreement and the conditions stated in the report.

REPORT ON CALLED-IN PLANNING APPLICATION FOR DEMOLITION OF STEADING BUILDING; ERECTION OF SELF CONTAINED DWELLING ANNEX (AMENDED PROPOSAL] AT GROUNDS OF BEECHGROVE, MAINS OF GARTEN, BOAT OF GARTEN (PAPER 5)

88. David Green advised that William Grant, Applicant, was available to answer any questions Members may have, however, he didn't appear to be in the room at the present time.
89. Mary Grier presented a paper recommending that the Committee approve the application subject to the conditions stated in the report.
90. Members did not wish to ask William Grant any questions.
91. The Committee discussed the application and the following points were raised:
- a) The previous application at the site had required a photographic record to be taken of the steading prior to demolition. This record had been carried out and the steading demolished. However, as this application had subsequently been withdrawn with no decision notice being issued, had the demolition occurred without the appropriate permission being in place.
 - b) Planning controls over demolishing ruins.
92. The Committee agreed to approve the application subject to the conditions stated in the report.

REPORT ON CALLED-IN PLANNING APPLICATION FOR ERECTION OF 8 FLATS WITH CAR PARKING AT 57 MAIN STREET, TOMINTOUL (PAPER 6)

93. Mary Grier presented a paper recommending that the Committee approve the application subject to the conditions stated in the report.
94. The Committee discussed the application and the following points were raised:
- a) Existing affordable housing in the village and the community feeling that local people were not getting opportunities to live in these properties.
 - b) The current Moray Council policy only requiring affordable housing on developments of 10 or more units and the number of flats being proposed in this development falling below that level.
 - c) The developer's apparent statement that the flats would be made available to local people.
 - d) Investigating the possibility of having 2 of the flats as Homestake properties.
 - e) The possibility of the developer bringing forward more applications in the Tomintoul area.
 - f) The need in the community for further affordable housing in Tomintoul, in comparison to the consultee responses that ample provision had already been made.
95. Drew Hendry proposed a Motion to defer the application to explore the potential for affordable housing to be incorporated into the development. This was seconded by Anne MacLean.
96. Lucy Grant proposed an Amendment to approve the application as per the recommendation in the report. This was seconded by Stuart Black.
The vote was as follows:

	MOTION	AMENDMENT	ABSTAIN
Eric Baird	√		
Stuart Black		√	
Nonie Coulthard	√		
Jaci Douglas	√		
Dave Fallows	√		
Lucy Grant		√	
David Green	√		
Drew Hendry	√		
Bob Kinnaird	√		
Bruce Luffman	√		
Mary McCafferty	√		
Willie McKenna	√		
Eleanor Mackintosh	√		
Ian Mackintosh	√		
Anne MacLean	√		
Alastair MacLennan	√		
Fiona Murdoch	√		
Sandy Park	√		
Susan Walker	√		
Ross Watson	√		
TOTAL	18	2	0

97. The Committee agreed to defer the application to explore the potential for affordable housing to be incorporated into the development.

REPORT ON CALLED-IN PLANNING APPLICATION FOR REDEVELOPMENT OF SITE TO PROVIDE CRAFT SHOP, TEAROOM, MUSEUM, TOILETS, TOURIST INFORMATION AND SELF CATERING COTTAGES AT THE FORMER LAGGAN HOTEL AND OLD FILLING STATION, KINLOCH LAGGAN (PAPER 7)

98. David Green advised that Rhoderick Noble, Representative of the Applicant, was available to answer any questions Members may have.

99. Mary Grier presented a paper recommending that the Committee approve the application subject to the conditions stated in the report.

100. Members were invited to ask questions – no questions were asked.

101. The Committee agreed to approve the application subject to the conditions stated in the report.

REPORT ON CALLED-IN PLANNING APPLICATIONS FOR CHANGE OF USE FROM CLASS 7 (HOTELS AND HOSTELS) TO CLASS 9 (HOUSES) (07/401/CP) AND VARIATION OF CONDITION 2 (OCCUPANCY CONDITION) OF PLANNING PERMISSION REFERENCE APP/2004/1854 (07/402/CP) AT BALGONIE COUNTRY HOUSE HOTEL, BALLATER (PAPER 8)

102. Don McKee declared an interest and left the room.
103. David Green advised that Mr Finnie, Applicant, was available to answer any questions Members may have.
104. Neil Stewart presented a paper recommending that the Committee approve the applications subject to the conditions stated in the report.
105. Members were invited to ask questions – no questions were asked.
106. The Committee discussed the application and the following points were raised:
 - a) Welcome the provision of the longer stay temporary accommodation which was a requirement of the Deeside area at certain times of the year.
 - b) Clarification that should the applicants wish to divide the property into flats in the future, it would require planning permission.
107. The Committee agreed to approve the applications subject to the conditions stated in the report.
108. Don McKee returned.

REPORT ON CALLED-IN PLANNING APPLICATION FOR ERECTION OF HOUSE LAND 908M SOUTHWEST OF MAINS OF LURG, NETHY BRIDGE (PAPER 9)

109. Iram Mohammed presented a paper recommending that the Committee refuse the application for the reasons stated in the report.
110. The Committee discussed the application and the following points were raised:
 - a) The applicant not submitting statistics from the SAC in support of the application.
 - b) The Highland Structure Plan supporting communities which are struggling to retain a sustainable community. This policy being within the Badenoch & Strathspey Local Plan through the Fragile Countryside policy.
 - c) Areas requiring help to sustain a community may have changed in the 10+ years since the Badenoch & Strathspey Local Plan was adopted.
 - d) The importance of not providing the applicant with false hope, as there were 2 other reasons why the application was being recommended for refusal not just the land management issue.
111. The Committee agreed to refuse the application for the reasons stated in the report.

REPORT ON CALLED-IN PLANNING APPLICATION FOR CONSTRUCTION OF NEW FOOTPATH; FOOTBRIDGE AND TIMBER DECKING AT KYLINTRA WOOD AND GRANT PARK LOCHAN, GRANTOWN ON SPEY (PAPER 10)

112. Jaci Douglas and Anne MacLean declared an interest and left the room.
113. David Green informed members that Basil Dunlop, Representative for Anagach Woods Trust, had requested to address the Committee.
114. The Committee agreed to the request.
115. Iram Mohammed presented a paper recommending that the Committee approve the application subject to the conditions stated in the report.
116. Basil Dunlop addressed the Committee.
117. Members were invited to ask questions – no questions were asked.
118. The Committee discussed the application and the following point was raised:
 - a) The possibility of including a maintenance condition for the path and interpretation panels
119. The Committee agreed to approve the application subject to the conditions stated in the report with an additional condition requiring on-going maintenance of the path and interpretation panels.
120. Jaci Douglas and Anne MacLean returned.

UPDATE REPORT ON CAIRNGORMS NATIONAL PARK LOCAL PLAN (PAPER 11)

121. Don McKee presented a report updating the Committee on the progress and timetable for the forthcoming CNPA Local Plan.
122. The Committee discussed the report and the following points were raised:
 - a) Confirmation was required that the amended timetable was realistic.
 - b) The possibility of a small Members working group feeding into the Local Plan.
 - c) The innovative ideas that had been discussed at the outset of the Local Plan to speed up the process and the length of time the Local Plan process was actually taking. Don McKee responded that this was due to the amount of public consultation that had been carried out on the Local Plan.
123. The Committee agreed the Local Plan timescale.
124. Don McKee informed Members that Planning Officials were expecting a draft of the Aviemore Masterplan from Land Use Consultants sometime next week. This would hopefully be brought to the 7th March 2008 Planning Committee for discussion.
125. Don McKee advised Members that work on the Sustainable Design Guide was also moving forward and that hopefully this would be brought to the 22nd February 2008 for discussion.
126. David Green advised Members that after the Planning Committee on 14th December 2007 he had written to Donald McDonald regarding planning issues. David Green stated that he had received a response and would copy it to Members for information.

**REPORT ON ELECTION OF PLANNING CONVENER & DEPUTY CONVENER OF
PLANNING COMMITTEE
(PAPER 12)**

127. Jane Hope and Don McKee presented a report recommending that the Committee approve the remuneration for the positions of Planning Convener and Vice-Convener.
128. The Committee agreed to approve the remuneration package for the positions of Planning Convener and Vice-Convener as stated in the report.
129. Willie McKenna thanked the Planning Officials for all the hard work put into the Planning Committee.

ANY OTHER BUSINESS

130. David Green advised Members that as a follow on from the Jan Polly training day various Members had volunteered to look at aspects raised in the day; Drew Hendry – Stakeholder Engagement; Susan Walker – Influencing Partners; Bob Kinnaird – Adding Value to Staff Work and Jaci Douglas – How to rejuvenate the CNPA Board. David Green advised that there would be a short term working group and any findings would be brought back for future discussion.
131. David Green advised Members to keep hold of the representations for Paper 2, Heatherbrae Hotel, Nethy Bridge and Paper 3, Milton Wood, Aviemore.
132. David Green informed Members that the students from the SAC, who had attended the morning session of the Planning Committee, wished to be kept informed of when the Heatherbrae Hotel (07/450/CP) application was due to be reconsidered. As they should like to attend the meeting and see the application through to its determination. Planning Officials confirmed that they would keep the SAC informed.
133. David Green reminded Members that the Milton Wood, Aviemore (07/393/CP) would take place at 13:30hrs on Friday 15th February 2008 and that Planning Officials would send out further information at the start of the week.

DATE OF NEXT MEETING

134. Friday, 22nd February 2008 at The Community Hall, Boat of Garten.
135. Committee Members are requested to ensure that any Apologies for this meeting are submitted to the Planning Office in Ballater.
136. The meeting concluded at 15:40hrs.