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# CAIRNGORMS NATIONAL PARK AUTHORITY

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## MINUTES OF THE PLANNING COMMITTEE held at The Duke of Gordon Hotel, Kingussie on 8<sup>th</sup> September 2006 at 10.30am

### PRESENT

Eric Baird  
Stuart Black  
Duncan Bryden  
Nonie Coulthard  
Basil Dunlop  
Douglas Glass  
Angus Gordon  
David Green  
Marcus Humphrey  
Bruce Luffman

Willie McKenna  
Eleanor Mackintosh  
Alastair MacLennan  
Sandy Park  
Gregor Rimell  
Richard Stroud  
Susan Walker  
Ross Watson  
Bob Wilson

### IN ATTENDANCE:

Don McKee  
Neil Stewart

Gavin Miles  
Wendy Rogerson

### APOLOGIES:

Lucy Grant  
Anne McLean  
Andrew Rafferty

David Selfridge  
Sheena Slimon

### WELCOME AND APOLOGIES

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

### MATTERS ARISING FROM THE PREVIOUS MEETING

3. The minutes of the previous meeting, 25<sup>th</sup> August 2006, held at The Albert memorial Hall, Ballater were approved with an amendment to paragraph 56 to reflect that the concern raised was about the safety of the public road up the hill and not specifically the proposed access.
4. There were no matters arising.

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

5. Ross Watson declared an interest in Planning Application No. 06/344/CP.

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

- 6. 06/342/CP - No Call-in
- 7. 06/343/CP - No Call-in

Ross Watson left the room

8. 06/344/CP - The decision was to call-in the application for the following reason :

- The proposal represents the replacement of an existing steading building with a new residential property for special needs, in an area which is designated as Restricted Countryside in the Badenoch and Strathspey Local Plan. The proposal therefore raises issues in relation to housing in the countryside, special needs housing, cultural heritage, and social and economic development. As such the proposal is viewed as raising issues of general significance to the collective aims of the National Park.

Ross Watson returned

- 9. 06/345/CP - No Call-in
- 10. 06/346/CP - No Call-in
- 11. 06/347/CP - No Call-in
- 12. 06/348/CP - No Call-in
- 13. 06/349/CP - No Call-in
- 14. 06/350/CP - No Call-in

15. 06/351/CP - The decision was to call-in the application for the following reason :

- The development represents the erection of a dwellinghouse in a Restricted Countryside Area as defined in the Badenoch and Strathspey Local Plan. This policy presumes against new house building unless there is a demonstrated land management justification. The proposal therefore raises issues in relation to housing in the countryside policy, cumulative impact of housing in the countryside, precedent, conservation of natural and cultural heritage, and social and economic development. As such it is considered to raise issues of general significance to the collective aims of the National Park.

- 16.06/352/CP - No Call-in  
 17.06/353/CP - No Call-in  
 18.06/354/CP - No Call-in  
 19.06/355/CP - No Call-in  
 20.06/356/CP - No Call-in  
 21.06/357/CP - No Call-in
- 22.06/358/CP - The decision was to call-in the application for the following reason :
- This development is located in a prominent location at the junction of two primary tourist routes and at the southern entrance to Aviemore. It continues to represent a tourist related development which is more than small scale in nature and size. The proposal continues to raise issues relating to townscape and landscape impacts, promotion of tourism, and economic development. As such it continues to raise issues of general significance to the collective aims of the National Park.
- 23.06/359/CP - No Call-in  
 24.06/360/CP - No Call-in  
 25.06/361/CP - No Call-in  
 26.06/362/CP - No Call-in
- 27.06/363/CP - The decision was to call-in the application for the following reason :
- The proposal represents a development of 13 amenity houses on a prominent site within a popular tourist settlement. It raises issues in relation to housing need, provision of amenity and local needs housing, built heritage, sustainable design, and social and economic development. As such it is considered that it raises issues of general significance to the collective aims of the National Park.
- 28.06/364/CP - No Call-in

### **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 06/346/CP, 06/348/CP, 06/352/CP, 06/355/CP & 06/356/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 DEMOLITION OF EXISTING GARAGE & REDEVELOPMENT INCORPORATING CAFETERIA, RETAIL/DISPLAY SPACE, CONFERENCE ROOM, POST OFFICE, PARKING & FOOTPATH PROVISION & CHILDREN'S PLAY AREA AT DINNET GARAGE, DINNET  
(PAPER 1)**

30. Neil Stewart presented a paper recommending that the Committee refuse the application for the reasons stated in the report.
31. The Vice Convener, Sandy Park advised the Committee that the Applicant and the Agent was available for questions.
32. Members asked the Applicant and Agent questions.
33. Sandy Park asked the Planning Officers for clarification on CNPA planning powers with respect to making a decision to delegate the granting of permission to planning officers.
34. The Committee discussed the application and the following points were raised:
  - a) The good overall design of the proposal.
  - b) The fact that the proposal would be beneficial for the local community.
  - c) The fact that this site is at an important entrance to the Park.
  - d) Whether or not there was a need to remove the petrol tanks.
  - e) The fact that the tanks were coming to the end of their life.
  - f) The problem caused by the petroleum legislation.
  - g) The issue of contaminated land surveys, and water drainage.
  - h) Whether to approve the application and delegate responsibility to the planners to ensure the contaminated land survey is carried out satisfactorily.
  - i) Whether to defer the application in order to resolve the technical difficulties, therefore ensuring the application comes back before the board for a final decision.
35. The Committee agreed to defer the application in order for the applicants to specifically resolve the technical difficulties relating to contaminated land and drainage.

**REPORT ON CALLED-IN PLANNING APPLICATION FOR ERECTION OF MAINTENANCE SHED & CONSTRUCTION OF ACCESS ROAD AT LAND TO NORTH OF FISHERMAN'S CAR PARK, SPEY AVENUE, AVIEMORE  
(PAPER 2)**

36. Sandy Park advised the Committee that The Agent, Mr Ogilvy, was available for questions.
37. Don McKee advised the Committee of a late letter and a letter that had been received from Aviemore Community Council and pointed out a mistake in the report with respect to that letter.
38. The Committee paused to read the late letters.
39. Don McKee presented a paper recommending that the Committee approve the application subject to the conditions stated in the report.
40. Members asked Mr Ogilvy questions.
41. The Committee discussed the application and revisions to conditions as suggested and the following points were raised:

- a) It was proposed that a condition be attached requiring the building to be timber clad.
  - b) It was proposed that an additional condition be attached requiring the identification and screening of areas for outside storage and landscaping issues.
  - c) It was proposed that an additional condition requiring a construction method statement be attached to address SNH's concern over potential sediment discharges to the river.
  - d) Concern that two different footpaths pass the site.
  - e) Concern that the area is ancient woodland.
  - f) It was proposed that an additional condition be attached to include further landscaping of parts of the cleared area not delineated for building or storage.
  - g) Concern that access could be restricted during construction of the shed.
  - h) Concern that the cleared area may be construed as the curtilage of the building and could therefore restrict access in this area and consequently that a condition was necessary to define the curtilage.
  - i) The fact that alternative sites were available.
  - j) It was proposed that an additional condition be attached regarding a requirement to maintain and provide signage for the paths through and immediately adjacent to the site, and that working hours should be restricted to protect the amenity of visitors to the area as well as to protect otters
  - k) The possibility that a bigger shed would be needed if all the material was to be stored inside.
  - l) Whether the building was required for the working of the golf course.
42. The Committee agreed to approve the application subject to the conditions stated in the report with additions and amendments arising from the discussion.

**REPORT ON CALLED-IN PLANNING APPLICATION FOR DEMOLITION OF BOTHY & ERECTION OF DWELLINGHOUSE AT GARDEN GROUND AT MALVERN, DUACK BRIDGE, NETHY BRIDGE (PAPER 3)**

43. Sandy Park advised the Committee that Mrs Park had requested to address the Committee
44. The Committee agreed to allow Mrs Park to address the Committee.
45. Don McKee advised the Committee of a late letter and e-mail.
46. The Committee paused to read the late letter and e-mail.
47. Don McKee presented a paper recommending that the Committee approve the application subject to a Section 75 Legal Agreement and the conditions stated in the report.
48. Mrs Park addressed the Committee.
49. The Committee asked Mrs Park questions.
50. Sandy Park asked Don McKee to clarify a planning query regarding timber cladding and whether a change would require a further planning application.
51. The Committee discussed the application and the following points were raised:
- a) Whether vertical cladding or horizontal cladding would be more appropriate in this location.
  - b) The fact that the proposed building was more aesthetically pleasing than what was currently there.

- c) Landscaping issues and fencing issues.
- d) Alistair MacLennan proposed a Motion to approve the application with a revised condition 3. to remove the requirement for a landscape architect, to remove the requirement to plant mature trees and to remove condition 5. This was seconded by Stuart Black.
- e) Richard Stroud Proposed an amendment to approve the application as above but with the retention of condition 5. This was seconded by Bruce Luffman.

The vote was as follows:

	MOTION	AMENDMENT	ABSTAIN
Eric Baird		√	
Stuart Black	√		
Duncan Bryden	√		
Nonie Coulthard		√	
Basil Dunlop		√	
Douglas Glass	√		
Angus Gordon	√		
David Green	√		
Marcus Humphrey			√
Bruce Luffman		√	
Willie McKenna	√		
Eleanor Mackintosh	√		
Alastair MacLennan	√		
Sandy Park	√		
Richard Stroud			
Gregor Rimmell	√		
Richard Stroud		√	
Susan Walker		√	
Ross Watson	√		
Bob Wilson		√	
<b>TOTAL</b>	<b>11</b>	<b>7</b>	<b>1</b>

52. The Committee agreed to approve the application subject to a Section 75 Legal Agreement, also subject to a revised condition 3. to remove the requirement for a landscape architect to carry out the landscape plan, and removal of the requirement to plant mature trees. Also condition 5 to be removed.

**REPORT ON CONSULTATION RESPONSE TO SCOTTISH EXECUTIVE:  
SPP6: RENEWABLE ENERGY – CONSULTATION DRAFT  
(PAPER 4)**

53. Gavin Miles presented a paper recommending that the Committee approve the consultation response for submission to the Scottish Executive.
54. The Committee discussed the consultation response and the following points were raised:
- a) Seek clarification that the Scottish Executive would be bound by SPP when making decisions under Section 36 of the Electricity Act 1989.
  - b) Paragraphs 8-13 in the report should be incorporated into the consultation response.
  - c) There needs to be clarification of wind farm boundaries as this may affect access issues.
55. The Committee agreed to approve the consultation response for submission to the Scottish Executive with an amendment to incorporate Paragraphs 8-13 in the report into the response.

**ANY OTHER BUSINESS**

56. Eric Baird brought up the issue of individual wind turbines.
57. This was briefly discussed and the following points were raised:
- a) A stage could be reached where every house could have a wind turbine.
  - b) The relative height of a wind turbine to a house.
  - c) The issue of “wind crofting”
  - d) This issue should be discussed with the four Local Authorities.
58. Sandy Park requested that Gavin Miles prepare a discussion paper on this topic for the board.

**DATE OF NEXT MEETING**

69. Friday, 22<sup>nd</sup> September 2006 at The Albert Memorial Hall, 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 13:05hrs.