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# CAIRNGORMS NATIONAL PARK AUTHORITY

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## MINUTES OF THE PLANNING COMMITTEE held at The Richmond Memorial Hall, Tomintoul on 10<sup>th</sup> March 2006 at 10.30am

### PRESENT

Eric Baird	Eleanor Mackintosh
Stuart Black	Anne McLean
Duncan Bryden	Alastair MacLennan
Basil Dunlop	Sandy Park
Angus Gordon	Andrew Rafferty
Lucy Grant	David Selfridge
David Green	Joyce Simpson
Marcus Humphrey	Andrew Thin
Bruce Luffman	Bob Wilson

### IN ATTENDANCE:

Don McKee	Andrew Tait
Mary Grier	Pip Mackie
Neil Stewart	

### APOLOGIES:

Sally Dowden	Sheena Slimon
Douglas Glass	Richard Stroud
Willie McKenna	Susan Walker
Gregor Rimell	

### 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, 24<sup>th</sup> February 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. Marcus Humphrey declared an interest in Planning Application No.'s 06/059/CP and 06/068/CP.
6. Angus Gordon declared an interest in Planning Application No. 06/069/CP.
7. Andrew Rafferty declared an interest in Planning Application No. 06/070/CP.
8. Alastair MacLennan declared an interest in Item No.7 on the Agenda.

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

9. 06/056/CP - No Call-in
10. 06/057/CP - No Call-in
11. 06/058/CP - No Call-in

12. 06/059/CP - No Call-in  
Marcus Humphrey declared an interest and left the room.  
Marcus Humphrey returned.

13. 06/060/CP - No Call-in
14. 06/061/CP - No Call-in
15. 06/062/CP - No Call-in
16. 06/063/CP - No Call-in
17. 06/064/CP - No Call-in
18. 06/065/CP - No Call-in
19. 06/066/CP - No Call-in

20. 06/067/CP - The decision was to call-in the application for the following reason :

- The proposal involves the siting of man made structures in the remote core mountain zone of the National Park. The site is also within a heavily designated location, including National Scenic Area, National Nature Reserve, Special Area of Conservation, Site of Special Scientific Interest and Special Protection Area designations. As such, the proposal may raise issues of general significance in relation to the conservation and enhancement of the natural heritage of the area.

21.06/068/CP - Marcus Humphrey declared an interest and left the room.  
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.

Marcus Humphrey returned.

22.06/069/CP - Angus Gordon declared an interest and left the room.  
No Call-in  
Angus Gordon returned.

23.06/070/CP - Andrew Rafferty declared an interest and left the room.  
No Call-in  
Andrew Rafferty returned.

24.06/071/CP - No Call-in

25.06/072/CP - No Call-in

26.06/073/CP - No Call-in

27.06/074/CP - No Call-in

28.06/075/CP - No Call-in

29.06/076/CP - No Call-in

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

30. The Members wished to make comments to the Local Authorities on the following Planning Application No's 06/057/CP, 06/058/CP, 06/066/CP, 06/070/CP, 06/071/CP, 06/072/CP & 06/074/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 ERECTION OF 9 HOUSES, ACCESS ROAD AND LANDSCAPING AT BRAES OF BALNAGOWAN, NETHY BRIDGE (PAPER 1)**

31. Alastair MacLennan declared an interest and left the room.
32. Andrew Thin advised that requests to address the Committee had been received from representatives of the Applicant, Mark Myles from MBM Planning & Development and Chris Smillie from Maclay, Murray & Spens. Harry Mackay from Wilburn Homes, Applicant, was also available for any questions. A request to address the Committee had also been received from two Representees, Kevin Shaw and Roy Turnbull. Members agreed to all the requests to address the Committee.
33. Neil Stewart presented a paper recommending that the Committee refuse the application for the reasons stated in the report.
34. Mark Myles and Chris Smillie addressed the Committee.
35. Kevin Shaw and Roy Turnbull Addressed the Committee.
36. Members were invited to ask questions of the Applicant, the Applicants Representatives and the Representees.
37. Andrew Thin thanked all the speakers.
38. Anne MacLean wished it noted that although Albyn Housing Society had been involved in discussions for other sites in Nethy Bridge, they had not been approached by the developer to enter discussions regarding this particular site.
39. The Committee discussed the application and the following points were raised:
  - a) The strong feeling of local opposition to the proposed development.
  - b) The proposed development comprising of executive style houses which did not fit with the local housing needs of Nethy Bridge.
  - c) Affordable Housing not just being social housing but housing affordable to local workers ('second tier' housing).
  - d) The lack of 'second tier' affordable housing included in the proposal.
  - e) The demand for local housing in Nethy Bridge.
  - f) The developing CNPA Local Plan.
  - g) The current Badenoch & Strathspey Local Plan being out of date.
  - h) The site boundary for the most recent submitted proposal now matching the allocation in the current Local Plan.
  - i) Under planning law, neighbours not having a 'right to a view'.
  - j) That it was not acceptable for Scottish Water to give verbal consultation responses to applications and that in future these should be provided in writing.
  - k) The proposed visibility splay for the access to the site.
  - l) Clarification of the term 'underdevelopment of the site'.
  - m) That the applicant had amended the proposal several times to take into account local concern.
  - n) The fact that the refusal reasons seemed weak.
  - o) Concern over water provision for sites already granted planning permission.
  - p) The possibility of the proposal being granted on appeal should the Committee refuse the application.
  - q) The design of the proposed houses being in accordance with the Highland Council design policy.
  - r) The problems Scottish Water were currently experiencing with their regulator.

40. Bob Wilson proposed a Motion that the application be refused for the reasons stated in the report. This was seconded by David Selfridge.
41. David Green proposed an Amendment that the application be deferred to allow for discussions with the applicant to resolve affordable housing issues, the potential provision for 'second tier' housing in the proposal and for written clarification from Scottish Water regarding the water and sewerage provision. This was seconded by Bruce Luffman.

The vote was as follows:

NAME	MOTION	AMENDMENT	ABSTAIN
Eric Baird	√		
Stuart Black	√		
Duncan Bryden	√		
Basil Dunlop	√		
Angus Gordon	√		
Lucy Grant	√		
David Green		√	
Marcus Humphrey		√	
Bruce Luffman		√	
Eleanor Mackintosh		√	
Anne MacLean		√	
Sandy Park		√	
Andrew Rafferty	√		
David Selfridge	√		
Joyce Simpson		√	
Andrew Thin		√	
Bob Wilson	√		
<b>TOTAL</b>	<b>9</b>	<b>8</b>	<b>0</b>

42. The Committee agreed to refuse the application for the reasons stated in the report.
43. Alastair MacLennan returned.

**REPORT ON CALLED-IN PLANNING APPLICATION FOR EXTRACTION OF PEAT AT FEITH GEAL TOMINTOUL (PAPER 2)**

44. Andrew Thin advised that Andy Keith, Applicant, did not wish to address the Committee but was available to answer any questions Members may have.
45. Andrew Tait presented a paper recommending that the Committee approve the application subject to the conditions stated in the report.
46. Members were invited to ask questions of Andy Keith.
47. Andrew Thin thanked Andy Keith.

48. The Committee discussed the application and the following points were raised:
- a) The development providing local employment.
  - b) The fact that the proposal was relatively small scale and that it was already the existing use for the site.
  - c) Clarification of who would be responsible for the re-instatement of the land.
  - d) The possibility of including a condition to cover the proposed interpretation boards on the site.
  - e) That the applicant should contact the CNPA Interpretation Officer with regard to the proposed signage.
  - f) The importance of the peat to the Whisky industry in the Moray area.
  - g) Clarification that condition no. 1 did not preclude the applicant from applying for further planning permission in the future if the site was found to have more peat than currently forecast.
  - h) That the CNPA should raise broader awareness in the tourism sector as to why peat extraction was happening within the CNP area.
49. Eleanor Mackintosh proposed a Motion that the application be approved with an additional condition that the interpretation boards should be put in place within 2 years of the permission being granted and in consultation with CNPA staff. This was seconded by Joyce Simpson.
50. There was no Amendment proposed.
51. The Committee agreed to approve the application subject to the conditions stated in the report and an additional condition that the interpretation boards should be put in place within 2 years of the permission being granted and in consultation with CNPA staff.

## **ANY OTHER BUSINESS**

52. David Selfridge requested that a microphone stand be obtained to allow speakers to address the Committee more easily.
53. Andrew Thin advised Members that for the Planning Committee on 7<sup>th</sup> April 2006 both he and Sandy Park, Vice-Convenor, were on holiday. Andrew Thin requested that Members agree to Eric Baird chairing the meeting. Members agreed to the request.

## **DATE OF NEXT MEETING**

69. Friday, 24<sup>th</sup> March 2006, 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 12:45hrs.