
CAIRNGORMS NATIONAL PARK AUTHORITY

MINUTES OF THE PLANNING COMMITTEE

held at Albert Hall, Ballater
on 11th December 2009 at 10.00am

PRESENT

Peter Argyle
Eric Baird
Stuart Black
Duncan Bryden
Jaci Douglas
Dave Fallows
Lucy Grant
David Green
Drew Hendry
Marcus Humphrey

Mary McCafferty
Willie McKenna
Eleanor Mackintosh
Ian Mackintosh
Anne MacLean
Alastair MacLennan
Andrew Rafferty
Gregor Rimell
Richard Stroud
Susan Walker

IN ATTENDANCE:

Bill Stewart
Mary Grier
Robert Grant
Marie Duncan

Andrew Tait
Derek Manson
Bruce Luffman

APOLOGIES:

Geva Blackett
Fiona Murdoch

Bob Kinnaird

**AGENDA ITEMS 1 & 2:
WELCOME AND APOLOGIES**

1. The Convenor welcomed all present and advised Committee that Eric Baird, Lucy Grant, Ian Macintosh and Susan Walker were still in the audit committee and would be present after the call-in. Members were informed there would be an informal discussion outwith the public session of Committee.
2. Apologies were received from the above Members.

**AGENDA ITEM 3:
MINUTES & MATTERS ARISING FROM THE PREVIOUS MEETING**

3. The minutes of the previous meeting 27th November 2009 held at the Village Hall, Newtonmore were approved.
4. There were no matters arising.

**AGENDA ITEM 4:
DECLARATION OF INTEREST BY MEMBERS ON ANY ITEMS APPEARING
ON THE AGENDA**

5. Dave Fallows & Marcus Humphrey declared an indirect interest in Planning Application No. 09/379/CP, members of outdoor access trust.
6. Andrew Rafferty declared an interest in Planning Application No. 09/382/CP, friend of applicant.
7. Dave Fallows & Marcus Humphrey declared an indirect interest in Item No.9 & 10 on the Agenda, members of outdoor access trust.

**AGENDA ITEM 5:
PLANNING APPLICATION CALL-IN DECISIONS
(Oral Presentation, Derek Manson)**

8. 09/371/CP - The decision was to call-in the application for the following reason :
 - The proposal involves the erection of a 15 metre high telecoms mast to the south west of Nuide Farm near Newtonmore. The proposal is considered to raise a range of issues with regard to landscape in particular and also in relation to the social and economic development of the area. Consequently, the proposal raises issues of general significance for the collective aims of the Cairngorms National Park.
9. 09/372/CP - No Call-in
10. 09/373/CP - No Call-in
11. 09/374/CP - No Call-in
12. 09/375/CP - No Call-in
13. 09/376/CP - The decision was to call-in the application for the following reason :

- The proposal involves a new shooting lodge, new access road, landscaping including the formation of ponds and gateway features therefore the proposal is considered to raise issues in regard to economic and social development of the national park and also in regard to issues such as landscape, scale, outdoor access and natural heritage.

14. 09/377/CP - No Call-in

15. 09/378/CP - No Call-in

16. 09/379/CP - The decision was to call-in the application for the following reason :

- This proposal is for a stretch of new path that will provide a link between the existing access from the Dinnet road bridge through to an existing access track to Glen Tanar. The proposal is an important link identified in the Core Path planning consultation and is a candidate core path. The proposal raises issues in relation to residents and visitors understanding and enjoyment of the area. Landscape issues from the path construction and issues with regard to the social and economic development of the area are also significant. Consequently, the proposal raises issues of general significance with regard to the collective aims of the Cairngorms National Park.

17. 09/380/CP - No Call-in

18. 09/381/CP - No Call-in

19. 09/382/CP - No Statutory Call-in Powers

20. 09/383/CP - No Call-in

COMMENTING ON APPLICATIONS NOT CALLED-IN BY THE COMMITTEE

21. The Members wished to make comments to the Local Authorities on the following Planning Application No's 09/373/CP, 09/355/CP, 09/377/CP & 09/383/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.

The Committee paused at 10.20hrs for Eric Baird, Lucy Grant, Ian Macintosh and Susan Walker to join.

The Committee reconvened at 10.30hrs.

22. Duncan Bryden revisited the Declaration of Interest for any items on the agenda on behalf of the recently arrived members.

AGENDA ITEM 6:

REPORT ON CALLED-IN PLANNING APPLICATION FOR VARIATION OF CONDITION 4 (WINDOW TYPE) OF PLANNING PERMISSION REFERENCE 05/134/CP (APP/2005/0728) AT INVERCAULD FARM GLENSHEE ROAD BRAEMAR BALLATER (PAPER 1)

23. Duncan Bryden informed Members that David Hagen (Applicant) had requested to address the Committee. The Committee agreed to the requests.
24. Derek Manson (Planning Officer) presented a paper recommending that the Committee approve the application for subject to the conditions stated in the report.
25. The Committee were invited to ask the Planning Officer points of clarification, there were no points raised.
26. The Committee agreed to approve the application for the reasons stated in the report.
27. Duncan Bryden confirmed with Mr Hagen a presentation would no longer be necessary and thanked Mr Hagen for attending.

AGENDA ITEM 7:

REPORT ON CALLED-IN PLANNING APPLICATION FOR RENOVATION AND CONVERSION OF SCHOOL HOUSE TO DWELLINGHOUSE, WITH TIMBER EXTENSION AT OLD BALLOCH SCHOOLHOUSE (NJ336178) GLENBUCHAT, STRATHDON (PAPER 2)

28. Duncan Bryden informed Members that Tansy Grigor-Taylor (Agent) had requested to address the Committee. The Committee agreed to the requests.
29. Derek Manson (Planning Officer) presented a paper recommending that the Committee refuse the application for the reasons stated in the report.
30. The Committee were invited to ask the Planning Officer points of clarification, there were no points raised.
31. Tansy Grigor-Taylor (Agent) addressed the Committee.
32. The Committee were invited to ask questions of the speaker and the following points were raised:
 - a) Clarification of action to be taken if walls were found to be beyond repair.
 - b) The possibility of including a condition to report the CNPA planning authority if more than 1 sqm of wall has to be taken down.
 - c) The potential to point the walls and condition of the stone.
 - d) The possibility of rendering.
 - e) Clarification if a lime mortar assessment has been completed.
 - f) The quality of the lime mortar.

33. Duncan Bryden thanked Tansy Grigor-Taylor.
34. The Committee discussed the application and the following points were raised:
- a) The question of the application ending up as a rebuild rather than restoration.
 - b) The implications of approval in this exceptional case.
 - c) Concerns with departure from the plan.
 - d) The possibility of delegating to planners.
 - e) Inclusion of condition for a plan to show areas to be rebuilt.
 - f) Consideration of wall finishing, rendering or pointing stonework.
 - g) Whether stone masons report is included within report.
 - h) Concerns with the accelerating deterioration of the building.
 - i) The need for further exploration of wall conditions.
 - j) Support for the application and the extension as good use of living space.
 - k) Evidence of the original finishing of the building within old photos.
 - l) Concerns with decisions breaching policy.
 - m) The importance of the buildings cultural heritage within the community.
 - n) Inclusion of the normal conditions within an approved application incorporating, drainage, landscape, design and conservation.
 - o) Agreement on a conversion as a preference but to rebuild if necessary.
 - p) Details of dunting and rendering to be delegate to officers.
35. The Committee agreed to approve the application subject to conditions delegated by the officer including a condition that if all the walls are to come down then a new application must be submitted for a rebuild and if 50% of walls dunting occurs then the application can proceed as a conversion.

**AGENDA ITEM 8:
REPORT ON CALLED-IN PLANNING APPLICATION FOR PROPOSED
HOLIDAY APARTMENTS AT SITE AT CONGLASS LANE, TOMINTOUL
(PAPER 3)**

36. Mary Grier (Planning Officer) presented a paper recommending that the Committee approve the application subject to the conditions stated in the report.
37. Duncan Bryden advised Committee of the additional paper that was circulated from the architect requesting planning permission be valid for 5 years rather than 3 years.
38. Duncan Bryden informed members that Mr Mike Drury (Applicant) was available to answer questions.
39. The Committee were invited to ask the Planning Officer points of clarification, the following were raised:
- a) Clarification of position of corner building in relation to street layout.
 - b) Implications for requesting a 5yr extension instead of 3yrs.
 - c) Clarification of provision for turning vehicles.
 - d) Inclusion of condition on wall finishing materials and mix of wet and dry dash.
 - e) Confirmation of roofing and window materials.
40. The Committee agreed to approve the application subject to the conditions stated in the report and amending condition 4 to include preferred option for wall finishing.

AGENDA ITEM 9:

**REPORT ON CALLED-IN PLANNING APPLICATION FOR INSTALLATION OF A 22M SPAN FOOTBRIDGE OVER THE RIVER DON ALLIED TO A 560M AGGREGATE PATH, 1.5M WIDTH, CONSTRUCTED TO AN ALL ABILITIES SPECIFICATION AT LAND SOUTH WEST OF LONACH HALL, STRATHDON
(PAPER 4)**

41. Robert Grant (Planning Officer) presented a paper recommending that the Committee approve the application subject to the conditions stated in the report.
42. The Committee discussed the application and the following points were raised:
 - a) Clarification on Path Route.
 - b) Confirmation of position of bridges.
 - c) Clarification if the bridge is suitable for horses to cross.
 - d) Acknowledgement that bridge of same design on Glen Tanar estate won a design award.
43. The Committee agreed to approve the application subject to the conditions stated in the report.

**AGENDA ITEM 10:
REPORT ON CALLED-IN PLANNING APPLICATION FOR INSTALLATION
OF A 6M SPAN TIMBER FOOTBRIDGE AND CONSTRUCTION OF 1170M
PATH AT FOOTBRIDGE AND PATH AT CLUNIE WATER TO GLENSHEE
ROAD, BRAEMAR
(PAPER 5)**

44. Robert Grant (Planning Officer) presented a paper recommending that the Committee approve the application subject to the conditions stated in the report.
45. The Committee discussed the application and the following points were raised:
 - a) Clarification of extent and nature of compensatory flood storage.
 - b) Clarification of SNH consultation.
 - c) Clarification on A93 road status.
 - d) The opportunity for Natural Heritage to develop a wetland area during ground engineering to enhance project.
 - e) General support for the new footpath layout.
46. The Committee agreed to approve the application subject to the conditions stated in the report.

**AGENDA ITEM 11:
REPORT ON CALLED-IN PLANNING APPLICATION FOR ERECTION OF
HOUSE AT LAND 200M NORTH OF THE CROSSINGS FEABUIE
CROMDALE
(PAPER 6)**

47. Andrew Tait (Planning Officer) presented a paper recommending that the Committee refuse the application for the reasons stated in the report.
48. The Committee agreed to refuse the application for the reasons stated in the report with the additional reason regarding SNH's objections and the integrity of the burn and lack of evidence to demonstrate protection of the Special Area of Conservation (SAC).

**AGENDA ITEM 12:
REPORT ON CALLED-IN PLANNING APPLICATION FOR ERECTION OF
HOUSE AT LAND 215M NORTH OF THE CROSSINGS FEABUIE
CROMDALE
(PAPER 7)**

49. Andrew Tait (Planning Officer) presented a paper recommending that the Committee refuse the application for the reasons stated in the report.
50. The Committee agreed to refuse the application for the reasons stated in the report with the additional reason regarding SNH's objections and the integrity of the burn and lack of evidence to demonstrate protection of the Special Area of Conservation (SAC).

**AGENDA ITEM 13:
REPORT ON CALLED-IN PLANNING APPLICATION FOR ERECTION OF
REPLACEMENT CLUB HUT AT BRAEDOWNIE FARM, GLEN CLOVA
(PAPER 8)**

51. Duncan Bryden informed members that Mr Viveash (Applicant) was available to answer questions.
52. Duncan Bryden advised members of an additional representation that had been circulated.
53. Andrew Tait (Planning Officer) presented a paper recommending that the Committee refuse the application for the reasons stated in the report.
54. The Committee were invited to ask the Planning Officer points of clarification, the following were raised:
 - a) Concerns with the hut being within the 1:200 year flood risk area.
 - b) Clarification of SEPA's position with regards to flooding.
 - c) Clarification of the decision in relation to policy.
 - d) The contrary decision note if SNH objection is resolved.
 - e) Requirement to refer to Scottish Ministers.
 - f) The removal of the old hut in result of approval.
 - g) Concerns regarding the letter of objection claims regarding flooding.
 - h) Concerns over the provision of water supply.
 - i) Concerns over foul drainage and phosphate in river.
 - j) Inclusion of condition to carry out flood risk assessment (FRA) if other issues are resolved.
55. The Committee were invited to ask questions of the Mr Viveash and the following points were raised:
 - a) Clarification of the base of existing and proposed hut.
 - b) Clarification on origin of water supply and users.
 - c) Confirmation of the amount of use in the proposed hut.
 - d) The height of proposed hut from the ground.
 - e) Clarification if existing hut is still habitable and could continue to be used.
56. Duncan Bryden thanked the speaker.
57. The Committee discussed the application and the following points were raised:
 - a) Support for the application with inclusion of condition to include FRA and suitable foul drainage.
 - b) Implications if application approved.
 - c) The possibility of deferral until issues are resolved to avoid being referred to the Scottish Government.
 - d) The potential to raise the proposed hut to rule out a FRA.
 - e) Concerns over the SNH objection and proposed treatment required to eliminate problem.
 - f) Inclusion of condition to remove the existing hut and sleeper foundations and a bat survey if application is to be approved.
 - g) The need for deferral.
 - h) The importance of treatment of water to conserve the fresh water mussels further down river.
 - i) The potential to raise the level of the floor rather than the building from the ground.
 - j) The impact of withdrawal on the applicant.
58. Eric Baird proposed a motion to refuse the application for the reasons stated in the report. This was seconded by Lucy Grant.
59. Peter Argyle proposed an amendment to defer the application to allow time for flooding issues to be resolved. This was seconded by Dave Fallows.

60. The vote was as follows:

61.

	MOTION	AMENDMENT	ABSTAIN
Peter Argyle		√	
Eric Baird	√		
Stuart Black	√		
Duncan Bryden	√		
Jaci Douglas	√		
Dave Fallows		√	
Lucy Grant	√		
David Green		√	
Drew Hendry		√	
Marcus Humphrey		√	
Mary McCafferty		√	
Willie McKenna		√	
Eleanor Mackintosh		√	
Ian Mackintosh		√	
Anne MacLean		√	
Alastair MacLennan		√	
Andrew Rafferty		√	
Gregor Rimell		√	
Richard Stroud		√	
Susan Walker		√	
TOTAL	5	15	0

62. The Committee agreed to defer the application in order to resolve outstanding issues regarding flooding and water treatment.

David Green & Susan Walker left the meeting.

AGENDA ITEM 14:

UPDATE REPORT ON DEMOLITION OF HOUSE; ERECTION OF 6 FLATS (APPROVAL OF RESERVED MATTERS) AT KILA, 79 GRAMPIAN ROAD, AVIEMORE (PAPER 9)

63. Duncan Bryden informed Members that Phillip Neaves (Agent) had requested to address the Committee. The Committee agreed to the requests.

64. Andrew Tait (Planning Officer) presented a paper recommending that the Committee refuse the application for the reasons stated in the report.

65. The Committee were invited to ask the Planning Officer points of clarification there were no points raised.

66. Phillip Neaves (Agent) addressed the Committee.

67. The Committee were invited to ask questions of the speaker and the following points were raised:

a) Clarification of timescale required to gain information requested to move forward.

68. The Committee discussed the application and the following points were raised:

a) Clarification on fees and payment if a new application is submitted.

- b) Implications of refusal.
 - c) Concerns on the affordable housing comments within the report.
 - d) The possibility of deferral.
 - e) Concerns on public consultation if deferred.
 - f) Concerns that requests for information haven't been addressed.
69. Alistair MacLennan proposed a motion to refuse the application for the reasons stated in the report. This was seconded by Peter Argyle.
70. Dave Fallows proposed an amendment to defer the application for 6 months to receive further information. This was seconded by Marcus Humphrey.

71. vote was as follows:

72.

	MOTION	AMENDMENT	ABSTAIN
Peter Argyle	√		
Eric Baird	√		
Stuart Black		√	
Duncan Bryden	√		
Jaci Douglas	√		
Dave Fallows		√	
Lucy Grant	√		
Drew Hendry		√	
Marcus Humphrey		√	
Mary McCafferty		√	
Willie McKenna		√	
Eleanor Mackintosh		√	
Ian Mackintosh	√		
Anne MacLean		√	
Alastair MacLennan	√		
Andrew Rafferty	√		
Gregor Rimell		√	
Richard Stroud	√		
TOTAL	9	9	0

73. The Chairman's casting vote took precedence in favour of the planners recommendation of refusal.

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

AGENDA ITEM 15:

REPORT ON CALLED-IN PLANNING APPLICATION FOR ERECTION OF 30 HOUSES AND CONSTRUCTION OF ACCESS ROAD AT LAND SOUTH EAST OF MILLSIDE HOUSE, MILTON, AVIEMORE (PAPER 10)

75. Duncan Bryden informed Members that Phillip Neaves (Agent) had requested to address the Committee. The Committee agreed to the requests.

76. Duncan Bryden advised members of an additional representation that had been circulated.

77. Andrew Tait (Planning Officer) presented a paper recommending that the Committee refuse the application for the reasons stated in the report.

78. The Committee discussed the application and the following points were raised:

- a) Concerns of having pedestrian access only into the site with regards to emergency vehicle access.
- b) Definition of a swale.
- c) Clarification on Paragraph 58 and connection with the previous Kila application site.
- d) Clarification of position of plots 7, 11, 12 & 13.

- e) Clarification of access to the single house.
 - f) Clarification of Paragraph 54 and the CNPA Ecologists record.
79. Phillip Neaves (Agent) addressed the Committee.
80. The Committee were invited to ask questions of the speaker and the following points were raised:
- a) Concerns on the lack of sustainability report within application.
 - b) Concerns on no district heating system.
 - c) The possibility to view the Old Mill.
 - d) Clarification on paths and access and how pedestrians move round the site.
 - e) The viability of a district heating system.
 - f) Concerns on the late information received regarding soakaway solution and implications.
 - g) How the Kila application decision affects the decision made on this application.
 - h) Concerns that the soakaway solution change the nature of the development.
 - i) Provision of affordable housing and how affordability and perpetuity will be retained.
 - j) Landscaping and tree retention.
81. The Committee discussed the application and the following points were raised:
82. Concerns with unresolved issue regarding technical issues, affordable housing and drainage.
83. The need to defer the application.
84. The need for more detail on sustainability within application.
85. The timescale required to cover outstanding issues if deferred.
86. The Committee agreed to defer the application for 3 months returning to committee with outstanding issues surrounding drainage, access, sustainability and affordable housing.

The Committee paused for lunch at 13.35pm
 Lucy Grant, Drew Hendry and Gregor Rimell left the meeting.
 The Committee reconvened at 14.10pm

**AGENDA ITEM 16:
 REPORT ON VARIATION OF SECTION 75 AGREEMENT AT LOT 8
 DRUMUILLIE, BOAT OF GARTEN
 (PAPER 11)**

87. Bruce Luffman (Enforcement Officer) presented a paper recommending that the Committee approve a variation to the wording of the Section 75 legal agreement.
88. Bruce Luffman advised members of a change to the recommendation in the original paper and this had been circulated. The amendment included changing the word 'substantive' to 'reasonable' and the inclusion of '2.12 Ha' to delineate the whole croft area of Lot 8.
89. The Committee discussed the application and the following points were raised:
- a) Clarification on why the wording needs to be varied.
 - b) The reasoning behind the amended wording.
 - c) The implications of agreeing to variation.
 - d) Clarification of the CNPA's solicitors concerns.

- e) The need to show a % to demonstrate income.
 - f) Concerns on setting precedence on future Section 75 Obligations.
 - g) Concerns of the S.75 coming back to committee.
 - h) The need for change to be enforceable.
 - i) Concern about the original business proposal that was supported by the Crofters Commission.
 - j) The opportunity to sell the site.
 - k) Clarification of Highland Council's policy towards crofting.
 - l) The need for a detailed Business Plan that was supported by the Scottish Agricultural College
 - m) Material Planning considerations.
90. Bruce Luffman responded by clarifying that the Section 75 agreement was to remain and would maintain a burden on the property. It would be very difficult to enforce a prescriptive %age on amount of hours worked or %age of income on the applicant. A precedent was unlikely to be set as the property and horticultural business was on a registered croft and the Highland Council's policies towards crofting encouraged a flexibility in approach to the question of hours worked and income generated.
91. The Committee agreed to approve varying the wording of the Section 75 legal agreement by approving the amended wording as tabled at the meeting.

AGENDA ITEM 17
ANY OTHER BUSINESS

92. Mary Grier (Planning Officer) updated members of the Dalfaber Appeal (07/144/CP & 07/145/CP) and the CNPA's position.
93. Jaci Douglas suggested members hold onto the Paper 10 for future committee.

AGENDA ITEM 18
DATE OF NEXT MEETING

94. Friday 10.00am 24th December 2009 at The Cairngorm National Park Offices in Ballater and Grantown on Spey.
95. Committee Members are requested to ensure that any Apologies for this meeting are submitted to the Planning Office in Ballater.
96. The meeting concluded at 15.45pm.