
CAIRNGORMS NATIONAL PARK AUTHORITY

MINUTES OF THE PLANNING COMMITTEE held at The Ben Mhor Hotel, Grantown on Spey on 12th January 2007 at 10.30am

PRESENT

Eric Baird	Willie McKenna
Stuart Black	Eleanor Mackintosh
Duncan Bryden	Anne MacLean
Basil Dunlop	Alastair MacLennan
Angus Gordon	Sandy Park
Lucy Grant	Gregor Rimell
David Green	Sheena Slimon
Bob Kinnaird (observing)	Bob Wilson

IN ATTENDANCE:

Don McKee	Andrew Tait
Mary Grier	Pip Mackie

APOLOGIES:

Nonie Coulthard	David Selfridge
Douglas Glass	Richard Stroud
Marcus Humphrey	Susan Walker
Bruce Luffman	Ross Watson
Andrew Rafferty	

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, 29th December 2006, held at the CNPA Office, Ballater and the CNPA Office, Grantown on Spey (via audio link) were approved subject to an amendment, Willie McKenna was noted as being both present and having given apologies – Willie McKenna confirmed that he had given apologies and did not attend the meeting.
4. Don McKee advised that the report on the procedures and minutes for private meetings would be brought to a Committee meeting in February for discussion.

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

5. Pip Mackie, Planning Systems Officer, declared an interest in Planning Application No.s 07/001/CP & 07/003/CP.
6. Sheena Slimon declared an interest in Planning Application No. 07/014/CP.
7. The Highland Councillors declared an interest in Item No. 7 on the Agenda.
8. Lucy Grant declared an interest in and Item No. 8 on the Agenda.

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

- Pip Mackie, Planning Systems Officer, declared an interest and left the room.
9. 07/001/CP - The decision was to call-in the application for the following reason :
- The proposal is an application to seek the removal of an occupancy condition on an existing dwelling house. To remove the condition may be contrary to housing policy in that it could give rise to a house in a countryside area which may not be justified in terms of land management or occupation purposes. This may have the potential to set a precedent for similar developments in the National Park which cumulatively may raise issues of general significance to the collective aims of the CNPA.
10. 07/002/CP - No Call-in
11. 07/003/CP - No Call-in
Pip Mackie returned.
12. 07/004/CP - No Call-in
13. 07/005/CP - No Call-in
14. 07/006/CP - No Call-in
15. 07/007/CP - No Call-in
16. 07/008/CP - No Call-in
17. 07/009/CP - No Call-in
18. 07/010/CP - No Call-in
19. 07/011/CP - No Call-in
20. 07/012/CP - No Call-in
21. 07/013/CP - No Call-in

22.07/014/CP - Sheena Slimon declared an interest and left the room.
The decision was to call-in the application for the following reason :

- The proposal represents the creation of a residential development for affordable housing purposes in an area identified as Restricted Countryside in the Badenoch and Strathspey Local Plan. The proposed development is in a woodland area and would involve utilising an existing forestry track which is also part of the proposed Speyside Way extension. As such, it raises issues relating to housing in the countryside policy, provision of affordable housing, precedent, natural and cultural heritage, access issues and social and economic development. It therefore raises issues of general significance to the collective aims of the National Park.

Sheena Slimon returned.

23.07/015/CP - No Call-in

COMMENTING ON APPLICATIONS NOT CALLED-IN BY THE COMMITTEE

24. The Members wished to make comments to the Local Authorities on the following Planning Application No's 07/003/CP, 07/005/CP, 07/006/CP, 07/007/CP, 07/011/CP, 07/012/CP & 07/015/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.

CONSULTATION REPORT TO HIGHLAND COUNCIL ON PLANNING APPLICATION REF. NO. BS/99/31 FOR EXTRACTION OF GRAVEL & SAND AT LAND NEAR NUIDE FARM, NEWTONMORE (PAPER 1)

25. The Highland Councillors declared an interest and left the room.

26. Mary Grier presented a paper recommending that the Committee approve the consultation response objecting to the proposal for submission to Highland Council.

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

- a) The proposal being contrary to the Highland Council Structure Plan.
- b) The significance of SPP4 regarding natural heritage.
- c) The large visual impact the proposal would have being located next to a heavily trafficked route.
- d) The poor quality of the application as submitted to Highland Council.
- e) The possibility of strengthening the wording in reason three of the grounds of objection.

28. The Committee agreed to approve the consultation response for submission to Highland Council with an amendment to the third recommendation to strengthen to wording and an addition of a secondary recommendation to state that if Highland Council were to give consideration to granting the application then discussion with the CNPA Natural Heritage Group should take place to discuss impacts of the development and possible mitigation measures.
29. The Highland Councillors returned.

REPORT ON CALLED-IN PLANNING APPLICATION FOR ERECTION OF DWELLING AT SITE IN GROUNDS OF LAGGAN COUNTRY HOTEL, LAGGAN (PAPER 2)

30. Lucy Grant declared an interest and left the room.
31. David Green advised Members that Mr Huisman, Applicant, had requested to address the Committee. Members agreed to this request.
32. David Green advised Members that a late representation had been received from Fergus Ewing MSP. He asked Members if they were willing to suspend Standing Orders and accept this late submission. Members agreed not to suspend Standing Orders and that the submission would not be circulated for reading.
33. Andrew Tait presented a paper recommending that the Committee refuse the application for the reasons stated in the report. He also advised that Matthew Hawkins, CNPA Landscape Officer was available to answer any questions Members may have on the visual impact of the proposal.
34. Mr Huisman addressed the Committee.
35. Members were invited to ask questions of Mr Huisman.
36. David Green thanked Mr Huisman.
37. The Committee discussed the application and the following points were raised:
 - a) Clarification that all alternative siting and designs of dwelling had been exhausted in discussion with the Applicant.
 - b) The possibility of moving the existing soakaway in order to relocate the proposed dwelling.
 - c) The negative visual impact of the dwelling on the proposed site.
 - d) The visual impact of other dwellings located in the Laggan area.
 - e) The design of the existing hotel located near to the site.
 - f) Clarification of the height of the proposed dwelling and the possibility of underbuilding to reduce the visual impact.
 - g) Clarification of the Highland Council policy 'Housing in the Countryside'.
 - h) The applicant being involved in locally supporting economic growth, tourism and employment.
 - i) The personal family circumstances of the applicant not being a planning matter and therefore should not be taken into consideration.
 - j) The possibility of approving the application subject to a Section 75 Legal Agreement tying the dwelling to the existing hotel.
 - k) The need for a dwelling being justified but issues over the height and scale of what was currently proposed.

38. Bob Wilson proposed a Motion to refuse the application as per the recommendation in the report. This was seconded by Gregor Rimell.

39. Sandy Park proposed an Amendment to defer the application to allow further discussion between the Planning Officers and the Applicant regarding the proposed height, design and possibility of underbuilding. This was seconded by Duncan Bryden.

The vote was as follows:

	MOTION	AMENDMENT	ABSTAIN
Eric Baird	√		
Stuart Black		√	
Duncan Bryden		√	
Basil Dunlop		√	
Angus Gordon		√	
David Green		√	
Willie McKenna		√	
Eleanor Mackintosh		√	
Anne MacLean	√		
Alastair MacLennan		√	
Sandy Park		√	
Gregor Rimell	√		
Sheena Slimon		√	
Bob Wilson	√		
TOTAL	4	10	0

40. The Committee agreed to defer the application to allow further discussion between the Planning Officers and the Applicant regarding the proposed height, design and possibility of underbuilding.

41. Lucy Grant returned.

REPORT ON CALLED-IN PLANNING APPLICATION FOR ERECTION OF DWELLING AT LAND SOUTH EAST OF RYNUAN, NETHY BRIDGE (PAPER 3)

42. David Green advised Members that Dan Tindall, Applicant, Andrew Robinson, Agent and Sandy Caird, Representee, had requested to address the Committee. Members agreed to this request.

43. Andrew Tait presented a paper recommending that the Committee refuse the application for the reasons stated in the report, he also advised that Matthew Hawkins, CNPA Landscape Officer was available to answer any questions Members may have on the visual impact of the proposal.

44. Dan Tindall, Andrew Robinson and Sandy Caird addressed the Committee.

45. Members were invited to ask questions of the Speakers.

46. David Green thanked Dan Tindall, Andrew Robinson and Sandy Caird.

47. The Committee discussed the application and the following points were raised:
- a) Clarification of how SPP15 was applied in a National Park and how it would influence the forthcoming CNPA Local Plan.
 - b) Clarification of the weighting given to the economic justification of a proposal.
 - c) The structure and density of housing located around the Tulloch area.
 - d) Clarification of the environmental and visual impact of the proposal.
 - e) The difficulties of monitoring a management scheme for the control of garden areas of applications.
 - f) Clarification of the area of woodland on the site and the time required to manage it.
 - g) The importance of ensuring woods in the area are properly managed.
 - h) The difficulties in conditioning the proposed dwelling to be a primary residence.
 - i) Forestry not being classed as a land management justification in the Highland Structure Plan guidelines.
 - j) The innovative and well thought out design of the proposed dwelling.
48. The Committee agreed to refuse the application for the reasons stated in the report.

REPORT ON CALLED-IN PLANNING APPLICATION FOR CONSERVATION REPAIRS TO NON DOMESTIC BUILDINGS AT AUCHTAVAN COTTAGE, GLEN FEARDAR, BRAEMAR (PAPER 3)

49. Andrew Tait presented a paper recommending that the Committee approve the application subject to the conditions stated in the report.
50. The Committee discussed the application and the following points were raised:
- a) The possibility of including interpretation at the site.
 - b) Clarification that all the method statements would be fully comprehensive.
51. The Committee agreed to approve the application subject to the conditions stated in the report and a requirement for interpretation at the site.

ANY OTHER BUSINESS

52. Willie McKenna requested an update on when a report would be brought to the Planning Committee regarding the recently published Highland Council housing guideline. Don McKee confirmed that this would be brought to a Committee in February for discussion.
53. Eleanor Mackintosh advised Members that Highland Council had recently published a report regarding the possible sale of the Crown Estate. Eleanor mackintosh advised that although this seemed to be primarily concerned with the coastline it would affect the Glenlivet area which was located within the CNP and requested that Planning Officials keep watch on the situation. Don McKee advised that the Planning Officials would liaise with colleagues other groups within the Authority as the issue was wider than planning.

DATE OF NEXT MEETING

69. Friday, 26th January 2007, The Village Hall, Cromdale (Call-in Report only)

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 13:20hrs.