

AGENDA ITEM 5

APPENDIX 3

05/495/CP

MINUTES OF PLANNING
COMMITTEE MEETING
MARCH 2007

CAIRNGORMS NATIONAL PARK AUTHORITY

MINUTES OF THE PLANNING COMMITTEE held at The Ben Mhor Hotel, Grantown on Spey on 9th March 2007 at 10.30am

PRESENT

Eric Baird	Eleanor Mackintosh
Stuart Black	Anne MacLean
Duncan Bryden	Alastair MacLennan
Basil Dunlop	Andrew Rafferty
Douglas Glass	Gregor Rimell
Angus Gordon	David Selfridge
Lucy Grant	Sheena Slimon
David Green	Richard Stroud
Marcus Humphrey	Susan Walker
Bob Kinnaird	Ross Watson
Bruce Luffman	
Willie McKenna	

IN ATTENDANCE:

Mary Grier	Andrew Tait
Neil Stewart	Wendy Rogerson

APOLOGIES:

Nonie Coulthard
Sandy Park
Bob Wilson

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, 23rd February 2007, held at The Cairngorm Hotel, Aviemore were approved.
4. Regarding item 4 from the previous minutes, it was highlighted that there are now new rules regarding Highland Council Election nomination withdrawals.

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

5. Anne MacLean declared an interest in Item No. 9 and Item No. 12 on the Agenda.
6. Sue Walker declared an interest in Planning Application No. 07/081/CP and 07/083/CP.
7. Marcus Humphrey declared an interest in Item No. 7 on the agenda and Planning Application No. 07/084/CP.
8. Ross Watson declared an interest in Planning Application No. 07/078/CP.
9. Douglas Glass declared an interest in Item No. 7 on the agenda.
10. Sheena Slimon declared an interest in Item No. 10 on the Agenda.
11. Stuart Black declared an interest in Planning Application No. 07/082/CP and 07/087/CP.
12. Bruce Luffman declared an interest in Item No. 7 on the agenda.
13. Richard Stroud declared an interest in Item No. 7 on the agenda.
14. Alistair MacLennan declared an interest in Planning Application No. 07/088/CP.
15. Lucy Grant declared an interest in Item No. 11 on the agenda.

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

16. 07/077/CP - No Call-in

Ross Watson declared an interest and left the room.

17. 07/078/CP - No Call-in

Ross Watson returned.

18. 07/079/CP - No Call-in

19. 07/080/CP - No Call-in

Sue Walker declared an interest and left the room.

20. 07/081/CP - No Call-in

Sue walker returned.

Stuart Black declared an interest and left the room.

21. 07/082/CP - No Call-in

Stuart Black returned.

Sue Walker declared an interest and left the room.

22. 07/083/CP - The decision was to call-in the application for the following reason :

The proposed development involves a change from institutional use to residential accommodation and also involves significant alterations to the property which is considered to be of cultural heritage value and is within the Braemar Conservation Area. It therefore raises issues of significance to the aims of the Cairngorms National Park, in particular in relation to

conservation and enhancement of the cultural heritage of the area, and also in relation to the social and economic development of the area.

Sue Walker returned.

Marcus Humphrey declared an interest and left the room.

23.07/084/CP - No Call-in

Marcus Humphrey returned.

24.07/085/CP - No Call-in

25.07/086/CP - No Call-in

Stuart Black declared an interest and left the room.

26.07/087/CP - The decision was to call-in the application for the following reason :

The proposed development is of a significant scale in an exposed rural location, close to the end of a minor road network. It is also in close proximity to a claimed right of way. The proposed development is considered to be of general significance to the aims of the Cairngorms National Park, particularly in respect natural heritage issues, the sustainable use of natural resources, the enjoyment of the area by the general public and the economic development of the area.

Stuart Black returned.

Alistair MacLennan declared an interest and left the room.

27.07/088/CP - No Call-in

Alistair MacLennan returned.

28.07/089/CP - No Call-in

29.07/090/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 07/077/CP, 07/078/CP, 07/079/CP & 07/084/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 CONSULTATION RESPONSE TO ABERDEENSHIRE COUNCIL
FOR PROPOSAL FOR THE REMOVAL OF OCCUPANCY CONDITION ON A
SECTION 50 AGREEMENT RELATING TO PLANNING REF. NO.: 01/095/0720 AT
PRONY, GLEN GAIRN, BALLATER
(PAPER 1)**

31. Marcus Humphrey, Douglas Glass, Bruce Luffman and Richard Stroud declared an interest and left the room.
32. Mary Grier presented a paper recommending that the Committee approve the consultation response as detailed in the report for submission to Aberdeenshire Council.
33. The Committee discussed the report and the following points were raised:
 - a) The issue of whether this would set a precedent for the future.
 - b) How to protect against use as a holiday home/second home in the future.
 - c) Whether a clause should be added to protect against future use as a holiday/second home.
 - d) Recent changes in farming and how this affects housing.
 - e) The potential for releasing properties to allow those less wealthy to purchase the property.
34. Mary Grier responded to the points raised.
35. The Committee agreed to approve the consultation response as detailed in the report for submission to Aberdeenshire Council with an amendment to strongly suggest the Council explore a clause to ensure the use of the property for either of the purposes mentioned in the supporting documentation i.e. tourist accommodation or permanent residential accommodation and also recommend that any decision allowing the removal of the occupancy condition should not set a precedent for future applications.
36. Marcus Humphrey, Douglas Glass, Bruce Luffman and Richard Stroud returned.

**REPORT ON CALLED-IN PLANNING APPLICATION FOR ERECTION OF 10
CHALETS AND ASSOCIATED GROUND, ACCESS WORKS AT GRANTOWN
CARAVAN PARK, SEAFIELD AVENUE, GRANTOWN ON SPEY
(PAPER 2)**

37. The Convener advised the Committee of two additional letters that had been received and one late submission.
38. The Committee discussed whether or not they should consider the late submission.
39. The Committee agreed that they would not consider the late letter.
40. The Convener advised the Committee that the applicant, Sandra McKelvie, and Mr Sutton from the Grantown-on-Spey Community Council wished to address the Committee.
41. The Committee paused to read the two additional letters.
42. Mary Grier presented a paper recommending that the Committee refuse the application for the reasons stated in the report.
43. David Green introduced Sandra McKelvie to the Committee.
44. Sandra McKelvie addressed the Committee and presented a short Power Point presentation.
45. David Green introduced Mr Sutton to the Committee.

46. Ewan Sutton addressed the Committee.
47. David Green advised the Committee that Mrs McKelvie's son, John Flemming was also available for questions.
48. The Committee asked Sandra McKelvie and her son questions regarding the following points:
- a) The economic benefits to the community of their work at the caravan park.
 - b) Possible alternative locations for the chalets.
 - c) The main type of accommodation currently provided at the caravan park.
 - d) Reasons for the unauthorised works and when works were started.
 - e) If planning advice was sought on landscaping
 - f) If the works were funded through the selling of holiday homes on the caravan park.
 - g) Availability of an alternative storage area on site.
 - h) Occupancy expected from the new chalets.
 - i) Design issues
 - j) Given the detrimental effects to the landscape caused by the works, justification was sought regarding how the establishment could be classed as high quality.
 - k) How far the applicants were prepared to go to meet the requirements of the CNPA.
 - l) Possibility of withdrawing the application.
49. The Committee asked Mr Sutton questions regarding the following point:
- a) Given that the application was not in accordance with the Local Plan, what other justification was there for supporting the application.
50. The Convener thanked Mrs McKelvie, her son and Mr Sutton.
51. Mary Grier was given an opportunity to respond to any of the points raised by the questioning.
52. The Committee asked Mary Grier questions regarding the following points:
- a) Submission of a landscape plan.
 - b) Interpretation of planning policy.
 - c) Whether attaching conditions would be sufficient enough to resolve the conflicts.
 - d) The current local plan allocation and the situation following the CNPA local plan being published.
 - e) Timing for a resubmission of the application.
 - f) Potential re-instatement of the site if application is refused.
 - g) The percentage of the works relating to this application.
 - h) Time limits for enforcement action.
53. The Committee discussed the application and the following points were raised:
- a) The fact that the Committee are not here to punish people but they have to be mindful of the Park aims.
 - b) The fact that the Caravan Park has vastly improved since past times.
 - c) The contribution the Caravan Park makes to the local economy.
 - d) Landscaping issues.
 - e) The need for the type of accommodation the chalets would provide.
 - f) The possibility of using conditions or legal agreements to restrict use to self catering.
 - g) What could be done to help the applicants deliver what the CNPA want.

- h) Whether attaching conditions would be sufficient to meet the CNPA requirements.
- i) Conflict of the application with the first aim of the park and the application giving rise to conflict between the first and fourth aim.
- j) Possibility of using a Section 75 agreement to protect against the chalets being sold in the future.
- k) Possibility of dropping the enforcement action if refused to allow the applicants to submit a new application with amended proposals.

54. Richard Stroud proposed a Motion to refuse the application as recommended in Part A but to drop the enforcement action in Part B to allow the applicants to submit a new application with amended proposals, taking better account of design, siting and landscaping issues.

55. This was seconded by Bruce Luffman.

56. Basil Dunlop proposed an Amendment to approve the application with appropriate conditions to take account of design, siting and landscaping issues.

57. This was seconded by Willie McKenna.

58. The Vote was as follows:

	MOTION	AMENDMENT	ABSTAIN
Eric Baird	√		
Stuart Black		√	
Duncan Bryden	√		
Basil Dunlop		√	
Douglas Glass	√		
Angus Gordon		√	
Lucy Grant	√		
David Green	√		
Marcus Humphrey	√		
Bob Kinnaird	√		
Bruce Luffman	√		
Willie McKenna		√	
Eleanor Mackintosh	√		
Anne McLean	√		
Alistair MacLennan	√		
Andrew Rafferty		√	
Gregor Rimell		√	
David Selfridge	√		
Sheena Slimon	√		
Richard Stroud	√		
Susan Walker	√		
Ross Watson	√		
TOTAL	16	6	0

59. The Committee agreed to refuse the application as recommended but to drop the enforcement action to allow the applicants to submit a new application with amended proposals, taking better account of design, siting and landscaping issues.
60. The Convener advised that the Committee would break for lunch for half an hour and would reconvene at 13:15hrs.
61. The Committee reconvened following lunch at 13:15hrs.

REPORT ON CALLED-IN PLANNING APPLICATION FOR ERECTION OF 13 AMENITY DWELLINGS AT LAND TO THE WEST OF AND IMMEDIATELY ADJACENT TO TIGH NA FRAOCH, ON B970, NETHY BRIDGE (PAPER 3)

62. Anne McLean declared an interest and left the room.
63. David Green advised the Committee of four additional letters and one late letter.
64. The Committee agreed not to consider the late letter.
65. David Green advised the Committee that, Helen Mackie from the applicants, Albyn Housing Society, a representee, Mr Carrott and Mr Renton from Nethybridge Community Council all wished to address the Committee.
66. The Committee paused to read the additional letters.
67. Mary Grier presented a paper recommending that the Committee approve the application subject to the conditions stated in the report.
68. The Committee asked Mary Grier questions and points of clarification regarding the following points:
- a) Regarding Condition No. 3 in the report, the suitability of building houses along the existing building line.
 - b) Clarification of the suitability of building 1¹/₂ storey properties.
 - c) Local Plan allocation of the adjacent field.
 - d) With reference to Condition No. 2 in the report, clarification of the definition of amenity housing currently and in the future.
 - e) Visibility splays if end houses turned parallel to the road.
 - f) Timescales
69. David Green introduced Helen Mackie, a representative of the applicants, Albyn Housing Society.
70. Ms Mackie addressed the Committee.
71. The Committee asked the applicant questions regarding the following points:
- a) Housing lists - local list as apposed to main stream list.
 - b) The possibility of a condition stipulating local housing needs.
 - c) Occupancy based on age and point system.
 - d) Local housing need and demand
 - e) Policy on house type and meeting demand.
 - f) Suitability of 1¹/₂ storey properties versus 1 storey properties.
 - g) Community consultations.
 - h) Policy on proportion of Albyn Housing Society housing list versus Highland Council housing list.
 - i) If large local demand, the proportion of locals that would be given houses.
72. David Green thanked the applicant.

73. David Green introduced David Carrott.
74. David Carrott addressed the Committee
75. The Committee asked Mr Carrott questions regarding the following points:
 - a) The benefits of a move from sheltered housing to amenity housing.
76. David Green thanked Mr Carrott.
77. David Green introduced Mr Renton of Nethybridge Community Council.
78. Mr Renton addressed the Committee.
79. The Committee asked a further question to Albyn Housing Society regarding the type of occupancy planned for the proposal.

80. Mary Grier was given an opportunity to comment on any of the issues raised by the speakers.
81. The Committee asked Mary Grier questions and points of clarification regarding the following points:
 - a) Suitability of layout, orientation and property design regarding condition No. 3
 - b) Whether the path is in the control of the applicants, regarding condition No. 4b.
82. The Committee discussed the application and the following points were raised:
 - a) Possibility of the use of lifts in the 1¹/₂ storey properties.
 - b) The need for flexibility because the type of clients cannot be foreseen.
 - c) The need for local research to be compiled and the design to then reflect local need.
83. The Committee asked further questions to Mary for clarification on the following points:
 - a) Clarification on the wording of the report regarding house design.
 - b) If Albyn Housing Society's allocation policy be incorporated into the Conditions.
 - c) The appropriateness of the word "mix", and that it should be included in the report, with reference to condition No. 3.
 - d) Whether the priority local need is for either single storey housing or 1¹/₂ storey properties.
84. The Committee continued their discussion with further points being raised as follows:
 - a) The suitability of the site for this type of housing.
 - b) The suitability of 1 storey versus 1¹/₂ storey properties.
 - c) Local Letting initiatives.
85. Marcus Humphrey proposed a Motion to approve the application with amended wording for Condition No. 2 and No. 3 to allow for a mix of the type of properties to be built, and to make reference to the Community Letting Initiative.
86. This was seconded by Gregor Rimmell.
87. Stuart Black proposed an Amendment to approve the application with an amendment to condition No. 3 to state that only 1 storey accommodation be provided.
88. This was seconded by Sheena Slimon.

89. The vote was as follows:

	MOTION	AMENDMENT	ABSTAIN
Eric Baird	√		
Stuart Black		√	
Duncan Bryden	√		
Basil Dunlop		√	
Douglas Glass		√	
Angus Gordon		√	
Lucy Grant	√		
David Green	√		
Marcus Humphrey	√		
Bob Kinnaird	√		
Bruce Luffman	√		
Willie McKenna	√		
Eleanor Mackintosh	√		
Alistair MacLennan	√		
Andrew Rafferty	√		
Gregor Rimell	√		
David Selfridge		√	
Sheena Slimon		√	
Richard Stroud	√		
Susan Walker	√		
Ross Watson		√	
TOTAL	14	7	0

90. The Committee agreed to approve the application subject to the conditions stated in the report with amended wording for Condition No. 2 and No. 3 to allow for a mix of the type of properties to be built and to make reference to the Community Letting Initiative.

91. Anne McLean returned.

REPORT ON CALLED-IN PLANNING APPLICATION FOR CONVERSION OF AND EXTENSION TO BOTHY TO FORM COFFEE SHOP AND RESTAURANT AND ASSOCIATED TRAINING FACILITIES AT BADAGUISH OUTDOOR CENTRE, ROTHMURCHUS, AVIEMORE (PAPER 4)

92. Sheena Slimon declared an interest and left the room.

93. Neil Stewart presented a paper recommending that the Committee approve the application subject to the conditions stated in the report.

94. The Committee asked Neil questions and points of clarification regarding the following points:

- a) Signage, referring to paragraph 2 in the report.
- b) Provisions for takeaway food, referring to paragraph 24 in the report.
- c) Current facilities for eating.

95. The Committee discussed the application and the following points were raised:
- a) The proposal not being sympathetic to the existing traditional building.
 - b) The unsuitability of the velux windows on the existing traditional building.
 - c) The possibility of changing the proposal with an appropriate amendment to the use of roof lights on the building and delegating this to officers.
96. The Committee expressed concern with the level of building at Badaguish and the need for an overall masterplan.
97. Neil responded by advising that this proposal and another application was the final phase.
98. The Committee agreed to approve the application subject to the conditions stated in the report with delegation to officers to agree with the applicants an appropriate amendment of the use of roof lights on the building.
99. Sheena Slimon returned.

REPORT ON CALLED-IN PLANNING APPLICATIONS FOR

i) ERECTION OF BOREHOLE COMPOUND, FORMATION OF ACCESS TRACK AND ASSOCIATED WORKS (REVISED & RETROSPECTIVE APPLICATION) AT WATER TREATMENT WORKS, LAGGAN

ii) INSTALLATION OF CLEAR WATER TANK AND ASSOCIATED WORKS (REVISED & RETROSPECTIVE APPLICATION) AT WATER TREATMENT WORKS, LAGGAN

iii) USE OF LAND FOR DEPOSITING OF EXCESS INERT MATERIAL (RETROSPECTIVE APPLICATION) AT WATER TREATMENT WORKS, LAGGAN (PAPER 5)

100. Lucy Grant declared an interest and left the room.
101. Neil Stewart advised the Committee of 3 additional letters and that the conditions of the previous permission had been circulated to Members.
102. David Green advised the Committee that Sharon Green, the Project Manager for the applicants, Scottish Water Solutions, their Planning Consultant, Michael Walker and Ron Murdoch, a SEPA Hydrologist were available for questions and that Caroline Hunt, an objector wished to address the Committee.
103. The Committee paused to read the additional letters.
104. Neil Stewart presented a paper recommending that the Committee approve the applications subject to the conditions stated in the report.
105. The Committee asked Neil questions and points of clarification regarding the following points:
- a) Whether the unauthorised track is included in the applications.
 - b) If the previous application included where the material would be deposited.
106. The Project Manager responded to the question.

107. The Committee went on to ask further questions to the Project Manager on the following points:
 - a) Why the applications are retrospective.
 - b) If the contractor was made aware of the previous condition No. 6 relating to access track levels.
 - c) Scottish Water Solutions procedures.
 - d) The apparent incompetence of Scottish Water Solutions.
108. The Committee asked Neil a further question regarding why the issue of flooding had not been flagged up originally with the previous application.
109. Neil Stewart responded to the question by advising that there had been no land raising in the previous application and SEPA had had no objections.
110. The Convener introduced Caroline Hunt, an objector.
111. Caroline Hunt addressed the Committee.
112. The Committee asked Caroline Hunt questions regarding the following points:
 - a) Whether the probable cause of the flooding problems related to the land raising.
113. The same question was asked to the SEPA Hydrologist.
114. David Green asked Neil if the Committee had enough information to make a decision on this application.
115. Neil responded by advising that, in his opinion, this was because SEPA had removed their objection.
116. The Committee continued with questions to SEPA and Scottish Water Solutions on the following points:
 - a) Comparison of flooding occasions before and after works.
 - b) Comparisons of flow figures.
 - c) Flow patterns and displaced surface water.
117. The Committee discussed the applications and the following points were raised:
 - a) Whether to approve the clear water tank application and defer the other two applications involving land raising.
 - b) Whether to defer all three applications to allow for further information including detailed modelling of flow patterns before and after works and to predict impact of any future works.
118. The Committee agreed to defer the applications to allow for further information including detailed modelling of flow patterns before and after works and to predict the impact of any future works.
119. A suggestion was made that in view of the retrospective applications the Convener should set up a meeting with Scottish Water Solutions and Scottish Water.
120. Lucy Grant returned.

**REPORT ON CALLED-IN PLANNING APPLICATION FOR ROADS, FOOTPATHS, PLOT BOUNDARIES; DWELLING DESIGNS FOR 117 DWELLINGS AND SUPPORTING STUDIES AND TRAFFIC CALMING DETAILS AT LAND BOUNDED BY CRANNICH PARK, ROWAN PARK & CARR ROAD, CARRBRIDGE
(PAPER 6)**

121. Anne McLean declared an interest and left the room.
122. It was noted that Bruce Luffman had to leave the meeting.
123. David Green advised the Committee that Mr Hepburn, on behalf of Tulloch Homes, wished to address the Committee, as did objectors Roy Turnbull and Mrs Jones, and Mr Bruce of the Carrbridge Community Council and that the agents Mr Rennie and Mr Stewart were available for questions.
124. The Committee were advised of a late submission.
125. The Committee agreed not to consider the late letter.
126. Andrew Tait presented a paper recommending that the Committee approve the application subject to the conditions stated in the report.

127. The Committee asked Andrew Tait questions and points of clarification on the following points:
 - a) The location of and timing of building of the affordable housing element of the application.
 - b) Affordable housing and the existing layout.
 - c) Confirmation of the location of the main access road.
 - d) Duration of the hydrological management.
 - e) Occupancy of affordable housing during the rest of the construction period.
 - f) Hydrological study and the conditions in the reporters report.
128. Mr Hepburn addressed the Committee.
129. Roy Turnbull and Mrs Jones addressed the Committee and gave a Power Point presentation.
130. Mr Bruce addressed the Committee.
131. Andrew was given an opportunity to respond to points raised by the speakers.
132. Andrew Tait recommended that the application be deferred in light of the ant nests found on the affordable house sites.

133. The Committee discussed the application and the following points were raised:
 - a) The possibility of a site visit.
 - b) Possibility of speaking to the reporter regarding the hydrological conditions.
 - c) The flooding issues should go back to SEPA.
134. The Committee asked Andrew further questions on the following points:
 - a) Natural Heritage surveys.
 - b) Sustainable heating systems.
 - c) Funding issues regarding the phasing of affordable housing.
 - d) Possibility of a survey to establish base lines and to predict the effects of the works on site.
 - e) If the CNPA Natural Heritage Group would attend a site visit and carry out further investigation.
135. The Committee agreed to defer the application to allow for additional information to be gathered regarding affordable housing phasing, hydrological assessments and natural heritage issues and for a Committee site visit.

136. Anne McLean returned.

REPORT ON CALLED-IN PLANNING APPLICATION FOR ERECTION OF DWELLING AT CRAIGMEKIE, GLEN ISLA (PAPER 7)

137. It was noted that in addition to Bruce Luffman, Marcus Humphrey and Bob Kinnaird had to leave the meeting.

138. Andrew Tait presented a paper recommending that the Committee approve the application subject to the conditions stated in the report.

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

- a) Support for the re-use of materials and original footprint of buildings.
- b) Concern that the ruins form part of the social history of the park and are therefore important in terms of cultural heritage.
- c) Concern that this would be a house in open countryside.
- d) Possibility of deferring the application to allow for additional information and guidance regarding the cultural heritage aspects of this application.
- e) The view that the benefits to the current community are more important than past communities.

140. The Committee agreed to defer the application to allow for additional information and guidance regarding the cultural heritage aspects of the application.

ANY OTHER BUSINESS

141. David Green advised the Committee that it was Douglas Glass' last day on the Committee and a vote of thanks was given.

142. The Committee were advised of an event following the CNPA elections, from 6:30pm onwards which is open to everyone.

143. Gregor Rimmell brought it to the attention of the Committee that the new Chief Executive from the MacDonald Highland Resort had written to him requesting a meeting.

144. Gregor Rimmell brought it to the attention of the Committee that Aviemore Community Council had contacted him regarding their concern over the Highburnside application and ongoing damage to the environment.

145. Gregor Rimmell advised that the Aviemore Community Council had asked for clarification regarding the Aviemore North Gateway and wondered if there was an overall strategy within the Park for such developments.

146. Neil Stewart and Andrew Tait responded stating that if the Community Council wrote to the CNPA, reply would be given.

DATE OF NEXT MEETING

147. Friday, 23rd March 2007 at The Albert Memorial Hall, Ballater.

148. Committee Members are requested to ensure that any Apologies for this meeting are submitted to the Planning Office in Ballater.

149. The meeting concluded at 17:20hrs.