
CAIRNGORMS NATIONAL PARK AUTHORITY

MINUTES OF THE PLANNING COMMITTEE

held within Newtonmore Village Hall

on 19th December 2003 at 10.30am

PRESENT

Mr Peter Argyle
Mr Eric Baird
Mr Duncan Bryden
Mr Stuart Black
Ms Sally Dowden
Mr Basil Dunlop
Mrs Lucy Grant
Mr David Green
Mr Bruce Luffman
Mr William McKenna
Ms Eleanor Mackintosh

Mr Alastair MacLennan
Ms Ann MacLean
Mr Gregor Rimell
Mr David Selfridge
Mr Robert Severn
Ms Joyce Simpson
Mrs Sheena Slimon
Mr Richard Stroud
Mr Andrew Thin

IN ATTENDANCE:

Denis Munro
Neil Stewart
Sandra Middleton

APOLOGIES:

Mr Douglas Glass
Mr Angus Gordon
Mr Andrew Rafferty
Ms Susan Walker
Mr Bob Wilson

WELCOME AND APOLOGIES

1. The Convenor welcomed all present.
2. Apologies were received from Bob Wilson, Susan Walker, Andrew Rafferty, Douglas Glass and Angus Gordon.

MATTERS ARISING FROM THE PREVIOUS MEETING

3. The minutes of the previous meeting were approved.

GUIDANCE FOR PLANNING & DEVELOPMENT CONTROL COMMITTEE MEMBERS ON CIRCUMSTANCES REQUIRING A DECLARATION OF INTEREST (Discussion paper)

4. Denis Munro explained that his paper is based on his own views and also upon informal legal advice that he has sought. DM advised the committee that the paper is only a discussion paper which would be refused in the light of comments received.
5. The paper was accepted by the committee as a positive step towards clarification of the situation and it was stressed that if any member had doubts about whether or not to declare an interest in any item on committee Agendas, they should seek advice from the Planning Officials.

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

6. Stuart Black asked the committee to note that SNH had given comments on the application appearing in Item 8 of the Agenda but that as a member of the SNH North Areas advisory board, he has had no involvement in the making of those comments. As such Stuart Black did not declare an interest in the application.

PLANNING APPLICATION CALL-IN DECISIONS

7. Call-in Notifications;

- a. 03/127/CP – No Call-in
- b. 03/128/CP – No Call-in
- 03/129/CP – The decision was to Call-in this application for the following reason;
 - The proposal to erect a house of this design, in this countryside location may raise issues of general significance to the aims of the National Park.
- c. 03/130/CP – No Call-in
- d. 03/131/CP – No Call-in
- e. 03/132/CP – No Call-in
- f. 03/133/CP – No Call-in
- g. 03/134/CP – No Call-in
- h. 03/135/CP – No Call-in
- i. 03/136/CP – No Call-in
- j. 03/137/CP – No Call-in
- k. 03/138/CP – No Call-in
- l. 03/139/CP – No Call-in
- m. 03/140/CP – No Call-in
- n. 03/141/CP – No Call-in
- o. 03/142/CP – No Call-in
- p. 03/143/CP – No Call-in
- q. 03/144/CP – No Call-in

- r. 03/145/CP– No Call-in
- s. 03/146/CP – No Call-in
- t. 03/147/CP – No Call-in

COMMENTING ON APPLICATIONS NOT CALLED-IN BY THE COMMITTEE

- 8. It was agreed that comments be brought forward on application 03/137/CP at the next committee.
- 9. It was agreed that comments be made to Highland Council on application 03/141/CP, the Highland Councillors left the room. Neil Stewart proposed that the committee submit the following comments to the Highland Council;

The Cairngorms National Park Authority finds the principle of redevelopment of this site, to form a mixed residential and commercial use development in this town centre location, acceptable. However, the Cairngorms National Park Authority feels that the proposal, as submitted, raises issues in relation to potential overdevelopment of the site, which in turn raises local issues of visual impact on the townscape, access and parking, amenity of neighbours and design and scale. In line with planning policy for the area, the Cairngorms National Park Authority suggests that amendments are sought to the proposal, in terms of reducing the scale, density and bulk of the development, and amending the design in relation to detailing and finishing materials, in order to achieve a building which contributes positively to the townscape of this part of the Aviemore town centre.

- 10. The comments were agreed with the inclusion of a specific comment relating to the 3 storey nature of the proposed building. The Highland Councillors returned.

DECISION ON PLANNING APPLICATION 03/023/CP (Paper 1)

- 11. The Convenor advised the committee that a letter from the applicant containing further information relating to the application had been emailed to members within the last 48 hours. It was noted that the Standing Orders do not allow for further information to be submitted to members less than 48 hours before the committee is due to meet. The Convenor advised the committee that further late representations had also been received and therefore proposed that the committee adjourn for 5 minutes to allow members, objectors and the applicant to acquaint themselves with the new information.
- 12. Richard Stroud expressed concern that members could be lobbied with information prior to a meeting and requested that the protocol for dealing with this situation, should it arise, be clarified. It was agreed that Denis Munro would address this point at a future meeting.
- 13. The Convenor advised the committee and members of the public that the determination process would be based on the Standing Orders of the CNPA Planning Committee and not that of a Hearings procedure. The committee were informed that Requests to Speak had been received from the applicant and 4 objectors. The committee Agreed to grant these requests to speak.
- 14. The committee agreed to limit the time for each of the two parties (Applicant and Objectors) to speak to 5 minutes in total for each party as described in the standing orders.
- 15. The Convenor proposed and the committee agreed, the following course of events, for determining the application.

- a) The Planning Officer deliver his report
- b) The applicant addresses the Committee
- c) The Objectors address the Committee
- d) The Planning Officer will have an opportunity to come back on any new information or issues raised
- e) The Applicant may come back on any new issues raised
- f) The Committee be given the opportunity to question both the Applicant and Objectors before making their decision.

16. Neil Stewart presented the paper (paper 1) for determination of planning application reference 03/023/CP for the proposed erection of a dwelling house for short term holiday letting at Land At Lochan Geal, Dalnavert, Feshie Bridge. The recommendation of the paper was for refusal.
17. The applicant was given the opportunity to speak. Callum Innes was invited to speak on behalf of the applicant Ian Forrester for 5 minutes.
18. Objectors Mr Rowell, Mr Buxton, Mr Doyle and Mr Walker were given the opportunity to speak for 5 minutes collectively.
19. Neil Stewart addressed the statement by the applicant that SNH now support the application and that the previous application was only refused due to their objection. NS advised the committee that SNH have not submitted any objection to the application but that does not mean that they support the application. NS also pointed out that the previous application had been refused for a number of reasons, not only due to the objection of SNH.
20. The Applicant was given the opportunity to address any new issues that had been raised.
21. The Convenor asked Willie McKenna, member for the ward in which the application falls, to express his opinion on the application. WM supported the recommendation of the Planning Officer to refuse the application raising particular concern over the issue of the unadopted road and its capacity for increased traffic – particularly in adverse weather conditions.
22. Bruce Luffman asked that the applicant clarify their statement that the proposed house is crucial to the future of their business. The applicant advised the committee that there are 4 houses currently owned by the North Lodges Company and three for which they are letting agents. The applicant believes that the addition of a fifth house to their business would be a substantial increase in their income and would therefore be crucial to the business.
23. Bob Severn advised the committee that he believes that the Ospreys abandoned their nest due to clearance of scrubland within its vicinity. Bob Severn said he supported the application and advised the committee that planning policy could be overturned if it could be proved that the application presented the opportunity of significant local gain.
24. Denis Munro advised the committee that planning policy has a presumption against sporadic housing in the countryside and that if a planning authority are to go against policy then their justification must be coherent in planning terms.
25. Willie McKenna proposed a Motion to support the Officer recommendation, Peter Argyle seconded it.
26. Bob Severn proposed an Amendment to the recommendation to grant the application on the grounds of significant gain to the local community, this was seconded by Alistair McLennan.
27. The resulting vote was;

NAME	MOTION	AMENDMENT	ABSTAIN
Peter Argyle	✓		
Eric Baird	✓		
Duncan Bryden	✓		
Stuart Black	✓		
Sally Dowden	✓		
Basil Dunlop	✓		
Lucy Grant	✓		
David Green	✓		
Bruce Luffman	✓		
Willie McKenna	✓		
Eleanor Mackintosh	✓		
Alastair MacLennan		✓	
Anne MacLean			✓
Gregor Rimmell	✓		
David Selfridge	✓		
Robert Severn		✓	
Joyce Simpson		✓	
Sheena Slimon	✓		
Richard Stroud	✓		
Andrew Thin	✓		
TOTAL	16	3	1

28. The Motion was approved, the decision of the committee was to refuse the application.

ANY OTHER BUSINESS

29. Peter Argyle requested that the planning officials investigate the use of portable sound systems for committee meetings in halls where acoustics are poor.

DATE OF NEXT MEETING

30. 5th January 2004, Ballater.