
CAIRNGORMS NATIONAL PARK AUTHORITY

DRAFT MINUTES OF THE PLANNING COMMITTEE

held at The Albert Memorial Hall, Ballater
on 27th July 2007 at 10.30am

PRESENT

Eric Baird
Stuart Black
Duncan Bryden
Nonie Coulthard
Angus Gordon
David Green
Marcus Humphrey
Bob Kinnaird
Bruce Luffman

Mary McCafferty
Willie McKenna
Eleanor Mackintosh
Anne MacLean
Alastair MacLennan
Sandy Park
Richard Stroud
Susan Walker
Ross Watson

IN ATTENDANCE:

Andrew Tait
Mary Grier

Neil Stewart
Pip Mackie

APOLOGIES:

Geva Blackett
Basil Dunlop
Lucy Grant
Andrew Rafferty

David Selfridge
Sheena Slimon
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, 13th July 2007, held at The Albert Memorial Hall, Ballater were approved with an amendment to paragraph 1 to state that 'The Vice-Convenor of the Board, Eric Baird, welcomed all present'.
4. David Green advised that additional planning training would be organised for Members on a Friday in September / October, once the new Members were on the Committee. Members agreed that they were happy to dedicate a Friday in order to attend the training.

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

5. Marcus Humphrey declared an interest in Planning Application No. 07/278/CP, due to being the applicant's father and 07/279/CP as the applicant was an agricultural tenant of his.
6. Eric Baird declared an interest in Planning Application No. 07/281/CP due to the applicant being a sister of his director.
7. Anne MacLean declared an interest in Item No. 8 on the Agenda, due to the potential for the involvement of Albyn Housing Society with the development.
8. Mary McCafferty declared an interest in Item No. 11 on the Agenda, due to knowing the applicant, however, she did not feel the connection was sufficient to warrant leaving the room.

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

- Marcus Humphrey declared an interest and left the room.
9. 07/278/CP - The decision was to call-in the application for the following reason :
- The proposal is for the erection of a smokery building for the estate with on site visitor services in the form of sales, in a countryside location, partly within an Ancient Woodland Inventory, and where it would be visible from a main tourist route near the eastern entrance to the Cairngorms National Park. The site and its access, are also located adjacent to a Listed Building. The proposal is considered to raise issues in relation conservation and enhancement of natural and cultural heritage, economic development, and promotion of the special qualities of the area in the form of visitor services. As such it is considered to raise issues of general significance to the aims of the National Park.
10. 07/279/CP - No Call-in
Marcus Humphrey returned.
11. 07/280/CP - No Call-in

- Eric Baird declared an interest and left the room.
12. 07/281/CP - Richard Stroud proposed a Motion that the application be Called-in. This was seconded by Bruce Luffman.
Anne MacLean proposed an Amendment that the Application Not be Called-in. This was seconded by Stuart Black.

The vote was as follows:

| | MOTION | AMENDMENT | ABSTAIN |
|--------------------|----------|-----------|----------|
| Stuart Black | | √ | |
| Duncan Bryden | | √ | |
| Nonie Coulthard | | √ | |
| Angus Gordon | √ | | |
| David Green | | √ | |
| Marcus Humphrey | √ | | |
| Bob Kinnaird | | √ | |
| Bruce Luffman | √ | | |
| Mary McCafferty | | √ | |
| Willie McKenna | | √ | |
| Eleanor Mackintosh | | √ | |
| Anne MacLean | | √ | |
| Alastair MacLennan | √ | | |
| Sandy Park | | √ | |
| Richard Stroud | √ | | |
| Susan Walker | √ | | |
| Ross Watson | | √ | |
| TOTAL | 6 | 11 | 0 |

The vote was to Not Call-in the application.
Eric Baird returned.

13. 07/282/CP - No Call-in
 14. 07/283/CP - No Call-in
 15. 07/284/CP - No Call-in
 16. 07/285/CP - No Call-in
 17. 07/286/CP - No Call-in
 18. 07/287/CP - No Call-in
 19. 07/288/CP - No Call-in
 20. 07/289/CP - No Call-in
 21. 07/290/CP - No Call-in
 22. 07/291/CP - No Call-in
 23. 07/292/CP - No Call-in
 24. 07/293/CP - No Call-in
 25. 07/294/CP - No Call-in

COMMENTING ON APPLICATIONS NOT CALLED-IN BY THE COMMITTEE

26. The Members wished to make comments to the Local Authorities on the following Planning Application No's 07/281/CP, 07/285/CP, 07/287/CP, 07/290/CP, 07/291/CP & 07/292/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 DWELLING AND GARAGE AT LAND TO REAR OF HILLCREST, NETHY BRIDGE ROAD, BOAT OF GARTEN (PAPER 1)

27. Neil Stewart advised that 2 letters of representation had been received, within the required timescale for consideration, these had been provided to Members. The Committee paused to read the representations.
28. David Green advised that Rod Boyd, Agent and Ian Rourke, Applicant were available to answer any questions Members may have.
29. Neil Stewart presented a paper recommending that the Committee approve the application subject to a Section 75 Legal Agreement and the conditions stated in the report.
30. The Committee discussed the application and the following points were raised:
- a) The area of garden ground to be associated with the new property.
 - b) Clarification that the access to 'Hillcrest' was not shared with the neighbouring property 'Tomboyach House'.
 - c) The potential for using the new property for Guest House / Self Catering purposes and the planning permission which may be required for this change of use.
 - d) The possibility of removing the permitted development rights related to Guest House use on the property.
31. Ian Rourke, Applicant, stated he was happy for the permitted development rights relating to any use as a Guest House to be removed from the property.
32. The Committee agreed to approve the application subject to a Section 75 Legal Agreement and the conditions stated in the report with an additional condition removing the permitted development rights relating to Guest House use.

REPORT ON CALLED-IN PLANNING APPLICATION FOR RESIDENTIAL AND COMMERCIAL DEVELOPMENT INCLUDING PUBLIC BAR/RESTAURANT AT LAND AT JUNCTION OF FRANK SPAVEN DRIVE AND DALFABER DRIVE, AVIEMORE (PAPER 2)

33. Anne MacLean declared an interest and left the room.
34. David Green advised that Alan Munro, representative for the Applicants and Alan Ogilvie, representative for the Agents were available to answer any questions Members may have.

35. Neil Stewart presented a paper recommending that the Committee approve the application subject to a Section 75 Legal Agreement or Legal Exchange of Letters (upfront payment) securing developer contributions towards the future upgrade of the public road junction of Dalfaber Drive and Grampian Road and completion of Section 75 Legal Agreement or Imposition of Planning Condition securing the 50% affordable housing element.
36. The Committee discussed the application and the following questions were asked of the Planning Officer:
- a) Clarification that the housing association were happy with the level of 1 / 2 bedroom provision in the proposed development. Neil Stewart responded that Cairn Housing were generally content with the level of bedroom provision.
 - b) Why the CNPA Deposit Local Plan findings into the level of 1 / 2 bedroom provision required in affordable housing developments hadn't been considered. Neil Stewart responded that this was because Cairn Housing had stated they were generally content with the proposed level of provision, the Deposit Local Plan is not a material consideration yet and that the exact mix and tenure still required agreement.
 - c) The possibility of approving the scheme but not the bar / restaurant facility due to concern expressed by people neighbouring the site. Neil Stewart stated that the application had to be considered as a whole and determined accordingly. Noise / disturbance and hours of operation are a matter for the Councils Environmental Health & Licensing Authorities.
 - d) The possibility of incorporating a pedestrian crossing, as suggested by Aviemore Community Council, into the upgrade of the Dalfaber Drive and Grampian Road. Neil Stewart responded that this was an issue for the Highland Council Roads Department which could be considered as part of the developer contribution, if appropriate.
37. Members asked Alan Ogilvie, representative for the Agents, if any consideration had been given to incorporating Renewable Energy into the proposal. Alan Ogilvie responded that no specific thought had been given but that details could be worked up and integrated into the scheme.
38. The Committee discussed the application and the following questions were asked of the Planning Officer:
- a) Were any community facilities e.g. a School likely to be incorporated in the proposal. Neil Stewart responded that these facilities were now potentially being found in other locations in Aviemore.
 - b) Clarification of which elevation of the bar / restaurant building faced Dalfaber Drive.
 - c) Clarification of how the bar / restaurant would be accessed from Dalfaber Drive.
 - d) The possibility of entering further discussions with the Applicants regarding the sustainability of the development.
39. Members asked Alan Munro, representative for the Applicants, if the sustainability / carbon footprint of the development could be investigated.
40. Members thanked Neil Stewart for the work done on the application.

41. The Committee discussed the application and the following questions were asked of the Planning Officer:
- a) Clarification if the issues in the drainage and water networks had been resolved. Neil Stewart responded that a standard response had been received from Scottish Water and that the development would be subject to a separate approval process by Scottish Water. Current National planning advice argues against withholding planning permission unless Scottish Water object.
 - b) Clarification of where the SUDS were to be located in the development.
 - c) Clarification that the paths provided were adequate for all users (walkers / cyclists / horses) as required under the access legislation.
42. Members asked Alan Munro if any consideration had been given to providing separate cycle ways within the development. Alan Munro responded that the footpath links can also be cycle ways and that there were links nearby to the Aviemore Orbital Footpath providing access to the village.
43. Members asked Alan Munro for clarification of why the proposals for a youth club had been omitted from this proposal. Alan Munro responded that after discussion with the youth of Aviemore, they wanted facilities in the village centre and possibilities were still being investigated.
44. The Committee discussed the application and the following questions were asked of the Planning Officer:
- a) Clarification of the term 'neighbourhood shop' and had any research been carried out that a store would be a viable business. Neil Stewart responded that it was difficult for planners to get involved in viability and that any proposal must be presumed viable.
 - b) The possibility of including play areas / equipment in the management and maintenance plan required.
45. The Committee agreed to approve the application subject to a Section 75 Legal Agreement or Legal Exchange of Letters (upfront payment) securing developer contributions towards the future upgrade of the public road junction of Dalfaber Drive and Grampian Road and completion of Section 75 Legal Agreement or Imposition of Planning Condition securing the 50% affordable housing element and the conditions stated in the report with an amendment to Condition No. 9 to include any play areas / equipment and an additional condition requiring a sustainability statement to be submitted.
46. Anne MacLean returned.

REPORT ON CALLED-IN PLANNING APPLICATION FOR ERECTION OF SCULPTURE AT LECHT SKI CENTRE, STRATHDON (PAPER 3)

47. Andrew Tait presented a paper recommending that the Committee approve the application subject to the conditions stated in the report and an additional condition requiring that interpretation be provided, in agreement with the CNPA Visitor Services Group.

48. The Committee discussed the application and the following points were raised:
- a) The need for the facts in the interpretation information to be accurate.
 - b) The need to be cautious when interpreting art, as errors can be easily made.
 - c) The possibility of ensuring that the type of stone being used for the plinth was locally sourced or sympathetic to the area.
 - d) The maintenance the sculpture.
 - e) Clarification of the footpath to the sculpture.
 - f) The lighting to be provided on site. Andrew Tait confirmed that lighting would only be used for the opening event.
49. The Committee agreed to approve the application subject to the conditions stated in the report and additional conditions requiring that interpretation be provided, in agreement with the CNPA Visitor Services Group and that the type of stone being used for the plinth was locally sourced or sympathetic to the area.

REPORT ON CALLED-IN PLANNING APPLICATION FOR FORMATION OF RANGER BASE AT RANGER BASE, GLEN DOLL (PAPER 4)

50. David Green advised that Mick Pawley, Warren Lees and Mark Mudie from Angus Council were available to answer any questions Members may have.
51. Andrew Tait advised that a letter of representation had been received, outwith the timescale for consideration. The Committee agreed not to see the letter.
52. Andrew Tait presented a paper recommending that the Committee approve the application subject to the conditions stated in the report.
53. The Committee discussed the application and the following points were raised:
- a) The re-instatement of the wall was welcomed and could this be conditioned.
54. The Committee asked the Angus Council representatives the following questions:
- a) Clarification that the existing container unit would be removed from the site. Mick Pawley confirmed that the current infrastructure, including the container unit, would be removed.
 - b) Clarification of why the proposed location had been chosen for the Ranger Base. Mick Pawley advised that consultation had been carried with various partner organisations inc. SNH / FCS and the Angus Glens Management Group and that this had been chosen as the most appropriate location due to the existing Ranger presence and the area being the premier upland countryside site in Angus as well as a very popular visitor location.
55. The Committee discussed the application:
- a) Clarification that all ability access to the building was provided in accordance with the 'Countryside for All' standards.
 - b) Any signage required should be included in the overall site management programme and should reflect the quality of the new building.
 - c) The Angus Glens being the southern entrance to the CNP and the opportunity to direct people to other locations around the CNP.
56. The Committee agreed to approve the application subject to the conditions stated in the report with an amendment to Condition No. 7 to include signage and an additional condition requiring the re-instatement of the wall around the site.

57. The Committee broke for lunch at 12:50hrs.

58. The Committee re-convened at 13:30hrs.

REPORT ON CALLED-IN PLANNING APPLICATION FOR DEMOLITION OF STEADING; ERECTION OF HOUSE EXTENSION AT STARINDYE, CROMDALE (PAPER 5)

59. David Green advised that Matthew Hilton, Agent, had requested to address the Committee. The Committee agreed to the request.

60. Mary Grier presented a paper recommending that the Committee refuse the application for the reasons stated in the report.

61. Matthew Hilton, Agent, addressed the Committee.

62. The Committee discussed the application and the following point was raised:

a) Clarification of how the proposed extension would be incorporated into the existing extension.

63. The Committee asked Matthew Hilton the following questions:

a) The footprint of the proposed extension in relation to the existing steading footprint.

b) The possibility of building a smaller extension and utilising the existing steading.

c) Clarification of why such a large extension was required. Matthew Hilton responded that the Applicant required an integrated double garage and also a large kitchen area for entertaining.

d) Clarification that the proposed extension had a 1st floor connection to the existing house.

e) Clarification of the number of bedrooms that would be provided.

f) Had consideration been given to reflecting the steading in the design of the proposed extension.

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

a) The proposal not being seen as an obtrusive feature.

b) The proposed extension being an improvement to the current steading located on the site.

c) The importance that the house belonged to local people.

d) The length of time the Speyside Way had been in use in the area.

e) The square footage of the proposed extension compared to the existing steading.

f) The draft revised plan which had been provided, but which was not being considered for determination, as a full set of plans had not been submitted for the proposed revisions.

g) Clarification of why no further revised plans were submitted. Mary Grier responded that the Applicant's Agent had advised that they didn't wish to further pursue the revised design, as the draft was deemed inappropriate.

h) The roofline of the proposed extension.

i) Screening of the extension from the A95.

j) The extension providing only further family rooms to the house.

k) The possibility of deferring the application to allow further plans to be submitted revising the proposal and reducing the bulk of the development.

- l) Current Highland Council Policy stating that any extension is required to be kept in scale with the existing building. The proposal being out of scale and therefore not conforming to the policy.
 - m) The existing house being of a traditional design and any extension should be of a more sympathetic design.
 - n) The large size of the extension being inappropriate.
 - o) Other large extensions to houses in the area and that any decision made should be consistent with decisions previously taken.
 - p) Concern that no independent structural assessment of the steading had been carried out.
 - q) The fact that economic reasons had been given for requiring the extension (corporate entertaining) but no consultation had been requested from the CNPA Economic & Social Development Group.
 - r) The fact that the Planning Officer had repeatedly asked for revised plans for the proposal but these had not been forthcoming.
 - s) Concern that deferring any decision may lead the Applicant to appeal the application on the grounds of non-determination. Mary Grier confirmed that the Applicants could appeal for this reason, even if the Committee had deferred the decision for further plans to be submitted.
65. Richard Stroud proposed a Motion to Refuse the application for the reasons stated in the report. This was seconded by Marcus Humphrey.
66. Mary McCafferty proposed an Amendment to Defer the application for further plans to be submitted with improvements to be made to the scale / design and a requirement for landscaping. This was seconded by Ross Watson.

The vote was as follows:

| | MOTION | AMENDMENT | ABSTAIN |
|--------------------|-----------|-----------|----------|
| Eric Baird | √ | | |
| Stuart Black | √ | | |
| Duncan Bryden | √ | | |
| Nonie Coulthard | √ | | |
| Angus Gordon | √ | | |
| David Green | √ | | |
| Marcus Humphrey | √ | | |
| Bob Kinnaird | √ | | |
| Bruce Luffman | √ | | |
| Mary McCafferty | | √ | |
| Willie McKenna | | √ | |
| Eleanor Mackintosh | √ | | |
| Anne MacLean | √ | | |
| Alastair MacLennan | | √ | |
| Sandy Park | √ | | |
| Richard Stroud | √ | | |
| Susan Walker | √ | | |
| Ross Watson | | √ | |
| TOTAL | 14 | 4 | 0 |

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

REPORT ON CALLED-IN PLANNING APPLICATION FOR ERECTION OF REPLACEMENT FARMHOUSE AT SITE 54M EAST OF CORANSTILBEG FARMHOUSE, KINGUSSIE (PAPER 6)

68. David Green advised that Paul Devlin, Agent, and Mr Slaney, Applicant, were available to answer any questions Members may have.

69. Mary Grier presented a paper recommending that the Committee approve the application subject to a Section 75 Legal Agreement and the conditions stated in the report.

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

- a) The potential for removing the existing caravans from the site.
- b) The possibility of re-using any salvageable materials, where possible, on the farm from the farmhouse to be demolished.
- c) Clarification if Crofters were permitted to have 2 caravans on site under crofting legislation.

71. The Committee agreed to approve the application subject to a Section 75 Legal Agreement and the conditions stated in the report with an amendment to Condition No. 3 to include that any salvageable materials from the farmhouse to be demolished should be re-used on the farm, where possible, and an additional condition requiring the removal of the existing caravans from the site.

ANY OTHER BUSINESS

72. Bruce Luffman expressed concern that an application for Approval of Reserved Matters (07/282/CP) at Galton, Ordie had appeared on the call-in list, as there had previously been 2 applications at this site which the CNPA had Refused. Bruce Luffman queried why Members had not been informed that the latter of these applications had been granted on appeal.

73. Mary Grier advised that the appeal decision had been issued at the end of March 2007 and apologised for this information not being brought to Members attention. Mary Grier advised that the appeal decision would be circulated to Members.

74. Bruce Luffman suggested if a letter may be appropriate to send to SEIRU expressing concern that the appeal had been granted when previously the CNPA had twice turned down the application.

75. Mary McCafferty queried the parking arrangements for the Albert Memorial Hall in Ballater. David Green advised that a large car park was available for public use behind the Station Building and, as previously circulated, Members should use this facility when attending meetings in Ballater.

76. Duncan Bryden queried if Planning Agents had been formally invited by the CNPA to engage in the Local Plan process and attend the drop-in sessions. Andrew Tait advised that letters had not been specifically sent out regarding this issue, but that the events were being well publicised around the area and that Karen Major, Local Plan Officer, had been extremely busy meeting various Developers / Agents around the area. Duncan Bryden suggested that the CNPA become more pro-active on this matter. Andrew Tait responded that the Planning Officials would bring this issue to the attention of Don McKee, Head of Planning.

DATE OF NEXT MEETING

69. Friday, 10th August 2007 at The Village Hall, Laggan.

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 14:35hrs.