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# CAIRNGORMS NATIONAL PARK AUTHORITY

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## MINUTES OF THE PLANNING COMMITTEE held at the Community Centre, Nethy Bridge on 29<sup>th</sup> June 2007 at 10.30am

### PRESENT

Eric Baird	Willie McKenna
Stuart Black	Eleanor Mackintosh
Geva Blackett	Anne MacLean
Duncan Bryden	Alastair MacLennan
Basil Dunlop	Andrew Rafferty
Angus Gordon	David Selfridge
Lucy Grant	Sheena Slimon
Bob Kinnaird	Susan Walker
Bruce Luffman	Ross Watson
Mary McCafferty	Bob Wilson

### IN ATTENDANCE:

Don McKee	Andrew Tait
Mary Grier	Wendy Mitchell
Neil Stewart	Iram Mohammed

### APOLOGIES:

Nonie Coulthard	Sandy Park
David Green	Richard Stroud
Marcus Humphrey	

### WELCOME AND APOLOGIES

1. The Vice-Convenor of the Board, Eric Baird, welcomed all present.
2. Apologies were received from the above Members.

### MATTERS ARISING FROM THE PREVIOUS MEETING

3. The minutes of the previous meeting, 15<sup>th</sup> June 2007, held at The Panmure Arms Hotel, Edzell were approved.
4. There were no matters arising.

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

5. Basil Dunlop declared an interest in Planning Application No. 07/257/CP.
6. Susan Walker declared an interest in Item No. 8 on the Agenda.
7. Ross Watson declared an interest in Item No. 12 on the Agenda.
8. Stuart Black declared an interest in Item No. 13 on the Agenda

## **PLANNING APPLICATION CALL-IN DECISIONS (Oral Presentation, Andrew Tait)**

9. 07/242/CP - The decision was to call-in the application for the following reason :
- The proposal represents the creation of a residential development, including affordable housing, in a countryside area on a site which is important in terms of its location and character. As such, it raises issues relating to housing in the countryside policy, provision of affordable housing, precedent, natural and cultural heritage and social and economic development. It is therefore considered to raise of issues of general significance to the collective aims of the National Park.
- 10.07/243/CP - No Call-in
- 11.07/244/CP - No Call-in
- 12.07/245/CP - No Call-in
- 13.07/246/CP - No Call-in
- 14.07/247/CP - No Call-in
- 15.07/248/CP - No Call-in
- 16.07/249/CP - No Call-in
- 17.07/250/CP - No Call-in
- 18.07/251/CP - No Call-in
- 19.07/252/CP - No Call-in
- 20.07/242/CP - The decision was to call-in the application for the following reason :
- The proposal is for a cycleway linking two existing sections of cycleway at Inverdrue and Glenmore. As such the proposal represents a significant strategic addition to the recreational network that passes through an area that is subject to a range of nature conservation designations. Consequently, the proposal raises issues of general significance for the collective aims of the Cairngorms National Park.
- 21.07/254/CP - No Call-in
- 22.07/255/CP - No Call-in
- 23.07/256/CP - No Call-in
- Basil Dunlop declared an interest and left the room.

24. 07/257/CP - No Call-in  
Basil Dunlop returned.

25. 07/258/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 07/244/CP, 07/245/CP, 07/246/CP, 07/248/CP, 07/254/CP, 07/255/CP & 07257/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 AT CRAIGMEKIE, GLEN ISLA (PAPER 1)**

27. Eric Baird advised the Committee that the architect, Mr Manning, was available for questions.

28. Andrew Tait presented a paper recommending that the Committee approve the application subject to a Section 75 Legal Agreement and the conditions stated in the report.

29. The Committee asked Mr Manning questions on the following points:

- a) Changing employment levels throughout the year on the Estate.
- b) The possible re-use of old stone from the site.
- c) Whether there was an alternative site.
- d) Access issues regarding the footpath on the site.

30. Eric Baird thanked Mr Manning.

31. The Committee asked Andrew Tait questions on the following points:

- a) The accuracy and relevance of the submitted business plan.
- b) Section 75 Agreements.

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

- a) That the lime kiln on the site be retained.
- b) That the field boundaries within the immediate context of the site be retained.
- c) The fact that there was no-one available to answer questions regarding the business plan.
- d) That it would have been useful to have consulted CNPA Economic and Social Development Group on the business plan.
- e) Potential consequences the proposal would have on other businesses.

33. The Committee agreed to approve the application subject to a Section 75 Legal Agreement and the conditions stated in the report with additional conditions to cover the retention of the lime kiln adjacent to the site and all field boundaries, plus a condition to ensure a footpath was available up to and around the site.

**REPORT ON CALLED-IN PLANNING APPLICATION FOR ERECTION OF ADMINISTRATIVE CENTRE AT THE PRINCESS ROYAL & DUKE OF FIFE MEMORIAL PARK, MOORFIELD HOUSE ROAD, BRAEMAR (PAPER 2)**

34. Sue Walker declared an interest and left the room.
35. Andrew Tait presented a paper recommending that the Committee approve the application subject to the conditions stated in the report.
36. The Committee asked Andrew Tait questions on the following points:
  - a) Energy efficiency measures
  - b) The possibility of the use of a landscaping condition to ensure good design in the surrounding of the building.
  - c) The possibility of adding a condition stipulating the retention of the old toilet block.
  - d) Whether the need for another community hall was justified.
37. The Committee discussed the application and the following points were raised:
  - a) The fact that the siting of this proposal is better than the siting of the current building.
38. The Committee agreed to approve the application subject to the conditions stated in the report, with the addition of two extra conditions to cover landscaping issues and the retention of the current toilet block.
39. Susan Walker returned.

**REPORT ON CALLED-IN PLANNING APPLICATION FOR DEMOLITION OF EXISTING HOUSE; ERECTION OF 6 FLATS AT KILA, 79 GRAMPIAN ROAD, AVIEMORE (PAPER 3)**

40. Andrew Tait presented a paper recommending that the Committee approve the application subject to the conditions stated in the report.
41. Eric Baird reminded Members that this application was for outline permission.
42. The Committee asked Andrew Tait questions on the following points:
  - a) Access to Clune Cottage.
  - b) The kind of detail that would need to be submitted for the full application.
  - c) Affordable housing provision.
  - d) Positioning, design and landscaping issues.
  - e) The response from the roads department.
43. The Committee discussed the application and the following points were raised:
  - a) The importance of ensuring that any detailed application came forward with an effective mechanism to ensure that the housing would remain affordable.
  - b) The possibility of deferring the application to resolve the issues highlighted by the roads department.
  - c) Landscaping and design issues.
  - d) The possibility of adding an extra condition to seek an acceptable solution with the Roads Authority on access to the site.
  - e) What the local need is.
44. The Committee agreed to approve the application subject to the conditions stated in the report with an additional condition to ensure an acceptable road access and layout at the site.

**REPORT ON CALLED-IN PLANNING APPLICATION FOR ERECTION OF LUNCH HUT (RETROSPECTIVE) AT SITE TO THE NORTH OF INVERNETTIE, STRATHDON (PAPER 4)**

45. Iram Mohammed presented a paper recommending that the Committee approve the application subject to the conditions stated in the report.
46. The Committee asked Iram Mohammed questions on the following points:
- a) The length of time the hut had been positioned at the site and if all the huts had been located at the same time.
  - b) The apparent conflicting view of the Natural Heritage Group.
  - c) Whether it would be appropriate to send an advice note to the estate regarding the importance of the archaeological remains.
47. The Committee agreed to approve the application subject to the conditions stated in the report and requested that a Developer Advice Note be included containing further details on the remains and advising the Estate of the importance of the archaeological remains adjacent to the hut.
48. The Committee broke for lunch.
49. The Committee reconvened at 13:00hrs.

**REPORT ON CALLED-IN PLANNING APPLICATION FOR ERECTION OF 46 HOUSES AND ANCILLARY WORKS AT PLOTS 1-10, 21-26 AND 46-75 AT LAND AT HIGH BURNSIDE, AVIEMORE (PAPER 5)**

50. Mary Grier presented a paper recommending that the Committee approve the application subject to the conditions stated in the report.
51. Eric Baird advised the Committee that Mr Hepburn from Tulloch Homes wished to address the Committee.
52. Mr Hepburn addressed the Committee.
53. The Members asked Mr Hepburn questions on the following points:
- a) Affordable housing provision and appropriateness of housing type.
  - b) The current situation with regard to who the applicant is for the application.
  - c) Energy efficiency measures.
  - d) The planting scheme and the appropriateness of the species to be planted.
  - e) Planting along the frontage of the development.
  - f) Roofing materials.
  - g) The market value of the houses and how this relates to local housing need.
  - h) Footpath/access issues.
54. Mary Grier responded on the following points that the Committee had raised while asking Mr Hepburn questions:
- a) Footpath/access issues.
  - b) Appropriateness of materials.
  - c) Landscaping issues.
55. The Committee asked Mary Grier questions on the following points:
- a) The possibility of ensuring that any slopes on the site are stabilised.
  - b) Species appropriateness of the landscaping plan.

- c) The possibility of ensuring that the maintenance of the site is in perpetuity.
  - d) Plot numbers and their configuration.
  - e) Boundary treatments.
56. The Committee discussed the application and the following points were raised:
- a) Disappointment in the lack of planning gain due to the planning history on the site.
  - b) Fencing boundary treatments.
  - c) That the finishing materials be of natural colours and the roof to be of natural slate.
  - d) The appropriateness and sustainability of slate versus roof tile.
  - e) Lack of provision for affordable housing and what could be done to rectify the situation – Mary Grier and Don McKee responded to this question.
  - f) The possibility of deferring the application in order to investigate with the applicant amendments to the house types to provide units that might be more affordable or to approve the application and delegate the responsibility of agreeing layout and housing provision to planning officers.
57. Due to the number of changes that were being proposed Don McKee conferred with Mr Hepburn and responded to the changes that were proposed by the Committee Members. Don McKee advised Members that the Applicants had indicated that they wished the application to be determined as currently presented, they would investigate the scope for changing the housing provision in the future phases of the application.
58. Eric Baird asked Mary Grier to summarise what had been proposed by Committee members.
59. The Committee agreed to approve the application subject to the conditions stated in the report with amendments to Condition No. 4, to liaise with CNPA NHG as to the types of trees and sizes that should be planted, Condition No. 6 to agree the roofing material and introducing a new Condition No. 9 regarding boundary treatment.
60. Anne MacLean stated that there was a need to ensure the public received an accurate explanation as to the lack of affordable housing provision that was due to the original Outline Permission being submitted to Highland Council before the Park came into being.
61. It was agreed that the Planning officers liaise with the Communication Team to ensure this.

**REPORT ON CALLED-IN PLANNING APPLICATION FOR DEMOLITION OF EXISTING STEADING; ERECTION OF NEW HOUSE AT BYRE, STRAANRUIE, NETHY BRIDGE (PAPER 6)**

62. Ross Watson declared an interest and left the room.
63. Eric Baird advised that the applicant, Mr Dugan wished to address the Committee, and that two additional e-mail representations were provided.
64. The Committee paused to read the additional e-mails.
65. Angus Gordon wished to state that his name had been mentioned in correspondence relating to the application, and that it was in relation to the social inclusion fund and wished to state that he did not have any interest to declare relating to the application.

66. Mary Grier presented a paper recommending that the Committee refuse the application for the reasons stated in the report.
67. Mr Dugan addressed the Committee.
68. Eric Baird advised the Committee that the agent, Mr Ron Laing was available for questions.
69. The Committee asked Mr Dugan questions on the following points:
- a) Whether Mr Dugan considered himself to be part of the rural workforce.
  - b) Why the application did not follow the original permission to convert the steading.
  - c) His awareness of the original permission attached to the site.
  - d) Willingness of Mr Dugan to enter into a Section 75 agreement.
  - e) The proximity to the adjacent burn and any flooding history of the site.
70. Eric Baird thanked Mr Dugan.
71. The Committee asked Mary Grier questions on the following points:
- a) Planning policy and suitable design.
  - b) The existing permission and policy on conversion versus new build – both Mary Grier and Don McKee responded.
  - c) What significance this type of building has within the National Park in its current state.
  - d) The relevance of the forthcoming National Park Local Plan policy on this issue – Don McKee responded by stating that as the Plan is not yet adopted and is only at deposit stage, it has no relevance to the application at this time.
  - e) The current state of the building and if it is capable of conversion – Both Mary Grier and Don McKee responded regarding the engineers report.
  - f) The advantages & disadvantages of conversion and demolition.
72. The Committee discussed the application and the following points were raised:
- a) The unsuitability of conversion.
  - b) The possibility of approving the application – Don McKee responded regarding the fact that should the Committee wish to go against planning policy, justification of the reasons would be required.
  - c) The possibility of deferring the application for discussions with the applicant as to whether he would be willing to enter into a Section 75 agreement.
  - d) The need for the property being moved back from the burn if approved.
  - e) The fact that there are two planning polices relevant to the application, one relating to steading conversions and one relating to housing in restricted countryside.
  - f) The potential consequence of imposing a Section 75 agreement – Don responded.
  - g) The cost involved in converting the property.
  - h) The issue of land use justification was raised and that some Members felt that there was a land use reason justified for this application
73. Mary McCafferty proposed a motion to approve the application for land management reasons with conditions and without including a Section 75 agreement.
74. This was seconded by Duncan Bryden.
75. Susan Walker proposed an amendment to approve the application with conditions and to delegate to the planning officers, the responsibility of agreeing a Section 75 agreement with the applicant.
76. This was seconded by Bruce Luffman.

77. The vote was as follows:

	MOTION	AMENDMENT	ABSTAIN
Eric Baird		√	
Stuart Black	√		
Geva Blackett	√		
Duncan Bryden	√		
Basil Dunlop		√	
Angus Gordon	√		
Lucy Grant	√		
Bob Kinnaird	√		
Bruce Luffman		√	
Mary McCafferty	√		
Willie McKenna	√		
Eleanor Mackintosh		√	
Anne MacLean		√	
Alastair MacLennan		√	
Andrew Rafferty	√		
David Selfridge	√		
Sheena Slimon	√		
Susan Walker		√	
Bob Wilson		√	
<b>TOTAL</b>	<b>11</b>	<b>8</b>	<b>0</b>

78. The Committee agreed to approve the application with conditions including a requirement to set the new building further back from the burn in order to avoid any possible flooding.

79. Ross Watson returned.

**REPORT ON CONSULTATION RESPONSE TO HIGHLAND COUNCIL:  
REVIEW OF CONDITIONS ON EXISTING PLANNING PERMISSION FOR  
MINERAL WORKING (SECTION 74 OF ACT) (07/00117/FULBS) AT  
TULLOCHGRIBBAN QUARRY, DULNAIN BRIDGE  
(PAPER 7)**

80. It was noted that Anne MacLean had to leave the meeting.

81. Stuart Black declared an interest and left the room.

82. Mary Grier presented a paper recommending that the Committee endorse the consultation response for the reasons stated in the report.

83. The Committee asked Mary Grier questions on the following points:

- a) The possibility of changing the wording in paragraph 75 to read “should be given” not “should perhaps be given”.



84. The Committee discussed the consultation report and the following points were raised:
- a) The recommendation
  - b) Extraction of finite resources
  - c) The need for the quarry.
  - d) That paragraph 81.2 should include a very strong comment suggesting that the need for a quarry be justified.
85. It was noted that Andrew Rafferty and Mary McCafferty had to leave the meeting.
86. The Committee agreed to endorse the consultation response and required reference was made in the response to the use of the 'Sandford Principle' in the assessment of the application.
87. Stuart Black returned.

**REPORT ON CALLED-IN PLANNING APPLICATION FOR DEMOLITION OF EXISTING GARAGE AND ERECTION OF REPLACEMENT FUEL SALES, BUS HIRE YARD, CAFETERIA WITH RETAIL SALES, POST OFFICE, PARKING, PLAY AREA AND WOOD CHIP FURNACE AT DINNET GARAGE, DINNET, ABOYNE  
(PAPER 8)**

88. Neil Stewart presented a paper recommending that the Committee refuse the application for the reasons stated in the report.
89. The Committee asked Neil Stewart questions on the following points:
- a) Whether normal procedure would be for consideration of contaminated land issues prior to or after the granting of planning permission.
90. The Committee agreed to refuse the application as per the recommendation.

**ANY OTHER BUSINESS**

91. Ross Watson requested an update on the Braes of Balnagowan works and what was happening with the soil heaps.
92. Neil Stewart responded with an explanation and update of what was happening on site and clarification that the CNPA had investigated with the result that the works were in fact permitted development but that negotiations with the developer had taken place to try and improve the on-site situation.

**DATE OF NEXT MEETING**

69. Friday 13<sup>th</sup> July 2007, at The Albert Memorial Hall, Ballater.
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 16:00hrs.