
CAIRNGORMS NATIONAL PARK AUTHORITY

MINUTES OF THE PLANNING COMMITTEE held at The Ben Mhor Hotel, Grantown on Spey on 15th December 2006 at 10.30am

PRESENT

Eric Baird
Stuart Black
Duncan Bryden
Nonie Coulthard
Basil Dunlop
Douglas Glass
Angus Gordon
Lucy Grant
Marcus Humphrey

Bruce Luffman
Willie McKenna
Eleanor Mackintosh
Anne MacLean
Alastair MacLennan
Sandy Park
Andrew Rafferty
Susan Walker
Bob Wilson

IN ATTENDANCE:

Don McKee
Mary Grier
Neil Stewart

Andrew Tait
Pip Mackie

APOLOGIES:

David Green
Gregor Rimell
David Selfridge

Sheena Slimon
Richard Stroud
Ross Watson

WELCOME AND APOLOGIES

1. The Vice-Convenor, Sandy Park, welcomed all present.
2. Apologies were received from the above Members.

MATTERS ARISING FROM THE PREVIOUS MEETING

3. The minutes of the previous meeting, 1st December 2006, held at The Lonach Hall, Strathdon were approved.
4. There were no matters arising.

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

5. Bob Wilson declared an interest in Planning Application No. 06/493/CP, due to the Applicants possibly being related to his wife.
6. Marcus Humphrey declared an interest in Planning Application No. 06/493/CP, due to being a notifiable neighbour for the application.
7. Anne MacLean declared an interest in Item No. 7 on the Agenda.
8. Lucy Grant declared an interest in Item No. 10 on the Agenda, due to being a core member of Laggan Heritage Trust.
9. Andrew Rafferty declared an interest in Item No. 10 on the Agenda.

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

- | | |
|----------------|------------|
| 10.06/488/CP - | No Call-in |
| 11.06/489/CP - | No Call-in |
| 12.06/490/CP - | No Call-in |
| 13.06/491/CP - | No Call-in |
| 14.06/492/CP - | No Call-in |

Bob Wilson declared a possible interest but chose not to leave the room.

- | | |
|----------------|--|
| 15.06/493/CP - | The decision was to call-in the application for the following reason : |
|----------------|--|

- The proposal involves the removal of an existing traditional steading building and its replacement with a sizeable house extension on a site which is highly visible from the A95 and the Speyside Way. The proposal therefore raises issues in relation to the conservation and enhancement of the cultural heritage of the area, sustainable design, and potential landscape and visual impact. As such it is considered to raise issues of general significance to the collective aims of the National Park.

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|----------------|------------|
| 16.06/494/CP - | No Call-in |
| 17.06/495/CP - | No Call-in |
| 18.06/496/CP - | No Call-in |
| 19.06/497/CP - | No Call-in |
| 20.06/498/CP - | No Call-in |

21.06/499/CP - Marcus Humphrey declared an interest and left the room.
The decision was to call-in the application for the following reason :

- The proposal constitutes the erection of a new dwellinghouse in a countryside area of the National Park, where planning policy only permits a new dwellinghouse if it is proven to be essential for the efficient operation of an enterprise which itself is appropriate to the countryside. Even if there is justification in this instance, the proposal raises issues in relation housing the countryside policy, cumulative impact, precedent, impact on natural and cultural heritage, and social and economic development. As such the proposal is considered to raise issues of general significance to the collective aims of the National Park.

Marcus Humphrey returned.

22.06/500/CP - No Call-in
23.06/501/CP - No Call-in
24.06/502/CP - No Call-in
25.06/503/CP - No Call-in
26.06/504/CP - No Call-in
27.06/505/CP - No Call-in
28.06/506/CP - No Call-in

29.06/507/CP - The decision was to call-in the application for the following reason :

- The proposal constitutes the erection of a new dwellinghouse in a Restricted Countryside Area as designated in the Badenoch and Strathspey Local Plan, where there is a presumption against the development of new dwellinghouses unless it is proved to be essential for the management of land, related family and occupational reasons. The site is also within a wider Area of Landscape Value and an area designated on the Ancient Woodland/Semi-natural Ancient Woodland Inventory. The proposal therefore raises issues in relation to housing in the countryside policy, cumulative impact, precedent, landscape impact, the conservation and enhancement of the natural and cultural heritage of the area, and social and economic development. As such it is considered that the proposal raises issues of general significance to the collective aims of the National Park.

30.06/508/CP - The decision was to call-in the application for the following reason :

- The proposal involves the removal of an existing traditional steading building, and its replacement with a new building accommodating two houses. In addition, a village green is proposed and two detached dwellinghouses are proposed on land which is designated in the Badenoch and Strathspey Local Plan under Policy 5.14.3 (Trees and Woodland) which aspires to the creation of landscaping and amenity woodland in this location. Although within a settlement envelope, the proposal raises issues in relation to the conservation and enhancement of the natural and cultural heritage of the area, visual and landscape impact, sustainable design, and community and economic development. As such it is considered to raise issues of general significance to the collective aims of the National Park.

31.06/509/CP - No Call-in

32.06/510/CP - No Call-in

33.06/511/CP - No Call-in

COMMENTING ON APPLICATIONS NOT CALLED-IN BY THE COMMITTEE

34. The Members wished to make comments to the Local Authorities on the following Planning Application No's 06/494/CP, 06/496/CP, 06/503/CP & 06/506/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 DEMOLITION OF COTTAGE BOTHY & ERECTION OF DWELLING AT GARDEN GROUND, DELL OF ROTHMURCHUS, AVIEMORE (PAPER 1)

35. Anne MacLean declared an interest and left the room.

36. Sandy Park advised Members that Rory McGrath, Applicant, had requested to address the Committee. Members agreed to the request.

37. Andrew Tait presented a paper recommending that the Committee refuse the application for the reasons stated in the report.

38. Rory McGrath addressed the Committee and Members were given the opportunity to ask questions.

39. Sandy Park thanked Rory McGrath.

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

- a) The bothy being known locally as 'The Bungalow' and its previous use as a residential dwelling.
- b) The precedent of replacing of one residential building with another.
- c) The possibility of improving the siting of the proposed dwelling by setting it to one side of the site.

- d) The design of the proposed dwelling not necessarily being in keeping with either the existing bothy or Dell House.
 - e) The timing of the proposal in relation to the renovation of Dell House.
 - f) The proposal perhaps being an opportunity for an affordable property.
 - g) The bothy being located outwith the proposed site curtilage.
 - h) The proposed dwelling not being on the footprint of the bothy.
 - i) The Applicants finances not being a planning matter.
 - j) The Consultees neither supported nor objected to the application, they just stated the facts.
 - k) Given the size of Dell House it seemed unlikely that ancillary accommodation was required.
 - l) Clarification of the existing use for the bothy.
 - m) The site being surrounded by development already in the form of farm buildings and an existing house.
 - n) The length of time Aviemore Community Council were given to respond to a consultation request for this application.
41. Bruce Luffman proposed a Motion to refuse the application for the reasons stated in the report. This was seconded by Bob Wilson.
42. Willie McKenna proposed an Amendment to Approve the application with a condition that the bothy should be demolished. This was seconded by Stuart Black.

The vote was as follows:

	MOTION	AMENDMENT	ABSTAIN
Eric Baird	√		
Stuart Black		√	
Duncan Bryden	√		
Nonie Coulthard	√		
Basil Dunlop		√	
Douglas Glass		√	
Angus Gordon		√	
Lucy Grant	√		
Marcus Humphrey		√	
Bruce Luffman	√		
Willie McKenna		√	
Eleanor Mackintosh	√		
Alastair MacLennan	√		
Sandy Park	√		
Andrew Rafferty		√	
Susan Walker	√		
Bob Wilson	√		
TOTAL	10	7	0

43. The Committee agreed to refuse the application for the reasons stated in the report.
44. Anne MacLean returned.

REPORT ON CALLED-IN PLANNING APPLICATION FOR AMENDMENT TO PLANNING CONSENT 05/018/CP (ERECTION OF LODGE HOTEL) TO INCLUDE SELF-CONTAINED STAFF FLAT AT HIGH RANGE HOTEL, AVIEMORE (PAPER 2)

45. Andrew Tait presented a paper recommending that the Committee approve the application subject to the conditions stated in the report.
46. There was no discussion regarding the Application.
47. The Committee agreed to approve the application subject to the conditions stated in the report.

REPORT ON CALLED-IN PLANNING APPLICATION FOR ERECTION OF DWELLING HOUSE AT LAND 370M NORTHEAST OF THE OLD SCHOOL HOUSE, DUTHIL, CARRBRIDGE (PAPER 3)

48. Sandy Park advised Members that Ron Laing, Agent for the Application, had requested to address the Committee. Members agreed to this request.
49. Sandy Park also advised Members that Mrs Yule and her son, Jamie Yule were present to answer any questions they may have.
50. 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.
51. Ron Laing addressed the Committee and Members were given the opportunity to ask questions.
52. Sandy Park thanked Ron Laing.
53. The Committee discussed the application and the following points were raised:
 - a) Clarification of the amended access route to the proposed site.
 - b) The site being quite exposed and the possibility of requesting tree planting to screen the site.
 - c) Good to see commitment from young people in the locality to running agricultural businesses.
 - d) Affordable, local housing being required for other young people not just those associated with agriculture.
54. The Committee agreed to approve the application subject to a Section 75 Legal Agreement and the conditions stated in the report.

REPORT ON CALLED-IN PLANNING APPLICATION FOR EXTENSION OF "WOLFTRAX" BIKE TRAILS AND ERECTION OF SHELTER BUILDING AT DEVELOPMENT SITE, STRATHMASHIE, LAGGAN (PAPER 4)

55. Andrew Rafferty left the meeting.
56. Lucy Grant declared an interest and left the room.
57. Sandy Park advised that Jack Mackay, from the Forestry Commission, was available to answer any questions members may have.
58. Mary Grier presented a paper recommending that the Committee approve the application subject to the conditions stated in the report.

59. The Committee discussed the application and the following points were raised:
- a) The possibility of including a condition requiring the maintenance of the proposed tracks and signage.
 - b) A recommendation that the Applicant liaise with the CNPA Visitor Services & Recreation Group regarding the signage.
 - c) Concern that condition no. 8 may exclude motorised wheelchairs. It was advised that the track in question was not suitable for motorised wheelchair use due to the alternating gradients along its length.
 - d) Clarification that the car park capacity was sufficient to accommodate the possible increase in visitor numbers after the proposed works have taken place.
 - e) The Committee agreed to approve the application subject to the conditions stated in the report, an amendment to condition no. 8 to state that the usage of the proposed tracks should be compliant with the Scottish Outdoor Access Code and an additional condition requiring the maintenance of the proposed tracks and signage.
60. Lucy Grant returned.

REPORT ON CALLED-IN PLANNING APPLICATION FOR DEMOLITION OF STEADING AND REPLACEMENT WITH DWELLING, SEPTIC TANK AND SOAKAWAY AT BLAIRNAMARROW, TOMINTOUL (PAPER 4)

61. Sandy Park advised Members that Sir Edward Mountain, Agent for the Application, had requested to address the Committee. Members agreed to this request.
62. Mary Grier presented a paper recommending that the Committee approve the application subject to the conditions stated in the report.
63. Sir Edward Mountain addressed the Committee and Members were given the opportunity to ask questions.
64. Sandy Park thanked Sir Edward Mountain.
65. The Committee discussed the application and the following points were raised:
- a) The prominence of the site.
 - b) The possibility of including in condition no. 2 that a substantial use of the natural stone from the steading should be used in the construction of the new dwelling.
 - c) The possibility of a more innovative design of dwelling for the proposed site to reflect the existing steading.
 - d) The possibility of specifying in condition no. 4 the length of the access track to be tarmaced to stop debris washing out onto the main road.
66. The Committee agreed to approve the application subject to the conditions stated in the report.

ANY OTHER BUSINESS

67. Sandy Park advised that Bob Grant, Senior Access Officer, wished Members to be reminded that there was an Outdoor Access meeting taking place on the 16th January at The Lecht to discuss the Core Path Plan.
68. Sandy Park informed Members that the next Planning Committee, 29th December 2006, was due to be held in The Albert Memorial Hall, Ballater. However, since the meeting would only deal with the Call-in Report it had been suggested that the meeting be conducted via audiolink, with Members from the Badenoch & Strathspey and Moray area attending the CNPA Grantown on Spey Office and Members from the Deeside / Donside / Angus area attending the CNPA Ballater Office. Members agreed to this change.
69. Susan Walker raised concern that Highland Council had produced a supplementary Housing in the Countryside policy without engaging the CNPA in discussion and that the appearance of this policy seemed to have caught Planning Officials off guard. Don McKee advised that the Planning Officials would be working to bring a short report regarding this policy to a Committee in the future.
70. Sandy Park advised that the next item to be taken under AOB should be done under a closed session – Members agreed a formal resolution to exclude members of the public from the session as it involved advice from Counsel. Any members of the public present were invited to leave the room.
71. Don McKee distributed a paper detailing the Dalfaber North planning appeal and updating Members on the current situation.
72. Don McKee advised that the Dalfaber North planning appeal had been allowed by SEIRU. The CNPA had taken advice through Ledingham Chalmers Solicitors who had sought a legal opinion from Counsel to ascertain if there were any legal grounds for applying to the Court of Session to have the Reporter's decision quashed. Counsel considered there were grounds for challenging the decision principally around the Reporter's appreciation of the National Park's status as a designation and his interpretation of the first aim: to conserve and enhance the natural and cultural heritage of the area. Don McKee advised that, due to the tight timescale, if Members agreed to challenge the decision then Counsel would have to be informed of the course of action that afternoon.
73. Don McKee advised Members of the following points of note:
 - a) An appeal to the Court of Session could potentially cost a six figure sum which would have to be funded from the CNPA's operational budget at the expense of other activities.
 - b) If the challenge was successful the decision would have to be quashed and the reporter would have to issue a new one. However, it could be quite feasible that any new decision taken would have the same outcome as the present one, particularly as the site is allocated in the current adopted Local Plan for Badenoch and Strathspey.
 - c) The conditions attached to the appeal decision would allow the CNPA considerable scope to influence the layout, phasing and appearance of the development in subsequent applications which should come forward.
 - d) The CNPA had already stated that it wished to have a general dialogue with SEIRU on the way in which the status of the Park and the statutory aims are reflected in the reporter's deliberations in appeal situations and a joint meeting

with Loch Lomond & The Trossachs National Park should be arranged in the New Year.

e) The CNPA may wish to focus wider public discussions and debate on these issues through the Local Plan, due to go on deposit in June 2007.

74. Anne MacLean declared an interest (but Members agreed she did not have to leave the room) due to being a Director of the Albyn Housing Society and the development potentially containing affordable housing to be delivered by the Albyn Housing Society.

75. Lucy Grant left the meeting.

76. Douglas Glass proposed a Motion to challenge the appeal decision in the Court of Session. This was seconded by Duncan Bryden.

77. Bruce Luffman proposed an Amendment not to challenge the appeal decision in the Court of Session. This was seconded by Alastair MacLennan.

The vote was as follows:

	MOTION	AMENDMENT	ABSTAIN
Eric Baird		√	
Stuart Black		√	
Duncan Bryden	√		
Nonie Coulthard		√	
Basil Dunlop		√	
Douglas Glass	√		
Angus Gordon		√	
Marcus Humphrey		√	
Bruce Luffman		√	
Willie McKenna		√	
Eleanor Mackintosh		√	
Anne MacLean			√
Alastair MacLennan		√	
Sandy Park		√	
Susan Walker	√		
Bob Wilson		√	
TOTAL	3	12	1

78. The decision was not to challenge the appeal decision in the Court of Session.

79. Marcus Humphrey enquired if there were grounds for challenging the appeal decision recently taken by SEIRU for the Abergeldie Road site in Ballater. Don McKee advised that the CNPA had also sought legal advice on this case and had been informed that there appeared to be no grounds for challenging the Reporters decision.

80. Sandy Park thanked the Planning Officials for all their hard work over the past year.

DATE OF NEXT MEETING

80. Friday, 29th December 2006 at The Albert Memorial Hall, Ballater.
81. Committee Members are requested to ensure that any Apologies for this meeting are submitted to the Planning Office in Ballater.
82. The meeting concluded at 13:45hrs.