
CAIRNGORMS NATIONAL PARK AUTHORITY

DRAFT MINUTES OF THE PLANNING COMMITTEE held at The Community Hall, Finzean on 2nd June 2006 at 10.30am

PRESENT

Eric Baird
Stuart Black
Duncan Bryden
Nonie Coulthard
Basil Dunlop
Douglas Glass
Lucy Grant
David Green
Marcus Humphrey
Bruce Luffman

Eleanor Mackintosh
Anne McLean
Alastair MacLennan
Sandy Park
Gregor Rimell
David Selfridge
Andrew Thin
Susan Walker
Ross Watson
Bob Wilson

IN ATTENDANCE:

Neil Stewart
Pip Mackie

Mary Grier

APOLOGIES:

Angus Gordon
Willie McKenna
Andrew Rafferty

Sheena Slimon
Richard Stroud

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, 19th May 2006, held at The Royal British Legion, Grantown on Spey were approved.
4. There were no matters arising.

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

5. Marcus Humphrey declared an interest in Item No. 9 on the Agenda.

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

6. Anne MacLean arrived at the meeting.

7. 06/180/CP - No Call-in
8. 06/181/CP - No Call-in
9. 06/182/CP - No Call-in
10. 06/183/CP - No Call-in
11. 06/184/CP - No Call-in
12. 06/185/CP - No Call-in
13. 06/186/CP - No Call-in
14. 06/187/CP - No Call-in
15. 06/188/CP - No Call-in
16. 06/189/CP - No Call-in
17. 06/190/CP - No Call-in
18. 06/191/CP - No Call-in
19. 06/192/CP - No Call-in

COMMENTING ON APPLICATIONS NOT CALLED-IN BY THE COMMITTEE

20. The Members wished to make comments to the Local Authorities on the following Planning Application No's 06/180/CP, 06/182/CP, 06/183/CP, 06/184/CP, 06/189/CP & 06/191/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 WATER BOTTLING STORAGE BUILDING AT PANNANICH WELLS, BALLATER (PAPER 1)

21. Gregor Rimell arrived at the meeting.
22. Andrew Thin advised the Committee that Neil Rothnie, Agent and George Simpson, Applicant were available to answer any questions Members may have.
23. Neil Stewart presented a paper recommending that the Committee approve the application subject to the conditions stated in the report.
24. Members were invited to ask questions of the Applicant and Agent.
25. Andrew Thin thanked the Neil Rothnie and George Simpson.
26. The Committee discussed the application and the following points were raised:
 - a) Clarification of the materials and colours for the roof of the proposed building.
 - b) The existing planning permission on the site for a bottling/storage building which was still extant.

- c) Clarification regarding the Appropriate Assessment carried out on the site.
27. The Committee agreed to approve the application subject to the conditions stated in the report.

REPORT ON CALLED-IN PLANNING APPLICATION FOR ERECTION OF RETAIL UNIT (3 NO. UNITS) & 8 NO. FLATS AT FORMER FILLING STATION, GRAMPIAN ROAD, AVIEMORE (PAPER 2)

28. Andrew Thin advised the Committee that Alastair Grant, Applicant and Lynne Campbell, Agent were available to answer any questions Members may have.
29. Neil Stewart presented a paper recommending that the Committee approve the application subject to the conditions stated in the report however with amended Condition No.'s 1 and 2 altering the start of works to be commenced before 31 January 2011 and that the approval relates solely to the reserved matters referred to in the outline planning permission reference number 04/414/CP and that nothing contained in this proposal or this notice shall be deemed to affect or vary the conditions imposed on that outline planning permission.
30. Members were invited to ask questions of the Alastair Grant and Lynne Campbell.
31. Andrew Thin thanked Alastair Grant and Lynne Campbell.
32. The Committee discussed the application and the following points were raised:
- a) That the development would be an enhancement to the entrance to Aviemore.
 - b) Clarification of why no affordable housing was included in the proposal.
 - c) The design approach being new and innovative.
 - d) The possibility of including renewable energy schemes in the proposed development.
 - e) The proposals for disabled access and parking.
33. The Committee agreed to approve the application subject to the conditions stated in the report and the amended Conditions No.'s 1 and 2.

REPORT ON CALLED-IN PLANNING APPLICATION FOR ERECTION OF HOUSE AND GARAGE FOR ESSENTIAL AGRICULTURAL WORKER AT GALTON, ORDIE, ABOYNE (PAPER 3)

34. Marcus Humphrey declared an interest and left the room.
35. Andrew Thin advised the Committee that Matthew Merchant, Agent for the Application had requested to address the Committee. Members agreed to this request.
36. Mary Grier presented a paper recommending that the Committee refuse the application for the reason in the report with a slight amendment to replace "The proposal represents a new house in the countryside, which has not been justified as a place of residence for a full time worker in an enterprise appropriate to the countryside, particularly as such a full time worker is not currently in employment in the farming enterprise at the present time" with "The proposal represents a new house in the countryside, which has not been justified as a place of residence for

a full time worker in an enterprise appropriate to the countryside and in need of residential accommodation at the present time.”

37. Matthew Merchant, Agent addressed the Committee.
38. Members were invited to ask questions of Matthew Merchant.
39. Andrew Thin thanked Matthew Merchant.
40. The Committee discussed the application and the following points were raised:
 - a) Clarification over who was actually going to live in the proposed house.
 - b) The possibility of approving the application subject to a Section 75 Legal Agreement tying the house to a full time agricultural worker on the Farm.
 - c) Clarification over the removal of the ‘middle cottage’ from the Galton Farm for inheritance reasons.
 - d) The applicants originally considering the Galton farmhouse unliveable due to the proximity of the Cattle Courts.
 - e) The proposal being contrary to planning policy.
 - f) The possibility of the landowner resuming the house at Drumneachie should it be unoccupied due to being covered by an Agricultural Tenancy.
 - g) Clarification of the amount of Planning Gain being reported in a determination paper.
 - h) The indicative design of the proposed building.
 - i) There being no proven accommodation need case at the moment for building a house.
 - j) The lack of definition regarding who the proposed house was for and accommodation needs.
 - k) Clarification over the reason to refuse the application.
41. Douglas Glass proposed a Motion to Approve the Application subject to a Section 75 Legal Agreement tying the house to a full time agricultural worker on the farm. This was seconded by Alastair MacLennan.
42. Bob Wilson proposed an amendment to Refuse the Application for the reason stated in the report. This was seconded by Gregor Rimell.
43. The vote was as follows:

	MOTION	AMENDMENT	ABSTAIN
Eric Baird		√	
Stuart Black		√	
Duncan Bryden		√	
Nonie Coulthard		√	
Basil Dunlop		√	
Douglas Glass	√		
Lucy Grant	√		
David Green		√	
Bruce Luffman		√	
Eleanor Mackintosh	√		
Anne McLean		√	
Alastair MacLennan	√		
Sandy Park		√	
Gregor Rimell		√	
David Selfridge		√	
Andrew Thin		√	

Susan Walker		√	
Ross Watson	√		
Bob Wilson		√	
TOTAL	5	14	0

44. The Committee agreed to refuse the application for the reason stated in the report.
45. Marcus Humphrey returned.

ANY OTHER BUSINESS

46. Neil Stewart advised Members that there were a couple of enforcement issues which had been recently raised. The first was at Ecclefechan Bistro, Carrbridge. The applicant had been required under the planning conditions to protect the trees per British Standards to avoid damage during the construction phase. The trees had not been protected and the Highland Council Forestry Officer was now recommending that the trees be felled due to Health and Safety issues. Neil Stewart advised that this was being viewed as a serious breach of planning and that the CNPA were obtaining legal advice regarding this issue. Neil Stewart requested that the Committee provide authorisation to pursue enforcement action regarding this matter. The Committee agreed for Planning Officials to pursue enforcement action.
47. Neil Stewart advised Members that the second enforcement issue was at the Laggan Water Treatment Works. (Although this application was on land in which Lucy Grant had an interest, the points given were for information only and no interest was declared). Neil Stewart advised that unauthorised works had taken place regarding the access track, which did not appear consistent with what had been approved and that there may be other issues regarding compliance with planning conditions. Neil Stewart requested that the Committee provide authorisation to investigate enforcement action regarding this matter. The Committee agreed for Planning Officials to investigate enforcement action.
48. Bruce Luffman requested an update on the advertising of the Aberdeenshire Local Plan. Neil Stewart advised that Don McKee and Gavin Miles had been dealing with this issue and that a meeting had taken place. Andrew Thin asked that Planning Officials e-mail Members with an update when it was available.
49. David Selfridge requested if a section on Renewable Energy could be incorporated in to the determination Planning Reports presented to Committee. Andrew Thin advised that this point would be picked up in the policies of the CNPA Local Plan but that Planning Officials may wish to bear this point in mind when preparing reports for the Committee.
50. Stuart Black requested that if a Community Council had commented on an application they be provided with a copy of the planning determination report for the application. Planning Officials agreed to investigate the possibility of providing this service.
51. Andrew Thin advised Members that Don McKee, Gavin Miles and Norman Brockie were taking part in the Highland Cross (20 mile run followed by a 30 mile bike ride) as the CNPA Team. Andrew Thin advised Members that he had sponsorship forms and all proceeds would go towards local charities.

DATE OF NEXT MEETING

69. Friday, 16th June 2006, Grantown on Spey

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 12:35hrs.

DRAFT