
CAIRNGORMS NATIONAL PARK AUTHORITY

DRAFT MINUTES OF THE PLANNING COMMITTEE held at The Royal British Legion, Grantown on Spey on 19th May 2006 at 10.30am

PRESENT

Eric Baird
Stuart Black
Duncan Bryden
Nonie Coulthard
Basil Dunlop
Douglas Glass
Angus Gordon
Lucy Grant
David Green
Marcus Humphrey
Bruce Luffman
Willie McKenna
Eleanor Mackintosh

Anne McLean
Alastair MacLennan
Sandy Park
Andrew Rafferty
Gregor Rimell
David Selfridge
Sheena Slimon
Richard Stroud
Andrew Thin
Susan Walker
Ross Watson
Bob Wilson

IN ATTENDANCE:

Don McKee
Mary Grier
Neil Stewart

Andrew Tait
Pip Mackie

WELCOME AND APOLOGIES

1. The Convenor welcomed all present.
2. There were no apologies received.

MATTERS ARISING FROM THE PREVIOUS MEETING

3. The minutes of the previous meeting, 5th May 2006, 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. The Aberdeenshire Councillors declared an interest in Planning Application No. 06/168/CP.
6. Marcus Humphrey declared an interest in Planning Application No. 06/171/CP.
7. Lucy Grant declared an interest in Planning Application No. 06/172/CP.
8. Anne McLean declared an interest in Item No. 11 on the Agenda.

PLANNING APPLICATION CALL-IN DECISIONS (Oral Presentation, Mary Grier)

9. 06/160/CP - No Call-in
10. 06/161/CP - No Call-in
11. 06/162/CP - No Call-in
12. 06/163/CP - No Call-in
13. 06/164/CP - The decision was to call-in the application for the following reason :
 - The proposed development is on land that is identified in the Badenoch and Strathspey Local Plan as a Forestry / Restraint area, where applicable policies support the safeguarding of a major 'park land' corridor comprising of the River Spey and Drurie flood plains and surrounding lands and where it is also the policy to safeguard amenity and heritage areas on such allocated lands. The development therefore raises issues in relation to housing on the edge of the village and the development also has the potential to establish a precedent for other similar developments within the National Park which cumulatively, would raise issues of general significance to the aims of the Cairngorms National Park, in particular in terms of the natural character, quality, and appearance of the area and the general landscape setting.
14. 06/165/CP - The decision was to call-in the application for the following reason :
 - The proposal involves the siting of man made structures in the remote core mountain zone of the National Park. The site is also within a heavily designated location, including National Scenic Area, National Nature Reserve, Site of Community Interest, Site of Special Scientific Interest and Special Protection Area designations. As such, the proposal may raise issues of general significance in relation to the conservation and enhancement of the natural heritage of the area.

15.06/166/CP - No Call-in
16.06/167/CP - No Call-in

The Aberdeenshire Councillors declared an interest and left the room.
17.06/168/CP - No Call-in
The Aberdeenshire Councillors returned.

18.06/169/CP - No Call-in
19.06/170/CP - No Call-in

Marcus Humphrey declared an interest and left the room.
20.06/171/CP - No Call-in
Marcus Humphrey returned.

Lucy Grant declared an interest and left the room.
21.06/172/CP - The decision was to call-in the application for the following reason :

- The development represents the formation of a residential unit in an area which is identified in the Badenoch and Strathspey Plan (1997) as a restricted countryside area. The proposal therefore raises issues in relation to housing in the countryside, and it is also considered that its proposed setting may impact on the landscape and the scenic amenities of the area, and would also set a precedent for further development of this nature. As such the proposed development is viewed as being of general significance to the aims of the National Park.

Lucy Grant returned.

22.06/173/CP - No Call-in
23.06/174/CP - No Call-in
24.06/175/CP - No Call-in
25.06/176/CP - No Call-in
26.06/177/CP - No Call-in
27.06/178/CP - No Call-in
28.06/179/CP - No Call-in

COMMENTING ON APPLICATIONS NOT CALLED-IN BY THE COMMITTEE

29. The Members wished to make comments to the Local Authorities on the following Planning Application No's 06/160/CP, 06/161/CP, 06/162/CP, 06/163/CP, 06/167/CP, 06/169/CP, 06/174/CP, 06/175/CP, 06/176/CP & 06/179/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 PHASE 1 HOLIDAY ACCOMMODATION CONSISTING OF THE FORMATION OF AN ACCESS ROAD & FIVE PLOTS FOR HOLIDAY CHALETs ON LAND TO THE SOUTH WEST OF 6-9 BALMENACH COTTAGES, CROMDALE
(PAPER 1)**

30. Andrew Thin advised Members that Craig Mackay, Agent for the application and Peter Page, Representee on behalf of the Residents of Balmenach, had requested to address the Committee.
31. The Committee agreed the requests to speak.
32. Mary Grier presented a paper recommending that the Committee refuse the application for the reasons stated in the report.
33. Craig Mackay, Agent for the application addressed the Committee.
34. Peter Page, Representee addressed the Committee.
35. Members were invited to ask questions of the speakers.
36. Andrew Thin thanked the speakers.
37. The Committee discussed the application and the following points were raised:
 - a) The importance of the cultural heritage of the settlement of Balmenach.
 - b) The importance to the natural heritage of farmland waders in the area.
 - c) Discussion regarding the supplementary guidance in the Badenoch & Strathspey Local Plan for Balmenach.
 - d) The proposal being against current Local Plan policies.
 - e) The proposed development not being appropriate for the area.
 - f) The possibility of setting a precedent should the application be approved.
 - g) Concern regarding drainage for the site.
38. The Committee agreed to refuse the application for the reasons stated in the report.

**REPORT ON CALLED-IN PLANNING APPLICATION FOR DEMOLITION OF BEDROOM WING AND ERECTION OF FOUR DWELLING UNITS FOR HOLIDAY ACCOMMODATION AT THE BOAT HOTEL, BOAT OF GARTEN
(PAPER 2)**

39. Andrew Thin advised Members that Mr Tatchell, Applicant, and Barbara Davison, Representee for the Boat of Garten Community Council had requested to address the Committee.
40. The Committee agreed to the requests.
41. Andrew Tait presented a paper recommending that the Committee refuse the application for the reasons stated in the report.
42. Mr Tatchell, Applicant, addressed the Committee.
43. Barbara Davison, Representee for the Boat of Garten Community Council addressed the Committee.
44. Members were invited to ask questions of the speakers.
45. Andrew Thin thanked Mr Tatchell and Barbara Davison.
46. The Committee discussed the application and the following points were raised:
 - a) The proximity of the current accommodation wing to the neighbouring houses.
 - b) The fine economic balance between approving either 3 or 4 units to make the proposal viable in business terms.

- c) The amendments to the proposal since the deferral from the Planning Committee in February 2006.
 - d) The height of the proposed units in relation to the neighbouring houses.
 - e) The possibility of 4 units being seen as overdevelopment of the site.
 - f) The possibility of a condition linking the units to the hotel should the application be approved.
47. Bruce Luffman proposed a Motion that the application be approved subject to conditions as specified by the Planning Officials. This was seconded by David Selfridge.
48. Bob Wilson proposed an Amendment that the application be refused for the reason stated in the report. This was seconded by Angus Gordon.
49. The vote was as follows:

	MOTION	AMENDMENT	ABSTAIN
Eric Baird	√		
Stuart Black		√	
Duncan Bryden	√		
Nonie Coulthard	√		
Basil Dunlop		√	
Douglas Glass	√		
Angus Gordon		√	
Lucy Grant	√		
David Green	√		
Marcus Humphrey	√		
Bruce Luffman	√		
Willie McKenna	√		
Eleanor Mackintosh	√		
Anne McLean	√		
Alastair MacLennan	√		
Sandy Park	√		
Andrew Rafferty	√		
Gregor Rimell	√		
David Selfridge	√		
Sheena Slimon		√	
Richard Stroud	√		
Andrew Thin	√		
Susan Walker	√		
Ross Watson	√		
Bob Wilson		√	
TOTAL	20	5	0

50. The Committee agreed to approve the application subject to conditions as specified by the Planning Officials.

**REPORT ON CALLED-IN PLANNING APPLICATION FOR DEMOLITION OF EXISTING CHALETS AND ERECTION OF LODGE HOTEL AT THE HIGH RANGE MOTEL, GRAMPIAN ROAD, AVIEMORE
(PAPER 3)**

51. Andrew Tait presented a paper recommending that the Committee approve the application subject to the conditions stated in the report.
52. The Committee discussed the application and the following point was raised:
 - a) The age of the existing chalets on the site.
53. 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 OPPOSITE FUARAN BHAN, BALGOWAN, LAGGAN
(PAPER 4)**

54. The Committee noted that David Green and Andrew Thin were Members of the Crofters Commission but had no involvement with the consultation response submitted on this application.
55. Andrew Thin advised Members that Clare Falconer, Applicant, and Mr Spencer, Representee, did not wish to address the Committee but were available to answer any questions Members may have.
56. Neil Stewart presented a paper recommending that the Committee approve the application subject to the conditions stated in the report.
57. Members were given the opportunity to ask questions of Clare Falconer, Applicant and Mr Spencer, Representee – no questions were asked.
58. Andrew Thin thanked Clare Falconer and Mr Spencer.
59. The Committee discussed the application and the following points were raised:
 - a) Discussion that it was encouraging to see families returning to the area to work crofts.
 - b) The Planning Officials should take a consistent approach to design.
 - c) Clarification on the possibility of 're-splitting' the croft in the future.
60. The Committee agreed to approve the application subject to the conditions stated in the report.

**REPORT ON CALLED-IN PLANNING APPLICATION FOR ERECTION OF 10 HOUSES (8 PRIVATE & 2 AFFORDABLE UNITS) AT BRAES OF BALNAGOWAN, NETHY BRIDGE
(PAPER 5)**

61. Basil Dunlop and Sandy Park left the meeting.
62. Anne McLean declared an interest and left the room.
63. Andrew Thin advised Members that Mark Myles, Agent for the application and Kevin Shaw, Morag Wheatley, Jane Cox and Elizabeth Fraser, Representees had requested to address the Committee.
64. The Committee agreed the requests to speak.

65. Neil Stewart presented a paper recommending that the Committee approve the application subject to the conditions stated in the report with an additional condition stating that the Applicants should submit a management and maintenance programme for the land to the North and West of the site for agreement with the CNPA.
66. Mark Myles, Agent for the application addressed the Committee.
67. Kevin Shaw, Morag Wheatley, Jane Cox and Elizabeth Fraser, Representees addressed the Committee.
68. Members were invited to ask questions of the speakers.
69. Andrew Thin thanked the speakers.
70. The Committee discussed the application and the following points were raised:
- a) Concern over the apparent disagreement between the Nethy Bridge Community and the Community Council as to whether the development was welcomed or not.
 - b) The possible legal mechanisms for protecting the rest of the field from development.
 - c) The rural setting of Nethy Bridge.
 - d) The wildlife in the field where the development was being proposed.
 - e) The possibility of negative impacts on employers / employees in Nethy Bridge should the development affect the viability of local businesses.
 - f) The need for affordable housing in Nethy Bridge.
 - g) The level of affordable housing included in the proposed development.
 - h) The need for incorporating the affordable housing into the development not just being tacked on the side.
 - i) Clarification about the sewerage/drainage capacity and the impact on other potential developments in Nethy Bridge.
 - j) The age of the Badenoch & Strathspey Local Plan against which applications were currently being assessed.
 - k) The possibility of deferring the application until the production of the finalised CNPA Local Plan.
 - l) The importance of green spaces in communities.
 - m) Clarification of the zoning status of the site in the draft CNPA Local Plan.
 - n) The status of the appeal currently lodged against the refused planning permission from earlier in 2006 (05/120/CP), if the application was approved.
 - o) Concern about the rate of growth of Nethy Bridge and the capacity of the infrastructure to cope with that growth.
 - p) Concern that if this application were deferred then the appeal lodged would be determined prior to the finalised CNPA Local Plan being produced.
 - q) Concern that if the application were approved it could be seen as not listening to the views of the local community.
71. Stuart Black proposed a Motion to defer the application until the publication of the finalised CNPA Local Plan. This was seconded by Sheena Slimon.
72. Bruce Luffman proposed an Amendment that the application be approved subject to the conditions stated in the report and the additional condition stating that the Applicants should submit a management and maintenance programme for the land to the North and West of the site for agreement with the CNPA. This was seconded by Bob Wilson.

73. The vote was as follows:

	MOTION	AMENDMENT	ABSTAIN
Eric Baird		√	
Stuart Black	√		
Duncan Bryden		√	
Nonie Coulthard		√	
Douglas Glass		√	
Angus Gordon	√		
Lucy Grant	√		
David Green		√	
Marcus Humphrey		√	
Bruce Luffman		√	
Willie McKenna		√	
Eleanor Mackintosh		√	
Alastair MacLennan	√		
Andrew Rafferty	√		
Gregor Rimell		√	
David Selfridge	√		
Sheena Slimon	√		
Richard Stroud		√	
Andrew Thin		√	
Susan Walker		√	
Ross Watson	√		
Bob Wilson		√	
TOTAL	8	14	0

74. The Committee agreed to approve the application subject to the conditions stated in the report, and the additional condition on the management and maintenance scheme for the rest of the field.

75. Anne McLean returned.

ANY OTHER BUSINESS

76. Don McKee apologised for Members not receiving a report on the next item due to the very short timescales involved. Don McKee advised Members that Aberdeenshire Council had started to prepare their Local Plan prior to the existence of the CNPA, however, they had incorporated minor changes to reflect the creation of the CNPA (until the production of the CNPA Local Plan). The Aberdeenshire Local Plan required to be advertised prior to the Strategic Environmental Assessment Regulations coming into effect in July 2006 – the last time for an advert to appear in order to meet their appropriate Committee was 24th May 2006. Following a European Court of Justice ruling Aberdeenshire Council had carried out a number of Appropriate Assessments on certain allocations in their Local Plan, including some in the CNP, these still had to be confirmed by SNH. Don McKee requested that Members agree in principle to a

note of intention to adopt the Aberdeenshire Local Plan once CNPA Planning Officials are satisfied that SNH are happy with the outcome of the Appropriate Assessments. If CNPA Planning Officials were not satisfied that SNH were happy with the outcome of the Appropriate Assessments then the CNPA would not agree to the publication of the advert and would bring a paper before the Planning Committee detailing the reasons. Don McKee advised Members that CNPA Planning Officials were meeting on Tuesday 23rd May with Aberdeenshire Council and SNH to discuss this matter further. A further report will be brought to the Planning Committee prior to final adoption of the Local Plan.

DATE OF NEXT MEETING

69. Friday, 2nd June 2006, The Community Hall, Finzean.
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 13:25hrs.

