
CAIRNGORMS NATIONAL PARK AUTHORITY

MINUTES OF THE PLANNING COMMITTEE held within The Albert Memorial Hall, Ballater on 22nd April 2005 at 10.30am

PRESENT

Eric Baird	Eleanor Mackintosh
Duncan Bryden	Anne MacLean
Douglas Glass	Gregor Rimell
Angus Gordon	David Selfridge
David Green	Sheena Slimon
Lucy Grant	Andrew Thin
Marcus Humphrey	Susan Walker
Bruce Luffman (who arrived later)	Bob Wilson
Willie McKenna	

IN ATTENDANCE:

Don McKee	Andrew Tait	Mary Grier
Neil Stewart	Pip Mackie	

APOLOGIES:

Stuart Black	Sandy Park
Sally Dowden	Andrew Rafferty
Basil Dunlop	Joyce Simpson
Alastair MacLennan	Richard Stroud

WELCOME AND APOLOGIES

1. The Convenor welcomed all present.
2. Apologies were received from Stuart Black, Sally Dowden, Basil Dunlop, Alastair MacLennan, Sandy Park, Andrew Rafferty, Joyce Simpson & Richard Stroud.

MATTERS ARISING FROM THE PREVIOUS MEETING

3. The minutes of the previous meeting, 8th April 2005, held via audio link in Ballater and 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 Planning Application No.'s 05/173/CP & 05/183/CP.
6. The Highland Councillors declared an interest in Item No. 15 on the Agenda (Paper 9).

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

7. 05/169/CP - No Call-in
8. 05/170/CP - No Call-in
9. 05/171/CP - No Call-in
10. 05/172/CP - No Call-in

11. 05/173/CP - The decision was to Call-in this application for the following reason:
 - The proposal involves the formation of a formal parking area on the site of an informal parking area used by hill walkers. The proposal involves engineering and landscape works within the Inverey Conservation Area and within the National Scenic Area. Given these designations and the landscaping and engineering works proposed at the site the proposal raises issues in relation to natural and cultural heritage and promoting enjoyment and understanding of the area. Consequently, the proposal may raise issues of general significance for the collective aims of the National Park.

12. 05/174/CP - No Call-in

13. 05/175/CP - The decision was to Call-in this application for the following reason:
 - The proposal represents a new house in open countryside which may not be justified in terms of land management purposes. This may have the potential to establish a precedent for similar developments in the Park, which cumulatively may raise issues of general significance to the collective aims of the National Park.

14. 05/176/CP - No Call-in

15.05/177/CP - The decision was to Call-in this application for the following reason:

- While recognising that the site has outline planning permission, the scale of the proposal, together with the prominence of the site on open pasture and birch woodland raises issues in relation to natural heritage, sustainable use of natural resources as well as social and economic development. Consequently, the proposal is considered to raise issues of general significance to the collective aims of the National Park.

16.05/178/CP - The decision was to Call-in this application for the following reason:

- The proposal involves an underbridge to cross the A9 to enable a large housing development to the west of the A9 at Aviemore. The line of the road linking existing development with the underbridge crosses the Aviemore Orbital Footpath. Given this the proposal is considered to raise issues with regard to social and economic development of Aviemore and to the understanding and enjoyment of the Aviemore Orbital Footpath. The proposal also has linked significance to an application for 75 house plots on the west side of the A9. Consequently, the proposal may raise issues of general significance to the collective aims of the National Park.

17.05/179/CP - No Call-in

18.05/180/CP - No Call-in

19.05/181/CP - No Call-in

20.05/182/CP - No Call-in

21.05/183/CP - No Call-in

22.05/184/CP - No Call-in

23.05/185/CP - No Call-in

24.05/186/CP - No Call-in

25.05/187/CP - No Call-in

26.05/188/CP &
05/189/CP -

The decision was to Call-in this application for the following reason:

- The proposal involves the change of use from tourist accommodation to a dwelling house in a countryside area. The proposal also involves alterations to a listed building. Because of this, the proposal raises issues with regard to cultural heritage, the loss of tourist accommodation and the introduction of a permanent residential use into a countryside area. Consequently, the proposal may raise issues of general significance with regard to the collective aims of the Cairngorms National Park.

- 27.05/190/CP - No Call-in
28.05/191/CP - No Call-in

COMMENTING ON APPLICATIONS NOT CALLED-IN BY THE COMMITTEE

29. It was agreed not to submit comments on any planning applications to the Local Authorities.

REPORT ON CALLED-IN PLANNING APPLICATION FOR USE OF LAND FOR SITING 2 RESIDENTIAL CARAVANS FOR HOLIDAY LETS, CAMPING SITE, FISHING POND, SIGN & SMALL RETAIL OUTLET AT WAULKMILL, CROMDALE (Paper 1)

30. Andrew Tait presented a paper recommending that the Committee refuse the application for the reasons stated in the report.
31. The Committee briefly discussed the application and the following points were raised:
- a) The development had potential benefits for the locality, but due to requested information by the planners not being provided by the Applicants, a detailed assessment of the application could not be carried out.
32. The Committee agreed to refuse the application for the reasons stated on the report.

REPORT ON CALLED-IN PLANNING APPLICATION FOR ERECTION OF PUBLIC TOILETS AND SHELTER AT CAMBUS O' MAY, BALLATER (PAPER 2)

33. Andrew Tait presented a paper recommending that the Committee approve the application subject to the conditions stated in the report.
34. The Committee agreed to approve the application subject to the conditions stated in the report.

REPORT ON CALLED-IN PLANNING APPLICATION FOR NEW ACCESS AND EXTENSION TO GARDEN AREA AT PIPER'S CROFT, LAGGAN (Paper 3)

35. Andrew Tait presented a paper recommending that the Committee approve the application subject to the conditions stated in the report.
36. The Committee discussed the application and following points were raised:
- a) The access to the moorland road and monument not being restricted.
37. The Committee approved the application subject to the conditions stated in the report and an additional condition that the access to the moorland road and monument should not be restricted.

**REPORT ON CALLED-IN PLANNING APPLICATION FOR ERECTION OF DWELLING & STABLE BLOCK AND USE OF LAND FOR EQUESTRIAN CENTRE AT FIELD OPPOSITE B970, BALLIEMORE, NETHY BRIDGE
(Paper 4)**

38. Andrew Tait presented a paper recommending that the Committee refuse the application for the reasons stated in the report.
39. Andrew Thin advised that requests to address the Committee had been received from the applicants agent - David Rhind, the applicants Mr & Mrs Kendall, and from two representees, Mr Collins, Property Convener for Abernethy Church and Roy Turnbull. The Committee granted their requests.
40. David Rhind addressed the Committee.
41. Mr Kendall addressed the Committee.
42. Roy Turnbull addressed the Committee.
43. Mr Collins addressed the Committee.
44. Questions were invited from Members. The Speakers and Mrs Kendall answered the Members questions.
45. Andrew Thin thanked the Speakers.
46. Bruce Luffman arrived.
47. The Committee discussed the report and following points were made:
 - a) The Access and Nature Conservation Legislation.
 - b) The applicants compliance in significantly improving the proposal since being deferred from a previous Planning Committee.
 - c) The possible disturbance of Capercaillie in nearby woods.
 - d) The application perhaps being premature to the CNP Local Plan.
 - e) How the refusal of the application would comply with SPP 15 for Rural Development.
 - f) The application being a very good proposal but unfortunately considered to be in the wrong location.
 - g) The possibility of the applicant being able to erect a shed on the same ground under an Agricultural Notification.
 - h) Were there any specifically designated business sites in the Nethy Bridge Local Plan.
48. Bruce Luffman proposed a Motion to Refuse the application for the reasons stated in the report. This was seconded by Bob Wilson.
Gregor Rimell proposed an Amendment to Approve the application subject to the comments being submitted by SNH being referred to the Scottish Ministers. This was seconded by Willie McKenna.

The vote was as follows:

NAME	MOTION (Refuse)	AMENDMENT (Approve)	ABSTAIN
Eric Baird	√		
Duncan Bryden	√		
Douglas Glass		√	
Angus Gordon		√	
Lucy Grant	√		
David Green		√	
Marcus Humphrey		√	
Bruce Luffman	√		
Willie McKenna		√	
Eleanor Mackintosh	√		
Anne MacLean		√	
Gregor Rimell		√	
David Selfridge	√		
Sheena Slimon		√	
Andrew Thin	√		
Susan Walker	√		
Bob Wilson	√		
TOTAL	9	8	0

49. The decision was to Refuse the application for the reasons stated in the report.

REPORT ON CALLED-IN PLANNING APPLICATION FOR INSTALLATION OF UNDERGROUND LPG TANKS AT AVIEMORE NORTH HOUSING DEVELOPMENT

(Paper 5)

50. Andrew Tait presented a paper recommending that the Committee approve the application subject to the conditions stated in the report.

51. The Committee discussed the report and following point was made:

- a) The safety issue concerning the height of the proposed boundary fence.

52. The Committee approved the Application subject to the conditions stated in the report.

REPORT ON CALLED-IN PLANNING APPLICATION FOR ERECTION OF NEW DWELLINGHOUSE AT GROUND TO THE WEST OF BALMENACH ROAD, CROMDALE

(Paper 6)

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

54. The Committee discussed the report and following points were made:

- a) Another case of a local person requiring a local house.

- b) The querying of the ownership of the applicants current address.
55. The Committee refused the Application for the reasons stated in the report.

**REPORT ON CALLED-IN PLANNING APPLICATION FOR ALTERATIONS & EXTENSION TO DWELLINGHOUSE AT BALGOWAN, NETHY BRIDGE
(Paper 7)**

56. Mary Grier presented a paper recommending that the Committee approve the application subject to the conditions stated in the report.
57. The Committee discussed the report and following point was made:
- a) Clarification was sought that the original internal features of the property were not to be affected. It was confirmed that the applicants had stated in a telephone conversation that they did not intend to alter these.
58. The Committee approved the Application subject to the conditions stated in the report.

**REPORT ON CALLED-IN PLANNING APPLICATION FOR DISPLAY OF ADVERTISEMENT AT LAND TO THE SOUTH EAST OF CRUBENBEG, NEWTONMORE
(Paper 8)**

59. Mary Grier presented a paper recommending that the Committee refuse the application for the reasons stated in the report.
60. The Committee discussed the report and the following point was made:
- a) For the planners to check that the existing road signage advertising the business was currently covered by planning permission from Highland Council.
61. The Committee refused the Application for the reasons stated in the report.

**REPORT ON CALLED-IN PLANNING APPLICATION FOR ERECTION OF COMMUNITY RADIO STUDIO & ASSOCIATED CAR PARK AT LAND EAST OF BOWLING GREEN CLUB CAR PARK, DALFABER DRIVE, AVIEMORE
(Paper 9)**

62. The Highland Councillors declared an interest and left the room.
63. Neil Stewart presented a paper recommending that the Committee approve the application subject to the conditions stated in the report.
64. The Committee discussed the report and following point was made:
- a) The possibility of the proposal including antennae/aerials attached to the building.
65. The Committee approved the Application subject to the conditions stated in the report and an additional condition covering any antennae/aerials which may be attached to the proposed building.
66. The Highland Councillors returned.

**REPORT ON CALLED-IN PLANNING APPLICATION FOR ERECTION OF DWELLINGHOUSE AT FINDRON FARM, TOMINTOUL
(Paper 10)**

67. 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.
68. The Committee discussed the report and following points were made:
- a) Had a need case for a farmworker been investigated.
 - b) The restrictiveness of a Section 75 Agreement.
69. The Committee approved the Application subject to a Section 75 Legal Agreement and the conditions stated in the report but with the deletion of “essential farmworker” from condition b.

**CONSULTATION REPORT ON LOCAL PLAN PHASE 1
(Paper 11)**

70. Norman Brockie presented a paper providing Members a report which recorded the questionnaire and public meeting results from the first phase of the Local Plan consultation, noting the sterling job which had been carried out by the Local Plan Community Liaison Co-ordinators (Anna Barton & Jean Henretty) as well as the 40 volunteer facilitators.
71. Andrew Thin noted that thanks to them should be recorded.

ANY OTHER BUSINESS

72. Willie McKenna requested if training could be provided on the issue of disturbance of species and habitats in protected areas. This matter was referred to Don McKee, Head of Planning.
73. Andrew Thin advised Members that there was a Moorland visit taking place on Thursday 5th May, and asked that Members let Jane Hope know if they were planning not to attend the visit.
74. Andrew Thin advised Members that there would be “On Board” training taking place on 20th June, in Inverness which may be beneficial for Board Members to attend.

DATE OF NEXT MEETING

75. Friday 6th May, Kirriemuir.
76. Committee Members are requested to ensure that any Apologies for this meeting are submitted to the Planning Office in Ballater.
77. The meeting concluded at 13:10hrs.