
CAIRNGORMS NATIONAL PARK AUTHORITY

MINUTES OF THE PLANNING COMMITTEE held at The Cairngorm Hotel, Aviemore on 23rd February 2007 at 10.30am

PRESENT

Eric Baird	Willie McKenna
Stuart Black	Eleanor Mackintosh
Duncan Bryden	Anne MacLean
Nonie Coulthard	Sandy Park
Basil Dunlop	Andrew Rafferty
Douglas Glass	Gregor Rimell
Angus Gordon	David Selfridge
Lucy Grant	Sheena Slimon
David Green	Richard Stroud
Bob Kinnaird	Susan Walker
Bruce Luffman	Ross Watson

IN ATTENDANCE:

Andrew Tait	Pip Mackie
Neil Stewart	

APOLOGIES:

Marcus Humphrey
Alastair MacLennan
Bob Wilson

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, 9th February 2007, held between The CNPA Office, Ballater and The CNPA Office, Grantown on Spey (Via Audio link) were approved.
4. Clarification was given that under Highland Council rules, once a person had been nominated for election, they had to stand and could not withdraw their nomination.

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

5. Lucy Grant declared an interest in Planning Application No. 07/057/CP.
6. Ross Watson declared an interest in Planning Application No. 07/067/CP.
7. Anne MacLean declared an interest in Item No. 8 on the Agenda.
8. David Green declared an interest in Item No. 9 on the Agenda.
9. Bob Kinnaird declared an interest in Item No. 10 on the Agenda.

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

- 10.07/051/CP - No Call-in
11.07/052/CP - No Call-in
12.07/053/CP - No Call-in

13.07/054/CP - The decision was to call-in the application for the following reason :

- The application is for the retention of a lunch hut sited in a relatively remote upland location. The proposal raises issues with regard to landscape, building design and issues in relation to promoting the enjoyment of traditional upland sporting activities. The proposal therefore raises issues of general significance for the collective aims of the Cairngorms National Park.

14.07/055/CP - The decision was to call-in the application for the following reason :

- The application is for the retention of a lunch hut sited in a relatively remote upland location. The proposal raises issues with regard to landscape, building design and issues in relation to promoting the enjoyment of traditional upland sporting activities. The proposal therefore raises issues of general significance for the collective aims of the Cairngorms National Park.

- 15.07/056/CP - The decision was to call-in the application for the following reason :
- The application is for the retention of a lunch hut sited in a relatively remote upland location. The proposal raises issues with regard to landscape, building design and issues in relation to promoting the enjoyment of traditional upland sporting activities. The proposal therefore raises issues of general significance for the collective aims of the Cairngorms National Park.
- 16.07/057/CP - Lucy Grant declared an interest and left the room.
No Call-in
Lucy Grant returned.
- 17.07/058/CP - The decision was to call-in the application for the following reason :
- The application seeks to vary conditions relating to external finishing materials and the provision of path signage that the CNPA applied to an earlier consent for a golf course maintenance building. The proposal raises issues in relation to sustainable building design, economic development and issues with regard to promoting access and enjoyment in the area. The application therefore raises issues of general significance for the collective aims of the Cairngorms National Park.
- 18.07/059/CP - No Call-in
19.07/060/CP - No Call-in
20.07/061/CP - No Call-in
- 21.07/062/CP - The decision was to call-in the application for the following reason :
- The proposal is for the erection of a building of contemporary design to house, an administrative centre, ticket office and exhibition space for the Braemar Royal Highland Charity. The site is located at a prominent key entrance point to the Games Park in Braemar and lies within the National Scenic Area and Conservation Area. The proposal raises a range of issues in relation to sustainable design, cultural heritage, promoting understanding and enjoyment of the games and in promoting the sustainable social and economic development of the area. The scheme therefore raises issues of general significance for the collective aims of the Cairngorms National Park.
- 22.07/063/CP - No Call-in
23.07/064/CP - No Call-in

- 24.07/065/CP - No Call-in
 25.07/066/CP - No Call-in
- 26.07/067/CP - No Call-in
 Ross Watson declared an interest and left the room.
 Ross Watson returned.
- 27.07/068/CP - No Call-in
 28.07/069/CP - No Call-in
 29.07/070/CP - No Call-in
 30.07/071/CP - No Call-in
 31.07/072/CP - No Call-in
 32.07/073/CP - No Call-in
 33.07/074/CP - No Call-in
 34.07/075/CP - No Call-in
- 35.07/076/CP - The decision was to call-in the application for the following reason :
- The proposed site is located within an Area of Landscape Significance where it is the policy that development will not be permitted where its scale, location or design will detract from the quality of the landscape, either in part or in whole (Policy Env\5B). The development is proposed in an exposed and elevated location and may be a precursor to an associated wind energy proposal. The development raises issues in relation to natural heritage, landscape impact and economic development and is therefore of general significance to the aims of the National Park.

COMMENTING ON APPLICATIONS NOT CALLED-IN BY THE COMMITTEE

36. The Members wished to make comments to the Local Authorities on the following Planning Application No's 07/063/CP, 07/066/CP & 07/067/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 NEW INTAKE FOR SMALL SCALE HYDRO POWER GENERATION SCHEME AT SEMEIL FARM, STRATHDON (PAPER 1)

37. David Green advised that John & Jacqueline Riley, Applicants, were available to answer any questions Members may have.
38. Neil Stewart presented a paper recommending that the Committee approve the application subject to the conditions stated in the report with a slight amendment to condition 3 to include '...(maximum 85mm) or width as required under other legislation.'

39. Members were invited to ask any questions to the Applicants. No questions were asked.
40. The Committee discussed the application and the following points were raised:
- a) Support for alternative renewable energy proposals.
 - b) The ownership of the existing intake.
 - c) The possibility of removing the existing, visually intrusive, intake.
 - d) Advising the Applicant of various other non-planning regulations which may apply to the application.
 - e) Concern that the water return to the river may have effects on Otters.
 - f) Regret that agreement could not be reached with the Don District Salmon Fishery Board over the re-instatement of the existing intake.
41. The Committee agreed to approve the application subject to the conditions stated in the report, the slight amendment to condition 3 and an Advice Note stating that various other non-planning regulations may also need to be adhered to for the proposal.

REPORT ON CALLED-IN PLANNING APPLICATION FOR ERECTION OF 6 FLATS & 4 DWELLINGHOUSES (FULL PLANNING PERMISSION) & DEMOLITION OF FLAT ROOFED EXTENSION (LISTED BUILDING CONSENT) AT SITE TO REAR OF GRANT ARMS HOTEL, THE SQUARE, GRANTOWN ON SPEY (PAPER 2)

42. Anne MacLean declared an interest and left the room.
43. David Green advised that Colin Lawson, Applicant had requested to address the Committee. Members agreed to this request.
44. David Green advised that a late submission had been received from the Applicant and asked if Members wished to set aside Standing Orders and see this submission. Members stated that they did not wish to set aside Standing Orders and therefore the late submission was not distributed for viewing.
45. Neil Stewart presented a paper recommending that the Committee refuse the application for Full Planning Permission for the reasons stated in the report and approve the application for Listed Building Consent subject to the conditions stated in the Report.
46. Colin Lawson addressed the Committee.
47. Members were invited to ask questions.
48. David Green thanked Colin Lawson.
49. The Committee discussed the applications and the following points were raised:
- a) Clarification of the vehicular access to the flats at the rear of the site.
 - b) Clarification of the Listed Building status of the modern extension to the rear of the Grant Arms Hotel.
 - c) The communal garden area associated with the proposal.
 - d) The possibility of having higher density housing in the future in existing settlement areas.
 - e) The type of housing required in the Grantown area.
 - f) The visual impact of the site at present.
 - g) The inclusion of an affordable housing element in the proposed development.
 - h) The building line of the proposed housing.
 - i) The proposed closure of the road to vehicular traffic.

- j) The visual impact of the proposed development when viewed from the Grantown Square.
 - k) The species and location of trees currently on site and the impact on these trees.
 - l) The location of the indicative parking bays.
 - m) The site being classed as brownfield.
 - n) The proposal being seen as overdevelopment of the site.
50. Bruce Luffman proposed a Motion to refuse the application as recommended in the report. This was seconded by Richard Stroud.
51. Duncan Bryden proposed an Amendment to approve the application subject to a Section 75 Legal Agreement (for the provision of the affordable housing on site) and conditions, to be brought back to the Committee for approval. This was seconded by Andrew Rafferty.

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	√		
Bob Kinnaird		√	
Bruce Luffman	√		
Willie McKenna		√	
Eleanor Mackintosh		√	
Sandy Park		√	
Andrew Rafferty		√	
Gregor Rimell		√	
David Selfridge	√		
Sheena Slimon		√	
Richard Stroud	√		
Susan Walker	√		
Ross Watson		√	
TOTAL	8	13	0

52. The Committee agreed to approve the application for Full Planning Permission subject to a Section 75 Legal Agreement (for the provision of the affordable housing on site) and conditions, to be brought back to the Committee for approval.
53. Bruce Luffman sought clarification from Members on the reasons for departing from Planning Policy in this instance.
54. Duncan Bryden advised that the reasons related to the existing policy for the area being outdated and the socio-economic benefits the development would bring.
55. Anne MacLean returned.

**REPORT ON CALLED-IN PLANNING APPLICATION FOR ERECTION OF CROFT HOUSE AT LAND 50, SOUTH-WEST OF GRIANAN, STRONE ROAD, NEWTONMORE
(PAPER 3)**

56. David Green handed the Chair to Sandy Park, Vice-Convenor for the next item.
57. David Green declared an interest and left the room.
58. Andrew Tait presented a paper recommending that the Committee approve the application subject to a Section 75 Legal Agreement the conditions stated in the report.
59. The Committee discussed the application and the following points were raised:
 - a) The location of the original croft house and who operated the croft at present.
 - b) Clarification of how many times a croft could be subdivided.
60. The Committee agreed to approve the application subject to a Section 75 Legal Agreement and the conditions stated in the report.
61. David Green returned and resumed the Chair.

**REPORT ON CALLED-IN PLANNING APPLICATION FOR PATHWORKS, DYKING, LANDSCAPING & ART WORKS AT CAIRNGORM MOUNTAIN CAR PARK
(PAPER 4)**

62. Bob Kinnaird declared an interest and left the room.
63. David Green advised that Mr Morris, Agent, and Arthur Watson, Project Artist, had requested to address the Committee. Members agreed to the request.
64. Andrew Tait presented a paper recommending that the Committee approve the application subject to the conditions stated in the report.
65. Mr Morris and Arthur Watson addressed the Committee.
66. Members were invited to ask questions.
67. David Green thanked Mr Morris and Arthur Watson.
68. The Committee discussed the application and the following points were raised:
 - a) The proposal being seen as an enhancement to the visual appearance of the existing car park.
 - b) Clarification if any consideration had been given to restoring the site back to its natural state.
69. The Committee agreed to approve the application subject to the conditions stated in the report.
70. Bob Kinnaird returned.

**REPORT ON CALLED-IN PLANNING APPLICATION FOR FORMATION OF ALL ABILITIES PATH & VIEWING PLATFORM AT DINNET CAR PARK TO EASTERN SHORE OF CLARACK LOCH
(PAPER 5)**

71. Neil Stewart presented a paper recommending that the Committee approve the application subject to the conditions stated in the report.
72. The Committee discussed the application and the following points were raised:
- a) Clarification that the proposed path was intended for all abilities access.
 - b) The height of the balustrade on the viewing platform, which could potentially obscure the view of the Loch for someone in a wheelchair.
 - c) The proposed material of the ramp to the bridge, could it be ensured that it was a non-slip surface.
 - d) Clarification that the proposed path was wide enough for two wheelchairs to pass each other comfortably.
 - e) Clarification that the path was to be built above the high water level.
 - f) Concern that if UDAT cease to exist who would take over the maintenance of the path / viewing platform.
73. The Committee agreed to approve the application subject to the conditions stated in the report with an additional condition stating that the path / viewing platform must be constructed in accordance with the requirements of the Disability Discrimination Act and the BT Countryside For All Standards and Guidelines for Rural Working Landscapes.

ANY OTHER BUSINESS

74. Bruce Luffman raised concern that an application for determination at today's Committee that was recommended for refusal by the Planning Officials, had been approved without any sound planning reasons given. Concern was raised that the Planning Committee overriding existing Local Plan policy would damage the credibility of the CNPA Planning Committee. It was advised that should Members be minded to go against existing policy, then sound planning reasons should be given, particularly as the applicant has the right to appeal any decision made by the Committee.
75. David Green suggested that the application had been considered as part of a democratic process but undertook to clarify procedures for departing from policy with the Head of Planning.
76. Neil Stewart advised Members that for Item No. 8 on the Agenda, although application 06/304/CP had been approved, no formal motion had been made to approve application 06/305/CP (Listed Building Consent). Members agreed to formally move that application 06/305/CP was approved subject to the conditions stated in the report.

DATE OF NEXT MEETING

69. Friday, 9th March 2007 at The Ben Mhor Hotel, 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 13:15hrs.