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# CAIRNGORMS NATIONAL PARK AUTHORITY

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## MINUTES OF THE PLANNING COMMITTEE held at The Ben Mhor Hotel, Grantown on Spey on 23<sup>rd</sup> September 2005 at 10.30am

### PRESENT

Eric Baird	Sandy Park
Duncan Bryden	Andrew Rafferty
Angus Gordon	Gregor Rimell
Lucy Grant	David Selfridge
Marcus Humphrey	Joyce Simpson
Willie McKenna	Sheena Slimon
Anne McLean	Andrew Thin
Alastair MacLennan	Susan Walker
Eleanor Mackintosh	Bob Wilson
Sandy Park	

### IN ATTENDANCE:

Don McKee	Neil Stewart
Mary Grier	Pip Mackie
Wendy Rogerson	

### APOLOGIES:

Stuart Black	Douglas Glass
Sally Dowden	Bruce Luffman
Basil Dunlop	Richard Stroud
David Green	

### WELCOME AND APOLOGIES

1. The Convenor welcomed all present.
2. Apologies were received from Stuart Black, Sally Dowden, Basil Dunlop, David Green, Douglas Glass, Bruce Luffman & Richard Stroud.

### MATTERS ARISING FROM THE PREVIOUS MEETING

3. The minutes of the previous meeting, 9th September 2005, held at Panmure Arms Hotel, Edzell were approved subject to an amendment to paragraph 24 to read “ ..that the applicants for the called-in application (05/387/CP) be advised as soon as possible to cease works.”.
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. 05/396/CP & 05/401/CP.
6. Anne MacLean declared an interest in Item No. 8 on the Agenda.

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

7. 05/396/CP -  
Marcus Humphrey declared an interest and left the room.  
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 and is also within the Deeside and Lochnagar National Scenic Area. As such, the proposal may raise issues of general significance in relation to the conservation and enhancement of the natural heritage of the area.Marcus Humphrey returned.
8. 05/397/CP - No Call-in
9. 05/398/CP - No Call-in
10. 05/399/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 that 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.
11. 05/400/CP - No Call-in
12. 05/401/CP -  
Marcus Humphrey declared an interest and left the room.  
No Call-in  
Marcus Humphrey returned.

13.05/402/CP - The decision was to call-in the application for the following reason :

- The proposed development is within the Ballater Conservation Area and represents the formation of a dwelling house on garden ground that contained a substantial number of mature trees prior to the recent significant level of unconsented tree felling. It is considered that the proposed development, when taken in conjunction with the original state of the land, is of general significance to the aims of the National Park, particularly the first aim of conserving and enhancing the natural and cultural heritage of the area.

14.05/403/CP - No Call-in

15.05/404/CP - No Call-in

16.05/405/CP - No Call-in

17.05/406/CP - No Call-in

18.05/407/CP - No Call-in

19.05/408/CP - No Call-in

20.05/409/CP - The decision was to call-in the application for the following reason :

- The proposed development represents a recreation based use in a forested area adjacent to an existing outdoor activities site, that is located within a designated Area of Great Landscape Importance. The proposed development by reason of its scale, nature and location is therefore considered to be significance to the collective aims of the National Park, particularly in relation to recreation and enjoyment, and natural heritage.

21.05/410/CP - No Call-in

22.05/411/CP - No Call-in

23.05/412/CP - No Call-in

24.05/413/CP - No Call-in

25.05/414/CP - The decision was to call-in the application for the following reason :

- The commercial nature of the proposal and the scale of the buildings taken in conjunction with its siting raises issues of significance in relation to social and economic development and natural heritage in terms of potential landscape impact. Consequently, the proposal raises issues of significance for the collective aims of the Cairngorms National Park.

## **COMMENTING ON APPLICATIONS NOT CALLED-IN BY THE COMMITTEE**

26. The Members wished to make comments to the Local Authorities on the following Planning Application No's 05/398/CP, 05/401/CP, 05/404/CP & 05/405/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 4 NEW WAREHOUSES AT TOMINTOUL DISTILLERY, KIRKMICHAEL (PAPER 1)**

27. Andrew Thin informed the Committee that the Applicants had declined the opportunity to address the Committee, but were present to answer any questions from Members. A request to address the Committee had also been received from a representee, Malcolm MacGarvin. The Committee granted the request to address the Committee.
28. Mary Grier presented a paper recommending that the Committee approve the application subject to the conditions stated in the report.
29. Malcolm MacGarvin addressed the Committee.
30. The Members had an opportunity to ask questions of both the Applicants and the representee, Malcolm MacGarvin.
31. The Committee discussed the application and the following points were raised:
- a) The significance of the Distillery to local employment.
  - b) Clarification of which buildings in the Distillery were subject to the lighting requirements in condition 3.
  - c) The possibility of including a condition regarding the water run-off arrangements.
  - d) The height of the proposed bunding.
  - e) Road safety on the B9136.
  - f) Further expansion plans at the Distillery.
32. The Committee agreed to approve the application subject to the conditions stated in the report with amendments to condition 2 to require a revised landscaping plan to be submitted (including revised bunding arrangements and landscaping around the SUDS areas), the removal of condition 4 and an amendment to condition 6 requiring the water run-off arrangements to be agreed with the CNPA.

## **REPORT ON CALLED-IN PLANNING APPLICATION FOR ERECTION OF 2 DWELLINGHOUSES AT FORMER CAMP SITE SHOWER BLOCK, GLENMORE, AVIEMORE (PAPER 2)**

33. Anne MacLean declared an interest and left the room.
34. Neil Stewart presented a paper recommending that the Committee approve the application subject to the conditions stated in the report.
35. The Committee discussed the application and the following points were raised:
- a) Clarification of road access to the properties.
  - b) The interior details of the properties.

36. The Committee agreed to approve the application subject to the conditions stated in the report and an amendment to condition 6 to require that the design of the buildings respects the landscape setting.
37. Anne MacLean returned.

**REPORT ON CALLED-IN PLANNING APPLICATION FOR ERECTION OF 3 DWELLINGHOUSES AND CHANGE OF USE OF OUTDOOR CENTRE TO 2 FLATS AT OUTDOOR CENTRE, SCHOOL ROAD, DULNAIN BRIDGE (PAPER 3)**

38. Neil Stewart presented a paper recommending that the Committee approve the application subject to the conditions stated in the report.
39. The Committee agreed to approve the application subject to the conditions stated in the report.

**REPORT ON CALLED-IN PLANNING APPLICATION FOR ERECTION OF DWELLINGHOUSE (AMENDED DESIGN) AT LAND AT CORNER OF A86 & BALGOWAN ROAD, BALGOWAN, NEWTONMORE (PAPER 4)**

40. Andrew Thin informed the Committee that requests to address the Committee had been received from the Applicants Solicitor, Peter Pratt, and a representee, Mr Spencer. The Committee granted the requests to address the Committee.
41. Neil Stewart presented a paper recommending that the Committee approve the application subject to the conditions stated in the report.
42. Peter Pratt addressed the Committee.
43. Mr Spencer addressed the Committee.
44. The Members had an opportunity to ask questions of both the Applicants, Mr & Mrs Grover, and the representee, Mr Spencer.
45. The Committee discussed the application and the following points were raised:
- a) What height consists a 1 ½ storey house.
  - b) The applicants planning permission submission on a nearby plot of land.
  - c) The possibility of installing a water flow meter to monitor the site.
  - d) The scale of the house.
  - e) The proposed garden pond.
  - f) Clarification of the structures covered by condition 3.
46. The Committee agreed to approve the application subject to the conditions stated in the report.

**REPORT ON CNPA RESPONSE TO THE WHITE PAPER “MODERNISING THE PLANNING SYSTEM” (PAPER 5)**

47. Don McKee presented a paper recommending that the Committee approve the response to be submitted to the Scottish Executive.
48. The Committee discussed the report and the following points were raised:
- a) Not all issues in the White Paper are applicable to the unique planning function of the CNPA.

- b) The possibility of de-designating NSAs in National Parks.
  - c) Clarification of the definition of minor developments.
  - d) The involvement of the CNPA in the city region plan.
  - e) Third party rights of appeal.
  - f) The possibility of neighbour notifications being issued by the Local Authorities and the implication for the CNPA.
  - g) The continued monitoring of Environmental Impact Assessments (EIAs).
  - h) Cross boundary issues.
  - i) The relationship between the CNPA and the Local Authorities within and adjacent to the Park.
  - j) The need for guidance on cumulative impacts of developments.
49. The Committee agreed to approve the response to be submitted to the Scottish Executive with the following amendments:
- Paragraph 7 – request advice to be given on the cumulative impact of developments.
- Paragraph 23 – Include the National Park Authorities for funding.
- Paragraph 37 – Request non-prescriptive guidance on community engagement.
- Paragraph 53 – The outcomes of EIAs should be published and monitored.
- An additional point requesting that the CNPA be a statutory consultee for cross boundary applications outwith the Park.

## **ANY OTHER BUSINESS**

50. Don McKee provided an update on the Local Plan. DM informed the Committee that the consultative draft Local Plan had been forwarded to the printers and would be published in the next couple of weeks.
51. Bob Wilson provided a point of interest that 51 pylons had been undergrounded for the London 2012 Olympics – this was with reference to the forthcoming application for electricity pylons which cross part of the Park.
52. Sandy Park requested that the Planning Committee Standing Orders be reviewed, as there were a few points to be clarified within them. Don McKee advised that a paper would be brought forward regarding this subject.
53. David Selfridge requested an update on the enforcement action for the AHR fence. Don McKee advised that the Applicants had appealed the enforcement notice and that the CNPA were just awaiting the outcome.

## **DATE OF NEXT MEETING**

69. Friday 7<sup>th</sup> October, Strathdon.
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 1:15 hrs.