
CAIRNGORMS NATIONAL PARK AUTHORITY

MINUTES OF THE PLANNING COMMITTEE held at The Albert Memorial Hall, Ballater on 28th December 2007 at 10.30am

PRESENT

Eric Baird	Bruce Luffman
Stuart Black	Eleanor Mackintosh
Geva Blackett	Ian Mackintosh
Nonie Coulthard	Anne MacLean
Dave Fallows	Sandy Park
David Green	Richard Stroud
Marcus Humphrey	

IN ATTENDANCE:

Don McKee	Wendy Mitchell
Mary Grier	

APOLOGIES:

Duncan Bryden	Mary McCafferty
Jaci Douglas	Alastair MacLennan
Lucy Grant	Fiona Murdoch
Drew Hendry	Andrew Rafferty
Bob Kinnaird	Susan Walker
Willie McKenna	Ross Watson

WELCOME AND APOLOGIES

1. The Convenor welcomed all present, explained the reasons for the meeting and advised the committee to some changes to the agenda, specifically, item no. 12 to be dealt with after item No. 5 and that item No. 13 was to be removed from the agenda.
2. Apologies were received from the above Members.

MATTERS ARISING FROM THE PREVIOUS MEETING

3. The minutes of the previous meeting, 14th December, held at The Community Hall, Boat of Garten were approved with revisions to the last three papers to include a paragraph at the end to state that “The Planning Officials would revise the conditions in consultation with the Convener and Vice – Convener. The conditions would then be brought back to the next Planning Committee (28th December 2007) for ratification by the full Planning Committee.” To be consistent with the minutes of the previous three papers.
4. There were no matters arising.

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

5. Anne McLean declared an interest in Planning Application No. 07/493/CP & 07/494/CP.

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

6. 07/478/CP - No Call-in
7. 07/479/CP - No Call-in
8. 07/480/CP - No Call-in
9. 07/481/CP - No Call-in
10. 07/482/CP - No Call-in
11. 07/483/CP - No Call-in
12. 07/484/CP - No Call-in
13. 07/485/CP - No Call-in
14. 07/486/CP - No Call-in
15. 07/487/CP - No Call-in

16. 07/488/CP - The decision was to call-in the application for the following reason :
 - Although referred to in the application as a ‘holiday chalet’ the details available to the CNPA at present do not provide sufficient background information to establish whether or not the proposal is proposed for private use or is part of a commercial tourist operation.
 - The development is within an Area of Landscape Significance. It is also within a rural location some distance from the nearest settlement, where new housing is not normally permitted unless there is adequate justification. The proposal raises issues in relation to housing and holiday accommodation provision within the countryside, and is of significance in terms of landscape impact. The proposal is

therefore considered to be of general significance to the aims of the national park.

17.07/489/CP - No Call-in
18.07/490/CP - No Call-in
19.07/491/CP - No Call-in
20.07/492/CP - No Call-in

Anne McLean left the room.

21.07/493/CP - The decision was to call-in the application for the following reason :

- Although the principle of residential development has been established on this site, and it is within the settlement area of Nethy Bridge, the proposal is linked to a previous permission granted by the CNPA on the subject site, which raised landscape impact and social and economic development in particular. The current proposal which is for the provision of affordable housing is also considered to raise such issues and is of general significance to the aims of the National Park.

22.07/494/CP - The decision was to call-in the application for the following reason :

- As a reserved matters application the proposal is of linked significance to the earlier outline permission on the site. That proposal raised issues in relation to housing need, provision of amenity and local needs housing, built heritage, sustainable design, and social and economic development, all of which remain pertinent in the current proposal. The application is therefore considered to be of significance to the aims of the national park.

Anne McLean returned.

23.07/495/CP - No Call-in
24.07/496/CP - No Call-in
25.07/497/CP - No Call-in

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 07/478/CP, 07/479/CP, 07/482/CP, 07/486/CP, 07/489/CP, 07/490/CP & 07/492/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 CONDITIONS FOR DETERMINED APPLICATION NO.'S:
06/395/CP, 04/120/CP, 05/306/CP, 05/304/CP & 07/445/CP
PAPERS 1 – 5 AT PLANNING COMMITTEE 14th DECEMBER 2007
(PAPER 1)**

27. Don McKee presented a paper recommending that the Committee approve the revised conditions for application No.'s 06/395/CP, 04/120/CP, 05/306/CP, 05/304/CP & 07/445/CP.
28. The Committee asked Don McKee questions regarding the introductory paper and discussed the following points:
 - a) The Traffic Assessment.
 - b) The role of the Highland Council as the Highway Authority.
 - c) The fact that the North-South Link Road will now be dealt with in the Minute of Agreement and not within the CNPA Planning Conditions.
 - d) Paragraph 10 regarding advertisement control and clarification if this should be included in conditions or whether the Advertisement regulations were separate from planning permission.
 - e) Condition 20, and the ambiguity of the phrase "to make provision for", including whether a space would be given to the community by the developer or merely made available and whether there would be a community building also built by the developer in this area.
 - f) Planning Gain issues.
 - g) Community consultation issues.
29. The Committee agreed to add into condition 20 the following wording: "...to include precise details of such provision..." and that the land would be made available at no cost to the community.
30. The Committee asked Don McKee points of clarification on part a) of the papers and why there were differences in paragraph 5 of the revised conditions covering application 07/445/CP and the previous conditions. Don McKee responded by advising the Committee that some of the applications were covered by the existing agreement and that further advice was required from the CNPA Solicitors as to which areas of the Minute of Agreement should be referred to for each application. He advised Members that there was a meeting of solicitors for various parties on 10th January and that those issues will be clarified.
31. The Committee agreed Don McKee's wording for Condition No. 2 on planning application 07/445/CP.
32. The Committee moved on to discuss the specific conditions for each of the applications and commented on the following points:
33. Comments on application 05/395/CP were as follows:
 - a) Condition No. 14 – that two bridges were to be removed but only 1 to be replaced, and that this should be consistent in all references to the bridges.
 - b) That the burn should be referred to as the "Aviemore/Milton Burn".
34. Comments on application 04/120/CP were as follows:
 - a) Conditions 21 & 22 – meaning of the phrase "plus climate change" and that this should include the percentage given by SEPA.
35. Comments on application 05/306/CP were as follows:
 - a) Condition 34 – the exploration to alternative sites for the kick-about area needs to be sensitive to future residents of the development.
 - b) The number of potential green spaces and the need for quality rather than quantity.

36. There were no comments on the conditions proposed for 05/304/CP.
37. Comments on application 05/306/CP were as follows:
 - a) Condition 10 – a need to add the words “eastern boundary” before the word masterplan.
 - b) Condition 17 – the word probability rather than possibility should be used.
38. The Committee agreed to approve the revised conditions for application No.’s 06/395/CP, 04/120/CP, 05/306/CP, 05/304/CP & 07/445/CP, with slight amendments as detailed above.

ANY OTHER BUSINESS

39. Eleanor MacKintosh brought to the attention of the committee that there had been a Moray Council planning application advertised in the local press that the council had failed to notify the CNPA of and since this was the second time recently that this error had occurred was there something that could be done about it.
40. Don McKee responded by saying that he had raised the previous instance with Moray Council and was disappointed that it had happened again, he said he would flag this up with Moray Council again at a higher level.
41. David Green said he would flag this up with CNPA Board Member Fiona Murdoch who could mention this to the Convener of Moray Council.
42. Anne McLean wished to thank CNPA Staff for all there efforts between the 14th December meeting and this meeting.

DATE OF NEXT MEETING

69. Friday, 11th January 2008.
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 12:20hrs.