
CAIRNGORMS NATIONAL PARK AUTHORITY

MINUTES OF THE PLANNING COMMITTEE

held at The Albert Hall, Ballater
on 30th May 2008 at 10.30am

PRESENT

Eric Baird	Marcus Humphrey
Stuart Black	Mary McCafferty
Geva Blackett (arrived late)	Eleanor Mackintosh
Duncan Bryden	Ian Mackintosh
Nonie Coulthard	Anne MacLean
Jaci Douglas	Andrew Rafferty
Dave Fallows	Richard Stroud
Lucy Grant	Susan Walker
David Green	Ross Watson
Drew Hendry	

IN ATTENDANCE:

Don McKee	Andrew Tait
Pip Mackie	Karen Major
Neil Stewart	Alison Lax

APOLOGIES:

Bob Kinnaird	Alastair MacLennan
Bruce Luffman	Fiona Murdoch
Willie McKenna	Sandy Park

AGENDA ITEMS 1 & 2: WELCOME AND APOLOGIES

1. The Convenor welcomed all present.
2. Apologies were received from the above Members.

AGENDA ITEM 3: MINUTES & MATTERS ARISING FROM THE PREVIOUS MEETING

3. The minutes of the previous meeting, 16th May 2008, held at The Clova Hall, Glen Clova were approved with amendments to the following:
 - Paragraph 27 – was deleted as Standings Orders were not suspended.
 - The continuation of the numbering after paragraph 27 was corrected.

4. There were no matters arising.

**AGENDA ITEM 4:
DECLARATION OF INTEREST BY MEMBERS ON ANY ITEMS APPEARING ON
THE AGENDA**

5. There were no declarations of interest.

**AGENDA ITEM 5:
PLANNING APPLICATION CALL-IN DECISIONS & SUGGESTED COMMENTS
ON APPLICATIONS NOT CALLED-IN
(Oral Presentation, Andrew Tait)**

- 6. 08/187/CP - No Call-in
- 7. 08/188/CP - No Call-in
- 8. 08/189/CP - No Call-in
- 9. 08/190/CP - No Call-in
- 10. 08/191/CP - No Call-in
- 11. 08/192/CP - No Call-in
- 12. 08/193/CP - No Call-in
- 13. 08/194/CP - No Call-in
- 14. 08/195/CP - No Call-in
- 15. 08/196/CP - No Call-in
- 16. 08/197/CP - No Call-in
- 17. 08/198/CP - No Call-in
- 18. 08/199/CP - No Call-in
- 19. 08/200/CP - No Call-in
- 20. 08/201/CP - No Call-in
- 21. 08/202/CP - No Call-in

22. 08/203/CP - The decision was to call-in the application for the following reason :

- The proposal is in outline form for a house to be sited on garden ground to the side of Dell Cottage in Nethy Bridge. While recognizing that the site is located on garden ground the site is allocated in the Badenoch and Strathspey Local Plan as amenity woodland. The proposal therefore raises issues in relation to existing development plan policy and the potential for precedent and subsequent cumulative impact in such policy areas. The proposal is therefore considered to raise issues of general significance for the collective aims of the Cairngorms National Park.

- 23. 08/204/CP - No Call-in
- 24. 08/205/CP - No Call-in

25.08/206/CP - The decision was to call-in the application for the following reason :

- The proposal involves the erection of 8 flats in a substantial building to the rear of a traditional building on Grampian Road in Aviemore. The proposal raises a range of issues with regard to tree retention, building design and affordable housing. The proposal is consequently considered to raise issues of general significance for the collective aims of the Cairngorms National Park.

26.08/207/CP - No Call-in

27. Geva Blackett arrived at the meeting.

28. The Members wished to make comments to the Local Authorities on the following Planning Application No's 08/189/CP, 08/190/CP, 08/191/CP, 08/193/CP, 08/194/CP, 08/200/CP, 08/201/CP & 08/202/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.

**AGENDA ITEM 6:
REPORT ON MODIFICATIONS TO THE DEPOSIT LOCAL PLAN
(PAPER 1)**

29. Karen Major and Alison Lax presented a paper recommending that the Committee formally approve the publication of the modifications to the Deposit Local Plan and the publicity associated with modifying the Deposit Plan, also to carry out further formal consultation in order to continue its development – subject to the Board ratifying the Planning Committee's decision at their special meeting on 13th June 2008.

30. Alison Lax informed the Committee that it had come to light that there were some inaccuracies with the published housing figures particularly regarding Nethy Bridge. Alison Lax advised that revised figures were now in circulation and thanked the members of the public that had made the CNPA aware of this error. She advised that these figures would be corrected in the consultation document.

31. Alison Lax set out the next stages of the Local Plan procedure:

- Finalising the information to be contained in the Strategic Environmental Assessment.
- Consulting on the modifications; the consultation period would run from 16th June – 25th July 2008.
- Planning Officials would write to all interested parties advising them of this process.

32. The Committee discussed the report and the following points were raised:

- a) The revised housing figures for Nethy Bridge should be published in red, to indicate a change and to be consistent with the other modifications.
- b) Clarification that developments outwith settlements would be covered by policy – for example a potential development at Pannanich Wood, Ballater.

- c) Whether the Dalfaber level crossing and Dalfaber hut circle at Aviemore needed to be specifically mentioned.
 - d) Policy 24 – a more specific description of rural workers e.g. gamekeepers / foresters
 - e) Clarification of the consultation process, particularly with regard to Community Councils.
 - f) Transport and Communications Policy –many communities in the CNP are without public transport and concern that the policy did not disadvantage these communities.
 - g) The reference in the document to the Sustainable Design Guide and querying the progress of it.
 - h) The Badenoch & Strathspey Ward Forum meeting (18th June 2008) would have a specific focus on the Local Plan.
 - i) Supplementary guidance and explanation notes being produced in association with the Local Plan.
 - j) Clarification that Board Members could now publicly support the Local Plan, but not referring it to specific planning applications.
 - k) The possibility of producing a Frequently Asked Questions document for the public.
33. The Committee agreed to approve the publication of the modifications to the Local Plan (once they had been amended to take account of the issues raised) the publicity associated with modifying the Deposit Plan and also to carry out further formal consultation in order to continue its development. This approval was subject to the Board ratifying the Planning Committee's decision at a special meeting on 13th June 2008.
34. David Green left the meeting.

**AGENDA ITEM 7:
REPORT ON CALLED-IN PLANNING APPLICATION FOR ERECTION OF
HOLIDAY CHALET & STORAGE BUILDING AT WESTERTON, SITE TO NORTH
WEST OF EASTERTON, GLENBUCHAT
(PAPER 2)**

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 the following points were raised:
- a) Concern about the land management justification submitted by the applicant.
 - b) Concern about the way the Planners had apparently liberally interpreted the LP policies to fit the application.
 - c) The Landscape Significance designation of the area.
 - d) The possibility of locating the proposal nearer to the Strathdon community.
 - e) The distance between the proposed chalet and the stalking / shooting estates by road and by hill.
 - f) The application being in a highly visible location from Ben Newe.
 - g) The sustainable credentials of the proposal.
 - h) The possibility of the application setting a precedent for future applications.
 - i) The pre-application advice given by the CNPA.

- j) The proposal being required for holiday accommodation not land management purposes as claimed.
 - k) The siting of the proposed development.
 - l) The grassed track to the site and the potential for erosion.
 - m) The requirement for hardstanding at the dwelling.
 - n) A requirement for a condition to ensure that no damage occurs to the old Westerton ruin site.
 - o) Whether the building could be used for workers staying in the area e.g. stalkers / beaters
 - p) The need for a construction method statement.
 - q) The possibility of deferring the application for a site visit.
37. Richard Stroud proposed a Motion to defer the application for a site visit and for further information to be submitted regarding the sustainable credentials of the development, issues regarding the track and discussion to take place regarding potential other sites for the development. This was seconded by Lucy Grant.
38. The Committee agreed to defer the application for a site visit and for further information to be submitted regarding the sustainable credentials of the development, issues regarding the track and discussion to take place regarding potential other sites for the development.

**AGENDA ITEM 8:
REPORT ON CALLED-IN PLANNING APPLICATION FOR ERECTION OF 30 DWELLINGHOUSES AND ASSOCIATED ROADS AND PARKING, SITE TO THE NORTH OF ST ANDREWS TERRACE BRAEMAR AND ERECTION OF 5 DWELLINGHOUSES AND 6 FLATTED UNITS, SITE TO THE SOUTH WEST OF KINDROCHIT COURT MAR ROAD BRAEMAR (PAPER 3)**

39. Duncan Bryden informed the Committee that Kenny Clubb and Lord Aberdeen, representing the Applicants Gordon Land, and Peter Holden, representative of the Community Council were available to answer any questions Members may have.
40. Neil Stewart presented a paper recommending that the Committee approve the applications subject to the recommendations and conditions stated in the report.
41. The Committee asked the Planning Officers for clarification on the following points:
- a) Was a pavement to be provided in the Kindrochit Court development.
 - b) Concern about the need for planning gain contribution to public art, and not for developing employment opportunities.
 - c) The potential for locals to Braemar being given priority to the houses.
 - d) The loss of the business workshops at the Kindrochit Court site and the potential for them to be relocated to either the old Ambulance Station or the Snowplough Shed.
 - e) The woodland being donated to the community on the St Andrews Terrace site.
 - f) The impact to the amenity of the surrounding buildings during the construction period and the potential for limiting the hours of work.

- g) The proposals perhaps providing an overcapacity of housing in the Braemar area, particularly with regard to the number of other housing developments taking place.
 - h) The proximity of flooding to the St Andrews Terrace site.
 - i) The potential impact on residential amenity from the noise generated by the electricity sub-station next to the St Andrews Terrace site.
 - j) Aberdeenshire Council currently applying for pressured area status for Braemar.
 - k) The affordable housing being a welcome addition to Braemar.
 - l) The possibility of the application being brought forward for determination prematurely due to the number of outstanding issues.
 - m) The potential for a site visit to assess how the applications would assimilate with the landscape and also how they relate to the other housing developments in Braemar.
 - n) The need to ensure that both sites are suitably tied together in planning terms to ensure that both elements of the development progress.
 - o) Clarification that the conditions had fully taken into account all points raised in the Community Council representation, particularly in relation to access tracks / footpaths.
42. Members were invited to ask questions of the Applicants representatives, the following points were raised:
- a) The consideration given to the sustainability of the development.
 - b) The provision of community spaces / play areas in the developments.
 - c) Why the affordable housing had been located off site and not incorporated into the St Andrews Terrace site.
43. Members were invited to ask questions of the Community Council representative, the following point was raised:
- a) Clarification as why the developments could be seen as adverse to the Braemar community.
44. Duncan Bryden thanked the speakers.
45. Duncan Bryden asked Members if any further debate on the applications was necessary.
46. Dave Fallows proposed a Motion to defer the applications for a site visit and to allow the resolution to the outstanding issues. This was Seconded by Sue Walker.
47. Marcus Humphrey proposed an Amendment to approve the applications as per the recommendations in the report with amendments to the following conditions:
- 07/219/CP - Condition 12 – restricting the working hours at the development sites and a restriction on which roads could be used by construction traffic to access the sites.
 - 07/219/CP - Condition 13 – to include reference to paths in the development.
 - 07/219/CP – An additional condition – requiring the provision of play equipment for the open area within the development.
- The inclusion of a condition on both applications requiring a sustainability statement to be submitted prior to the commencement of works.
- This was Seconded by Geva Blackett.

The vote was as follows:

	MOTION	AMENDMENT	ABSTAIN
Eric Baird	√		
Stuart Black	√		
Geva Blackett		√	
Duncan Bryden		√	
Nonie Coulthard		√	
Jaci Douglas	√		
Dave Fallows	√		
Lucy Grant		√	
Drew Hendry		√	
Marcus Humphrey		√	
Mary McCafferty		√	
Eleanor Mackintosh	√		
Ian Mackintosh		√	
Anne MacLean		√	
Andrew Rafferty		√	
Richard Stroud	√		
Susan Walker	√		
Ross Watson		√	
TOTAL	7	11	0

48. The Committee agreed to approve the applications subject to the recommendations and conditions stated in the report and with amendments to the following conditions:

07/219/CP - Condition 12 – restricting the working hours at the development sites and a restriction on which roads could be used by construction traffic to access the sites.

07/219/CP - Condition 13 – to include reference to paths in the development.

07/219/CP – An additional condition – requiring the provision of play equipment for the open area within the development.

The inclusion of a condition on both applications requiring a sustainability statement to be submitted prior to the commencement of works.

AGENDA ITEM 9:

REPORT ON CALLED-IN PLANNING APPLICATION FOR ERECTION OF HOUSE AT LAND 35M SOUTH OF KINAKYLE, DULNAIN BRIDGE (PAPER 4)

49. Duncan Bryden advised the Committee that George Grant, Applicant, and his son were available for questions.

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

51. The Committee agreed to approve the application subject to the conditions stated in the report.

**AGENDA ITEM 10:
ANY OTHER BUSINESS**

52. Eric Baird informed Members that the Reporter had made a decision on the Invercauld Track appeal, he stated that it was a favourable decision. However, the decision did not require the restoration of the site but mitigation measures to be implemented, which could potentially be misread by the public.
53. Andrew Tait advised that this was due to the Planning Authority being unable to issue a Stop Notice without issuing an Enforcement Notice at the same time. However, the Enforcement Notice requires the Planning Authority to advise the perpetrator on how they wish the issue resolved.
54. Andrew Tait advised that the original Reporters decision had made no reference to the CNP, therefore the CNPA had challenged this decision and it was subsequently quashed. The Reporter then had to reassess the appeal taking into account the points which had been missed. The Reporter had re-decided the appeal with reference to comments by the CNPA, Aberdeenshire Council and The North East Mountain Trust. Andrew Tait stated that it was now up to Aberdeenshire Council and the CNPA to ensure the Reporters decision was implemented.
55. Andrew Rafferty advised Members that a caravan had been abandoned by the side of the A9 for some time with a 'Police Aware' sticker on it. He requested if the Highland Councillors could speak to the relevant department in order to expedite its removal.
56. Nonie Coulthard raised the issue of applications subject to a Section 75 Legal Agreement coming before the Committee for re-determination due to problems experienced by Applicants to get a mortgage.
57. Don McKee advised that the Planning Officers do inform applicants of the potential impacts of a Section 75 Legal Agreement, however, each application is different and must be assessed accordingly.

**AGENDA ITEM 11:
DATE OF NEXT MEETING**

58. Friday, 13th June 2008 at Glenmore Lodge, Glenmore.
59. Committee Members are requested to ensure that any Apologies for this meeting are submitted to the Planning Office in Ballater.
60. The meeting concluded at 13:15hrs.