
CAIRNGORMS NATIONAL PARK AUTHORITY

DRAFT MINUTES OF THE PLANNING COMMITTEE held at the Community Centre, Nethy Bridge on 11th January 2008 at 10.30am

PRESENT

Eric Baird
Stuart Black
Geva Blackett
Duncan Bryden
Lucy Grant
David Green
Drew Hendry
Bruce Luffman

Mary McCafferty
Willie McKenna
Eleanor Mackintosh
Ian Mackintosh
Anne MacLean
Alastair MacLennan
Richard Stroud
Ross Watson

IN ATTENDANCE:

Don McKee
Mary Grier
Neil Stewart

Andrew Tait
Iram Mohammed
Wendy Mitchell

APOLOGIES:

Nonie Coulthard
Jaci Douglas
Dave Fallows
Marcus Humphrey
Bob Kinnaird

Fiona Murdoch
Sandy Park
Andrew Rafferty
Susan Walker

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, 28th December 2007, held at The Albert Memorial Hall, Ballater were approved with a slight amendment to page 4 to add that the Committee agreed Don McKee's wording for Condition No. 2 on the AHR Master plan application.
4. Matters arising from the previous minutes included:
 - a) The Committee asked Don McKee for an update on the meeting of solicitors regarding the AHR applications. Don McKee responded by advising that the existing Minute of Agreement and Highland Councils resolution and revisions

to it had been deliberated over and the issues and implications had been discussed, but no decisions taken on the revised wording of a new Minute. However there will be further meetings with solicitors scheduled to round up discussions before reporting back to the Committee.

- b) The Committee asked for an update regarding Condition No. 10 of the AHR applications relating to the removal of the boundary fence. Bob Grant gave Members an update on this issue from the point of view of the Access Legislation. Don McKee also updated members on this issue. David Green advised the committee that he would write to Mr MacDonald at AHR regarding the issue of the fence and Condition No. 10.
- c) Eleanor MacKintosh asked Don McKee for an update on paragraph 38 of the previous minutes regarding Moray Council's failure to notify the CNPA of a further planning application. Don McKee responded by advising the committee that it was being pursued and he would take it up at a senior level in Moray Council. Eleanor MacKintosh said that it was a serious issue and she wanted it pursued. David Green said he would also discuss it with Fiona Murdoch.

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

- 5. Bruce Luffman declared an interest in Planning Application No. 07/497/CP.
- 6. David Green advised the committee to note a minor interest in item No. 10 on the agenda, due to his forthcoming involvement with SAC, but did not feel it was necessary to leave the room.

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

- Bruce Luffman Left the room.
- 7. 07/497/CP - No Call-in
- Bruce Luffman returned.
- 8. 07/498/CP - No Call-in
 - 9. 07/499/CP - No Call-in
 - 10. 07/500/CP - No Call-in
 - 11. 07/501/CP - No Call-in

COMMENTING ON APPLICATIONS NOT CALLED-IN BY THE COMMITTEE

- 12. The Members did not wish to make any comments to the Local Authorities.

REPORT ON CALLED-IN PLANNING APPLICATION FOR TWO LEVEL DEVELOPMENT OF RETAIL WITH ASSOCIATED CAR PARKING AND SERVICING AT LAND NORTH OF CAIRNGORM HOTEL, GRAMPIAN ROAD, AVIEMORE (PAPER 1)

13. Don McKee advised the committee of an e-mail and letter regarding the application that had been circulated to members, the committee paused to read the e-mail and letter.
14. The convener advised the Committee that Max Cowan, Retail Planning Consultant, David Scott, CNPA solicitor, Ian Wallace, Highland Council Roads Engineer and the Applicants including their solicitor, Mr Telfer and Architect, Peter Lyon were all available for questions.
15. Don McKee highlighted to members an error in the report under condition No. 18 where there was a typing error in the use of am/pm in the definition of night time.
16. Don McKee presented a paper recommending that the Committee approve the application subject to the conditions stated in the report. He clarified point 81a) and said that the bat issues had been resolved and that SNH were no longer raising it.
17. The Committee asked Don McKee questions and points of clarification on the following:
 - a) Paragraph 81b) of the report relating to issues not resolved. Don McKee responded confirming that revised plans would have to come back before the Committee.
 - b) Legal issues regarding holding the Decision Notice following approval at the meeting until revised plans have been submitted.
 - c) The provision of community space.
 - d) Whether there could be a condition included to allow for mitigation of noise and screening from housing. Don McKee stated that this could be added as an extra condition.
 - e) The responsibility of the applicants regarding the management of trees and street furniture. Don McKee responded saying that this should be covered by existing conditions, but could be expanded.
 - f) Where the water going into the SUDS would come from.
 - g) The maintenance of tree planting.
 - h) The loss of 'Laurel Bank' in terms of the aims of the park regarding heritage. Don McKee responded confirming Highland Council's Built Heritage response.
 - i) Concerns regarding the retail audit and Condition No. 3.
 - j) Renewable energy measures and cycle access.
18. David Green introduced Max Cowan, Retail Planning Consultant to the Committee.
19. Max Cowan commented on a couple of important points relating to the application as follows:
 - a) The selling of foodstuffs Vs other goods.
 - b) The feasibility and impact of having two trading supermarkets in Aviemore.
20. The Committee asked Max Cowan, questions regarding the following points:
 - a) Whether the RIA would take account of tourism in Aviemore.
 - b) The effect on local shops in and around Aviemore.
 - c) The percentage of money spent in the area that stays in the area.

- d) What is acceptable when talking about the effect on local shops.
 - e) The area that is defined as the catchment area.
21. David Green introduced Ian Wallace, Highland Council's Roads Engineer to the Committee.
22. The Committee asked Ian Wallace questions on the following points:
- a) The financial contribution towards car parking to be spent in Aviemore.
 - b) Pedestrian crossing/road safety issues.
23. David Green introduced Mr Telfer, the applicant's solicitor to the Committee.
24. Mr Telfer, responded to previous questions raised by members relating to the following:
- a) The relocation of the scout hut.
 - b) Street furniture.
 - c) Loss of 'Laurel Bank'.
 - d) The Retail Impact Assessment.
 - e) Access/road issues.
25. The Committee asked Mr Telfer questions on the following points:
- a) Financial contribution to community.
 - b) The quality of water in the SUDS discharging into the burn.
26. Mr Telfer expressed his thanks to Don McKee for all the hard work that had gone into this application.
27. David Green introduced the architect for this application to the Committee.
28. The Committee asked Peter Lyon the Architect questions regarding the following points:
- a) The sustainability study and whether the applicants were prepared to go further than this.
 - b) Condition No. 81 b) and Architecture and Design Scotland.
 - c) Design issues and how it could be possible to add elements of "sense of place" to the design.
29. Members asked Don McKee a further point of clarification on whether there could be an extra condition added to cover design issues of "sense of place". Don McKee responded to this stating that this should be possible.
30. Members asked Mr Telfer a further question relating to whether there were measures in the proposal that would remove some of the traffic from Grampian Road, Mr Telfer responded.
31. The Committee discussed the application and the following points were raised:
- a) That Aviemore is the biggest economic driver in the park and there is a need to see that this is taken forward.
 - b) The fact that the proposal takes note of local issues and that the applicants are willing to work with the community.
 - c) Concern that there will be an effect on local shops in Aviemore and other communities close by.
32. The Committee agreed to approve the application subject to the conditions stated in the report with a slight amendment to Condition No. 18 to change the use of am/pm, the addition of the use of a S.75 agreement relating to the scout hut and to add the word "reasonable" regarding the condition covering the contribution to the relocation of the scout hut, expansion of the condition relating to the applicants responsibility to provide street furniture, the addition of an extra condition covering screening along the roadside and the addition of an extra condition covering design and 'sense of place'.
33. David Green thanked all speakers.

REPORT ON CALLED-IN PLANNING APPLICATION FOR ERECTION OF 4 HOUSES AT LAND AT MILEHOUSE, 200M EAST OF JUNCTION LOCH INSH WATERSPORTS, KINCRAIG (PAPER 2)

34. The Convener advised the committee that the Applicants Di Alexander and Issi McGrath and their agent David Somerville were available to answer questions.
35. Neil Stewart presented a paper recommending that the Committee approve the application subject to the conditions stated in the report.
36. The Committee asked Neil Stewart questions regarding the following points:
 - a) Condition No. 5, replanting /management strategy in relation to Ancient Woodland status and natural regeneration.
 - b) Condition Nos. 3 & 6 and whether this could be construed as being over restrictive, for permitting normal domestic buildings and garden creation.
 - c) Whether there was a sustainability statement submitted for the application.
37. David Green introduced Di Alexander to the Committee.
38. The Committee asked Di Alexander questions on the following points:
 - a) Whether there is the intention to use local builders.
 - b) How it is proposed to ensure that it is local people who acquire the proposed houses.
 - c) Issues regarding house prices.
39. The Committee agreed to approve the application subject to the conditions stated in the report.
40. David Green thanked Di Alexander.

REPORT ON CALLED-IN PLANNING APPLICATION FOR DEMOLITION OF 3 HOUSES; ERECTION OF 3 HOUSES AT PARK COTTAGES AND MARTINEZ, DUACKBRIDGE, NETHY BRIDGE (PAPER 3)

41. The Convener advised the Committee that the applicant, Mr Sanders was available for questions.
42. Mary Grier advised the Committee of a letter of representation that had been received but not appended to the report and of a representation from Mr Sanders, the applicant regarding his preference to use PVC windows and doors.
43. The Committee paused to read the letter.
44. Mary Grier presented a paper recommending that the Committee approve the application subject to the conditions stated in the report.
45. The Committee asked Mary Grier questions on the following points:
 - a) Roof pitch.
 - b) Occupancy condition of Kimberley.
 - c) Road safety.
 - d) Condition No. 8 and issues regarding the use of timber or PVC windows.
46. Bruce Luffman proposed a Motion to approve the application as recommended in the report. This was seconded by Richard Stroud.

47. Willie McKenna proposed an Amendment to approve the application with no specification as to the window materials. This was seconded by Alastair MacLennan.

48. The vote was as follows:

	MOTION	AMENDMENT	ABSTAIN
Eric Baird		√	
Stuart Black		√	
Geva Blackett		√	
Duncan Bryden		√	
Lucy Grant			√
David Green	√		
Drew Hendry		√	
Bruce Luffman	√		
Mary McCafferty		√	
Willie McKenna		√	
Eleanor Mackintosh		√	
Ian Mackintosh	√		
Anne MacLean		√	
Alastair MacLennan		√	
Richard Stroud	√		
Ross Watson		√	
TOTAL	4	11	1

49. The Committee agreed to approve the application subject to the conditions stated in the report, with an amendment to remove condition No. 8 and not to specify the window materials.

REPORT ON CALLED-IN PLANNING APPLICATION FOR ERECTION OF DWELLINGHOUSE AND ERECTION OF AGRICULTURAL BUILDING AT SITE TO NORTH OF MAINS OF GLENCARVIE, STRATHDON (PAPER 4)

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

51. The Committee asked Mary Grier questions on the following points:

- a) The agricultural building - issues in conditioning what could ultimately be dealt with under Prior Notification. Mary Grier & Don McKee responded.
- b) Development contributions and planning gain issues. Mary Grier & Don McKee responded.

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

REPORT ON CALLED-IN PLANNING APPLICATION FOR UPGRADE AND REFURBISHMENT OF EXISTING WASTEWATER TREATMENT WORKS AT GLENMORE WASTE WATER TREATMENT WORKS, GLENMORE, AVIEMORE (PAPER 5)

53. Iram Mohammed presented a paper recommending that the Committee approve the application subject to the conditions stated in the report.
54. The Committee asked Iram Mohammed questions on the following points:
- a) Whether there were any timescales when dealing with the bat issues. Iram Mohammed responded stating that this was covered by the need for a Regulation 44 licence.
 - b) Possible contradiction between Condition No. 4 and Condition No. 6
55. The Committee agreed to approve the application subject to the conditions stated in the report with any required amendment to Condition No. 4 and Condition No. 6 to remove the contradiction.

ANY OTHER BUSINESS

56. Drew Hendry asked the planners if they could bring to the committee an informative paper on the energy efficiency of timber windows Vs PVC windows so that the committee could be best informed when making decisions. Don McKee responded stating that this issue would be covered in the forthcoming Sustainable Design Guide.

DATE OF NEXT MEETING

69. Friday, 25th January 2008 in the Cairngorm Hotel, Aviemore.
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 14:25hrs.