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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 17<sup>th</sup> November 2006 at 10.30am

### PRESENT

Eric Baird	Alastair MacLennan
Stuart Black	Sandy Park
Basil Dunlop	Andrew Rafferty
Douglas Glass	Gregor Rimell
Angus Gordon	David Selfridge
Lucy Grant	Richard Stroud
David Green	Susan Walker
Marcus Humphrey	Ross Watson
Willie McKenna	Bob Wilson
Eleanor Mackintosh	

### IN ATTENDANCE:

Don McKee	Andrew Tait
Mary Grier	Wendy Rogerson
Neil Stewart	

### APOLOGIES:

Apologies were received from:

Duncan Bryden	Anne McLean
Nonie Coulthard	Sheena Slimon
Bruce Luffman	

### 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, 3<sup>rd</sup> November 2006, held at The Albert Memorial Hall, Ballater were approved.
4. There were no matters arising.

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

5. Gregor Rimell declared an interest in Planning Application No. 06/458/CP.
6. Ross Watson declared an interest in Item No. 10 on the Agenda.

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

7. 06/451/CP - No Call-in
8. 06/452/CP - No Call-in
9. 06/453/CP - No Call-in
10. 06/454/CP - No Call-in
11. 06/455/CP - No Call-in
  
12. 06/456/CP - The decision was to call-in the application for the following reason :
  - The application is for a new intake and associated works on the bank of the River Don that would result in a development to reintroduce hydro power to the local area by means of utilising an existing turbine house. The proposal raises issues with regard to the natural heritage of the river and the cultural heritage of the existing infrastructure at the site. In addition, the proposal raises issues with regard to promoting the sustainable use of natural resources and the social development of the local community. The proposal therefore raises issues of general significance for the collective aims of the Cairngorms National Park.
  
13. 06/457/CP - No Call-in
  
14. 06/458/CP - Gregor Rimell declared an interest and left the room.  
No Call-in  
Gregor Rimell Returned
  
15. 06/459/CP - No Call-in
16. 06/460/CP - No Call-in
17. 06/461/CP - No Call-in
18. 06/625/CP - No Call-in
19. 06/463/CP - No Call-in
20. 06/464/CP - No Call-in

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

21. The Members wished to make comments to the Local Authorities on the following Planning Application No's 06/452/CP, 06/454/CP, 06/455/CP, 06/461/CP, 06/462/CP & 06/464/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 OUTLINE PLANNING PERMISSION FOR ERECTION OF TWO DWELLINGS AT LAND TO THE NORTH OF BALNASTRAID, DUTHIL, CARRBRIDGE (PAPER 1)**

22. David Green advised the Committee that the applicant, Mr Palmer was available to answer questions and an objector, Mr Duckworth wished to address the Committee.
23. Andrew Tait presented a paper recommending that the Committee approve the application subject to the conditions stated in the report.
24. The Committee agreed to allow Mr Duckworth to address the Committee.
25. Mr Duckworth addressed the Committee.
26. The Committee asked Mr Duckworth and Mr Palmer questions.
27. Mr Palmer offered to locate the treatment plant at the furthest boundary from Mr Duckworth's property.
28. David Green thanked Mr Duckworth and Mr Palmer.
29. The Committee asked the Planners questions on the following issues/points:
- a) Drainage/flooding/foul water treatment.
  - b) Local Plan allocation.
  - c) The number of houses which would be appropriate for this space
  - d) Landscape/Screening issues regarding the area recommended in the Local Plan for amenity woodland.
  - e) Affordable housing versus Open Market housing in this situation.
30. The Committee agreed to approve the application subject to the conditions stated in the report.

## **REPORT ON CALLED-IN PLANNING APPLICATION FOR CHANGE OF USE FROM SELF CATERING HOSTEL TO PRIVATE DWELLING AT MONDHUIE WOODS, NETHY BRIDGE (PAPER 2)**

31. David Green advised the Committee that the agent, Miss Campbell wished to address the Committee.
32. Andrew Tait presented a paper recommending that the Committee refuse the application for the reasons stated in the report.
33. The Committee agreed to allow Miss Campbell to address the Committee.
34. Miss Campbell addressed the Committee.
35. David Green thanked Miss Campbell.
36. The Committee asked Miss Campbell questions.

37. The Committee asked the Planners questions regarding the current planning permission, including planning conditions and use class of the hostel.
38. The Committee discussed the application and the following points were raised:
- The fact that the building is already there.
  - The possible loss of a business.
  - The fact that change of use was sought before the structure was built.
  - Issues concerning running a business at a distance.
  - The issue of whether the business is 'successful'.
  - Issues regarding long-term rental.
39. Bob Wilson proposed a Motion to refuse the application as recommended, this was seconded by Alistair MacLennan.
40. Andrew Rafferty proposed an Amendment to approve the proposal; this was seconded by Stuart Black.
41. The Vote was as follows:

	MOTION	AMENDMENT	ABSTAIN
Eric Baird	√		
Stuart Black		√	
Basil Dunlop	√		
Douglas Glass	√		
Angus Gordon	√		
Lucy Grant	√		
David Green	√		
Marcus Humphrey	√		
Willie McKenna	√		
Eleanor Mackintosh	√		
Alastair MacLennan	√		
Sandy Park	√		
Andrew Rafferty		√	
Gregor Rimell	√		
David Selfridge	√		
Richard Stroud	√		
Susan Walker	√		
Ross Watson	√		
Bob Wilson	√		
<b>TOTAL</b>	<b>17</b>	<b>2</b>	

42. The Committee agreed to refuse the application for the reasons stated in the report.

**REPORT ON CALLED-IN PLANNING APPLICATION FOR ERECTION OF 2 CHALETS AND ACCESS AND PARKING (AMENDED SITING) AT BADAGUISH ROTHIEMURCHUS AVIEMORE (PAPER 3)**

43. Neil Stewart presented a paper recommending that the Committee approve the application subject to the conditions stated in the report.
44. The Committee discussed the application and the following points were raised:
- a) The size and growth rate of the centre.
  - b) Issues regarding building without permission and ways to deal with this, including legislation and fines.
  - c) The possibility of writing to the Badaguish Board of Trustees as well as the management and the charitable trust, expressing concerns, and for the letter to be copied to the Highland Council.
45. The Committee asked the Planners for clarification on a number of planning issues including:
- a) The planning history of the Centre.
  - b) Legislation and possible penalties for continuing to build without permission.
  - c) Confirmation that the CNPA would not be considered to be complicit in any deceit of funders, if it approved the proposal retrospectively. Don Mckee confirmed this was not the case as we had given oral and written advice to cease works on site.
46. An amendment to condition no. 1 to give a time limit was suggested.
47. The Committee agreed to approve the application subject to the conditions stated in the report, with an amendment to condition no. 1 in the report to give a time limit, and with a strongly worded letter expressing concerns regarding building without planning permission to the management, the Badaguish Board of Trustees and Highland Council Education Service.

**REPORT ON CALLED-IN PLANNING APPLICATION FOR DEMOLITION OF STEADING AND ERECTION OF SELF CONTAINED DWELLING ANNEXE AT BEECHGROVE, MAINS OF GARTEN, BOAT OF GARTEN (PAPER 4)**

48. Ross Watson declared an interest and left the room.
49. David Green advised the Committee that the applicant and the structural engineer were available for questions.
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 the applicant and engineer questions.
52. The Committee asked the Planners questions on a number of planning issues:
- a) Design of corridor link
  - b) Ownership of adjacent holiday homes
  - c) Size of annexe in comparison to original footprint.
53. The Committee agreed to approve the application subject to the conditions stated in the report and subject to the completion of a section 75 legal agreement.
54. Ross Watson returned.

**ANY OTHER BUSINESS**

55. Bob Wilson advised the Committee that the Speyside Way was shortlisted for an award to be presented at an event in Aberdeen on 22<sup>nd</sup> November.
56. Douglas Glass brought to the Committee's attention that there was strong local anger over the Abergeldie Road appeal decision. Don McKee advised the Committee of the legal position regarding the reporter's decision. Andrew Tait advised the Committee that he was due to appear in court for the prosecution over the Tree felling at Abergeldie Road, he also advised that he would give an update to the Committee following the court case.
57. Don McKee advised the committee that 2 items that were originally intended for this agenda had been withdrawn.
58. Mary Grier gave an update on developments at Highburnside, where a large area of birch trees had been felled without prior permission, therefore breaching a condition of the planning permission. Mary advised the Committee that a Committee decision was required in order to take enforcement action against the applicants. Don McKee explained to the Committee, the enforcement action process and current legislation on flouting of conditions and the consequences. The Committee agreed to authorise enforcement action against the applicant.

#### **DATE OF NEXT MEETING**

59. Friday, 1<sup>st</sup> December 2006 at The Lonach Hall, Strathdon.
60. Committee Members are requested to ensure that any Apologies for this meeting are submitted to the Planning Office in Ballater.
61. The meeting concluded at 12:40hrs.