

---

# CAIRNGORMS NATIONAL PARK AUTHORITY

---

## MINUTES OF THE PLANNING COMMITTEE held within The Albert Memorial Hall, Ballater on 4<sup>th</sup> June 2004 at 10.30am

### PRESENT

|                  |                       |
|------------------|-----------------------|
| Mr Peter Argyle  | Mr Willie McKenna     |
| Mr Eric Baird    | Ms Eleanor Mackintosh |
| Mr Stuart Black  | Ms Anne MacLean       |
| Mr Duncan Bryden | Mr Alistair MacLennan |
| Ms Sally Dowden  | Mr Gregor Rimell      |
| Mr Basil Dunlop  | Mr David Selfridge    |
| Mr Douglas Glass | Mr Robert Severn      |
| Mr Angus Gordon  | Mr Richard Stroud     |
| Mrs Lucy Grant   | Mr Andrew Thin        |
| Mr David Green   | Mrs Susan Walker      |
| Mr Bruce Luffman | Mr Bob Wilson         |

### IN ATTENDANCE:

|              |                  |
|--------------|------------------|
| Don McKee    | Andrew Tait      |
| Neil Stewart | Sandra Middleton |

### APOLOGIES:

|                    |                   |
|--------------------|-------------------|
| Mr Andrew Rafferty | Mrs Joyce Simpson |
| Mrs Sheena Slimon  |                   |

### WELCOME AND APOLOGIES

1. The Convenor welcomed all present.
2. Apologies were received from Mr Andrew Rafferty, Mrs Joyce Simpson and Mrs Sheena Slimon.
3. The Convenor advised the Committee that Item 8 was to be removed from the Agenda as the Applicant had chosen to withdraw the application for the Erection of A Dwellinghouse and Garage at 'The Brae', Lethendry, Cromdale – Application No. 04/139/CP.

## **MATTERS ARISING FROM THE PREVIOUS MEETING**

4. The minutes of the previous meeting were approved.
5. Neil Stewart addressed Item 32 of the minutes of the previous meeting in reference to planning application 04/238/CP relating to the lack of affordable housing provision on the site. NS advised the committee that he had approached Highland Council in relation to this issue. He was told that the Highland Councillors were advised that they could insist upon affordable housing on the site but they chose to accept the Developer's proposal that the houses provided in the 'courtyard area' would be of a scale which would make them less expensive than the other properties and therefore more affordable.
6. David Selfridge asked whether or not any progress had been made on the Interim Policy on Affordable Housing. Don McKee advised the committee that any policies put forward by the park in relation to Affordable Housing must reflect current policies, if they do not then the park must quantify its requirement for this housing to the Scottish Executive. Don McKee informed the committee that an information gathering exercise is to be implemented to identify requirements for affordable housing within the park through extensive liaison and discussion.
7. The Convenor stressed that this is an issue that the park must bring forward and not lose sight of.

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

8. Alistair MacLennan declared an interest in Planning Application No. 04/273/CP.
9. The Convenor informed the Committee that Don McKee, Head of Planning for the CNPA, is renting accommodation in the vicinity of Morven Way, Ballater which is subject to a planning application 04/260/CP. He advised the Committee that DM has no connection with or relationship to the application and does not own any land or property in the vicinity.

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

10. 04/255/CP - No Call-in
11. 04/256/CP - The decision was to Call-in this application for the following reason:
  - The proposal may result in a new house in the open countryside which may not be justified in terms of land management purposes. This may have the potential to establish a precedent for similar developments in the Park which cumulatively may raise issues of general significance to the collective aims of the Park.
12. 04/257/CP - No Call-in
13. 04/258/CP - No Call-in
14. 04/259/CP - No Call-in
15. 04/260/CP - The decision was to Call-in this application for the following reason:

- The proposal may be a new house in the countryside which may not be justified in land management terms and may result in the loss of mature trees. The proposal may have the potential to establish a precedent for similar developments in the Park which cumulatively may raise issues of general significance to the collective aims of the Park.

16. 04/261/CP - No Call-in  
 17. 04/262/CP - No Call-in  
 18. 04/263/CP - No Call-in  
 19. 04/264/CP - No Call-in  
 20. 04/265/CP - No Call-in  
 21. 04/266/CP - No Call-in

Sue Walker requested clarification as to whether or not the works related to capacity issues. Basil Dunlop informed the committee that there are no capacity issues on the site and that the works relate only to the performance.

22. 04/267/CP - No Call-in  
 23. 04/268/CP - No Call-in  
 24. 04/269/CP - No Call-in  
 25. 04/270/CP - No Call-in  
 26. 04/271/CP - No Call-in  
 27. 04/272/CP - No Call-in

Alistair MacLennan declared an interest and left the room.

28. 04/273/CP - No Call-in  
 Alistair MacLennan returned.

29. 04/274/CP - No Call-in  
 30. 04/275/CP - No Call-in

31. 04/276/CP - The decision was to Call-in this application for the following reason:

- As the proposal proposes recreation based land uses in a sensitive area close to the River Spey cSAC and a cSAC tributary. As such the proposal may raise issues of general significance for the collective aims of the Park.

32. 04/277/CP - No Call-in  
 33. 04/278/CP - No Call-in  
 34. 04/279/CP - No Call-in

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

31. It was agreed that comments be made to the Local Authorities on applications 04/267/CP, 04/269/CP and 04/272/CP. The Highland Councillors declared an interest in these applications and left the room.

32. The Committee agreed to submit the following comments to the Highland Council on application 04/267/CP;

The rear extension is large and bulky, would recommend that the extension is subsidiary in scale and design to the existing cottage.

33. The Committee agreed to submit the following comments to the Highland Council on application 04/269/CP;

Would recommend that a tree survey be undertaken, including lower plant survey to establish the value of the trees on the site. The proposal should make efforts to retain the maximum number of trees in the development of the access road.

34. The Committee agreed to submit the following comments to the Highland Council on application 04/272/CP;

Recommend that Highland Council are satisfied that there is a lack of demand for the commercial floorspace, or that the site is not considered suitable for commercial use because of its proximity to residential property before any decision is taken to approve a residential use at the site.

35. The Highland Councillors returned.

## DECISION ON CALLED-IN APPLICATION 03/084/CP FOR REDEVELOPMENT OF EXISTING WASTE WATER TREATMENT PLANT AND ASSOCIATED FACILITIES, TULLICH ROAD, BALLATER (Paper 1)

36. Don Mckee advised the committee of a number of amendments to be made to the report, these are as follows;

- 'Fig. 1' on page 3 should read 'Fig. 2'
- 'Fig. 2' on page 3 should read 'Fig. 3'
- Paragraph 30, line 9, on page 8 the word 'ant' should be replaced with the word 'any' to read, "...not be part of **any** planning permissions...".
- Paragraph 37, page 9, the word 'sludge' should be replaced with the word 'sewage'.

37. Don McKee presented the paper with the recommendation that the Committee approve the application subject to the conditions stated in the report.

38. DM advised the Committee that the applicant now hopes to use the existing storm outfall on the site in place of constructing a new one.
39. Concern was noted in relation to lighting, DM advised the committee that condition 6 in the report should address these concerns.
40. Concern was raised over any potential access issues in relation to the site. DM advised the committee that the proposal would not affect any current access routes.
41. The Committee agreed that the Natural Resources Group of the CNPA should take a leading role in instigating discussion between interested parties and the applicant in relation to the potential use of the adjacent land as a wetlands area.
42. The Committee agreed to Approve the application subject to the conditions stated in the report and the following amendments;
  - A landscaping and maintenance plan be submitted and approved by the Committee.
  - Condition 5b) be amended to include ‘any other contaminants’ in testing of soil samples as well ‘heavy metals’.
  - Further information is to be provided on present and potential bank erosion.
  - Condition 6 in relation to lighting be amended to cover the usage of the lighting.

***Item 8 on the Agenda, Paper 2, was withdrawn.***

**DECISION ON CALLED-IN APPLICATION 03/057/CP FOR ERECTION OF LATTICE MAST AT LECHT SKI CENTRE, CORGARFF, STRATHDON (Paper 3)**

46. Neil Stewart presented a paper recommending that the Committee approve the application subject to the Conditions stated in the Report with an amendment to condition 2 to read, “That the permission hereby granted is for a limited period of 15 years from the date of the erection of the mast”.
47. NS advised the committee that the application is proposed as part of a nationwide network for the emergency services of which this application is the final one within the Park Boundary.
48. He informed the Committee that Scottish Natural Heritage (SNH) have maintained an objection to the mast on landscape grounds. He advised the Committee, however, that the site was not subject to any designations and as such SNH’s objection could be treated only as advisory and not statutory.
49. NS told the Committee that attempts had been made to relocate the mast closer to the existing structures within the ski area. After discussion with the applicant, however, it was discovered that this would drastically reduce the potential coverage area of the mast. The alternatives being a series of masts at points along the valley sides or a 25metre high mast located beside the ski centre buildings.
50. NS explained that while the concerns of SNH are understandable, the ski area provides a context for the mast and the Emergency Service requirements raise social implications.
51. Concern was raised over the excavation of ground and the formation of a bund on the site. It was proposed that a condition be included to address this issue relating to reinstatement of land and vegetation

52. The Committee agreed the recommendation whilst voicing concern over the contribution this mast would have to the already 'cluttered' appearance of the area. The application was approved subject to the conditions stated in the report and the above amendments.

### **ANY OTHER BUSINESS**

53. Gregor Rimmel advised the committee of a recent article in the Strathspey & Badenoch Herald about visitor management and development issues in relation to the Cairngorm Funicular Railway. It was agreed that a briefing session be organised for the Committee on this subject.
54. Duncan Bryden asked for an update on the proposed 400kv Beauly to Denny transmission line. The Committee were advised that an update would be forthcoming.
55. Basil Dunlop raised concern that the Natural Resource Group had made comments on a number of the applications being examined under the Call-in process and as such may have pre-judged these applications. Andrew Thin explained that the Natural Resources Group is made up of only staff and no Board Members and as such this is not an issue.

### **DATE OF NEXT MEETING**

56. Friday 18<sup>th</sup> June, Kincaig.
57. Committee Members are requested to ensure that any Apologies for this meeting are submitted to the Planning Office in Ballater.
58. The meeting concluded at 12.30pm.