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# CAIRNGORMS NATIONAL PARK AUTHORITY

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## MINUTES OF THE PLANNING COMMITTEE

held within Kincaig Village Hall, Kincaig  
on 18<sup>th</sup> June 2004 at 10.30am

### PRESENT

Eric Baird	Eleanor Mackintosh
Duncan Bryden	Anne MacLean
Stuart Black	Alistair MacLennan
Sally Dowden	Andrew Rafferty
Basil Dunlop	Gregor Rimmell
Angus Gordon	David Selfridge
Lucy Grant	Andrew Thin
Willie McKenna	Susan Walker

### IN ATTENDANCE:

Don McKee	Andrew Tait
Neil Stewart	Sandra Middleton
Pip Mackie	

### APOLOGIES:

Peter Argyle	Douglas Glass
David Green	Bruce Luffman
Robert Severn	Joyce Simpson
Sheena Slimon	Richard Stroud
Bob Wilson	

### WELCOME AND APOLOGIES

1. The Convenor welcomed all present.
2. Apologies were received from Peter Argyle, Douglas Glass, David Green, Bruce Luffman, Robert Severn, Joyce Simpson, Sheena Slimon, Richard Stroud and Bob Wilson.

### MATTERS ARISING FROM THE PREVIOUS MEETING

3. The minutes of the previous meeting were approved.
4. The Committee were advised that Item 53 relating to a briefing for the Committee on the funicular railway, is still being organised.

5. The Committee were advised that in relation to Item 54, an update on the 400kv Beaulieu to Denny transmission line, a meeting was to be organised shortly and that the outcome would be reported to the Committee as soon as possible.

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

6. Angus Gordon declared an interest in Items 11 & 12 on the Agenda.
7. Andrew Thin declared an interest in Item 9.
8. The Convenor advised the Committee that Planning Application 04/287/CP on the Call-in list had been submitted by a member of staff but that the member of staff is not involved in planning, is not present at the meeting and this should be noted.
9. Anne MacLean declared an interest in Planning Application 04/296/CP.
10. Basil Dunlop declared an interest in applications 04/280/CP and 04/300/CP.

**PLANNING APPLICATION CALL-IN DECISIONS (Oral Presentation, Neil Stewart)**

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|-----------------|---|
| 11. 04/280/CP - | As a member of the Caravan Club (the applicant for application) Basil Dunlop noted an interest in the application and took no part in the discussion. The decision was No Call-in.  |
| 12. 04/281/CP - | No Call-in  |
| 13. 04/282/CP - | No Call-in  |
| 14. 04/283/CP - | No Call-in  |
| 15. 04/284/CP - | The decision was to Call-in this application for the following reason:  |
|                 | <ul style="list-style-type: none"> <li>• The proposal represents the erection of a dwellinghouse, in a location which lies outwith the settlement envelope of Braemar where house building is restricted except in certain circumstances. The site is also within the Braemar Conservation Area and a National Scenic Area. The proposal may be contrary to policy and it could lead to cumulative impacts in this part of the National Park. As such, it is considered that the development may raise issues of general significance to the collective aims of the National Park.</li> </ul> |
| 16. 04/285/CP - | No Call-in  |
| 17. 04/286/CP - | No Call-in  |
| 18. 04/287/CP - | No Call-in  |
| 19. 04/288/CP - | No Call-in  |
| 20. 04/289/CP - | No Call-in  |
| 21. 04/290/CP - | No Call-in  |
| 22. 04/291/CP - | No Call-in  |
| 23. 04/292/CP - | No Call-in  |

24. 04/293/CP - The decision was to Call-in this application for the following reason:

- The proposal represents the erection of a house, in a location which lies outwith any defined settlement envelope in a countryside area which may be contrary to policy. The proposal has the potential to establish a precedent for other similar developments in the area, and in the National Park as a whole, which cumulatively may raise issues of general significance to the collective aims of the National Park.

25. 04/294/CP - No Call-in  
26. 04/295/CP - Neil Stewart advised the Committee that this application had been withdrawn by the applicant.

Anne MacLean declared an interest in this application and left the room.

27. 04/296/CP - The decision was to Call-in this application for the following reason:

- Although an allocated site in the local plan, the development is of a significant scale. It raises issues in relation to the provision of affordable housing, social and economic development and integration, sustainable design, the provision of community and recreational facilities, and protection of natural heritage interests. As such, it is considered to raise issues of general significance in terms of the collective aims of the National Park.

Anne MacLean returned.

28. 04/297/CP - No Call-in  
29. 04/298/CP - No Call-in  
30. 04/299/CP - No Call-in

The Highland Council is the applicant for this application and as such the Highland Councillors (including Basil Dunlop) declared an interest and left the room. Basil Dunlop also declared an interest in the application due to his involvement in the project.

31. 04/300/CP - No Call-in  
Alistair MacLennan raised concern over the potential loss of the portacabins on the site which are at present used as music facilities. NS advised the committee that it would appear that the existing portacabins will need to be removed or relocated to allow for the new development but that there was no information on any proposals for this. The Highland Councillors returned.

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

32. It was agreed that comments be made to the Local Authorities on applications 04/283/CP, 04/286/CP, 04/294/CP and 04/300/CP.
33. There were no Aberdeenshire Councillors present and as such there was no requirement for them to withdraw from the discussion on application 04/283/CP. The Committee agreed to submit the following comments to Aberdeenshire Council on application 04/283/CP;

In the interests of sustaining and promoting the economic development of this part of the National Park, the CNPA accepts the principle of providing tourist related accommodation at this location. However, the CNPA would wish to ensure that the development, if approved, is restricted for holiday use only, and that in the interests of conserving the natural and cultural heritage of the Ballater Conservation Area, every effort is made to protect and retain the trees on the site.

34. The Highland Councillors withdrew. The Committee agreed to submit the following comments to the Highland Council on application 04/286/CP;

The CNPA does not feel that this application to renew a temporary permission raises issues of significance to the aims of the National Park. However, the site is located adjacent to a main tourist route and the unit does have some negative visual impacts on the surrounding area. The CNPA would therefore suggest that, if approved, a shorter temporary period be given and that in the meantime the applicants should be encouraged to provide an appropriate permanent solution to the provision of the required office accommodation.

35. The Committee agreed to submit the following comments to the Highland Council on application 04/294/CP;

In line with the policy designation in the Local Plan, and in the interests of promoting economic development in the form of tourism, the CNPA accepts the principle of providing holiday letting accommodation in this location. However, the CNPA is concerned about the scale, character and design of the proposed extension in relation to the scale, character and design of the existing building, and its proximity to the trees and the Dulnain River which is designated as a cSAC. While welcoming the retention of the existing building, it is suggested that the design of the extension should be reduced in scale and size in order that it does not significantly dominate the existing structure. The design should also be amended to reflect more of the simple character of the former kennels building. In addition, it is suggested that the extensions should be set back from the top of the river bank in order to retain the existing trees which contribute to the character of the area and may have ecological importance as a habitat for the red squirrel. Finally, the CNPA emphasises that the proposals should not impact on the natural heritage features of the adjacent Dulnain River cSAC and that if not already done, SNH should be consulted on this issue. The CNPA would also hope, that consideration is given to the promotion of sustainable use of natural resources in the design of the new building.

36. The Committee agreed to submit the following comments to the Highland Council on application 04/300/CP;

In the interests of promoting the sustainable social development of the Grantown-on-Spey community, the CNPA welcomes and supports the provision of this leisure facility. The CNPA would hope, however, that consideration is given to the promotion of sustainable use of natural resources in the design of the new building.

37. The Highland Councillors returned.

**DECISION ON CALLED-IN APPLICATION 04/126/CP FOR ERECTION OF DWELLINGHOUSE AND GARAGE, LAND BETWEEN LYNEBRECK AND EASTER LYNEBRECK, TOMINTOUL ROAD, GRANTOWN-ON-SPEY (EXTENSION OF TIME LIMIT OF PREVIOUS APPLICATION) (Paper 1)**

38. Neil Stewart presented Paper 1 to the Committee recommending that they refuse the application for the reasons stated in the report.  
39. The Committee agreed the recommendation.

**DECISION ON CALLED-IN APPLICATION 04/178/CP FOR DEMOLITION OF REDUNDANT QUARRY ACCOMMODATION AND ERECTION OF DWELLINGHOUSE AND OUTBUILDING (OUTLINE), BLACKMILL QUARRY, BALLINTEAN, NR. KINCRAIG (Paper 2)**

40. The Convenor advised the Committee that 2 additional letters relating to the application had been submitted within the 48 hour deadline prior to the meeting and had been circulated to the Committee and members of the public. The Committee were given a 5 minute recess to read the letters.  
41. Neil Stewart presented Paper 2 recommending that the Committee refuse the application for the Reasons stated in the Report.  
42. NS informed the Committee that the proposed development lies within a restricted countryside area and as such policy presumes against development in this area unless there are material considerations to take into account. Highland Council Policy does not consider that 24 hour access is a requirement for forestry workers, unlike some agricultural workers, and as such this is not a material consideration in policy terms at present.  
43. NS explained that in the case of housing for agricultural workers it is possible to 'tie' the property to a defined area of land. Due to the nature of forestry, however, this is not necessarily possible. If the applicant retired or was no longer working in forestry and the property was not tied to the land this would allow for the property to be occupied by non Forestry workers. If there were still a requirement for a Forestry Worker in this area, however, this may lead to further applications for houses in the area.

44. NS advised the Committee that at present the site is a disused quarry with redundant buildings. The applicant states that the erection of a house on the site would be a visual improvement to the area but it should also be pointed out that this could be achieved through other mechanisms, not necessarily requiring the erection of a new house.
45. NS told the Committee that the issue of affordable housing for people working in land management, and in particular in Forestry, is an issue that needs to be addressed by the CNPA in a planned way through policies and not driven by planning applications in an ad hoc manner which may lead to a precedent being set.
46. Willie McKenna explained to the Committee that increasing visitor numbers to areas of amenity woodland and the impact they have upon this woodland means that it is becoming more and more of a requirement to have a permanent presence on site and as such this application should be supported.
47. The Committee voiced a great deal of support for the application in this specific case but also raised concern that there are no policy mechanisms in place to provide housing for Forestry Workers.
48. Don McKee explained that to approve a house on this site without an Occupancy Condition may encourage other land managers to put forward applications for houses in the Countryside in potentially less suitable locations. If the Committee were then minded to refuse such an application, the applicant may succeed in having the decision overturned at an Appeal due to the precedent set in this case. He advised the Committee that at all times decisions should be made in line with policy to allow for consistency of approach.
49. Stuart Black proposed implementing a Section 75 Agreement in this case to allow for an Occupancy Condition to be attached and also to investigate the possibility of removing the use of the redundant quarry, and removing the buildings and carrying out restoration works.
50. Sally Dowden proposed a Motion that the Committee defer the decision to a later Committee to allow Officers to explore the feasibility of imposing an employment condition, possibly through a Section 75 to avoid the potential setting of a precedent for future applications. This was seconded by Susan Walker.
51. Gregor Rimmel told the Committee that each case needs to be viewed on its merits and in this case the proposed site is not an unspoiled one, as such he proposed an Amendment to the Motion that the Committee Approve the application subject to conditions brought forward by Officers at a later date. This was seconded by Andrew Rafferty.

The vote was as follows;

NAME	MOTION (Defer)	AMENDMENT (Approve)	ABSTAIN
Eric Baird	✓		
Duncan Bryden	✓		
Stuart Black		✓	
Sally Dowden	✓		
Basil Dunlop	✓		
Angus Gordon		✓	
Lucy Grant		✓	
Willie McKenna		✓	
Eleanor Mackintosh		✓	

Anne MacLean		✓	
Alistair MacLennan		✓	
Andrew Rafferty		✓	
Gregor Rimmell		✓	
David Selfridge		✓	
Andrew Thin	✓		
Susan Walker	✓		
<b>TOTAL</b>	<b>6</b>	<b>10</b>	

The decision was to Approve the application subject to conditions brought forward by Officers at a later date.

52. Andrew Rafferty gave his apologies and left at 12.10pm.

**DECISION ON CALLED-IN APPLICATION 03/108/CP FOR ERECTION OF DWELLINGHOUSE (OUTLINE), LAND WEST OF KEEPERS COTTAGE, EAST CROFTROY, GLEN ROAD, NEWTONMORE (Paper 3)**

53. As a Member of the Crofters Commission Board who had made comment on the application, Andrew Thin declared an interest in the application and left the room. In the absence of Peter Argyle, Eric Baird as Vice Convenor of the CNPA took the chair.
54. Neil Stewart presented a paper recommending that the Committee Approve the Application subject to the conditions stated in the report.
55. NS explained that a Crofting need case has been presented and supported by the Crofters Commission and that policy allows for the implementation of a Section 75 agreement to restrict the occupancy of the property to a crofter, and to prevent the disposal of the house separately from the croft.
56. Basil Dunlop noted that a Section 75 may limit the future sale of the property and that the government are in the process of changing the policy on Occupancy Conditions.
57. Eric Baird advised the Committee that at present such policy is only in a consultation paper and does not apply.
58. The Committee Agreed the Recommendation to Approve the Application subject to the Conditions stated in the Report.
59. Andrew Thin returned and resumed the Chair.

**DECISION ON CALLED-IN APPLICATION 04/050/CP FOR ERECTION OF TELECOMMUNICATIONS MAST AT LAND ADJOINING RIVER SPEY, WEST OF NUIDE FARM, NEWTONMORE (Paper 4)**

60. Andrew Tait informed the Committee that the Operator had previously obtained permission for a mast on an alternative site near Newtonmore but that due to land ownership issues that permission could not be implemented. The previous application had also generated objections from the local community. AT advised the committee that if this consent were not revoked it may be bought over and implemented by a different operator in the future.

61. Andrew Tait presented a Paper recommending that the Committee Approve the Application subject to the conditions stated in the report and the revocation of the previous consent.
62. Duncan Bryden requested that the conditions make specific reference to the reinstatement of any access tracks used/created in the construction process.
63. The Committee Agreed the Recommendation subject to the conditions stated in the report and the above amendment.

**DECISION ON CALLED-IN APPLICATION 04/083/CP FOR ERECTION OF THREE STOREY STAFF ACCOMMODATION BLOCK, AVIEMORE CENTRE, AVIEMORE (Paper 5)**

64. Angus Gordon declared an interest and left the room.
65. Andrew Tait presented a paper recommending that the Committee Approve the Application subject to the Conditions stated in the Report.
66. AT reminded the Committee that this application had been deferred by them previously to allow for discussion with the applicant regarding the provision of accommodation for families and couples and also the design of the building.
67. AT informed the Committee that the Applicant has advised the CNPA that family and couples accommodation is to be addressed through Local Authority and Housing Association housing in the wider community.
68. AT advised the committee that the applicant had declined to alter the design of the building as it is in keeping with others on the site.
69. The Committee Agreed the recommendation to Approve the Application subject to the conditions stated in the report.

**DECISION ON CALLED-IN APPLICATION 04/115/CP FOR ERECTION OF 1,280 SQUARE METRE RETAIL PAVILION, AVIEMORE CENTRE, AVIEMORE (Paper 6)**

70. Andrew Tait informed the Committee that Paper 6 had been placed on the Agenda prior to receiving required information from the applicant in the hope that that information would be received in time for the meeting. He advised the Committee that not all of the information had been received and as such the paper should be viewed as an update but that no decision could be reached upon it at this point.

**ANY OTHER BUSINESS**

71. Susan Walker requested clarification on the position of the CNPA in relation to licensing laws, in particular in relation to a licensing Application for a 'Burger Van' at Braemar Castle.
72. Don McKee advised the Committee that at present there is no formal mechanism for the CNPA to comment on licensing applications. He proposed that the CNPA write to each Local Authority Law and Administration Departments in the Park reiterating the aims of

the National Park and asking them to take these into consideration when making decisions.

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

73. Friday 2<sup>nd</sup> July, Grantown-on-Spey.
74. Committee Members are requested to ensure that any Apologies for this meeting are submitted to the Planning Office in Ballater.
75. The meeting concluded at 12.50pm.