
CAIRNGORMS NATIONAL PARK AUTHORITY

MINUTES OF THE PLANNING COMMITTEE

held within The Village Hall, Dinnet
on 21st May 2004 at 10.30am

PRESENT

Mr Eric Baird	Mr Alistair MacLennan
Mr Stuart Black	Mr Andrew Rafferty
Mr Duncan Bryden	Mr Gregor Rimell
Ms Sally Dowden	Mr David Selfridge
Mr Basil Dunlop	Mr Robert Severn
Mr Douglas Glass	Mrs Joyce Simpson
Mrs Lucy Grant	Mrs Sheena Slimon
Mr David Green	Mr Richard Stroud
Mr Bruce Luffman	Mrs Susan Walker
Mr Willie McKenna	Mr Bob Wilson
Ms Eleanor Mackintosh	

IN ATTENDANCE:

Don McKee	Andrew Tait
Neil Stewart	Norman Brockie
Sandra Middleton	

APOLOGIES:

Mr Peter Argyle	Ms Anne MacLean
Mr Angus Gordon	Mr Andrew Thin

WELCOME AND APOLOGIES

1. Mr Eric Baird, Vice Convenor of the Cairngorms National Park Authority Board took the role of Chair for the meeting in the absence of the Chair and Vice Chair of the Planning Committee. He welcomed all present and introduced Mr Don Nicholass McKee as the new Head of Planning for the Cairngorms National Park.
2. Apologies were received from Mr Peter Argyle, Mr Angus Gordon, Ms Anne MacLean and Mr Andrew Thin.

MATTERS ARISING FROM THE PREVIOUS MEETING

3. The minutes of the previous meeting were approved.

4. Neil Stewart responded on Item 43 of the previous minutes advising the committee that the permission will not be issued until these points are clarified.
5. In relation to Item 78 on the previous minutes, Andrew Tait informed the committee that some further information has been received from Aviemore Highland Resort in relation to their applications, but that some information still remains outstanding.

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

6. Joyce Simpson declared an interest in Planning Application No. 04/246/CP.
7. Bob Severn declared an interest in Planning Application No. 04/252/CP.

PLANNING APPLICATION CALL-IN DECISIONS

8. 04/232/CP - No Call-in
9. 04/233/CP - No Call-in
10. 04/234/CP - No Call-in
11. 04/235/CP - No Call-in
12. 04/236/CP - No Call-in
13. 04/237/CP - No Call-in
14. 04/238/CP - No Call-in

The Committee raised concern that there appeared to be no provision made for affordable housing in the overall scheme of which this application is a part. The Planning Officers advised the Committee that the issue of affordable housing must be addressed at the Outline Planning Application stage and as such there is no mechanism for addressing it at this detailed stage.

15. 04/239/CP - No Call-in
16. 04/240/CP - No Call-in
17. 04/241/CP - No Call-in
18. 04/242/CP - The decision was to Call-in this application for the following reason:

- The provision of a footbridge in this part of the National Park, where it is to span a watercourse that carries candidate Special Area of Conservation status and where it may result in an increase in numbers of people gaining access to remote sensitive areas of the National Park, may have implications in relation to access, recreation, landscape impact and natural heritage. It may also act as a precedent for other similar developments in sensitive areas of the Park. As such, it represents a proposal which may raise issues of general significance to the collective aims of the National Park.

19. 04/243/CP - The decision was to Call-in this application for the following reason:

- The provision of a footbridge in this location close to the edge of Braemar and within a National Scenic Area, and where it is to span a watercourse that carries candidate Special Area of Conservation status, may have implications in relation to access, recreation, landscape impact and natural heritage. It may also act as a precedent for other similar developments in sensitive locations of the National Park. As such, it represents a proposal which may raise issues of general significance to the collective aims of the National Park.

20. 04/244/CP - No Call-in

21. 04/245/CP - No Call-in

Joyce Simpson declared an interest and left the room.

22. 04/246/CP - No Call-in

Joyce Simpson returned.

23. 04/247/CP - No Call-in

24. 04/248/CP - No Call-in

25. 04/249/CP - No Call-in

26. 04/250/CP - No Call-in

27. 04/251/CP - No Call-in

Robert Severn declared an interest and left the room.

28. 04/252/CP - The decision was to Call-in this application for the following reason:

- The proposal is for a development in a National Scenic Area and in one of the main tourist but also one of the most sensitive areas of the National Park. The proposal may therefore have implications in relation to promotion of recreation and the conservation of natural heritage. As such it may raise issues of general significance to the collective aims of the National Park.

Robert Severn returned.

29. 04/253/CP - No Call-in

30. 04/254/CP - The decision was to Call-in this application for the following reason:

- The proposal is for the creation of residential units in an area where the local plan policy restricts the provision of housing unless justified in terms of land management. It also involves the loss of an existing visitor and community related facility and it proposes

significant additions to a building which may carry some historical interest. This may have implications in relation to social and economic development and cultural heritage. The provision of housing in a countryside area may also set a precedent for other similar developments which may have cumulative impacts in relation to the collective aims of the National Park.

COMMENTING ON APPLICATIONS NOT CALLED-IN BY THE COMMITTEE

31. It was agreed that comments be made to the Local Authorities on applications 04/238/CP, 04/240/CP, 04/246/CP, 04/250/CP & 04/253/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 04/238/CP, but also sought an explanation from Highland Council about the reasons why there appeared to be no requirement for affordable housing on this site;

The CNPA is concerned that, contrary to Highland Council Structure Plan Policy H5 (Affordable Housing), there appears to be no requirement for securing an appropriate number of affordable house units on this residential site. The CNPA wishes to reiterate the view that affordable housing is an important issue in the National Park. As such, the CNPA would be grateful if every attempt is made to ensure that an appropriate level of affordable housing is provided elsewhere on the site or that revisions are made to the design and size of the proposed houses on Plots 25-33 to reflect a type which is more appropriate for affordable purposes. The CNPA would also wish to reiterate the desire for affordable housing to be provided in an integrated way within larger residential development sites.

33. The Committee agreed to submit the following comments to the Highland Council on application 04/240/CP;

The CNPA accepts that the principle of a house on this site has been established. However, the site is located close to the entrance to the National Park from the north along the A9. As such, the CNPA, is concerned about the amended design which proposes an unsympathetic mansard style roof configuration and it is suggested that attempts be made to amend the design to remove this element of the proposal.

34. The Committee agreed to submit the following comments to the Highland Council on application 04/246/CP;

The CNPA accepts the principle of residential development on this site. However, in the interests of conserving and enhancing the cultural heritage of this part of the Grantown-on-Spey Conservation Area, the CNPA considers that it is appropriate to reinstate Condition No. 2 of the existing permission (01/00047/OUTBS) on any forthcoming planning permission

35. The Committee agreed to submit the following comments to the Highland Council on application 04/250/CP;

The site is located adjacent to the Gynack Burn which carries candidate Special Conservation Area status. Accordingly, the CNPA requests that the implications of erecting a house on this site in terms of foul drainage disposal and construction practices is assessed in relation to the potential impact on the Natura species interest in the vicinity. In addition, the CNPA also requests that consideration is given to the proposals for surface water disposal and the potential implications of this for flooding in the Gynack Burn further downstream.

36. The Committee agreed to submit the following comments to the Highland Council on application 04/253/CP;

Provided there are no implications for road safety, there is provision for screening retention and all appropriate controls are in place to prevent potential pollution, in the interests of sustaining the economic and social development of the Laggan community, the CNPA welcomes the principle of this development in that it may help to sustain the viability and on- going provision of a local community facility.

37. The Highland Councillors returned.

DECISION ON CALLED-IN APPLICATION 04/109/CP FOR ERECTION OF DWELLING HOUSE; STABLE BLOCK AND USE OF LAND FOR EQUESTRIAN CENTRE AT FIELD EAST OF B970 OPPOSITE BALLIEMORE, NETHY BRIDGE (Paper 1)

38. Stuart Black and Andrew Rafferty declared an interest in this application and left the room.

39. The Committee and members of the public were provided with a copy of a further representation in relation to the application which was received within the 48 hours prior to the meeting. The representation was submitted by the Badenoch Riding Club in support of the application.

40. Andrew Tait advised the committee of an amendment to the paper at Paragraph 2 to show that the proposed barn is to be 18 metres by 15 metres rather than the 37 by 30 metre measurement stated in the paper.

41. Andrew Tait presented a paper recommending that the Committee refuse the application in line with the reasons given in the report, these reasons are as follows;

- i. The proposed development is contrary to National, Regional and Local Planning Policy as contained in Scottish Planning Policy 3 (Planning for Housing), Highland Structure Plan Policy H3 (Housing in the Countryside) and Badenoch and Strathspey Local Plan Policy 2.1.2.3. (Restricted Countryside Areas), all of

which restrict new houses in the countryside unless particular circumstances are clearly identified in development plans or there are special needs in relation to land management. Neither of these exclusions applies in this instance.

- ii. The erection of the dwelling house and associated stable block and ménage are set on a prominent site and would result in a detrimental impact upon the local and wider landscape and the setting of the Scheduled Ancient Monument of Castle Roy and the listed Abernethy Church when viewed across Strathspey from the A95. Approval would also act as an unacceptable precedent for further ad-hoc, sporadic and un-planned development into a restricted countryside area that is regarded as protecting the setting of Nethy Bridge. As such the proposal fails to comply with the Highland Structure Plan Policy G2 (Design for Sustainability), Badenoch and Strathspey Local Plan Policy 2.1.2.3 (Housing in the Countryside), Policy L4 of the Highland Structure Plan (Landscape Character).
 - iii. The stables and house, because of their scale, bulk, height and design on such a prominent site would not reflect or safeguard the character, identity and setting of the existing settlement and pattern of development and would therefore be contrary to Policy G2 (Design for Sustainability) of the Highland Structure Plan and Policy 2.1.2 (Housing in the Countryside: Design) of the Badenoch and Strathspey Local Plan.
 - iv. The proposal fails to demonstrate that a suitable and safe means of access can be provided from the site onto the B970. The proposal would therefore be detrimental to highway safety.
42. Mr Eric Baird advised the Committee that a Request to Speak had been received from both the Applicant and the Applicant's Agent. In line with the Standing Orders of the Planning Committee the Committee were asked whether or not they wished to grant this Request to Speak. The Committee agreed to the Request.
43. Mr David Rhind as the Agent for the Application spoke in support of the application.
44. Mr Alistair & Mrs Ingrid Kendall as the applicants spoke in support of the application.
45. The Committee were invited to ask questions of both the applicant and Planning Officials. After discussion the committee agreed to defer the decision in favour of further discussion between the applicant and Planning Officers regarding the siting of the proposal after which the committee would attend a Site Visit. The proposal and any amendments would then be brought before the Committee for a decision at a later date.

DECISION ON CALLED-IN APPLICATION 04/089/CP FOR DISPLAY OF WELCOME SIGNS ON LAND ADJACENT TO B9153 ON SOUTHERN APPROACH TO CARRBRIDGE (Paper 2)

46. Andrew Tait presented a paper recommending that the Committee approve the application subject to the Conditions stated in the Report.
47. Bruce Luffman raised concern that the signs may fall into a state of disrepair if not well maintained.
48. The Committee agreed that Condition 1 (relating to the maintenance of the Signs) be amended to request that a maintenance agreement for the Signs be submitted for approval.
49. The application was approved subject to the conditions stated in the report and the above amendment.

DECISION ON CALLED-IN APPLICATION 04/077/CP FOR TEMPORARY SITING OF ACCOMMODATION UNITS AT LOCH ETCHACAN, CAIRNGORMS (Paper 3)

50. Neil Stewart presented a paper recommending that the Committee approve the application subject to the conditions stated in the report.
51. David Green reiterated his point from a previous application that the design of the portacabin could be looked at and possibly improved for future proposals
52. Duncan Bryden requested that the information relating to Condition 2 be copied to the Natural Resources Group of the National Park for future reference.
53. Basil Dunlop reiterated his concern from a previous application relating to the possible presence of dogs on the site.
54. NS advised that as with the previous application the issue would be addressed in the form of a covering letter to the Estate.
55. The application was approved subject to the conditions stated in the report.

DECISION ON CALLED-IN APPLICATION 04/092/CP FOR ERECTION OF A 26M HIGH TELECOMMUNICATIONS MAST AT THE MOUNTAIN RESCUE CENTRE, SPITAL OF MUICK, GLEN MUICK, BALLATER (Paper 4)

56. Neil Stewart presented a paper recommending that the Committee approve the application subject to the conditions stated in the report.
57. NS advised the Committee that the applicant had considered alternative mast sites but that the proposed site provides the best solution for the requirements of the Emergency Services – including the Mountain Rescue Team.
58. NS also advised the committee that the applicant is conscious of the potential landscape impact of the mast. The applicant has therefore made agreement with the Estate that the trees currently providing screening cover for the site will remain and that further tree planting and landscaping is to be carried out.
59. NS advised that the consent proposed is for a temporary period of 15 years and as such screening and landscaping could be re-assessed when this temporary period expires. This will also give a chance to reconsider the need for the mast in light of changing technology.
60. The application was approved subject to the conditions stated in the report.

DECISION ON CALLED-IN NOTICE OF PROPOSED DEVELOPMENT 04/004/CP FOR EXTENSION TO CAR PARK, TEMPORARY SITING OF MOBILE UNITS FOR USES ANCILLARY TO OFF ROAD CYCLE ROUTE, DISPLAY OF ASSOCIATED ROADSIDE SIGNAGE, RELOCATION OF PONY TREKKING FACILITIES AT LAND AT STRATHMASHIE, LAGGAN, NEWTONMORE (Paper 5)

61. Neil Stewart presented a paper recommending that the Committee raise no objection to the Notification subject to the conditions stated in the report.
62. Duncan Bryden raised concern over the disposal of water from the bike washing facility.
63. NS advised the Committee that condition 6 could be amended to include bike wash drainage.
64. Concern was also raised regarding potential litter on the site. NS advised the committee that it was in the interest of the applicant to keep the site tidy and that this was a management issue. A covering letter could remind the applicants of this concern.
65. The application was approved subject to the conditions stated in the report and the above amendments.

DECISION ON CALLED-IN APPLICATION 04/083/CP FOR ERECTION OF THREE STOREY STAFF ACCOMMODATION BLOCK, AVIEMORE CENTRE, AVIEMORE (Paper 6)

66. Andrew Tait presented a paper recommending that the Committee approve the application subject to the following conditions;
 - (i) The development to which this permission relates shall be begun within 5 years from the date of this permission.
 - (ii) That the external finishes to the building shall be 'Redland' grey rooftile and an off white finish to external walls.
 - (iii) Notwithstanding the details contained within the application, one car parking space per bedroom shall be provided adjacent to the building and sheltered parking for cyclists shall also be provided at a rate of one space per bedroom and nine spaces for visitors. The cycle parking space for residents should ideally be made within, failing which sheltered external spaces should be provided adjacent to the building. All the aforementioned shall be completed and available for use prior to occupation of the building.
 - (iv) No trees on or adjoining the site shall be lopped, topped, or felled without the prior written approval of the Cairngorms National Park Authority.
 - (v) A site landscaping plan shall be submitted to and require the approval of the Cairngorms National Park Authority prior to the occupation of the building hereby approved showing the species, number and size of all plants. The approved planting scheme shall be implemented in the first planting season following the completion of the building and all plant failures in the following 5 year period shall be replaced in kind to the satisfaction of the Cairngorms National Park Authority thereafter. The developer shall use predominantly mature plant species for the said landscaping scheme.

- (vi) The Accommodation Block hereby approved shall be used solely in connection with the employment of staff working in Aviemore.
67. AT advised the committee that approval was granted by the Highland Council to the applicant, subject to the conditions above (excluding condition vi), for a similar development on an adjacent site just 3 days prior to the meeting.
68. Duncan Bryden raised concern that no attempt had been made to make the building of a more sustainable design with no positive use of natural resources and no recycling facilities. He also raised concern that the block did not support the concept of sustainable communities as no provision has been made for couples or families.
69. The Committee requested clarification as to whether or not there is a requirement for staff family/married accommodation on the site and if so whether or not there is any to be provided.
70. Don McKee advised the Committee that such a requirement would have been dealt with at the 'Masterplan' stage and that compiling such information may be difficult.
71. The Committee Agreed to defer the application to allow discussion between the applicant and the Planning Officials to try and address some of the concerns raised.

**CNPA INTERIM PLANNING POLICY No. 1: RENEWABLE ENERGY.
CONSULTATION REPORT on the CONSULTATION DRAFT (Paper 7)**

72. Norman Brockie presented a report updating the Committee on the responses received from the Consultation exercise on the CNPA Interim Planning Policy No. 1 on Renewable Energy.
73. Eleanor MacKintosh expressed disappointment that only 2 of the 28 Community Councils consulted had responded, she enquired as to whether or not there is another mechanism through which the CNPA can reach the communities of the Park for their thoughts.
74. NB advised the Committee that 2 Community Liaison Officers have now been employed within the Park to encourage networks and active community participation in consultation exercises such as these.
75. Alistair MacLennan noted that while the NFU had not responded directly, he had passed onto N.Brockie their press-release and paper on renewable energy options which could be developed by/with the farming community.
76. Stuart Black requested clarification as to when this policy could be used to back up any decisions made by the Park Authority.
77. NB advised that the policy would become a material consideration as supplementary planning guidance once the policy has been backed by the CNPA Planning Committee and after extensive consultation.
78. NB noted that the SNH comments summarised in the final paragraph of page 1, and their second bullet point on page 4, should be re-worded to say that 'landscapes of lesser value within the Park could possibly be utilised for modest renewable energy schemes'.
79. NB advised members that the Scottish Executive Energy Policy team have on their website a 'renewable energy map of Scotland' showing all power generating sites in the country. The website can be found at; <http://www.scotland.gov.uk/elld/reneweq.asp>.

ANY OTHER BUSINESS

80. Neil Stewart advised the Committee that planning application 04/086/CP, Land at Road Bridge Over Allt Coire Mhoriach, Laggan for the Erection of a dwelling has been withdrawn by the applicant.
81. David Selfridge asked for a progress report on an Interim Policy on Affordable Housing. Don McKee advised the Committee that he is already in discussion with the CNPA's Housing Officer, Fiona Munro to bring this forward.

DATE OF NEXT MEETING

82. Friday 4th June, Albert Memorial Hall, Ballater.
83. Committee Members are requested to ensure that any Apologies for this meeting are submitted to the Planning Office in Ballater.
84. The meeting concluded at 1.30pm.