
CAIRNGORMS NATIONAL PARK AUTHORITY

MINUTES OF THE PLANNING COMMITTEE held within The Richmond Memorial Hall, Tomintoul on 30th July 2004 at 10.30am

PRESENT

Mr Eric Baird	Ms Eleanor Mackintosh
Mr Duncan Bryden	Mr Alistair MacLennan
Mr Stuart Black	Mr Andrew Rafferty
Ms Sally Dowden	Mr Gregor Rimmell
Mr Basil Dunlop	Mrs Sheena Slimon
Mr Douglas Glass	Mr Richard Stroud
Mr Angus Gordon	Mr Andrew Thin
Mrs Lucy Grant	Mrs Susan Walker
Ms Anne MacLean	Mr Bob Wilson
Mr Willie McKenna	

IN ATTENDANCE:

Don McKee	Andrew Tait
Neil Stewart	Pip Mackie

APOLOGIES:

Mr Peter Argyle	Mr David Selfridge
Mr David Green	Mr Robert Severn
Mr Bruce Luffman	Mrs Joyce Simpson

WELCOME AND APOLOGIES

1. The Convenor welcomed all present.
2. Apologies were received from Peter Argyle, David Green, Bruce Luffman, David Selfridge, Robert Severn and Joyce Simpson.

MATTERS ARISING FROM THE PREVIOUS MEETING

3. The minutes of the previous meeting were approved subject item 48 being amended.

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

4. Sheena Slimon declared an interest in Planning Application No. 04/370/CP.
5. The Convenor advised the Committee that Planning Application 04/376/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.
6. Lucy Grant declared an interest in Planning Application No's. 04/376/CP & 04/379/CP.
7. Willie McKenna declared an interest in Planning Application No. 04/382/CP.
8. The Aberdeenshire Councillor declared an interest in Item 8 on the Agenda.

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

9. 04/366/CP - The decision was to Call-in this application for the following reason:
 - The proposal represents a new house in 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 National Park.

10. 04/367/CP - No Call-in
11. 04/368/CP - No Call-in
12. 04/369/CP - No Call-in

13. 04/370/CP - Sheena Slimon declared an interest and left the room.
No Call-in
Sheena Slimon returned.

14. 04/371/CP - No Call-in
15. 04/372/CP - No Call-in
16. 04/373/CP - No Call-in

17. 04/374/CP - The decision was to Call-in this application for the following reason:
 - The proposal is for tourist based accommodation and a new dwellinghouse, outside of any recognized settlement in a prominent countryside area within the NSA. As such the proposal may raise issues of general significance in relation to the collective aims of the National Park.

18. 04/375/CP - No Call-in

19. 04/376/CP - Lucy Grant declared an interest and left the room.
No Call-in
Lucy Grant returned.

20. 04/377/CP - No Call-in
 21. 04/378/CP - No Call-in

Lucy Grant declared an interest and left the room.

22. 04/379/CP - Richard Stroud proposed a Motion to Call-in this application, this was seconded by Sheena Slimon. Bob Wilson proposed an amendment not to Call-in the application, this was seconded by Andrew Rafferty.

The vote was as follows;

NAME	MOTION (Call-in)	AMENDMENT (No Call-in)	ABSTAIN
Eric Baird	✓		
Duncan Bryden	✓		
Stuart Black	✓		
Sally Dowden	✓		
Basil Dunlop	✓		
Douglas Glass		✓	
Angus Gordon		✓	
Willie McKenna	✓		
Anne MacLean	✓		
Eleanor Mackintosh	✓		
Alistair MacLennan		✓	
Andrew Rafferty		✓	
Gregor Rimmell	✓		
Sheena Slimon	✓		
Richard Stroud	✓		
Andrew Thin	✓		
Susan Walker	✓		
Bob Wilson		✓	
TOTAL	13	5	0

The decision was to Call-in this application for the following reason:

- The proposal is for temporary staff accommodation in the form of a caravan to serve a tourist related facility, the cumulative impact of such caravans may raise issues of general significance to the collective aims of the Park

Lucy Grant returned.

23. 04/380/CP - No Call-in
 24. 04/381/CP - No Call-in

Willie McKenna declared an interest and left the room.

25. 04/382/CP - The decision was to Call-in this application for the following reason:

- The proposal involves the loss of hotel staff accommodation and its replacement of housing within an area allocated by the Badenoch and Strathspey Local Plan as an area for commerce tourism. This allocation also makes specific reference to the site being allocated for leisure development. As such the proposal would appear to depart from the Local Plan and as such may raise issues of general significance for the collective aims of the Park.

Willie McKenna returned.

26. 04/383/CP - No Call-in

27. 04/384/CP - No Call-in

28. 04/385/CP - No Call-in

29. 04/386/CP - No Call-in

COMMENTING ON APPLICATIONS NOT CALLED-IN BY THE COMMITTEE

30. It was agreed that comments be made to the Local Authorities on applications 04/371/CP, 04/375/CP, 04/378/CP and 04/381/CP.

31. The Highland Councillors declared an interest in application No.'s 04/371/CP, 04/378/CP and 04/381/CP and left the room.

32. The Committee agreed to submit the following comments to the Highland Council on application 04/371/CP;

Consider that siting and design should be raised as a concern and that the proposal should be a full planning application to enable the full landscape impact of proposals to be considered. The drainage effects from animal occupation of the shelter should also be taken account of and SEPA consulted.

33. The Committee agreed to submit the following comments to the Highland Council on application 04/378/CP;

The rear extension would appear large and bulky and not considered to reflect the existing footprint of the house. It is recommended that consideration be given to reducing the bulk of the extension, it is also considered that the flat roofed first floor dormer element on the rear projecting extension should be reduced to reflect the existing smaller dormers on the front of the house.

34. The Committee agreed to submit the following comments to the Highland Council on application 04/381/CP;

The design of the dormer should better reflect existing vernacular dormer designs in the area.

The Highland Councillors returned.

35. The Aberdeenshire Councillor declared an interest in application No. 04/375/CP and left the room.

36. The Committee agreed to submit the following comments to the Aberdeenshire Council on application 04/375/CP;

SEPA should be consulted on this proposal to consider foul drainage issues arising from animal occupation of the polytunnel and thought should also be given to conditions to prevent the longer term deterioration of the polytunnel.

The Aberdeenshire Councillor returned.

REPORT ON CALLED-IN APPLICATION FOR THE ERECTION OF DWELLING AT LAND AT CLUNIEBANK ROAD, BRAEMAR (Paper 1)

37. Andrew Tait presented a paper recommending that the Committee refuse the application for the first two reasons in the report. AT informed the Committee that the third reason for refusal should be removed as the applicant's agent had confirmed that the proposal could be connected to the public sewerage system.
38. Douglas Glass and Susan Walker expressed sympathy for the applicants difficulty in finding a property to purchase in Braemar.
39. Willie McKenna queried if the application could be deferred until the CNPA Local Plan was in place. Don McKee responded that there was no reason for deferral and the earliest timescale for the CNPA Local Plan to be in place would be 2006, until such time the Aberdeenshire Local Plan would still be effective.
40. Richard Stroud was concerned that deferring the application could lead to the applicant appealing the application on grounds of non-determination. He was also concerned that the size of the plot would appear to be able to accommodate more than one property.
41. Andrew Tait stated that he had written to the applicant to advise him that he would be able to make representations for changing the boundary of the village during the CNPA Local Plan consultation phase.
42. Andrew Tait, in response to a query, confirmed that the application site lay within the Braemar Conservation Area.
43. The application was refused for the first two reasons stated in the report.

**REPORT ON CONSULTATION RESPONSE FOR THE PROPOSAL FOR 20 DWELLINGS AT LAND OFF GLENSHEE ROAD, BRAEMAR
(Paper 2)**

44. The Aberdeenshire Councillor declared an interest and left the room.
45. Andrew Tait presented a paper recommending comments to be submitted to Aberdeenshire Council. He informed the Committee that the consultation request had been received prior to the CNPA holding any planning powers, he also advised that planning permission had already been granted for the site subject to informal comments being received from the CNPA.
46. Andrew Thin expressed thanks to Aberdeenshire Council for inviting the CNPA to make comments on the proposal.
47. Douglas Glass advised that the affordable housing design should reflect the open market housing in the development.
48. Willie McKenna expressed concern that if the high standard of design could not be met for the affordable housing this could lead to the houses not being constructed.
49. Andrew Tait, in response to a query, advised that only a small number of objections had been received. Douglas Glass advised that Braemar Community Council were happy with the development.
50. Anne MacLean supported the affordable housing being secured by a legal agreement. Andrew Tait advised that the legal agreement was currently being progressed.
51. Sue Walker was pleased that affordable housing had been included in the development but was concerned that the other houses would become holiday homes. SW queried if a condition could be included for the affordable housing to be built at the start of the development. Andrew Tait responded that it would be difficult to impose such a condition.
52. Anne Maclean advised that for future developments the CNPA should ask the developer and housing association to work in partnership and therefore try to meet both sides requirements from the outset of any development.
53. The comments in the report were agreed subject to an addition that the affordable housing should be delivered in a timeous way and that the design reflect the open market housing.
54. The Aberdeenshire Councillor returned.

**REPORT ON CALLED-IN PLANNING APPLICATION FOR ERECTION OF DWELLINGHOUSE AT SITE TO NORTH-EAST OF INCHDRYNE, TULLOCH, NETHY BRIDGE
(Paper 3)**

55. Neil Stewart presented a paper recommending that the Committee approve the application for the reasons stated in the report and an amendment to the second condition tying the proposal to the croft. A new condition should also be added requiring localised repair work for the length of the access track. The applicant would also be required to formally revoke the previously granted planning permission for a different site on the croft.
56. Willie McKenna queried if more overnight accommodation was required in Badenoch & Strathspey. He also raised the point that as this development was receiving grant aid for diversification this would be a good opportunity for the community to benefit by the

house being let to a local person. Neil Stewart responded that due to conditions of the grant the property had to be 4 star holiday accommodation, and that it is self-catering accommodation that is being applied for.

57. Basil Dunlop stated that he was not aware of an over supply for self catering accommodation, nor was he aware of local workers that were unable to find housing in this particular area.
58. Sally Dowden raised concerns that holiday accommodation was allowed to be developed but housing for local workers was more difficult to find. She also queried if the second condition could be removed to allow the house to be let to a local person.
59. Alistair MacLennan advised that the distinction must be made between holiday houses, which are used infrequently, and self catering accommodation, which bring visitors to the area and business to the local economy all year round. Sheena Slimon agreed and stated that letting to a local person does not have the same financial interest as providing self catering accommodation and that the grants available reflected this.
60. Andrew Rafferty questioned that if the grant was dependent on the property being utilised as holiday accommodation was there a need for condition 2 to be included. Andrew Thin responded that the conditions of the grant are only in place for 5 years, whereas planning permission lasts in perpetuity. Members queried if the second condition could come into force after the 5 year expiry of the grant conditions. Don McKee responded that it would not be competent to do this.
61. Sally Dowden asked if the second condition could be expanded to allow the property to be used for local housing as well as holiday accommodation. Richard Stroud questioned how 'local' would be defined. Don McKee replied that advice would have to be taken for this definition.
62. Andrew Rafferty and Alistair MacLennan suggested amending condition 2 to just the tying of the property to the croft, this would then leave the applicant able to use the dwelling for holiday accommodation, then when the 5 year grant conditions had expired, allow it to be used for local letting if required. Don McKee responded that the application had been specifically made for holiday accommodation and had to be considered as such under policy, otherwise this application would be for an unjustified house in the countryside.
63. Richard Stroud requested that conditions were applied to the application for the prevention of tree root disturbance and type of boundary fencing. Neil Stewart confirmed that this would be possible.
64. The application was agreed subject to the amendment of condition 2, tying the property to the croft, and additional conditions covering localised repair to the access track, tree root preservation and boundary fencing.

ANY OTHER BUSINESS

65. Gregor Rimmell brought to the Committee's attention the possibility of Kinrara Estate being sold. Andrew Thin stated that the CNPA must have a clear position on this issue and whilst the sale of the Estate was a private matter it raised issues of public interest. AT advised that Kinrara Estate was an important local employer and house provider and the CNPA would wish this position to continue by any future owner.

66. Andrew Thin advised that although the sale of the Estate had not been formally announced he believed the agents were to be Strutt & Parker. He therefore proposed to write to the agents to express a willingness by the CNPA to meet any serious purchasers for discussions. AT would be working with Jane Hope and others to address this issue.
67. Alistair MacLennan suggested that it may be of benefit to write to all estate agents in the Park broaching this subject for any Estates being sold in the future. Andrew Thin agreed to take forward this idea. Alistair MacLennan also raised concern that the Estate should not be sold without the tenants knowledge.
68. Duncan Bryden queried if the community had shown any interest in buying the Estate. Andrew Thin responded that as far as he was aware they had not.
69. Andrew Thin commented that if in the future any community did wish to buy land the CNPA would work with them to achieve this.
70. Basil Dunlop informed the Committee that uncontrolled dogs had been responsible for recent attacks on Reindeer. He advised that restrictions were needed for owners to keep their dogs under control.
71. Andrew Thin confirmed that he had spoken to Murray Ferguson, CNPA Head of Visitor Services and Recreation, as this was an issue for the access forum.
72. Basil Dunlop informed the Committee that a letter had appeared in the local press intimating that Highland Council had acted in an inappropriate way with reference to community consultations. He confirmed that he had been acting on the Council wishes and the meeting referred to was legitimate.

DATE OF NEXT MEETING

73. Friday 13th August, Logie Coldstone.
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 13.00pm.