
CAIRNGORMS NATIONAL PARK AUTHORITY

MINUTES OF THE PLANNING COMMITTEE held within the Boat of Garten Village Hall, on 5th November 2004 at 10:30am

PRESENT

Eric Baird	Alastair MacLennan
Duncan Bryden	Anne MacLean
Stuart Black	Andrew Rafferty
Sally Dowden	Gregor Rimmell
Basil Dunlop	David Selfridge
Angus Gordon	Joyce Simpson
Lucy Grant	Sheena Slimon
David Green	Richard Stroud
Bruce Luffman	Andrew Thin
Willie McKenna	Susan Walker
Eleanor Mackintosh	Bob Wilson

IN ATTENDANCE:

Don McKee	Andrew Tait
Neil Stewart	Sandra Middleton

APOLOGIES:

Douglas Glass	Marcus Humphrey
Sandy Park	

WELCOME AND APOLOGIES

1. The Convenor welcomed all present.
2. Apologies were received from Douglas Glass, Sandy Park and Marcus Humphrey.

MATTERS ARISING FROM THE PREVIOUS MEETING

3. The minutes of the previous meeting, 22nd October 2004, held at Kingussie, were approved.
4. There were no matters arising.

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

5. Anne MacLean declared an interest in Item 8 (Paper 2).
6. Sue Walker declared an interest in item 9 (Paper 3) as a resident of Braemar.
7. Stuart Black as a member of the SNH Board advised the committee that SNH had made comment on item 8 (Paper 2) & item 9 (Paper 3) on the Agenda but that he had no part in the discussions.
8. Sheena Slimon declared an interest in Item 8 (Paper 2).
9. The Aberdeenshire Councillors advised members that they had been involved in the Aberdeenshire Council Marr Area Committee decision on item 9 (Paper 3) but that they would partake in any discussion but abstain from any vote.
10. Sally Dowden declared an interest in Call-in notifications 04/504/CP and 04/505/P and also Item 7 (Paper 1).

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

11. 04/501/CP - No Call-in
12. 04/502/CP - No Call-in
13. 04/503/CP - No Call-in

Sally Dowden declared an interest in the following 2 applications and left the room.

14. 04/504/CP - The decision was to Call-in the application for the following reasons;

This is an amended proposal for the construction of a pavilion, to accommodate new retail floorspace, which is of a scale which may have impacts on the Aviemore town centre and the commercial areas of other settlements within the National Park. The design of the building may also have visual impacts on the locality and when viewed from other areas surrounding Aviemore. The development control protocol advises that retail developments which may have a significant impact on settlements should be considered for call-in and in this instance, the proposal is of a scale and type which may raise issues of general significance to the collective aims of the National Park.

15. 04/505/CP - The decision was to Call-in the application for the following reasons;

The proposal involves an amended design for a three storey building already under construction which, due to its position, scale, and design may raise issues of general significance to the conservation and enhancement of the natural and cultural heritage of the Aviemore area. The proposed use also raises issues of significance in relation to the promotion of the sustainable economic and social development of the Aviemore community.

Sally Dowden returned.

- 16. 04/506/CP - No Call-in
- 17. 04/507/CP - No Call-in
- 18. 04/508/CP - No Call-in
- 19. 04/509/CP - No Call-in
- 20. 04/510/CP - No Call-in
- 21. 04/511/CP - No Call-in
- 22. 04/512/CP - No Call-in
- 23. 04/513/CP - No Call-in
- 24. 04/514/CP - No Call-in
- 25. 04/515/CP - No Call-in
- 26. 04/516/CP - No Call-in
- 27. 04/517/CP - The decision was to Call-in the application for the following reasons;

The proposal is for a house in a prominent position in open countryside that would function as self catering accommodation for visitors which may raise issues of general significance for the collective aims of the Cairngorms National Park.

- 28. 04/518/CP - The recommendation of the Officers was No Call-in, however, the decision of the Committee was to Call-in this application for the following reasons;

The proposal represents a community use located in an area allocated as recreation/open space by the Badenoch and Strathspey Local Plan. As such the proposal may raise issues of general significance in relation to the collective aims of the Cairngorms National Park.

- 29. 04/519/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 04/502/CP, 04/506/CP, 04/508/CP and 04/512/CP.
- 31. The Highland Councillors declared an interest and left the room. It was agreed to submit the following comments to the Highland Council on applications 04/506/CP and 04/508/CP;

04/506/CP - The CNPA notes that it is the applicant's intention to provide more permanent accommodation for themselves by utilising the main building at the site. Consequently, the CNPA suggest that any temporary permission for the caravan should be limited to 12 months from the date of any decision on the proposal to allow the situation to be kept under review. Any decision should also make clear that the caravan is for accommodation in connection with the employment use of the site only.

04/508/CP - The CNPA note that the site is located within an area where the Council would like to consolidate commercial uses where appropriate and would recommend that the applicants bring forward information to show that the shop has been marketed as a

commercial building and that Highland Council are satisfied with this information before any decision is taken to grant permission for the proposal. The CNPA would also recommend that the front elevation of the extension be finished in natural stone to match the original building and those surrounding.

The Highland Councillors returned.

32. Bob Wilson as a Moray Councillor declared an interest and left the room. It was agreed to submit the following comments to the Moray Council on applications 04/502/CP and 04/512/CP;

04/502/CP - The Cairngorms National Park Authority note that the dwelling proposed is located on a prominent site and would suggest that traditional materials, appropriate to the character of the area are used in the construction of the dwelling should it be approved.

04/512/CP - The CNPA note that the forestry lay-bys are described as temporary to allow extraction of timber from the site. Given their temporary nature the CNPA would recommend that any grant of planning permission include a condition requiring the reinstatement of the lay-bys within 12 months of the forestry works being completed.

Bob Wilson returned.

33. The Convenor reminded Members that comments should be limited to comments specific to the CNP which should add value to the process, not comments that it could be felt were trying to tell Local Authority Planning Officers how to do their jobs. Bruce Luffman raised the point that the CNP should be reaffirming to the Local Authorities the special issues of the CNP asking them to keep them in mind when determining applications.

REPORT ON CALLED-IN PLANNING APPLICATION FOR RETENTION OF BOUNDARY & CONTRACTORS 'TEMPORARY' COMPOUND FENCES, AT RESORT LANDS EAST BOUNDARY, AVIEMORE (Paper 1)

34. Sally Dowden declared an interest in the application and left the room.
35. The Convenor advised the Committee that there had been requests to speak on the application from the Applicant's Agent, an Objector and the Aviemore Community Council. The Committee granted these requests to speak.
36. Andrew Tait advised members that an additional letter of representation had been received from the 'Scandinavian Village'. The representation was distributed to members and a recess of 5 minutes was granted for members to read the representation.
37. Andrew Tait presented his Paper recommending that the Committee Refuse the retrospective application. He also proposed that the Committee grant permission for Officers to enter into negotiation with the applicant to resolve the issue, he asked for further permission to enter into Enforcement action should these negotiations be unsuccessful.
38. Mike Hastie, Agent for the application was granted 10 minutes to speak as denoted in the standing orders. He spoke in favour of the application.
39. Mrs Cleary, an Objector to the application was allowed 10 minutes to speak as denoted in the Standing Orders. She spoke against the application.

40. Mrs Audrey MacKenzie, representing Aviemore Community Council was allowed 5 minutes to speak as denoted in the Standing Orders. She spoke against the application.
41. Members of the Committee were then given the opportunity to ask questions of the speakers.
42. Andrew Tait was allowed to come back on a number of items raised by the speakers.
43. The Convenor opened the application up to discussion by the Committee. There was a general feeling amongst the Committee that the fences around the contractors compound are necessary to secure the building sites and materials. It was felt, however, that despite the applicant's stipulation that the fences are required for security, the fence between the 'Resort' and the village are unnecessary and do not allow for the integration of the 'Resort' with the village of Aviemore.
44. David Selfridge proposed that the Committee agree the Paper to Refuse the application due to the reasons stated in the Report and the Committee also agree to allow Officers to pursue negotiations with the applicant for the removal of the fence and approved any subsequent Enforcement Action should these negotiations be unsuccessful. This was seconded by David Green. The Committee agreed these actions.
45. Sally Dowden returned.

REPORT ON CALLED-IN PLANNING APPLICATION FOR ERECTION OF 142 HOUSES, 56 FLATS AND TEN SELF BUILD PLOTS AT LAND BETWEEN B9152 AND HIGHLAND MAIN LINE, AVIEMORE (PAPER 2)

46. Anne MacLean and Sheena Slimon both declared an interest in the application and left the room.
47. The Convenor advised the Committee that there had been requests to speak on the application from the Applicant's Agents and the Aviemore Community Council. The Committee granted these requests to speak.
48. Andrew Tait asked the Committee to note two amendments to the Paper, firstly Condition 13 to be amended to read;

Prior to the first occupation of the affordable houses hereby approved on Drawing No. 001, Job No. 0268, a sustainable heating scheme for the units shall be submitted to and approved by the Cairngorms National Park Authority. The heating scheme shall be implemented in accordance with those details prior to the first occupation of the final phase unless otherwise agreed in writing by the Cairngorms National Park Authority acting as Planning Authority.

and Condition 17 be amended to read;

Prior to the commencement of the development hereby approved samples of all external facing materials including roof slates, render, panels, window frames, and sample panels of timber stains and all boundary enclosures shall be submitted to and approved by the Cairngorms National Park Authority acting as Planning Authority. The details shall then be implemented in accordance with the approved samples.

49. Andrew Tait recommended to the Committee that they Approve the application subject to the conditions in the Report, the above amendments and a Section 75 Agreement.
50. Clive Meikle, on behalf of the applicant, was granted 10 minutes to speak as denoted in the standing orders. He spoke in favour of the application.

51. Mrs Audrey MacKenzie, representing Aviemore Community Council was allowed 5 minutes to speak as denoted in the Standing Orders. She raised a number of concerns about the application.
52. Members of the Committee were then given the opportunity to ask questions of the speakers.
53. Andrew Tait was allowed to come back on a number of items raised by the speakers.
54. The Convenor opened the application up to discussion by the Committee. There was some discussion relating to the size of the sports pitch, parking provision for the pitch, recycling provision for the development, maintenance agreements and road safety issues.
55. Willie McKenna advised the Committee that this application would be a good opportunity to provide a good quality, full size sports pitch for the Aviemore community and as such the size of the pitch should be increased to accommodate this.
56. Joyce Simpson raised concern that a housing development such as this is not the place for a full size pitch and all the traffic and ‘outsider’ usage that a full size pitch would create.
57. David Green proposed a Motion that the application be deferred to address the size of the pitch, parking for the pitch, maintenance of the development, recycling provision and Road Safety issues. This was seconded by Bruce Luffman.
58. Joyce Simpson proposed an Amendment that the application be Approved as is, subject to the Officers ‘tying up’ conditions relating to maintenance of the development, recycling provision and Road Safety issues. This was seconded by Gregor Rimell.
59. 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	√		
David Green	√		
Bruce Luffman	√		
Willie McKenna	√		
Eleanor Mackintosh		√	
Alastair MacLennan	√		
Andrew Rafferty		√	
Gregor Rimell		√	
David Selfridge	√		
Joyce Simpson		√	
Richard Stroud		√	
Andrew Thin		√	
Susan Walker		√	
Bob Wilson		√	
TOTAL	10	10	

60. The resulting vote was 10:10, as such the Convenor cast the deciding vote for the Amendment. The decision was to Approve the application subject the Officers ‘tying up’

appropriate Section 75 Agreements on landscaping/gateway feature and conditions relating to maintenance of the development, recycling provision and Road Safety issues.

61. Anne MacLean and Sheena Slimon returned.

RESPONSE TO PUBLIC LOCAL INQUIRY FOR PROPOSED DRY SKI SLOPE, SKI CENTRE BUILDING, PARKING AND TURNING AREA AND SKI LIFT ETC. CORRIE FERRAGIE, BRAEMAR (Paper 3)

62. Bruce Luffman and Richard Stroud as Aberdeenshire Councillors, advised Members that they had been involved in the Aberdeenshire Council Marr Area Committee decision on this proposal. They advised Members that they would partake in the discussion over the proposal, reiterating previously aired views, but abstaining from any vote.

63. Susan Walker declared an interest in this item as a Resident of Braemar and left the room.

64. Stuart Black as a member of the SNH Board advised the committee that SNH had made comment on this proposal, but that he had no part in the discussions.

65. Neil Stewart presented his Paper asking that the Committee agree the findings of the report as a basis for the CNPA's submissions to the forthcoming Public Local Inquiry.

66. Bruce Luffman made the point that he did not believe the proposal to be economically viable, that this new development may create an opportunity for 'infill' and that should the proposal be approved and subsequently fail, the applicant as a charity, may be unable to meet the costs of reinstatement.

67. Eric Baird raised concern that some moderate visual impacts may occur for hill walkers should the development go ahead. He also raised concern over the economic viability of the project.

68. Richard Stroud raised concern over the viability of sustaining both the dry ski slope proposal and possible future diversification by the Glenshee Chairlift Company.

69. Don Mckee advised Members that this item could not be deferred to a later meeting as the submission deadline for the Public Local Inquiry is the 22nd of November.

70. Andrew Thin proposed that a small group of Members work together to reach agreement which would then form the basis of a report to be brought before the Committee on the 19th of November for ratification. This was Agreed.

ANY OTHER BUSINESS

71. Members were reminded that a Site Inspection was scheduled to take place after the Board Meeting in relation to the planning application for the Equestrian Centre at Balliemore, Nethybridge (04/109/CP).

72. Bob Wilson proposed that a Paper be brought forward to the Committee relating to the potential uses of Solar Energy within the Park, taking account of proposals laid down by the Brecon Beacons.

DATE OF NEXT MEETING

73. Friday 19th November, Glenlivet.

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 2pm.