
CAIRNGORMS NATIONAL PARK AUTHORITY

MINUTES OF THE PLANNING COMMITTEE

**held within the Village Hall, Aviemore
on 8th April 2004 at 10.30am**

PRESENT

Mr Eric Baird
Mr Duncan Bryden
Mr Stuart Black
Ms Sally Dowden
Mr Basil Dunlop
Mr Douglas Glass
Mr Angus Gordon
Mrs Lucy Grant
Mr David Green
Mr Bruce Luffman
Mr Willie McKenna

Ms Eleanor Mackintosh
Ms Anne MacLean
Mr Andrew Rafferty
Mr Robert Severn
Mrs Sheena Slimon
Mr Richard Stroud
Mr Andrew Thin
Mr Bob Wilson

IN ATTENDANCE:

Neil Stewart Denis Munro
Gavin Miles Pip Mackie

WELCOME AND APOLOGIES

1. The Chairman welcomed all present.
2. Apologies were received from Peter Argyle, Alastair MacLennan, Gregor Rimmell, David Selfridge, Joyce Simpson and Susan Walker.

MATTERS ARISING FROM THE PREVIOUS MEETING

3. In relation to Item 45, Angus Gordon pointed out that he is recorded as having abstained on the vote on planning application 04/152/CP whereas, in fact, he had left the meeting when the vote was taken. It was agreed that the minute be amended accordingly.

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

4. Lucy Grant declared an interest in Planning Application No. 04/185/CP.

PLANNING APPLICATION CALL-IN DECISIONS

- 5. 04/153/CP - No Call-In
- 6. 04/154/CP - No Call-In
- 7. 04/155/CP - No Call-In
- 8. 04/156/CP - No Call-In
- 9. 04/157/CP - No Call-In
- 10. 04/158/CP - No Call-In
- 11. 04/159/CP - No Call-In
- 12. 04/160/CP - No Call-In
- 13. 04/161/CP - No Call-In

14. 04/162/CP, 04/163/CP, 04/164/CP, 04/165/CP, 04/166/CP, 04/167/CP, 04/168/CP, 04/169/CP, 04/170/CP, 04/171/CP, 04/172/CP, 04/173/CP, 04/174/CP & 04/175/CP -

The decision was to Call-In these applications for the following reason:

- The proposal is part of a larger project for the erection of cairns and signage in various locations around the Ballater area. These locations include Conservation Areas, Listed Buildings, and remote areas of countryside, some of which are within a National Scenic Area. The project is recreation-based and due to its nature, and the locations chosen, the proposal may raise issues of general significance to the collective aims of the National Park. In particular, this relates to the aims which seek to conserve and enhance the natural and cultural heritage of the area and to promote the understanding and enjoyment of the qualities of the National Park.

- 15. 04/176/CP - No Call-in
- 16. 04/177/CP - No Call-in

17. 04/178/CP - The decision was to Call-In this application for the following reason:

- The proposal represents the erection of a new house in a countryside area which is within a National Scenic Area and in close proximity to the River Feshie which is a Site of Special Scientific Interest and a Special Area of Conservation. The proposal, if unjustified, may be contrary to countryside policy and it has the potential to establish a precedent for other similar developments within the Cairngorms National Park which cumulatively, may raise issues of general significance to the collective aims of the National Park.

- 18. 04/179/CP - No Call-in
- 19. 04/180/CP - No Call-in
- 20. 04/181/CP - No Call-in

- 21. 04/182/CP - No Call-in
- 22. 04/183/CP - No Call-in
- 23. 04/184/CP - No Call-in

24. 04/185/CP - Lucy Grant declared an interest but did not leave the room.
No Call-in

- 25. 04/186/CP - No Call-in
- 26. 04/187/CP - No Call-in
- 27. 04/188/CP - No Call-in
- 28. 04/189/CP - No Call-in

DECISION ON CALLED-IN APPLICATION 04/049/CP FOR OUTLINE PLANNING PERMISSION FOR ERECTION OF A DWELLINGHOUSE ON LAND ADJOINING BURNSIDE, NETHY BRIDGE (Paper 1)

- 29. Neil Stewart presented a paper recommending that the application be refused for two reasons set out in the paper. Essentially, 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 this case the applicant was not claiming a special need.
- 30. Also, a house at this location would result in the loss of a natural woodland habitat which contributes to the wider landscape setting of Nethy Bridge and the development would not conform to the established pattern in the area of low density, well spaced and scattered nature of housing in the area. Approval would also act as a negative precedent for further ad-hoc, sporadic and unplanned housing development in this countryside area.
- 31. Andrew Rafferty supported the proposal on the grounds that the site is scrubland and that other development of the same character had been permitted nearby.
- 32. Stuart Black supported the proposal on the grounds that there had been no objections, screening exists, the proposal could help to maintain the woodland, the proposal would conform to the “scatter” of housing on the approaches to Nethy Bridge and, from a practical point of view, it would allow a house to be built avoiding the drainage embargo which applies within the village. Andrew Rafferty proposed that consent be granted subject to seeking an assurance, albeit as a non-enforceable agreement, from the applicant that this would be an “affordable” type of house.
- 33. Bruce Luffman proposed that the application be refused on the grounds that it is clearly contrary to existing policy and an obvious example of sporadic and ad-hoc development. If there is a case for allowing this type of development it should be made in the CNPA’s own Local Plan which is at its earliest stage. Any assurance that the house would be of an

“affordable” type would not be enforceable. Basil Dunlop agreed that the “affordable” objective could not be achieved by the means suggested and approval of the proposal would be inconsistent with the existing pattern of development where there is a greater degree of separation between properties. Approval would, at the very least, be premature until the CNPA’s Local Plan had considered the scale and location of development appropriate for Nethy Bridge. Bob Severn said that the existing Local Plan Policies are rather out of date and the proposal is not dissimilar to the existing pattern of development. He agreed with Bruce Luffman that there is an acute need for housing in the area and a site like this one would avoid the drainage embargo which exists within the village.

34. Bruce Luffman proposed and Richard Stroud seconded a motion that the application be refused for the reasons stated in the report. Andrew Rafferty proposed and Stuart Black seconded an amendment that the application be approved.

35. The vote was as follows;

NAME	MOTION (Refuse)	AMENDMENT (Approve)	ABSTAIN
Eric Baird	✓		
Duncan Bryden	✓		
Stuart Black		✓	
Sally Dowden	✓		
Basil Dunlop	✓		
Douglas Glass	✓		
Angus Gordon		✓	
Lucy Grant	✓		
David Green	✓		
Bruce Luffman	✓		
Willie McKenna		✓	
Eleanor Mackintosh	✓		
Anne MacLean	✓		
Andrew Rafferty		✓	
Robert Severn		✓	
Sheena Slimon		✓	
Richard Stroud	✓		
Andrew Thin	✓		
Bob Wilson	✓		
TOTAL	13	6	0

36. The decision was to Refuse the application for the reasons stated in the report.

DECISION ON CALLED-IN APPLICATION 03/087/CP FOR ALTERATIONS TO AND EXTENSION OF STEADING, ROAD END, BALLIEWARD, GRANTOWN-ON-SPEY (Paper 2)

37. Neil Stewart presented a paper recommending that the application be approved subject to the conditions stated in the report. He explained that Ballieward Steading is a disused former agricultural building located to the North of Grantown-on-Spey in an open position slightly above the level of the nearby A939 public road. Outline consent to change the use of the building to a dwellinghouse was approved by Highland Council in December 2002 but this did not provide any information on the extent and form of alterations. The application now submitted had, as a result of negotiations, caused the minimum number of alterations to the existing building. Most of the new accommodation is therefore in the extension on two floors. The extension is to be finished in slate, timber cladding and painted scotch wet dash render. The roof of the existing building is to be removed and replaced with a new slate roof.
38. Richard Stroud expressed concern at the lack of information on how drainage would be provided.
39. Bruce Luffman shared a concern about drainage and, also, considered that the extension was possibly too big and certainly too high in relation to the existing building. He considered that the height should be reduced to be no higher than the existing building.
40. Basil Dunlop said that precedent existed through decisions of Highland Council for refusing extensions which were out of proportion and he considered that this one is too big bearing in mind the prominence of the site.
41. Duncan Bryden asked for clarification with regard to the issue of bunding of oil tanks to prevent spillage and pollution. NS advised that this issue is covered by the Building Control Regulations.
42. After a considerable discussion it was agreed that the application be deferred and the applicant be asked to submit modified plans addressing the Committee's concerns about the scale, landscape details, drainage and finishing materials of the proposal.

DECISION ON CALLED-IN APPLICATION 04/056/CP FOR THE REPAIR AND RESTORATION OF ACCESS TRACK AT CRAIG LEEK, INVERCAULD ESTATE, BRAEMAR (Paper 3)

43. Gavin Miles presented a paper recommending that the application be approved subject to the conditions stated in the report. He explained that the proposal related to an existing evolved track across the northern shoulder of Craig Leek on Invercauld Estate which links formal constructed tracks on the east and west sides of the hill. The track is just over a kilometre in length and falls within the Deeside and Lochnagar National Scenic Area. It also clips the northern tip of the Craig Leek SSSI. The track evolved over many years and deviations from the original route have emerged to avoid, for example, deeply rutted

sections. The applicant (the Upper Deeside Access Trust) want to create a route that is suitable for pedestrians and cyclists in addition to use by estate vehicles. The submitted proposal would reinstate and improve the two tyre lines that formed the original route with subsequent deviations being restored using locally obtained turf.

44. After a short discussion during which Committee Members sought points of clarification on details of the scheme it was agreed that the application be approved subject to the conditions set out in paragraph 28 of the report and an additional condition that no turf stripping is to be carried out within the SSSI.

ANY OTHER BUSINESS

45. The Chairman said that there were no specific “planning” items of business to raise but described, on the basis of a press release, the proposed funding arrangements for the CNPA in the coming year.

DATE OF NEXT MEETING

46. Friday 23rd April, Braemar Village Hall, Braemar.
47. Committee Members are requested to ensure that any Apologies for this meeting are submitted to the Planning Office in Ballater.