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# CAIRNGORMS NATIONAL PARK AUTHORITY

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## DRAFT MINUTES OF THE PLANNING COMMITTEE

held within The Victory Hall, Aboyne  
on 8<sup>th</sup> October 2004 at 10.30am

### PRESENT

Eric Baird  
Duncan Bryden  
Sally Dowden  
Douglas Glass  
David Green  
Marcus Humphrey  
Bruce Luffman  
Willie McKenna  
Anne MacLean  
Eleanor Mackintosh

Alastair MacLennan  
Andrew Rafferty  
Gregor Rimell  
Sandy Park  
David Selfridge  
Sheena Slimon  
Richard Stroud  
Andrew Thin  
Susan Walker

### IN ATTENDANCE:

Don McKee  
Neil Stewart  
Pip Mackie

Andrew Tait  
Fiona Munro

### APOLOGIES:

Stuart Black  
Basil Dunlop  
Angus Gordon

Lucy Grant  
Joyce Simpson  
Bob Wilson

### WELCOME AND APOLOGIES

1. The Convenor welcomed all present and introduced two new Board Members, Marcus Humphrey and Sandy Park.
2. Apologies were received from Stuart Black, Basil Dunlop, Angus Gordon, Lucy Grant, Joyce Simpson and Bob Wilson.

### MATTERS ARISING FROM THE PREVIOUS MEETING

3. The minutes of the previous meeting, 24th September 2004, held at Braemar were approved subject to item 34 being amended.
4. There were no matters arising.

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

5. Douglas Glass declared an interest in Item 7 (Paper 1) on the Agenda.
6. Eric Baird declared an interest in Planning Application No. 04/474/CP, he notified the Committee that he was a member of the Regional Forestry Forum but that he would remain for the discussion.
7. Andrew Thin advised the Committee that the applicant for Planning Application No. 04/479/CP was Stuart Black, Board Member but that he was not at the meeting.

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

8. 04/462/CP - No Call-in
9. 04/463/CP - No Call-in
10. 04/464/CP - No Call-in
11. 04/465/CP - No Call-in
12. 04/466/CP - No Call-in
13. 04/467/CP - No Call-in
  
14. 04/468/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 National Park, which cumulatively may raise issues of general significance to the collective aims of the Park.
  
15. 04/469/CP - No Call-in
  
16. 04/470/CP - The decision was to Call-in this application for the following reason:
  - The application proposes a dwelling on a site allocated by the Local Plan as an area of amenity woodland. The site is close to the River Druie, and is also now covered by the Candidate SAC covering that watercourse. It is therefore considered that the proposal may raise issues of general significance in relation to the collective aims of the National Park.
  
17. 04/471/CP - No Call-in
18. 04/472/CP - No Call-in
19. 04/473/CP - No Call-in

- Eric Baird declared an interest but chose not to leave the room.
20. 04/474/CP - The decision was to Call-in this application for the following reason:
- The proposal is for a toilet shelter building within the Cambus O' May Forest which is a Site of Special Scientific Interest. The plans provide little information in terms of the detailed siting and design of the building and given the aforementioned conservation designation the proposal may raise issues of general significance in relation to the collective aims of the National Park.
21. 04/475/CP - No Call-in
22. 04/476/CP - The decision was to Call-in this application for the following reason:
- The application proposes large extensions to what is currently a pair of modest railway cottages raising issues in relation to cultural interests and economic and social development. The proposal is therefore, considered to raise issues of general significance in relation to the collective aims of the National Park.
23. 04/477/CP - No Call-in
- The Convener advised the Committee that the next application was in the name of the CNPA.
24. 04/478/CP - No Call-in
- The Convener advised that the next application was in the name of Stuart Black, Board Member but that he was not at the meeting.
25. 04/479/CP - No Call-in
26. 04/480/CP - No Call-in
27. 04/481/CP - No Call-in

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

28. It was agreed that comments be made to the Local Authorities on applications 04/471/CP and 04/472/CP.
29. The Highland Councillors declared an interest in application No. 04/471/CP and left the room.

30. The Committee agreed to submit the following comments to the Highland Council on application 04/471/CP;

The CNPA note that this application is for residential development on 6 plots on a larger site currently being developed for housing. The CNPA would hope that the wider scheme includes a percentage of affordable housing in line with the requirements of Highland Council policy. If this is not the case, then the CNPA would strongly recommend that an element of affordable housing be included in this proposal for 6 plots.  
The Highland Councillors returned.

31. The Aberdeenshire Councillors declared an interest in application No. 04/472/CP and left the room.

32. The Committee agreed to submit the following comments to the Aberdeenshire Council on application 04/472/CP;

While the CNPA do not object to this application this opportunity should be taken to tidy up the general proliferation of signage on/around the building. In addition, assurances should be sought from the applicant that the new menu board sign is compliant with Disability Discrimination legislation.

The Aberdeenshire Councillors returned.

**REPORT ON CALLED-IN PLANNING APPLICATION FOR THE ERECTION OF DWELLINGHOUSE AT LAND AT TOM DHU, CRATHIE, BALLATER  
(Paper 1)**

33. Douglas Glass declared an interest and left the room.
34. Neil Stewart presented a paper recommending that the Committee approve the application subject to a Section 75 Agreement, the conditions stated in the report and an additional clause that the house should not be sold separately from the business.
35. Marcus Humphrey felt that the size of the house was quite large for the needs of the applicant. MH left the Committee meeting.
36. Bruce Luffman advised that the application site had a long history and that breaches of previous planning permissions had been made. BL informed the Committee that there was local concern behind the motives for the creation of a business at this site and that it may have been done to obtain a house in this location. BL requested that a condition be included that works for the cafe business must be finished before occupancy of the house could take place. BL pointed out that a right of way passed through the site, providing access to the old railway line and that this should be protected. BL raised concern about the proposed smaller car parking arrangements for the café and that this could lead to coaches reversing onto the busy A93 road.
37. Neil Stewart responded that a condition ensuring completion of works at the café before occupancy of the house could be included. He advised the Committee that whilst there may have been breaches of conditions for applications previously granted at the site, there would be landscaping conditions attached to this application and the CNPA would ensure close monitoring of the proposed development and, if necessary, would uphold enforcement procedures. NS advised that Aberdeenshire Council would be seeking a

separate planning application for the revised car parking arrangements for the café and that the CNPA would be notified of this through the standard notification procedures. NS informed the Committee that the right of way would have to be retained and that it was not affected by the proposed development.

38. Richard Stroud queried if a condition could be included stating that landscaping for both the café and the proposed dwelling be completed before the occupancy of the house could take place. NS advised that this was possible.
39. David Selfridge drew the Committee's attention to the concerns raised in the representation received from Ballater & Crathie Community Council. NS responded that, to the best of his knowledge, there had been quite a number of conditions which had been satisfied for the previous application. There was also a standard condition that required the landscaping to be carried out once the development had been completed.
40. Sue Walker suggested that if another application for the car parking at the site was to be submitted it may be better to consider all the applications together and not in a piecemeal fashion. Anne MacLean felt that the issue of the car parking was significant and didn't feel the application could be considered for determination without this being resolved. She queried if all the applications could be dealt with together providing an opportunity to consider the site as a whole. NS responded that no application had yet been submitted for the car parking and that the applicants were waiting for the proposed dwelling to be determined before proceeding.
41. Alastair MacLennan raised concern that the application contained a lack of definitive information regarding the ownership of the applicants current residence. He also raised concern about the scale of the proposed dwelling.
42. NS informed the Committee that the dwelling had been designed on 2 floors to fit in with the site constraints, the main rooms would be on the upper floor and a stairlift installed for Mrs Skakles use. The ground floor would be used to accommodate a private gymnasium.
43. Sandy Park was concerned that the applicants track record for compliance with planning conditions did not seem to be encouraging. He felt that the scale of the proposed dwelling was large for the applicants needs and that the design of the dwelling could have been more sympathetic to fit in with the surroundings. He also queried the timescale for the opening of the business. NS responded that the works for the café were nearing completion and the intention had been to be open for business for Summer 2004, however there had been issues with the soakaway and this had delayed matters.
44. Don McKee proposed that the application be deferred to allow further investigation of the reduced car parking and discussions with both Aberdeenshire Council and SNH regarding possible enforcement issues at the site. He advised the Committee that the design of the house had been supported by the applicants Doctor and that Neil Stewart had visited the applicants current residence and witnessed the problems being experienced by Mrs Skakles. The current residence was also unsuitable for adaptation for Mrs Skakles needs.
45. The Committee agreed to defer the application.
46. Douglas Glass returned.

## **DRAFT INTERIM ENFORCEMENT STATEMENT (PAPER 2)**

47. Don McKee presented a paper detailing the CNPA planning enforcement statement.
48. Bruce Luffman queried that there was no mention of a service level agreement between the Local Authorities and the CNPA. Don McKee responded that at the present time the Local Authorities were cooperating on an informal basis without a service level agreement. He also advised that whilst there was no specific Enforcement Officer working for the CNPA the planning officers were able to pursue non compliance of developments.
49. Sue Walker was pleased that a high standard had been set for enforcement in the draft statement. However, she was anxious that if Local Authority staff were to be involved in the process they should apply the high standard of enforcement as set by the CNPA. SW recommended that training or briefing be undertaken with the Local Authority staff to ensure these standards were carried out.
50. Don McKee advised that the Local Authorities should also have high enforcement standards but that he could liaise with them to demonstrate which aspects the CNPA deem to be significant.

## **CONSULTATION RESPONSE TO PAYING FOR WATER SERVICES 2006-2014 (Paper 3) & CONSULTATION RESPONSE TO INVESTING IN WATER SERVICES 2006-2014 THE QUALITY & STANDARDS III PROJECT (Paper 4)**

51. Andrew Thin advised the Committee that these two papers had previously been discussed at the Planning Committee in Braemar (24th September 2004), Members comments had been invited and the papers to be presented included the comments submitted to Fiona Munro.
52. Fiona Munro presented the redrafted Paper 3 consultation paper recommending that the Committee agree the responses for submission to the Scottish Executive. FM advised that whilst the two papers were being responded to individually they were both linked by various aspects.
53. Bruce Luffman felt that the last sentence in paragraph 3 would not be possible to achieve. He also raised concern that there was no mention of the 25% single person discount in paragraph 6.
54. Richard Stroud also raised the point of the single person discount but felt that the discount should be based upon need and income rather than just living alone, as a single person may not necessarily be on a low income.
55. Bruce Luffman proposed a Motion to include the need to retain the single person discount, this was seconded by David Selfridge. Sue Walker proposed an Amendment to leave the paper without the mention of the single person discount, this was seconded by Richard Stroud.

The vote was as follows:

NAME	MOTION	AMENDMENT	ABSTAIN
Eric Baird		√	
Duncan Bryden		√	
Sally Dowden	√		
Douglas Glass		√	
David Green	√		
Bruce Luffman	√		
Willie McKenna	√		
Eleanor Mackintosh	√		
Alastair MacLennan	√		
Anne MacLean		√	
Sandy Park	√		
Andrew Rafferty	√		
Gregor Rimell	√		
David Selfridge	√		
Sheena Slimon	√		
Richard Stroud		√	
Andrew Thin		√	
Susan Walker		√	
<b>TOTAL</b>	<b>11</b>	<b>7</b>	

56. The decision was to include the need to retain the single person discount in Paper 3, paragraph 6.
57. Fiona Munro presented the redrafted Paper 4 consultation paper recommending that the Committee agree the responses for submission to the Scottish Executive.
58. David Green advised that paragraph 16 should not just be related to housing. He stated that other people with investments in the Park should be included in the capital programme along with Scottish Water.
59. David Selfridge felt that the costs related to new development referred to in paragraph 17, and found in Section 4.15, of the consultation paper should not be accepted as reasonable.
60. Fiona Munro agreed to make the final changes and send the two responses by the deadline of 12th October 2004.
61. Sue Walker felt that it was important to share the information discussed in both the consultation responses and that they could possibly be displayed on the CNPA website.
62. Fiona Munro agreed to discuss this further with Jane Hope and Danny Alexander.

#### ANY OTHER BUSINESS

63. Neil Stewart advised the Committee that Planning Application 04/254/CP for the alteration, extension and change of use to 6 flats for Craggan Mill, Grantown-on-Spey had been withdrawn.

## **DATE OF NEXT MEETING**

64. Friday 22<sup>nd</sup> October, Kingussie.
65. Committee Members are requested to ensure that any Apologies for this meeting are submitted to the Planning Office in Ballater.
66. The meeting concluded at 12.45pm.

DRAFT