
CAIRNGORMS NATIONAL PARK AUTHORITY

MINUTES OF THE PLANNING COMMITTEE

held within Village Hall, Cromdale
on 10th September 2004 at 10.30am

PRESENT

Mr Eric Baird	Mr Alastair MacLennan
Mr Stuart Black	Mr Andrew Rafferty
Mr Duncan Bryden	Mr Gregor Rimell
Ms Sally Dowden	Mr David Selfridge
Mr Basil Dunlop	Mrs Joyce Simpson
Mr Douglas Glass	Mrs Sheena Slimon
Mr Angus Gordon	Mr Richard Stroud
Mrs Lucy Grant	Mr Andrew Thin
Mr Willie McKenna	Mrs Susan Walker
Mrs Eleanor Mackintosh	Mr Bob Wilson

IN ATTENDANCE:

Don McKee	Andrew Tait
Pip Mackie	

APOLOGIES:

Mr Peter Argyle	Mr Bruce Luffman
Mr David Green	Ms Anne MacLean

WELCOME AND APOLOGIES

1. The Convenor welcomed all present
2. Apologies were received from Peter Argyle, David Green, Bruce Luffman and Anne MacLean.

MATTERS ARISING FROM THE PREVIOUS MEETING

3. The minutes of the previous meeting, 27th August 2004, held at Nethy Bridge were approved.
4. Willie McKenna declared an interest in the matters arising from Paper 1, Installation of 2 Poma Tows at Cairngorm Mountain (04/252/CP).

5. Don McKee advised that he had investigated ski development with regard to reinstatement bonds for the installation of the two Poma tows (04/252/CP). He informed the Committee that there was no history of bonds being used in Aberdeenshire, Highland or Moray Local Authority areas. He also advised that there was a Section 50 agreement for the Funicular Railway, which would mean in the event of a new owner not being found, Cairngorm Mountain Limited would have to reinstate the area, if they were unable to do this then the responsibility for reinstatement would lie with HIE. The Section 50 agreement covers all structures which are currently on Cairngorm mountain, as well as structures which may be constructed in the future.
6. The Committee agreed to approve the proposed without a bond and subject to the conditions in the report agreed at the previous meeting.
7. Willie McKenna returned.

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

8. Sally Dowden declared an interest in Planning Application No. 04/441/CP and Paper 2 on the Agenda.
9. Andrew Rafferty and Joyce Simpson declared an interest in Planning Application No. 04/447/CP.
10. Willie McKenna declared an interest in Planning Application No. 04/448/CP.

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

11. 04/429/CP - The decision was to Call-in this application for the following reason:
 - The advertisement signs proposed are on a prominent new building which is set next to a key route through the Cairngorms National Park. Given this the proposal may raise issues of general significance to the collective aims of the CNPA.
12. 04/430/CP - No Call-in
13. 04/431/CP - No Call-in
14. 04/432/CP - No Call-in
15. 04/433/CP - The decision was to Call-in this application for the following reason:
 - The Mains Hotel stands in a prominent position at the entrance to Newtonmore. The proposed change of use would appear to result in a loss of visitor accommodation and as such may raise issues of general significance to the collective aims of the CNPA.
16. 04/434/CP - No Call-in
17. 04/435/CP - No Call-in
18. 04/436/CP - No Call-in

19. 04/437/CP - The decision was to Call-in this application for the following reason:

- The proposal is for the siting of a static caravan. The proposal may constitute a residential use in a countryside area which may not be justified in terms of land management purposes. This may have a 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 CNPA.

20. 04/438/CP - No Call-in

21. 04/439/CP - No Call-in

22. 04/440/CP - No Call-in

Sally Dowden declared an interest and left the room.

23. 04/441/CP - The decision was to Call-in this application for the following reason:

- The fence which has already been erected appears to restrict pedestrian circulation between the Aviemore Resort and the wider settlement, raising issues of access, pedestrian circulation and the social, economic and physical integration of the resort with other parts of the settlement . The resulting restriction of access may raise issues of general significance to the collective aims of the Park.

Sally Dowden returned.

24. 04/442/CP - The decision was to Call-in this application for the following reason:

- Because of the nature of the application, the height of the mast and its location on the edge the settlement the proposal appears to raise issues in relation to landscape/townscape interests, as well as issues relating to the social and economic development. As such the proposal may raise issues of general significance to the collective aims of the Park.

25. 04/443/CP - No Call-in

26. 04/444/CP - No Call-in

27. 04/445/CP - No Call-in

28. 04/446/CP - No Call-in

Andrew Rafferty and Joyce Simpson declared an interest and left the room.

29. 04/447/CP - No Call-in

Andrew Rafferty and Joyce Simpson returned.

- Willie McKenna declared an interest and left the room.
30. 04/448/CP - No Call-in
Willie McKenna returned.
31. 04/449/CP - No Call-in
32. 04/450/CP - No Call-in
33. 04/451/CP - No Call-in
34. 04/452/CP - No Call-in
35. 04/452/CP - No Call-in
36. 04/453/CP - No Call-in

COMMENTING ON APPLICATIONS NOT CALLED-IN BY THE COMMITTEE

37. It was agreed that comments be made to the Local Authorities on applications 04/431/CP, 04/434/CP, 04/439/CP, 04/446/CP, 04/449/CP, 04/452/CP and 04/453/CP.
38. The Highland Councillors declared an interest application No.'s 04/431/CP, 04/434/CP, 04/439/CP, 04/446/CP and 04/449/CP and left the room.
39. The Committee agreed to submit the following comments to the Highland Council on application 04/431/CP;

The CNPA would recommend that Scottish Water are consulted and that permission should not be granted unless Scottish Water agree that treatment capacity exists for resulting waste water.

The CNPA notes that 2 smaller trees are to be removed to accommodate the dwelling on site. There are larger trees to the west of these and the CNPA recommends that tree protection measures should be provided in line with current BS standards prior to any work taking place on the site.

The CNPA would comment that the design and materials proposed should better reflect the steading located to the front of the site.

40. The Committee agreed to submit the following comments to the Highland Council on application 04/434/CP;

The CNPA notes that one tree is to be removed to accommodate the dwelling on site. There are larger trees to the south of these and the CNPA emphasises that these should be retained and recommends that tree protection measures should be provided in line with current BS standards prior to any work taking place on the site.

41. The Committee agreed to submit the following comments to the Highland Council on application 04/439/CP;

Recommend that Highland Council are satisfied that there is a lack of demand for the commercial floorspace, or that the site is not considered suitable for commercial use because of its proximity to residential property before any decision is taken to approve a residential use at the site.

The CNPA would further comment that the scale and design of the dwelling should more closely reflect that of the existing traditional houses on either side of the site.

42. The Committee agreed to submit the following comments to the Highland Council on application 04/446/CP;

The CNPA recommend that SEPA are consulted on the proposal and that the development is carried out in line with their recommendations to ensure the protection of adjacent nature conservation interest, particularly in relation to the nearby River Feshie which is a candidate SAC.

The CNPA would further comment that the possibility of landscaping the calor gas compound should be investigated.

43. The Committee agreed to submit the following comments to the Highland Council on application 04/449/CP;

The CNPA would comment that the tree located on the ski slope should be afforded adequate protection to ensure that no damage occurs and that the design of the retaining wall should be of a high quality. The slope should be reinstated when no longer required.

The Highland Councillors returned.

The Moray Councillor declared an interest in application No.'s 04/452/CP and 04/453/CP and left the room.

44. The Committee agreed to submit the following comments to the Moray Council on application 04/452/CP;

The CNPA would emphasise that the appropriateness of the scale of the 2-storey approach should be carefully considered and that the detailed design of the scale and materials of the proposed building should be in keeping with the street scene of Tomintoul.

45. The Committee agreed to submit the following comments to the Moray Council on application 04/453/CP;

The CNPA would question the appropriateness of this design and would emphasise that the house proposed should reflect the scale, form and materials of adjacent properties and be in-keeping with the traditional street scene within this part of Tomintoul.

The Moray Councillor returned.

**REPORT ON CALLED-IN PLANNING APPLICATION FOR THE ERECTION OF DWELLING & GARAGE AT FORMER SUMMER HOUSE, CROFTRONAN, BOAT OF GARTEN
(Paper 1)**

46. Andrew Thin advised the Committee that Hamish Jack, brother of the applicant, wished to address the Committee.
47. The Committee agreed to this request.
48. Andrew Tait presented a paper recommending that the Committee refuse the application for the reasons stated in the report.
49. Hamish Jack addressed the Committee and questions were invited from the Members.
50. In response to questions, Hamish Jack confirmed that utilities were available and drainage test bores had been carried out with no problems found. He also clarified that the steading approved for conversion would be one dwelling, but that it was not viable for his sister to convert it to live in. The loss of the steading as an animal shelter may also result in the croft applying for permission for a shed in the future.
51. Andrew Thin thanked Hamish Jack.
52. Andrew Tait clarified what was meant by ‘abandonment’ in planning terms and confirmed that in these terms the summer house was abandoned, the application therefore constituted a new house in a restricted countryside area. He also drew attention to the fact that the Crofters Commission did not feel there was justification for another house to service the croft.
53. Stuart Black felt that a new dwelling on the site would improve the landscape character of the area and as there was an existing house on the site he supported the approval of the application. Basil Dunlop also supported approval of the proposal due to the landscape improvement, a family need case being established and the utilities already being on site. BD raised concern that there was very little separation between the proposed dwelling and the steading already on the site.
54. Bob Wilson was concerned about the build up of houses in the Croftronan settlement.
55. Sally Dowden suggested that if the application were approved an occupancy agreement could be placed upon the dwelling.
56. Andrew Tait advised that if Members were minded to approve the application issues regarding drainage and the proximity of the proposed dwelling to the steading would have to be resolved.
57. Alastair MacLennan queried if this application were approved could the croft house, for the mother’s residence, also be subject to the same occupancy restrictions. Don McKee responded that it would depend on whether the land was also under the applicants control, but that application could be deferred and the possibility could be investigated.
58. Bob Wilson proposed a Motion to refuse the application based upon the reasons stated in the report, this was seconded by Richard Stroud. David Selfridge proposed an amendment to approve the application subject to a Section 75 Agreement restricting occupation to the management of the croft, this was seconded by Andrew Rafferty.

The vote was as follows:

NAME	MOTION	AMENDMENT	ABSTAIN
Eric Baird	✓		
Duncan Bryden	✓		
Stuart Black		✓	
Sally Dowden		✓	
Basil Dunlop		✓	
Douglas Glass	✓		
Angus Gordon		✓	
Lucy Grant	✓		
Willie McKenna		✓	
Eleanor Mackintosh		✓	
Alastair MacLennan		✓	
Andrew Rafferty		✓	
Gregor Rimell		✓	
David Selfridge		✓	
Joyce Simpson		✓	
Sheena Slimon		✓	
Richard Stroud	✓		
Andrew Thin		✓	
Susan Walker	✓		
Bob Wilson	✓		
TOTAL	7	13	

59. The application was approved subject to a Section 75 Agreement and the issues regarding drainage and proximity to the steading being resolved.

**REPORT ON CALLED-IN PLANNING APPLICATION ERECTION OF 1280 METRE RETAIL PAVILION BUILDING AT SITE ON NORTH SIDE OF OSPREY BUILDING, AVIEMORE
(Paper 2)**

60. Sally Dowden declared an interest and left the room.
61. Andrew Tait presented a paper recommending that the Committee approve the application subject to the conditions stated in the report.
62. Richard Stroud queried if condition 6 could be amended so that the roads and access for the site were in place before construction work started on the building. Andrew Tait confirmed that this could be done subject to agreement with Highland Council Roads Department.
63. Duncan Bryden asked if a clear statement on external lighting had been received. He also queried if three disabled parking spaces were sufficient, given that the CNP was a 'Park for All' and the CNP should be exceeding standard recommendations.
64. Andrew Tait responded that the external lighting could be addressed in the conditions and that any scheme should be approved by the CNPA. He also confirmed that the number of disabled parking spaces met the national standard requirements but further provision of

spaces could be investigated and that the applicant should approve the disabled parking scheme with the CNPA.

65. Andrew Tait in response to a question confirmed that the roofing material was the same as the Osprey Building next to the site and that the specific material would be subject to approval by the CNPA.
66. The Committee approved the paper subject to the above amendments.

ANY OTHER BUSINESS

67. Eleanor Mackintosh raised the issue of BT currently carrying out a consultation process with a proposal to remove phone boxes. She asked the Committee to support a proposal to write to BT to reconsider this move.
68. Andrew Thin advised that a significant proportion of the phone boxes identified for removal were in the National Park. He therefore proposed to write to BT to request the CNPA receive a formal consultation request. AT also proposed to set up a Working Group consisting of himself and the 5 locally elected Committee Members to formulate a response to the consultation.
69. Basil Dunlop drew the Committee's attention to the fact that there was an opportunity to view Cairngorms Crystals, which are unique to the area, at Grantown Museum.
70. Eric Baird raised concern that there was no clear policy on cultural heritage for the CNPA.
71. Richard Stroud requested that the quality of photos used in the Planning Committee presentation were improved. The planning officials agreed to undertake this.
72. Sue Walker advised that it would be interesting to see how the CNPA Planning Committee's comments on applications not called-in were taken into account by the relevant Local Authorities. She advised that this was an important issue as if the comments were not taken into account it could reflect on future decisions on whether to call-in applications in the future.
73. Sheena Slimon raised the point that Local Authorities were now able to charge upto 90% of Council Tax on holiday homes. However for new build houses the Council Tax could remain at 50% of the full amount chargeable. SS suggested that due to this there may be an increased demand for new build holiday homes in settlements which could adversely affect their character. A way to address this could be to encourage people to use derelict buildings in the countryside for the construction of a new holiday homes in the National Park.
74. Andrew Thin advised that this point should be passed on to the Local Plan consultation process.
75. Alastair MacLennan asked for an update on how the distribution of profiles and questionnaires was being managed. Don McKee responded that they had all been printed and were being distributed in batches to households in the NP. DM advised that all households should receive their copy in the next 2 - 3 days.

DATE OF NEXT MEETING

76. Friday 24th September, Braemar.
77. Committee Members are requested to ensure that any Apologies for this meeting are submitted to the Planning Office in Ballater.
78. The meeting concluded at 13.25pm.