
CAIRNGORMS NATIONAL PARK AUTHORITY

MINUTES OF THE PLANNING COMMITTEE held within The Richmond Memorial Hall, Tomintoul on 11th February 2005 at 10.30am

PRESENT

| | |
|----------------|--------------------|
| Eric Baird | Eleanor Mackintosh |
| Duncan Bryden | Alastair MacLennan |
| Stuart Black | Anne MacLean |
| Sally Dowden | Sandy Park |
| Basil Dunlop | Andrew Rafferty |
| Douglas Glass | Gregor Rimell |
| Angus Gordon | David Selfridge |
| Lucy Grant | Joyce Simpson |
| David Green | Richard Stroud |
| Bruce Luffman | Susan Walker |
| Willie McKenna | Bob Wilson |

IN ATTENDANCE:

| | |
|--------------|----------------|
| Andrew Tait | Norman Brockie |
| Neil Stewart | Pip Mackie |

APOLOGIES:

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|-----------------|-------------|
| Marcus Humphrey | Andrew Thin |
| Sheena Slimon | |

WELCOME AND APOLOGIES

1. The Vice-Convenor welcomed all present.
2. Apologies were received from Marcus Humphrey (who came in later), Sheena Slimon and Andrew Thin.

MATTERS ARISING FROM THE PREVIOUS MEETING

3. The minutes of the previous meeting, 28th January 2005, held in Ballater were approved.
4. There were no matters arising.

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

5. Sally Dowden declared an interest in Item No. 8 on the Agenda (Paper 2).

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

6. 05/028/CP &
05/029/CP - No Call-in
7. 05/030/CP - No Call-in
8. 05/031/CP - No Call-in
9. 05/032/CP - No Call-in
- 10.05/033/CP - The decision was to Call-in this application for the following reason:
- The proposal represents a recreation based use at an existing outdoor activities site that is also designated as a SCI, SPA, NSA and SSSI. This combination of factors raises issues relating to recreation and enjoyment, natural heritage and social and economic development, the proposal therefore may raise issues of significance to the collective aims of the Cairngorms National Park.
- 11.05/034/CP - The decision was to Call-in this application for the following reason:
- The proposal is for an additional residential unit in an area of open countryside where there is a presumption against the introduction of additional dwellings unless justified for land management purposes. If unjustified the proposal may act as a precedent for other applications of this type, which may have cumulative impacts. As such the proposal may raise issues of general significance to the collective aims of the Cairngorms National Park.
- 12.05/035/CP - No Call-in
- 13.05/036/CP - No Call-in
- 14.05/037/CP - No Call-in
- 15.05/038/CP - No Call-in
- 16.05/039/CP - No Call-in
- 17.05/040/CP - No Call-in
- 18.05/041/CP - No Call-in
- 19.05/042/CP - No Call-in
- 20.05/043/CP - No Call-in
- 21.05/044/CP - No Call-in

- 22.05/045/CP - No Call-in
- 23.05/046/CP - No Call-in
- 24.05/047/CP - No Call-in
- 25.05/048/CP - No Call-in
- 26.05/049/CP - No Call-in
- 27.05/050/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 Planning Application No's 05/036/CP, 05/039/CP, 05/041/CP, 05/042/CP, 05/043/CP & 05/045/CP.

29. The Highland Councillors declared an interest and left the room.

30. It was agreed to submit the following comments to Highland Council on Planning Application No. 05/039/CP:

The steading is located at a prominent site on the A939 and its conversion to a single dwelling is proposed. With regard to its cultural heritage aim and the built environment in particular the CNPA would recommend that a high quality recycled (second hand) slate is used on the roof should the proposal prove acceptable. In terms of its sustainable social and economic development aim the CNPA would also question whether the building would be better converted to two dwellings rather than one in terms of making the most efficient use of the structure.

31. It was agreed to submit the following comments to Highland Council on Planning Application No. 05/041/CP:

The proposal involves the demolition of a bothy. In terms of its cultural heritage aim the CNPA would recommend that Highland Council's Archaeologist is consulted upon the application and that a photographic record is made of the building prior to its removal should the application prove acceptable.

32. It was agreed to submit the following comments to Highland Council on Planning Application No. 05/042/CP:

The proposal is for a two storey residential building within the Grantown-on-Spey Conservation Area on the site of an old blacksmiths workshop. With regard to its cultural heritage aim and in particular the built environment the CNPA would recommend that careful consideration is given to the scale and height of the building in relation to levels of adjacent properties and that should the proposal prove acceptable a high quality slate is used for the roof and that any reusable stone is recycled into the design of the new building. In addition, should the proposal prove acceptable the CNPA would recommend that Highland Council's Archaeologist is consulted and that a photographic record is made of the Smithy prior to any demolition work.

33. It was agreed to submit the following comments to Highland Council on Planning Application No. 05/043/CP:

With regard to its aims of conserving the natural heritage of the park, and in particular landscape the CNPA would suggest that alternative forms of renewable energy are investigated or that a wind turbine that can be fitted to the building is considered, or that one of a lesser height is used. Failing this, the potential for moving the wind turbine down slope, nearer to the house should be investigated as this would result in reduced visual impact with the turbine being seen in context with the house and pylons when viewed from across the glen. The CNPA would also suggest that the turbine is finished in an appropriate colour to match its background.

34. The Highland Councillors returned.

35. The Moray Councillor declared an interest and left the room.

36. It was agreed to submit the following comments to Moray Council on Planning Application No. 05/045/CP:

The proposal is for a small garden centre in the back garden of a house facing onto Tomnabat Lane. The proposal includes a polytunnel and in terms of its aims in relation to cultural heritage and in particular built heritage and townscape, the CNPA would comment that any polytunnel should be of a good quality and maintained in a neat and tidy condition. The CNPA would also comment that this would provide an opportunity to improve the rear boundary of the garden in visual terms by the removal of sections of corrugated tin and its replacement with landscaping or a new fence.

37. The Moray Councillor returned.

38. The Aberdeenshire Councillors declared an interest and left the room.

39. It was agreed to submit the following comments to Aberdeenshire Council on Planning Application No. 05/036/CP:

A new access is proposed to a residential property. While the CNPA has no objection in principle to the access given that it would mostly result in the removal of plantation forestry, in terms of its natural heritage aim the CNPA would recommend that detailed cross sections and landscaping plans for the access track to ensure that there is no undue local landscape impact. The CNPA would recommend that careful consideration is given to trees at the new access point and that maximum efforts are made to retain trees where possible.

40. The Aberdeenshire Councillors returned.

**REPORT ON CALLED-IN PLANNING APPLICATION FOR THE REMOVAL OF
CONDITION NO. 3 OF HIGHLAND COUNCIL PLANNING PERMISSION
00/00214/FULBS AT NEW HOUSE ON LAND ADJACENT TO LOCHBUIE CROFT,
NEWTONMORE**

(Paper 1)

41. Andrew Tait presented a paper recommending that the Committee refuse the application for the reasons stated in the report.
42. The Committee agreed the recommendation.

**REPORT ON CALLED-IN PLANNING APPLICATION FOR RETAIL PAVILION
(AMENDED PROPOSALS) AT SITE ON NORTH SIDE OF OSPREY BUILDING,
AVIEMORE CENTRE, AVIEMORE**

(PAPER 2)

43. Sally Dowden declared an interest and left the room.
44. Andrew Tait presented a paper recommending that the Committee approve the application subject to the conditions stated in the report and advised that no decision notice should be issued until a site plan had been received which matched the landscaping plan.
45. The Committee discussed the application and following points were raised:
 - a) Pedestrian access to the proposed building.
 - b) All ability access, drop off point arrangements and the location of disabled car parking spaces.
 - c) A condition specifying that all food retail be contained in one unit.
 - d) Trees currently located on site and the possibility of protecting these with a Tree Preservation Order.
 - e) The amended design of the proposed building. Andrew Tait advised the amendments were due to resistance from retailers regarding security issues.
46. The Committee agreed to defer the application to allow further discussions with the Applicant regarding the above issues.
47. Sally Dowden returned.

**REPORT ON CALLED-IN PLANNING APPLICATION FOR ERECTION OF NEW
FILTER KIOSK AND ASSOCIATED WORKS AT BLACKPARK WATER
TREATMENT WORKS, AVIEMORE**

(Paper 3)

48. Neil Stewart presented a paper recommending that the Committee approve the application subject to the conditions stated in the report and one additional condition restricting lighting at the site (if applicable).
49. The Committee discussed the application and following points were raised:
 - a) The appropriateness of using urban kerbs for the required service bay in a rural setting.
 - b) The planting/screening/fencing of the site.
 - c) The amount of storage space required at the site.
50. The Committee approved the application subject to the conditions stated in the report, the one additional condition as stated above and the amendment of

condition No. 3 to include a 5 year replacement plan for the planting/screening on the site and additional planting. Neil Stewart was to also ask the applicants to investigate alternative storage arrangements for the equipment already kept on site and to liaise with the Roads Department to seek a compromise on the vehicular requirements they had previously specified.

REPORT ON CONSULTATION RESPONSES FOR INTERIM PLANNING POLICY NO. 2 RADIO TELECOMMUNICATIONS (Paper 4)

51. Norman Brockie presented a paper covering the main issues raised in the consultation responses. He advised that the Mobile Operators Association were about to set up a working group involving various stakeholders and that the local authorities had also asked to be involved - the first meeting was expected in about 4 - 6 weeks time.
52. The Committee discussed the report and following points were made:
- a) Bonds should be used as well as planning conditions for re-instatement of the site.
 - b) Had any engineering lessons been learned from the recent storm damage in the Western Isles? Norman Brockie responded that he would raise this issue at the working group meeting.
53. Norman Brockie advised that the policy would be re-drafted taking into account the consultation responses and shown to the stakeholder working group, it would then be brought back to the Committee for approval and adoption.

REPORT ON CONSULTATION RESPONSES FOR INTERIM PLANNING POLICY NO. 3 VEHICLE HILL-TRACKS (Paper 5)

54. Norman Brockie presented a paper covering the main issues raised in the consultation responses.
55. The Committee discussed the report and following points were made:
- a) Permitted development rights could possibly be removed using an Article 4 Direction, but there may be an issue with the Scottish Executive not considering the CNPA as a Planning Authority, due to not holding full planning powers.
 - b) How to quantify whether a Vehicle Hill-Track (VHT) was required as essential for land management purposes.
 - c) The re-instatement of "un-constructed" ATV tracks by the formation of a new track.
 - d) The need for zoning and an altitudinal limits for VHTs.
 - e) Further information was required on design, construction and re-instatement methods of VHTs.
 - f) Relating the guidance to the aims of the Park.
56. Norman Brockie advised that a preliminary draft would be brought back to the Committee for discussion before the final paper was presented for approval and adoption.

ANY OTHER BUSINESS

57. Gregor Rimell requested if an enforcement progress report could be provided at every Planning Committee. Andrew Tait advised that this request could be accommodated.
58. Andrew Tait advised that a planning contravention notice had been issued to Aviemore Highland Resort regarding the Fence in Aviemore. AHR had 21 days to respond with names and addresses of any interested parties, once this was received the enforcement notice would be issued.
59. Richard Stroud asked if AHR had submitted an application to Highland Council for the sections of the fence to be retained. Andrew Tait responded that to the best of his knowledge an application had not yet been received by Highland Council.

DATE OF NEXT MEETING

60. Friday 25th February, Ballater.
61. Committee Members are requested to ensure that any Apologies for this meeting are submitted to the Planning Office in Ballater.
62. The meeting concluded at 13.15hrs.