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# CAIRNGORMS NATIONAL PARK AUTHORITY

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## MINUTES OF THE PLANNING COMMITTEE

held within The Village Hall, Newtonmore

on 11<sup>th</sup> March 2005 at 10.30am

### PRESENT

Eric Baird	Eleanor Mackintosh
Duncan Bryden	Anne MacLean
Stuart Black	Alastair MacLennan
Sally Doherty	Sandy Park
Basil Dunlop	Gregor Rimell
Douglas Glass	David Selfridge
Lucy Grant	Sheena Slimon
David Green	Richard Stroud
Bruce Luffman	Andrew Thin
Willie McKenna	Susan Walker

### IN ATTENDANCE:

Don McKee	Andrew Tait
Neil Stewart	Pip Mackie

### APOLOGIES:

Angus Gordon	Joyce Simpson
Marcus Humphrey	Bob Wilson
Andrew Rafferty	

### WELCOME AND APOLOGIES

1. The Convenor welcomed all present.
2. Apologies were received from Angus Gordon, Marcus Humphrey, Joyce Simpson (who arrived later), Andrew Rafferty & Bob Wilson.

### MATTERS ARISING FROM THE PREVIOUS MEETING

3. The minutes of the previous meeting, 25th February 2005, held in Ballater were approved subject to amending item 63.
4. There were no matters arising.

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

5. The Aberdeenshire councillors declared an interest in planning application 05/092/CP.
6. Sally Dowd declared an interest in Item No. 7 on the Agenda (Paper 1).

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

7. 05/079/CP - The decision was to Call -in this application for the following reason:

- The proposal involves the siting of man-made structures in the remote core mountain zone of the National Park. The site is also within a heavily designated location, including National Scenic Area, National Nature Reserve, Site of Community Interest, Site of Special Scientific Interest and Special Protection Area designations. As such, the proposal may raise issues of general significance in relation to the conservation and enhancement of the natural heritage of the area.

8. 05/080/CP - No Call -in  
9. 05/081/CP - No Call -in  
10. 05/082/CP - No Call -in  
11. 05/083/CP - No Call -in  
12. 05/084/CP - No Call -in  
13. 05/085/CP - No Call -in  
14. 05/086/CP - No Call -in  
15. 05/087/CP - No Call -in  
16. 05/088/CP - No Call -in  
17. 05/089/CP - No Call -in

18. 05/090/CP - The decision was to Call -in this application for the following reason:

- The proposal is for 6 flats within the settlement of Grantown. The proposal requires the construction of a bridge over a burn that is designated as a Site of Community Importance. The bridge would involve significant work to the banks of the burn and the access road may result in the loss of some trees at the site, which is understood to be used by red squirrels. The proposal raises issues relating to natural heritage and may raise issues of general significance to the collective aims of the National Park.

19. 05/091/CP - No Call -in

- The Aberdeenshire Councillors declared an interest and left the room.
- 20.05/092/CP - No Call -in  
The Aberdeenshire Councillors returned.
- 21.05/093/CP - No Call -in
- 22.05/094/CP - No Call -in
- 23.05/095/CP - No Call -in
- 24.05/096/CP - No Call -in
- 25.05/097/CP - No Call -in
- 26.05/098/CP - Richard Stroud proposed a Motion to Call -in the application. This was seconded by Basil Dunlop.  
Sandy Park proposed an Amendment to not Call -in the application. This was seconded by Douglas Glass.  
The vote was as follows:

NAME	MOTION (Call-in)	AMENDMENT (No Call -in)	ABSTAIN
Eric Baird	√		
Duncan Bryden		√	
Stuart Black		√	
Sally Dowden		√	
Basil Dunlop	√		
Douglas Glass		√	
Lucy Grant		√	
David Green		√	
Bruce Luffman	√		
Willie McKenna		√	
Eleanor Mackintosh		√	
Alastair MacLennan		√	
Anne MacLean		√	
Sandy Park		√	
Gregor Rimell		√	
David Selfridge		√	
Sheena Slimon		√	
Richard Stroud	√		
Andrew Thin		√	
Susan Walker	√		
<b>TOTAL</b>	<b>5</b>	<b>15</b>	<b>0</b>

The decision was to not Call -in the application.

- 27.05/099/CP - No Call -in
- 28.05/100/CP - No Call -in

29.05/101/CP - The decision was to Call -in this application for the following reason:

- Although an allocated site in the Local Plan, the development is of a significant scale. It raises issues in relation to the provision of affordable housing, social and economic development and the integration of sustainable design. Much of the site is covered by vegetation including Birch trees which may raise issues with regard to natural heritage. As such it is considered that the proposal may raise issues of general significance to the collective aims of the Cairngorms National Park.

30.05/102/CP - The decision was to Call -in this application for the following reason:

- The proposal is for the erection of four large warehouses adjacent to the Tomintoul distillery. The nature of the proposal and the scale of the buildings raise issues of significance in relation to social and economic development and natural heritage in terms of potential landscape impact. Consequently, the proposal may raise issues of significance for the collective aims of the Cairngorms National Park.

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

31. It was agreed that comments be made to the Local Authorities on Planning Application No's 05/093/CP, 05/094/CP, 05/096/CP, 05/097/CP & 05/098/CP.

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

33. It was agreed to submit the following comments to Aberdeenshire Council on Planning Application No. 05/093/CP:

The CNPA notes that the proposal is for a domestic garage and storage container at a site close to the entrance to the National Park. However, given the design of the structures proposed in terms of its cultural heritage, the CNPA would recommend that the buildings are of an appropriate colour and that adequate landscaping is applied to ensure that the buildings are effectively screened from the A93.

34. It was agreed to submit the following comments to Aberdeenshire Council on Planning Application No.05/094/CP:

The CNPA notes that the proposal is for the conversion of 3 steadings to dwellings and workshop space. In terms of its sustainable social and economic development, if the proposal proves acceptable, the CNPA would ask whether it is possible to incorporate the provision of some form of affordable housing into the development and whether the use of the workshop space could be tied to the residential uses proposed.

35. It was agreed to submit the following comments to Aberdeenshire Council on Planning Application No.05/097/CP:

While the CNPA has no objection in principle to the replacement of one commercial use with another at the site, the CNPA also notes that the proposal involves the outdoor storage of items and would suggest that any structures are compatible with their surroundings. The CNPA raises concern regarding the cultural heritage impact of the proposal within the Ballater Conservation Area and adjacent to the former station which is a listed building.

36. It was agreed to submit the following comments to Aberdeenshire Council on Planning Application No.05/098/CP:

The CNPA notes that a domestic extension is proposed to the side of 4 Knocks Cottages. While recognising its domestic scale the dwelling is of a traditional character in a prominent location on the South Deeside road and in terms of its cultural heritage, the CNPA would recommend that any extension be of an appropriate design with materials, which match the existing house.

37. The Aberdeenshire Councillors returned.

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

39. It was agreed to submit the following comments to Highland Council on Planning Application No.05/096/CP:

The CNPA notes that the site is located within an area where the Council would like to consolidate retail uses where appropriate and given its remit in terms of promoting social and economic development 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.

40. The Highland Councillors returned.

**REPORT ON CALLED -IN PLANNING APPLICATION FOR THE RETAIL PAVILION  
(AMENDED PROPOSALS) AT SITE ON NORTH SIDE OF OSPREY BUILDING,  
AVIEMORE CENTRE, AVIEMORE  
(Paper1)**

41. Sally Dowden declared an interest and left the room.
42. Andrew Tait presented a paper recommending that the Committee approve the application subject to the conditions stated in the report and that a letter be sent to the Applicants stating the risks of starting works for buildings that are not yet in receipt of planning permission.
43. The Committee discussed the application and the following points were raised:
  - a) The use of native species in the landscaping.
  - b) The possibility of including a condition requiring a maintenance agreement.
  - c) Confirmation that the proposed signage on the building would require separate planning consent.
  - d) Were there any guarantees that the design of building would not be changed again?
  - e) The Applicants disregard for the planning process by starting construction on the building without being in receipt of a valid planning permission.
  - f) All conditions and Access Panel requirements should be in place before use of the building is allowed.
44. The Committee supported the proposal for the Convenor to send a letter to the Chairman of Aviemore Highland Resort (AHR) stating the risks of starting works for buildings that are not yet in receipt of planning permission. The Committee also agreed that this letter should be followed up by a meeting between representatives of the CNPA, various key investors and interested parties and AHR Officials.
45. The Committee approved the application subject to the conditions stated in the report and additional conditions requiring that all proposals be satisfied before the building is brought into use and the requirement for a maintenance agreement.
46. Sally Dowden returned.

**REPORT ON CALLED -IN PLANNING APPLICATION FOR SITING OF  
TEMPORARY ACCOMMODATION UNITS AT LAIRIG GHURU, MAR LODGE  
ESTATE, BRAEMAR  
(PAPER2)**

47. Andrew Tait presented a paper recommending that the Committee approve the application subject to the conditions stated in the report.
48. The Committee discussed the application and following point was raised:
  - a) The shape and design of the accommodation units.
  - b) The possibility of camouflaging the units.
  - c) The appropriateness of the length of time applied for in the planning permission.
  - d) The probability of repeat applications being submitted.
  - e) Potential negative visual impacts of the units should be viewed in relation to the positive impacts of the footpath works.

49. The Committee agreed to approve the application subject to the conditions stated in the report and additional conditions requiring the camouflaging of the units and that the units should be removed within 2 weeks of the footpath works ending.

**REPORT ON CALLED -IN PLANNING APPLICATION FOR CONSTRUCTION OF COMMUNITY CENTRE, ACCESS AND CAR PARK ING; RELOCATION OF CHILDREN'S PLAY AREA AT PLAYING FILED, CRAIGIE AVENUE, BOAT OF GARTEN  
(Paper3)**

50. Andrew Tait presented a paper recommending that the Committee approve the applications subject to the conditions stated in the report.
51. Andrew Thin advised that a request to address the Committee had been received from Mrs B Davidson, representing Boat of Garten & Vicinity Community Council. The Committee granted the request.
52. Mrs Davidson addressed the Committee and questions were invited from Members. Mrs Davidson answered the Members questions.
53. Andrew Thin thanked Mrs Davidson.
54. The Committee discussed the application and following points were raised:
- a) Concern about Condition No. 4 - requiring a travel plan to be submitted.
  - b) Concern about Condition No. 8 - re stricting operating hours of the proposed Hall.
  - c) The surface water drainage provision.
  - d) Possible traffic calming measures in Craigie Avenue.
  - e) The adopting of the road and problems associated with snow clearance if traffic calming measures are in place.
  - f) Coach access to the proposed Hall.
  - g) The location of the drop-off point for disabled users.
  - h) The layout of the car park area.
  - i) The suitability of the ground proposed to accommodate the overspill car park.
  - j) Congratulations to Boat of Garten Community for the effort put into the proposal and the environmentally friendly aspects that had been incorporated.
55. The Committee approved the application subject to the conditions stated in the report but without condition No.'s 4, 8 and 12. However, an additional condition was to be included requiring a footpath be created to the left of the site, linking the Hall and Children's Play Area along with an access point to the Play Area at the end of the footpath.

**REPORT ON CALLED -IN PLANNING APPLICATION FOR ERECTION OF DWELLING HOUSE AND 4 NO. HOLIDAY LODGES AT INVER HOTEL, CRATHIE, BALLATER  
(Paper4)**

56. Neil Stewart presented a paper recommending that the Committee approve the application subject to a Section 75 Legal Agreement and the conditions stated in the report.

57. The Committee discussed the report and following points were made:
- a) The possibility of extending the length of time allowed for occupancy of the chalets.
  - b) Landscaping requirements for screening of the chalets.
  - c) The improvement of visibility when exiting the car park at the Hotel.
  - d) The restriction of parking at the front of the Hotel.
  - e) The roofing colour/materials proposed.
  - f) The possibility of opening of the restriction on the chalets to not only holidays but short term working.
  - g) A condition covering external lighting at the site.
58. The Committee approved the application subject to the conditions stated in the report but with additional conditions allowing occupancy of the chalets to include short term working and up to 6 weeks occupancy, a restriction on parking at the front of the Hotel and a condition covering external lighting at the site.

### **ANY OTHER BUSINESS**

59. Gregor Rimell informed the Committee that there was local concern about recent occurrences at Meadowside Quarry.
60. Andrew Thin advised the Committee that any Member wishing an update on this matters should speak to Neil Stewart, Planning Officer.
61. Andrew Tait provided an update on the enforcement proceedings for the Aviemore Highland Resort Fence (04/441/CP). He advised that an enforcement notice had been drafted and would go to the CNPA legal team for checking before issue, probably at the end of the following week. AT advised that Don McKee, Head of Planning and himself had recently met with AHR to discuss the situation.

### **DATE OF NEXT MEETING**

62. **Thursday** 24<sup>th</sup> March, Granton-on-Spey.
63. Committee Members are requested to ensure that any Apologies for this meeting are submitted to the Planning Office in Ballater.
64. The meeting concluded at 13.20hrs.