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# CAIRNGORMS NATIONAL PARK AUTHORITY

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## MINUTES OF THE PLANNING COMMITTEE held at The Cairngorm Hotel, Aviemore on 13<sup>th</sup> January 2006 at 10.30am

### PRESENT

Eric Baird  
Stuart Black  
Duncan Bryden  
Sally Dowden  
Basil Dunlop  
Douglas Glass  
Angus Gordon  
Lucy Grant  
Marcus Humphrey  
Bruce Luffman  
Willie McKenna  
Eleanor Mackintosh

Anne McLean  
Alastair MacLennan  
Sandy Park  
Andrew Rafferty  
Gregor Rimell  
David Selfridge  
Joyce Simpson  
Sheena Slimon  
Andrew Thin  
Susan Walker  
Bob Wilson

### IN ATTENDANCE:

Don McKee  
Mary Grier  
Neil Stewart

Andrew Tait  
Pip Mackie

### APOLOGIES:

David Green  
Richard Stroud

### WELCOME AND APOLOGIES

1. The Convenor welcomed all present.
2. Apologies were received from the above Members.

### MATTERS ARISING FROM THE PREVIOUS MEETING

3. The minutes of the previous meeting, 30<sup>th</sup> December 2005, held via audiolink between CNPA Office, Grantown on Spey and CNPA Office, Ballater were approved.
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 Planning Application No. 05/529/CP
6. Bruce Luffman declared an interest in Planning Application No. 06/001/CP.
7. Anne McLean declared an interest in Item No.10 on the Agenda.

## **PLANNING APPLICATION CALL-IN DECISIONS (Oral Presentation, Mary Grier)**

8. 05/528/CP - No Call-in
9. 05/529/CP - Douglas Glass declared an interest and left the room.  
No Call-in  
Douglas Glass returned.
10. 05/530/CP - No Call-in
11. 05/531/CP - No Call-in
12. 06/001/CP - Bruce Luffman declared an interest and left the room.  
No Call-in  
Bruce Luffman returned.
13. 06/002/CP - No Call-in
14. 06/003/CP - No Call-in
15. 06/004/CP - No Call-in
16. 06/005/CP - No Call-in
17. 06/006/CP - The decision was to call-in the application for the following reason :
  - The proposal is for a mixed use development consisting of retail, leisure and commercial uses on a site that is allocated in the Badenoch and Strathspey Local Plan for Public Buildings. The proposal due to its scale and nature raises issues of general significance to the collective aims of the National Park, particularly in relation to the promotion of the sustainable social and economic development of the Park.
18. 06/007/CP - No Call-in
19. 06/008/CP - No Call-in
20. 06/009/CP - No Call-in
21. 06/010/CP - No Call-in
22. 06/011/CP - No Call-in

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

23. The Members wished to make comments to the Local Authorities on the following Planning Application No's 06/008/CP, 06/010/CP & 06/011/CP. The planning officers noted these comments and were delegated with the responsibility of whether or not to submit the comments to the Local Authorities.

## **REPORT ON CALLED-IN PLANNING APPLICATION FOR ERECTION OF DWELLING AT LAND EAST OF CORRIECHULLIE, GRANTOWN ON SPEY (PAPER 1)**

24. Andrew Thin advised the Committee that Ron Laing, Agent for the application, was available for questions.
25. Mary Grier presented a paper recommending that the Committee approve the application subject to a Section 75 Legal Agreement and the conditions stated in the report with an amendment to condition No. 3 leaving the upgrading of the access track to be decided to satisfaction of the CNPA and the Highland Council Roads Authority.
26. Members were invited to ask Ron Laing questions.
27. Andrew Thin thanked Ron Laing.
28. The Committee discussed the application and the following points were raised:
- a) That farmers should be encouraged to retire onto their own farm.
  - b) Clarification about other current planning applications in the vicinity.
  - c) Clarification of the terms of the Section 75 legal agreement.
29. The Committee agreed to approve the application subject to a Section 75 Legal Agreement and the conditions stated in the report with the amendment to condition No. 3.

## **REPORT ON CALLED-IN PLANNING APPLICATION FOR DEVELOPMENT OF RETAIL AND COMMUNITY USE WITH ASSOCIATED CAR PARKING ETC. AT LAND WEST OF GRAMPIAN ROAD, AVIEMORE (PAPER 2)**

30. Andrew Thin advised the Committee that William Fulcher, Sandy Telfer and Philip Neaves, Agents for the application were available to answer any questions.
31. Don McKee presented a paper recommending that the Committee approve the application subject to the conditions stated in the report.
32. Members were invited to ask the Agents questions.
33. Andrew Thin thanked the Agents.
34. The Committee discussed the application and the following points were raised:
- a) Clarification over the off-street parking provision.
  - b) That serious consideration be given to the retention of the property known as "Laurelbank".
  - c) That the proposal would be an improvement to the centre of Aviemore.
  - d) Clarification of vehicular access routes to Aviemore Highland Resort.
35. The Committee agreed to approve the application subject to the conditions stated in the report.

**REPORT ON CALLED-IN PLANNING APPLICATION FOR ERECTION OF RETAIL UNIT & 8 NO. FLATS AT VACANT LAND (FORMER FILLING STATION), GRAMPIAN ROAD, AVIEMORE (PAPER 3)**

36. Andrew Thin advised the Committee that Paul Devlin, Agent for the application was available to answer any questions.
37. Neil Stewart presented a paper recommending that the Committee approve the application subject to the conditions stated in the report.
38. Members were invited to ask Paul Devlin questions.
39. Andrew Thin thanked Paul Devlin.
40. The Committee discussed the application and the following points were raised:
- a) The proposed development being an improvement to the site.
  - b) Clarification of the Gillespie Strategy as referred to in the planning report.
  - c) The amount of parking spaces proposed.
  - d) The historic use of the site.
  - e) Clarification over the reference to a possible restriction of the retail unit opening hours.
  - f) Clarification of the right of vehicular access through the site.
  - g) Concern about the retention of trees on the embankment.
  - h) The proximity of the retained trees to the proposed flats.
  - i) The possibility of including an affordable housing element in the proposal.
  - j) The possible over development of the site.
  - k) Clarification of the remit for Architecture and Design Scotland.
41. Bruce Luffman proposed a Motion to approve the application subject to the conditions stated in the report with an amendment to condition No. 1 that the feasibility of the inclusion of an affordable housing element be investigated in relation to the Aims of the CNPA. This was seconded by Anne MacLean.
42. Marcus Humphrey proposed an Amendment that the application be refused on the basis that a more sympathetic development for the site could be investigated, the inclusion of an affordable housing element and the loss of trees on the site. This was seconded by Eric Baird.
- The vote was as follows:

NAME	MOTION	AMENDMENT	ABSTAIN
Eric Baird		√	
Stuart Black	√		
Duncan Bryden	√		
Sally Dowden	√		
Basil Dunlop	√		
Douglas Glass	√		
Angus Gordon	√		
Lucy Grant	√		
Marcus Humphrey		√	
Bruce Luffman	√		
Willie McKenna	√		
Eleanor Mackintosh	√		

Anne MacLean	√		
Alastair MacLennan	√		
Sandy Park	√		
Andrew Rafferty	√		
Gregor Rimell	√		
David Selfridge	√		
Joyce Simpson	√		
Sheena Slimon	√		
Andrew Thin	√		
Susan Walker	√		
Bob Wilson	√		
<b>TOTAL</b>	<b>21</b>	<b>2</b>	<b>0</b>

43. The Committee agreed to approve the application subject to the conditions stated in the report with an amendment to condition No. 1 that the feasibility of the inclusion of an affordable housing element be investigated in relation to the Aims of the CNPA.

**REPORT ON CALLED-IN PLANNING APPLICATION FOR DEMOLITION OF HOTEL AND ERECTION OF 22 FLATS AND ASSOCIATED CAR PARKING AT FORMER ROYAL HOTEL, 29 HIGH STREET, KINGUSSIE (PAPER 4)**

- 44. Anne MacLean declared an interest and left the room.
- 45. Neil Stewart presented a paper recommending that the Committee approve the application subject to the conditions stated in the report.
- 46. The Committee discussed the application and the following point was raised:
  - a) That the development would be an improvement to the current state of dereliction at the site.
- 47. The Committee agreed to approve the application subject to the conditions stated in the report.
- 48. Anne MacLean returned.

**REPORT ON CALLED-IN PLANNING APPLICATION FOR ALTERATIONS, REBUILDING AND EXTENSION OF OUTBUILDING TO FORM DWELLINGHOUSE AT EASTER TOMBAIN, GRANTOWN ON SPEY (PAPER 5)**

- 49. Andrew Thin advised the Committee that Ewan Anderson, Architect for the application had requested to address the Committee. The Committee agreed the request.
- 50. Neil Stewart presented a paper recommending that the Committee approve the application subject to the conditions stated in the report.
- 51. Ewan Anderson addressed the Committee. Members were invited to ask questions.
- 52. Andrew Thin thanked Ewan Anderson.
- 53. The Committee discussed the application and the following points were raised:

- a) The design of the proposed building.
  - b) Concern about the reflective glare of the glazed elevation of the proposed dwelling.
  - c) The encouragement of contemporary design in the Park.
  - d) The possibility of strengthening the landscaping condition.
54. The Committee agreed to approve the application subject to the conditions stated in the report and with the inclusion of a more robust landscaping condition.

**REPORT ON CALLED-IN PLANNING APPLICATION FOR ERECTION OF SHELTER FOR AGRICULTURAL WORKERS, STALKERS, SHOOTERS AND WALKERS AT FELAGIE BURN, INVERCAULD, BRAEMAR (PAPER 6)**

55. Andrew Tait presented a paper recommending that the Committee approve the application subject to the conditions stated in the report, however without the reference to 'walkers' in the decision notice, as the shelter was in relatively close proximity to the car park. Andrew Tait also recommended that the Committee authorise the Planning Officials to write a letter to the Applicant stating the importance of receiving planning permission before starting any construction works.
56. The Committee discussed the application and the following points were raised:
- a) Concern over the reflective glare of the windows.
  - b) The possibility of landscaping around the shelter.
  - c) The disregard in the area to the maintenance of existing tracks.
  - d) The possibility of requesting that the shelter remain unlocked for access to walkers and the reinstatement of the word 'walkers' in the application.
  - e) The need for adherence to planning permission.
  - f) Concern that the shelter may set a precedent for future applications.
57. Bruce Luffman proposed a Motion that the application be approved subject to the omission of the word 'walkers' in the decision notice, and additional conditions requiring window shutters and landscaping. This was seconded by Douglas Glass.
58. David Selfridge proposed an Amendment that the application be refused due to the location of the shelter being inappropriate for a National Park and also concern that the application was retrospective. This was seconded by Gregor Rimell.

The vote was as follows:

NAME	MOTION	AMENDMENT	ABSTAIN
Eric Baird	√		
Stuart Black		√	
Duncan Bryden		√	
Sally Dowden	√		
Basil Dunlop	√		
Douglas Glass	√		
Angus Gordon		√	
Lucy Grant	√		

Marcus Humphrey	√		
Bruce Luffman	√		
Willie McKenna		√	
Eleanor Mackintosh	√		
Anne MacLean	√		
Alastair MacLennan	√		
Sandy Park	√		
Andrew Rafferty	√		
Gregor Rimell		√	
David Selfridge		√	
Joyce Simpson		√	
Sheena Slimon		√	
Andrew Thin	√		
Susan Walker	√		
Bob Wilson		√	
<b>TOTAL</b>	<b>14</b>	<b>9</b>	<b>0</b>

59. The Committee agreed to approve the application subject to the conditions stated in the report with additional conditions requiring window shutters to be fitted to the shelter, landscaping around the shelter and the removal of the word 'walkers' from the decision notice. The Committee also authorised the Planning Officials to write a letter to the Applicant stating the importance of receiving planning permission before any starting any construction works.

### **ORAL REPORT ON PYLON SIGNS LOCATED ON A9, DRUMOCHTER**

60. As a result of a complaint received from a member of the public, Andrew Tait presented an oral report on the Pylon Signs located on the A9 at Drumochter.
61. Andrew Tait confirmed that he had recently visited the area and there were approximately 12 signs, which were falling into various states of disrepair. AT advised Members that the signs did not have the relevant Advertisement Consent which they required. AT also informed Members that Highland Council had received a similar complaint and were currently investigating the situation.
62. Andrew Tait requested that Members delegate the CNPA Planning Officials to liaise with Highland Council Officials to further investigate the situation.
63. Andrew Thin requested that the complainant be informed of the situation and any progress made.
64. The Committee agreed to delegate the CNPA Planning Officials to liaise with Highland Council Officials to further investigate the situation.

### **ANY OTHER BUSINESS**

65. Bob Wilson raised concern that some developers may be applying for Agricultural Consent with a view to converting the building into a dwelling in the future. BW suggested that the CNPA Planning Officials liaise with the Local Authorities in order to write to the Scottish Executive requesting that prior notification should not

apply in the National Park and all developments of this type should require planning permission.

66. Willie McKenna advised the Committee that he had received a number of complaints regarding the number of commercial units in the Aviemore Business Park which were being converted into retail units. He requested that this concern be picked up in the CNPA Local Plan process. Don McKee confirmed that this could be done and that Planning Officials could notify Highland Council about the concerns raised.
67. Andrew Tait advised that a decision had been received on the planning Appeal for the erection of a dwelling and stables block and use of land for equestrian centre at Balliemore, Nethy Bridge. AT advised that the appeal had been decided by the Scottish Ministers due to the objection by SNH. However, both the Scottish Executive Reporter and Scottish Ministers had dismissed the Appeal. AT informed Members that a copy of the report was available to view.
68. Don McKee advised that arrangements were still ongoing for a site visit to view the undergrounding of power lines. DM advised that there were no undergrounded power lines located in upland locations and that the visit would probably be to Torness Power Station. DM informed Members that Norman Brockie, Local Plan/Policy Officer, was currently speaking to representatives of Torness Power Station and that details of the visit would follow shortly.
69. Alastair MacLennan queried the timescale for the part removal of the AHR Fence. Andrew Tait advised that the Applicants had 2 months from the date of the Appeal decision to remove the section of fence. AT advised that the Appeal decision was issued during December 2005 and therefore the Applicants had until mid-February to remove the section of Fence.

## **DATE OF NEXT MEETING**

40. Friday, 27<sup>th</sup> January 2006, The Albert Hall, Ballater.
41. Committee Members are requested to ensure that any Apologies for this meeting are submitted to the Planning Office in Ballater.
42. The meeting concluded at 13:00hrs.