
CAIRNGORMS NATIONAL PARK AUTHORITY

MINUTES OF THE PLANNING COMMITTEE held within Logie Coldstone Hall, Logie Coldstone on 13th August 2004 at 10.30am

PRESENT

Mr Peter Argyle	Mr Willie McKenna
Mr Eric Baird	Mr Gregor Rimmell
Mr Staurt Black	Mr David Selfridge
Mr Duncan Bryden	Mr Robert Severn
Ms Sally Dowden	Mrs Joyce Simpson
Mr Basil Dunlop	Mrs Sheena Slimon
Mr Douglas Glass	Mr Andrew Thin
Mrs Lucy Grant	Mrs Susan Walker
Mr David Green	Mr Bob Wilson
Ms Anne MacLean	

IN ATTENDANCE:

Don McKee	Andrew Tait
Neil Stewart	Norman Brockie
Sandra Middleton	Pip Mackie

APOLOGIES:

Mr Angus Gordon	Mr Alastair MacLennan
Mr Bruce Luffman	Mr Andrew Rafferty
Mrs Eleanor Mackintosh	Mr Richard Stroud

WELCOME AND APOLOGIES

1. The Convenor welcomed all present.
2. Apologies were received from Angus Gordon, Bruce Luffman, Eleanor Mackintosh, Alastair MacLennan, Andrew Rafferty and Richard Stroud.

MATTERS ARISING FROM THE PREVIOUS MEETING

3. The minutes of the previous meeting were approved subject to amendments to items 22, 57 and 72.

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

4. Anne MacLean declared an interest in Planning Application No. 04/396/CP.
5. The Convenor advised the Committee that Planning Application 04/390/CP on the Call-in list had been submitted by the parent of a member of staff and that the member of staff had an interest in the application, however they are not involved in planning, are not present at the meeting and this should be noted.

PLANNING APPLICATION CALL-IN DECISIONS (Oral Presentation, Neil Stewart)

6. 04/387/CP - No Call-in
7. 04/388/CP - The decision was to Call-in this application for the following reason:
 - The proposal represents the erection of a new dwellinghouse in a location immediately adjacent to a public road and where the Local Plan designation is Restricted Countryside. This proposal may establish a precedent for other similar proposals in countryside areas which cumulatively may raise issues of general significance to the collective aims of the Park.
8. 04/389/CP - The decision was to Call-in this application for the following reason:
 - The proposal represents the erection of a new dwellinghouse in a location close to the River Mashie and adjacent to one of the main tourist routes into the National Park, and in an area where the Local plan designation is Restricted Countryside. This proposal may establish a precedent for other similar proposals in countryside areas which cumulatively may raise issues of general significance to the collective aims of the Park.
9. 04/390/CP - No Call-in
10. 04/391/CP - The decision was to Call-in this application for the following reason:
 - The proposal is to create a visitor/tourist type development through the reuse of existing agricultural buildings which are located close to one of the main traffic routes through the National Park. The nature and type of the proposal raises issues relating to agricultural diversification, conservation of cultural heritage in the form of reuse of traditional buildings, promotion of local natural products, and the promotion of tourism and economic development. As such the application is viewed as raising issues of general significance to the collective aims of the National Park.

11. 04/392/CP - No Call-in
 12. 04/393/CP - No Call-in
 13. 04/394/CP - No Call-in
 14. 04/395/CP - No Call-in
15. 04/396/CP - Anne MacLean declared an interest and left the room.
 No Call-in
 Anne MacLean returned.
16. 04/397/CP - No Call-in
 17. 04/398/CP - No Call-in
 18. 04/399/CP - No Call-in
19. 04/400/CP - The decision was to Call-in this application for the following reason:
- The proposal represents the creation of a new dwellinghouse and base for a sporting estate, in a remote countryside location within the National Park. Due to its nature, location and scale, the proposal raises issues relating to the conservation of the cultural and natural heritage of the area, the promotion of sustainable use of natural resources, the promotion of the enjoyment of the area and the promotion of the economic and social development of the community in which it is proposed. As such, it is viewed as being of general significance to the collective aims of the National Park.
20. 04/401/CP - No Call-in
 21. 04/402/CP - No Call-in
 22. 04/403/CP - No Call-in
 23. 04/404/CP - No Call-in
 24. 04/405/CP - No Call-in
 25. 04/406/CP - No Call-in
 26. 04/407/CP - No Call-in
 27. 04/408/CP - No Call-in
 28. 04/409/CP - No Call-in

COMMENTING ON APPLICATIONS NOT CALLED-IN BY THE COMMITTEE

29. It was agreed that comments be made to the Local Authorities on applications 04/390/CP, 04/392/CP, 04/394/CP, 04/399/CP, 04/401/CP and 04/404/CP.
30. The Highland Councillors declared an interest in application No.'s 04/390/CP, 04/392/CP, 04/394/CP, 04/399/CP and 04/404/CP and left the room.

31. The Committee agreed to submit the following comments to the Highland Council on application 04/390/CP;

The site, which is croftland, lies within the settlement envelope of Carrbridge but within an area which the Local Plan designates as recreation/open space where there are aspirations to enhance the land running towards the war memorial by creating a public park. Being within a settlement envelope, the CNPA do not object to the siting of a house on the land. However, in the interests of promoting the enjoyment, in the form of recreation, of this part of the National Park, it is suggested that the house is sited in a position which does not prejudice the intentions of the Local Plan for improving the general recreational use of the locality.

32. The Committee agreed to submit the following comments to the Highland Council on application 04/392/CP;

The CNPA accepts the principle of an agricultural building on this site. However, we note that it appears that no elevational drawings have been submitted. In the interests of visual amenity and to minimise potential landscape impacts, the CNPA would like to request that if the proposal is found to be acceptable, it is subject to the colours of the cladding being appropriate to this countryside location.

33. The Committee agreed to submit the following comments to the Highland Council on application 04/394/CP;

The CNPA recognises that the site, being located within a settlement envelope, has the potential to accept infill development of the type proposed. However, it would be unfortunate if the proposal resulted in the unjustified loss of a building which adds to the character of the area. In the interests of conserving the cultural heritage of the area, the CNPA suggests that the principle of removing the existing building is justified by the submission of supporting information on the quality of the house in terms of its structural and constructional condition. If the principle of removal is found to be acceptable, then the CNPA suggests that the subdivision of the site is carried out in a manner which respects the pattern of development in the area.

34. The Committee agreed to submit the following comments to the Highland Council on application 04/399/CP;

The CNPA accepts the principle of a replacement house on this site. However, the site is prominent from various locations to the south and being located in an elevated position on a slope, the proposed house will have some visual impacts. As such, it is suggested that, the design of the large south facing hipped roofed wing be amended in order to reduce its scale and size. It is suggested that a reduction in the height, length and width would be appropriate. It may also be appropriate to have a gable end configuration rather than an angled hipped end. In addition, in line with the Local Plan policy for the area, it is suggested that mature trees on the site should be retained.

35. The Committee agreed to submit the following comments to the Highland Council on application 04/404/CP;

The CNPA suggests that the proposed extension to the front and the proposed dormer extension to the rear are out of scale and unsympathetic to the traditional character and proportions of the existing cottage. The CNPA suggests that amendments are sought to the design of these elements to reflect more of the traditional character and features of the original building.

The Highland Councillors returned.

36. The Aberdeenshire Councillor declared an interest in application No. 04/401/CP and left the room.

37. The Committee agreed to submit the following comments to the Aberdeenshire Council on application 04/401/CP;

The CNPA raises no objection to the formation of the additional car parking area. However, with the site being located within a National Scenic Area, and in the interests of minimising visual and landscape impacts, the CNPA suggests that it would be appropriate to provide some tree screening around the boundaries of the car park. The CNPA also advises that the surrounding area is known to be a capercaillie habitat and as such the CNPA would wish to ensure that the construction of the new car park is done outwith the sensitive lekking and breeding seasons (you may wish to contact Kenny Cortland - Capercaillie Project Officer for RSPB - 01463 715000 for advice on times of the year).

The Aberdeenshire Councillor returned.

REPORT ON CALLED-IN PLANNING APPLICATION FOR THE ERECTION OF DWELLINGHOUSE & GARAGE AT LAND ADJACENT TO BALMENACH DISTILLERY, CROMDALE

(Paper 1)

38. Neil Stewart presented a paper recommending that the Committee refuse the application for the reasons stated in the report.
39. Stuart Black informed the Committee that Highland Council had recently produced supplementary planning guidance for the Balmenach area. The meeting to discuss this guidance had been well attended and that this up to date information should not be ignored. He therefore supported the officers recommendation.
40. Basil Dunlop also supported the officers recommendation and drew attention to the fact that not only did the Highland Council guidance contain approved sites for development it also detailed sites which were not suitable for development.
41. The application was refused for the reasons stated in the report.

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

(Paper 2)

42. Andrew Tait informed the Committee that he had experienced difficulty contacting the applicants to assess if there was a need case for the proposal. He advised that he had established contact within the last few days and that the applicant had requested the determination be deferred until they returned from holiday and could discuss the proposal in more detail with the planning officers. AT therefore recommended the deferral of the application to allow these discussions to take place.
43. The Committee agreed the deferral of the application.

**REPORT ON PROPOSED SECTION 75 AGREEMENT FOR PROPOSED HOUSE
AT BLACKMILL QUARRY, BALLINTEAN, KINCRAIG**

(Paper 3)

44. Don McKee presented a paper recommending that the Committee approve the application for the reasons stated in the report dated 16th July 2004 and the draft Section 75 Agreement presented to the Committee today. He advised that the CNPA Solicitors, Ledingham Chalmers, had drafted the S75 to be flexible, as Members had requested, however it would still comply with guidance on the subject. He also advised that the S75 was a voluntary agreement which the applicant could enter, it would not be imposed. DM informed the Committee that the draft S75 had not yet been before any lenders to establish their ability to lend, however, this would be one of the next steps should the Committee approve the S75.
45. Andrew Thin reminded the Committee that it was the circumstances of the application and not the applicant that were under consideration.
46. Gregor Rimmell raised concern that the point of the S75 would be lost if it was too open and flexible. He felt that the application should be approved without the S75.
47. Stuart Black stated that the application had been approved due to opinion that the site was brownfield and that this development would tidy the area up. He therefore felt that the land management need expressed was a favourable bonus. Don McKee responded that the brownfield site was a tenuous argument.
48. Stuart Black queried if a condition could be included for the removal of both the buildings already on the site. Don McKee replied that this would not be competent as only one of the buildings was within the application site and that the landowner wished to continue using the other building. Andrew Thin allowed the applicant, as a point of information, to advise the Committee that if the landowner would not sell him the second building (for demolition) then he would improve the appearance of it.
49. David Green requested that the area definition in the S75 be widened to include the whole NP area. He also requested that the planning officials continue to work with mortgage lenders. Sheena Slimon agreed and stated that mortgage lenders have to accept the need to place restrictions on land.

50. Peter Argyle advised that applications need to be considered in line with current policy, although this is the first case, it is not the CNPA's responsibility to find the Applicants' mortgage. He felt there was a definite need for the S75 to be approved, due to setting precedent, and therefore agreed with the officers recommendation.
51. Sue Walker raised concern that the proposal could be sold as another holiday house if the S75 was not approved.
52. Anne MacLean requested that the Society of Mortgage Lenders and Andrew Thin, Convener, be involved with the lender discussions.
53. Basil Dunlop raised the point that although there was a definite need for housing for local people in the Park, until the CNPA Local Plan was in place, the Committee had to follow the existing Local Plans. There had to remain control of housing development in the NP area and the S75 was a way to do this.
54. David Green proposed a Motion to approve the application subject to the recommendation in the report, but to amend the area definition in condition 2 of the draft S75, from "Badenoch & Strathspey area" to "within the CNP area". In addition, a member of staff (still to be identified) should work with the Convener and the Society of Mortgage Lenders to pursue possible lenders for proposals with S75 restrictions and to formally report the findings to the Committee at a later date. Sally Dowden seconded the Motion.
55. Gregor Rimmell proposed an Amendment to approve the application subject to the conditions stated in the report dated 16th July 2004 but without the S75 agreement. Robert Severn seconded the Amendment.

The vote was as follows:

NAME	MOTION	AMENDMENT	ABSTAIN
Peter Argyle	✓		
Eric Baird	✓		
Duncan Bryden	✓		
Stuart Black		✓	
Sally Dowden	✓		
Basil Dunlop	✓		
Douglas Glass	✓		
Lucy Grant	✓		
David Green	✓		
Willie McKenna		✓	
Anne MacLean	✓		
Gregor Rimmell		✓	
David Selfridge		✓	
Robert Severn		✓	
Joyce Simpson	✓		
Sheena Slimon	✓		
Andrew Thin	✓		
Susan Walker	✓		
Bob Wilson	✓		
TOTAL	14	5	

56. The application was approved subject to the conditions stated in the report (16th July 2004) and the amendment to the S75. In addition, a member of staff, the Convenor and the Society of Mortgage Lenders should investigate mortgage lenders with the ability to lend on proposals with a S75 restriction.

**REPORT ON CONSULTATION RESPONSE TO SSE, INTERIM REPORT & PROPOSED ROUTE ON THE BEAULY TO DENNY TRANSMISSION LINE
(Paper 4)**

57. Norman Brockie presented the paper in two parts. The first part contained the Committee's response to SSE on the "Interim Report on Consultations and Selection of Indicative Proposed Route". Part two contained a proposed response to the Scottish Executive Scoping Opinion.
58. The Committee discussed part one of the report.
59. Andrew Thin advised that this proposal had to be examined from the CNPA's specific remit as the Committee did not have the remit to examine the wider perspectives outwith the Park.
60. Sue Walker felt that there should be a detailed paragraph regarding decommissioning stating that best practice and technology should be used at the time to achieve the best sustainability.
61. Bob Wilson stated that undergrounding, although more expensive, was a valid option as decommissioning would not be required in the future. Undergrounding needed to be compared to the costs of erecting pylons plus decommissioning and therefore the long term costs needed to be assessed.
62. Duncan Bryden queried if paragraph 15, concerned with sustainability, could be expanded to apply not only to events within the Park, but also on a wider scale, and in relation to the Park. Norman Brockie responded that the remit was only to comment on the section of line passing through the CNP.
63. Part one was approved subject to a paragraph being inserted regarding decommissioning.
64. The Committee discussed part two of the report.
65. Norman Brockie advised the Committee that Section b) would be expanded by the CNPA Natural Resources Group. He advised that the CNPA now had copies of the Laggan & Dalwhinnie Community responses to the transmission line. Both communities were extremely concerned about the potential impact on tourism and the effect on the natural beauty of the area. NB thanked Sheena Slimon for obtaining these responses.
66. Robert Severn wished the comments Section c) regarding Dun da Lamh hill fort to be strengthened. Norman Brockie advised that Historic Scotland were also concerned about the proposed proximity to the fort.
67. Peter Argyle queried the safe distance of 100m in Section j) for developments of this scale. Andrew Thin advised the Committee that the CNPA was not in a position to comment on the safety of EMF and this was a matter for the experts.
68. Peter Argyle stated that the visual amenity issue should be addressed. Bob Wilson suggested that the distance of pylons to houses could be increased to 200m.
69. Norman Brockie agreed that the issue of amenity was important and he could include a statement on this in Section a) - Visual Impact commenting that pylons should be a minimum of 200m from a house, in terms of visual impact/loss of amenity.

70. Sue Walker requested that the title of Section h) be expanded to include “Hydrology & Water Quality”. She also requested that a fourth bullet point be added at the end of the report to include a statement on decommissioning of the proposed line.
71. The Committee approved Part two of the report subject to the above changes.

ANY OTHER BUSINESS

72. There was no other business.

DATE OF NEXT MEETING

73. Friday 27th August, Nethy Bridge.
74. Committee Members are requested to ensure that any Apologies for this meeting are submitted to the Planning Office in Ballater.
75. The meeting concluded at 12.40pm.