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# CAIRNGORMS NATIONAL PARK AUTHORITY

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## MINUTES OF THE PLANNING COMMITTEE held within The Albert Hall, Ballater on 15th July 2005 at 10.30am

### PRESENT

|                 |                    |
|-----------------|--------------------|
| Eric Baird      | Willie McKenna     |
| Stuart Black    | Eleanor Mackintosh |
| Sally Dowden    | Alastair MacLennan |
| Basil Dunlop    | Anne MacLean       |
| Douglas Glass   | Sandy Park         |
| Angus Gordon    | Andrew Rafferty    |
| Lucy Grant      | Gregor Rimell      |
| David Green     | Sheena Slimon      |
| Marcus Humphrey | Richard Stroud     |
| Bruce Luffman   | Bob Wilson         |

### IN ATTENDANCE:

|            |             |
|------------|-------------|
| Don McKee  | Andrew Tait |
| Mary Grier | Pip Mackie  |

### APOLOGIES:

|                 |              |
|-----------------|--------------|
| Duncan Bryden   | Andrew Thin  |
| David Selfridge | Susan Walker |
| Joyce Simpson   |              |

### WELCOME AND APOLOGIES

1. The Vice-Convenor, Bruce Luffman, welcomed all present.
2. Apologies were received from Duncan Bryden, David Selfridge, Joyce Simpson, Andrew Thin & Susan Walker.

### MATTERS ARISING FROM THE PREVIOUS MEETING

3. The minutes of the previous meeting, 1st July 2005, held in Nethy Bridge were approved.
4. There were no matters arising.

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

5. Anne MacLean declared an interest in Planning Application No. 05/300/CP and Item 11 on the Agenda.
6. Willie McKenna declared an interest in Planning Application No. 05/300/CP and Item 10 on the Agenda.
7. Sheena Slimon declared an interest in Planning Application No. 05/300/CP.
8. Sally Dowden declared an interest in Planning Application No. 05/305/CP.
9. Basil Dunlop declared an interest in Planning Application No. 05/311/CP.
10. Marcus Humphrey declared an interest in Item 8 on the Agenda.

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

- |                               |            |
|-------------------------------|------------|
| 11.05/291/CP -                | No Call-in |
| 12.05/292/CP -                | No Call-in |
| 13.05/293/CP &<br>05/294/CP - | No Call-in |
| 14.05/295/CP -                | No Call-in |
| 15.05/296/CP -                | No Call-in |
| 16.05/297/CP -                | No Call-in |
| 17.05/298/CP -                | No Call-in |
| 18.05/299/CP -                | No Call-in |

Anne MacLean, Willie McKenna & Sheena Slimon declared an interest and left the room.

- |                |  |
|----------------|--|
| 19.05/300/CP - | The decision was to Call-in this application for the following reason: |
|----------------|--|

- The proposal is for 5 affordable houses on a site at Inverdrue that is allocated by the Badenoch and Strathspey Local Plan as amenity woodland. The proposal site is prominent on the Glenmore Road and the site is within the Cairngorm Mountains National Scenic Area. The proposal is considered to raise issues with regard to the principle of the development of the site for affordable housing and in relation to natural heritage and social and economic development. Consequently, the proposal may raise issues of general significance for the collective aims of the National Park.

Anne MacLean, Willie McKenna & Sheena Slimon returned.

- |                |  |
|----------------|--|
| 20.05/301/CP - | No Call-in   |
| 21.05/302/CP - | No Call-in   |
| 22.05/303/CP - | No Call-in   |
| 23.05/304/CP - | The decision was to Call-in this application for the following reason: |

- The proposal is for the erection of 21 houses close to the Aviemore Highland Resort. The site is allocated by the Badenoch and Strathspey Local plan for a combination of

uses including amenity woodland, commerce/tourism and recreation/open space. The site is close to the Aviemore Burn and trees close to the site are protected by a Tree Preservation Order. This proposal is linked to a larger reserved matters application for 140 houses adjoining to the north of this site. This combination of factors raises a number of issues in relation to the principle of the development, natural heritage and the delivery of affordable housing. Consequently, the application is considered to raise issues of general significance for the collective aims of the National Park.

Sally Dowden declared an interest and left the room.

24.05/305/CP -

No Call-in  
Sally Dowden returned.

25.05/306/CP -

The decision was to Call-in this application for the following reason:

- While recognising that this is a reserved matters application, the proposal is of a very large scale in terms of infrastructure and housing numbers. The site is located adjacent to the Aviemore Burn, and the A9 and includes a number of trees protected by a Tree Preservation Order. The application is connected to a full planning application on land to the south for 21 houses. Consequently, the proposal is considered to raise issues of significance with regard to natural heritage, access and recreation and social and economic development. Consequently, the proposal may raise issues of general significance with regard to the collective aims of the National Park.

26.05/307/CP -

No Call-in

27.05/308/CP -

No Call-in

28.05/309/CP -

No Call-in

29.05/310/CP -

No Call-in

30.05/311/CP -

Basil Dunlop declared an interest and left the room.  
No Call-in  
Basil Dunlop returned.

31.05/312/CP -

No Call-in

32.05/313/CP -

No Call-in

33.05/314/CP &  
05/315/CP -

The decision was to Call-in these applications for the following reason:

- The applications involve the loss of a hotel within the Ballater Conservation Area and its replacement on the site with a large contemporary building of up to 5 stories providing 40 flats. The site is host to a large number of trees and a significant amount of these may have to be felled to accommodate the proposed building. This proposal raises a wide range of issues with regard to loss of tourist accommodation, loss of trees, affordable housing provision and the appropriateness of the building proposed within the Ballater Conservation Area. Consequently, the proposal is considered to raise issues of general significance for the collective aims of the National Park.

34.05/316/CP - No Call-in  
 35.05/317/CP - No Call-in  
 36.05/318/CP - No Call-in  
 37.05/319/CP - No Call-in

38.05/320/CP - The decision was to Call-in this application for the following reason:

- The site is in a fragile countryside area which has suffered from depopulation and new single houses may be permitted subject to compliance with detailed criteria. It was on this basis that outline planning permission was granted on appeal. While it is recognised that the scale of the building is reduced to that which was previously submitted, the proposal is for a large dwellinghouse in a prominent position in the landscape and, notwithstanding the acceptance of the principle of a house on this site, it is considered that the submitted proposal for approval of reserved matters raises issues in terms of the conservation and enhancement of the cultural and natural heritage of the area and the social and economic development of the Balgowan community.

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

39. It was agreed that the planning officers submit comments to the Local Authorities on Planning Application No's 05/305/CP & 05/307/CP.

## **REPORT ON CALLED-IN PLANNING APPLICATION FOR THE ERECTION OF NEW DWELLINGHOUSE AT LAND ADJACENT TO TIGH NA BEA, DUTHIL, CARRBRIDGE (Paper 1)**

40. Andrew Tait presented a paper recommending that the Committee approve the application subject to the conditions stated in the report.
41. Bruce Luffman advised that the Applicant, Mr Palmer, and two representees, Mr Duckworth and Mrs Campbell, had requested to address the Committee. The Committee agreed to the requests.
42. Mr Palmer addressed the Committee.
43. Mr Duckworth and Mrs Campbell addressed the Committee.
44. The Members had an opportunity to ask questions of the Applicant and Representees.
45. The Committee discussed the application and the following points were raised:
  - a) The types of Renewable Energy scheme which could be implemented.
  - b) The potential for development in the nearby allocated areas in the Badenoch & Strathspey Local Plan.
  - c) The ownership of the allocated areas in the Badenoch & Strathspey Local Plan.
  - d) Clarification that the Birch woodland was outwith the general countryside area in the Badenoch & Strathspey Local Plan.
  - e) Ensuring adequate protection of the Birch woodland.
  - f) Rights of Way in the vicinity of the site.
  - g) Clarification of the Highland Council Roads consultation response.
  - h) Access to the proposed development via a new track and the existing track to Tigh na Bea.
  - i) The possibility of a roman road traversing the proposed site.
46. The Committee agreed to defer the application for a site visit and for Planning Officers to further investigate the archaeological aspect of the site, the detail of the Highland Council Roads consultation response and the CNPA Natural Resources Group to carry out a full appraisal of the application site.

#### **REPORT ON CALLED-IN PLANNING APPLICATION FOR THE FORMATION OF CAR PARK AT INVEREY, BRAEMAR (PAPER 2)**

47. Marcus Humphrey declared an interest and left the room.
48. Andrew Tait presented a paper recommending that the Committee approve the application subject to the conditions stated in the report.
49. The Committee discussed the application and the following points were raised:
  - a) The appropriateness of bunding at the site.
  - b) The inclusion of a condition requiring a maintenance agreement.
  - c) An additional condition requiring signs to indicate the walking track from the car park.
50. The Committee agreed to approve the application subject to the conditions in the report and additional conditions requiring signs indicating the walking track and a maintenance agreement. The Planning Officers were also to engage in further discussion with the Applicants regarding the proposed bunding on the site.
51. Marcus Humphrey returned.

#### **REPORT ON CALLED-IN PLANNING APPLICATION FOR THE ERECTION OF DWELLINGHOUSE AT ROSARNACH, DRUMGUISH, KINGUSSIE**

**(PAPER 3)**

52. Mary Grier presented a paper recommending that the Committee refuse the application for the reasons stated in the report.
53. The Committee discussed the application and the following points were raised:
- a) The length of time the Applicant has resided in the area.
  - b) The age of the most recent built properties in Drumguish.
  - c) The amount of existing holiday homes in Drumguish.
  - d) The clustering of houses in Drumguish.
  - e) The Committee assessing the application against current policy.
54. Gregor Rimell proposed a Motion to Refuse the Application for the reasons stated in the report. This was seconded by Douglas Glass.
55. Sheena Slimon proposed an Amendment to Approve the Application as the site was located within the settlement boundary of Drumguish and would fit in with the clustering appearance of houses within Drumguish. This was seconded by Stuart Black.

The vote was as follows:

| NAME               | MOTION    | AMENDMENT | ABSTAIN  |
|--------------------|-----------|-----------|----------|
| Eric Baird         | √         |           |          |
| Stuart Black       |           | √         |          |
| Sally Dowden       | √         |           |          |
| Basil Dunlop       | √         |           |          |
| Douglas Glass      | √         |           |          |
| Angus Gordon       |           | √         |          |
| Lucy Grant         | √         |           |          |
| David Green        | √         |           |          |
| Marcus Humphrey    | √         |           |          |
| Bruce Luffman      | √         |           |          |
| Willie McKenna     | √         |           |          |
| Eleanor Mackintosh | √         |           |          |
| Alastair MacLennan | √         |           |          |
| Anne MacLean       | √         |           |          |
| Sandy Park         | √         |           |          |
| Andrew Rafferty    | √         |           |          |
| Gregor Rimell      | √         |           |          |
| Sheena Slimon      |           | √         |          |
| Richard Stroud     | √         |           |          |
| Bob Wilson         | √         |           |          |
| <b>TOTAL</b>       | <b>17</b> | <b>3</b>  | <b>0</b> |

56. The Committee agreed to refuse the application for the reasons stated in the report.

**REPORT ON CALLED-IN PLANNING APPLICATION FOR THE RE-SITING OF  
SKI TOW AT CAIRNGORM SKI AREA, AVIEMORE  
(PAPER 4)**

57. Willie McKenna declared an interest and left the room.
58. Mary Grier presented a paper recommending that the Committee approve the application subject to the conditions stated in the report.
59. The Committee discussed the application and the following points were raised:
  - a) Reinstatement works to take place on site.
  - b) Cumulative impact on environment of re-siting ski tows.
60. The Committee agreed to approve the application subject to the conditions stated in the report.
61. Willie McKenna returned.

**REPORT ON CALLED-IN PLANNING APPLICATION FOR THE DEMOLITION OF HOTEL & ERECTION OF 22 FLATS & CAR PARKING AT ROYAL HOTEL, HIGH STREET, KINGUSSIE  
(PAPER 5)**

62. Anne MacLean declared an interest and left the room.
63. Don McKee presented a paper recommending that the Committee approve the application subject to the conditions stated in the report an amendment to condition no. 1 requiring the Applicant to submit a structural engineers report regarding the slope at the rear of the site and an additional condition requiring no trees to be removed from the site and an Advice Note stating that the plans submitted were for indicative purposes only and did not form part of the granted Outline Planning Permission.
64. The Committee discussed the application and the following points were raised:
  - a) Clarification of Highland Council cycle parking requirements.
  - b) The cultural heritage associated with the frontage of the existing building.
  - c) The length of time taken for the Scottish Executive Trunk Roads consultation response.
65. The Committee agreed to approve the application subject to the conditions stated in the report and an amendment to condition no. 1 requiring the Applicant to submit a structural engineers report regarding the slope at the rear of the site and an additional condition requiring no trees to be removed from the site and an Advice Note stating that the plans submitted were for indicative purposes only and did not form part of the granted Outline Planning Permission.
66. Anne MacLean returned.

**ANY OTHER BUSINESS**

67. Douglas Glass raised concern that there had been a substantial number of mature trees felled within property grounds at the corner of Abergeldie Road and Invercauld Road, Ballater. Don McKee advised that the site was within the Conservation Area and that Aberdeenshire Council's Enforcement Officer was currently pursuing enforcement and prosecution action against the person responsible.
68. Basil Dunlop informed the Committee that there had been Pine Tree felling near the Well of Lecht, however this had left trees on the roadside verges. BD requested that a letter be sent to Moray Council asking for the removal of these

- roadside trees. BD also requested if there could be a policy included in the Park Plan covering the spread of non-indigenous species of trees.
69. Bruce Luffman queried if the engineering works for the formation of a new access at Rosarnach, Drumguish, Kingussie had been granted Planning Permission. Mary Grier confirmed that planning Permission had been granted on 3<sup>rd</sup> June 2005.

#### **DATE OF NEXT MEETING**

70. Friday 29<sup>th</sup> July, The Lecht.
71. Committee Members are requested to ensure that any Apologies for this meeting are submitted to the Planning Office in Ballater.
72. The meeting concluded at 12:45hrs.