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# CAIRNGORMS NATIONAL PARK AUTHORITY

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## MINUTES OF THE PLANNING COMMITTEE

held at The Albert Hall, Ballater  
on 15<sup>th</sup> October 2010 at 10.30am

### PRESENT

Peter Argyle  
Geva Blackett  
Duncan Bryden  
Angela Douglas  
Jaci Douglas  
David Green  
Kate Howie  
Gregor Hutcheon

Eleanor Mackintosh  
Ian Mackintosh  
Mary McCafferty  
Willie McKenna  
David Paterson  
Andrew Rafferty  
Brian Wood

### IN ATTENDANCE:

Don McKee  
Robert Grant  
Pip Mackie  
Andrew Tait

### APOLOGIES:

Marcus Humphrey  
Bob Kinnaird  
Gregor Rimell  
Allan Wright

**AGENDA ITEMS 1 & 2:  
WELCOME AND APOLOGIES**

1. Duncan Bryden, Planning Convenor, welcomed all present and particularly welcomed the new Board Members - Angela Douglas, Kate Howie, Gregor Hutcheon, David Paterson and Brian Wood. It was noted that Allan Wright had also joined the Board but had submitted apologies for the meeting.
2. Duncan Bryden extended thanks and appreciation for all the hard work of the 10 Members who had left the Board – Eric Baird, Stuart Black, Dave Fallows, Lucy Grant, Drew Hendry, Anne MacLean, Alastair MacLennan, Fiona Murdoch, Richard Stroud & Susan Walker.
3. Apologies were received from the above Members.

**AGENDA ITEM 3:  
MINUTES & MATTERS ARISING FROM THE PREVIOUS MEETING**

4. The minutes of the previous meeting, 1<sup>st</sup> October 2010, held at Mar Lodge, Braemar were approved with a slight amendment to Paragraph 27 to now read: Geva Blackett raised concern about the Reporters decision, regarding the reduced level of Affordable Housing, and if it would set a precedent for future applications.
5. Willie McKenna requested that an update be brought back to Members once a response had been received from Scottish Ministers, Jim McKinnon, Chief Planner, and the Reporters Unit regarding the issues raised in the Milton, Aviemore appeal decision (09/153/CP).
6. Don McKee responded that initial internal discussions had taken place since the last meeting to decide how to proceed, either by a formal letter or arranging a meeting, and which aspects of the Reporters appeal decision required further clarification.
7. Duncan Bryden provided a background update for the new Board Members on the Milton, Aviemore application history.
8. Don McKee advised that a new Chief Reporter had recently been appointed and this may be an opportunity to have a discussion on the matter rather than writing a formal letter. He advised that once a course of action had been undertaken, an update would be brought back to the Committee.

**AGENDA ITEM 4:  
DECLARATION OF INTEREST BY MEMBERS ON ANY ITEMS APPEARING  
ON THE AGENDA**

9. Jaci Douglas declared an indirect interest in Planning Application No. 10/333/CP, due to being a friend of the Applicant's wife.
10. It was noted that the Applicant for Planning Application No. 10/333/CP, was Chris Bremner, a senior member of CNPA staff.
11. It was noted that the Applicant for Planning Application No. 10/339/CP, was the husband of former Board Member, Lucy Grant.
12. David Green declared an indirect interest in Item No. 8 on the Agenda (Paper 3), due to being a Board Member of the Scottish Agricultural College, who had been commissioned to carry out a land management report for the application. He confirmed he had no involvement with or knowledge of the report.

**AGENDA ITEM 5:  
PLANNING APPLICATION CALL-IN DECISIONS  
(Oral Presentation, Robert Grant)**

- |                 |   |
|-----------------|---|
| 13. 10/332/CP - | No Call-in  |
| 14. 10/333/CP - | No Call-in  |
| 15. 10/334/CP - | No Call-in  |
| 16. 10/335/CP - | No Call-in  |
| 17. 10/336/CP - | No Call-in  |
| 18. 10/337/CP - | No Call-in  |
| 19. 10/338/CP - | No Call-in  |
| 20. 10/339/CP - | The decision was to call-in the application for the following reason :  |
|                 | <ul style="list-style-type: none"><li>• The development proposed is an exposed and elevated location within an area of great landscape value (AGLV) and may be a precursor to an associated wind energy development. It is considered to raise issues in relation to natural heritage, landscape impact and economic development and is therefore significant to the aims of the National Park.</li></ul> |
| 21. 10/340/CP - | No Call-in  |
| 22. 10/341/CP - | No Call-in  |
| 23. 10/342/CP - | No Call-in  |
| 24. 10/343/CP - | No Call-in  |
| 25. 10/344/CP - | No Call-in  |
| 26. 10/345/CP - | No Call-in  |
| 27. 10/346/CP - | No Call-in  |
| 28. 10/347/CP - | No Call-in  |

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

29. The Members wished to make comments to the Local Authorities on the following Planning Application No's 10/333/CP & 10/340/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.
30. Mary McCafferty raised concern about the quality of the plans that were being presented to the Committee.
31. Don McKee acknowledged that some of the plans were not of the best quality and this issue had previously been raised with the Local Authorities. However, the Committee could only be presented with the information which the CNPA had received.

**AGENDA ITEM 6:  
REPORT ON CALLED-IN PLANNING APPLICATION FOR ERECTION OF  
DWELLINGHOUSE AND PROPOSED NEW BRIDGE AT BLUE MILL,  
GLENKINDIE ESTATE, GLENKINDIE  
(09/263/CP) (PAPER 1)**

32. Duncan Bryden informed Members that Gordon Thomson, Representative of the Agent (Barton Wilmore) did not wish to address the Committee but was available to answer any questions.
33. Robert Grant presented a paper recommending that the Committee approve the application subject to a Section 75 Legal Agreement covering –
  - The restriction of the sale, lease or any other form of disposal of the proposed estate house separate from the estate;
  - The estate house only being used for persons mainly or solely connected with the operation and sporting activities of the Estate (the extent of which is identified on the Estate Plan, ref: 14745, 01);
  - A scheme of Landscape Management for the appropriate enhancement, restoration and reinstatement of the southern area of the Glenkindie Estate lying within Glen Deskry for visual amenity, landscape character and biodiversity benefits;
  - A Financial contribution towards Affordable Housing and the conditions as stated in the report.
34. The Committee were invited to ask the Planning Officer points of clarification, the following were raised:
  - a) The Applicant giving consideration to using the property for holiday lets outwith sporting activities, thereby extending the number of nights the property would be in use.
  - b) The extent of the proposal being considered (Estate House with an ancillary Keepers Cottage, Bothy & Bridge).
  - c) The design, height and construction materials of the proposed bridge.
  - d) The mains power supply to the property, where this was to be sourced and the potential for undergrounding of any associated cables.
  - e) The number of storey's in the proposed development and the potential for a second storey to be added at a future date thereby increasing the buildings visual impact in the landscape.
  - f) The proposals for the existing ruined farmhouse on the site and re-use of the materials.

35. The Committee were invited to ask questions of Gordon Thomson, Agent, the following points were raised:

- a) The Applicant giving consideration to using the property for holiday lets outwith sporting activities, thereby extending the number of nights the property would be in use. The Agent stated that it was not the Applicants' intention to use the property for holiday lets at the current time, however, the lets for fishing purposes would be considered.
- b) The mains power supply to the property and where this was to be sourced. The Agent stated that he was unable to provide this information.
- c) The number of storey's in the proposed development and the potential for a second storey to be added at a future date. The Agent confirmed it was not the Applicants' intention to extend the property in this way.
- d) The energy efficiency of the building and the heating system proposed for the development. The Agent stated that the building had been designed with high energy efficiency in mind, however, he would have to liaise with the Architect for specific details regarding the heating system. Robert Grant informed Members that a high level of heat was designed to be gained through passive heating, via the large panels of glazing) and by wood burning stoves.
- e) The high quality design of the building and the potential for it to win design awards. The Agent stated that the building was to be of high quality and hoped that it could win a design award, but he was not an architectural critic. However, the building is to be set within a landscape framework to enhance the development.
- f) The intentions for the Broomhill Farmhouse located nearer the A97. The Agent stated that the Broomhill Farmhouse was to be 'made safe' (not demolished) and any excess granite used in the construction of the new development.
- g) The existing level of planting in the area and the proposed additional planting to be carried out. The Agent confirmed that additional planting would be carried out in accordance with the submitted Landscape Management Strategy (developed in consultation with Aberdeenshire Council and CNPA Land Management Officers) and it would be extended to include the southern half of the Estate.
- h) The scope to request the majority of the proposed planting to be native species. Duncan Bryden confirmed that this was standard practice and could be included in the Landscape Management Strategy, which was covered by the Section 75 Legal Agreement.

36. Duncan Bryden thanked the speaker.

37. The Committee discussed the application and the following points were raised:

- a) The application being very finely balanced in policy terms. The application failing to meet the key test, by failing to fully demonstrating an essential need case for land management purposes and failing to meet National Park policies. However, the application did comply with Scottish Government, other National Park Plan and CNP Local Plan policies, and had significant material considerations, which would allow an exceptional departure to policy, to be taken into account regarding; design, cultural heritage, landscape management, economic and employment benefit to the local area.
- b) The quality of the slides included in the Powerpoint presentation.
- c) The cultural heritage issue that Shooting Lodges were not intended to be inhabited all year round and the potential for a policy regarding Shooting Lodges to be included in the Local Development Plan.

- d) The site being prominent in the landscape and any development having a significant impact, due to the open nature of the site.
  - e) The decaying nature of the buildings currently on the site.
  - f) The need for a condition requiring the power supply to be undergrounded and the Applicants potentially seeing this as an unreasonable demand. Robert Grant confirmed that the power supply could be conditioned and as excavation works were already required for the development it shouldn't be seen as unreasonable.
  - g) Clarification if the Landscape Management Strategy would still be carried out if the application were not approved. Don McKee informed Members that if the application were not granted, the CNPA would have no control on whether the landscape works were carried out or not, however, the CNPA would encourage the Estate to carry out the landscape integration and enhancement.
  - h) Clarification of the area of the Estate to be covered by the Landscape Management Strategy and the need for it to go beyond the standard routine landscape management plan - thereby adding value to and further enhancing that particular area of the CNP. Don McKee confirmed that the Landscape Management Scheme would require to be approved by the CNPA prior to any works being carried out and would include timescales for implementation and review periods.
  - i) The development being an exemplar design and it being an enhancement to the area.
38. Don McKee informed Members that the Applicant had had discussions with the Aberdeenshire Council Planning Gain Officer, and he had agreed to remove the need for a financial contribution to Education and Public Art, but still retaining the contribution to Affordable Housing. Therefore these two items were now omitted from the Section 75 Legal Agreement in the recommendation.
39. The Committee agreed to approve the application subject to a Section 75 Legal Agreement, as detailed above, the conditions stated in the report and additional conditions covering:
- The power and telecommunication lines to be undergrounded to the development.
  - The submission of a Sustainability Statement for the development.
40. Willie McKenna requested that for future applications, elements such as the power supply to developments had already been investigated and included in the planning report, thereby negating the need for Members to request information about these issues.
41. Don McKee advised that this had been noted and would be addressed for future applications.

**AGENDA ITEM 7:  
 REPORT ON CALLED-IN PLANNING APPLICATION FOR CHANGE OF USE  
 OF PART OF A MACHINERY STORAGE SHED TO FORM BOTHY  
 (RETROSPECTIVE) AT DRUMGUISH WOODS, 100M SW OF WEST END,  
 DRUMGUISH, KINGUSSIE  
 (10/298/CP) (PAPER 2)**

42. Duncan Bryden informed Members that Mr & Mrs John Barton, Applicants, did not wish to address the Committee but were available to answer any questions.

43. Robert Grant presented a paper recommending that the Committee approve the application subject to the conditions stated in the report.
44. The Committee were invited to ask the Planning Officer points of clarification, the following were raised:
  - a) Clarification of the term 'Bothy'.
  - b) The inclusion of the phrase 'no overnight accommodation'. Don McKee advised that this could be incorporated in to Condition I and also recommended that reference be made to a plan of the woodland, so that the Bothy be specifically tied to that area.
  - c) The colour of the Bothy door. The Applicant confirmed it had now been painted grey.
  - d) The Committee were invited to ask questions of the Applicants. No questions were asked.
45. Duncan Bryden thanked the Applicants for attending.
46. The Committee agreed to approve the application subject to the conditions stated in the report with the inclusion of:
  - Condition I – the phrase 'no overnight accommodation'.
  - A plan of the woodland area to be submitted for approval and the Bothy then tied to that area.

**AGENDA ITEM 8:  
REPORT ON CALLED-IN PLANNING APPLICATION FOR ERECTION OF  
HOUSE AT LAGGAN, NO 1 CROFT, KINGUSSIE  
(10/106/CP) (PAPER 3)**

47. Duncan Bryden informed Members that there had been no requests to address the Committee.
48. Andrew Tait presented a paper recommending that the Committee approve the application subject to a Section 75 Legal Agreement ensuring that the house is occupied by persons managing the croft and not sold separately from the croft holding and the conditions as stated in the report.
49. The Committee were invited to ask the Planning Officer points of clarification, the following were raised:
  - a) The implication for the Section 75 Legal Agreement of the croft being registered in a different name from that of the Applicant. Andrew Tait confirmed that the Applicant had been made aware (on several occasions) and fully understood the implications of a Section 75 Legal Agreement and the potential for difficulties in obtaining finance via a mortgage. He also confirmed that the relationship between the Applicant (Nicola Byrne) and croft owner (Claire Anderson) was Mother and Daughter, both parties were to be signatories to the Legal Agreement.
  - b) The Community Council response including reference to a 'high quality' designed dwelling, when the application was for Planning Permission in Principle and no plans having been submitted detailing house design. Andrew Tait advised he had recently met with the Community Council (on a different issue) and had been informed that the Applicant had shown them photos of the type of house she wished to build (should permission be granted). However, these photos did not make up any part of the application currently being discussed.
  - c) The need case for a dwelling on the croft having been made.

- d) The potential for future Planning Permission in Principle applications to require the submission of a sustainability statement due to being located within a National Park.
  - e) The potential for Applicants of future applications to provide a confirmation in writing that they fully understood and had taken advice on the implications of agreeing to a Section 75 Legal Agreement on the proposed development. Planning Officials agreed that this would be carried out.
  - f) The level of full time workers recommended for the croft in the SAC report. Andrew Tait advised that the application was based on a crofting justification (as the land was a registered croft), where the presumption is that crofting is not a full time occupation. This was as opposed to an agricultural justification where the presumption would be that a full time occupation was required.
50. The Committee agreed to approve the application subject to a Section 75 Legal Agreement and the conditions stated in the report with an additional requirement that a sustainability statement to be submitted for approval.
51. Peter Argyle suggested that Applicants of future applications, which were subject to a Section 75 Legal Agreement, provide confirmation in writing that they fully understood and had taken advice on the implications of entering such an Agreement. He also advised that it may help the process to have this confirmation in advance of the application coming forward to the Planning Committee.

**AGENDA ITEM 9:  
ANY OTHER BUSINESS**

52. Duncan Bryden advised Members that information had been circulated regarding the Local Authorities Planning Committee meetings. He advised that it may be useful for Members to attend and he was sure they would be made welcome.
53. Duncan Bryden advised that Willie McKenna had raised concern that 2 properties in Aviemore, currently owned by the Police, had come up for sale on the open market. Given the problem of affordable housing in Aviemore and the current economic climate, should the Committee be making representation to the Chairman of the Police Board.
54. David Green advised that caution were necessary when dealing with a separate independent democratic body, as discussions may have already taken place regarding this issue. He advised it may be best to make informal enquiries in the first instance and report back to the Committee, before deciding how to proceed.
55. Willie McKenna stated that affordable housing was a key issue for the CNP, particularly for local workers. David Green advised that the properties could be a valuable source of affordable housing, however, the CNPA had to be careful not to interfere with another democratic bodies decision.
56. Angela Douglas advised Members that a way forward may be for the properties to be offered on a first refusal basis to an organisation such as an Affordable Housing provider.
57. Ian Mackintosh advised that he was Convener of the Tayside Joint Police Board, and this issue had been encountered previously. He advised that 50% of funding is obtained from Local Authorities and it may be advisable to approach the Convener of the Highland Joint Police Board to put a paper before the Board regarding this issue.
58. Geva Blackett commented on the decline of key worker housing in rural areas.

59. Duncan Bryden requested that Fiona Munro, CNPA Housing Officer, take up this issue. Don McKee advised that he would pass on this information for Fiona Munro to investigate and then report back to Members.
60. Jaci Douglas raised the issue of design awards and if any progress had been made on this issue.
61. Don McKee responded that they had been waiting for the CNP Local Plan to get to a position to be adopted and the adoption of Supplementary Planning Guidance regarding Sustainable Design. These items would provide the necessary backdrop to assess applications and provide the framework for the founding of design awards. He advised that this issue would be highlighted in the Service Improvement Plan, which Members would be receiving a report on in November.

**AGENDA ITEM 10:  
DATE OF NEXT MEETING**

62. Friday 29<sup>th</sup> October 2010 at 10:30am, The Lonach Hall, Strathdon.
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 12.15pm.