

---

# CAIRNGORMS NATIONAL PARK AUTHORITY

---

## MINUTES OF THE PLANNING COMMITTEE

held within Glenlivet Hall, Glenlivet  
on 19<sup>th</sup> November 2004 at 10.30am

### PRESENT

Stuart Black	Anne MacLean
Duncan Bryden	Alastair MacLennan
Sally Dowden	Sandy Park
Basil Dunlop	Andrew Rafferty
Angus Gordon	Gregor Rimell
Lucy Grant	David Selfridge
David Green	Joyce Simpson
Willie McKenna	Andrew Thin
Eleanor Mackintosh	Bob Wilson

### IN ATTENDANCE:

Don McKee	Andrew Tait
Neil Stewart	Pip Mackie

### APOLOGIES:

Eric Baird	Sheena Slimon
Douglas Glass	Richard Stroud
Marcus Humphrey	Susan Walker
Bruce Luffman	

### WELCOME AND APOLOGIES

1. The Convenor welcomed all present.
2. Apologies were received from Eric Baird, Douglas Glass, Marcus Humphrey, Bruce Luffman, Sheena Slimon, Richard Stroud and Susan Walker.

### MATTERS ARISING FROM THE PREVIOUS MEETING

3. The minutes of the previous meeting, 5th November 2004, held at Boat of Garten were approved subject to amendments to items 44 and 58.
4. Sally Dowden asked for clarification of the call-in procedure for Board Members planning applications notified to the CNPA. Andrew Thin responded that the Committee had agreed that planning applications submitted by Board Members should be treated in the

same way as all other applications and only called-in if they raised general significance to the aims of the Park.

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

5. Alastair MacLennan declared an interest in Item 10 (Paper 3) on the Agenda.
6. Stuart Black declared interests in Item 8 (Paper 1) and Item 10 (Paper 3) on the Agenda.

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

7. 04/520/CP - The decision was to Call-in this application for the following reason:
  - The proposal represents the construction of a new community centre and associated facilities, including the relocation of an existing playpark on land which is safeguarded in the Local Plan for community/recreational uses and which is close to areas of amenity woodland. This raises issues in relation to the social and economic development of Boat of Garten, and the promotion and protection of recreational uses and cultural and heritage resources, in this part of the National Park. As such it is deemed to raise issues of general significance to the collective aims of the National Park.
8. 04/521/CP - No Call-in
9. 04/522/CP - No Call-in
10. 04/523/CP - No Call-in
11. 04/524/CP - No Call-in
12. 04/525/CP - No Call-in
13. 04/526/CP - The decision was to Call-in this application for the following reason:
  - This proposal is for the upgrade of an existing water treatment works located within and adjacent to several areas designated for their natural heritage value. This raises issues in relation to the social and economic development of the community which is served by the water treatment works, the promotion of the natural resources of this part of the National Park and the protection of the natural heritage qualities of the vicinity. It is therefore deemed to raise issues of general significance to the collective aims of the National Park.
14. 04/527/CP - No Call-in
15. 04/528/CP - No Call-in

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

16. There were no comments on any applications to submit to the Local Authorities.

## **REPORT ON CNPA SUBMISSION TO PUBLIC LOCAL INQUIRY ON PROPOSAL FOR DRY SKI SLOPE ETC., CORRIE FERAGIE, BRAEMAR**

### **(Paper 1)**

17. Stuart Black declared an interest and left the room.
18. Andrew Thin introduced the revised paper (the original paper was discussed at the Planning Committee at Boat of Garten on 5th November 2004) and invited the Committee to ask questions.
19. No questions were received.
20. The Committee agreed the paper for submission to the Scottish Executive.
21. Stuart Black returned.

## **REPORT ON CALLED-IN PLANNING APPLICATION FOR THE ERECTION OF 18.5M MONOPOLE AND ASSOCIATED EQUIPMENT AT TOMINTOUL TELEPHONE EXCHANGE, TOMNABAT LANE, TOMINTOUL**

### **(PAPER 2)**

22. Neil Stewart presented a paper recommending that the Committee approve the application subject to the conditions stated in the report.
23. Bob Wilson asked if the proposed mast was placed as far away as possible within the site from the Care Home. Neil Stewart responded that he believed it was.
24. Bob Wilson queried if the proposed mast was able to accommodate the existing masts equipment and if a Tree Preservation Order was necessary to continue the screening currently offered by the trees at the roadside.
25. Neil Stewart replied that there may be technical difficulties, in this case, with mast sharing but he would ask the developer if this was feasible. He also stated that the Morayshire Local Plan provided some protection for the trees at the roadside.
26. The Committee agreed the application but asked that clarification on mast sharing be sought prior to issue of any decision notice.

## **REPORT ON CALLED-IN PLANNING APPLICATION FOR THE ERECTION OF DWELLING AT LAND OPPOSITE EASTER CULREACH COTTAGE, NEAR NETHY BRIDGE**

### **(Paper 3)**

27. Alastair MacLennan and Stuart Black declared an interest and left the room.
28. Andrew Thin advised the Committee that the planning officials had received a written request from applicants to address the Committee. The Committee granted the request.
29. Andrew Tait presented a paper recommending that the Committee refuse the application for the reasons stated in the report.
30. Mrs Barnett addressed the Committee and questions were invited from the Members.

31. In response to questions, Mrs Barnett clarified that although they had been offered alternative sites they were all on the same side of the road as the application under discussion. She confirmed that no woodland was to be felled and that the conditions stated by the Roads Manager could be addressed.
32. Andrew Thin thanked Mrs Barnett.
33. Andrew Tait clarified what was understood by a 'brownfield' site and confirmed that the application sites current use was considered, in planning terms, as agricultural. He also stated that under Highland Council policy, there was a strong presumption against housing in this location and only housing related to land management purposes would be considered for the application site.
34. Andrew Rafferty queried why, according to Highland Council policy, housing on the application side of the road was not acceptable but housing on the other side of the road would be looked upon favourably.
35. Bob Wilson queried if the applicants met the land management criteria. Andrew Tait clarified that he believed the land management criteria the policies referred to included persons who were retired crofters/farmers etc.
36. Duncan Bryden was sympathetic to the applicants difficulty in finding a house, however, he felt that the policies were clearly laid out and that there was danger in not following them. He therefore supported the officers recommendation.
37. Willie McKenna felt that the issue of access could be overcome and that this would be an opportunity to provide local people with housing.
38. Anne MacLean felt that a house for local people should take precedent over traffic issues. She raised the point that the Pottery opposite the site had a car park and people visiting in vehicles which increased the traffic flow of the road but was still found to be acceptable. Anne MacLean also informed the Committee that there may be rural ownership grants available which would provide a way of keeping the house in local ownership in perpetuity.
39. Sally Dowden was concerned that if housing was continually approved contrary to policy the Planning Committee could eventually find themselves in an untenable position. She also advised, if the application were approved, that the site should be subject to a condition restricting occupancy to local people.
40. Sandy Park queried if the landowner had any rights of pre-emption over the site.
41. Andrew Tait advised the Committee that the current application did not address the issue of access but it could be investigated. He also advised that it may be possible to condition a Section 75 Agreement (S75) to someone employed within the Park.
42. Duncan Bryden proposed a Motion that the application be deferred to allow the planning officials to further investigate issues including access. David Green seconded the Motion.
43. Sandy Park proposed an Amendment that the Committee make a decision (either approve or refuse) that day and not defer the application. Gregor Rimell seconded the Amendment.
44. Andrew Rafferty proposed a Second Amendment that the application be approved subject to a S75. Anne MacLean seconded the Second Amendment.

45. The first vote was the Amendment versus the Second Amendment with the winner going to a further vote against the Motion. The results of the Amendment versus the Second Amendment was as follows:

NAME	AMENDMENT	SECOND AMENDMENT	ABSTAIN
Duncan Bryden		✓	
Sally Dowden			✓
Basil Dunlop	✓		
Angus Gordon		✓	
Lucy Grant		✓	
David Green		✓	
Willie McKenna		✓	
Eleanor Mackintosh		✓	
Anne MacLean		✓	
Sandy Park	✓		
Andrew Rafferty		✓	
Gregor Rimell	✓		
David Selfridge		✓	
Joyce Simpson		✓	
Andrew Thin	✓		
Bob Wilson	✓		
<b>TOTAL</b>	<b>5</b>	<b>10</b>	<b>1</b>

46. The results of the Motion versus the Second Amendment was as follows:

NAME	MOTION	SECOND AMENDMENT	ABSTAIN
Duncan Bryden	✓		
Sally Dowden	✓		
Basil Dunlop	✓		
Angus Gordon		✓	
Lucy Grant		✓	
David Green	✓		
Willie McKenna	✓		
Eleanor Mackintosh		✓	
Anne MacLean		✓	
Sandy Park	✓		
Andrew Rafferty		✓	
Gregor Rimell		✓	
David Selfridge	✓		
Joyce Simpson		✓	
Andrew Thin	✓		
Bob Wilson	✓		
<b>TOTAL</b>	<b>9</b>	<b>7</b>	<b>0</b>

47. The Committee agreed to defer the paper to allow the planning officials to further investigate issues such as access.
48. Alastair MacLennan and Stuart Black returned.

**REPORT ON CALLED-IN PLANNING APPLICATION ERECTION OF DWELLING AT LAND ADJOINING 'WOODSIDE', GARLYNE, NETHY BRIDGE (Paper 4)**

49. Andrew Thin advised the Committee that the planning officials had received a written request from the applicants agent, Mr R Laing, to address the Committee. The Committee granted the request.
50. Andrew Tait presented a paper recommending that the Committee refuse the application for the reasons stated in the report.
51. Mr Laing addressed the Committee and questions were invited from the Members.
52. In response to questions, Mr Laing advised that a dedicated access path for pedestrians could be accommodated within the site to allow safe crossing between the houses. The applicant, Mr Murray, advised that he would wish to continue his operators licence for the site. Mr Murray clarified the term 'unit' in relation to an operators licence and advised the Committee that the proposed house had been placed at the back of the site due to the visual amenity of 'Woodside' and the fact that the lorries had always parked at the front of the site.
53. Andrew Thin thanked Mr Laing and Mr Murray.
54. Andrew Tait advised the Committee that as there was no planning consent for the units to occupy the site it would be difficult, in planning terms, to control the number of units on the site.
55. Sandy Park queried if the proposed house could be brought to the front of the site with the parking for the units at the rear.
56. Basil Dunlop queried if a S75 could be a mechanism to control and reduce the number of units occupying the site. He also felt that it would provide improved visual amenity if the house were at the front of the site.
57. Stuart Black informed the Committee that this could be a good opportunity to round off a group of houses in the wider area. It would also be providing accommodation for a local family, who need to be near Mr Murray Junior's occupation. He also felt that a S75 would be a necessary mechanism to restrict the number of units on site.
58. Don McKee confirmed that a S75 would effectively negate the operators licence for the number of units allowed to occupy the site.
59. Duncan Bryden raised concern that the Committee would have to state clear reasons if Members were to approve the application contrary to the planning officers recommendation and Highland Council policies.
60. Bob Wilson proposed a Motion to refuse the application for the reasons stated in the report. This was seconded by Gregor Rimell.
61. Basil Dunlop proposed an Amendment to approve the application subject to a S75 tying the business to the house and limiting the number of units to 2 on site. Also it was suggested to move the house to the front of the site, to finish off the grouping of houses and have the units park at the rear of the proposed house to reduce the likelihood of the site appearing as a lorry park. This was seconded by Stuart Black.

62. The vote was as follows:

NAME	MOTION	AMENDMENT	ABSTAIN
Duncan Bryden	✓		
Sally Dowden		✓	
Basil Dunlop		✓	
Angus Gordon		✓	
Lucy Grant		✓	
David Green		✓	
Willie McKenna		✓	
Eleanor Mackintosh		✓	
Anne MacLean		✓	
Sandy Park		✓	
Andrew Rafferty		✓	
Gregor Rimell	✓		
David Selfridge		✓	
Joyce Simpson		✓	
Andrew Thin	✓		
Bob Wilson	✓		
<b>TOTAL</b>	<b>4</b>	<b>14</b>	<b>0</b>

63. The Committee approved the application subject to a S75 and the proposed house being moved to the front of the site.

#### **ANY OTHER BUSINESS**

64. Andrew Thin advised that if Board Members had any queries regarding the Planning Committee Standing Orders to either contact himself or Jane Hope, Chief Executive. He also advised that the Standing Orders were able to be revised at any time if Members felt it necessary.

65. Basil Dunlop raised the issue of Deer culling in Anagach Woods, Grantown on Spey. He informed the Committee that he felt an article that had appeared in a recent edition of the Strathspey and Badenoch Herald was inaccurate and had written to the paper to advise of this. He also advised that the Anagach Woods Trust would wish to be consulted on any spotlighting activities taking place on the nearby Golf Course.

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

66. Friday 3<sup>rd</sup> December, Dalwhinnie.

67. Committee Members are requested to ensure that any Apologies for this meeting are submitted to the Planning Office in Ballater.

68. The meeting concluded at 12.45pm.