
CAIRNGORMS NATIONAL PARK AUTHORITY

MINUTES OF THE PLANNING COMMITTEE held within Duke of Gordon Hotel, Kingussie on 22nd October 2004 at 10.30am

PRESENT

Eric Baird	Eleanor Mackintosh
Duncan Bryden	Sandy Park
Sally Dowden	Andrew Rafferty
Angus Gordon	David Selfridge
Lucy Grant	Sheena Slimon
Marcus Humphrey	Richard Stroud
Bruce Luffman	Andrew Thin
Willie McKenna	

IN ATTENDANCE:

Andrew Tait
Neil Stewart
Pip Mackie

APOLOGIES:

Stuart Black	Alastair MacLennan	Joyce Simpson
Basil Dunlop	Anne MacLean	Susan Walker
David Green	Gregor Rimell	Bob Wilson
Douglas Glass		

WELCOME AND APOLOGIES

1. The Convenor welcomed all present.
2. Apologies were received from Stuart Black, Basil Dunlop, David Green, Douglas Glass, Alastair MacLennan, Anne MacLean, Gregor Rimell, Joyce Simpson, Susan Walker and Bob Wilson

MATTERS ARISING FROM THE PREVIOUS MEETING

3. The minutes of the previous meeting, 8th October 2004, held at Aboyne were approved.
4. David Selfridge queried if the consultation responses had been submitted to the Scottish Executive for the Water Services Consultation Drafts. Andrew Thin confirmed they had.

ELECTION OF CONVENOR AND VICE-CONVENOR

5. Jane Hope introduced the terms for election for the position of Convenor for the Planning Committee.
6. The Committee agreed the position would be held for 1 year.
7. Jane Hope invited nominations for the position of Convenor.
8. David Selfridge nominated Andrew Thin, this was seconded by Bruce Luffman.
9. There were no other nominations and Andrew Thin was duly elected Convenor of the Planning Committee.
10. Andrew Thin invited nominations for the position of Vice-Convenor, the post would also be held for 1 year.
11. Sally Dowden nominated Bruce Luffman, this was seconded by David Selfridge.
12. Willie McKenna nominated Eric Baird, this was seconded by Lucy Grant.
13. Sheena Slimon nominated Richard Stroud. Richard Stroud declined the nomination.
14. A secret ballot took place, the results of which were:
 - Bruce Luffman - 8 votes
 - Eric Baird - 7 votes
15. Bruce Luffman was duly elected as Vice-Convenor.

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

16. Lucy Grant declared an interest in Item 8 (Paper 1) on the Agenda.
17. Willie McKenna declared an interest in Item 9 (Paper 2) on the Agenda.

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

18. 04/482/CP - No Call-in
19. 04/483/CP - No Call-in
20. 04/484/CP - No Call-in
21. 04/485/CP - No Call-in
22. 04/486/CP - The decision was to Call-in this application for the following reason:
 - The site lies outwith the settlement envelope of Dulnain Bridge and within an area designated as Amenity Woodland in the Badenoch and Strathspey Local Plan. The development of a house and the associated car parking proposals, raises issues relating to potential loss of woodland, natural heritage conservation, community access and amenity, and the principle of housing outwith the settlement envelope on unallocated land and housing need. Consequently, the proposal is deemed to raise issues of general significance to the collective aims of the National Park.

23. 04/487/CP - No Call-in
24. 04/488/CP - No Call-in
25. 04/489/CP - No Call-in
26. 04/490/CP - The decision was to Call-in this application for the following reason:
- The proposal represents the erection of a new dwellinghouse, in a countryside location which is designated as restricted countryside in the Badenoch and Strathspey Local Plan. The erection of new single houses, if unjustified in terms of land management, has the potential to establish a precedent for other similar developments within the Cairngorms National Park which cumulatively, may raise issues of significance to the collective aims of the National Park.
27. 04/491/CP - No Call-in
28. 04/492/CP - No Call-in
29. 04/493/CP - No Call-in
30. 04/494/CP - No Call-in
31. 04/495/CP - No Call-in
32. 04/496/CP - No Call-in
33. 04/497/CP - No Call-in
34. 04/498/CP - The decision was to Call-in this application for the following reason:
- The site lies in a prominent position adjacent to a main tourist route and candidate Special Area of Conservation (River Drurie) and in area designated within the National Scenic Area. The proposal is likely to raise issues in relation to planning policy on the principle of infill development along this road, impact on mature trees, natural heritage conservation, and promotion of tourism development. Consequently, the proposal is deemed to raise issues of general significance to the collective aims of the National Park.
35. 04/499/CP - No Call-in
36. 04/500/CP - The decision was to Call-in this application for the following reason:
- Although the site lies within the settlement envelope of Dulnain Bridge, the proposal involves the loss of a recreation-based business site and its redevelopment for residential uses. The loss of the business may have implications for the social and economic development of the area and for the promotion of tourism in the Park. The proposed re-use of the site for small scale housing units may raise issues in relation to the provision of low cost housing in this part of the Park. As such, the proposal is viewed as raising issues of general significance to the aims of the National Park.

COMMENTING ON APPLICATIONS NOT CALLED-IN BY THE COMMITTEE

37. It was agreed that comments be made to the Local Authorities on applications 04/484/CP, 04/485/CP, 04/487/CP, 04/494/CP and 04/496/CP.
38. The Committee agreed to submit the following comments to the Moray Council on applications 04/484/CP and 04/494/CP;

04/484/CP:

The Cairngorms National Park Authority accepts the principle of a single house on this plot which is on allocated housing land in the Moray Local Plan. However, in the interests of conserving the cultural heritage of this part of the National Park, it is suggested that the finishing materials for the house should be in keeping with the character, types and colours of traditional materials found in the area. In addition, in the interests of promoting the sustainable use of natural resources, the Cairngorms National Park Authority suggests that encouragement is given to providing energy efficiency in the overall design of this house.

04/494/CP:

The Cairngorms National Park Authority accepts the principle of a house on this plot which is on allocated housing land in the Moray Local Plan. However, in the interests of conserving the cultural heritage of this part of the National Park, it is suggested that conditions be imposed on any outline permission which require finishing materials for the house to be in keeping with the character, types and colours of traditional materials found in the area. In addition, in the interests of promoting the sustainable use of natural resources, the Cairngorms National Park Authority suggests that encouragement is given to providing energy efficiency in the overall design of this house.

39. The Highland Councillors declared an interest in application Nos. 04/485/CP, 04/487/CP and 04/496/CP and left the room.
40. The Committee agreed to submit the following comments to the Highland Council on application 04/485/CP;

The Cairngorms National Park Authority raises no objection to this application. However, while accepting that a “lean-to” roof abutting an existing wall may be the most appropriate roof style in this instance, the Cairngorms National Park Authority would like to advise that, in general, the preference would be for pitched roofs to be constructed on new buildings within the National Park.

41. The Committee agreed to submit the following comments to the Highland Council on application 04/487/CP;

The Cairngorms National Park Authority accepts the principle of this agricultural building on this site. However, the Cairngorms National Park Authority would wish to ensure that the colour of the cladding is appropriate to the location bearing in mind its elevated

position and its proximity to a Listed Building. It is suggested that a dark green colour may be more appropriate in this instance.

42. The Committee agreed to submit the following comments to the Highland Council on application 04/496/CP;

The Cairngorms National Park Authority has no objection to the principle of this infill development within the Aviemore settlement envelope. However, it is noted that there are some trees near to the boundaries of the site which contribute, to a degree, to the character of this urban area. The Cairngorms National Park Authority suggests that, unless it is demonstrated that the trees are not worthy of retention, due to their quality, health or age, every effort should be made to retain them. If they are required to be felled to allow the development, then it is suggested that replacement tree planting of an appropriate type and scale shall be carried out on completion of the development.

The Highland Councillors returned.

REPORT ON CALLED-IN PLANNING APPLICATION FOR THE SITING OF AN ADDITIONAL CARAVAN AT LAGGAN COUNTRY HOUSE HOTEL, LAGGAN (Paper 1)

43. Lucy Grant declared an interest and left the room.
44. Neil Stewart presented a paper recommending that the Committee approve the application subject to the reasons stated in the report.
45. Sheena Slimon questioned if once the proposed new staff accommodation building had been constructed would all three caravans be removed from the site.
46. Neil Stewart confirmed that they would.
47. Bruce Luffman queried if the occupancy restrictions were being fully addressed through the recommended conditions or would a Section 75 Agreement be feasible.
48. Neil Stewart felt that the occupancy restrictions were fully covered in the conditions as the applicant had indicated a strong commitment to developing the business, including building new staff accommodation.
49. Sheena Slimon questioned that if the applicants sold the business would the conditions for the caravan still apply. Neil Stewart confirmed they would, as the planning permission was granted for the land not the applicant.
50. Richard Stroud queried how long the caravan had been in situ as the application was retrospective. Neil Stewart replied that he had visited the site a few months ago and it had just been placed on the site.
51. Richard Stroud questioned the need for the caravan to be in place at this point due to the expansion of the hotel not yet being complete and therefore would the hotel require further staff at this point.
52. Andrew Rafferty confirmed that the ownership of the hotel was between several persons and therefore accommodation was required for more people in order to run the business.
53. The Committee agreed the application subject to condition 2 being amended to state that the caravan whilst in situ could not be disposed of separately from the business, during the 3 years granted planning permission.
54. Lucy Grant returned.

**REPORT ON CALLED-IN PLANNING APPLICATION FOR THE FORMATION OF WALKING TRAIL AT BETWEEN DAY LODGE AND COIRE CAS, CAIRNGORM SKI AREA, AVIEMORE
(PAPER 2)**

55. Willie McKenna declared an interest and left the room.
56. Neil Stewart presented a paper recommending that the Committee approve the application subject to the conditions stated in the report and with an additional condition requiring a management and maintenance programme in line with those already in place on Cairngorm Mountain.
57. Andrew Rafferty queried if a new track was necessary in this location.
58. Neil Stewart responded that walkers have been making an informal track to create a loop walk back to the Day Lodge, this proposal would formalise the arrangement.
59. Duncan Bryden suggested that there could be informal resting points incorporated along the track, such as boulders, which would encourage people to walk along the route.
60. Neil Stewart confirmed that he had spoken to SNH who had no objections to this idea but that the points should be informal and use locally sourced materials. The Chief Executive for Cairngorm Mountain had also been contacted and indicated they would be able to accommodate this request.
61. The Committee agreed the application subject to a condition being added for the inclusion of informal resting points along the track.
62. Willie McKenna returned.
63. Andrew Rafferty left the meeting.

**REPORT ON CALLED-IN PLANNING APPLICATION FOR THE ERECTION OF ILLUMINATED SIGN AT THE LECHT SKI CENTRE, CORGARFF, STRATHDON
(Paper 3)**

64. Andrew Tait presented a paper recommending that the Committee approve the application subject to the conditions stated in the report.
65. Willie McKenna questioned the phrasing of the first condition. Andrew Tait advised that it was a standard advertising consent condition. Andrew Tait informed the Committee that an advice note could be added to specifically state that the applicant could reapply after 5 years for further permission to retain the signs.
66. Richard Stroud queried if the planning permission granted for the building had included any conditions for external lighting. Andrew Tait responded that he was not aware of any specific conditions covering this issue.
67. Eric Baird raised concern that the phrasing in condition 3 could be misread that the CNPA were liable for the maintenance of the signs and this could have health and safety implications. Andrew Tait responded that this was a standard condition but that an additional advice note could be added stating that the applicant was responsible for the maintenance and upkeep of the signs.
68. The Committee agreed the paper subject to advice notes being added for conditions 1 and 3.

REPORT ON CALLED-IN PLANNING APPLICATION FOR THE CHANGE OF USE FROM HOTEL TO CARE HOME FOR OLDER PEOPLE AT THE MAINS HOTEL, NEWTONMORE

(Paper 4)

69. Andrew Thin advised the Committee that several of the representations received for the application had questioned why the CNPA had called-in the application, deeming the call-in to have negative implications. AT clarified that the decision to call-in applications was in no way a presumption to either refuse or approve an application, but that the CNPA considered it to have general significance to the aims of the Park. AT also informed the Committee that over 80% of the applications called-in had been approved.
70. Sheena Slimon raised the point that some local feeling indicated that the call-in reason for this application was considering tourist business to be more important than other business in the area.
71. Sally Dowden suggested that the wording used in letters issued to the applicants, agents and representees be more robust and clarify the procedure for the call-in of applications more effectively. Andrew Tait confirmed that this action could be taken forward in discussions with the other planning officials in the CNPA.
72. David Selfridge advised that Angus Council issued a leaflet with the letters to applicants, agents and representees detailing the planning process and suggested it may be something the CNPA could also incorporate. Richard Stroud requested that if such a leaflet could include a section on people's rights to make a planning application.
73. Andrew Tait presented a paper recommending that the Committee approve the application subject to the conditions stated in the report.
74. Sheena Slimon informed the Committee that the building had not functioned satisfactorily as a hotel for many years. SS felt that the application was a great bonus as it provided an opportunity to retain and refurbish the building, provide employment and create a much needed nursing home in the area. It would also maintain the sustainability of Newtonmore and release nursing home beds from other areas in Strathspey.
75. Angus Gordon agreed Sheena Slimon's comments and felt that although the loss of an hotel was regrettable, the application for change of use to a nursing home was a good proposal.
76. The Committee agreed the application subject to the conditions stated in the report.

REPORT ON CALLED-IN PLANNING APPLICATION FOR THE RETENTION OF BOUNDARY AND CONTRATORS 'TEMPORARY' COMPOUND FENCES AT RESORT LANDS EAST BOUNDARY, BETWEEN FREEDOM INN AND AVIEMORE BURN, AVIEMORE

(Paper 5)

77. Andrew Thin advised the Committee that the applicant had made a request to speak within the requisite timescales. However the objectors also had to be given the opportunity to address the Committee. As the tight timescales involved had not allowed for the objectors to be contacted within the necessary period, the planning officials proposed to defer the application so that this could take place. The application was therefore, proposed to be delayed until the next Planning Committee meeting.
78. The Committee agreed the deferral of the application.

ANY OTHER BUSINESS

79. There was no other business.

DATE OF NEXT MEETING

80. Friday 5th November, Boat of Garten

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

82. The meeting concluded at 12.20pm.