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# CAIRNGORMS NATIONAL PARK AUTHORITY

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## MINUTES OF THE PLANNING COMMITTEE

held at The Albert Hall, Ballater  
on 26<sup>th</sup> August 2005 at 10.30am

### PRESENT

Eric Baird	Anne McLean
Stuart Black	Alastair MacLennan
Duncan Bryden	Eleanor Mackintosh
Sally Dowden	Sandy Park
Basil Dunlop	Andrew Rafferty
Douglas Glass	David Selfridge
Lucy Grant	Richard Stroud
David Green	Andrew Thin
Marcus Humphrey	Susan Walker
Bruce Luffman	Bob Wilson
Willie McKenna	

### IN ATTENDANCE:

Don McKee	Andrew Tait
Mary Grier	Neil Stewart

### APOLOGIES:

Angus Gordon	Joyce Simpson
Gregor Rimell	Sheena Slimon

### WELCOME AND APOLOGIES

1. The Convenor welcomed all present.
2. Apologies were received from Angus Gordon, Gregor Rimell, Joyce Simpson, and Sheena Slimon.

### MATTERS ARISING FROM THE PREVIOUS MEETING

3. The minutes of the previous meeting, 12th August 2005, held at The Village Hall, Braemar were approved, subject to an amendment to section 19. David Selfridge requested a grammatical correction stating that "The decision was to Call-in the application." instead of "The decision was to Call-in these applications."
4. There were no matters arising.

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

5. Lucy Grant declared an interest in item No. 7 on the Agenda, Planning Application No. 05/156/CP.
6. The Aberdeenshire Councillors collectively declared an interest in item No. 14, Aberdeenshire Local Plan Inquiry Reporters Findings.
7. Marcus Humphrey and Richard Stroud both declared second interests in item No. 14, Aberdeenshire Local Plan Inquiry Reporters Findings.
8. Bob Wilson declared an interest in item No. 9 on the Agenda, Planning Application No. 04/517/CP.
9. Stuart Black declared an interest in item No. 11 on the Agenda, Planning Application No. 05/275/CP.
10. Anne McLean declared an interest in item No. 13 on the Agenda, Planning Application No. 04/593/CP.

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

- 11.05/362/CP - No Call-in  
12.05/363/CP - No Call-in  
13.05/364/CP - No Call-in  
14.05/365/CP - No Call-in
- 15.05/366/CP - The decision was to call-in the application for the following reason :
- The development represents the construction of a man-made structure for use by estate workers and recreational users in a semi-remote location within natural heritage designations and a National Scenic Area, close to popular walking routes. As such it raises issues relating to the promotion of the understanding and enjoyment of the special qualities of this part of the National Park and the conservation and enhancement of the cultural and natural heritage of the area.
- 16.05/367/CP - No Call-in  
17.05/368/CP - No Call-in

18.05/369/CP - The decision was to call-in the application for the following reason :

- The development represents the erection of a house in a countryside area where extant planning policy provides safeguards against development affecting in-bye and forestry land adjoining the Skye of Curr Road community. As such, the proposal raises issues in terms of the principle of houses in such areas, precedent, and the potential for cumulative visual and landscape impacts. It is therefore deemed to be generally significant to the collective aims of the National Park.

19.05/370/CP - No Call-in  
20.05/371/CP - No Call-in  
21.05/372/CP - No Call-in  
22.05/373/CP - No Call-in  
23.05/374/CP - No Call-in  
24.05/375/CP - No Call-in  
25.05/376/CP - No Call-in  
26.05/377/CP - No Call-in

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

27. It was agreed that the planning officers submit comments to the Local Authorities on Planning Application No's 05/362/CP, 05/363/CP, 05/365/CP & 05/368/CP.

#### **REPORT ON CALLED-IN PLANNING APPLICATION FOR CONSTRUCTION OF BOREHOLES, ACCESS TRACKS AND EXTENSION TO WATER TREATMENT WORKS AT LAGGAN WATER TREATMENT WORKS, LAGGAN (PAPER 1)**

28. Lucy Grant declared an interest and left the meeting room.

29. Neil Stewart presented a paper recommending that the Committee approve the application subject to the conditions stated in the report and also recommending an amendment to condition no. 8, requiring painting and landscaping of the existing structure.

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

- a) Whether the proposal would create spare capacity and if not was a later expansion possible;
- b) Concern at Scottish Water's policy to retain redundant buildings on sites;
- c) Queries regarding the issue of removal or retention of the existing building;
- d) The suggestion that a condition be attached to any grant of planning permission requiring short-term visual improvement and landscaping at the existing WTW, but also requiring that the structure be removed within a stipulated time period in the event that no alternative use had been made of it;
- e) Whether or not pumping is required to take water from the borehole;
- f) Concerns regarding potential for contamination of land.

31. The Committee agreed to approve the application subject to the conditions stated in the report, and subject to an amendment to condition no. 8 and additional conditions relating to provision of additional capacity and mitigation against potential contamination.
32. Lucy Grant returned.

**REPORT ON CALLED-IN PLANNING APPLICATION FOR USE OF LAND FOR RECYCLING OF ROAD CONSTRUCTION MATERIAL AT MEADOWSIDE QUARRY, KINCRAIG  
(PAPER 2)**

33. Andrew Thin advised the Committee of requests from two parties wishing to make oral representations. Members agreed to the requests.
34. Neil Stewart presented a paper recommending that the Committee refuse the application for the reason stated in the report.
35. Jeremy Usher-Smith, Manager of Highland Wildlife Park made representations on behalf of the Highland Wildlife Park / The Royal Zoological Society of Scotland, against the development proposal.
36. John Anderson, Secretary of Kinncraig and Vicinity Community Council made representations against the development proposal.
37. The Members had an opportunity to ask questions of the speakers.
38. Andrew Thin thanked Jeremy Usher-Smith and John Anderson.
39. The Committee discussed the application and the following points were raised:
  - a) Why an Environmental Impact Statement was not required as part of the application;
  - b) Whether or not there was any essential reason for the proposed development at the specific location proposed;
  - c) That the original Call-in reason, and specifically reference to the potential impact of the proposed development on the third and fourth aims of the National Park, should constitute a reason for refusal in its own right;
  - d) Queries regarding the view of the Scottish Executive on the issue of providing direct access onto the A9;
  - e) Why recycling could not be undertaken at each individual road project site;
  - f) Concern regarding the accuracy of the airborne pollution statement;
  - g) Importance of roads projects and the need to not hinder progress in roads projects that may benefit from this development.
40. David Green proposed a motion to accept the recommendation to refuse planning permission, subject to the inclusion of a second reason referring to the impact of the development on the third and fourth aims of the Cairngorms National Park. The motion was seconded by Bob Wilson.
41. The Committee agreed to refuse the application in accordance with the motion proposed.

**REPORT ON CALLED-IN PLANNING APPLICATION FOR ERECTION OF A DWELLINGHOUSE AT FINDRON FARM, TOMINTOUL (PAPER 3)**

42. Bob Wilson declared an interest and left the meeting room.
43. Neil Stewart presented a paper recommending that the Committee approve the application subject to the conditions stated in the report.
44. The Committee discussed the application and the following points were raised:
  - a) Concerns regarding the fact that the existing Moray policies in relation to housing in the countryside differ significantly from the policies of the other three Local Authorities within the National Park, particularly in respect of the use of occupancy restrictions;
  - b) Concern that a decision to not include an occupancy restriction would set a precedent for other similar cases within the National Park;
  - c) Query whether or not the conditions recommended would allow the proposed property to be subsequently sold.
45. The Committee agreed to approve the application subject to the conditions stated in the report.
46. Bob Wilson returned.

**REPORT ON CALLED-IN PLANNING APPLICATION FOR ERECTION OF DWELLING AND FORMATION OF CAR PARK AND UPGRADED ACCESS AT LAND ADJOINING 4 CHURCH PLACE, DULNAIN BRIDGE (PAPER 4)**

47. Mary Grier presented a paper recommending that the Committee approve the application subject to the conditions stated in the report.
48. The Committee discussed the application and the following points were raised:
  - a) The need to take account of car parking concerns raised in the letter of objection received;
  - b) Concern regarding the potential precedent that the granting of planning permission for a residential property in an Amenity Woodland would set;
  - c) Queries regarding the background to the need for the proposed dwelling house;
  - d) Query regarding the possible use of a Section 75 agreement restricting occupancy of the proposed dwelling house;
  - e) Whether or not this constitutes “rounding off” of a group of houses;
  - f) Concerns regarding the potential setting of a precedent for further tree felling in Amenity Woodland areas.
49. Richard Stroud proposed a motion to defer a decision on the application in order to seek more information on a number of issues, including employment related justification for the proposed dwelling house; the views of the applicant on entering into a Section 75 agreement restricting occupancy; verification of the location of an existing dwelling house in the woodland area; and forestry advice on the potential necessity to fell further trees in the area in order to accommodate the proposed development. The motion was seconded by Bruce Luffman.
50. Sandy Park proposed an amendment, to approve the proposed development in accordance with the recommendation set out in the report. The amendment was seconded Andrew Rafferty.

The vote was as follows :

NAME	MOTION	AMENDMENT	ABSTAIN
Eric Baird	√		
Stuart Black	√		
Duncan Bryden	√		
Sally Dowden	√		
Basil Dunlop		√	
Douglas Glass	√		
Lucy Grant	√		
David Green	√		
Marcus Humphrey	√		
Bruce Luffman	√		
Willie McKenna		√	
Eleanor Mackintosh	√		
Alastair MacLennan	√		
Anne MacLean	√		
Sandy Park		√	
Andrew Rafferty		√	
David Selfridge		√	
Richard Stroud	√		
Andrew Thin		√	
Susan Walker	√		
Bob Wilson	√		
<b>TOTAL</b>	<b>15</b>	<b>6</b>	<b>0</b>

51. The Committee agreed to defer the application.

**REPORT ON CALLED-IN PLANNING APPLICATION FOR ERECTION OF DWELLING AT LAND EAST OF CORRIECHULLIE, GRANTOWN ON SPEY (PAPER 5)**

52. Stuart Black declared an interest and left the meeting room.

53. Andrew Thin advised the Committee of a request from Ron Laing, Agent wishing to make a representation. Members agreed to the request.

54. Mary Grier presented a paper recommending that the Committee refuse the application for the reasons stated in the report.

55. Ron Laing, Agent, made representations on behalf of his client, the applicant – Mr. Johnson.

56. The Members had an opportunity to ask questions of the speaker.

57. Andrew Thin thanked Ron Laing.

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

- a) Whether or not the dwelling house was intended to be used as a holiday home;
- b) The prominence of the site and the fact that turret / tower features are not commonly found on properties in the Strathspey area;

- c) Queries regarding the extent of design advice given by Highland Council planning officers.
58. The Committee agreed to refuse the application for the reasons stated in the report.
59. Stuart Black returned.

**CONSULTATION RESPONSE TO HIGHLAND COUNCIL ON THE CONSTRUCTION OF ALL ABILITY FOOTPATH, DISABLED PARKING BAYS AND LINK PATH – INSTALLATION OF 13 PERMANENT OUTDOOR SCULPTURES AT SITE TO SOUTH AND WEST OF MILL COTTAGE, FESHIEBRIDGE  
(PAPER 6)**

60. Mary Grier presented a paper recommending that the Committee agree the response to be submitted to Highland Council.
61. The Committee discussed the application and the following points were raised:
- a) The need for additional car parking provision for blue badge holders at the proposed site;
  - b) The need to provide adequate space at the side of seating for wheelchairs;
  - c) Concerns regarding possible impacts on existing water supply in the area.
62. The Committee agreed the response to be submitted to Highland Council, subject to the addition of three points – the requirement for additional car parking provision to serve blue badge holders; the provision of an adequate area of space adjacent to seating in order to accommodate wheelchairs; the need for Highland Council and SEPA to fully investigate the potential impacts of the development on the existing water supply in the area.

**REPORT ON CALLED-IN PLANNING APPLICATION FOR CONSTRUCTION OF ACCESS ROAD AND FORMATION OF 9 HOUSE PLOTS AT LAND BETWEEN DALRACHNEY LODGE HOTEL & A938, CARRBRIDGE  
(PAPER 7)**

63. Anne McLean declared an interest and left the meeting room.
64. Andrew Thin advised the Committee of a request from Ron Laing (Agent) and Mr. Swanny (landowner) wishing to make a joint representation. Members agreed to the request.
65. Andrew Tait presented a paper recommending that the Committee approve the application subject to the conditions stated in the report.
66. Ron Laing and Mr. Swanny made a joint representation.
67. The Members had an opportunity to ask questions of the speakers.
68. Andrew Thin thanked Ron Laing and Mr. Swanny.
69. The Committee discussed the application and the following points were raised:
- a) The extent of affordable housing to be provided within the proposed development;
  - b) Whether or not affordable housing plots would be dispersed throughout the development and be of a design type that would achieve greater social and visual integration;

- c) The merits of a one-way traffic system to serve the proposed development and Dalrachney Hotel;
  - d) The need to carry out a full tree survey of the entire site prior to engaging in the process of making a Tree Preservation Order.
70. The Committee agreed to approve the application subject to the conditions stated in the report.
71. Anne McLean returned.

## **ABERDEENSHIRE LOCAL PLAN INQUIRY – REPORTERS’ FINDINGS (PAPER 8)**

72. Aberdeenshire Councillors declared an interest and left the meeting room.
73. Don McKee presented a paper informing the Committee of the Reporters’ findings for the Aberdeenshire Local Plan Inquiry.
74. The Committee agreed the recommendations in the report.
75. Aberdeenshire Councillors returned.

## **ANY OTHER BUSINESS**

76. Andrew Tait updated Members on British Telecoms proposed removal of payphones within the National Park, advising of receipt of recent correspondence from BT confirming that the majority of payphones were to be retained, with the conversion of several of those remaining to a cashless system. Andrew Thin expressed his thanks to Andrew Tait and other members of the ‘BT Payphones Group’ for their work and the positive result.
77. Neil Stewart updated Members on a recent dismissal of a planning appeal (Planning Application No. 04/364/CP), with the Reporter confirming the decision of the Cairngorms National Park Authority.
78. David Selfridge requested that Members be circulated with copies of all appeal decisions.
79. Susan Walker expressed concern at the submission of planning applications seeking permission retrospectively, and in particular 05/366/CP (Shelter at Felagie Burn, Invercauld), on an estate where unauthorised activity had previously been brought to the attention of the Planning Committee. Members of the Committee agreed that a letter should be sent to the current applicant reminding him of his obligation to obtain planning permission prior to undertaking works.
80. David Selfridge requested an update on the unauthorised boundary fence at the Aviemore Highland Resort. Andrew Tait advised that an appeal is currently with the Scottish Executive and it is anticipated that the Reporter will set a date for a site visit in the near future.
81. Andrew Thin reminded Members of the Planning Committee site visit arranged for September 5<sup>th</sup> at Duthil (Planning Application No. 04/468/CP), highlighting the need to avoid traffic congestion in the area.



## **DATE OF NEXT MEETING**

69. Friday 9<sup>th</sup> September, Edzell.

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

71. The meeting concluded at 13:30hrs.