
CAIRNGORMS NATIONAL PARK AUTHORITY

MINUTES OF THE PLANNING COMMITTEE

held at The Lecht Ski Centre
on 29th July 2005 at 10.30am

PRESENT

Eric Baird	Alastair MacLennan
Sally Dowden	Anne MacLean
Basil Dunlop	Sandy Park
Douglas Glass	Andrew Rafferty
Angus Gordon	David Selfridge
Lucy Grant	Joyce Simpson
David Green	Sheena Slimon
Bruce Luffman	Richard Stroud
Willie McKenna	Andrew Thin
Eleanor Mackintosh	Susan Walker

IN ATTENDANCE:

Don McKee	Andrew Tait
Mary Grier	Pip Mackie

APOLOGIES:

Stuart Black	Gregor Rimell
Duncan Bryden	Bob Wilson
Marcus Humphrey	

WELCOME AND APOLOGIES

1. The Convenor welcomed all present.
2. Apologies were received from Stuart Black, Duncan Bryden, Marcus Humphrey, Gregor Rimell & Bob Wilson.

MATTERS ARISING FROM THE PREVIOUS MEETING

3. The minutes of the previous meeting, 15th July 2005, held in Ballater were approved subject to the following amendments including Anne MacLean declaring an interest in Item 11 on the Agenda; Item 50, the Planning Officers to undertake further discussions on the bunding.
4. David Selfridge queried if a date had been set for the site visit to Tigh na Bea, Duthil, Carrbridge (04/468/CP). Andrew Tait replied that Members would be e-mailed with possible dates for the visit in the near future.

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

5. The Aberdeenshire Councillors declared an interest in Planning Application No. 05/329/CP.
6. David Selfridge declared an interest in Item 12 on the Agenda.

PLANNING APPLICATION CALL-IN DECISIONS (Oral Presentation, Mary Grier)

7. 05/321/CP - The decision was to Call-in this application for the following reason:
 - The proposed development is for a new dwelling house where there are restrictions on unjustified single house developments and therefore raises issues in relation to housing in the countryside and could set a precedent for further development of this nature in similar settings. The proposed development is viewed as being of general significance to the collective aims of the National Park.
8. 05/322/CP - No Call-in
9. 05/323/CP - No Call-in
10. 05/324/CP - No Call-in
11. 05/325/CP - No Call-in
12. 05/326/CP - No Call-in
13. 05/327/CP - No Call-in
14. 05/328/CP - No Call-in
15. 05/329/CP - The Aberdeenshire Councillors declared an interest and left the room.
No Call-in
The Aberdeenshire Councillors returned.
16. 05/330/CP - No Call-in
17. 05/331/CP - The decision was to Call-in this application for the following reason:
 - The proposed development is located within a National Scenic Area, and a Designated Landscape (Invercauld influenced land), and is also proposed in close proximity to existing walking routes. The proposed development by reason of its nature and location is therefore considered to be of significance to the collective aims of the National Park.
18. 05/332/CP - No Call-in
19. 05/333/CP - No Call-in
20. 05/334/CP - No Call-in

21.05/335/CP - No Call-in
22.05/336/CP - No Call-in
23.05/337/CP - No Call-in
24.05/338/CP - No Call-in
25.05/339/CP - No Call-in
26.05/340/CP - No Call-in
27.05/341/CP - No Call-in

28.05/342/CP - The decision was to Call-in this application for the following reason:

- The proposed development represents the formation of a residential unit in an area identified in the Badenoch and Strathspey Local Plan (1997) as restricted countryside. The proposal therefore raises issues in relation to housing in the countryside. In addition, it is located in a prominent and highly visible location and the proposed design differs significantly from other properties in the vicinity, and as such could be seen as setting a precedent for further development of this nature in similar settings. The proposed development is viewed as being of general significance to the aims of the National Park.

29.05/343/CP - No Call-in
30.05/344/CP - No Call-in
31.05/345/CP - No Call-in

COMMENTING ON APPLICATIONS NOT CALLED-IN BY THE COMMITTEE

32. It was agreed that the planning officers submit comments to the Local Authorities on Planning Application No's 05/327/CP, 05/334/CP & 05/340/CP.

33. It was also agreed that the Planning Officers prepare a formal consultation response on Planning Application No. 05/341/CP to be reported at the next Planning Committee.

REPORT ON CALLED-IN PLANNING APPLICATION FOR THE RE-ESTABLISHMENT OF ORIGINAL FARM INCLUDING ERECTION OF A NEW DETACHED 1 ½ STOREY DWELLINGHOUSE & DETACHED GARAGE AT BALACHROICK, GLEN FESHIE (Paper 1)

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

35. Andrew Thin advised that a request to address the Committee had been received from Dave Philip, Agent and Mr Slaney, Applicant. The Committee granted the request.

36. Dave Philip and Mr Slaney addressed the Committee.

37. The Members had an opportunity to ask questions of the speakers.

38. Andrew Thin thanked Dave Philip and Mr Slaney.
39. The Committee discussed the application and the following points were raised:
- The current landscape in Glen Feshie.
 - Current farming practice in Glen Feshie and the unknown state of agriculture at present.
 - The viability of the proposed farming unit.
 - The possibility of the Applicant selling the land and the buyer applying for planning permission.
 - The possibility of encouraging the re-instatement of smallholdings.
 - The appropriateness of applying a Section 75 Legal Agreement on an Outline Planning Permission.
 - The CNPA having no control over the buyers use of the land for farming.
 - The setting of a precedent for housing in the countryside.
40. Bruce Luffman proposed a Motion to refuse the application for the reasons stated in the report. This was seconded by Douglas Glass.
41. Andrew Rafferty proposed an Amendment that the application be approved subject to a Section 75 Legal Agreement. This was seconded by Sheena Slimon.

The vote was as follows:

NAME	MOTION	AMENDMENT	ABSTAIN
Eric Baird	√		
Sally Dowden	√		
Basil Dunlop	√		
Douglas Glass	√		
Angus Gordon		√	
Lucy Grant	√		
David Green	√		
Bruce Luffman	√		
Willie McKenna	√		
Eleanor Mackintosh		√	
Alastair MacLennan	√		
Anne MacLean	√		
Sandy Park	√		
Andrew Rafferty		√	
David Selfridge	√		
Joyce Simpson		√	
Sheena Slimon		√	
Richard Stroud	√		
Andrew Thin	√		
Susan Walker	√		
TOTAL	15	5	0

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

**REPORT ON CALLED-IN PLANNING APPLICATION FOR THE RE-ESTABLISHMENT OF ORIGINAL FARM INCLUDING ERECTION OF A NEW DETACHED 1 ½ STOREY DWELLINGHOUSE & DETACHED GARAGE AT BALNASCRITEN, GLEN FESHIE
(PAPER 2)**

43. Dave Philip, Agent, advised the Committee that after discussion with Mr Slaney, Applicant, they had taken the decision to withdraw the application.
44. Andrew Rafferty left the meeting.

**REPORT ON CALLED-IN PLANNING APPLICATION FOR DESIGN REVISION TO PROPOSED RESTAURANT/SHOP/TOURIST CENTRE AT LAND BETWEEN A889 TRUNK ROAD & RIVER TRUIM, DALWHINNIE
(PAPER 3)**

45. Andrew Thin advised that three late letters of representation had been submitted. The Committee was allowed time to read these submissions.
46. Mary Grier presented a paper recommending that the Committee approve the application subject to the conditions stated in the report.
47. The Committee discussed the application and the following points were raised:
- a) The inappropriateness of a flat roof in Dalwhinnie, due to adverse winter weather conditions.
 - b) Concern over the increase in seating in the proposed building.
 - c) The exposed area of the site.
 - d) The aesthetics of the proposed building.
 - e) The reduced floorspace allocated to tourist information.
 - f) The visual impact of the building on the main route into the CNP.
 - g) The proposed building being seen as overdevelopment of a small site.
 - h) The lack of detailed tourist information provision included in the application compared to the previous approved scheme.
 - i) Clarification of where the original 60 proposed seats information came from.
48. Bruce Luffman proposed a Motion to refuse the application due to the proposed design of the building being inferior, the proposed building being inappropriate for the site and the lack of tourist/interpretive information being included in the application. This was seconded by Sheena Slimon.
49. There was no Amendment proposed.
50. The Convenor informed Members that he had just been informed that although the applicant had previously advised that they did not wish to speak, that the applicant's architect was present and could clarify some of the issues that had been raised, particularly with regard to the design concept. As a motion had been tabled this would involve setting aside standing orders to allow the architect to speak. Members declined to set aside standing orders and the application proceeded to determination.
51. The Committee agreed to refuse the application for the following reasons:
- 1. The proposed development by reason of its overall design would represent a prominent and inappropriate feature, alien in form to the surrounding rugged upland landscape, and sited in a position that offers little natural screening and is highly visible from the approaches. The proposed development would

be injurious to the visual amenity of the area, would detract from the enjoyment of the views and special qualities of this area of the Cairngorms National Park, close to the busiest entry point, by the general public and would set a precedent for further structures of this nature in similar open and sensitive landscapes in the vicinity.

2. The proposed tourist information area is smaller than that originally permitted and as such is not considered to make sufficient provision for the promotion of local communities or adequate provision of interpretative material regarding the Cairngorms National Park and would therefore fail to offer opportunities to promote the understanding and enjoyment of the special qualities of the area by the public in accordance with the third aim of the Cairngorms National Park.

**REPORT ON CALLED-IN PLANNING APPLICATION FOR THE CHANGE OF USE OF OPEN LAND TO PART OF DWELLING CURTLIAGE AT CREAG BEAG, KINCHURDY ROAD, BOAT OF GARTEN
(PAPER 4)**

52. Andrew Thin advised that a late letter of representation had been submitted. The Committee was allowed time to read this submission.
53. Andrew Tait presented a paper recommending that the Committee refuse the application for the reasons stated in the report.
54. The Committee discussed the application and the following points were raised:
 - a) Consideration being given to placing a Tree Preservation Order on the site.
 - b) Planning Officers monitoring the site for building materials being stored on the site.
55. The Committee agreed to refuse the application for the reasons stated in the report.

**REPORT ON CALLED-IN PLANNING APPLICATION FOR THE CHANGE OF USE & ALTERATIONS & EXTENSIONS TO FORM 35 FLATS & ASSOCIATED COMMUNAL FACILITIES (INCLUDING DEMOLITION OF ADJOINING DWELLINGHOUSE) AT MONALTRIE HOTEL, BALLATER
(PAPER 5)**

56. Don McKee presented a paper recommending that the Committee approve the application subject to a Section 75 Legal Agreement and the conditions stated in the report.
57. The Committee discussed the application and the following points were raised:
 - a) Concern over whether the affordable housing would be built concurrently with the proposed development.
 - b) The falling numbers of serviced accommodation in Upper Deeside.
 - c) The application being contrary to policies contained within the Aberdeenshire Structure Plan and Local Plan.
 - d) Concern over the scale of the development and the mass of the extensions.
 - e) The extensions being inappropriate to a listed building.
 - f) Concern that the loss of the Hotel has not been fully investigated.

58. Douglas Glass proposed a Motion that the application be approved subject to the recommendations stated in the report. This was seconded by Sandy Park.
59. Bruce Luffman proposed an Amendment that the application be refused as it was contrary to two policies in the Aberdeenshire Structure Plan and two policies in the Aberdeenshire Local Plan regarding tourism and cultural heritage. This was seconded by Richard Stroud.

The vote was as follows:

NAME	MOTION	AMENDMENT	ABSTAIN
Eric Baird	√		
Sally Dowden	√		
Basil Dunlop	√		
Douglas Glass	√		
Angus Gordon	√		
Lucy Grant	√		
David Green	√		
Bruce Luffman		√	
Willie McKenna	√		
Eleanor Mackintosh	√		
Alastair MacLennan	√		
Anne MacLean	√		
Sandy Park	√		
David Selfridge	√		
Joyce Simpson	√		
Sheena Slimon	√		
Richard Stroud		√	
Andrew Thin	√		
Susan Walker	√		
TOTAL	17	2	0

60. The Committee agreed to approve the application subject to a Section 75 Legal Agreement and the conditions stated in the report.

CONSULTATION REPORT: CNPA RESPONSE TO ANGUS COUNCIL NOTICE OF INTENTION TO DEVELOP FOR THE CONSTRUCTION OF RANGER BASE AT ADJACENT TO VISITOR CAR PARK, GLEN DOLL (PAPER 6)

61. David Selfridge declared an interest and left the room.
62. Andrew Tait presented a paper recommending that the Committee agree the consultation response for submission to Angus Council.
63. The Committee discussed the proposal and the following points were raised:
- Concern about the access road to the car park of the proposed development.
 - Concern over the practical implications of a flat roof.
 - The impact on designated areas by the possible increase in visitor numbers to the site.

- d) The chosen location at the head of the Glen for the proposed development.
 - e) The development essentially being a ranger base not a visitor centre.
 - f) The proposed design of the building.
64. The Committee agreed to approve the consultation response for submission to Angus Council, subject to amendments to paragraphs A and C of the recommendation.
65. David Selfridge returned.

ANY OTHER BUSINESS

66. Andrew Tait presented a verbal report regarding hill track extensions and an excavated car park area that had been carried out on the Cromdale Hills on Glen Lochy Estate. Enforcement action was recommended where appropriate, although less formal means of reinstating any unauthorised works would be pursued in the first instance. The Committee discussed the proposal and the following points were raised:
- a) availability of survey information on existing hill tracks within the Park.
 - b) whether information and/or a letter could be sent to estates with regard to hill tracks and planning.
67. The Committee agreed the recommendation.
68. Bruce Luffman raised the issue of the recent press coverage of the Pylons proposal within the Park.
69. A Member asked about the current position regarding the enforcement notice on the AHR fence. Andrew Tait informed Members that an appeal had been lodged and the CNPA statement of case would be despatched to the Scottish Executive Inquiry Reporters' Unit in the next few days.

DATE OF NEXT MEETING

70. Friday 12th August, Braemar.
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 13:45 hrs.