



# Draft Minutes of the Planning Committee Meeting

Held at Cairngorms National Park Authority HQ, Grantown on Spey

Hybrid

11 August 2023 at 10.30am

## Present

Gaener Rodger (Planning Convener)

Eleanor Mackintosh (Deputy Planning Convener)

Kenny Deans

Russell Jones

Sandy Bremner (Board Convener)

Steve Micklewright

Fiona McLean

Bill Lobban

Douglas McAdam

Chris Beattie

Paul Gibb

Hannah Grist

John Kirk

Xander McDade

Derek Ross

Geva Blackett

## In Attendance

Gavin Miles, Head of Strategic Planning

Peter Ferguson, Harper MacLeod LLP

Ed Swales, Planning Officer (Monitoring & Enforcement Officer)

Emma Bryce, Planning Officer (Development Manager)

Dan Harris, Planning Officer (Forward Planning & Service Improvement)

Emma Greenlees, Planning Support Officer

James Ade, Clerk to the Board

## Apologies

Ann Ross

Lauren MacCallum

Janet Hunter



## Agenda Item 1 & 2

### Welcome and Apologies

1. The Convener welcomed all present including members of the public and apologies were noted.

## Agenda Item 3

### Declarations of Interest

2. Bill Lobban declared an interest in Item 8 and Item 11.  
Reason: Elected Member of the applicant, The Highland Council, and Director of Cairngorm Mountain (Scotland) Ltd. respectively.
3. Russell Jones declared an interest in Item 8.  
Reason: Elected member of the applicant, The Highland Council.

## Agenda Item 4

### Minutes of Previous Meeting and Matters Arising

4. The minutes of the previous meeting on 9 June 2023 held at Cairngorms National Park Authority, Grantown on Spey were approved with no amendments.

## Agenda Item 5

### Detailed Planning Permission 2022/0305/DET (22/04176/FUL)

Erection of 21no dwellings at Nethy Bridge Station Yard, Station Road, Nethy Bridge, Highland

### Recommendation Refuse

5. Emma Bryce, Planning Manager (Development Management) presented the paper to the committee.
6. The Committee were invited to ask for clarity. The following point was raised:
  - a) A member asked if more than 25% of the dwellings could be affordable. Gavin Miles, the Head of Strategic Planning, responded that the developer only had to make 25% of the dwellings affordable due to Cairngorms National Park Policy.
7. Ron Laing the applicant, Eleanor Morrison from the EnviroCentre and James Fraser a supporter, presented to the committee.



8. The Committee were invited to discuss the report. The following points were raised:
  - a) A member questioned the uncertainty around flood risk modelling and whether there was a way to average the consultants' and the Scottish Environmental Protection Agency's model to find a more accurate estimate. Eleanor Morrison responded that the consultants' model had been verified against recorded flooding. Simulated models were 10 cm out compared to historic floods and therefore it was the consultants' professional opinion that their model was more realistic than the Scottish Environmental Protection Agency's.
  - b) A member noted that there had previously been planning permission for a development at this site and asked what had changed from the Scottish Environmental Protection Agency's perspective between applications. Head of Strategic Planning responded that when Scottish Environmental Protection Agency did their national flood risk mapping, a large part of Nethy Bridge was shown to be at risk of flooding. Eleanor Morrison added that when the original flood risk assessment was undertaken, a lower climate change allowance was used, which the Scottish Environment Agency had now increased.
  - c) A number of members noted that while parts of Nethy Bridge have been flooded in the past, this site had not been within living memory. Members also noted that the proposed development was appropriate for Nethy Bridge which is in need of more homes and affordable housing and that the development was more beneficial to Nethy Bridge than the extant planning consent incorporating six much larger houses.
9. The Convener adjourned the meeting for 10 minutes to allow the preparation of an amendment to the Officer's recommendation.
10. The meeting recommenced at 11.35am.
11. Bill Lobban put forward an amendment to approve the application on the following grounds. This was seconded by John Kirk. The amendment proposed was as follows:
  - a) The application be approved on the basis of the detailed flood risk assessment provided with the planning application that demonstrates the site is not at risk of flooding and therefore complies with Local Development Plan Policy 10 and the National Planning Framework Policy 22.
  - b) That all other issues that remain unresolved can be controlled or managed through appropriate conditions.



- c) That an additional consideration in determining the application is that the site has an extant planning permission subject to conditions for a development that would provide less benefit to Nethy Bridge.

12. The Committee voted unanimously in favour of the amendment, resolving to approve the application subject to conditions and referral to the Scottish Ministers.

13. Action Point arising:

- i. Officers to refer the application to Scottish Ministers.

## **Agenda Item 6**

Detailed Planning Permission 2022/0241/DET (22/03005/FUL)

Alterations and extension at Macdonald Highland Hotel, The Aviemore Centre, Grampian Road, Aviemore, Highland, PH22 1PF

**Recommendation:** Approve subject to conditions

14. Gavin Miles, Head of Strategic Planning presented the paper to the committee.

15. The Committee were invited to ask for clarity and the following point was raised:

- a) There were no points of clarification.

16. The Committee were invited to discuss the report. The following points were raised:

- a) Members noted they considered the proposed modifications and extension were an improvement to the existing building.
- b) A member asked whether there would be conditions to manage the roof planting shown on visualisations. The Head of Strategic Planning confirmed that there were already conditions that cover landscaping and biodiversity enhancements. Another member queried whether the ice rink will be moved and if there is another site available for it. The Head of Strategic Planning noted that the ice rink was currently a temporary structure and he understood that the operator was in discussion with the applicant around finding a suitable permanent site.

17. The Committee approved the application as per the recommendation in the Officer's report.



## Agenda Item 7

### **Planning Permission in Principle 2022/0328/PPP (22/04462/PIP)**

Erection of holiday apartments at land west of Cairngorm Hotel, Aviemore, Highland

**Recommendation:** Approve subject to conditions

18. Emma Bryce, Planning Manager (Development Management) presented the paper to the Committee.

19. The Committee were invited to ask for clarity and the following point was raised:

- a) A member asked what would come back to the Planning Committee if the planning permission in principle was approved. Gavin Miles, The Head of Strategic Planning replied that all the conditions set out in the officers' report would require one or more planning applications to be made that would be called in and would need to be approved by the Planning Committee in the normal way before any development could start.

20. The Committee were invited to discuss the report. The following point was raised:

- a) Members agreed that the current building serves no purpose and that approving the application in principle would still allow the Committee to decide the detail of any proposal to build on it.

21. The Committee approved the application as per the recommendation in the Officer's report.

22. Action Point arising: - none.

*12.20pm Bill Lobban and Russell Jones left the meeting.*

## Agenda Item 8

### **Detailed Planning Permission 2023/0056/DET (23/00410/FUL)**

Erection of 12 no houses at former Aviemore Primary School, Milton Park, Aviemore, Highland

**Recommendation:** Approve subject to conditions

23. Gavin Miles, Head of Strategic Planning presented the paper to the Committee.



24. The Committee were invited to ask for clarity and the following points were raised:
- a) Members questioned the limited number of units and the small garden sizes. The Head of Strategic Planning explained the Committee that the risk of possible flooding had restricted the area of land that was available to develop.
  - a) A member questioned whether the parking provision would be opened up to existing neighbours. The Head of Strategic Planning confirmed that the wider parking would be available to current residents and increase the overall parking capacity.
  - b) A member queried if the bike and bin storage could be located outside of gardens. The Head of Strategic Planning answered that the bin and bike storage meets the Council's guidance, but the Council are normally responsive to tenants' requests to change if necessary.
25. The Committee were invited to discuss the report. The following point was raised:
- a) While the majority of Members were happy to support the application, two Members had reservations, concerned that there would be a risk of additional flooding to other properties. The Head of Strategic Planning assured Members that the Scottish Environmental Protection Agency and Highland Council's Flood Risk Team had considered the detail carefully and were satisfied that with the compensatory flood storage measures proposed, the proposal would not increase flood risk to other properties.
26. The Convener adjourned the meeting for 10 minutes to allow the preparation of an amendment to the Officer's recommendation.
27. The meeting recommenced at 1.15pm.
28. Derek Ross put forward an Amendment to refuse the application on the following grounds. This was seconded by Xander McDade. In their opinion, the application:
- a) Had not demonstrated that all the risks of flooding had been understood and addressed; and it had not been demonstrated that there would not be a reduction in flood plain capacity.
  - b) It had not been demonstrated that the development would be safe when operational contrary to the National Planning Framework<sup>4</sup> policy 22 and policy 10 of the Local Development Plan.
  - c) It would not provide sufficient amenity to residence for development to the site contrary to Policy 3 of the Local Development Plan or National Planning Framework<sup>4</sup> Policy 14.



29. Eleanor Mackintosh proposed the Motion to approve as per the Officer's recommendation and this was seconded by Sandy Bremner.

30. The Committee proceeded into a vote. The results were as follows:

	MOTION	AMENDMENT	ABSTAIN
Chris Beattie	✓		
Geva Blackett	✓		
Sandy Bremner	✓		
Kenny Deans	✓		
Paul Gibb	✓		
Hannah Grist	✓		
John Kirk	✓		
Steve Micklewright	✓		
Eleanor Mackintosh	✓		
Douglas McAdam	✓		
Xander McDade		✓	
Fiona McLean	✓		
Gaener Rodger	✓		
Derek Ross		✓	
<b>TOTAL</b>	<b>12</b>	<b>2</b>	

31. The Committee approved the application as per the recommendation in the Officer's report.

32. Action Point arising: - none.

01.20pm Bill Lobban and Russell Jones returned to the meeting.



## Agenda Item 9

### **Prior Approval 2023/0189/DET (23/01439/PNO)**

Prior approval for forestry related building works (non-residential) at Land at Crathie Lodge, Laggan, Newtonmore.

**Recommendation:** Approve subject to conditions

33. Edward Swales, Monitoring and Enforcement Officer (Development Management) planning presented the paper to the Committee.

34. The Committee were invited to ask points of clarity, the following point was raised:

- a) There were no points of clarification.

35. The Committee were invited to discuss the report. The following point was raised:

- a) A Member questioned whether this track could be used for sporting activities and if the track was the appropriate level needed. Gavin Miles, Head of Strategic Planning, responded that officers were satisfied the track proposed was connected to and related to the associated woodland planting and that once built it could be used for any purpose requiring access.

36. The Committee approved the application as per the recommendation in the Officer's report.

37. Action Point arising: - none.

## Agenda Item 10

### **Detailed Planning Permission 2023/0210/DET (23/01967/FUL)**

Retention of ten wigwam accommodation units at Speyside Trust Badaguish Outdoor Centre, Glenmore, Aviemore, PH22 1AD

**Recommendation:** Approve subject to conditions

38. Edward Swales, Monitoring and Enforcement Officer (Development Management) planning presented the paper to the Committee.

39. The Committee were invited to ask for clarity and the following point was raised:

- a) A Member questioned whether pets were allowed on site. The Monitoring and Enforcement Officer responded that signage on the site suggests dogs must be on





leads at all times. Gavin Miles, Head of Strategic Planning added that the management plan applies to the camping ground residents of the site, the operator cannot stop people passing through the site who may have dogs.

40. Tessa and Gus Jones of the Badenoch and Strathspey Conservation Group presented to the committee.

41. The Committee were invited to discuss the report. The following points were raised:

- a) Members were concerned by the photos presented by Tessa Jones of the site, allegedly showing breaches of their visitor management plan. Gavin Miles, Head of Strategic Planning replied that officers would investigate the alleged breaches and report back to the board. He noted that the alleged breaches raised cannot be dealt with by this planning permission.
- b) Members noted the recent change in trustees and management of the operator but questioned whether a reduced duration of planning permission was needed to bring a more permanent solution. The Head of Strategic Planning responded with the view that the minimum time that it could be reasonably reduced to would be 18 months. The Planning Convener noted the Committee's consensus to amend the permission from 3 years to 18 months.

42. The Committee approved the application as per the recommendation in the Officer's report, reducing the duration of planning permission from 3 years to 18 months.

43. Action Point arising:

- i. Head of Strategic Planning will consult the applicant on breaches of the visitor management plan and report back to the board.

*Bill Lobban left the meeting at 02:40pm.*

## **Agenda Item 11**

### **Detailed Planning Permission 2023/0243/DET (23/02572/FUL)**

Formation of mountain bike track link (including temporary construction access) and related infrastructure at Land 560M SE of Cairngorm Mountain, Glenmore, Aviemore

**Recommendation:** Approve subject to conditions

44. Gavin Miles, Head of Strategic Planning presented the paper to the Committee.



45. The Committee were invited to ask points of clarity, the following point was raised:

- a) There were no points of clarification.

46. The Committee were invited to discuss the report. The following points were raised:

- a) There were no points of discussion points.

47. The Committee approved the application as per the recommendation in the Officer's report.

48. Action Point arising: - none.

*Bill Lobban entered the room at 02.45pm*

## **AOCB**

49. The Planning Convener informed the Committee that it was Stephanie Wade's last planning committee as she is leaving at end of the month, and wished her well in her new role.

50. Gavin Miles, Head of Strategic Planning, informed the board that the new Gairnshiel Bridge, previously granted planning permission by the Committee had opened for traffic that day.

51. Dan Harris, Planning Officer, informed the board that the Cairngorms Park Authority had launched its online Local Development Plan consultation, which consists of an online interactive map which the public can use to provide evidence, identify planning issues and ideas. Members asked for this to be shared with the Committee.

52. Action Point arising:

- i. Planning Officer to share the Local Development Plan consultation with committee members.

53. **Date of next meeting:** 22 September 2023

The Committee Convener raised a motion to move to a confidential session to consider approving confidential minutes and consider two items for decision business relating to planning enforcement action.

The public business of the meeting concluded at 02.50pm.