

CAIRNGORMS NATIONAL PARK AUTHORITY

DRAFT MINUTES OF THE PLANNING COMMITTEE

held at Albert Hall, Ballater
on 21st February 2020 at 11am

Members Present

Eleanor Mackintosh (Convener)	Douglas McAdam
Peter Argyle (Vice Convener)	Xander McDade
Geva Blackett	Willie McKenna
Carolyn Caddick	Ian McLaren
Deirdre Falconer	Dr Fiona McLean
Pippa Hadley	William Munro
John Kirk	Dr Gaener Rodger
John Latham	

In Attendance:

Grant Moir, Chief Executive
Gavin Miles, Head of Planning & Communities
Stephanie Wade, Planning Officer, Development Management
Robbie Calvert, Graduate Planner
Alix Harkness, Clerk to the Board
Deirdre Straw, Planning Administration & Systems Officer

Apologies:

Anne Rae Macdonald	Derek Ross
Judith Webb	Janet Hunter
Peter Ferguson, Harper & MacLeod LLP	

Agenda Items 1 & 2:

Welcome & Apologies

1. The Convener welcomed all present and apologies were noted.

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Agenda Item 3:

Minutes & Matters Arising from the Previous Meeting

2. The minutes of the previous meeting, 24th January 2020, held at the Community Hall, Boat of Garten were approved with no amendments.
3. The Convener reported that there were no Actions Points arising from minutes.
4. **Action Point arising: None.**

Agenda Item 4:

Declaration of Interest by Members on Items Appearing on the Agenda

5. Items 8&9 – John Kirk Indirect Interest: Is a Tenant of Seafield Estate.

Agenda Item 5:

Application for Detailed Planning Permission (2019/0363/DET)

Erection of three blocks of flats (27 units) with associated parking and access

At Development Site on Former Filling Station, Grampian Road, Aviemore

Recommendation: Approve Subject to Conditions and Developer Contributions

6. Stephanie Wade, Planning Officer presented the paper to the Committee.
7. The Committee discussed the application, the following queries, comments and observations were made:
 - a) Comment made that a member didn't like the design on the proposal. Head of Planning & Communities advised that different sites and situations required different solutions to designing development. Officers were satisfied that a sensible approach had been taken to the design process and that proposal responded to the challenges and requirements of the site.
 - b) Comment made that the site had been an eye sore in Aviemore for years and that it would be good to see this development in its place.
 - c) Comment made that the proposed development was an improvement on the previous application, agreement that the design works in the context of the new hotel across the road and the wider village context. Praise to Planning Officers for getting the application to this stage. The Convener also praised the work the architects had undertaken to develop the design to its current stage.
 - d) Comment made that the massing of the building which had been the concern of the previously refused proposal had been addressed in the current application.
 - e) Another member expressed their dislike of the design.
 - f) A member commented that Aviemore was a tourist village where accommodation was greatly in demand. They added that the diverse character

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of Aviemore was different from other towns such as Kingussie and Grantown-on-Spey where traditional buildings were a strong part of the character.

8. **The Committee agreed to approve the application and developer contributions subject to the conditions detailed in the report**

9. **Action: None.**

Agenda Item 6:

Application for Detailed Planning Permission (2019/0378/DET)

Erection of house and semi-detached pair of houses

At Dulicht Court, Grantown-on-Spey

Recommendation: Approve Subject to Conditions

10. Robbie Calvert, Planning Graduate presented the paper to the Committee.

11. The Committee discussed the report, the following points were discussed:

- a) Question about the elevation and orientation of the proposal in relation to an objector's concerns. Planning Graduate described the elevations on the PowerPoint slides and noted that the properties were 15m apart.
- b) Concern raised that other parts of the development would lose daylight in parts of their properties if the proposed development were to go ahead. Head of Planning & Communities advised that officers did not consider the new houses would significantly affect the daylight available to other houses.

12. **The Committee agreed to approve the application subject to the conditions detailed in the report.**

13. **Action Point arising: None.**

Agenda Item 7:

Application for Prior Approval (2019/0386/NOT)

Erection of Forestry Building

At Land near Baddengorm, Carrbridge

Recommendation: Refuse

14. Gavin Miles, Head of Planning & Communities presented the paper to the Committee.

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

- a) Disappointment was expressed that the Committee's second hut-related application was for an inappropriate site that if approved could have a detrimental effect on nearby capercaillie.

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- b) Could the site be felled in the future? Head of Planning & Communities confirmed that it could but that like all significant felling would be regulated and require to be replanted in accordance with Scottish Forestry's requirements.
- c) The Convener highlighted that as part of the applicant's woodland management plan they had stated their intention to use the site for recreation purposes.
- d) Comment made that the Highland Council Forestry Officer (pg. 5, para 17 of the report) states that there was no clear need for a shed for forestry management purposes within an area of woodland of this size.
- e) Would the new proposed Local Development Plan mention hutting? Head of Planning & Communities advised that there would not be. He explained that it had been considered at the early stages of plan preparation but that given the many designations covering woodland in the National Park, had not been taken forward as opportunities were very limited.

16. **The Committee agreed to refuse the application as per the Officer's recommendation.**

17. **Action Point arising: None.**

Agenda Items 8:

Application for Detailed Planning Permission (2019/0215/DET)

Demolition of house, erection of 9 houses, formation of access track and path

At Tigh Mhuileann, Boat of Garten, Highland, PH24 3BG

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Item 9: Application for Detailed Planning Permission (2019/0245/DET)

Erection of three houses (Phase 3)

At Land To South West of Tigh Mhuileann, Boat of Garten

Recommendation: Approve Subject to Conditions

- 16. The Convener informed Members that Tessa Jones (Objector) was present to address the Committee and Peter Smith (Agent) was also present and available to answer questions.
- 17. Gavin Miles, Head of Planning presented the paper to the Committee.
- 18. The Committee were invited to ask the Officer points of clarity. The following was raised:
 - a) The Convener asked if officers were content with the proposed demolition of the existing house on the site. Head of Planning & Communities confirmed that officers were satisfied with the demolition of it.
 - b) Query regarding the context of the Local Development Plan (LDP), if the proposed development was not affordable housing where would it sit? Head of

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Planning & Communities advised that if the proposals was not for affordable housing it would not be considered favourably, but that a specific policy provided opportunities for affordable housing development outside allocated sites and settlement boundaries.

- c) Question about whether bus routes pass the site. Head of Planning & Communities confirmed that some passed on the A95 but that a footpath was required to allow habitants to walk to the bus stop with Boat of Garten.
19. Mrs Tessa Jones (Objector) was invited to address the Committee. She gave a presentation. The Committee were invited to ask any points of clarification to the speaker. The following points were raised:
- a) The Convener asked if they accepted that the site is currently a grazing field. Mrs Jones agreed and suggested a 10m buffer from the buffer identified within the application.
 - b) A member asked if the stringent conditions associated with the sewage plans were not sufficient. Mrs Jones advised that they had concerns that the septic tank system would be less regulated going into the future and if it was connected to the main sewage system in would be in keeping with modern standards.
20. Mr Peter Smith (Agent) was invited to answer questions. The following were raised:
- a) A member welcomed the application and asked if the Agent would be willing to liaise with the Objectors on some of the suggestions they made. Mr Smith agreed and explained that it was his aspiration to make it an exemplar project to be shown off around the world. He added that the estate wanted the future occupants to be happy in the properties and take care of the properties.
 - b) Comment made that it was great to see 12 good quality affordable houses being proposed. Query around the connection of the site to both the primary and secondary schools, had safe routes away from main roads been thought about? Mr Smith advised that as part of the pre-application process the need for a path was identified and that this proposed path would be the safe route for school children/ young people.
 - c) Could it be explained what the reasoning was for not connecting to the main sewage facility? Mr Smith advised that the estate shared the view that they did not want to be polluting the tributary burns that flow into the Spey. He explained that a connection to the public sewer had been investigated but would so expensive that the scheme would not be viable.
21. The Head of Planning & Communities was invited to come back on points raised during presentations:
- a) He reminded members of the suspensive conditions that would prevent harm to the River Spey SAC.

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22. The Convener thanked the speakers.
23. The Committee were invited to discuss the report, the following points were raised:
- a) A member was concerned about fungi and rare beetles could condition 5 be amended to include fungi and invertebrates? Head of Planning & Communities advised that officers considered the conditions to be sufficient to deal with the relevant issues.
 - b) A member commended the architect for the proposal, comment was made the proposed development was well designed.
 - c) Would it be feasible to add a further 10m buffer onto the proposed buffer? Head of Planning & Communities advised that officers were content that the proposed buffer was sufficient.
 - d) The Convener asked for reassurance that the conditions as they stand would they address the Objectors points of concern? Head of Planning & Communities confirmed that officers considered this to be the case.
 - e) Would the fence be no more than 1.2m high? Head of Planning & Communities confirmed.
 - f) Comment made that they were happy to support the officer's recommendation, agreement that the design fits with the landscape and planning policy. Comment made that any development within the National Park would have an impact on the environment however in this instance there would be minimal impact to the environment and the ability to fulfil the affordable housing requirement.
 - g) Comment made that this application demonstrates that affordable housing is possible in the right location that is in-keeping with its surrounds.
 - h) Praise to the two local businesses who have come forward to supply local materials to build the development.
 - i) The Convener suggested that the Applicant/ Agent work with the Badenoch & Strathspey Conservation Group to demonstrate good practice for a development that can be showcased in the future.
23. **The Committee agreed to approve the application as per the Officer's recommendation subject to the conditions stated in the report.**
24. **Action Point arising: None.**

Agenda Item 10:

Planning Performance Framework Feedback from Scottish Government

25. Gavin Miles, Head of Planning and Communities advised that feedback from Scottish Government had been received on the authority's 8th Planning Performance

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Framework report for the period April 2018 to March 2019. He reported that it was a positive report overall.

26. The Convener praised the Head of Planning and his team and commented that there was very little that could be done to turn the red grading on the second page of the report. She added that there are other ways of benchmarking and monitoring against other organisations the delivery of the Committee's determinations.

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27. The Head of Planning & Communities provided an update on the Local Development Plan examination. He explained that the CNPA have had the first formal information requests from the DPEA, on matters relating to Issue 2 – Supporting Economic Growth. He advised that correspondence can be viewed on the DPEA's website.
28. Head of Planning provided the Committee with the following updates:
- a) **A9 Dalraddy- Slochd Inquiry update** – The reason for Peter Ferguson, Legal representative not being present was that he was currently working through the CNPA's objection, with a Monday deadline for the CNPA witness's precognitions.
 - b) **Clova Track Enforcement update** – expect reporter to decide the appeal in the near future.
 - c) **Gynack flood alleviation scheme update** – Head of Planning and Communities and Enforcement Officer met Pitmain Estate representatives, new engineers and Highland Council staff on site recently. It is clear that there are fundamental design issues which mean the scheme cannot operate. Engineers looking at a detailed review to address the issues.
 - d) **RTPI event in March** – there will be a drop-in session in Aviemore on afternoon of 10th March 2020. This is public event and Members can register online to attend if they wish.

29. **Action Points arising:** **None.**

Agenda Item 11:

Date of Next Meeting

30. Friday 20th March 2020 in Community Hall, Blair Atholl.
31. The public business of the meeting concluded at 12.40.