

**CAIRNGORMS NATIONAL PARK AUTHORITY**

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**DRAFT MINUTES OF THE PLANNING COMMITTEE**

**held via Video Conference  
on 26<sup>th</sup> March 2021 at 10.30am**

**Members Present:**

Dr Gaener Rodger (Convener)	Douglas McAdam
Peter Argyle (Deputy Convener)	Xander McDade
Carolyn Caddick	Willie McKenna
Deirdre Falconer	Ian McLaren
Pippa Hadley	Dr Fiona McLean
John Kirk	William Munro
John Latham	Derek Ross
Anne Rae Macdonald	Judith Webb
Eleanor Mackintosh	

**In Attendance:**

Gavin Miles, Head of Planning and Communities  
Emma Bryce, Planning Manager, Development Management  
Stephanie Wade, Planning Officer, Development Management  
Dan Harris, Planning Manager, Development Planning  
Nina Caudrey, Planning Officer, Development Planning  
Dee Straw, Planning Administrator and Systems Officer, Development Management  
Roslyn MacDonald, Senior Solicitor, Harper McLeod LLP

**Apologies:**           Geva Blackett           Janet Hunter

**Agenda Items 1 & 2:**

**Welcome & Apologies**

- I. The Convener welcomed all present and including Roslyn MacDonald from Harper McLeod LLP, instead of Peter Ferguson. Apologies were noted.

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2. The Convener announced the Cairngorms National Park Local Development Plan 2021 (LDP) had been adopted at the Board meeting that took place earlier in the morning, and that decisions on planning applications would be taken in the context of that new LDP from today.

### **Agenda Item 3:**

#### **Minutes & Matters Arising from the Previous Meeting**

3. The minutes of the previous meeting, 26 February 2021, held by video conferencing were approved subject to the following amendments:
  - a) Dr Gaener Rodger name appears twice within the Members Present.
4. **Action Points arising:       None.**
5. There were no matters arising.

### **Agenda Item 4:**

#### **Declaration of Interest by Members on Items Appearing on the Agenda**

6. Pippa Hadley declared a Non-Financial Interest in Item 6.  
Reason:       Lives close to the site, had previously expressed strong views on the principle of its development and knows many of the objectors to this application.
7. John Kirk declared a Financial Interest in Item 6.  
Reason:       Through his business has a contractual dispute with the applicant.

### **Agenda Item 5:**

#### **Adoption of Local Development Plan Non-Statutory Guidance**

#### **Recommendation: Approval for Publication**

8. Nina Caudrey, Planning Officer presented the Non-Statutory Guidance to support the Policies within the earlier approved LDP 2021-2026 to the Committee.
9. Additional information was included within the presentation explaining the guidance supports a specific policy in the LDP and the Policies should not be read in isolation.
10. The Committee were invited to discuss the report, the following points were raised:
  - a) A Member commented this was a meaningful consultation and this guidance adds value.

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- b) A Member commented the guidance is well sign posted, is a useful tool, helpful and readable.
- c) A Member stated this was indeed an excellent piece of work by our officers and today a “Red Letter Day” for the CNPA planning service.

11. **The Committee agreed to approve the Non-Statutory Guidance for Publication as per the Officer’s recommendation.**

12. **Action Point arising: None.**

### **Agenda Item 6:**

#### **Detailed Planning Permission 2020/0193/DET (20/02753/FUL)**

#### **Erection of 23 houses and garages with associated roads, infrastructure and landscaping**

#### **Land to North, East and West of Dunbarry Terrace and Kerrow Drive, Kingussie**

#### **Recommendation: Approve Subject to Conditions**

- 13. Members Pippa Hadley and John Kirk left the room.
- 14. Emma Bryce, Planning Manager, presented the paper to the Committee.
- 15. Emma Bryce, Planning Manager then handed over to Gavin Miles, Head of Planning and Communities to give an update on information only received earlier in the week prior to Planning Committee. He reported that the information suggests there could be Greater Butterfly Orchids on this site. Greater Butterfly Orchids are on the Scottish Biodiversity list and in decline across the UK and Scotland. Officers therefore recommended an additional condition to require a survey and if necessary, a species protection plan with measures to mitigate and minimise any impact to any Butterfly Orchids on site, to be submitted and approved prior to any development. This would also mean resubmission of the landscape proposals for the site if changes were required.
- 16. Gavin Miles, Head of Planning and Communities, also recommended a further informative to any consent, noting that the site may contain old field drains that will require to be diverted in accordance with measures in the Construction Method Statement to avoid discharge to neighbouring properties.
- 17. The Committee were invited to ask points of clarity, the following points were raised:

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- a) The Convener asked if these additional conditions would come back to committee. Gavin Miles confirmed that conditions are discharged by officers so would not require to come back to committee.
  - b) A Member asked for clarification in the wording for condition 4, did the wording mean not only for the existing but also for established trees on the site in the landscape and tree proposals. Emma Bryce confirmed this is the intention of the condition.
  - c) A Member queried the additional informative mentioned by Gavin Miles, in regards to the old field drains and was this strong enough, should this be a condition. Gavin Miles confirmed that the applicant would be required to submit a construction method statement, and that they would be responsible for any damage to neighbouring properties caused by their development. The informative would remind them of this and their responsibility.
  - d) A Member queried paragraph 30, the 23 affordable housing approved last year. How do we ensure these are completed or started prior to the housing on this site, or at least 8 of the affordable houses are completed by the time these 23 houses are completed? Gavin Miles confirmed there are two site with detailed planning permission in addition to the proposal being considered by the Committee. The first site for 23 affordable housing units was now owned by Highland Council with a contract in place for construction to start.
  - e) A Member queried the roads, stating it is noted that Highland Council's Transport Planning team were happy with the development. How would the CNPA ensure future roads on future applications would join up? Also in regards construction traffic management plan and the history of the site, if it is identified a haul road is required, how would this be rolled out. Gavin Miles confirmed the CNPA could only consider the application made at this stage, not make decisions on potential proposals for the future. The construction traffic management plan that would be an important consideration for Highland Councils Transport Planning Team and development would not be able to proceed until that had been approved. If it was not approved, then the applicant might have to consider other applications or developments.
18. The Committee were invited to discuss the report, the following points were raised:
- a) A Member commented they had previously lived on Kerrow Drive and could understand the concerns raised in objections, as it was a busy road, narrow in places and that school children walked along it. The Member was glad to see the measures required to mitigate the traffic impacts.
  - b) A Member commented they agreed with some of the concerns re the designs and they seemed more suited to an urban setting rather than a rural setting.
  - c) A Member agreed with those comments and wondered when we would be running the next Design Awards. Gavin Miles confirmed the intention to run the next Design Awards in 2022. Gavin Miles also confirmed that officers would be

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bringing back Design and Placemaking Planning Guidance to the Planning Committee.

- d) A Member commented on the late discovery of Butterfly Orchids and queried if this would delay the developers. Gavin Miles confirmed the developer could work with the condition proposed and that there was no reason for it to delay implementation of the development.
19. **The Committee agreed to approve the application as per the Officer's recommendation subject to the conditions in the report, along with an additional suspensive condition for the Butterfly Orchids, an additional suspensive condition for a revised landscaping plan and an additional informative relating to field drains.**
20. **Action Point arising: None.**
21. Pippa Hadley and John Kirk returned to the meeting.

### **Agenda Item 7:**

#### **Detailed Planning Permission 2020/0293/DET (APP/2020/2284)**

#### **Erection of 3 Dwellinghouses and Detached Garages**

#### **Land to West of Gairncliffe, Bridge of Gairn, Ballater, Aberdeenshire**

#### **Recommendation: Approve Subject to Conditions and a Developer Contribution**

22. Stephanie Wade, Planning Officer, presented the paper to the Committee, noting that during the processing of the application, the orientation of houses had been changed to reduce overlooking of neighbouring properties in an attempt to address concerns raised by neighbours.
23. The Committee were invited to discuss the report, the following points were raised:
- a) A Member stated having a concern re the lighting for Plot 3 but the Officer had covered this and would commend the applicant in the revisions to take account of this.
  - b) A Member stated this application was a good design, traditional design and in keeping with the area. The response by the applicant to neighbours' concerns is highly commendable. Very supportive and happy to agree.
24. **The Committee agreed to approve the application as per the Officer's recommendation subject to the conditions and a developer contribution.**
25. **Action Point arising: None.**

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## **Agenda Item 8:**

### **AOB**

26. Gavin Miles reported on the following matters:
  - a) Post Committee application Spey House Phase 2, Aviemore – officers and developer expected the end of financial year to force the remaining contract to be signed which would allow the developer to pay the Developer Contribution and for the Decision Notice to be issued.
  - b) Post Committee application Former Filling Station, Aviemore – the Legal Agreement has now been signed and is with Registers of Scotland. The Decision Notice will be issued shortly.
  
27. The Convener informed the Committee the Minutes from the Confidential Session held in February will be brought to a Confidential Session in April.
  
28. **Action Points arising:                      None.**

## **Agenda Item 9:**

### **Date of Next Meeting**

29. Friday 23 April 2021 at 10am via video/telephone conference.
  
30. The public business of the meeting concluded at 11.35am.