



Draft Minutes of the Planning Committee Meeting

Held at Cairngorms National Park Authority HQ, Grantown on Spey

Hybrid

8 December 2023 at 9.30am

Present

Chris Beattie (Planning Convener)

Eleanor Mackintosh (Deputy Planning Convener)

Kenny Deans

Russell Jones

Sandy Bremner (Board Convener)

John Kirk

Derek Ross

Paul Gibb

Bill Lobban

Lauren MacCallum

Virtual

Fiona McLean

Hannah Grist

Steve Micklewright

Xander McDade

Ann Ross

Geva Blackett

Apologies

Russell Jones

Peter Cosgrove

Duncan Miller

In Attendance

Gavin Miles, Head of Strategic Planning

Peter Ferguson, Harper MacLeod LLP

Emma Bryce, Planning Manager (Development Management)

Edward Swales, Monitoring & Enforcement Officer

Katherine Crerar, Planning Officer (Development Management)

Emma Greenlees, Planning Support Officer

James Ade, Clerk to the Board



Agenda Item 1 & 2

Welcome and Apologies

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

Agenda Item 3

Declarations of Interest

2. John Kirk declared an interest in Items 6 and 7

Agenda Item 4

Minutes of Previous Meeting and Matters Arising

3. The minutes of the previous meeting on 10 November 2023 held at Cairngorms National Park Authority, Grantown on Spey were approved with no amendments.

Agenda Item 5

Application for Detailed Planning Permission 2021/0227/DET (21/02889/FUL)

Erection of 7 houses, restaurant, and production building at Laraig View, Aviemore, Highland, PH22 1QD

Recommendation: Approve Subject to conditions and a legal agreement to secure affordable housing and commuted sums towards affordable housing and primary education facilities

4. Gavin Miles, Head of Strategic Planning presented the paper to the Committee.
5. The Committee were invited to ask for clarity and the following points were raised:
 - a) A Member asked for clarity on how the development will meet the commitment to 45% affordable housing. The Head of Strategic Planning responded that in this case a combination of two on-site affordable units and a commuted sum payment to the housing authority to support delivery of affordable housing was being proposed and would meet the requirement.
 - b) A Member asked for clarity on what assurances were in place that the developer will maintain the drainage. The Head of Strategic Planning responded that surface water from hard surfaces will be drained under the car park and between the



swale and dragonfly pond, where it is slowed before being returned to the watercourse and that it would be the responsibility of the owners to maintain it.

- c) A Member asked if there would be additional costs for occupiers of the site to pay for maintenance of roads and refuse collection. The Head of Strategic Planning confirmed that would be the case.
 - d) A Member queried negative comments in the report made by the Landscape Officer about the proposed development. The Head of Strategic Planning acknowledged that the landscape adviser's opinion had been negative about the proposal and the change in landscape but noted that the layout had taken account of local landscape features and that it was the planning officer's opinion that with additional planting and sensitive use of materials, the proposal could make a positive contribution to the outskirts of Aviemore.
6. The Committee were invited to discuss the report. The following point was raised:
- a) Some members voiced reservations around lack of staff accommodation for the restaurant and additional bills for refuse on affordable housing.
 - b) Other members agreed that this was a positive development on a brownfield site in the approach to Aviemore, with an appropriate contribution towards affordable housing. They welcomed the proposal and the high standard of design in the development.
7. The Committee approved the application for planning permission in principle as per the recommendation in the Officer's report.

John Kirk left the room at 10.15am

Agenda Item 6

Application for Detailed Planning Permission 2023/0199/DET (23/02000/FUL)

Erection of 7No. self catering cabins, toilet and shower block, erection of manager's house at Land 110M SE of Boat of Balliefurth, Grantown on Spey.

Recommendation: Approve subject to conditions

8. Emma Bryce, Planning Manager (Development Management) presented the paper to the Committee.
9. The Committee were invited to ask for clarity and the following points were raised:



- a) Members asked if there would be pitch sites for tents. The Planning Manager confirmed this, adding that the pitch sites would have access to the shower block.
- b) A Member sought clarity on whether the site would see an intensification of use and if this would impact on the nature value. The Planning Manager responded that there would be an intensification of use, hence the onsite manager's house, but the National Park Authority's Ecological Officer has reviewed the environmental impacts and is satisfied that issues raised will be addressed with appropriate mitigation measures so there would be no significant impacts on nature.
- c) A Member raised Community Council concerns around the increased road traffic to the site. The Planning Manager responded that the roads team have looked at the access road and were satisfied.
- d) A Member asked for clarification on why a neighbour had not been notified about the application. The Planning Manager responded that neighbours were notified by the Highland Council according to their procedures and that whether or not they had received notification, they had known of the application and made a contribution on it.

10. The applicant, Ronald MacPherson, addressed the Committee.

11. The Committee were invited to ask for clarity. The following points were raised:

- a) A Member questioned whether the new camping business will remain part of the croft. The applicant clarified that this application was a diversification of the croft business.

12. The solicitor representing the objectors, Jamie Whittle of R & R Urquhart, addressed the Committee.

13. The Committee were invited to ask for clarity. The following points were raised:

- a) Members asked for clarity on the number of incidents of screaming matches and torches being shone into the neighbours' property. Jamie Whittle was unable to provide details.
- b) A Member questioned Jamie Whittle on his statement that this was not a registered croft. Jamie Whittle responded that emphasis is being placed on the business being a croft, which carries legislative and cultural allowances in planning applications. However, in his submission, it is not a croft. The Head of Strategic Planning clarified for the Committee that while it is not a registered croft, the term was being used to describe a rural business on land. He noted that the



Local Development Plan did not have any policies tied to crofting and that the term wasn't being used to convey any weight in the committee's decision.

- c) A Member sought clarity on the proposition made by Jamie Whittle that it would be unlawful for the committee to approve the application. The Head of Strategic Planning clarified that this was the speaker's opinion that their clients' amenity would be adversely affected and that this would be contrary to the Development Plan. He noted that it was for the Planning Committee to decide for themselves whether the development complied with Development Plan policies.

Steve Micklewright left the meeting at 11.00am

14. The Committee were invited to discuss the report. The following points were raised:
 - a) A Member questioned why a detailed ecological survey was not carried out prior to the application coming before the Committee. The Head of Strategic Planning responded that an acceptable standard of ecological survey had been undertaken to inform the decision-making at this and that the requirement for pre-commencement surveys was standard condition to ensure that if anything changed it could be taken account of.
 - b) Some Members felt that the proposed site manager's house did not meet requirements of the Local Development Plan due to the fact it would be being built on a green field site. However other members felt that the site managers house was an important part of the application to manage behaviour and safety on the site, given the objections presented.
15. Paul Gibb put forward a motion to refuse the application on the basis that it would, if granted, introduce an unacceptable level of impact on the amenity of neighbours due to an increase in noise from visitors using the facilities which would be contrary to Policy 2: Supporting Economic Growth, part 2.2 Tourist Accommodation, of the Cairngorms National Park Local Development Plan 2021, and because it would be contrary to Policy 2 of the LDP, it would also be contrary to the Development Plan as a whole. This was seconded by Eleanor Mackintosh.
16. No motion to support the application was put forward by Members.
17. The Committee refused the application for detailed planning permission.



Agenda Item 7

Application for Detailed Planning Permission 2023/0381/DET (23/04083/S42)

Application under Section 42 to amended condition 6 (noise barrier) of (2022/0069/DET) at Land 380M West of East Croftmore, Boat of Garten.

Recommendation: Approve subject to conditions

18. Katherine Crerar, Planning Officer (Development Management), presented the paper to the Committee.
19. The Committee were invited to ask for clarity and no points for clarification were raised.
20. The Committee were invited to discuss the report. The following points were raised:
 - a) Discussion was had around battery storage being an emerging technology, with concerns around fire safety and decommissioning. The Head of Strategic Planning informed the Committee that there were conditions for both fire suppression and decommissioning, but acknowledged that planning guidance on these matters or other forms of regulation and control of such facilities might change over time.
21. The Committee approved the detailed for planning permission as per the recommendation in the Officer's report.

John Kirk, Steve Micklewright and Ed Swales joined the meeting at 11.44am.

Agenda Item 8

Review of Planning Enforcement Charter

22. Edward Swales, Enforcement and Monitoring Officer (Development Management), presented the paper to the Committee.
23. The Committee were invited to discuss the report. No points of discussion were raised.
24. The Committee approved the detailed planning permission as per the recommendation in the Officer's report.



AOCB

25. None

26. **Date of next meeting:** 26 January 2024

The Committee Convener raised a motion to move to a confidential session to consider the confidential minutes for the Planning Committee meeting on 10 November 2023.

The public business of the meeting concluded at 11.46am.