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**CAIRNGORMS NATIONAL PARK AUTHORITY**

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**APPROVED MINUTES OF THE PLANNING COMMITTEE**

held at The Pagoda, Grantown-on-Spey  
on 26<sup>th</sup> January 2018 at 11.00am

**Members Present**

Peter Argyle	John Latham
Rebecca Badger	Eleanor Mackintosh (Convener)
Carolyn Caddick	Willie McKenna
Angela Douglas	Ian McLaren
Paul Easto	Gordon Riddler (Deputy Convener)
Pippa Hadley	Judith Webb
Gregor Hutcheon	Walter Wilson
Janet Hunter	Brian Wood

**In Attendance:**

Gavin Miles, Head of Planning & Communities  
Murray Ferguson, Director of Planning & Rural Development  
David Berry, Planning Manager, Forward Planning & Service Improvement  
Katherine Donnachie, Planning Officer, Development Management  
Matthew Hawkins, Landscapes & Ecology Manager  
Peter Ferguson, Legal Adviser Harper & MacLeod LLP  
Alix Harkness, Clerk to the Board

**Apologies:** Geva Blackett Dave Fallows  
Xander McDade

**Agenda Items 1 & 2:**

**Welcome**

1. The Convener welcomed all present with special welcome to a new member of staff, Graeme Saunders, Landscape Advisor.
2. Apologies were noted.

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## **Agenda Item 3:**

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

3. The minutes of the previous meeting, 15 December 2017, held at the Community Hall, Boat of Garten were approved with no amendments.
4. There were no matters arising.
5. The Convener provided an update on the Action Points from the previous meeting:
  - a) **Action Point at Para 31i) – In Hand** – *Officers are to write to Transport Scotland with detailed comments on any further mitigation that could be applied to the section. Would be dealt with under AOCB.*
  - b) **Action Point at Para 44i) – In Hand** - *The Planning Committee Convener has to write to SSE regarding the ongoing Beauldy Denny reinstatement process.*

## **Agenda Item 4:**

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

6. Carolyn Caddick declared an interest in:
  - Item 9 – Indirect Interest – As a Highland Councillor has an interest in community school provision.
7. Pippa Hadley declared an interest in:
  - Item 9 – Indirect Interest – As a Highland Councillor has an interest in community school provision.

## **Agenda Item 5:**

### **Application for Detailed Planning Permission (2016/0153/DET) & Application for Listed Building Consent (2016/0143/LBC)**

#### **Conversion of redundant farm buildings to visitor facilities and commercial use, including alterations and extension of existing structures. Construction of new buildings for café, catering and events use; formation of vehicle parking areas At Balavil Mains Farmhouse, Kingussie**

8. Katherine Donnachie, Planning Officer presented the paper to the Committee. She highlighted the following typo in the report: At paragraph 7 bullet point (b) where the retail floor area is described as 286 square metres - it should read **386** square metres. She added that it was correctly referred to as just under 400 square metres in the appraisal section (paragraph 78).

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9. The Committee were invited to ask points of clarity the following were raised:
- a) How many parking spaces were proposed? Katherine Donnachie advised that the plans were for 3 spaces for coaches and 97 car parking spaces including disabled.
  - b) What is the existing total retail floorspace of Kingussie and Newtonmore combined? Katherine Donnachie advised that she did not know the answer to this; she advised that the Town centre health check was available but that it did not detail the total floor space of Kingussie and Newtonmore nor did the applicant's retail assessment.
  - c) Did the landscape plan give an indication of existing trees to be protected, did they show rooting zone or canopy spreading? Katherine Donnachie confirmed that they showed canopy spreading and that there was a condition requiring a detailed landscape plan and tree plan.
  - d) Who undertakes the retail space assessment and how? Katherine Donnachie advised that Scottish Planning Policy advocates that for developments over 2500 square metres floorspace the applicant undertake a retail impact assessment to assess what is currently available, if it could accommodate their development and how the development would impact on the existing retail space.
  - e) Throughout the report there are several references to £5million of investment, could an indication be given as to the extent the local community would benefit from this investment? Katherine Donnachie advised that the Agent may be best to answer this question.
  - f) There had been a historical flooding event where the railway had been washed away, had this been taken into consideration in the flooding predictions? Katherine Donnachie confirmed that flood assessments relating to the A9 had been considered and that the Highland Council Flood Team have asked for a flood management plan to be in place.
  - g) Could clarity be given on the junction on the A9 leading to the development? Katherine Donnachie advised that Transport Scotland require improvements to the road to provide safety when travelling south and turning right. She added that the applicant would need to agree improvements with Transport Scotland.
  - h) Where was the dualling of the A9 expected to take place in that area? Katherine Donnachie advised that it had not yet been decided, that there was no information in that regard in the public domain.
10. The Convener invited Raymond Muszynski and Stuart MacGarvie (Agents) to answer relevant questions of a planning nature from the Committee:
- a) Throughout the report there are several references to £5million of investment, could an indication be given as to the extent the local community would benefit from this investment? Mr MacGarvie advised that since purchasing the estate they had gone from employing one full time member of staff to 12. He went on to say that local contractors would be used as far as possible but work on the

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elements that would require specialist contractors as a result of it being a listed building may need to be enlisted.

- b) With reference to paragraph 85 of the report where a suggestion was made to improve the public access to make it more accessible to the public, could they confirm that this was what they wanted? Mr MacGarvie confirmed that the estate contained interesting archaeology features and that they were keen to provide improved access for the public to these.
- c) Could comfort be provided to the community that the Retail Assessment that had taken place was robust? Mr MacGarvie confirmed that they had followed the set procedure when undertaken the retail assessment which included a mathematical approach to such an assessment. He explained that the average existing retail space in Kingussie was 30-40m<sup>2</sup>. He added that this development was considered to be complimentary to Kingussie and would help attract tourists into Kingussie. He said that they had looked at various uses and this one seemed the most viable. He stated that the development when built would employ 15 people full time.
- d) How could Kingussie benefit from the development considering they rely on the A9 passing trade that the development would likely take away from Kingussie? Mr MacGarvie explained that the intention was to create complimentary provision to Kingussie and not competition.
- e) What type of lighting was envisaged and what would be the impact of the lighting from the road? Mr Muszynski advised that advice on lighting would be taken from specialist within that field. He added that the intention was to keep lighting levels as low as possible with no lighting along the burn to avoid disturbing the resident otters. He stated that they intended to use low lux impact lighting throughout.
- f) What types of retail units were envisaged on the development - was a small scale House of Bruar envisaged? Mr Muszynski advised that they had planned a craft workshop, the promotion of speciality products and a café facility so not at all like House of Bruar. He explained that if people within the community were looking a place to promote their skills or craft them there would be potential for them to do it there.
- g) How big would the café be and how many people could it accommodate? Mr Muszynski advised that they had envisaged setting places for 18 tables at 4 per table with additional covers on the terrace when the weather was suitable. He added that they envisaged serving a range of hot and cold food and not solely targeting those wishing coffee and cake but also catering lunches and high teas. He went on to advise that the mill building would contain a community space for small events or meetings which would be available for community hire and this space could be facilitated by the café.
- h) How had they decided how many parking spaces would be needed? Mr Muszynski advised that the number of parking spaces had come about following on from advice and discussions with Transport Scotland and the Highland Council.

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- i) Question around the statement made from SEPA and the Highland Council around the need for a flood plan, could the Agent explain how they planned to tackle the likelihood of flooding on the site? Mr Muszynski explained that extensive studies had been carried out which found that the site itself was not a risk of flooding. He added that following the detailed assessment SEPA advised that they were content with the findings.
  - j) How could the development be complimentary to the existing businesses in Kingussie and what work had been done to show that it would bring in additional customers as opposed to relying on the existing trade? Mr MacGarvie explained that it was based on the retail impact assessment and that passing trade was the target audience for the development.
  - k) In historical times had the site and buildings ever flooded? Mr Muszynski advised that there was no evidence of it having flooded in the past 60-70 years.
11. The Convener thanked the speakers and invited Planning Officers to come back on issues raised:
- a) The Highland Council and SEPA's comments on flood risk indicated were employing a precautionary approach in case flooding were to happen with conditions recommended to cover this.
  - b) Lighting has been recognised as having both ecological and visual impacts and this has been addressed in condition 10 where a night visualisation has also been requested.
  - c) To give an idea of the floor space of the development, one of the larger buildings is 95sq metres which would be about one fourteenth of the size of the Tesco in Aviemore at around 1400 sq meters.
12. The Committee were invited to discuss the report, the following points and observations were made:
- a) Suggestion made that this development would be a fantastic opportunity to showcase the local cultural heritage of the area which would help gain community support.
  - b) Suggestion made to add an informative to include interpretation information welcoming visitors and promoting neighbouring towns and villages. This was agreed.
  - c) Recognition that as a frequent single traveller this could be a very positive development.
  - d) Would it be better to have a wider Environmental Clerk of Works? Katherine Donnachie advised that she was confident that by splitting the works into specifics all areas would have then the necessary protection.
  - e) Support that the development would improve the local level of service.

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- f) Concern raised over the junction to access the development from the A9. Katherine Donnachie confirmed that the intention was to have a ghost island for cars turning right.
  - g) Disappointment that there were so many suspensive conditions on the application and that the applicant had not supplied this information beforehand.
  - h) Praise that this development may encourage people to stop and visit rather than drive straight through.
  - i) Comment made that this facility could support the recently approved Badenoch Great Place project.
  - j) Could the B road going south be utilised instead of going back onto the A9? Katherine Donnachie advised that access to the site via the B road was currently achievable but that it was not considered to be a safe access route by the roads authorities.
13. The meeting was paused briefly for a Committee member to seek legal wording advice.
14. Pippa Hadley proposed a motion for refusal on the basis of the development being contrary to Local Development Plan Policy 2.1 Supporting Economic Growth, Retail Development adding that in her opinion the proposal could have a detrimental impact and take away the viability of businesses in Kingussie. This was seconded by Rebecca Badger.
15. Peter Argyle proposed an amendment to follow the Planning Officer's recommendation of approval with the addition of an informative that states that the opportunity to be taken to provide information and interpretative material to the users of the site regarding the natural, cultural and historic amenities in the area and the services/ amenities available locally. This was seconded by Gordon Riddler.

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16. The Committee proceeded into a vote. The results was as follows:

Name	Motion	Amendment	Abstain
Peter Argyle		√	
Rebecca Badger	√		
Carolyn Caddick		√	
Angela Douglas		√	
Paul Easto		√	
Pippa Hadley	√		
Janet Hunter		√	
Gregor Hutcheon		√	
John Latham		√	
Eleanor Mackintosh		√	
Willie McKenna		√	
Ian McLaren		√	
Gordon Riddler		√	
Judith Webb		√	
Walter Wilson		√	
Brian Wood		√	
<b>TOTAL</b>	<b>2</b>	<b>14</b>	<b>0</b>

17. The Committee agreed to approve the application subject to conditions detailed in the report the following additional informative:
- The opportunity to be taken to provide information and interpretative material to the users of the site regarding the natural, cultural and historic amenities in the area and the services/ amenities available locally

18. Action Points arising: **None.**

### Agenda Item 6:

#### A9 Dualling: Projects 7 & 8 – Dalnaspidal to Dalwhinnie Consultation Responses

19. Gavin Miles gave a presentation.

20. The Committee were invited to discuss the responses, the following points were raised:

- a) Some discomfort at the proposal that the final responses would be agreed with the Planning Convener and Board Convener. Would it not be best for the

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Planning Committee to agree the final response? The Convener advised that it was down to the timescales involved. The Board Convener added that if the conclusion that was reached was to put in an objection then the provisional no objection could be withdrawn. It was agreed that any major change would result in electronic correspondence with the full Planning Committee.

- b) Could it be confirmed that the cycle access route would be accommodated? Matthew Hawkins confirmed that they were there albeit hard to see on the presentation slides.
  - c) Would there be underpasses to allow hillwalkers to access hills on the opposite hills? Gavin Miles confirmed that the access would be improved with access to the hills from laybys.
  - d) Will there be space for horses to access the underpasses? Gavin Miles noted that the exact specification of all underpasses would come at the next stage.
21. **The Committee agreed with the recommendation of Provisional NO OBJECTION response to Glen Garry to Dalwhinnie subject to further detailed assessment.**
22. **The Committee agreed with the recommendation of Provisional NO OBJECTION response to Dalwhinnie to Crubenmore subject to further detailed assessment.**
23. **Action Points arising:**
- i. **Should a conclusion of Objection be reached, final consultation response to be circulated electronically to Planning Committee members to agree prior to submission to Transport Scotland.**

### **Agenda Item 7:**

#### **Scottish Government Planning Performance Feedback 2016/17**

24. Gavin Miles presented the paper to the Committee.
25. **The Committee noted the report.**
26. **Action Points arising:** None.

### **Agenda Item 8:**

#### **CNPA Response to the Planning (Scotland) Bill**



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27. Gavin Miles presented the paper to the Committee.
28. The Committee were invited to discuss the paper, the following additions to the draft response were raised:
  - a) Q3 – make reference to the role and importance of the NPPP
  - b) Q4 – note that the Bill is unclear about the procedures and triggers for LDP amendments
  - c) Q6 – note that there is a lack of clarity on what would happen if competing Local Place Plans are produced for the same area by different community bodies
  - d) Q9 – highlight the need for member training to be proportionate
  - e) Q10 – note that the applications which CNPA calls-in tend to be complex and that this can have a significant impact on decision making timescales
29. **The Committee agreed the response with the additional comments to be added before submission.**
30. **Action Points arising:**
  - i. **Amendments and Additions detailed in paragraphs 27a) to e) above to be made to the response prior to submission to Scottish Government on 13 February 2018.**

### **Agenda Item 9:**

#### **Any Other Business**

31. Gavin Miles presented the revised CNPA Response to Transport Scotland A9 Dualling Killiecrankie to Glen Garry section proposals paper to the Committee.
32. **The Committee endorsed the objection made by the CNPA to the A9 upgrade proposals at Killiecrankie on the basis of lack of information about potential Impacts on the nationally important Historic Battlefield site.**
33. Gavin Miles reported that they had made good progress on ACM Planning obligations and will be sending the applicant the draft very soon.
34. Gavin Miles provided an update on the Inverdrurie housing and planning obligations. He noted that it now appeared that the planning obligation would contribute to the development not being viable and the CNPA awaited a detailed cost breakdown from Albyn Housing Society.

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35. Gavin Miles reported that three MIR public drop-in sessions in Tomintoul, Blair Ahtoll and Grantown-on-Spey had taken place as well as meetings with three Community Councils Boat of Garten, Carrbridge and Aviemore. .

36. **Action Point arising:** **None.**

### **Agenda Item 13:**

#### **Date of Next Meeting**

37. Friday 23 February 2018 at The Albert Hall, Ballater.

38. Committee Members are requested to ensure that any Apologies for this meeting are submitted to the Clerk to the Board, Alix Harkness.

39. The public business of the meeting concluded at 13.35 hrs.