

CAIRNGORMS NATIONAL PARK AUTHORITY

DRAFT MINUTES OF THE PLANNING COMMITTEE

held via Video/ Telephone Conference

on 22nd May 2020 at 10am

Members Present

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

In Attendance:

Gavin Miles, Head of Planning & Communities
Murray Ferguson, Director of Planning & Rural Development
Stephanie Wade, Planning Officer, Development Management
Peter Ferguson, Harper McLeod LLP
Robbie Calvert, Graduate Planner
Alix Harkness, Clerk to the Board

Apologies: John Latham

Agenda Items 1 & 2:

Welcome & Apologies

1. The Convener welcomed all present and apologies were noted.
2. The Convener advised that it was a new way of working (by video conference) and asked that Members be patient. She advised Members that if her internet connection was to cut out the order of Chairing the meeting would be Deputy Planning Committee Convener, Board Convener and then Board Deputy Convener and if

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required, assuming the number of members was still quorate, the Committee would have to nominate another member to chair.

Agenda Item 3:

Minutes & Matters Arising from the Previous Meeting

3. The minutes of the previous meeting, 24th April 2020, held via Video Link were approved with no amendments.
4. The Convener reported progress on the action arising from the minute of 24th April 2020:
 - At Para 13i) – In hand – amendments are being made to the Supplementary Guidance(s) prior to going to Public Consultation.
5. **Action Point arising: None.**

Agenda Item 4:

Declaration of Interest by Members on Items Appearing on the Agenda

6. Willie Munro declared an Indirect Interest in Item 5.
 - Reason: Is a Member Mountaineering Scotland who is an objector to the development but has not been involved in any of their meetings discussing this application.

Agenda Item 5:

Detailed Planning Permission 2020/0076/DET (20/01155/FUL)

Engineering works for strengthening funicular viaduct

At Cairngorm Mountain, Glenmore, Aviemore, Highland, PH22

Recommendation: Approve Subject to Conditions

7. Stephanie Wade, Planning Officer presented the paper to the Committee.
8. The Convener invited Peter Ferguson (PF), Legal Advisor to clarify the legality of the application. He made the following points:
 - a) The application only covers the permanent works, the other works including the temporary access tracks are not covered by this application. These temporary works can be permitted under Class 14 of the development order and cannot endure beyond the construction phase. This differs from hill tracks as they are permanent or semi-permanent for a different purpose. Class 14 requires that there be a full reinstatement.
 - b) While CNPA has looked at the proposals of temporary work and are satisfied it meets the requirements of Class 14 the alternative would be Certificate of

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Lawfulness. However the CNPA do not have the powers to issue these as this falls within the gift of the Highland Council. The application is deemed as significant and this is why the CNPA are determining it.

9. The Committee were invited to ask Peter Ferguson (PF) questions of clarity, the following points were raised:
 - a) Could reassurance be provided that the CNPA have full enforcement powers if required? Peter Ferguson confirmed that enforcement is joint power between the Local Authority (The Highland Council) and the CNPA therefore either can.
 - b) Could reassurance be provided that the decision today was whether or not to consent to repairs being carried out and by granting planning permission was not setting a precedent for the forthcoming masterplan to be automatically approved? Peter Ferguson confirmed that this was the case.
10. The Convener informed Members that late representations had been received. Peter Ferguson has answered the points raised by many those representations. PF noted that one of late representations referred to him representing HIE and CNPA. He explained that neither he, nor his colleagues have given any advice to HIE so there was no conflict in interest. Lorne Crerar chair of Harper McLeod was the previous Chair of HIE but that did not create a direct interest for Harper McLeod.
11. The Head of Planning & Communities read out a statement from the applicant.
12. The Committee were invited to ask questions arising from the applicants statement:
 - a) Concern raised around the lack of safety report providing reassurance that the proposed strengthening works would suffice. Head of Planning & Communities reminded the Committee that they are not being asked to assess the health & safety of the proposed development as this would be considered by another appropriate body.
 - b) What ability would the CNPA have to oversee the temporary works and to implement those? Head of Planning & Communities advised that the Committee are not being asked to give permission for the temporary works however the applicant have provided details of how they envisage these taking place and the CNPA would monitor the entire site.
 - c) Comment made that many of the objectors had referred to the fact that the Board had been clear that it wanted to see a masterplan for the site first. Head of Planning & Communities agreed and noted it had been requested over a number of years but that this did not restrict the CNPA's ability to make decisions on planning applications on taking decisions on applications. He added that taking a decision on the application would not compromise any future alternative plans.

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John Latham joined the meeting.

13. The Head of Planning & Communities read out statements submitted by Objectors Badenoch & Strathspey Conservation Group and Dave Fallows.
14. The Committee were invited to ask questions arising from the Objectors statements. The follow point was raised:
 - a) Concern raised that the salami slicing of the application meant that an Environmental Impacts Assessment (EIA) was not required, could it be explained why it was accepted on a piecemeal basis? Head of Planning & Communities advised that they had to undertake EIA screening, concluded that no EIA was required for either permanent works covered by planning application or temporary works described that could be undertaken under permitted development rights and officers were satisfied that this was an appropriate way forward.
15. The Planning Officer invited to come back on points raised in the statements:
 - a) It is unreasonable for the Committee to delay the application on account of waiting for the masterplan.
 - b) The proposed conditions are to manage the development and its impacts, the scope of the detail has already been supplied and the conditions are straightforward and should be easy for the applicant to supply.
16. The Committee were invited to discuss the report, the following points were raised:
 - a) With reference to paragraphs 27 and 28, could the condition be more detailed to describe the methodology applied to the treatment of rocks and boulders in order to conserve lichens growing on them? Head of Planning & Communities agreed to add to condition.
 - b) The peatland management plan and restoration plan, was it confined to the area within the red line or the whole site? The Planning Officer confirmed that it covers the land within the control of HIE and therefore expanded out with the red line.
 - c) With reference to paragraph 50, could reassurance be provided that the strengthening works would be adequate? Head of Planning & Communities advised that the Authority were not structural engineers and therefore not competent to judge that, but that the regulating authority for that element would assess it. Peter Ferguson added that technical issues are covered by technical legislation much the same as a building warrant covers the safety of buildings.
 - d) Comment made that this application was not proposing a new structure but rather repairing an existing structure. Looking forward to having sight of a masterplan in due course.

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- e) Clarification sought on how the restoration would be carried out on the temporary tracks. Head of Planning & Communities advised that the supporting information provided a specification but that conditions sought further clarity.. He advised that restoration would not be instant and would require care and attention during construction and in following years.
- f) The Convener advised that preparatory work had not been rigorously undertaken on some sites elsewhere in the past but by the use of conditions imposed on this application, this provides hope that it would prevent it happening. Head of Planning & Communities agreed.
- g) Could it be explained why the helipad was to be situated in Coire Ciste and not Coire Cas given the risk of increased carbon emissions. Head of Planning & Communities advised that the Applicant wanted to use the Ciste area as they hoped to minimise disturbance to visitors using the main car park. He advised that the Applicant would still need to submit their flight paths to SNH and if it was found to cause golden eagles disturbance then flight paths would need to be changed and be resubmitted for approval.

17. **The Committee agreed to approve the application as per the Officer's recommendation subject to the conditions stated in the report with addition of more detail to condition 2.**

18. **Action Point arising: None.**

19. The locally elected member for the application site praised the decision of approval made by the Planning Committee on this application.

Agenda Item 6:

Detailed Planning Permission 2020/0031/DET (20/00322/FUL)

Conversion, extension and change of use of existing office building to create 8 number flatted dwellings for holiday letting use

At Former Police Station, Kingussie, Highland, PH21 1HS

Recommendation: Approve Subject to Conditions

20. Robbie Calvert, Graduate Planner presented the paper to the Committee.

21. The Committee were invited to ask the Officer points of clarity. The following was raised:

- a) Had calculations been carried out to ensure that the daylight on existing properties would not be affected? Graduate Planner advised that no details of daylight assessment had been received. He explained that the Applicant had reduced the height of part of the extension to 1.5 storeys which would be no

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- taller than the garage that is already in situ. He added that he did not expect a reduction in daylight to any neighbouring properties.
- b) Clarification sought with regards to the parking to the rear of the property and how it could be accessed. Graduate Planner showed the plans again.
 - c) Concern raised surrounding the possible reduction in daylight to neighbouring properties should the development go ahead. Head of Planning & Communities advised that no calculations had been carried out on the angles of light but that officer's view was that while there would be some impacts there were small given the nature of other existing buildings. He noted that if the Committee wished, the application could be deferred in order to request a more detailed assessment from the applicant.
 - d) Concern raised around the increase in noise levels this development would bring to the nearby residents given that this building had been vacant for many years.
 - e) Clarification requested that the window above the current flat roof, would it be partially covered up or was the intention to remove it? Graduate Planner confirmed that the neighbour's window would look out onto a pitched roof rather than flat roof.
 - f) Concern raised that 7 flats each with 1 car parking space each may not be sufficient and where could additional cars be parked? Graduate Planner advised that the nearest large car park was situated 100m from the site.
 - g) Was there any detail as to the purpose of the rooms where the windows of neighbouring properties that look onto the site, would be affected? Head of Planning & Communities advised that the property to the West of the site, the window on the side would face a new elevation with a 1.5 story pitched roof. He explained the buildings to the East have some windows and a courtyard garden that look out onto the site but that existing buildings, and the taller and wider building to the west already screen much direct sunlight. He added that the purpose of the rooms of the affected windows was not known. A Planning Committee member advised that the window in the property to the West of the site was a bedroom.
22. The Committee were invited to discuss the report, the following points were raised:
- a) Dismay raised that a daylight assessment provides a proven formula for determining the reduction of daylight on neighbouring properties and that one had not be sought.
 - b) Concern raised that the existing neighbouring properties would lose amenity and that it was hard to imagine from the slides provided and given the fact that site visits could not take place at the moment as a result of the current pandemic. A suggestion was made to bring visuals to help the Committee understand what the neighbours would experience.

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- c) Would it be possible to request a daylight assessment be carried out? Head of Planning & Communities advised that the Applicant would need to task an architect to do this and it would be possible to defer the decision until these were forthcoming. However he advised that the Committee should consider all parts of the application before coming to that decision.
 - d) Suggestion made to designate the car park as a quiet zone from 10pm to 7am. Concern raised that the already limited parking on the High Street would be used, could a clause be added which would dissuade the owners of the properties using the high street for overspill car parking? Head of Planning & Communities advised that they could request a parking management plan but would have limited ability to enforce it. Suggestion made to add it as an informative. Head of Planning & Communities advised that it would be difficult impose a quiet zone as the Highland Council Transport Planning have not raised any concerns nor objected.
 - e) Support for the redevelopment of a long vacant building.
 - f) Concern raised due to the lack of explanation to the surrounding area, the nearest car parks being at diagonal areas of the village both of which are being changed to parking zones and already have parking issues attached to them. The site is near a busy crossroads where there is limited ability to turn and this development would increase congestion.
 - g) What was the need for affordable housing/ rented flats in Kingussie? Was there a need for commercial flats as opposed to affordable flats? Head of Planning & Communities advised that the proposed development does not give rise to a requirement for affordable housing as it is holiday accommodation that is proposed.
 - h) Comment made that the proposed 2 bedroom holiday flats are likely to attract families and therefore the 1 space per flat car parking allocation should suffice for short holiday lets.
 - i) Comment made that had the flats been intended for residential let then daylight drawings would be necessary however since it is for holiday lets it was not necessary.
23. Peter Argyle put forward a motion to agree with the Officer's recommendation and approve the application. Derek Ross seconded this motion.
24. An Amendment was put forward to defer the application until a daylight impact assessment was forthcoming and visuals to show the impact the proposed development would have on the existing properties.
25. The Committee proceeded into a vote. The results were as follows:

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30. The Committee agreed to approve the application as per the Officer's recommendation subject to the conditions stated in the report.

31. Action Point arising: None.

Agenda Item 9:

AOB

32. Head of Planning & Communities reported that since the last meeting the S75 for the Distillery near Grantown had been signed off by all parties and should be in the process of being registered.

33. Action Points arising: None.

Agenda Item 10:

Date of Next Meeting

34. Friday 12 June 2020 at 2,30pm via video/ telephone conference.

35. The public business of the meeting concluded at 12.10 hours.