



## Draft Minutes of the Planning Committee Meeting

Held at Cairngorms National Park Authority HQ, Grantown on Spey

Hybrid

26 April 2024 at 10.00am

### Present

Chris Beattie (Planning Convener)

Eleanor Mackintosh (Deputy Planning Convener)

Dr Peter Cosgrove

Russell Jones

Bill Lobban

Lauren MacCallum

Derek Ross

Sandy Bremner

Kenny Deans

John Kirk

Steve Micklewright

Duncan Miller

### Virtual

Geva Blackett

Xander McDade

Ann Ross

Paul Gibb

Dr Fiona McLean

### Apologies

Dr Hannah Girst.

### In Attendance

Gavin Miles, Head of Strategic Planning

Peter Ferguson, Harper MacLeod LLP

Emma Bryce, Planning Manager (Development Manager)

Katie Crerar, Planning Officer (Development Management)

Katherine Donnachie, Planning Officer (Development Management)

Emma Greenlees, Planning Support Officer

Alix Harkness, Clerk to the Board

Karen Johnstone, Clerk to the Board



## Agenda Item 1 and 2

### Welcome and Apologies

1. The Planning Convener welcomed all present including members of the public. Apologies were noted.

## Agenda Item 3

### Declarations of Interest

2. John Kirk declared an interest in Item 6. His wife has a house near the caravan park and he has done work for them over the years. He advised he would leave the meeting for the duration of this item.

## Agenda Item 4

### Minutes of Previous Meeting and Matters Arising

3. The minutes of the previous meeting on 8 March 2024 held at Cairngorms National Park Authority, Grantown on Spey, were approved with no amendments.

## Agenda Item 5

### Application for Detailed Planning Permission 2023/0245/DET (23/02451/FUL)

Formation of touring motorhome / caravan site at Land 85M North of Birchview, Dalwhinnie

Recommendation: Approve subject to conditions

4. Katherine Donnachie, Planning Officer, Development Management presented the paper to the committee.
5. The Committee were invited to ask the Planning Officer for clarity, and the following points were raised:
  - a) Clarification sought that there was no proposal to provide an electric vehicle (EV) charging points. It was confirmed that this had been discussed with the applicant who proposed that the EV charging points available at the nearby Loch Erricht hotel) also owned by the applicant) could be used by vehicles from the proposed development. The Planning Officer suggested an informative be added to any



permission recommending that the applicant installs EV charging facilities on the site.

- b) A member sought reassurance that the proposed access route to and from the site would be safe. Planning Officer advised that while access and egress was close to a petrol filling station, the council's trading standards team as the Petroleum Enforcement Authority were satisfied that appropriate safety measures were being met. Gavin Miles, Head of Strategic Planning added that the Scottish Fire and Rescue Service (SFRS) and Council's Environmental Health team had been consulted and were also satisfied with the arrangements proposed.
- c) Would the site be fenced to prevent any dogs accessing the fields to the north whether could be livestock or wading birds nesting? It was confirmed that the site would have stock fencing on those boundaries.

6. The agent John Craig addressed the committee.

7. The Committee were invited to ask for clarity. The following point was raised:

- a) Clarification was sought about why there were no EV charging points proposed on the site. Mr Craig advised that the cost of providing the facilities on the site was prohibitive at this point in time but noted that the applicant would encourage anyone who needed to use the existing EV charging point at the Loch Erricht hotel which was also in their ownership.

8. The objectors Anja Armstrong and Eileen Feilen presented to the committee.

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

- a) Clarity sought on whether the objectors wanted the proposed development to be refused or simply reduced in size and scale. The objectors confirmed that they would prefer the application to be refused and relocated to a different site in Dalwhinnie.
- b) A member asked why it was their opinion that the proposed development would prevent the remaining part of the housing allocation from being developed. Ms Armstrong explained that in their opinion it would not be possible to access the remainder of the site because vehicles could not turn on the track.
- c) Could it be confirmed who owns the track down to Birchview? Ms Armstrong reported that if they had not been able to trace the owner, it was unadopted and covered in potholes with no room for construction vehicles to turn.



10. The Committee were invited to ask for clarity from the Planning team. The following points were raised:
  - a) Head of Strategic Planning advised that part of the housing site allocated in the Local Development Plan that overlapped the proposed development was immediately adjacent to the petrol station. He noted that Dalwhinnie was not a location where developers seemed likely to want to undertake speculative development of numbers of units so it was more likely that any housing development would be undertaken by individuals buying parcels of land and building themselves.
  - b) Head of Strategic Planning advised that if the application was approved and the development undertaken, there would still be space on the remainder of the allocated housing site for a number of units that would be dictated by their size.
  - c) The Planning Officer confirmed that contrary to a statement made by the agent, the woodland on the site was not identified in the ancient woodland inventory but was open birch woodland.
  - d) The Planning officer confirmed that the technical consultees were satisfied with the proposed drainage and that the Scottish Fire and Rescue Service and appropriate part of Highland Council were satisfied with the proposed vehicle access arrangements.
  
11. The Committee were invited to discuss the report. The following points were raised:
  - a) It was noted that the loss of part of an identified housing site was a negative but that but that the economic development contribution of the proposal would be positive for Dalwhinnie.
  - b) Clarification sought that no fixed static caravans or cabins were proposed, only stances for touring caravans and motorhomes. Planning Officer confirmed that this was the case.
  - c) A member asked if it would be a simple process to return the site to its original state should the owner want to. Planning Officer confirmed that this would be the case.
  - d) Comment made that this was a good use of land for a rural village in need of the uplift that this development could bring them.
  
12. The Committee approved the application as per the officer's recommendation and subject to the conditions detailed in the report.



13. Action Point arising: None

John Kirk left the room, at 11.05 am

## Agenda Item 6

### **Application for Detailed Planning Permission 2023/0380/DET (23/03948/FUL)**

Extension to caravan site with 16No. static holiday caravans at Grantown on Spey Caravan and Motorhome Club, Seafield Avenue, Grantown on Spey, PH26 3JQ

**Recommendation:** Approve subject to conditions

14. Katie Crerar, Planning Officer, Development Management presented the paper to the committee.

15. The Committee were invited to ask for clarity, and the following points were raised:

- a) A member commented that the static caravans would be fixed and could be lived in all year round. Head of Strategic Planning advised that permanent occupation of the static caravans could be prohibited.
- b) It was noted that this was a retrospective planning application and that development had taken place previously without permission on the same site. Head of Strategic Planning reminded the Committee that the fact that the application was retrospective was not relevant to their decision. He acknowledged that retrospective applications were frustrating the public and for staff and members, noting that the current application only covered part of the unauthorised works that had taken on the site.
- c) Head of Strategic Planning explained that the applicant would have to work hard to discharge the condition requiring biodiversity enhancements and that the extension to the site would not be permitted to operate until the condition had been discharged.
- d) Suggestion made by the Planning Committee Deputy Convener that the Planning Committee Convener write to the applicant to convey the Committee's frustration and anger that the application was retrospective. They also proposed that the committee give the planning team authority to issue stop notices via the convener and deputy convener rather than seeking approval of the entire committee.

16. The objector Tessa Jones on behalf of Badenoch and Strathspey Conservation Group addressed the committee.



17. The Head of Strategic Planning advised members that a number of points made by the objector were not directly relevant to the development proposed, but rather the Badenoch and Strathspey Conservation Group's concerns about the management of other land nearby that was not connected to the proposed development or controlled by the applicant.
18. The Committee were invited to discuss the report. The following points were raised:
- a) There was unanimous frustration and anger at the retrospective nature of the application and support for the Convener writing to campsite owners to explain the Committee's concerns at the retrospective applications and delegation of authority to the planning team to enforce without coming back to the Committee.
  - b) A member raised concern around the environmental impact on biodiversity that they considered the development would have on its environs should it be approved.
  - c) A member asked what would happen if the Committee refused the application – would the applicant then have to reinstate the ground? Head of Strategic Planning advised that the applicant would be likely to appeal a refusal and in this case he considered it likely that an appeal would be successful, leading to permission being granted. Concern raised that the caravans could become permanent homes. In the past, as part of planning conditions, the Committee have asked caravan sites to keep a register who is in the caravans dictating that they can only be lived in so many months during the course of a year and the rest of the time uninhabited. Head of Strategic Planning advised that they are not intended to be inhabited all year round and confirmed that a condition could be added to limit the number of days per year the caravan can be occupied for by the same people and limiting the duration of any single stay as well as requiring a register to be kept.
  - d) Question around the implications for waste disposal and were any mitigation proposed. Planning Officer advised that the infrastructure for waste disposal was already on site and connected to the existing caravan park. She added that there was no wider impact as a result of this.
  - e) Head of Strategic Planning confirmed that officer would add a condition prohibiting the use of the static caravans as permanent residencies and prohibit both number of days in a year an individual could stay in them as well as the duration of any periods use and requiring the provision of a register.



- f) A member sought assurance from Peter Ferguson, Harper McLeod LLP that the conditions imposed would be adhered to. Peter Ferguson advised that the condition is enforceable and can be readily used.
19. Derek Ross noted his view that the application should be refused and Bill Lobban noted that he would second an amendment for refusal.
20. The Convener adjourned the meeting for 10 minutes to allow the preparation of amendments to the motion created by the Officer's recommendation.
21. The meeting recommenced at 12:00pm.
22. The Convener reminded members of the motion to approve the application as per the officer recommendation in the planning paper with the additional condition limiting occupation.
23. It was noted that Steve Micklewright left the room for part of the discussion on this item so could not take part in the vote on the item.
24. Derek Ross put forward an amendment to refuse the application, on the basis that if granted, the development would have a detrimental effect on the natural environment, due to negative effects on biodiversity and lead to unacceptable pressure on the surrounding area, contrary to National Planning Framework 4: Policy 3 Natural Heritage. This was seconded by Bill Lobban.



25. The Committee proceeded into a vote. The results were as follows:

	MOTION	AMENDMENT	ABSTAIN
Chris Beattie	√		
Geva Blackett	√		
Sandy Bremner	√		
Peter Cosgrove	√		
Kenny Deans		√	
Paul Gibb		√	
Russell Jones		√	
Bill Lobban		√	
Lauren MacCallum	√		
Eleanor Mackintosh	√		
Xander McDade	√		
Fiona McLean			√
Duncan Miller		√	
Ann Ross	√		
Derek Ross		√	
<b>TOTAL</b>	<b>8</b>	<b>6</b>	<b>1</b>

26. The Committee approved the application subject to the conditions stated in the report and an additional condition to prevent caravans becoming permanent homes.

27. Action Points arising:

- i. **Authority delegated to officers to take enforcement action to prevent further unauthorised development of the site if required.**
- ii. **Planning Committee Convener to write to the applicant to convey the committee’s significant disappointment at the retrospective nature of the application.**





## Agenda Item 7

### For Information

EIA Screening determination in relation to application 2023/0004/DET

Change of use of land for siting of 25 lodges, access road and landscaping at Site of Dry Ski Slope, Grampian Road, Aviemore

28. Gavin Milles, Head of Strategic Planning presented the paper to the committee.

29. The Committee noted the paper.

30. Action Point arising: None

## Agenda Item 8

### For Information

Scottish Government Planning System Consultations

Introduced by: Gavin Miles, Head of Strategic Planning

31. Gavin Milles, Head of Strategic Planning presented the paper to the committee.

32. The Committee noted the paper.

33. Action Point arising: None

## AOCB

34. Reassurance was sought as to how the staff would report the enforcement progress to the committee going forward given that they had been delegated the authority to take action. Head of Strategic Planning advised that in the limited instances where this would be relevant, the notices would be confirmed via the convener and vice convener. The committee would be notified in the normal way with formal updates at Planning Committee meetings, either in public or confidential sessions depending on the nature of the update.

35. A member noted that in their local authority, committee members were required to attend any site visits in order to participate in the determination of applications. The different practice of different local authority standing orders for planning committee business was noted.



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36. The Committee Convener raised a motion to move to a confidential session.

37. The public business of the meeting concluded at 12.16 pm

38. Date of next meeting 14 June 2024.