
CAIRNGORMS NATIONAL PARK AUTHORITY

Title: REPORT ON CALLED-IN PLANNING APPLICATION

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DEVELOPMENT PROPOSED:

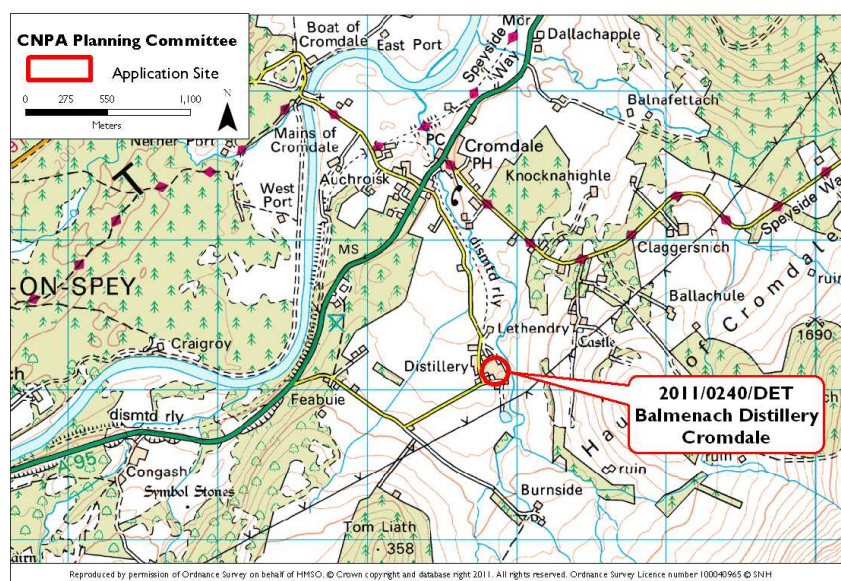
DEMOLITION OF FOUR FLATS, MALTINGS, MALT BARNs, STEEPS, MALT BINS AND GARAGES; ERECTION OF NEW MALT STORAGE BINS, MASH TUN AND ASSOCIATED PLANT; CONSTRUCTION OF NEW ACCESS, HARD STANDING AND TURNING AREA AT BALMENACH DISTILLERY, CROMDALE.

REFERENCE: 2011/0240/DET

APPLICANT: INVER HOUSE DISTILLERS, C/O ASHLEY BARTLAM PARTNERSHIP

DATE CALLED-IN: 5 AUGUST 2011

RECOMMENDATION: REFUSE



Grid reference : 307813 827167

Fig. 1 - Location Plan

SITE DESCRIPTION AND PROPOSAL

1. Planning permission is sought at Balmenach Distillery in Cromdale for the demolition of four residential flats, malting and malt barns, steeps, malt bins and garages, and the erection of new malt storage bins, mash tun and associated plant. Modifications to the access arrangements and new hard standing and turning areas are also proposed. Balmenach Distillery is operated by Inver House Distillers Ltd. (the applicants). The identified site lies immediately to the east of a number of residential properties and consists of a number of buildings within the distillery complex. The majority of the residential properties in the surrounding area were originally built in conjunction with the distillery, to accommodate workers from the enterprise.
2. The majority of the buildings proposed for demolition have lain unused for many years, including a residential property which was last used as four flats for distillery workers. Most of the buildings to be demolished are centrally located within the distillery complex. The proposed new buildings would enable functions carried out in a number of buildings dispersed across the site to be carried out in a more rationalised manner within the new structures. 3 new silos are proposed in the area currently occupied by the disused malt barns. The silos are one element of the proposed new malt storage facility, with the other elements including de-stoner plant and housing, a conveyer system including a new malt intake from a new drop off area, and various access walkways and stairs.

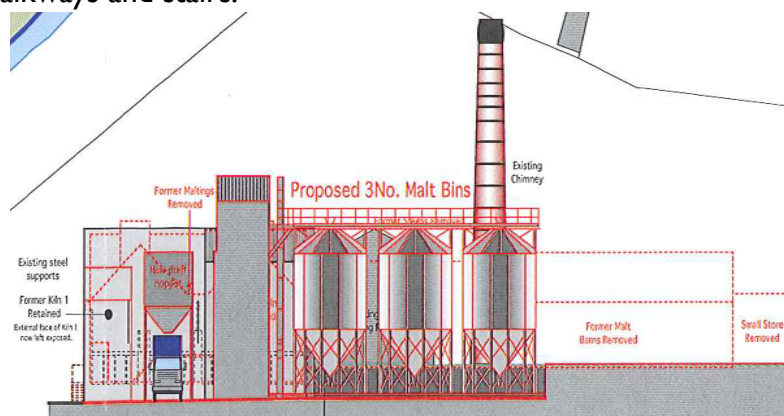


Fig. 2 : Proposed malt bins



Fig. 3 : Location of proposed new malt bins

3. The proposed demolition of the large 7 storey malt bin, which is located on the northern side of the main access road through the site, would facilitate a proposed 'minor realignment' of adjacent private access road. The realignment would create an enlarged area in which to execute vehicle manoeuvres. Immediately opposite this, in the area currently occupied by the weather damaged malting building, a service yard extension area is proposed. The area is intended to serve as the new drop off zone and malt collection area. The proposed tarmac surface finish would extend to 1,030m². The service yard extension would extend into the area currently occupied by the flatted residential property. Some planting proposals are shown in the area to the rear of the proposed service yard extension, while an area to the front (between the service yard and the existing access road through the complex) is proposed to consist of an area of soft landscaping, including lawn, tree planting, flower beds, rockery features and welcome signage.
4. The development is proposed to be undertaken in phases :
 - Phase 1 : demolition of the residential property, the former malting, the malt barns, the steeps and the terraced garages;
 - Phase 2 : development of the new malt storage facility, all associated plant and all proposed yard works;
 - Phase 3 : demolition of the 7 storey malt bins and the minor realignment of the access road;
 - Phase 4A : relocation of staff welfare facilities and canteen to the ground floor of the structure currently in use as the engineers workshop;
 - Phase 4B : demolition of the existing staff welfare facilities, canteen etc..

Summary of buildings proposed for demolition

5. One of the supporting documents recently submitted by the agents responsible for the application includes their assessment of the buildings which are proposed for demolition. It is noted at the outset of the document that "none of the buildings at Balmenach Distillery are formally listed with Historic Scotland."



Fig. 4 : Maltings, with the missing roof apparent.

- *Maltings* : described as a traditional stone built structure, which had a pitched slate roof, prior to the loss of the roof in a storm. The building had been obsolete for many years prior to the storm damage occurring. Due to its current condition, it is described as a “high priority for demolition on safety and insurance grounds.” The Maltings are described in the submission documents as having “no architectural or cultural value now” although it is conceded that it may have had modest architectural value in the past prior to various modifications and subsequent storm damage.
- *Former dwelling – McGregor House* : The structure is described as a traditional stone built, slate roofed dwelling house, which was originally built at the turn of the twentieth century to provide accommodation for the distillery owners, and was extended at a much later stage and converted to form flats to accommodate distillery workers. The agents’ submission, as well as a copy of a report on the Structural Condition¹, concedes that the exterior of the property and the roof condition are in a reasonable condition. Reference has however been made to problems with various flooring and internal walling, citing poor design and subsequent rot as contributing factors of the current condition. The agent comments in the submission that the building “may be considered to have some architectural and cultural value but only in the sense that it was once used by the distillery owners as their home at Balmenach.” The current owners, Inver House Distillers, have apparently considered various alternative uses for the property, but have been unable to pursue a “justifiable solution” due to factors such as its location close to an active distillery, condition, refurbishment costs, company needs and priorities.



Figs. 5 and 6 : uninhabited residential property, which is proposed for demolition

- *Steeps building* : The stone built building is estimated to be approximately one hundred years old and was originally slate roofed. Various alterations have been undertaken since that time, including the removal of the original roof and its replacement with a steel and asbestos cement roof. The agents’ submission suggests that any past architectural or cultural value has been lost through the various 20th century interventions. The demolition of the building is necessary in order to facilitate the clearance of the site to accommodate the proposed new silo installation.

¹ Dated April 2004, carried out by Eric G. Weathers, Consultant Civil and Structural Engineer.

- *Malt barns* : The stone built structure dates from the same period as the adjacent steeps building. It was originally built to store malt, but has been largely unused since the second half of the twentieth century. The submission document suggests that “it may be considered to have some architectural value but only in the sense that it has not seen much in the way of re-development work in the past.”



Fig. 7 : Malt barn and steeps buildings

- *Malt bins building* : The structure was a mid 20th century addition to the distillery by the previous owners, and was intended to service the need to store significant quantities of barley prior to malting. It is significantly larger than the other structures within the distillery complex and consists of a full steel frame structure clad in large profile asbestos cement panelling. It stands at almost 7 stories high and it is estimated that approximately 90% of it is now redundant. The submission document states that the structure has no architectural or cultural value. It is also suggested that it would be “immediately obvious to all who see this ominous looking eyesore that it’s removal would bring back the character and charm of the original Distillery.”



Fig. 8 : Malt bins building as viewed from (a) the lower ground to the east and (b) the Balmenach Road approach from the west



Fig. 9 : Terraced garages

- *Miscellaneous structures* : A number of smaller structures are also proposed for demolition, including the staff welfare / canteen building which is a late 20th century flat roofed building, located adjacent to the large malt bins building; 8 domestic garages which are positioned in a terraced arrangement close to the western entrance to the distillery complex; and an area of domestic garden walling. The assessment of the structures in the agents' submission concludes that they are not considered to have any architectural or cultural value.

Sustainable Design Statement

6. The recently submitted Sustainable Design Statement² covers a number of topics and the following is a summary of some of the key comments put forward in the Design Statement.

- *Development layout, scale, proportion, materials, construction and finishing* : the proposed demolition element is described as reinstating the “traditional scale and proportion of the Distillery prior to the high-volume malting era of the mid 20th century.” Positive reference is made to the proposed demolition of the grey asbestos malt bin building, as well as proposals for the reuse of stone and slate wherever possible in order to ensure an authentic return to traditional materials. The layout is also described as retaining key sections of original buildings in order to provide effective screening of key production processes.
- *Landscaping* : The landscape surrounding Balmenach is described as “simple open farm and moor land.” Development works would be restricted to areas within the footprint of buildings proposed for demolition and it is suggested in the Design Statement that this would ensure that “existing landscaping is more or less retained as is.” There are also proposals to strengthen the existing tree belt, as well as providing some low level soft landscaping within the revised yard perimeter.³ The demolition of the various properties is described as having a “very low impact on the natural landscaping of the Distillery.”
- *Cultural heritage* : Details in the Sustainable Design Statement suggest that “of the buildings proposed for demolition almost all have little or no cultural value due either to historical redevelopment by previous owners” or “alternatively, have been a complete eyesore from the day they were built.” Specific comment is provided in separate documentation (refer to para. 9 - 11) in relation to the residential property which is proposed for demolition.

² Submitted to the CNPA on 19 December 2011.

³ The agent has requested that “the final landscaping details be mutually agreed with the CNPA once the site has been cleared of buildings due for demolition” on the basis that this would “give all parties a better understanding of how the space will look at that time.”

- *Energy efficiency* : The applicants, Inver House Distillers, are attempting through the proposals in this application to “consolidate their processes into a tighter core within the premises” in order to help reduce demand for energy both for the production processes and for staff well being requirements. The removal of redundant buildings is intended to reduce expenditure on obsolete parts of the distillery and allow finances to be concentrated on improving the retained sections.
- *Efficient use of land and buildings* : the efficient use of land and buildings is “one of the major influencing factors” of the proposal. The current proposal is described as representing the applicants “best overall solution to their needs to help secure the viability of the Distillery and the employment provided by it.”

Justification

Weather damaged buildings

7. The proposal has arisen partly as a result of winter weather damage which was sustained at the distillery complex in 2009/2010. Snow accumulations at that time led to the collapse of the roof structure of a redundant malting building. This resulted in the applicant’s considering the practicalities associated with making the building safe, as well as the role of the building in current distilling operations at the site. The applicants concluded that this and other disused buildings on the site are “wholly out of keeping with the scale of production.....at the distillery.” A re-instatement of the redundant malting building was deemed impractical and the proposed demolition is described as “a far more practical solution to the problem.” In conjunction with the proposed demolition of the malting building, the applicants have decided to address other long standing issues at the distillery and the current proposal consequently seeks consent to demolish the 7 storey malt storage bin facility. Only 4 of the 42 bins within the building are in active use. The operation of the distillery only requires approximately two weeks on site supply of malt, and this is proposed to be accommodated in the three new silos. The location of the new silos would also facilitate the removal of an existing overhead malt intake conveyor system from the main public entrance route. The new silo location is described as being “suitably located for maximum efficiency” with the proposed demolition of the disused residential property providing “essential space” and facilitating “vastly improved lorry movements.”

Lorry movements

8. Reference has been made in supporting documentation to the lorry movements at the site, where such vehicles currently access the site on ‘the low road’ from where they negotiate a steep incline to the main area of the site. The current proposal would facilitate amended lorry movements, allowing large vehicles to access the site on the higher, level road, with a large service yard area being created on part of the site of the existing disused residential property.

The disused residential property

9. A variety of supporting information has been provided in response to CNPA queries regarding the proposed demolition of the disused residential property.⁴ Reasons set out to justify the proposed demolition of the building include :
- The poor location of the property relative to the main distillery complex, being too close to the production facility and “limited in it’s use and appeal as a dwelling;”
 - The land is needed to create a suitably revised production facility for the distillery;
 - The land is required for a safer, more easily managed lorry access route through the development;
 - The property becomes “more of a liability as time passes as no alternative uses can be found”; and
 - The “cost of refurbishment cannot be justified.”
10. On the subject of potential refurbishment of McGregor House, details have been provided of a use previously considered and discounted by the applicants. Refurbishment of the building was considered in order to accommodate visiting company staff and other guests to the distillery and including dining, kitchen, meeting room and bedroom facilities. This proposal was considered by the owners in 2004. A copy of the estimated costs for the works has also been submitted in support of references to the lack of viability.
11. A structural survey was also undertaken in 2004 and a copy of this has also been provided. The report confirmed that the roof is in good condition and that there are no structural concerns associated with the main external walls, with the exception of repairs that would be required to the pointing and the replacement or repair of gutters and fascias. A number of deficiencies were noted in relation to the interior of the building including problems with partition walls at ground floor level, evidence of dipping on the first floor landing, and the collapse of a number of upper ceilings. Reference was also made to moisture content readings of higher than twenty five percent, indicating that the damp proof course requires further investigation.

DEVELOPMENT PLAN CONTEXT

National Policy

12. **Scottish Planning Policy⁵ (SPP)** is the statement of the Scottish Government’s policy on nationally important land use planning matters. It supersedes a variety of previous Scottish Planning Policy documents and National Planning Policy Guidance. Core Principles which the Scottish Government believe should underpin the modernised planning system are outlined at the outset of **SPP** and include:

⁴ Details were requested of the justification for the proposed demolition, alternative uses that were considered for the structure, consideration of the viability of refurbishing the structure, and a detailed structural report.

⁵ February 2010

- The constraints and requirements that planning imposes should be necessary and proportionate;
 - The system shouldallow issues of contention and controversy to be identified and tackled quickly and smoothly; and
 - There should be a clear focus on quality of outcomes, with due attention given to the sustainable use of land, good design and the protection and enhancement of the built and natural environment.
13. **SPP** emphasises the key part that development management plays in the planning system, highlighting that it should “operate in support of the Government’s central purpose of increasing sustainable economic growth.” Para. 33 focuses on the topic of Sustainable Economic Growth and advises that increasing sustainable economic growth is the overarching purpose of the Scottish Government. It is advised that “the planning system should proactively support development that will contribute to sustainable economic growth and to high quality sustainable places.” Planning authorities are encouraged to take a positive approach to development, recognising and responding to economic and financial conditions in considering proposals that would contribute to economic growth.
14. Under the general heading of Sustainable Development, it is stated that the fundamental principle is that development integrates economic, social and environmental objectives, and that the “aim is to achieve the right development in the right place.”
15. As a replacement for a variety of previous planning policy documents the new **Scottish Planning Policy** includes ‘subject policies’, of which many are applicable to the proposed development. Topics include economic development, rural development, and landscape and natural heritage. The following paragraphs provide a brief summary of the general thrust of each of the subject policies.
16. Economic development : Planning authorities are expected to respond to the diverse needs and locational requirements of different sectors and sizes of businesses and also “take a flexible approach to ensure that changing circumstances can be accommodated and new economic opportunities realised.”
17. Historic Environment : **SPP** recognises that the historic environment is a key part of Scotland’s cultural heritage which enhances national, regional and local distinctiveness. In a section entitled ‘Other historic environment interests’ **SPP** refers to a range of non designated historic assets, noting that the resources are an important part of Scotland’s heritage and advising that planning authorities should protect and preserve significant resources as far as possible.

18. *Landscape and natural heritage* : The **Scottish Planning Policy** document recognises the value and importance of Scotland's landscape and natural heritage. It is accepted that landscape is constantly changing and the aim is to facilitate positive change whilst maintaining and enhancing distinctive character. As different landscapes have different capacities to accommodate new development, the siting and design of development should be informed by landscape character. There is also an acknowledgement that the protection of the landscape and natural heritage may sometimes impose constraints on development, but the potential for conflict can be minimised and the potential for enhancement maximised through careful siting and design.
19. **Scottish Planning Policy** concludes with a section entitled 'Outcomes' in which it is stated that the "planning system should be outcome focused, supporting the creation of high quality, accessible and sustainable places through new development, regeneration and the protection and enhancement of natural heritage and historic environmental assets."
- Scottish Historic Environment Policy (SHEP)**
20. **Scottish Historic Environment Policy** sets out the Scottish Ministers' policies for the historic environment, provides policy direction for Historic Scotland and provides a framework to assist the work of a wide variety of organisations involved in managing the historic environment, including planning authorities. **SHEP** recognises that the historic environment adapts over time to meet changing needs and that the view of what is important develops and changes. Para 1.6 identifies that the challenge for the sustainable management of the historic environment is the identification of key characteristics and the establishment of boundaries within which change can continue "so that it enhances rather than diminishes historic character." Para. 1.8 emphasises that "the protection of the historic environment is not about preventing change."
21. In a section of the document entitled Visions, Scottish Ministers' aspirations for the historic environment are outlined and include –
- Realising the full potential of the historic environment as a resource;
 - Making the best use of the historic environment to achieve their wider aims of economic and social regeneration;
 - Identifying aspects of the environment and protecting and managing them in a sustainable way to ensure their long term survival and preserve their embodied energy; and
 - Having a full understanding of the historic environment, the condition and the inter-relationships.
22. **SHEP** lists a wide variety of 'partners' in the Scottish Ministers vision for the historic environment. Amongst those listed are National Park Authorities, noting that such authorities have "a statutory aim to conserve and enhance the cultural heritage."

23. In para. 1.31 of **SHEP** Scottish Ministers emphasise the contribution made to a sustainable Scotland “by the repair, maintenance, preservation and reuse of our older buildings.” It is the Scottish Ministers policy that the waste caused by unnecessary demolition and replacement, and the consequent loss of embodied energy, should be avoided wherever possible. Para 1.34 alludes to potential conflict which may arise between the sustainable management of the historic environment and the actions that are considered sustainable in other respects. In such instances a number of principles should be followed in order to avoid potentially damaging actions. Principles include –
- Ensuring that intended management and use is appropriate and based on best available knowledge;
 - Ensuring that any proposed change of use is necessary;
 - Avoiding change wherever its effects cannot be adequately assessed;
 - Where change is to proceed, adopt strategies to mitigate its impact and keep any interventions to a minimum; and
 - Ensuring that management or alteration is sympathetic to the historic character, using compatible materials and construction techniques.

Strategic Policies

Cairngorms National Park Plan (2007)

24. The Cairngorms National Park Plan sets out the vision for the park for the next 25 years. The plan sets out the strategic aims that provide the long term framework for managing the National Park and working towards the 25 year vision. Under the heading of ‘conserving and enhancing the special qualities’ strategic objectives for landscape, built and historic environment include maintaining and enhancing the distinctive landscapes across the Park, ensuring that development complements and enhances the landscape character of the Park, and ensuring that new development in settlements and surrounding areas and the management of public spaces complements and enhances the character, pattern and local identity of the built and historic environment.
25. Under the heading of ‘Living and Working in the Park’ the Plan advises that sustainable development means that the resources and special qualities of the national park are used and enjoyed by current generations in such a way that future generations can continue to use and enjoy them. Strategic objectives for economy and employment include creating conditions that are conducive to business growth and investment that are consistent with the special qualities of the Park and its strategic location and the promotion of green business opportunities. Section 5.3 of the Plan concerns ‘enjoying and understanding the park’ noting that the Cairngorms National Park is known for its outstanding environment and outdoor recreation opportunities and advises that the vision for the Park seeks to “go further and develop a world class destination which plays a significant part in the regional and national tourism economy.”

Structure Plan Policy

Highland Council Structure Plan (2001)

26. **Highland Council Structure Plan** is founded on the principles of sustainable development, which are expressed as –
- Supporting the viability of communities;
 - Developing a prosperous and vibrant local economy; and
 - Safeguarding and enhancing the natural and built environment.
- A variety of detailed policies emanate from the principles.
27. The following provides a brief summary of the policies applicable to a development of this nature. **Policy B7 – Business development in rural areas** states that “small scale business development or extensions to existing indigenous industries will be encouraged in rural areas.” In a chapter on Environment, **Policy NI – Nature Conservation** advises that new developments should seek to minimise their impact on the nature conservation resource and enhance it wherever possible. The Plan refers to the socio-economic benefits of the nature conservation resource and advises that it should be optimised by a high level and standard of interpretation and understanding wherever possible.
28. Section 2.4 of the Plan concentrates on the subject of landscape, stating that “no other attribute of Highland arguably defines more the intrinsic character and nature of the area than its landscape.” Similar to national policy guidance, there is a recognition that landscape is not a static feature and that the protection and enhancement of landscape and scenery must be positively addressed. **Policy L4 Landscape Character** states that “the Council will have regard to the desirability of maintaining and enhancing present landscape character in the consideration of development proposals.” Section 2.15 concerns ‘Built and Cultural Heritage’ and notes that the Structure Plan aims to conserve and promote the Highland identity as one of the region’s main strengths.
29. Section 2.15 of the Plan discusses ‘Built and Cultural Heritage’ and it highlights the importance of cultural heritage. Reference is made to the need to safeguard the existing cultural heritage as a vital part of the Highland’s future. Para 2.15.2 states that in accordance with the Structure Plan’s strategic themes the Council “will seek to preserve and promote its built heritage as a valuable tourist, recreational and educational resource wherever possible.”
30. **Policy G2 (Design for Sustainability)** states that developments will be assessed on the extent to which they, amongst other things make use of brownfield sites, existing buildings and recycled materials; are accessible by public transport, cycling and walking as well as car; are compatible with service provision; demonstrate sensitive siting and high quality design in keeping with local character and historic and natural environments; and contribute to the economic and social development of the community.

Local Plan Policy

Cairngorms National Park Local Plan (2010)

31. The Cairngorms National Park Local Plan was formally adopted on 29th October 2010. The full text can be found at :
<http://www.cairngorms.co.uk/parkauthority/publications/results.php?publicationID=265>
32. The Local Plan contains a range of policies dealing with particular interests or types of development. These provide detailed guidance on the best places for development and the best ways to develop. The policies follow the three key themes of the Park Plan to provide a detailed policy framework for planning decisions:
 - Chapter 3 - Conserving and Enhancing the Park;
 - Chapter 4 - Living and Working in the Park;
 - Chapter 5 - Enjoying and Understanding the Park.
33. Policies are not cross referenced and applicants are expected to ensure that proposals comply with all policies that are relevant. The site-specific proposals of the Local Plan are provided on a settlement by settlement basis in Chapter 6. These proposals, when combined with other policies, are intended to meet the sustainable development needs of the Park for the Local Plan's lifetime. The following paragraphs list a range of policies that are appropriate to consider in the assessment of the current development proposal.
34. Policy 6 – Landscape : there will be a presumption against any development that does not complement and enhance the landscape character of the Park, and in particular the setting of the proposed development. Exceptions will only be made where any significant adverse effects on the landscape are clearly outweighed by social or economic benefits of national importance and all of the adverse effects on the setting of the proposed development have been minimised and mitigated through appropriate siting, layout, scale, design and construction.
35. Policy 11 – The Local and Wider Cultural Heritage of the Park : the policy presumes against development that does not protect or conserve and enhance a site, feature, or use of land of local or wider or cultural historic significance, or its setting. The background to the policy refers to the definition of 'cultural heritage' as ascribed in the National Parks (Scotland) Act 2000 which includes "structures and other remains resulting from human activity of all periods, language, traditions, ways of life and the historic, artistic and literary association of people, places and landscapes."
36. Policy 14 – Contaminated land : development proposals on land which is contaminated or suspected to be contaminated will be approved if assessments are undertaken to identify the actual and potential impacts and effective remedial action is undertaken to ensure the site is made suitable for the development proposed.

37. Policy 16 – Design Standards for New Development : this is one of a number of policies which is intended to encourage developers to consider how they can best include the principles of sustainable development in their proposals, and consider the impact on the environment, economy and community. Policy 16 requires that all proposals are accompanied by a design statement which sets out how the requirements of the policy have been met. The design of all development is encouraged to :
- Reflect and reinforce the traditional pattern and character of the surrounding area and reinforce the local vernacular and local distinctiveness, whilst encouraging innovation in design and materials;
 - use materials and landscaping that will complement the setting of the development;
 - demonstrate sustainable use of resources; and
 - be in accordance with the design standards and palette of materials as set out in the Sustainable Design Guide.
38. Policy 18 – Developer contributions : development which gives rise to the need to increase or improve public services, facilities or infrastructure, or mitigate adverse effects, will normally require the developer to make a fair and reasonable contribution towards the additional costs or requirements.
39. Policy 25 – Business development : proposals which support economic development will be considered favourably where the proposal is compatible with existing business uses in the area, or supports or extends an existing business.

Supplementary Planning Guidance

40. In addition to the adoption of the Cairngorms National Park Local Plan (2010) on 29th October 2010, a number of Supplementary Planning Guidance documents were also adopted.

Sustainable Design Guide

41. The guide highlights the fact that the unique nature and special quality of the Cairngorms National Park and the consequent desire to conserve and enhance this distinctive character. The guidance has at its core the traditional approach to design which aims to deliver buildings which provide a resource efficient, comfortable and flexible living environment. The **Sustainable Design Guide** requires the submission of a Sustainable Design Statement with planning applications. It is intended that applicants would use the Sustainable Design Statement to demonstrate how standards set out in the Sustainable Design Checklist will be achieved.
42. One of the key sustainable design principles referred to in the document is that “future development in the Park should be sensitively located, reflect existing development pattern and setting, and respect the natural and cultural heritage of the Park.” Developments are also required to reflect traditional materials and workmanship, and take on board innovation, contemporary design and the emergence of modern methods of construction.

CONSULTATIONS

43. Highland Council's **TEC Services** considered the proposal and recommend that a number of conditions are included in the event of the granting of planning permission. The recommended conditions include the submission of a Traffic Management Plan prior to the commencement of development, and the carrying out of a pre-construction condition survey of the existing public road connecting to the points of access to the site and an associated requirement that any damage arising as a result of construction traffic be made good.
44. The proposal has been assessed by Highland Council's **Contaminated Land** section and it has been advised that the site's historic and current use as a distillery may have resulted in land contamination. However, it is advised that the development would not appear to materially change the risk of potential contamination, and a condition requiring further investigation is not therefore required. Nonetheless it is recommended that the applicant is informed of potential contamination issues in an informative note attached to any decision notice.
45. Highland Council's **Environment Health Officer** considered the proposal and recommends a condition be included in the event of granting planning permission, to ensure that measures are taken to suppress dust arising from activities at the site.
46. The initial response from Highland Council's **Conservation Officer** expressed concern about the loss of the traditional buildings, particularly the residential property. Reference was also made to the lack of supporting information and little assessment of the buildings in situ. The **Conservation Officer** was re-consulted following receipt of additional information. The updated response notes that the case advanced for the extensive demolition of buildings is based on an assessment that they have little or no historical or cultural merit and that repair costs are excessive. In contrast to this view, the **Conservation Officer** describes the buildings as part of a collective group which represent the progressive development of a traditional industry in the Highlands, and as part of that group the buildings have historical value. Consequently the **Conservation Officer** considers that the loss of buildings on the site represents the loss of cultural heritage assets. Alongside this, there is however an acceptance that there may be a justified case for the removal of some buildings and in such an instance it is recommended that detailed analysis and recording should be undertaken.
47. The proposed demolition of the former house and the maltings building is of most concern and the buildings are described as those which would result in a significant loss of historic environment assets in the National Park. It is noted that the house is in situ on first edition maps of the distillery site. It is noted that no substantial evidence has been offered to verify any suggestion that the house is beyond repair. It is also considered that despite suggestions in supporting documentation that extensive options were considered for retention and re-use, no clear evidence has been provided of the variety of options appraised and discounted.

48. The response from the **Conservation Officer** also refers to the Sustainable Design Statement submitted in support of the proposal. It is suggested that it falls short of presenting a balanced assessment of the sustainability of the project, as it fails to provide an assessment to compare the possible energy required by repair and retention to that required for the proposed demolition. The consultation response from the **Conservation Officer** concludes that “it is difficult to consider this application as acceptable in line with local and national policy in relation to the historic environment and sustainable development.” The Conservation Officer “cannot support the current proposals” and suggests that the application should be refused.
49. **Planning Gain** officials considered the proposal and have advised that developer contributions are not required. This is based on the fact that the proposed re-development and site re-configuration would not result in any increase in commercial floorspace.
50. The CNPA’s **Sustainable Economy Manager** expresses support for the proposals which “should help enhance the current business and also ensure its longer term sustainability.” The importance of the role of the distillery in the local economic and social structure is alluded to, being one of only a few large businesses in the Cromdale area. The **Sustainable Economy Manager** does however also make reference to the lack of a business plan or other details to support the proposals, thereby making it difficult to assess likely employment impacts either at the distillery complex or with related services such as transport.
51. The consultation response from the CNPA’s **Landscape Officer** identifies the main landscape issue as the proposed removal of existing buildings from the landscape along with their associated cultural heritage. Working distilleries, whether traditionally built or not, are a key characteristic of many of the Park landscapes and as such it is accepted that their continuing development / modernisation on and around the same site is part of the process of landscape change. The proposed demolition of various components of the distillery buildings will remove some components from the existing cluster of distillery buildings. Of the buildings proposed for demolition, it is noted that the front façade of the residential property is in prominent view and at close proximity to the public road. In considering all aspects of the proposal, the **Landscape Officer** considers that the proposed development does not enhance the landscape character or compensate for the loss of cultural heritage.

REPRESENTATIONS

52. No representations have been received in connection with development proposal.

APPRAISAL

53. Issues to consider in the assessment of the proposal include the principle of development, compliance with planning policy, the impacts of the proposals on the historic and cultural environment, as well as the landscape impacts associated with it, and also the economic benefits associated with the proposal.

Principle of development

54. Balmenach Distillery has a long history at the subject site, dating back over a century. The principle of a distillery development is therefore accepted, as is the general principle of works which would assist on-going and future operations at the distillery. As detailed in paragraphs 12 – 41 of the report, planning policies from national level through to the Local Plan policy all support the general principle of economic development (**SPP** including a section on economic development, **Highland Council Structure Plan** policy B7 – Business Development in Rural Areas, and **CNP Local Plan** policy 25 – Business Development). In considering the proposal purely in the context of those policies, it can be considered to generally accord, given that the purpose of the proposal is to demolish currently underutilised structures, develop new malt silos and essentially rationalise activity at the site to reflect distillery operations which have altered through the passage of time and due to the operational direction of the most recent owners, the applicants Inver House Distillers. No details have been provided to suggest that the proposed development would result in further employment opportunities at the distillery. It is instead a means of achieving greater operational efficiency, addressing current hindrances such as the difficult access route negotiated by heavy goods vehicles, and facilitating action on the weather damaged malting building on the site.

Compliance with planning policy

55. Planning policies encouraging economic development must be balanced against, and where possible reconciled with, all other relevant policies. It is the specifics of the various works proposed in this application, in particular the demolition of some of the oldest and most traditional buildings on the site which require significant consideration in balancing all policies. Potential policy conflicts between conservation of the historic and cultural environment and the requirement for change and economic growth are clearly highlighted in **Scottish Historic Environment Policy (SHEP)**, as summarised in paragraphs 20 – 23. One of the key messages is that the protection of the historic environment is not about stifling change. In considering the merits of the current planning proposal, this is a key consideration. It is for this reason that the CNPA requested the applicants to provide significant further information to justify the case for the extensive demolition work in conjunction with the new build aspects of the proposal. Paragraphs 7 – 11 of this report detail the case advanced, including references to consideration being given in the past to the use of the disused residential property as accommodation and meeting facilities for visiting company personnel. This potential use was discounted primarily on the basis of cost. Figures provided in demonstration of the cost are specific to that particular use, with calculations including generous allowances for the fitting out of the kitchen, bathrooms, and

also furnishing costs. No information has been provided on other alternative uses considered, including any income generation proposals, such as the refurbishment of the accommodation for rental purposes (for example, residential or commercial) which could assist in offsetting the costs of refurbishment. The structural information provided verifies that the exterior walls and roof of the disused residential property are intact and in good condition. It is unsurprising that a building of this nature, which has lain empty for several years, has a number of internal problems which would require attention and repair.

56. The failure to definitively demonstrate a comprehensive consideration and assessment of the capability of the buildings to be refurbished and put to an appropriate use has also been alluded to in the consultation response from Highland Council's **Conservation Officer**. Paragraph 46 summarises the **Conservation Officers** view that the details provided in support of the proposal fail to demonstrate an appreciation of the historical and cultural heritage of many of the buildings which are proposed for demolition. The significance of traditional buildings in the historic, cultural and general landscape is a point which is also stressed in the response from the CNPA's **Landscape Officer** (para. 51) in which working distillery buildings are described as a key characteristic of many landscapes of the National Park. As described in foregoing sections of the report, the **Landscape Officer** recognises and accepts that change inevitably occurs within working distillery environments. However, the element of proposed change which causes the most concern in the context of landscape impact is the proposed demolition of the disused residential property. The **Landscape Officer** and **Conservation Officer** are both of a similar view in their conclusions that the current proposal would fail to conserve or enhance the historic and cultural environment, and would fail to mitigate the loss of cultural heritage.

Alternatives

57. Supporting information suggests that the main catalyst for the current proposal has been the weather damaged sustained by the malting building and the opportunity presented by its potential demolition to significantly alter the building layout on the overall distillery site. The currently proposed layout is derived from the applicants wish to locate the new malt silos immediately adjacent to main production building, in replacement of the current malt storage facility on the opposite side of the access road. The associated access amendments and vehicular turning movements desired by the distillery operators would necessitate the creation of a large service yard area. The proposed location of the service yard and an associated area of landscaped green space is proposed immediately to the north of the new silo location, and would occupy the position of the currently located weather damaged malting and part of the site of the disused residential property. This would enable large goods vehicles to access the distillery from the level 'high road' and negotiate the site (including undertaking drop off or collection processes) without the need for any reversing movements.

58. It does not appear through any information provided in support of the proposal that consideration has been given to any alternative layout that could facilitate the required new developments and improved access arrangements, whilst also avoiding encroachment into the site of the disused dwelling house in particular. The distillery lands extend over a much wider area than the immediate cluster of existing distillery buildings. A significant area of open land is available adjacent to the malt barns and residential property, which could potentially be utilised to accommodate a revised site layout.

Conclusion

59. In light of the advice from consultees and in balancing all elements of the proposal in the context of applicable planning policy, it is impossible to conclude that the proposed demolition of a selection of traditional buildings, which formed the original core of the distillery, accords with planning policy or with the aims of the National Park. Whilst the positive elements of the proposal must be recognised (including the positive landscape impact likely to result from the proposed demolition of the prominent and unattractive asbestos clad large silo building and the potential operational benefits that might accrue from new smaller and better located components within the distillery complex), they are insufficient to outweigh the concerns regarding the loss of buildings of historical and cultural significance.
60. While the preservation of the maltings and the malt barn is desirable, it is accepted that a variety of practicalities may render this beyond achievement, such as health and safety issues which dictate a need to address the weather damage sustained by the maltings. The proposed loss of the disused residential structure is of most concern and its intact external state and position on the periphery of the cluster of distillery buildings are all factors which could be beneficial in efforts to conserve and enhance the building. Despite the positive aspects of the development proposal, in considering the overall development, in particular the aforementioned demolition work, it can only be concluded that the proposal in its totality fails to comply with national policy, and Structure Plan and Local Plan policies concerning the historic environment, landscape character and the local and cultural heritage of the area. Accordingly, the proposal cannot be considered to comply with the first aim of the National Park as it clearly fails to conserve and enhance the cultural heritage of the area.

IMPLICATIONS FOR THE AIMS OF THE NATIONAL PARK

Conserve and Enhance the Natural and Cultural Heritage of the Area

61. The proposed demolition of a substantial residential property, as well as a number of other traditional distillery buildings, all of which are part of the traditional character of the area and occupy prominent positions within the local landscape, fail to assist in conserving or enhancing the cultural heritage of the area.

Promote Sustainable Use of Natural Resources

62. The proposal makes no contribution to this aim.

Promote Understanding and Enjoyment of the Area

63. The demolition of some elements of the existing site infrastructure, in particular the highly visible, predominantly asbestos built, malt bin, could improve the views of the area and as such has the potential to enhance the general public's enjoyment of the area.

Promote Sustainable Economic and Social Development of the Area

64. The development proposal would contribute positively towards the continued operations and modernisation of processes at the distillery and as such would be of benefit to the economic development of the area.

RECOMMENDATION

That Members of the Committee support a recommendation to REFUSE planning permission for the demolition of four flats, malting, malt barns, steeps, malt bins and garages; erection of new malt storage bins, mash tun and associated plant; construction of new access, hard standing and turning areas at Balmenach Distillery, Cromdale, for the following reasons :

1. The proposed development involves the demolition of a number of traditional structures, including a substantial residential property, the malting building and the malt barns, all of which form a core part of the traditional cluster of distillery buildings at Balmenach. The proposal would erode the historic context and cultural heritage of the area and as such would fail to maintain this distinctive landscape and would fail to accord with the strategic objectives of the Cairngorms National Park Plan (2007). The proposal conflicts with the first aim of the Cairngorms National Park due to its failure to conserve or enhance the cultural heritage of the area.
2. The proposed layout, which necessitates the demolition of a significant amount of stone built traditional structures of cultural and historic value on the site, fails to demonstrate an appreciation of the value of the buildings and their contribution to the landscape character of the area. The proposal therefore fails to comply with national planning policy as expressed in Scottish Planning Policy (para. 125 – 133, Landscape and Natural Heritage), Highland Council Structure Plan (Policy L4 - Landscape Character) and Cairngorms National Park Local Plan (2010) (Policy 6 – Landscape).

3. The information submitted in support of the planning application demonstrates a lack of appreciation of the historical and cultural significance of several of the traditional buildings within the distillery site, which are proposed for demolition as part of the proposal. The lack of awareness of the value and significance of the structures has resulted in a proposal which fails to satisfy the requirements of Scottish Ministers as expressed in the **Scottish Historic Environment Policy (SHEP)**. The failure of the proposal to demonstrate an appreciation and protect or adequately conserve and enhance the site also contravenes the Policy 11 (The Local and Wider Cultural Heritage of the Park) of Cairngorms National Park Local Plan (2010).

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The map on the first page of this report has been produced to aid in the statutory process of dealing with planning applications. The map is to help identify the site and its surroundings and to aid Planning Officers, Committee Members and the Public in the determination of the proposal. Maps shown in the Planning Committee Report can only be used for the purposes of the Planning Committee. Any other use risks infringing Crown Copyright and may lead to prosecution or civil proceedings. Maps produced within this Planning Committee Report can only be reproduced with the express permission of the Cairngorms National Park Authority and other Copyright holders. This permission must be granted in advance.