
CAIRNGORMS NATIONAL PARK AUTHORITY

Title: REPORT ON CALLED-IN PLANNING APPLICATION

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(DEVELOPMENT MANAGEMENT)

DEVELOPMENT PROPOSED: ERECTION OF SIX HOLIDAY CHALETs ON SITES TO THE NORTH AND EAST OF GLEN CLOVA HOTEL, GLEN CLOVA

REFERENCE: 08/262/CP

APPLICANT: CLOVA FARMS LTD

DATE CALLED-IN: 25 JULY 2008

RECOMMENDATION: APPROVAL SUBJECT TO CONDITIONS

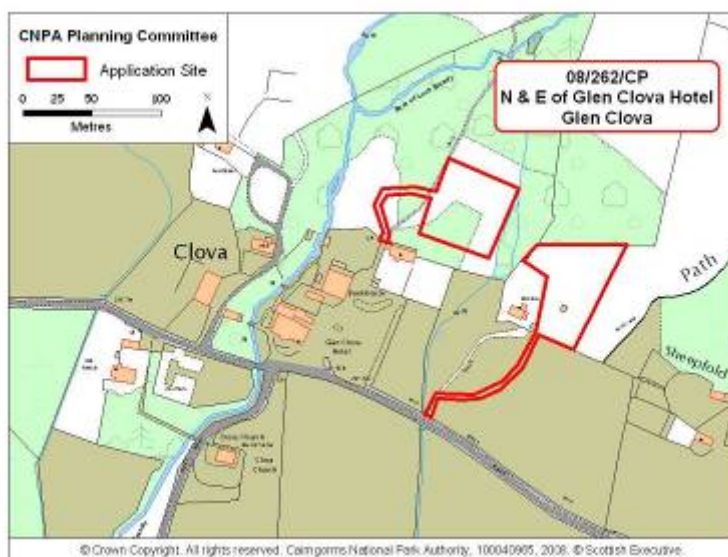


Fig 1.- Location Plan

SITE DESCRIPTION AND PROPOSAL

1. The application sites are located adjacent to the Glen Clova Hotel. The first area (Area 1 see figs 3-6) is immediately behind a pair of recently constructed chalets that received permission from the CNPA in 2006. This accommodation has proved popular and the applicant has decided to provide additional smaller chalets. As with the existing accommodation they would be managed in conjunction with the existing hotel business. This particular site would be accessed from a track to the rear of the hotel parking area that runs along the gable of an existing cottage. This track is a Right of Way which goes over to Glen Esk (see figs 3 & 4) and also gives access to Loch Brandy and a number of hills thereabouts. The access to the site would be a 3 metre wide permeable track and diverges from the existing Right of Way to minimise tree removal. The route allows access to a clearing in the trees (see figs 5 & 6) where three-one bedroom timber chalets would be located. The chalets have a narrow plan form with a horizontal timber finish with slate roofs. Each would include a wood burning stove. A topography and tree survey has been carried out to inform the proposal. This indicates that only one tree would require to be removed.



Fig 2 Distant view to Glen Clova Hotel site



Fig 3 Access to Area 1



Fig 4 Footpath to Glen Esk and Loch Brandy chalet site to right of photograph in clearing



Fig 5 Area 1-site for 3 one- bed chalets



Fig 6 View from Area 1 clearing through trees



Fig 7 Access to Area 2 from main road site behind Land Rover



Fig 8 Area 2 position for 2 bed chalets 4 & 5 one in front of shed on gravel with one directly behind.



Fig 9 Area 2 looking towards position for upper chalet 6.

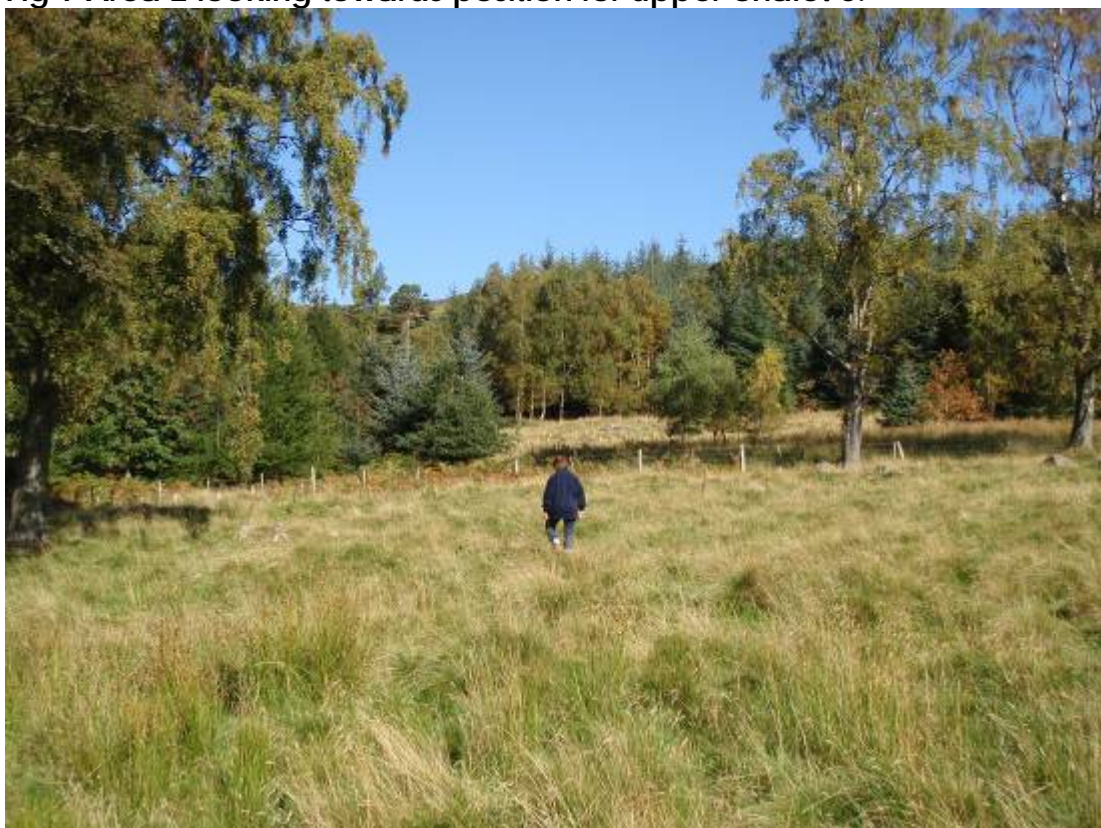


Fig 10 Area 2 site for chalet 6.

2. The second area (see figs 7-10) is located further east and immediately to the side of and behind a cottage known as Kirkton (also owned by the applicant). There is a small shed on the site that would be removed. There are archaeological remains immediately to the east of this site which would be unaffected. The access road as with the other site would be via a three metre permeable access road with a small turning circle.

3. The application and siting for the chalets includes a landscape framework which proposes extensive planting. This will supplement the existing tree cover at the first site and at the second more open site will extend the treed area eastwards as a setting for the chalets. A short sustainability statement has been submitted and is attached at the back of the report. It is the intention in the near future that subject to planning permission a micro hydro power scheme would provide electricity for the chalets and the existing hotel. Heating will be provided by a small district heating system utilising a wood chip boiler. Materials for the chalets would be timber and the buildings will be insulated to above building regulation standard



Fig 12 Two bedroom chalet photomontage Area 2 (1 bedroom units same design)

DEVELOPMENT PLAN CONTEXT

National Guidance

4. **Para 14 of Scottish Planning Policy Guidance Note 15 (SPP15)** considers that tourism is of vital importance to the social, economic and environmental and cultural well being of rural Scotland. The guidance notes that Planning Authorities should support the development of the tourism and leisure industry with appropriate policies on the siting and design of new development.
5. **Para 15 of SPP15** deals with diversification and notes that many landowners including farmers, have already diversified some of their activity away from traditional farming. Many other businesses are also expanding into new areas. Further diversification of the rural economy should be encouraged and it is noted that there is enormous scope to exercise initiative and creativity.
6. **Para 29 of SPP15** notes that the intention that the general proactive thrust of the SPP should apply throughout Scotland. However, it should be recognised that Scotland's National Parks have been

designated because of the importance of their natural and cultural qualities and refers to the aims of the National Parks.

7. **Planning Advice Note 73 on Rural Diversification** considers that diversification helps to make rural areas more sustainable and provides a range of examples of good practice in relation to rural diversification. The document provides definitions of both farm diversification and diversification of the rural economy.

Angus Local Plan

8. **Policy SC16 of the Angus Local Plan Rural Employment** considers that employment opportunities throughout rural Angus will be supported where they make a positive contribution to the rural economy and are of a scale and nature appropriate to the location, including proposals that assist the diversification of an existing rural business.
9. **Policy SC17: Tourism Development** notes that development proposals to provide new or improved tourist related facilities/attractions and accommodation will be permitted and encouraged where they improve the range and quality of visitor attractions and tourist facilities/and or extend the tourist season; have no unacceptable detrimental effect on the local landscape or rural environment are in-keeping with the scale and character of nearby buildings or surrounding countryside; are generally compatible with surrounding land uses; and accord with other relevant policies of the Local Plan.

Cairngorms National Park Plan 2007

10. 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.

11. 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. Section 5.2.3 of the Park Plan acknowledges that tourism is one of the primary forms of employment in the Park, although many jobs in this and other sectors are highly seasonal and with little long term security. 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." Strategic objectives for sustainable tourism include :-
- raising awareness of the Park as a premier, year round, rural tourism destination;
 - recognising its outstanding natural heritage and its National Park status;
 - improving and maintaining the quality of the experience of the Park for all visitors, communities and those working in the tourism industry;
 - maintaining a high quality environment by encouraging sound environmental management by all those involved in tourism in the Park;
 - developing a wide range of opportunities for visitors to experience and enjoy the special qualities distinctiveness and natural and cultural heritage of the Park; and
 - encouraging an optimum flow and spread of visitors across the Park and minimising the social and environmental impact including traffic generated by visitors and conflicts between different forms of recreation.

CONSULTATIONS

12. **Angus Council Roads** has no objection.
13. **Scottish Natural Heritage (SNH)** has commented that Corrie Burn runs some 13 metres to the NW of the development site and an unnamed watercourse runs between the development sites. Both

run into the River south Esk SAC (Special Area of Conservation) with qualifying interests of Atlantic salmon and Freshwater Pearl Mussels.

14. SNH objects to the proposals as currently submitted. The SNH objection could be overcome subject to appropriate conditions. SNH advise that the construction proposals are likely to have a significant effect on the qualifying interests of the site due to potential sediment release during construction phase and the potential increase in phosphorus loading to the river from the sewerage arrangements, and the potential reduction in flow from abstraction of the private water supply. However on the basis of the appraisal carried out to date, if the proposal is undertaken strictly in accordance with the following conditions, then the proposal will not adversely affect the integrity of the site:
15. Barriers that will act as silt traps and prevent sediment reaching the watercourses must be used around the construction areas (including areas of track upgrading works) and should be made a condition of planning permission to ensure that there is no sediment release into the River South Esk SAC.
16. A detailed Construction Method Statement (CMS) incorporating the measures outlined in the enclosed "Draft Construction Method Statement Requirements for the River south Esk SAC document should be agreed between the applicant and the CNPA giving details of measures to prevent harmful materials entering the SAC, in particular sediment. This should also be made a condition of planning permission.
17. The installation of a suitable sewerage treatment system at an appropriate capacity/population equivalent, to the satisfaction of SEPA, should be made a condition of planning permission. The sewerage arrangements must not cause the 0.03mg/l threshold for Total Phosphorous in river to be exceeded.
18. It must be demonstrated to the satisfaction of SEPA and CNPA prior to the commencement of works that any reduction in flow rate will not have an adverse effect on the qualifying features of the River South Esk SAC.
19. **Scottish Water** has no comments on this proposal.
20. **SEPA** had originally objected to the proposal because of potential flood risk. However, subsequently further topographical surveys and photographs have allowed SEPA to withdraw its objection on grounds of flood risk. SEPA note that the chalets are at a height above the watercourse or as a significant distance away from the

watercourse that would prevent them from being a flood risk. SEPA had also raised some concern regarding foul drainage and that a septic tank and soakaway system would not be adequate in this area. Consequently, the applicant has confirmed that they will provide a package treatment system to SEPA's requirements.

21. **CNPA Visitor Services and Recreation** make the following comments:

- The Right of Way to Loch Brandy which dissects the site to the west of the site is also a candidate core path and is currently promoted by COAT. Significant investment went into the development of this path under the auspices of the Eastern Cairngorms Access Project (ECAP). Concern is raised about potential damage during construction. The site is steep so there is a danger that run off from the formation of the founs for the chalets and the construction of the road would find away onto the path and scour it badly.
- As the route is a Right of Way it must remain open and unobstructed in so far as possible during the construction phase, any closures must be communicated to users as they approach the site.
- Some concerns about the location and orientation of Lodge 3 by my calculations it is only 10m from the path and presents the northern bedroom window towards the path, so that users coming down the path could probably see into the room. As it is a Right of Way the use of this route is not governed by the Land Reform Act and the code, although it is assumed users will be following the code, but perhaps orientating the chalet or increasing the planting will mitigate against potential privacy issues.

REPRESENTATIONS

22. No representations have been received.

APPRAISAL

Principle

23. This section of the report considers the principle of what is being proposed with regard to national guidance, local planning policy and the aims of the Park. Subsequently, more detailed issues of

environmental impact, siting, design and technical issues are considered.

24. In principle, national guidance regards tourism as being of vital importance to the social, economic and environmental and cultural well being of rural Scotland. Consequently, there is a presumption of encouraging tourism proposals in principle where appropriately sited and designed. This encouragement is reflected in the policies of the Angus Local Plan where new or improved tourist related facilities/attractions and accommodation will be permitted and encouraged where they improve the range and quality of visitor attractions and tourist facilities/and or extend the tourist season.
25. In this case the existing chalets that have been constructed have been very popular and as a result the applicant wants to extend this side of the business with the addition of 6 more chalets in the area. The sites are adjacent to the existing business and the other houses in the vicinity are owned by the applicant. Given this the relative proximity of the sites to the Hotel would also reinforce the economic use of the Hotel's facilities and would reinforce the existing tourism use of the area. The Cairngorms National Park Plan seeks to raise awareness of the Park as a premier all year round tourism destination. The proposal would contribute to that and the existing business has recently won an Angus tourism business award because of the range and standard of facilities. The same planning condition is proposed as used on the existing chalets to ensure that they remain part of the hotel business and cannot be used as full time houses. Otherwise, the addition of more chalets in principle is considered acceptable.

Environmental Issues

26. Some points have been raised by SNH with regard to potential effects upon the River South Esk SAC. One concern relates to potential sedimentation from run-off during construction. The second point relates to potential increase in phosphate levels from foul drainage proposals. These concerns constitute an objection as they stand but SNH recommend planning conditions that can overcome this objection. These conditions are similar to those used on the Angus Glens Ranger Base at Glen Doll and for a steading conversion also at Glen Doll both of which are CNPA consents. SNH have prepared a draft requirement for a construction method statement and this would be attached to any planning decision notice.
27. The siting of the chalets results in implications for landscape at a site which is within the Lochnagar and Deeside National Scenic Area.

The first site is located in a clearance characterised by bracken set amongst tree cover just to the north of existing buildings. This involves using the same access for a short stretch as that being used by walkers and some concern is raised by the CNPA Visitor Services Group that run off from foundations would cause damage to a path which has been subject to ECAP funding. This is a concern. However, walkers are a key target group of the applicant's business with the land being within his ownership a planning condition can be used to ensure that any damage to the path is reinstated. A planning condition will also ensure that the route remains unobstructed during any construction works. There is considerable landscaping existing and proposed which should prevent any overlooking between the path and chalet No 3 which was a concern of the Access Officer.

28. Glimpses of the chalets at Area 1 would be available from across the glen but the buildings would be largely screened by trees and seen in the context of existing development at Clova including a house, chalets and the car park for the hotel. Tree retention is important in ensuring that this character is maintained. A landscape plan has been provided which shows only a single tree being removed but the area is being reinforced by the planting of further birch and pine trees in particular. This appears a reasonable and positive approach. However, a planning condition is applied to ensure that this is carried out.
29. The second site is more open and is sited immediately to the south west of a cottage known as Kirkton on land which is part of a larger field currently used for grazing. The applicant's had originally considered siting all six chalets on this site. However, there are significant archaeological remains of a former farming settlement immediately to the east including a lime kiln so the 3 chalets on this site are located away from this area. The Archaeologist has visited the site and has no comments. However, it was agreed on site that to enhance the cultural heritage value of the former settlement a planning condition is recommended that the applicants provide some basic interpretation of this feature for visitors.

Technical Issues

30. In terms of technical issues the main concern has been with regard to flooding. SEPA had originally objected to the application on grounds flood risk. This was based upon potential flooding from the River South Esk. However, the developer provided additional topography surveys and photographic images to show that the site is located well above the potential flooding area. SEPA

consequently withdrew their objection. Some concern is raised regarding foul drainage by SNH and SEPA and in line with other developments in the area a package sewerage treatment works would have to be provided rather than the normal septic tank and soakaway solution. This is because of the particular sensitivities of the River South Esk to increased phosphorous. With regard to water supply initial work has already been carried out by consulting engineers on the applicant's behalf with regard to capacity. In terms of quality the source is the same as the existing hotel supply.

31. With regard to highways issues Angus Council Roads has no objection.

IMPLICATIONS FOR THE AIMS OF THE PARK

Conserve and Enhance the Natural and Cultural Heritage of the Area

32. Planning conditions are proposed by SNH to ensure the protection of the river South Esk SAC. There are few other natural heritage implications some of the chalets would be visible but seen as part of the existing group of buildings at Clova. The application would result in significant additional planting of native trees.

Promote Sustainable Use of Natural Resources

33. The development performs well in terms of this aim and a sustainability statement is attached. The proposal will reinforce the existing use of the hotel and associated facilities. While not part of this application it is the applicant's intention to install a micro hydro scheme to provide power for the tourist facilities at the site. The chalets proposed by this application will be highly insulated and heated by a wood chip district heating system.

Promote Understanding and Enjoyment

34. The proposals would help to promote understanding of the area in the form of recreation as the area is well used by hillwalkers and the tourism provider has links with a number of activity providers in the area.

Promote Sustainable Economic and Social Development

35. The chalets would further reinforce the economic use of the site contributing towards the economy of the area.

RECOMMENDATION

36. That members resolve to **GRANT Full Planning Permission** for the Erection of Six Holiday Chalets on Sites to the North and East of Glen Clova Hotel, Glen Clova, subject to the following conditions:-
1. The development to which this permission relates must be begun within five years from the date of this permission.
 2. The proposed building shall only be used as holiday accommodation ancillary to and in connection with the business at the site and shall not be sold separately or be used by a tenant, lessee, owner or occupier as their only or principal dwellinghouse. No single period of occupation shall exceed two months. Occupation shall be restricted to use by persons requiring to stay in the area for recreational or vocational purposes.
 3. Exact details and specifications of all proposed external finishing materials (including roofing materials and material for track upgrade/construction) shall be submitted for the further approval of the Cairngorms National Park Authority acting as planning authority before any work commences on site.
 4. The development shall be landscaped and maintained in accordance with the approved scheme as follows:-
 - (a) Completion of the scheme during the first planting season following the completion of the development, or such other date as may be approved in writing with the CNPA acting as Planning Authority.
 - (b) The maintenance of the landscaped areas in perpetuity in accordance with the detailed maintenance schedule/table. Any trees or shrubs removed, or which in the opinion of the CNPA acting as Planning Authority, are dying, being severely damaged or becoming seriously diseased within five years of planting, shall be replaced by trees or shrubs of similar size and species to those originally required to be planted.
 5. That no development shall commence on this site until trees marked for retention on the approved plans, have been protected around the extremities of the crowns of these trees to the satisfaction of the

Cairngorms National Park Authority acting as planning authority, and in accordance with BS5837:2005, Trees in Relation to Construction.

6. Prior to the commencement a construction method statement shall be submitted and approved by the CNPA in consultation with SNH. The statement shall be based upon measures outlined in the attached "Draft Construction Method Statement Requirements for the River South Esk SAC". The document shall detail methods to prevent sediment and harmful materials and sediments entering watercourses. Detailed cross section for chalets in Area 1 shall also be provided. All works and measures shall accord with the Statement.
7. Prior to the first occupation of the chalets hereby approved full details of a sewerage treatment system at an appropriate capacity population equivalent shall be submitted to and approved by the CNPA in consultation with SEPA and SNH. The sewerage arrangements must not cause the 0.03mg/l threshold for Total phosphorous in-river to be exceeded. The system shall be in place prior to the first occupation of any chalet.
8. Prior to the commencement of the development hereby approved a full report on the water source shall be provided to and approved by the CNPA in consultation with Angus Council, SNH and SEPA. The report shall show that any reduction in flow rate will not have an adverse effect on the qualifying features of the River South Esk SAC.
9. A scheme to provide basic interpretation of the archaeological area to the east of chalet Area 2 on approved drawing No 327/03 rev B shall be submitted to and approved by the CNPA acting in consultation with Angus Council's archaeology advisor. The interpretation shall be in place within 6 months of the occupation of the last chalet in Area 2.
10. The chalets shall be developed in line with the submitted sustainability statement unless otherwise agreed by the CNPA.
11. The right of way to Loch Brandy shall not be obstructed at any time unless agreed in advance with the CNPA. If obstruction is required for any temporary period of construction a diversion shall be signed from both ends of the existing path. Any damage to the existing path shall be reinstated to a standard to be agreed by the CNPA.

CAIRNGORMS NATIONAL PARK AUTHORITY
Planning Paper 1 6 March 2009

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.

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Date 25 February 2009

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