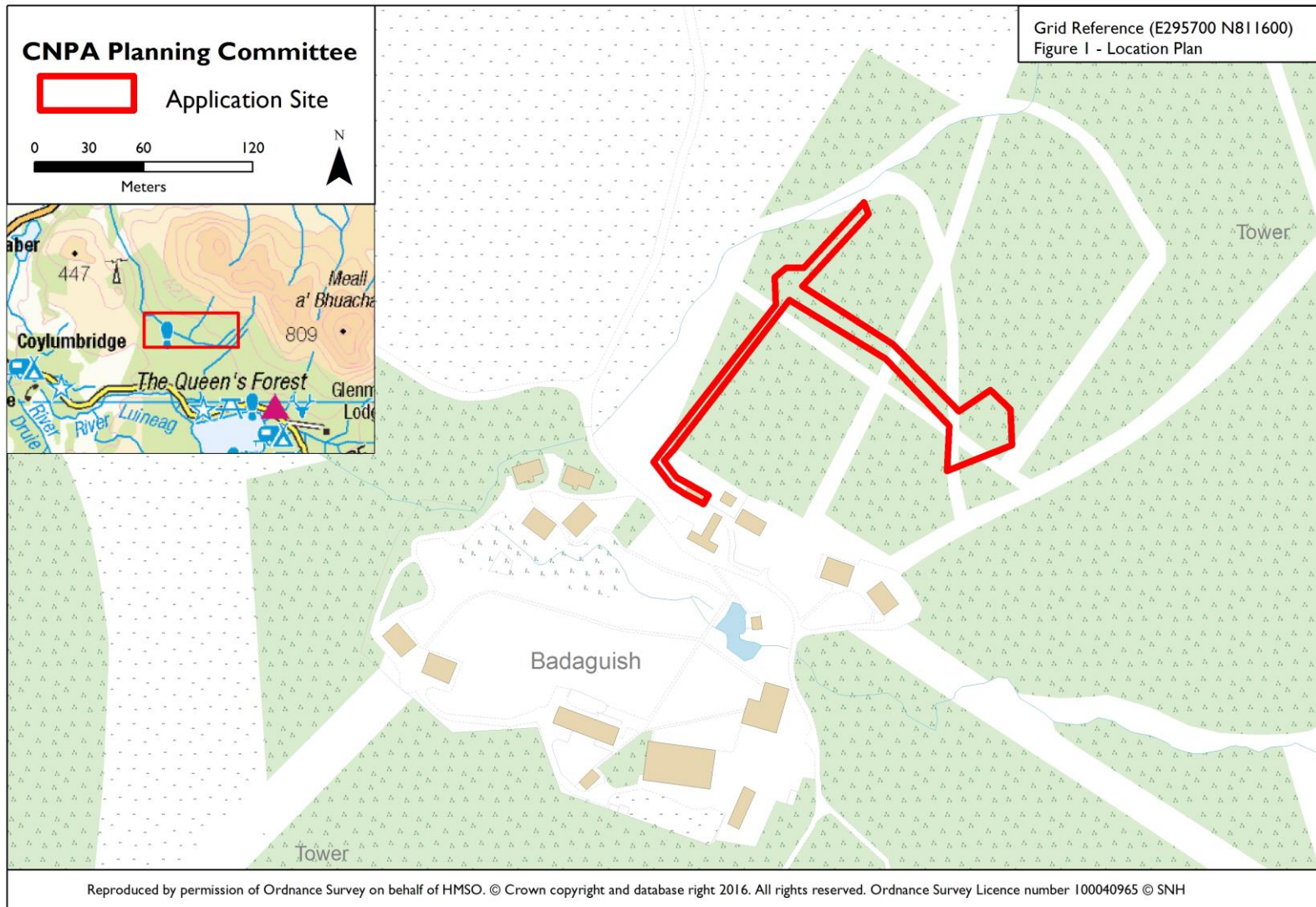


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## CAIRNGORMS NATIONAL PARK AUTHORITY

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<b>DEVELOPMENT PROPOSED:</b>	
Erection of Building to provide accessible cooking and toilet facilities for wigwams, siting of temporary portaloo facilities and formation of parking area (amended proposal, ref: 16/00450/FUL (2016/0042/DET)) at land to NE of Speyside Trust Badaguish Outdoor Centre, Glenmore Aviemore	
<b>REFERENCE:</b>	2016/0092/DET
<b>APPLICANT:</b>	Speyside Trust
<b>DATE CALLED-IN:</b>	12/04/2016
<b>RECOMMENDATION:</b>	APPROVE WITH CONDITIONS
<b>CASE OFFICER:</b>	Katherine Donnachie Planning Officer



## **SITE DESCRIPTION, PROPOSAL AND HISTORY**

### **Site Description**

1. The application site is located at Badaguish, some 6km to the east of Aviemore. This is an established recreational site offering an environmental and outdoor education service for youth and community groups with numerous existing facilities on site (offices, toilet/shower block, lodges, café, play area and paths). The site takes access off the Glenmore road via a private road and it is situated in a woodland setting. Land to the south of the Badaguish complex is designated as a Special Protection Area, SSSI, and Special Area of Conservation and the entire site lies within the Cairngorms National Scenic Area.
  
2. The site itself lies to the north of the long established Badaguish complex and comprises two components both located within the boundaries of land approved and under development for wigwam pods, camping, bike trails and associated landscaping. The first component, comprising toilets, is located to the east of an existing block of wigwam camping pods and to the north west of the approved camping site partly within areas shown for landscaping in the original approval. The second component (parking area) is located further east on the other side of the camping area, again within the wider site and approved landscaping areas. The site location and layout is as shown in **Appendix I** which contains plans of the development.

### **Proposal**

3. The drawings and documents associated with this application are listed below and are available on the Cairngorms National Park Authority website unless noted otherwise:

<http://www.eplanningcnpa.co.uk/online-applications/#searchApplications>

<b>Title</b>	<b>Drawing Number</b>	<b>Date on Plan</b>	<b>Date Received</b>
Location Plan	4124/LOC Revision A	January 2016	
Proposed Wigwams Tree Planting proposals	HLD K 178.14.SL- 01 Revision G	16/05/2016	
Block Plan Layout	412402-20	January 2016	
Badaguish Cabins Elevations and Plans	(10)022_(BA)100		
New access track details	CA6366 Drawing No. 2	13/05/2011	
Site Layout	412402-050 Revision A	May 2016	

Bracewell Stirling supporting planning statement			16/05/2016
Details of Larch external cladding and finishes by Oyster Eco Build			
Aquaterra Ecology Camping and Wigwam Area update June 2015		June 2015	
Bracewell Stirling information on drainage loadings			
Visitor Management Plan Version 5		18/11/2015	

4. The proposed application comprises two main elements; (a) a toilet and kitchen and (b) an overspill parking area.
5. The toilet and kitchen “pod” is to be located beside a recently erected group of wigwam camping pods at Badaguish. The applicants have submitted a supporting statement, attached as **Appendix 2**, which explains that the new building is intended to provide accessible cooking and toilet facilities close to the recently constructed wigwam area.
6. The applicants submit that previous applications for temporary siting of wigwams further south (see planning history section later) have demonstrated that the wigwam visitor experience is enhanced by provision of localised facilities to allow groups to congregate together. The proposed pod would also help gauge interest in terms of replicating this elsewhere in the wider wigwam site in the future.
7. At present there is an existing toilet block located to the south of the application site, more closely aligned to the existing built infrastructure at Badaguish and this is described as the campsite toilet block. This block will be retained as it is well located to the rest of the site. Both toilet blocks, proposed and existing, will be served by the existing private treatment plant at Badaguish, with the new pod connecting to the drainage for the existing toilet block and so the treatment plant. The portaloos will not be connected to the treatment plant but rather serviced by the provider. The treatment plant is located to the far south west, and is regulated by SEPA. The applicants submit that the overall drainage loading will remain the same as there will be no more bed space provision. They also note that use of the centre and its facilities is by appointment/advance booking only so visitor numbers can be controlled. It is

also explained that the approved visitor management plan would be adhered to and implemented.

8. The proposed kitchen/toilet pod is of pitched roof design centred around a hexagonal floor plan with rectangular entrance area. The overall length of the proposed building is some 8.8 metres, with the width at the widest point being around 5 metres. Height to ridge will be 4.5 metres. It will accommodate preparation/cooking/eating areas with an entrance area accommodating toilet and washing facilities. Proposed finishes are locally sourced larch walls and cedar shingle roof. Ramped access to the building is shown. Plans of the proposed layout and design are contained in **Appendix I** which also shows a section illustrating how the building will sit on the site.
9. An associated portaloo of standard construction is also proposed for during the construction period and this will be located on the other (west) side of the access track as shown in the block plan (**Appendix I**). Refuse bin provision is proposed here too.
10. The second component is to retain land to the north east of the campsite (which was previously used as a laydown area for construction of the wigwams to date) as an overspill parking area for the camp site and also for laydown area associated with future development of the overall site. It is submitted that this land is conveniently located to the new campsite and will benefit camping groups for unloading equipment. This piece of land is currently cleared with hard material on it giving the appearance of a hardstanding area. It is proposed to edge this piece of land with logs to define it and thereafter use it for parking/storage purposes.
11. A detailed landscape scheme has been provided which shows planting around the two new components, set within the context of the wider approved planting for the whole wigwam/bike trail/camping site. The landscape scheme as approved at that time has been amended to take account of the currently proposed development and shows further landscaping detail to mitigate for loss any of the previously approved landscaping.

## History

12. As members may recall there is a lengthy planning history at Badaguish. Since 2003 there have been numerous planning applications approved for various developments including chalets, accommodation lodges, shower block, footpaths, antennae and conversion of bothy to form coffee shop and restaurant, and formation of walk/cycle way adjacent to the access road to the site, passing places and additional car parking. Key planning applications relating to the current site are as follows:
13. 2011/0206/DET – Planning permission granted on 20 January 2012 for the erection of 35 wooden wigwams, on site activity area/canvas tent area and mountain bike free ride trail. This application covered the larger site within which the current application site is located. A “Section 42” application to amend the conditions of that permission regarding timing of provision of

footpath and passing places was also approved on 5 August 2013 (2013/0096/DET).

14. 2015/0132/DET and 2015/0133/DET - These two retrospective applications sought consent for changes to the layout of wigwams, bike trail and camping area as originally approved in 2011. Permission was granted on 18 November 2015.
15. 2015/0375/DET- Temporary planning permission was granted on 22 February 2016, with various renewals of this permission previously granted, for the siting of ten wooden wigwams to the south of the current application site.

## **DEVELOPMENT PLAN CONTEXT**

### **Policies**

<b>National Policy</b>	Scottish Planning Policy 2014	
<b>Strategic Policy</b>	Cairngorms National Park Partnership Plan 2012 - 2017	
<b>Local Plan Policy</b>	Cairngorms National Park Local Development Plan (2015) Those policies relevant to the assessment of this application are marked with a cross	
POLICY 1	NEW HOUSING DEVELOPMENT	
POLICY 2	SUPPORTING ECONOMIC GROWTH	X
POLICY 3	SUSTAINABLE DESIGN	X
POLICY 4	NATURAL HERITAGE	X
POLICY 5	LANDSCAPE	X
POLICY 6	THE SITING AND DESIGN OF DIGITAL COMMUNICATIONS EQUIPMENT	
POLICY 7	RENEWABLE ENERGY	
POLICY 8	SPORT AND RECREATION	X
POLICY 9	CULTURAL HERITAGE	
POLICY 10	RESOURCES	X
POLICY 11	DEVELOPER CONTRIBUTIONS	

16. All new development proposals require to be assessed in relation to policies contained in the adopted Local Development Plan. The full wording of policies can be found at:

<http://cairngorms.co.uk/uploads/documents/Park%20Authority/Planning/LDPI5.pdf>

### **Planning Guidance**

17. Supplementary guidance also forms part of the Local Development Plan and provides more details about how to comply with the policies. Guidance that is relevant to this application is marked with a cross.

Policy 1	New Housing Development Non-Statutory Guidance	
Policy 2	Supporting Economic Growth Non-Statutory Guidance	X
Policy 3	Sustainable Design Non-Statutory Guidance	X
Policy 4	Natural Heritage Supplementary Guidance	X
Policy 5	Landscape Non-Statutory Guidance	
Policy 7	Renewable Energy Supplementary Guidance	
Policy 8	Sport and Recreation Non-Statutory Guidance	
Policy 9	Cultural Heritage Non-Statutory Guidance	
Policy 10	Resources Non-Statutory Guidance	X
Policy 11	Developer Contributions Supplementary Guidance	

## CONSULTATIONS

18. A summary of the main issues raised by consultees now follows:
  
19. **SEPA** note that this development falls below the thresholds upon which they would normally comment. They further note that, whilst they have no comments from a planning perspective. Since the CNPA sought their advice in relation to drainage impacts to assist they have provided some regulatory advice.
  
20. As noted with previous cases at Badaguish they advise that the site currently has an authorisation under the Water Environment (Controlled Activities) (Scotland) Regulations and that the Agency are waiting information regarding the current and potential future population equivalent capacity at the overall site which should be submitted to SEPA to ensure compliance with the CAR license here. They advise that, although visitor numbers may remain the same at the site, the kitchen facility will produce additional waste water which may overload the treatment works and the applicant is requested to contact the regulatory team for advice.
  
21. Following receipt of SEPA's comments, CNPA officers contacted the Agency to advise that information relating to capacity had been previously provided to them and they had duly advised that the private treatment plant was working to the required standard and that any breaches would be dealt with by SEPA who would be able to require any upgrading necessary under their legislation. This information was provided to the regulatory team who have now confirmed that they have no objections to the proposals.
  
22. **Scottish Natural Heritage** was consulted in view of the proximity of the site to the Cairngorms Special Protection Area (SPA) classified for its capercaillie interest, whereby the CNPA is required to consider the effect of the proposal on the SPA before it can be consented (Habitats Regulations Appraisal.) In this regard SNH have considered the likely impacts of the proposal on natural heritage interests and conclude that the proposal is unlikely to have a significant effect on the capercaillie interests of Cairngorms SPA.

23. **CNPA Landscape Advisor** notes the location of the site within a managed forest environment, generally hidden in the wider views of the Glenmore area, though as the Forest Design Plan is implemented it may at times be visible from elevated locations. Whilst there are risks that the accumulation of accommodation and facilities at Badaguish has an impact on local landscape character the addition of the proposed developments are considered to be consistent with the use and feel of the site. It is the quality of the landscape scheme proposals and their implementation which will make a difference to any impacts hence a revised landscape scheme was sought to provide details of planting around the new development to ensure that the landscape character of the site and setting is conserved and enhanced. A revised landscape scheme was prepared to take account of these comments and the Landscape Advisor is satisfied with this information.
24. **CNPA Natural Heritage Adviser** noted that the site forms part of a recently consented development which has been clear felled, and as such there are no species or habitat constraints. The officer initially requested submission of an updated landscape scheme to incorporate the proposed development into the wider landscaping for the site and to replace tree planting shown on the originally approved landscape scheme which would be lost as a result of the new proposals. This information has now been submitted as noted above.
25. **CNPA Outdoor Access Officer** is supportive of the application subject to the previously approved visitor management plan being in place that includes responsible riding in the surrounding forest and sets out how use from non-residents will be managed
26. **Aviemore and Vicinity Community Council** were consulted and no response has been received to date.

## REPRESENTATIONS

27. Two representations have been received, both objecting to the development. These letters are attached as **Appendix 3** and one of the parties has requested to be heard at Committee. The main points of concern are summarised as follows:
- (a) Drainage system is inadequate for additional use. The system is designed a capacity of 120 persons and information provided by applicant suggesting that there has been no increase in beds on site since 1996 is misleading
  - (b) Development is not designed to serve needs of disabled people in terms of the wider wigwam development.  
*Note: the proposed pod provides for access by disabled persons with ramp shown*
  - (c) There is no need for a car park for the bike track particularly given that the applicants previously advised that this facility was for exclusively for people staying at Badaguish. This is a further contradiction as the applicants have held meetings promoting use of this facility by other persons.
  - (d) Parking area has safety implications for other users of the site, whilst encouraging more traffic into the site will have impact on the many users of



Glenmore as well as an adverse impact on climate change by encouraging more traffic movements.

- (e) If parking area is to be used a lay down area for construction materials then it will not be available for parking so contradictions in use are evident.
- (f) Outstanding landscaping planning conditions from previous consents should be fully complied with before any further applications are determined.
- (g) Given the amount of public money provided to this site it is essential that due diligence is upheld when considering new developments, particularly given the history of repeated breaches of planning control.
- (h) Applicant state they own the land yet the land is public land  
*Note: in this regard the applicants have certified that they have served notice upon persons who were owners at the time of submission of the application i.e. the Forestry Commission*
- (i) Piecemeal approach to development is not acceptable in a National Park where standards of planning should be high. Similarly, the use of a “pilot” scheme for the pod is not acceptable in this context.

## APPRAISAL

### Principle

- 28. This is a development within an established recreational and visitor facility at Badaguish to provide some small scale additional facilities to improve the operation of the site. Whilst it is fully acknowledged that there has been a history of breaches of planning control as this site this is not a land use planning reason to resist further developments. The key planning issue here is whether or not the development complies with Local Development Plan policies.
- 29. In this regard Local Development Plan Policy 2.2: Tourism and Leisure Development offers strong support for the principle of this type of development outlining support for development which enhances formal and informal recreation facilities and for tourism and leisure related infrastructure. Policy 8: Sport and Recreation also supports the provision of such facilities This support is of course subject to satisfying other relevant planning policies on landscape, heritage and servicing. Key issues of detail to consider follow.

### Landscape Impact

- 30. As noted by the CNPA’s Landscape Advisor, the landscape impacts of this proposal, which lies within an existing recreational/tourism site, will be minimal providing sufficient landscaping is implemented to ensure the landscape and setting is conserved and enhanced as required by Local Development Plan policy 5: Landscape. A satisfactory revised landscape scheme has been submitted which provides detail of the landscaping around both of the individual components here (pod and parking area) and as such the proposal is considered to comply with policy in landscape terms, subject to appropriate planning conditions being imposed to secure implementation of the revised landscape scheme on site.

31. It is noted that the approved landscaping scheme for the currently approved developments has been implemented for the western part of the site where wigwams have been built and the new pod is now proposed. However, the remainder of the landscaping for the eastern part of the site remains outstanding as noted by objectors. It is understood that the applicants' agent thought that the landscaping was to be phased as the site development proceeded. This is not the case and CNPA's Monitoring and Enforcement Officer has advised the applicants to secure implementation of this remaining landscaping requirement at the earliest opportunity in the next available planting season during November 2016 to March 2017. Compliance will be monitored by the Officer.

### **Environmental Impact**

32. There are not considered to be any additional impacts on the ecological interest of the application site itself which comprises small development areas within an existing approved development site which is currently cleared woodland. Other environmental impacts relate to any potential impacts on the wider designated interests in the area. This small scale development is not considered to raise any additional impacts, and conditions imposed on previous planning permissions on the overall site regarding implementation of approved Visitor Management Plans will continue to secure the appropriate management of visitors to minimise disturbance to capercaillie in the wider area. It is therefore recommended that in the event of the application being supported appropriate conditions be imposed to secure ongoing implementation of the visitor management plan for this development too.
33. The final environmental impact to be considered is any potential impacts arising from the drainage arrangements for the site. In this regard SEPA has confirmed that the existing treatment plant is adequate for the proposed use. As this plant is regulated by SEPA in the event of any pollution issues or breaches of the license arising then SEPA will be able to take appropriate action under their powers. Accordingly it is considered that the proposed development complies with Local Development Plan Policy 4: Natural Heritage.

### **Servicing and Technical Issues**

34. Whilst it is appreciated that objectors have concerns regarding information submitted by the applicants on the total number of users/bedspaces at Badaguish, the key land use planning consideration is whether or not the drainage arrangements are satisfactory. As noted earlier the appropriate agency (SEPA) has advised that the arrangements for drainage are satisfactory and as such it is considered that the requirements of Local Development Plan Policy 3: Sustainable Design and Policy 10: Resources are met in terms of servicing.
35. In terms of access, the existing access will be used. Previous planning permissions at Badaguish contain conditions to maintain visibility at the junction onto the public road whilst path and passing places have been provided alongside the main site access in accordance with the terms of earlier planning consents here. Accordingly, it is considered that the development can be satisfactorily

accessed and complies with Local Development Plan Policy 3: Sustainable Design.

36. In terms of concerns of objectors regarding conflicts of users at the parking area, it is considered that the overall site layout and access arrangements provide satisfactory arrangements for all users, with the proposed development not raising any particular new issues which would warrant refusing this development.

### **Other Issues Raised in Representations**

37. The concerns raised by objectors relating to misleading information provided by the applicants are noted. However, the Planning Authority can only regulate the use of land, not whom uses it or their track record. The application is considered to comply fully with Local Development Plan policies and sufficient land use planning information has been provided to consider and assess it in this regard.
38. Further concerns have been raised in relation to non-compliance with conditions imposed on earlier permissions at Badaguish whereby it is considered that no further application should be determined. This is not a valid planning reason to refuse, or refuse to determine, the current application. There are enforcement powers in place to ensure that planning conditions are complied with, and the CNPA Monitoring and Enforcement Officer will continue to monitor and enforce planning conditions at this site.
39. Objectors also raise concern regarding the use of the parking area, bringing other parties into the site, and potential conflict with dual use of parking and laydown on this piece of land. The parking area was originally described as a bike park area. The applicants then clarified it was intended as an overspill parking area for the camp site, and for use as a laydown area during future construction works. The Planning Authority cannot however reasonably restrict who uses the parking area; if approved it will be for the parking of vehicles. The objectors concerns regarding the conflict of use is appreciated, but it is also appreciated that it may be best in land use planning terms to use existing hardstanding areas for storage of construction materials rather than form new areas. An appropriately worded planning condition could potentially cover this scenario.
40. Other concerns raised by objectors relate to what they consider to be a piecemeal approach to development at this site, and the applicants' suggestion that the proposed kitchen/toilet be a pilot project. In this regard it is noted that the proposed developments are small scale relating to serving approved developments at Badaguish. Whilst appreciating the objectors' concerns it is for the applicants to plan and manage their site. Providing their proposals do not raise land use planning issues, there is no sound reason land use planning reason to refuse.

## CONCLUSION

41. This proposal for new, small scale servicing infrastructure at the approved recreational site at Badaguish is considered to comply with Local Development Plan and National planning policies which support economic and tourism/leisure related developments. The development can be satisfactorily serviced, there is not considered to be any particular environmental impacts and the minor landscape impacts of this small development can be satisfactorily mitigated by implementation and ongoing maintenance of the proposed detailed landscape scheme. Approval is therefore recommended subject to appropriate planning conditions.

## RECOMMENDATION

**That Members of the Committee support a recommendation to: GRANT FULL PLANNING PERMISSION for the Erection of Building to provide accessible cooking and toilet facilities for wigwams, siting of temporary portaloos facilities and formation of parking area (amended proposal, ref: I6/00450/FUL (2016/0042/DET)) at Land to NE of Speyside Trust Badaguish Outdoor Centre, Glenmore Aviemore subject to the following conditions:**

1. The development hereby approved shall be operated in accordance with the approved Visitor Management Plan Version 5 dated October 2015. Ongoing monitoring shall be undertaken in accordance with the recommendations of the approved Visitor Management Plan throughout the lifetime of the development hereby approved. The results of monitoring (together with details of any mitigation carried out) shall be submitted on an annual basis to the Cairngorms National Park Authority acting as Planning Authority, starting from January 2017 (and then every January thereafter).

Reason: To ensure the development conserves and enhances the natural heritage of the area and does not adversely affect the Cairngorms Special Protection Area in terms of impacts upon capercaillie from the users of the site, and complies with Local Development Plan Policy 4: Natural Heritage.

2. The landscape proposals shall be implemented in accordance with the approved landscape scheme (drawing no. HLD K178 .14 SL-01 Revision G) in the planting season November 2016 to March 2017. The landscape scheme shall thereafter be retained and maintained in accordance with the approved maintenance regime by Highland Landscape Design dated 16/05/16 document number HLD K178.14.

Reason: To ensure the development conserves and enhances the natural heritage and landscape character of the area, and complies with Local Development Plan Policy 3: Sustainable Design, Policy 4: Natural Heritage and Policy 5; Landscape of the Cairngorms National Park Local Development Plan 2015.

3. The temporary portaloo shall be removed within one month of the completion of the toilet/kitchen pod building.

Reason: To ensure that the siting of temporary buildings is effectively controlled to ensure that the landscape character is conserved and enhanced in accordance with Policy 5: Landscape of the Cairngorms National Park Local Development Plan 2015.

4. Within 6 months of the date of this permission the parking area shall be edged with logs to define its boundaries and thereafter kept free for the parking of vehicles, unless otherwise agreed in writing with the CNPA acting as Planning Authority.

Reason: To ensure that the development fits into the landscape setting and future landscaping approved for this site in accordance with Policy 5: Landscape of the Cairngorms National Park Local Development Plan 2015.

5. The toilet/kitchen pod shall not be brought into use until it is connected to the existing sewage treatment plant

Reason: To ensure that the development is satisfactorily serviced in terms of drainage in the interests of public health and in accordance with Policy 3: Sustainable Design and Policy 10: Resources of the Cairngorms National Park Local Development Plan 2015

6. The toilet/kitchen pod shall be constructed in accordance with the approved plans, sections and finishes

7. Reason: To ensure that the development fits into the landscape setting and future landscaping approved for this site in accordance with Policy 5: Landscape of the Cairngorms National Park Local Development Plan 2015

**Informatives:**

1. (a) In accordance with section 58(1) of the Town and Country Planning (Scotland) Act 1997 (as amended), this permission lapses on the expiration of a period of three years beginning with the date on which this permission is granted unless the development to which this permission relates is begun before that expiration.
2. You are advised that the existing and proposed toilet facilities at the Badaguish Centre which will be used to service this development currently discharge to the existing sewage treatment plant which is regulated by the Scottish Environment Protection Agency (SEPA) and caters for design capacity of 120 persons. This will be monitored by SEPA and any changes will require the consent of the Agency.
3. You are advised that the Cairngorms National Park Authority recommends that the opportunity be taken to provide educational and interpretive materials to the users of the site regarding the special qualities of the National Park. CNPA staff would be happy to work with the developer on this and suggest contact be made to our Grantown Office (telephone 01479 873535) for further advice and provision of materials.
4. Prior to the commencement of development, a notice of the intended date of initiation of development shall be submitted to the CNPA acting as Planning Authority and such notification shall contain the information set out in the 'Notification of Initiation of Development Notice as appended, pursuant to Section 27A(1) of the Town and Country Planning (Scotland) Act 1997.
5. Following the completion of the development, a notification of the completion shall, as soon as practicable, be submitted to the CNPA acting as Planning Authority and such notification shall contain the information as set out in the 'Notification of Completion of Development' Notice as appended, pursuant to Section 27B(1) of the Town and Country Planning (Scotland) Act 1997.

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.