
CAIRNGORMS NATIONAL PARK AUTHORITY

Title: REPORT ON CALLED-IN PLANNING APPLICATION

**Prepared by: FIONA MURPHY
(PLANNING OFFICER,
DEVELOPMENT MANAGEMENT)**

DEVELOPMENT PROPOSED: Erect 24 wigwam holiday camping pods and associated works including access track drainage and water supply at land to south of main street, south east of crown estate office, Tomintoul, Moray

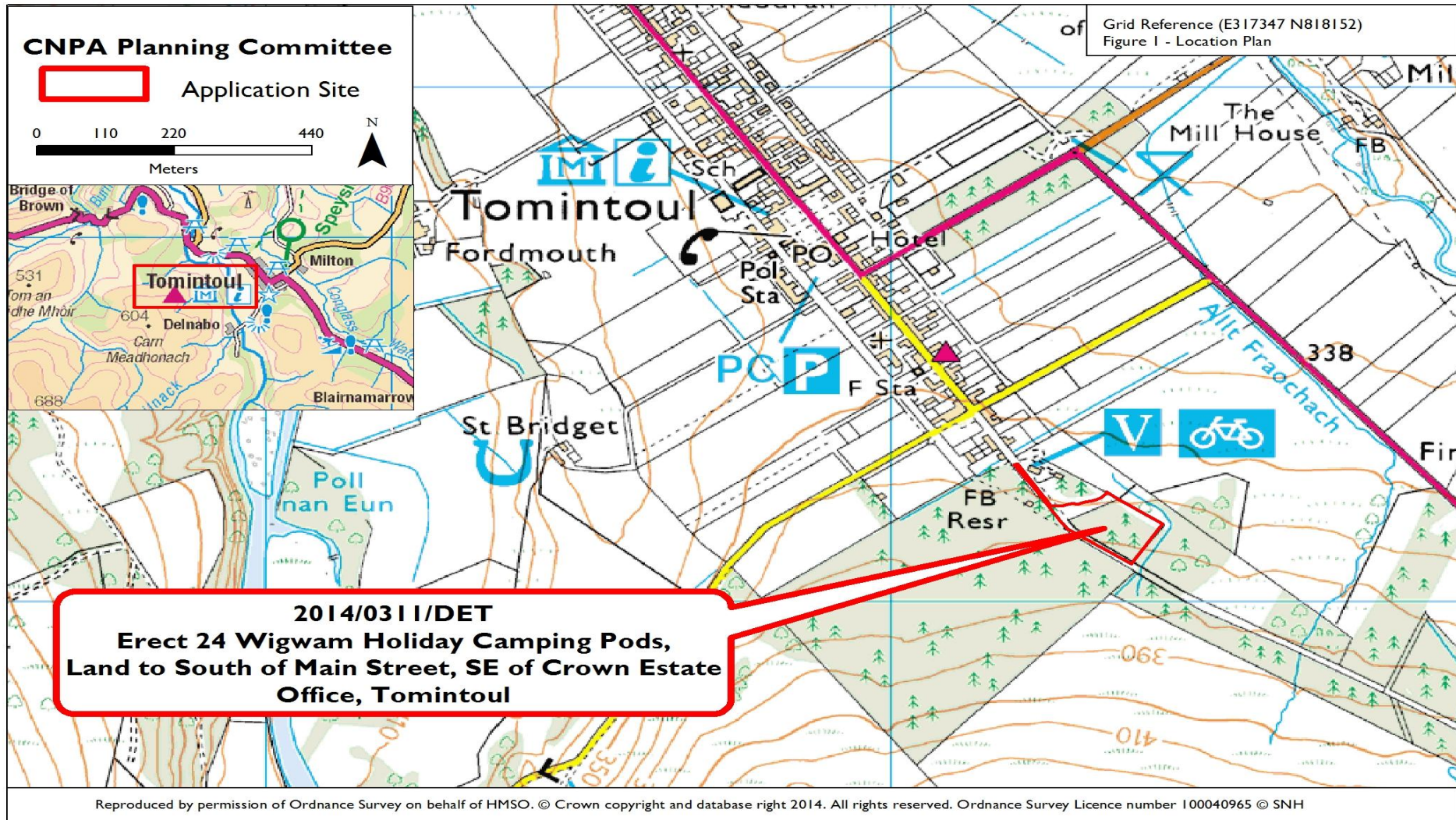
REFERENCE: 2014/0311/DET

APPLICANT: WIGWAM HOLIDAYS

DATE CALLED-IN: 13 October 2014

REASON FOR CALL-IN: The proposed development is for a tourism proposal at the edge of a settlement. It raises issues relating to provision of tourist accommodation, the enjoyment and understanding of the national park, sustainable social and economic development and environmental impacts. As such it is considered to be of significance to the collective aims of the national park

RECOMMENDATION: APPROVE SUBJECT TO CONDITIONS



SITE DESCRIPTION AND PROPOSAL

Plans and Documents

- I. The plans and documents submitted by the applicant and under consideration for this application are identified in the table below and are available on the Cairngorms National Park Authority website at:

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

Title	Drawing Number	Date on Plan	Date Received
Site Plan	014/0817/01	July 14	13 October 2014
Block Plan	014/0914/02	July 14	13 October 2014
Location Plan	014/0914/03	July 14	13 October 2014
Plans and Elevations	014/0914/04	July 14	13 October 2014
Typical Stilt Elevations	014/0914/05	July 14	13 October 2014
Survey and Section Plan	014/0914/05	July 14	13 October 2014
Sections A and B	014/0914/07	July 14	13 October 2014
Sections C and D	014/0914/08	July 14	13 October 2014
Planning Statement		August 2014	15 October 2014
Preliminary Ecological Appraisal		July 2014	15 October 2014
Drainage Statement		3 August 2014	15 October 2014
Statement of Flood Risk		June 2014	15 October 2014

2. The applicant has made the community aware of the proposals in advance of the submission and provided an opportunity for comments. A drop in exhibition was attended by 20 people including representatives of the Tomintoul and Kirkmichael Community Association, local businesses and local residents.

Site Description and Development Proposal

3. The site lies at the south-eastern end of the High Street in Tomintoul. It is presently woodland. It is accessed from the existing track which serves the Crown Estate's Visitor Centre and offices to the north-west of the site.



Figure 2: Block Plan (Extract from Drawing No 014/0817/10 for information only).

4. The site will accommodate 24 wigwams served by an access track in the shape of a loop. The wigwams will be set within existing trees and the intention is for the setting within the trees to provide the overriding character of the site. The wigwams will have a footprint 5.2m in length and 3.5m in width and will incorporate double glazed patio doors, full insulation to floor and walls, one double and one sofa bed, a mini kitchen, toilet and shower. The wigwams will be finished externally with timber larch cladding sourced from within the National Park. The site will be connected to the public water supply and public sewerage system. The proposals will support three full-time jobs related to the management and running of the site.
5. The site extends to approximately 1.3 hectares (3.2 acres) including the access. It is predominantly covered by immature woodland dominated by birch and rowan, interspersed with some wild cherry. The ecological report indicates that the woodland is likely to be plantation in origin. The Planning Statement comments that the existing dense and immature woodland on the site, which does not appear to have been positively managed, enables the wigwams to be absorbed into their wooded setting whilst providing an

opportunity to combine the retention of the trees and manage the wooded area in the wider landscape.



Figure 3: Site Plan (Extract from Drawing No 014/0817/01 – for information only)

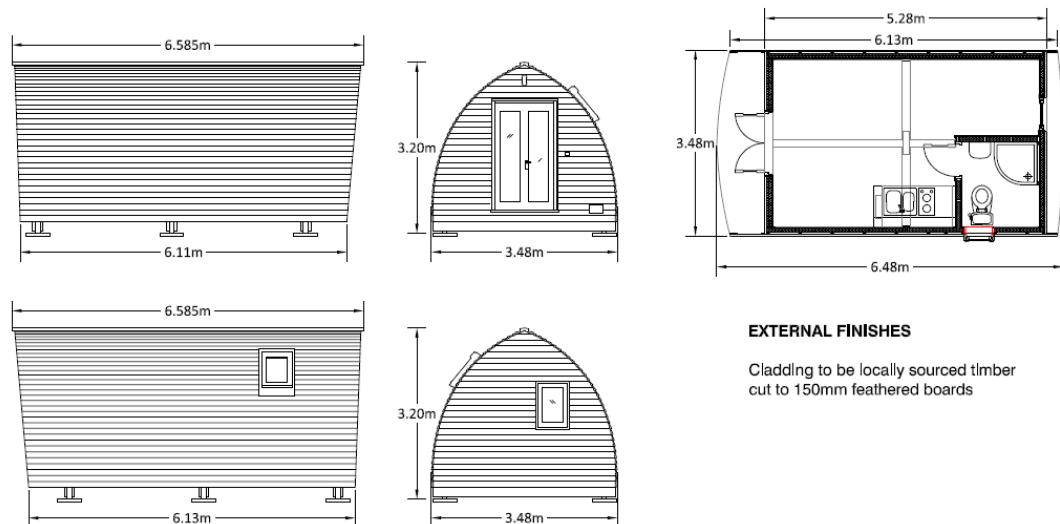


Figure 4: Plans and Elevations (Extract from Drawing No 014/0914/04 – for information only)

Site History

- The site does not have any development history. The wigwam proposals were the subject of pre-application consultation and advice during the Summer of 2013.

DEVELOPMENT PLAN CONTEXT

National policy

7. **Scottish Planning Policy** (SPP, revised 2014) sets out national planning policies that reflect Scottish Ministers priorities for the operation of the planning system and for the development and use of land. Under planning law, planning applications must be determined according to the development plan unless material considerations indicate otherwise. The content of SPP is a material consideration in planning decisions that carries significant weight. The SPP promotes consistency in the application of policy across Scotland while allowing sufficient flexibility to reflect local circumstances.
8. The SPP sits alongside four other Scottish Government planning policy documents:
 - The **National Planning Framework** (NPF) which provides the statutory framework for Scotland's long term spatial development. The NPF sets out the Scottish Government's spatial development policies for the next 20 to 30 years;
 - **Creating Places**, the policy statement on architecture and place, containing the Scottish Government's policies and guidance on the importance of architecture and design;
 - **Designing Streets**, a policy statement putting street design at the centre of placemaking. It contains policies and guidance on the design of new or existing streets and their construction, adoption and maintenance; and
 - **Circulars**, which contain policy on the implementation of legislation or procedures.

Strategic Policies

Cairngorms National Park Partnership Plan (2012 - 2017)

9. The Partnership Plan sets out the vision and overarching strategy for managing the Park and provides a strategic context for the Local Development Plan. It shows how the four aims of the National Park can be achieved together. It sets out the strategic direction and priorities for the Park.
10. Three long term outcomes have been identified to deliver the vision for the Park and development proposals would be expected accord with those :
 - a) A sustainable economy supporting thriving businesses and communities;
 - b) A special place for people and nature with natural and cultural heritage enhanced; and
 - c) People enjoying the park through outstanding visitor and learning experiences.

The CNP Partnership Plan can be viewed on the Cairngorms National Park Authority website at <http://cairngorms.co.uk/park-authority/about-us/publications/?publicationID=299>

Local Plan Policy

Cairngorms National Park Local Plan (2010)

11. 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>
12. The Local Plan contains a range of policies and new development requires to be assessed in relation to all policies contained in the Plan. 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.
13. 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.
14. *Policy 4: Protected Species* seeks to ensure that the effects of development proposals on protected species including any cumulative impacts are fully considered by the planning authority.
15. *Policy 5: Biodiversity* seeks to ensure that development does not weaken the overall integrity and connectivity of the ecosystems of the National Park.
16. *Policy 6: Landscape* states that there will be a presumption against any development that does not complement and enhance the landscape character of the Cairngorms National Park, and in particular the setting of the proposed development.
17. *Policy 12: Water Resources* which seeks to ensure that resources are used sustainably, with a presumption against development which does not meet various criteria relating to flooding.
18. *Policy 16: Design Standards for Development* sets out the design standards to be met with new development, including:
 - Minimise the effect of the development on climate change

- 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 use of materials
 - Use materials and landscaping that will complement the setting of the development
 - Protect the amenity enjoyed by neighbouring properties
19. *Policy 25: Business Development* supports economic development where it is compatible with existing businesses in the area or extends an existing business.
20. *Policy 33: Tourism-Related Development* supports development which has a beneficial impact on the local economy through enhancement of the range and quality of tourism attractions and related infrastructure including accommodation, provided it will not have an adverse impact on the landscape, biodiversity or the culture and traditions of the National Park which outweigh that beneficial impact.
21. The application site lies outwith the settlement boundary of Tomintoul and is not allocated for development. It may be noted that Site T/EDI, which is nearby and located within the settlement boundary, is retained for economic development purposes within the Local Plan, and has potential to be developed as a camping site or tourist facility, with existing tree planting retained to ensure adequate screening.

Supplementary Planning Guidance

22. 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, including:-

Sustainable Design Guide

23. This guidance encourages everyone involved in development in the Cairngorms National Park to adopt a more sustainable approach to design, and this should help to deliver individual buildings and larger scale developments which:
- a) are sensitively located, reflect existing development pattern and setting, and respect the natural and cultural landscape of the Park;
 - b) reflect traditional materials and workmanship and take on board innovation, contemporary design and the emergence of modern methods of construction;
 - c) maximise efficient use of natural resources;
 - d) minimise negative environmental impacts; and
 - e) provide the foundation stone for sustainable communities.

Natural Heritage

24. This guidance sets out how the natural heritage of the National Park will be taken into account when considering all development proposals, including the six key principles that will be used to address planning applications, to ensure that there is no net loss of natural heritage interest.

Proposed Cairngorms National Park Local Development Plan (LDP)

25. The Department of Planning and Environmental Appeals (DPEA) carried out an Examination of the proposed Cairngorms National Park Local Development Plan (LDP) over Spring and Summer 2014. The CNPA received the Report of the Examination on 8 September 2014. The CNPA Planning Committee approved post-examination modifications to the Proposed Cairngorms National Park Local Development Plan (Proposed LDP) on 21 November 2014. The CNPA has published notice of its intention to adopt the Plan and expects to adopt in February 2015. The Proposed LDP (as modified) is a material consideration and carries significant weight in planning decisions though it does not replace the adopted Local Plan until it is formally adopted.
26. As with the Local Plan, the site is located outwith the settlement boundary. Similarly, the proposed Local Development Plan identifies Site T1 to be retained for tourism purposes, and states that it has potential to be developed as a camping site or tourist facility, with existing tree planting retained to ensure adequate screening.
27. These policies in the LDP have been reviewed and they raise no new issues that are not already considered in this report.

CONSULTATIONS

28. **Scottish Environmental Protection Agency (SEPA)** has no objection to this planning application. The design is considered to be acceptable in relation to flood risk, as the site is located outwith the 1 in 200 year functional floodplain. The drainage arrangements, with a connection to the foul sewer and for natural drainage to ground for the surface water are acceptable.
29. **Scottish Natural Heritage** advises that there are natural heritage interests of international importance close to the development site but these will not be adversely affected by the proposal. It is unlikely that the proposal will have a significant effect on any qualifying interests either directly or indirectly. An appropriate assessment is therefore not required.
30. **Scottish Water** – no response.

31. **Forestry Commission Scotland, Grampian Conservancy** recommends that the application should be approved subject to a condition relating to compensatory planting, to re-establish equivalent woodland of equal type and area to that which is being lost as a result of the development.
32. **Moray Council Flood Prevention** recommends that the application should be approved unconditionally.
33. **Moray Council Environmental Health - Contaminated Land** makes no comments.
34. **Moray Council Environmental Health Officer** advises that if planning consent is granted, an application for a caravan site licence, in terms of the Caravan Sites and Control of Development Act 1960, will require to be submitted to the Environmental Health Manager, The Moray Council. The officer advises that if all the proposed wigwam camping pods are to be provided with full internal facilities, including toilet, shower and sink, a toilet block would not be required on the site.
35. **Moray Council Transport** recommends approval subject to conditions relating to surfacing the first 15m of access track, drainage and parking provision of one space per wigwam.
36. **Kirkmichael and Tomintoul Community Association Limited** advises that the community fully support this project as there are a number of advantages for the village.
37. **CNPA Ecological Adviser** concludes that the development will have a minor impact on ecology but has the potential to be addressed by appropriate mitigation measures. She observes that a comprehensive ecological survey was undertaken and that no protected species were detected within the site boundary, although birds' nests were noted. She recommends conditions relating to compensatory planting, a woodland management plan, bird and bat boxes and a Construction Method Statement. She also recommends informatives relating to works outwith the bird breeding season and a pre-construction check for mammals.
38. **CNPA Landscape Adviser** concludes that given a clear and robust long term woodland management plan that is designed for both biodiversity and landscape enhancement, this proposal will meet Local Plan Policy 6 Landscape. She suggests the attachment of a number of conditions relating to tree protection, maintenance and management and development details.
39. **CNPA Economic Development Manager** advises immediate benefits to the local economy should come through local tradesmen being contracted to undertake ground-works etc. There will also be a benefit from the purchase of locally sourced timber to provide the cladding. He observes that there will be a longer term benefit due to the creation of 3 Full Time Equivalent jobs. As a management plan has not been supplied it is not possible to comment on the standard or seasonality of the posts. The development should also have a

particularly positive effect on food and drink outlets in the immediate area, boosting the evening economy in the village. There is insufficient information to properly assess how the development will compare/displace to the accommodation offered by the hostel, bunkhouse and bed and breakfasts. However, the Economic Development Manager advises that given the applicants past record of delivering a high quality product and service it would be safe to assume that any significant investment will have been well planned and researched to ensure an adequate return on investment and therefore economic benefits to the wider area.

REPRESENTATIONS

40. Seven representations have been received, four are objecting to the proposals and three are letters of support.
41. The objections, which are all from local residents, may be summarised as follows:
 - a) Will alter quality of lives and enjoyment of living in their house.
 - b) Noise and disturbance to residents of Main Street from revellers walking home late at night.
 - c) Impact on wildlife habitat and particular species.
 - d) Will damage the fragile holiday market.
 - e) Area planted to shelter the village and should remain so.
 - f) Impact of wind throw.
 - g) Moor burning – risk of heath fire.
 - h) Removal of the last forested area adjacent to the village which is the habitat of red squirrel.
 - i) Not been approached by either the Council or the Crown Estate
 - j) High volume of traffic and noise during and after construction
 - k) Already affected by the wild camping area
42. Two of the letters of support are from local businesses, highlighting the importance of more visitors with spending power staying in the village to the local economy and particularly the link to other tourist attractions and activities in the area.
43. The Crown Estate, as landowner, has written in support of the application. They have worked in partnership with the applicant and advised that the local community associations were kept up to date with the proposals from a very early stage. The Crown Estate believes that the addition of the wigwam accommodation will enhance the appeal of the existing tourism attractions, which will strengthen the attraction of the area as a tourism destination, to the direct benefit of the local economy.

APPRAISAL

Principal

44. It is relevant to note that there is a site nearby allocated for economic development purposes, with the potential for a camping site or tourist facility, in the Local Plan, and also allocated for tourism purposes with potential to be developed as a camping site or tourist facility in the proposed Local Development Plan. However, this does not prevent consideration of the application site for a similar purpose.
45. The proposal for this tourism development will be of beneficial impact upon the local economy and enhance the range and quality of accommodation with the area. It is therefore supported under Local Plan Policy 33 (Tourism Related Development).
46. The wigwam development will also bring new visitors to the area, helping to support existing local facilities. It will provide employment for three people, with additional jobs whilst it is under construction. It will therefore meet the requirements of Policy 25 (Business Development).

Amenity

47. Given the scale of the development and the distance between the camping pods and the nearest residential properties, it is not considered that this development would have a direct or significant impact upon their amenities. As such the proposals comply with Policy 16 (Design) in that regard. Matters relating to fires and noise from occupants are for the management of the applicant/estate and are not controllable under planning legislation.

Ecology

48. The development will not have an impact on Policy 4 (Protected Species), as no protected species were found on the site. The additional and compensatory planting will also ensure that there is no adverse impact on biodiversity under Policy 5 (Biodiversity). Conditions are recommended to secure the planting and future management together with a requirement for the inclusion of a total of bird and bat boxes.

Landscape

49. The proposals ensure that the wigwam pods are to be sited within an existing woodland setting. Whilst some trees are to be removed, with compensatory and additional planting the development is not considered to have an adverse impact upon the character and landscape of the Park. Conditions are recommended to secure tree protection, planting and the long term management of the woodland and therefore compliance with Local Plan Policy 6 (Landscape)

Design

50. The design of the wigwams is a standard one but their location within the existing woodland and the fact that they will be clad in local larch will ensure that their impact will be minimal. As such the proposals accord with Local Plan Policy 16 (Design). A condition is recommended to secure details of the materials to be used.

Transportation

51. The Roads Authority is satisfied with the access subject to satisfactory surfacing. It is recommended that one parking space is provided per wigwam. Conditions are recommended to ensure compliance with these requirements.

Flooding/Drainage

52. As the site lies outwith the 1 in 200 year functional floodplain, it is considered that there will be no risk to flooding in the area as a result of the development. The proposals therefore comply with Local Plan Policy 12 (Water Resources) Conditions relating to drainage are recommended.

Other Material Considerations

53. In terms of the objections raised, no material planning issues have been raised that have not already been considered and addressed by the consultees and assessed against Local Plan Policy above under the Principle, Ecology, Amenity and Transportation sections of this report. Matters relating to the management of the site and behaviour of occupants are not material planning issues for consideration. A number of conditions covering tree and woodland protection, compensatory planting and species protection, access and parking have been recommended.

CONCLUSION

54. It has been demonstrated that the proposed development complies with the policies in the Local Plan and that there are no material considerations which would indicate that planning permission should not be granted.

IMPLICATIONS FOR THE AIMS OF THE NATIONAL PARK

Conserve and Enhance the Natural and Cultural Heritage of the Area

55. The proposals involve the removal of some trees and hence will have a slight adverse impact on this aim. However, this will be compensated for by the planting of more than three times the number of trees. In addition, a condition is proposed to secure the appropriate maintenance of the existing woodland, which has not been prioritised in recent years.

Promote Sustainable Use of Natural Resources

56. The wigwams are to be clad with local larch sourced from the National Park.

Promote Understanding and Enjoyment of the Area

57. The wigwams will provide an opportunity for a greater number of people to stay in the area and will thereby promote the understanding and enjoyment of the area.

Promote Sustainable Economic and Social Development of the Area

58. The wigwams will make a contribution to the local economy in Tomintoul by providing accommodation for visitors, who will also support local facilities. The wigwams will provide work for contractors whilst they are under construction.

RECOMMENDATION

59. **That Members of the Committee support a recommendation to GRANT FULL PLANNING PERMISSION to Erect 24 wigwam holiday camping pods and associated works including access track drainage and water supply at Land south of Main Street, south-east of Crown Estate Office, Tomintoul, Moray, subject to the following conditions:**

- I. No development shall commence until a Construction Method Statement has been submitted to and approved in writing by the Cairngorms National Park Authority acting as Planning Authority. This should include:
- a) Details of how trees and associated areas of habitat will be protected during construction, consistent with BS 5837:2012.
 - b) Works undertaken must take heed of SEPA PPG 5 'Working near or in a watercourse' to prevent any pollution incident in the watercourse which borders the site.

The development shall be implemented in full accordance with the approved Construction Method Statement.

Reason: To ensure that the construction of the development will not adversely affect the existing woodland and nearby watercourse, in the interests of safeguarding the environment.

2. No development shall commence until an objective-based maintenance and management plan for the woodland detailing long term management has been submitted to and approved in writing by the Cairngorms National Park Authority acting as Planning Authority. This should seek to enhance the diversity and attractiveness of the woodland for site users and for the public in the wider landscape. The development shall be implemented in full accordance with the approved maintenance and management plan.

Reason: To safeguard the future of the woodland and ensure that the development has no adverse effects thereon, in the interests of safeguarding the environment and safeguarding the amenity of the area.

3. No development shall commence until details of the proposed larch cladding have been submitted to and approved in writing by the Cairngorms National Park Authority acting as Planning Authority. The development shall thereafter be implemented in full accordance of those approved details.

Reason: To ensure that the development blends with the woodland setting, in the interests of visual amenity.

4. No development shall commence on site until a scheme of compensatory planting has been submitted to and approved in writing by the Cairngorms National Park Authority acting as Planning Authority. Any trees removed will require compensatory planting on a three to one basis. Species to plant would include Aspen *Populus tremulus*, Birch *Betula pubescens*, Scots Pine *Pinus sylvestris* and Holly *Ilex aquafolium*. The development shall be implemented in full accordance with the scheme of compensatory planting.

Reason: To compensate for the removal of trees in association with the development, in the interests of safeguarding the biodiversity and amenity of the area.

5. Prior to the occupation of any wigwam on site, the first 15 metres of the access track, measured from the edge of the public road, shall be constructed to the Moray Council specification and surfaced with bituminous macadam.

Reason: To ensure acceptable infrastructure at the development access.

6. No water shall be permitted to drain or loose material be carried onto the public footway/carriageway.

Reason: To ensure the safety and free flow of traffic on the public road and access to the site by minimising the road safety impact from extraneous material and surface water in the vicinity of the new access.

7. A minimum of one parking space shall be provided for each wigwam prior to the occupation or completion of the development, whichever is the sooner. The parking spaces shall thereafter be retained throughout the lifetime of the development, unless otherwise agreed in writing with the Planning Authority.

Reason: To ensure the permanent availability of the level of parking necessary for visitors/others in the interests of an acceptable development and road safety.

8. The foul water links from individual wigwams to the main connecting drain under the track should follow the line of each individual wigwam path.

Reason: To minimise further disturbance to trees, in the interest of safeguarding the amenity of the environment.

9. The hot-tubs shall be clad in larch to match the wigwams with dark/recessive covers, steps and associated features.

Reason: To ensure that the development blends with the woodland setting, in the interests of visual amenity.

10. No wigwam shall be occupied until a minimum of ten bird boxes and ten bat boxes have been provided on the site, in accordance with a plan that has been submitted to and approved in writing by the Cairngorms National Park Authority acting as Planning Authority. The 20 boxes shall thereafter be maintained and retained in perpetuity, with replacements being provided on a one for one bases should any boxes be damaged or removed.

Reason: To compensate for the removal of trees in association with the development, in the interests of safeguarding the biodiversity and amenity of the area.

Informatives:

1. 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 3 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. All construction works (including deliveries of materials) shall take place within the hours of 0800 to 1800 Mondays to Fridays and 0900 to 1300 on Saturdays and there shall be no work or deliveries of materials on Sundays and Public Holidays.
3. Tree removal and ground preparation should be undertaken outwith the bird breeding season (April to July) otherwise a pre-construction check will be required

4. A pre-construction check should be made for mammals such as wildcat, pine marten and red squirrel. No signs of these species were found during the ecological survey undertaken during May 2014 but they could feasibly have moved in since that time.
5. Planning consent does not carry with it the right to carry out works within the public road boundary. Before starting any work on the existing public road the applicant is obliged to apply for a road opening permit in accordance with Section 85 of the Roads (Scotland) Act 1984. This includes any temporary access joining with the public road. Advice on these matters can be obtained by emailing roadspermits@moray.gov.uk
6. Public utility apparatus may be affected by this proposal. Contact the appropriate utility service in respect of any necessary utility service alterations which have to be carried out at the expense of the developer.
7. If required, street furniture will need to be repositioned at the expense of the developer. In addition, any existing roadside ditch may require a pipe or culvert. Advice on these matters can be obtained by emailing road.maint@moray.gov.uk
8. The applicant shall be responsible for ensuring that surface/ground water does not run from the public road into his property.
9. The applicants shall free and relieve the Roads Authority from any claims arising out of his operations on the road or extension to the road.
10. The applicant is advised of the need to obtain a Caravan Site Licence under the Caravan Site and Control of Development Act 1960 from The Moray Council.

Fiona Murphy

planning@cairngorms.co.uk

22 December 2014

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.