
CAIRNGORMS NATIONAL PARK AUTHORITY

Title: REPORT ON CALLED-IN PLANNING APPLICATION

**Prepared by: SIMON HARRISON
HEAD OF PLANNING**

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

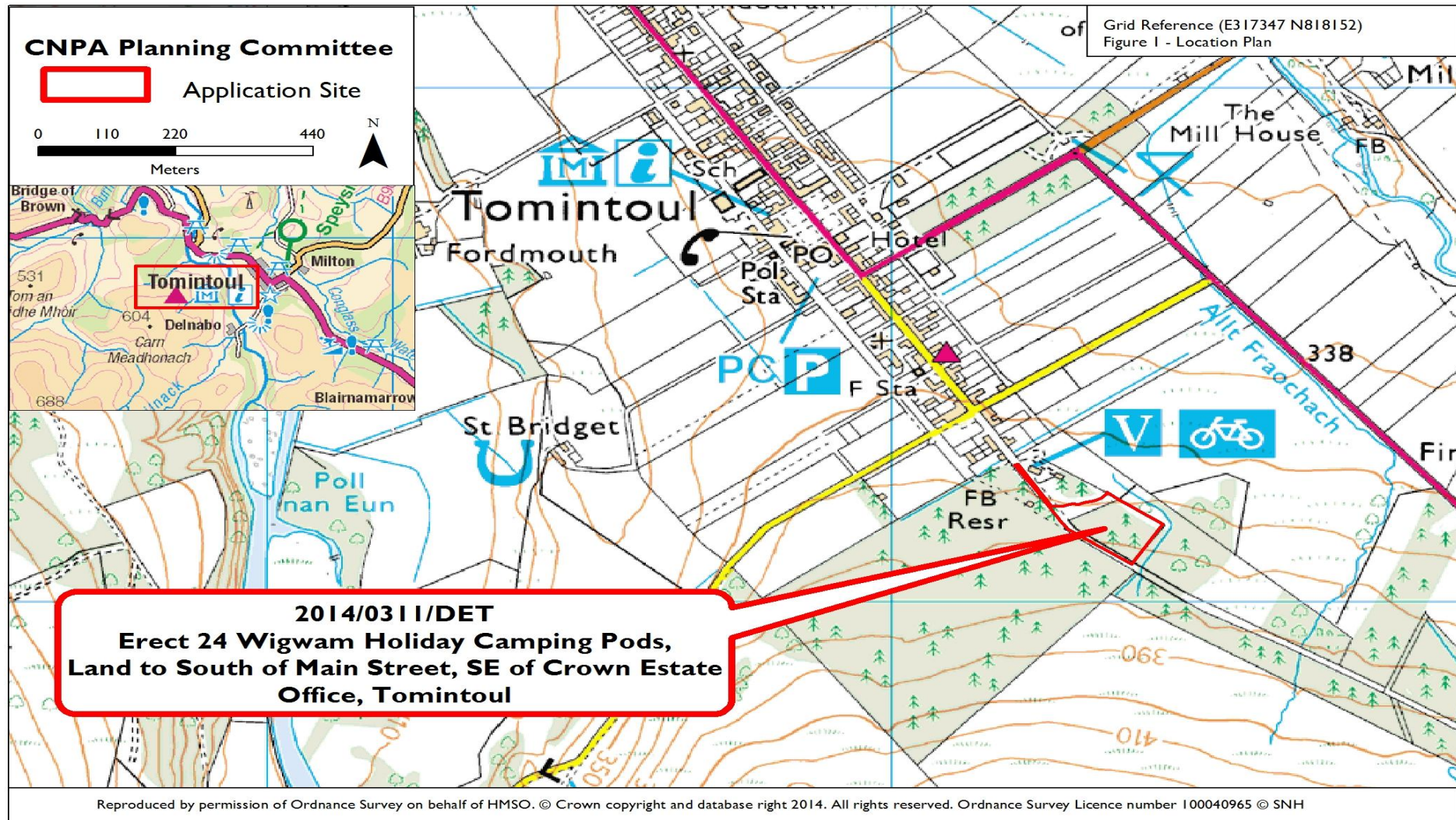
REFERENCE: 2014/0311/DET

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

1. 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
Letter from Crown Estate with attached Habitat Mitigation Area Plan			26 March 2015

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.

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)

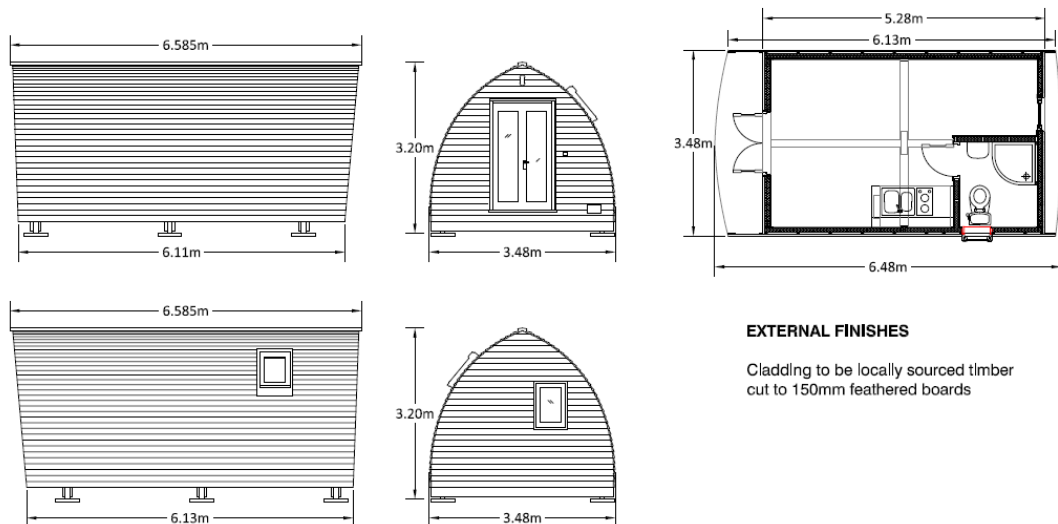


Figure 4: Plans and Elevations (Extract from Drawing No 014/0914/04 – for information only)

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.

PURPOSE OF THIS REPORT

7. The purpose of this report is to update Committee Members on the negotiations that have taken place since this application was first considered by them on 16th January 2015 (original committee report at Appendix 1). At that meeting, Members agreed to continue the application whilst alternative arrangements were agreed with the applicant for the required off-site habitat mitigation planting. The new planting was to provide shelter for the village, and habitat for red squirrel.
8. The difficulty was that the applicant was not the owner of the land upon which the wigwams were to be erected, and did not have control of adjacent land that appeared suitable for this purpose. It would not therefore be possible for the CNPA Planning Service to recommend adequate means of safeguarding and controlling the future provision and maintenance of any additional areas of land that would be out-with the planning application site boundary.

UPDATED POSITION

9. Simon Harrison, Head of Planning, and Matthew Hawkins, Landscapes and Ecology Manager at CNPA, have both been in contact with the applicant, via their agent, and with The Crown Estate on whose land the proposed wigwams are to be erected.
10. Agreement has now been reached with Officers on the preferred means of meeting the concerns of the Planning Committee, as expressed in January 2015. The concerns raised were that the applicant could not seemingly provide the required level of habitat mitigation planting within the red-line boundaries of their application site. As such, an additional area of land would require to be made available, as part of the planning application proposals before the Planning Committee. The land should accommodate the required additional tree planting, which once established will provide shelter for the village, and provide additional habitat for red squirrel.
11. A letter of assurance and plan (see copy at Appendix 2) has now been received that, whilst not as robust as a legal agreement, is in these circumstances considered acceptable to Officers at CNPA, and to their legal advisor. This letter sets out the assurance of the Crown Estate, who in conjunction with the applicant, have agreed to provide an area of land extending to 0.64 hectares and which is located immediately to the west of the planning application site. This is considered of sufficient size and in an appropriate location to meet the requirements of the Planning Committee for a Habitat Mitigation Area (HMA). The HMA is to be provided, managed and maintained by The Crown Estate as “long term retention” in the Glenlivet Estate Forest Plan, thereby meeting the planning and landscape requirements of CNPA Officers.

12. Planning Committee should be aware though that the proposed habitat mitigation area is allocated in the Cairngorms National Park LDP 2015 as an area of land allocated for tourism development under Proposal T1. As such, there is a risk that this area of land could itself at some future point come under pressure for development. Any application would stand to be considered on its merits at that time.
13. The Crown Estate are still to formalise their side of the agreement with the applicant, but Officers are satisfied that the appropriate level of control can be achieved through this exchange of letters and the imposition of appropriate new conditions, without any requirement for a legal agreement that could extend the timescale for resolution by several months. The Crown Estate has also indicated their preference not to have a legal agreement.

CONCLUSION

14. The receipt of a letter of assurance from the Crown Estate, in cooperation with the applicant, means that an appropriate level of habitat mitigation planting can be provided, and controlled by CNPA as planning authority, as part of this current planning application.
15. As such, it has been demonstrated, taking account of all relevant material considerations, that the proposed development complies with the policies in the Cairngorms National Park Local Plan 2010, with the Cairngorms National Park LDP 2015, and that there are now no material considerations of sufficient weight to 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

16. The proposals involve the removal of some trees and hence will have a slight adverse impact on this aim. However, this will be mitigated 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

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

Promote Understanding and Enjoyment of the Area

18. 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

19. 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

20. **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:**

1. No development shall commence unless and until it has first been demonstrated in writing, to the sole satisfaction of the Cairngorms National Park Authority acting as planning authority, that the applicant has control of the Habitat Management Area extending to 0.64 hectares and shown hatched red on the first of the attached plans to the letter of assurance, dated 26th March 2015, from Andrew Wells of The Crown Estate to Simon Harrison at the Cairngorms National Park Authority.

Reason: To ensure that appropriate habitat mitigation can be delivered in accordance with development plan policy.

2. 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.

3. No development shall commence until an objective-based maintenance and management plan for the application site 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.

4. 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.

5. No development shall commence on site until a scheme of compensatory planting, and an objective-based maintenance and management plan for the Habitat Mitigation Area, has been submitted to and approved in writing by the Cairngorms National Park Authority acting as Planning Authority. The compensatory planting should only be provided on the Habitat Mitigation Area extending to 0.64 hectares and shown hatched red on the first of the attached plans to the letter of assurance, dated 26th March 2015, from Andrew Wells of The Crown Estate to Simon Harrison at the Cairngorms National Park Authority. The development shall be implemented in full accordance with the approved scheme of compensatory planting.

Reason: To compensate for the removal of trees and red squirrel habitat in association with the development, and provide long term micro-climate benefits to the village, in the interests of safeguarding the biodiversity and amenity of the area.

6. 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.

7. 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.

8. 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.

9. 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.

10. 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.

11. 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.

Simon Harrison

planning@cairngorms.co.uk

27th March 2015

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.