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# CAIRNGORMS NATIONAL PARK AUTHORITY

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**Title: REPORT ON CALLED-IN PLANNING APPLICATION**

**Prepared by: NEIL STEWART, PLANNING OFFICER (DEVELOPMENT CONTROL)**

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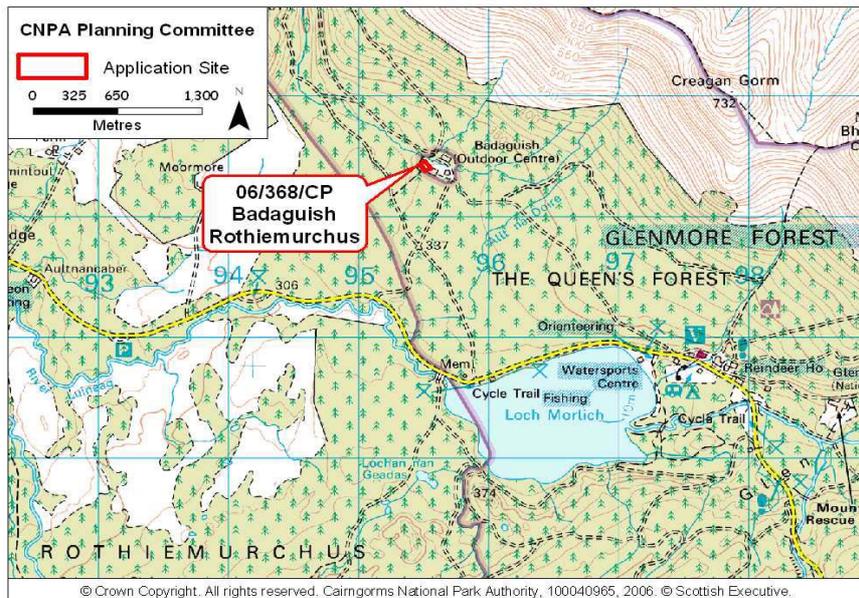
**DEVELOPMENT PROPOSED: FULL PLANNING PERMISSION FOR SITING OF 2 NO. LODGES AND ACCESS AND PARKING (AMENDED SITING), SITE 2, BADAGUISH OUTDOOR CENTRE, GLENMORE**

**REFERENCE: 06/368/CP**

**APPLICANT: BADAGUISH OUTDOOR CENTRE, GLENMORE**

**DATE CALLED-IN: 22<sup>ND</sup> SEPTEMBER 2006**

**RECOMMENDATION: APPROVE, SUBJECT TO CONDITIONS**



**Fig. 1 - Location Plan**

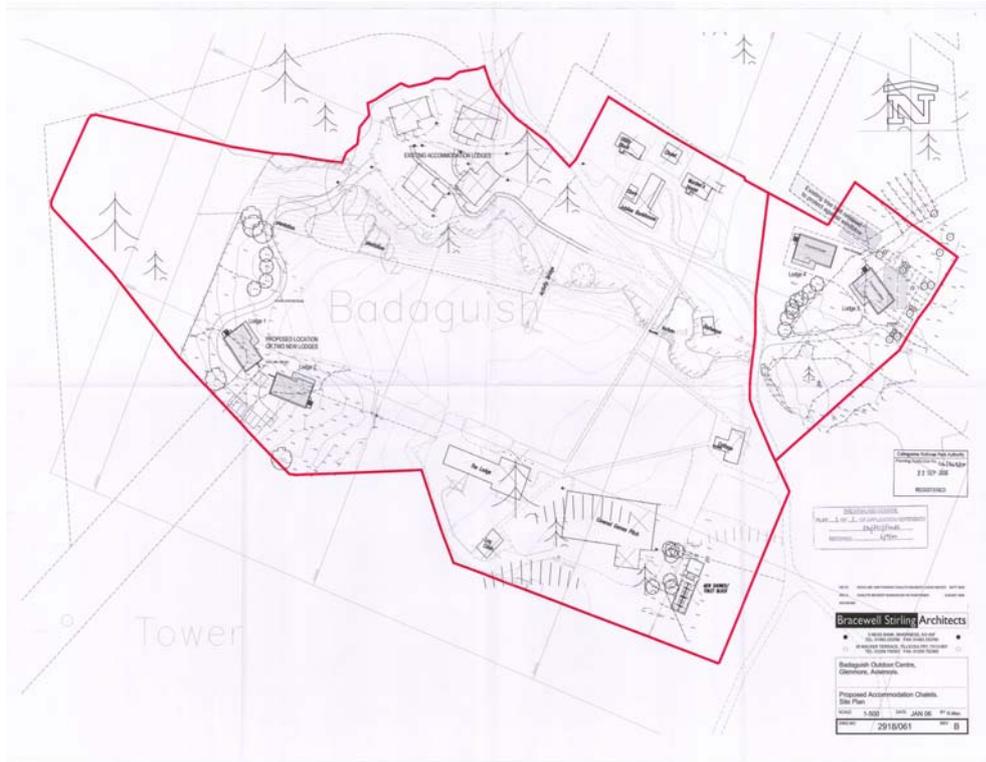
## SITE DESCRIPTION AND PROPOSAL

1. This planning application relates to a previous application which was approved by Members of the Committee on 1 July 2005, for the erection of four timber lodges on two sites within the Badaguish Outdoor Activity Centre at Glenmore. The lodges were approved on the basis that they would provide short term residential accommodation at the Centre.



**Fig. 2. Aerial View of Badaguish Complex (not up to date)**

2. This application is for a change in the siting of lodges 3 and 4 on Site 2. The lodges are the same size and design as previously approved with timber cladding and dark grey roof tiles. The access road and parking areas will be finished in blacktop, as agreed through the conditions on the previous permission. The site in question is located to the north east of the Centre and within the Glenmore Forest. On the site there are various other buildings relating to the outdoor centre operation, including a toilet block, wardens house, a bunkhouse, a “respite chalet”, a sports building, a converted bothy, 4 existing lodges and the site office. These buildings are arranged around a central open grassed amenity area and an obstacle course. Maturing trees surround the site providing a natural setting for the Centre (Figs 2 & 3).



**Fig. 3. Badaguish Centre Complex – Site to North East Corner**

3. The proposal is to reposition lodge 4 by moving it forward by approximately 10 metres. Lodge 3 would be rotated south in an anti-clockwise direction by approximately 30 degrees. These new positions mean that the red line site boundary has been increased to the west and south. In addition, the access road and parking layout serving the lodges has been amended with one parking area now created to the rear of lodge 3. The application has been submitted, following discussions with the applicants. Following the approval of the previous application, the applicants advised that the positioning of the chalets on site 2 was indicative only. The existence of the dense young plantation trees made a final accurate survey of the site impossible at that time. With our agreement and that of Forestry Commission Scotland, the removal of the plantation trees on the site took place. During the removal operations, it became clear that an existing area of trees, where lodge 4 was to be positioned, was important for wind protection for the rest of the plantation. To remove it would have potentially destabilised other parts of the plantation. A decision was therefore taken by the applicants to relocate the lodges to accommodate the retention of this woodland area but also to improve the visual appearance of the development by moving the parking to the rear. However, due to the increase in the size of the site, and the changes to the proposal, it was felt that they could not be granted as a non-material variation.



Fig. 4. Lodge Elevations

- Members of the Committee will also note that, despite written advice that work on these lodges on site should cease, work has continued. The applicants have stated they are confident that there is no negative impact and that in fact the changes avoid unforeseen consequences which would have resulted in unsightly and costly storm damage to the neighbouring forest. They have also stated that their Board had to consider that stopping work and losing builders off site would place not just this development but other ongoing developments and potentially the future operation of the Speyside Trust in jeopardy. It would have resulted in failure to complete expenditure in time to avoid de-commitment of European funds, meet the building schedule and fulfil the terms of the partnership agreement with Highland Council to which the Speyside Trust has committed. With this in mind a reluctant decision was made to proceed with the building work at the Trust's own risk. They hope that the CNPA can look at their position with some sympathy and forbearance.



Fig. 4. Lodges under Construction



Fig. 6. Lodges 3 & 4 currently under construction

## DEVELOPMENT PLAN CONTEXT

### Highland Structure Plan 2001

5. In the **Highland Structure Plan (approved March 2001)**, **Policy H3 (Housing in the Countryside)** states that new housing will generally be within existing and planned new settlements. The proposed development, although residential in nature, is for short term commercial “hostel” accommodation for visitors/users of the centre, rather than ‘housing’ in the general meaning. In this respect, **Policy B7 (Business Development in Rural Areas)** supports small-scale business development or extensions to existing indigenous industries. **Policy T2 (Tourism Developments)** supports high quality tourism development proposals, which extend the tourism season, provide wet weather opportunities, spread economic benefits, are accessible by means other than private vehicles and provide opportunities for the sustainable enjoyment and interpretation of the area’s heritage. **Policy T3 (Self Catering Tourist Accommodation)** supports tourist accommodation proposals on the basis that they are not used for permanent occupation.
6. **Policy L4 (Landscape Character)**, states that the Council will have regard to the desirability of maintaining and enhancing present landscape character in the consideration of development proposals. **Policy N1 (Nature Conservation)**, requires new developments to seek to minimise their impact on the nature conservation resource and enhance it wherever possible. For sites and species of international importance, developments which would have an adverse effect on the conservation interests for which a site has been designated, will only

be permitted where there is no alternative solution and there are imperative reasons of over-riding public interest, including those of a social and economic nature. **Policy G2 (Design for Sustainability)**, lists a number of criteria on which proposed developments will be assessed. These include service provision (water and sewerage, drainage, roads, schools, electricity); accessibility by public transport, cycling, walking and car; energy efficiency in terms of location, layout and design (including the utilisation of renewable energy sources).

### **Badenoch and Strathspey Local Plan**

7. The site lies within the area covered by the **Glenmore Corridor**, in the **Badenoch and Strathspey Local Plan (September 1997)**. This does not provide specific policies for the Badaguish area but there is a general policy for the "Corridor" area (**Policy 4.14.1, Development**) which accepts reasonable consolidation and improvement of established businesses in principle, but has a strong presumption against other further new development. In **Policy 4.14.3, (Other Land Use and Conservation)** it is stated that every encouragement will be given to active conservation measures where these are aimed at sustaining the natural heritage interest and restoring or enhancing the underlying fauna, flora, scenery and man-made heritage features of each transitional zone.
8. **Policy 2.2.9 (Tourism and Recreation)** states that these activities will continue to make a vital contribution to the economy. The priority is to ensure that broadening the range and quality of facilities and accommodation is balanced with protecting the areas exceptional scenic and heritage resources. **Policy 2.2.10 (Tourism)** encourages the development of tourist accommodation and facilities at suitable sites within or adjoining communities. Development potential in parts of the countryside is limited by amenity and servicing factors. Priority will be given to, amongst others, expansion of existing facilities. **Policy 2.5.4 (Woodlands and Trees)** indicates that existing trees will be protected, including small groups of trees and granny pines which are important landscape, wildlife and amenity features of the countryside. The policy also states that generally development should not be sited within 20metres of the trunks of large or mature trees, and careful consideration will be given to the effect of related access and services on their stability.

### **Draft Cairngorms National Park Plan**

9. **For information purposes only, the Draft Cairngorms National Park Plan: Priorities for Action 2007-2012**, puts forward 7 priorities for the National Park. One of these is "Making Tourism and Businesses Sustainable". Work within this priority includes supporting strong businesses with high quality standards, managing the impacts of tourism and business, improving environmental awareness, and supporting entrepreneurship and business development. Another

priority is “Developing Awareness and Understanding of the Park”. Work within this priority includes raising national awareness and increasing people’s engagement, and understanding of the special natural and cultural qualities of the Park.

### Consultative Draft Cairngorms National Park Local Plan

10. Again, **for information purposes only, the CNPA Consultative Draft Local Plan**, locates the site in a General Policy 2 area. This states that development will only be permitted where it is demonstrated that there is no alternative and the aims of the National Park or objectives of designation and the overall integrity of the areas, features or interests will not be compromised. **Policy 4 (Landscape)** advises that development that is likely to have an adverse impact on the special landscape qualities of the National Park, including: landscape character; scenic qualities; natural beauty; amenity; historic landscape elements; cultural components; or wild land character, will not be permitted. **Policy 29 (Tourism Development)** advises that proposals for new or enhanced tourist related facilities/attractions will be favourably considered, where they enhance the range and quality of tourism attractions and facilities on offer, and/or lengthen the tourist season, with a beneficial impact on the local economy. **Policy 30 (Tourist Accommodation)** states that chalets/timeshare proposals which are most likely to be in rural/semi-rural locations, should be sited to minimise their impacts; developments screened by woodland settings are preferred.
  
11. **Policy 39 (Proposals for Housing Outwith Defined Settlements)** states that outwith established settlement boundaries, proposals for new houses will be favourably considered where the proposal complies with at least one of three criteria. These are; the applicant has lived and/or worked in the area for at least 3 years, and is currently un-/inadequately housed; the proposal can be justified as essential to house worker(s) for long term economic activity which is specific to that locality, with a full reasoned case why housing elsewhere is not suitable – occupancy conditions will be required; or the proposal is for a new house which will be linked by a section 75 agreement to the active management of a crofting/agricultural unit or other land-based industry based in the specific locality. In each case, the application must be for a single house for permanent occupation and must either join an existing group of at least three houses; or be sited to complement the existing pattern and character of development.

### CONSULTATIONS

12. **Rothiemurchus and Glenmore Community Association**, have no objection to the proposed changes.

13. **Aviemore Community Council** understand that work on this development has been on-going for some time and therefore they feel further comments would be pointless.
14. **Forestry Commission Scotland** were not a consultee. However as a notifiable neighbour they have advised that they have no comments to make.
15. **SNH** has stated that the location of the proposed development lies close to, but outwith, Glenmore Forest SSSI. This SSSI forms a component of the Cairngorms Special Protection Area (SPA) and the Cairngorms Special Area of Conservation (SAC). At its nearest point, the proposed development lies approximately 200m from the boundary of the adjacent designated site. However, they consider that it is unlikely that any qualifying feature will be affected significantly either directly or indirectly and in their view an Appropriate Assessment is not required. They therefore have no objections to the proposals.
16. **SEPA** notes the relocation proposals for the 2 lodges. They have nothing further to add to the comments submitted for the previous application. Their previous comments raised no objections. The proposals for using soakaways for surface water drainage accorded with SUDS guidance. However, it was a requirement to obtain assurances from the developer that the existing waste water treatment works on site have the capacity to take the volume of effluent generated from the additional units and that it will not compromise the quality of the treated effluent. In this respect a planning condition was imposed on the previous permission.

## REPRESENTATIONS

17. No representations have been received.

## APPRAISAL

18. The first matter to address is the fact that works on these lodges continue on site, despite written advice that they should stop and that continuing was running a significant risk. At the time of the "call-in" the Committee considered the possibility of serving notices to ensure that work stopped until such time as the new planning application had been decided. We advised that serving a Stop Notice is a legal process, which is something that can be costly in terms of time and resources, but can also be subject to compensation claims. It therefore should only be considered where the unauthorised works are considered to be potentially significantly detrimental, are unlikely to be unacceptable, and there is no prospect of a retrospective planning application. In this instance, we advised that, while the changes needed proper consideration, a retrospective application had been submitted, and

there was an existing permission which granted the erection of the lodges, albeit in a different layout. The consideration of the retrospective application would be based therefore, not on the principle of the lodges, but on the implications of the amended layout and siting. In this instance it was therefore not our view that the serving of a Stop Notice was the most appropriate way forward and we advised that we would consider the application as quickly as possible.

19. In this respect, it should be noted that consideration of the application must be made on the basis of material planning considerations relating to the amendments and not on the basis that the lodges are at present under construction and are therefore unauthorised. In addition, the Committee should also note that the applicants have explained their reasons for continuing work (paragraph 4 refers) and they realise that in doing so, they are running a risk.
20. The use of the lodges remains as before. Badaguish is open for booking by any organised and pre-booked groups of people. Existing accommodation (four lodges granted by Highland Council in 2000) at Badaguish is used for residential respite care, adult day care, holiday playschemes and childcare activities, family outdoor holidays, schools, clubs, youth and community residential and outdoor activity courses, vocational training in hospitality, tourism skills, and specialist training courses for social work and other staff. It is all directly associated with the purposes of the charity and marketing is guided by the charitable aims and objectives, which is monitored by the Board of Trustees, their local management group and Auditors. The operation is fully compliant with Charity Commission, Inland Revenue and Customs and Excise Regulations and the level of "family groups" is currently less than 10%. The usual length of stay in these lodges is between 3-7 days and Highland Councils Education Service, who will lease and operate their outdoor programme on a long term lease, are to use the existing lodges primarily for primary schools, secondary schools and youth and community groups. The new lodges are effectively replacement accommodation. At the time of the previous application, it was agreed, that a condition be imposed which restricted the use of the lodges to short-term residential accommodation (6 weeks maximum) ancillary to and associated with the Badaguish Centre – occupation being by persons requiring to stay for recreational or vocational purposes only. If the amendments to the layout and siting are found to be acceptable, this condition will be imposed once again.
21. The design of the lodges remains the same as before and match those already on the site. They cater for all abilities with wheelchair access and facilities on the ground floors.

22. The reasons for the amendments to the layout relate primarily to the need to retain a belt of plantation woodland on the north side of the site. The retention of this woodland area was considered as essential in order to reduce the risk of wind blow and storm damage to the neighbouring plantation. By moving lodge 4 further forward on the site, these trees have been retained thus allowing more woodland to remain than would have been possible with the previous positioning. A line of important Scots Pine can still be retained to the front of the site. The re-orientation of lodge 3 will also allow the parking to be arranged, in the main, in a layout to its rear side, thus reducing the visual impact. It is also the case that they propose to carry out replacement tree planting in an area to the south side of the site between the main access road through the complex and lodge 3. This will aid screening and was a requirement of the previous permission. **All in all, I have no concerns about the re-siting of the lodges and the re-arrangement of the access route and parking. Indeed, it is considered that the end result is more positive in terms of visual impact and tree retention than the previous permission.**
23. The final matter to consider is the issue of drainage. Previously, as required by SEPA, there was a requirement to demonstrate that the existing waste water treatment works at Badaguish had the capacity to accommodate the new developments. This remains the case. However, it has been confirmed by Highland Council's Building Standards Service, and engineers working on behalf of the applicants, that there is capacity in the existing treatment works to accommodate these two lodges. The other two lodges approved previously on the south west side of the complex, will necessitate an upgrade before connection can be made. The condition imposed on the previous permission still stands and remains sufficient to ensure that foul drainage from that part of the development can be accommodated without the risk of pollution. The applicants are currently working with their engineers and SEPA to clarify what, if any additional upgrade works may be required in this respect.
24. **To conclude, the principle has been established by the previous permission. Notwithstanding the fact that the lodges are well on their way to being complete, no issues of concern are raised by the new lodge positions or the revised layout. There are no other matters of concern which would merit any other recommendation than approval.**

## **IMPLICATIONS FOR THE AIMS OF THE NATIONAL PARK**

### **Conserve and Enhance the Natural and Cultural Heritage of the Area**

25. The site is close to but outwith any natural heritage designations. SNH have confirmed that they have no objections and that there will be no impacts on these adjacent areas. The site is though within a National Scenic Area. However, the site is well contained within the wider surrounding woodland. Trees have been removed but these plantation species would have been removed to accommodate the previous proposals. Indeed, the new positions are allowing more trees to be retained and space for meaningful replanting can still be achieved.

### **Promote Sustainable Use of Natural Resources**

26. The main building material for the construction and finishing of the lodges is timber.

### **Promote Understanding and Enjoyment of the Area**

27. The Outdoor Centre's main purpose is to improve understanding and enjoyment in the local environment for many different groups of visitors. The development is still considered to have positive implications for this aim.

### **Promote Sustainable Economic and Social Development of the Area**

28. The centre aims to promote and develop the benefits of outdoor activities and youth work, through participation in high quality outdoor programmes and training. This provides a practical opportunity for young people, of all abilities, to develop a personal interest in activities which will contribute to an active healthy lifestyle. This development will help facilitate the joint initiatives for developing these socially inclusive aims.

## RECOMMENDATION

29. That Members of the Committee support a recommendation to:

**Grant Full Planning Permission for the Erection of 2 No. Lodges and Access and Parking (Amended Siting), Site 2, Badaguish Outdoor Centre, Glenmore, subject to the following conditions:-**

1. That the 2 lodges hereby approved shall be used as short-term residential accommodation ancillary to and associated with the Badaguish Outdoor Centre, and shall not be used by a tenant, lessee, owner or occupier as their only or principal dwellinghouse. Occupation shall be restricted to use by persons requiring to stay at the Badaguish Outdoor Centre for recreational or vocational purposes only.
2. Tree planting, of a species and variety (native), and height and number, in accordance with a scheme to be submitted for the further written approval of the Cairngorms National Park Authority acting as Planning Authority, shall be undertaken in the area shown in green on the approved site plan drawing no. 2918/061 Rev. B, during the first planting season next following the completion of the development.
3. That the stain for the external timber cladding for the lodges hereby approved, shall match that used on the existing lodges on the site.

**Neil C. Stewart**  
**8 November 2006**  
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