
CAIRNGORMS NATIONAL PARK AUTHORITY

Title: REPORT ON CALLED-IN PLANNING APPLICATION

**Prepared by: MARY GRIER, PLANNING OFFICER
(DEVELOPMENT CONTROL)**

DEVELOPMENT PROPOSED: OUTLINE PLANNING PERMISSION FOR PHASE ONE HOLIDAY ACCOMMODATION CONSISTING OF THE FORMATION OF AN ACCESS ROAD AND FIVE PLOTS FOR HOLIDAY CHALETs ON LAND TO THE SOUTH WEST OF 6-9 BALMENACH COTTAGES, CROMDALE, GRANTOWN ON SPEY.

REFERENCE: 05/478/CP

**APPLICANT: MR. STEPHEN STRATHDEE, c/o
CM DESIGN, PINEFIELD
CRESCENT, ELGIN.**

DATE CALLED-IN: 18th NOVEMBER 2005

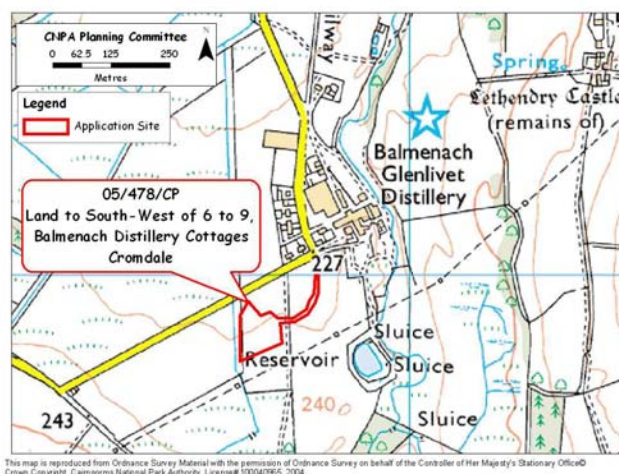


Fig. 1 - Location Plan

SITE DESCRIPTION AND PROPOSAL

1. Outline planning permission is sought in this application for the formation of an access road and the creation of five plots which are intended to facilitate holiday chalets on land located to the south-west of 6-9 of Balmenach Distillery Cottages, at Balmenach, Cromdale in the northern area of the Cairngorms National Park. The proposal is described as 'phase one' of a larger plan for the provision of holiday accommodation on this and adjacent land. The currently identified site boundaries have been shown in the context of their position relative to proposed later phases of the development. The masterplan indicates that the full extent of development envisaged by the applicant in this particular location is seventeen structures, all located on individual plots and with the majority arranged in a number of groups within small cul de sacs.

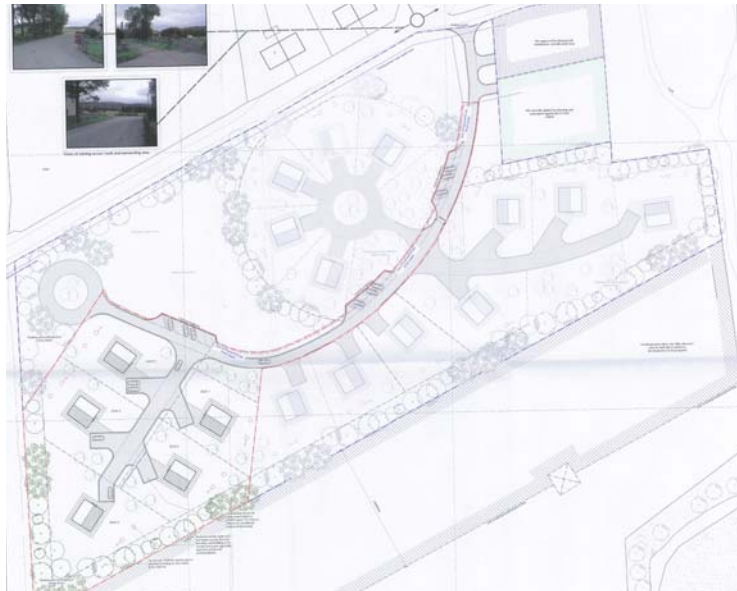


Fig. 2 : Proposed master plan (red line identifies extent of site boundaries associated with current application).

2. The land on which the development is proposed is flat grassland, in an area of open and quite exposed countryside, which does not have the benefit of any significant screening vegetation. The nearest stand of trees is located approximately 140 metres to the east of the subject site area and no natural boundaries exist in the immediate vicinity of the site. The Cromdale Hills and in particular the Hill of Lethendry rise to the north and east in the distance. The land that is the subject of this current application and the adjacent land identified on the masterplan for future development purposes is separated from the developed area of Balmenach by a minor local road that serves the Faebuie / Burnside area.
3. The area of the application site is detailed as extending to 8,323 sq.m. (2.05 acres) and is located at the south western end of the overall development area identified on the masterplan. The formation of an access road is proposed as part of this current application, with the

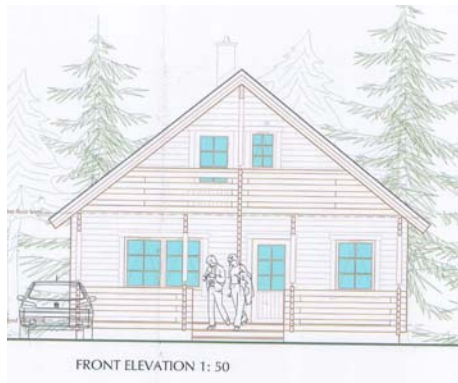
proposed route utilising an existing partially constructed access from the local road network, which I understand was created to serve sites where two dwelling houses are currently in the course of construction. The existing access extends approximately 30 metres from the public road into the field and consists of a compacted rough gravel surface. The formation of the access road to serve the proposed five plots would extend from that existing area, generally in a western / south western direction through the current field area, for a distance of approximately 160 metres. Three pockets of communal car parking, each accommodating between five and six parking bays in a 'nose to kerb' arrangement, are also proposed adjacent to the access road. The car parking areas are all identified for visitor parking.



Fig. 3 : view towards the proposed site, as seen from the public road at Faebuie.

4. The proposed five plots are arranged around a cul de sac. An indicative footprint of a proposed building is shown in a central position within each plot, with access gained from the cul de sac road via a diagonally positioned hard standing area. The site layout plan indicates that each hard standing area would be of sufficient size to accommodate two vehicles. Hard standing areas are proposed to comprise of consolidated hardcore bottoming overlain with tarmac. The average size of the proposed plots is approximately 1,200 sq.m (0.29 acres). The site layout plan also indicates proposals to create a strip of planting extending to a width of 0.75 metres on the southern and western boundaries of the subject site. Landscaping details have not been specified, although reference is made on the site layout plan to "planting and landscaping to clients choice." Each plot is to be served by a private septic tank and soakaway which is proposed "to be constructed as per appointed engineers details and recommendations." The development is to be served by a private water supply.
5. Although this is an application for outline permission only, indicative plans for the typical building envisaged on each of the plots have been submitted. The proposed structure is a gable fronted timber clad

chalet, with the elevation drawings and indicative photograph bearing the title 'Luoman 61 Log Home.' The structure has a floor area of 79.8 sq.m., with an open plan kitchen / living area, a bedroom and shower room, with stairs leading to a loft area on the first floor which includes a galleried area overlooking the ground floor lounge. The roof line extends beyond the main body of the structure to provide cover over the prominent first floor balcony feature and the terrace area at ground floor level.



LUOMAN 61 LOG HOME
ground floor 47.8 sq m / first floor 32 sq m

Figs 4 – 6 : proposed log cabin

6. The specification details included on the drawings suggest that the roof would have a felt shingle finish, while the exterior walls would consist of 97mm pre-formed logs. The structures would be set on a smooth render basecourse and would be full double glazed.
7. In the course of the assessment of the development proposal, an additional support document was submitted by the applicant's agent in which the current application is described as forming the first phase of a chalet development. Although reference is made in the document to the proposed 'cabin' type structures being a suggestion only and that the "applicant is entirely open to alternative designs", it nonetheless suggests that "design particulars aside...any form of timber holiday chalet development would bring about benefits."



Fig.7 : computer generated aerial view of development, as shown on masterplan

8. The supporting documentation suggests that the “development has been conceived in close consultation with the aims and objectives of the Cairngorm National Park as described in their own literature and guidelines.” In an effort to illustrate this point the document summarises the means by which the applicant / agent consider that the development proposal complies with the four aims of the National Park. In terms of the natural and cultural heritage of the area, there is little reference to the manner in which the proposed development would contribute towards this aim. There is a suggestion that the Highlands is a tourist attraction and that “the tourist industry is certainly a huge part of our heritage.” In terms of the second aim of promoting the sustainable use of the natural resources of the area, reference is made to the proposal involving the construction of timber based properties and goes on to state that “all timber will be sourced locally, as will slates, aggregates, manufactured products, landscaping features.”¹
9. In the context of the third aim of the National Park it is suggested that it is only from a base such as a holiday cottage that “visitors to the area truly equip themselves and easily reach the features offered by the CNP.” Finally, in terms of the fourth aim of the National Park the supporting documentation estimates that the development could provide almost £1 million worth of construction work to local trades, and also estimates that the maintenance of the grounds and chalets would produce over £50,000 of “employment revenue to the immediate local area year on year.”
10. It is suggested in the conclusion of the supporting documentation that a development of the nature proposed “should be seen as a welcome departure from the usual rural housing developments being proposed around the country.” There is a suggestion that the purchase of such rural housing is “most commonly only achievable by those from outwith

¹ The local sourcing of materials, and the materials detailed, contradicts the finishes indicated on the actual drawings submitted. See para. 52 of this report for further comments on the ‘Luoman’ log home concept.

the area, who can contribute less if not very little to the local economy and heritage.” It concludes on this point with a summary that the “development will allow the masses, local as well, to enjoy and invest in the park for generations to come.”

DEVELOPMENT PLAN CONTEXT

Highland Structure Plan 2001

11. **Section 2.7** of the Highland Structure Plan discusses the economy and tourism in particular, noting that tourism is a vital element of the Highland economy. The identity of the Highlands includes “its built heritage, rich wildlife, scenic beauty, history and culture” which are described as the foundations on which tourism and recreation activities are based. The Structure Plan strategy aims to build on the Highland identity and to “take a proactive approach to the wise use of the natural environment as a primary resource” for tourism.
12. The Structure Plan notes that tourism makes major demands on infrastructure and facilities and also notes that there is scope for improvement in the quality and level of provision. **Policy T2 on Tourism Development** confirms Highland Council’s support for high quality tourism development proposals, particularly those which extend the season, provide wet weather opportunities, spread economic benefits more widely and provide opportunities for the sustainable enjoyment and interpretation of the area’s heritage.
13. On the specific topic of tourist accommodation, section 2.7.8 refers to a growth trend in recent years in the self-catering sector. In anticipation of further applications for chalet and other self contained accommodation, the Structure Plan advises that they must be designed for minimal impact on services, road infrastructure and the environment. **Policy T3 on Self catering tourist accommodation** expressly states that permission will only be granted for tourist accommodation proposals on the basis that the development will not be used for permanent residential accommodation.
14. The **Highland Structure Plan** includes a detailed section on the environment and topics such as nature conservation and landscape are discussed in this section. Para. 2.13.1 notes that the abundance of natural habitats and species is a key element of Highland’s identity and constitutes one of the region’s main strengths. The **Structure Plan** details the hierarchy of protection of nature conservation interests, but also notes that such interests are not confined only to designated sites. **Policy N1 on Nature Conservation** requires new developments to minimise their impact on the nature conservation resource and enhance it wherever possible.
15. **Section 2.14** of the Plan discusses Landscape where it is declared that “no other attribute of Highland defines more the intrinsic character and

nature of the area than its landscape.” The Plan notes that associated with such landscapes are the communities that live in harmony with them and the wildlife that is adapted to their conditions. It is advised that the protection and enhancement of landscape and scenery must be positively addressed. **Policy L4 on 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.”

Badenoch and Strathspey Local Plan (1997)

16. The **Badenoch and Strathspey Local Plan (1997)** includes a detailed section on the landward area, where it is noted that there has been some loss of agricultural land to various uses as farms have diversified and communities expanded. Diversification away from traditional farming methods has led to changes towards specialist farming, conservation and tourism. The main planning considerations detailed for the landward area include “the protection of the area’s exceptional scenic, nature conservation, wildlife and landscape resources and heritage,” encouraging diversification compatible with maintaining traditional ways of life, and the promotion of tourism and countryside recreational pursuits.
17. Section 2.2.9 of the Local Plan discusses Tourism and Recreation, noting that such activities will continue to make a vital contribution to the economy, but also emphasising that 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.” The plan suggests that within communities and on their edges that tourist accommodation, recreation and leisure facilities of a scale appropriate to the community concerned will be promoted.
18. Section 2.2.10 of the Plan entitled **Tourism** states that the “Council will encourage the development of tourist accommodation and facilities at suitable sites within or immediately adjoining communities.” The Plan however advises that development potential in some parts of the countryside is limited by amenity and servicing factors. It also requires that development should be compatible with adjoining land uses, spare capacity in infrastructure and safeguards for local heritage and amenity. Section 2.2.10 also requires that tourism proposals should “either associate well with the prevailing pattern of building, or be well absorbed visually by landform and trees.
19. In 2002 Highland Council added a Supplementary Policy Note to the **Badenoch and Strathspey Local Plan (1997)** relating specifically to land in the Balmenach and Faebuie area. The entire land area encompassed by the supplementary policy note includes the settlement of Balmenach and the “surrounding envelope of some 30ha. of land which extends west of Faebuie.” The supplementary policy note was drawn up largely in response to the submission of planning applications for 9 houses on lands at Faebuie and whilst the supplementary policy

note relates primarily to housing in the area, it is also of relevance to this current application in that it provides comment on the general landscape character and pattern of development in the area, as well as providing guidance on the future development of the area. The supplementary advice note describes the area as flat, open and exposed agricultural land of poor quality with pockets of heath and moor. It is also noted that the Distillery and its ancillary buildings dominate the main settlement, creating a tightly knit cluster, described as “prominent – though not unappealing – in a generally open setting” with related housing forming a well defined ‘street’ of cottages. The supplementary advice note suggests that any consolidation of this settlement should include small scale woodland on its edges.

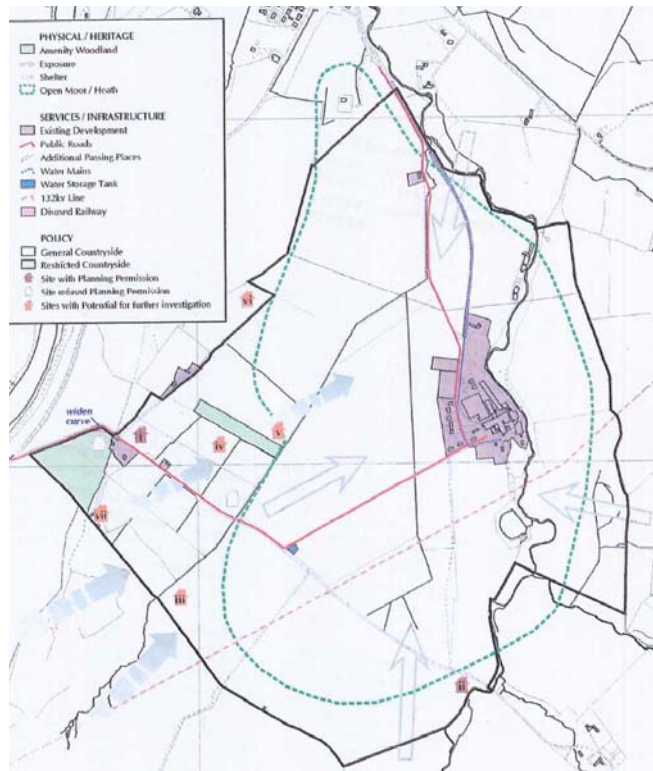


Fig. 8 : Extract from Supplementary Policy Note (Faebuie Cromdale) of the Badenoch and Strathspey Local Plan

20. The supplementary advice note stated that a limited number of further houses may be acceptable in the general Faebuie area, subject to meeting required standards in access, water supply and waste water disposal. Many aspects of the advice contained in the supplementary policy note whilst referring in particular to housing could also be applied to proposals for buildings related to tourism development. For example in considering the scope and extent of further house building, efforts should be made to position dwellings to form an association with rising land or vegetation so that sites obtain some shelter and relate visually to the locality.
21. The supplementary policy note for Faebuie, Cromdale identified seven plots of land on which individual houses could be considered. None of

the identified locations occur on either the subject site or on land immediately surrounding it.

22. The landscape conservation policy of the **Badenoch and Strathspey Local Plan** is detailed in section 2.5.10, where it is the policy to conserve areas of landscape importance including waterside land, open areas and scenic views. It is also advised that development proposals will be considered carefully in respect of their impacts on conservation and the environment.
23. Section 2.5.15 of the Local Plan discusses **Settlement Edges** and notes that in order to protect their identity and setting and promote orderly development of allocated land and supporting infrastructure, areas adjoining existing settlements should be protected from sporadic development. It is further stated that the council will seek to ensure that development relates well to the landscape and that communities are absorbed within their surroundings.
24. **For information purposes only** : The subject site is located on land identified as a General Policy 1 Area in the Consultative Draft of the Cairngorms National Park Local Plan. Within General Policy 1 areas development will only be permitted if it is unlikely to have a significant adverse effect on the aims of the National Park or any of its special qualities. Where it is concluded that there would be adverse effects on the aims of the National Park, any of its special qualities, or public health or amenity from a development, it will only be permitted where it is considered that these would be outweighed by social or economic benefits of national importance or of importance to the aims of the National Park and where appropriate measures are taken to minimise and mitigate the adverse effects of the development.
25. **Policy 29** of the Consultative Draft Local Plan states that proposals for new or enhanced tourist facilities / attractions will be favourably considered, where -
 - proposals 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; and
 - all proposals maintain and enhance the quality of the visitor's experience, and the long term viability of the local tourism industry.
26. **Policy 30** relates specifically to **Tourist Accommodation** and states that "proposals for chalets / timeshare, which are most likely going to be in rural / semi rural locations, should be sited to minimise their impacts." Policy 30 also advises that developments screened by woodland settings are preferred.
27. The **Consultative Draft of the Cairngorms National Park Local Plan** also includes a settlement statement for Cromdale and Balmenach, with the two settlement areas being the only 'zoned' areas within the

community district (outwith this the General Policies and Topic Policies of the draft Local Plan apply). The current application site is located outside the settlement boundary identified at Balmenach.

28. **For information only:** The recently published **Draft Cairngorms National Park Plan: *Priorities for Action 2007-2012*** promotes 7 priorities for action, one of which directly relates to making tourism and business sustainable. This priority recognises that the long term sustainability of the Park requires a vibrant tourism and business sector that underpins the economy, and at the same time contributes to conserving and enhancing the special qualities while not damaging them. Work within this priority area includes supporting strong business with high quality standards; managing the impacts of tourism and business; improving environmental performance; supporting entrepreneurship and business development. **Please note the Draft National Park Plan is not a land use development plan.**

CONSULTATIONS

29. **The Area Roads and Community Works** department of Highland Council were consulted on the proposal, and the response raises some concerns at the scale of development proposed, given the remoteness of the site and the poor quality of the local road network. Reference is made to the applicant carrying out a number of minor road improvement works in the area over the last few years, some of which were directly linked to earlier planning permissions. However, regardless of the improvement works, it is still contended that the “public roads serving the site are still of a relatively poor standard and public transport links remain limited.”
30. The response from the **Area Roads and Community Works** department also emphasises the advice contained in Highland Council’s **Supplementary Policy Note** of 2002 in respect of further development in the Faebuie / Balmenach area. Reference is made in particular to the advice given that the “potential for further development at Balmenach should be assessed in relation to the future of the settlement as a whole and in consultation with the community and the Distillery operator.”
31. However, notwithstanding the concerns expressed, the response continues on to state that in the event of Members being minded to approve the current application and accept the principle of the larger long term development proposed, there are a number of conditions that should be attached in the event of the granting of planning permission. The conditions recommended include access to the subject site being provided in such a manner that a cross roads would be formed at the junction of the Balmenach and Faebuie public roads; the provision of appropriate signs and road markings to define the cross roads and clarify vehicle priority; the design and construction of the access road to

a standard generally in compliance with the requirements of Highland Council Guidelines;² the establishment of a suitable long term management and maintenance agreement relating to internal roads and parking areas; the provision of at least two car spaces within or close by the curtilage of each dwelling unit; and the completion of all passing places and access / service bays recently constructed by the applicant on or alongside the public roads serving the site, to the satisfaction of the planning and roads authorities.

32. A detailed advice note has been included at the end of the report clarifying that the recommendation is only in respect of the current application. In the event of the larger development proceeding it is advised that there is a need to give consideration to further improvements to the public road network. The response details in particular the requirement for significant improvements to the U271 Balmenach Road linking the subject lands to Cromdale. It is also suggested that consideration be given to upgrading the U270 Burnside / A95 trunk road junction at Faebuie, in consultation with the Trunk Roads Authority. Also in the context of advice contained in the aforementioned Supplementary Policy Note, it is also suggested that consideration be given to the provision of a pedestrian / cycle link between the development and Cromdale.



Fig.9: junction of the U270 and A95



Fig 10: example of the road network

33. Highland Council's **Environmental Health Officer** in examining the proposal noted that this application is being proposed as the first phase of a larger development, with each of the units having their own individual septic tank and soakaway system and also with the water supply coming from a private source. The consultation response outlines a number of concerns regarding the proposal. The **Environmental Health Officer** states that the mains water supply network currently reaches as far as the neighbouring Balmenach Cottages and expresses the view that it would be "far preferable from a public health aspect for a development of this size to be connected to a public supply." In a statement from the applicant that accompanies the application reference it is indicated that a borehole at Balmenach was

² The report from the Area Roads and Community Works section of Highland Council also states that due to the holiday nature of the development proposed the access road will not be considered for adoption.

tested in October 2005 which produced 7,200 gallons per 24 hours. The **Environmental Health Officer** whilst stating that he has no knowledge of the accuracy of this figure nonetheless states that 7,200 gallons / day “should provide an adequate quantity of water for the proposed development.”

34. On the subject of foul drainage, the consultation response states that “having so many individual septic tanks in close proximity is likely to give rise to nuisance conditions in the future” and advises that it would be more appropriate for all the properties to connect to a small sewage treatment works. Some concern is also expressed about the arrangements for the future maintenance of any system, even in the event of a communal treatment system being proposed. The **Environmental Health Officer** advises that “this would not be a major issue if all of the properties were under one ownership however if they were sold off separately formal arrangements would need to be put in place to ensure that the water and sewage system would be adequately maintained.”
35. The response from **SEPA** notes the proposals to treat domestic sewage from the development by means of septic tanks discharging to soakaways. **SEPA** object to the proposal due to the scale of the proposed development and potential issues connected with the proliferation of soakaways in close proximity and suggest instead the pumping of sewage to the mains public system in Cromdale. In the event of pursuing the use of private foul drainage systems **SEPA** require a thorough assessment of the suitability of ground conditions.³
36. In relation to surface water drainage **SEPA** do not have any objection to surface and roof waters from the development discharging to SUDS, such as separate clean water soakaways.
37. The development proposal has been examined by the CNPA’s **Economic and Social Development Group** particularly from the perspective of tourism. In relation to tourism, the consultation response notes that there is currently no quality assured self catering accommodation at Balmenach nor is there any listing within the CNPA’s larger all encompassing accommodation database. **ESDG** observe that the lack of such self catering facilities in this area either suggests that “there could be a demand for the provision” or that the “lack of provision is a result of a lack of demand” and without actual research it is difficult to ascertain. **ESDG** are keen that any new build application for tourism purposes is in line with the Sustainable Tourism Strategy and most specifically that a high quality environment is maintained, “encouraging sound environmental practices and support for conservation by all those involved in tourism.”

³ SEPA require that any assessment of this nature is carried out by a suitably qualified person, and should provide full details of the percolation tests and trial pit investigations including location plans, and should state that the sub soil on each site is suitable for infiltration systems to be used as the sole means of disposal of the septic tank / treatment plant effluent.

38. The development proposal has been examined by the **CNPA's Natural Heritage Group** and a detailed response has been received following site visits to the area. In terms of ecology the **NHG** response describes the field, which includes the subject site and also the adjacent land identified on the master plan for future development, as supporting semi-improved rough grassland of low botanical value. The report states however that it is clear that the field and the land adjoining it support important habitat for a range of bird species, as well as brown hares. Skylarks and wheatears were seen in and around the site, although the general area is of "especial note for its population of waders." It was noted that three or four pairs of lapwing appear to be breeding within the field, as well as a pair of oystercatchers. The birds form part of a much larger population that is using the surrounding fields.⁴
39. The response from **NHG** details the fact that lapwing, curlew, snipe and redshank are all classed as "UK species of concern" and are also locally important species in the Cairngorms Biodiversity Action Plan. It is also noted that Badenoch and Strathspey hosts the largest breeding population of waders on the British mainland but the numbers in the Strath have declined sharply in the last five years, mirroring the national decline. **NHG** comment that the "population of breeding waders in the Cairngorms contributes towards the Park's special qualities and its outstanding national importance for natural heritage." The report notes that whilst the loss or displacement of three or four pairs of lapwing from the application site would not jeopardise the integrity of the wader population in this part of the Park, "there is a risk that it could contribute another increment to the decline that has occurred elsewhere." **NHG** advise in the event of the granting of permission for the proposed development, that the commencement of work during the breeding season would disturb nesting lapwings and oystercatchers, and this would contravene the legal species protection provisions of the Wildlife and Countryside Act (1981). It is advised that disturbance could only occur in accordance with a licence from the Scottish Executive. In the event of the granting of planning permission **NHG** recommend that a condition is included restricting the commencement of development to a period outside the breeding season, and preferably in late summer or early autumn.
40. In terms of landscape, the response from **NHG** states that the "development of log-clad chalets on the site would be highly visible from several directions, given the open landscape" and would be particularly visible from the western approach road to Balmenach. The **NHG** response refers to the gentle sloping topography and open grassland character, which results in an unbroken view to the site from almost 1 km away at Faebuie. **NHG** further comment that development in the current application site would be seen as isolated in the

⁴ A provisional survey carried out by an officer of the RSPB on fields to the south and west of Balmenach over the period of one evening in April 2006 identified an estimated 48 pairs of lapwing, 3-4 pairs of snipe, 5 pairs of curlew and 8 pairs of oystercatcher. Redshank were also observed.

landscape and it does not relate to the settlement pattern of Balmenach.

41. **Cromdale and Advie Community Council** was consulted and have submitted a detailed response in respect of the proposal, stating that they are strongly opposed to it for several reasons. Firstly on ecological grounds the **Community Council** contend that the area in which the chalet development is proposed is only suitable for agricultural purposes. It is stated that the area has been a haven for several species of wildlife with "some of them of the rarer breeds." Concern is expressed that a development such as that proposed "will only mean that they never return."
42. The second issue raised by **Cromdale and Advie Community Council** is in relation to the existing Local Plan, with the consultation response stating that "the land remains clearly designated as agricultural." The **Community Council** consider that a chalet type development of the nature proposed "flies against the current development plan." They suggest that "chalet developments are normally added to an existing holiday and tourism based facility and positioned within easy access of tourism based facilities, not planted on agricultural land...with minimal facilities within easy reach on foot or by bicycle."
43. Reference is also made in the **Community Council** submission to the Cairngorms National Park Consultative Draft Local Plan stating that stating that it has been "agreed democratically by consultation between the National Park Authority and the Local Community to clearly designate the land involved as agricultural." The submission states that the land in question is not included within the "settlement" of Balmenach and it is the view of the majority of inhabitants of the area that land around the current settlement of Balmenach, between Balmenach and Faebuie and between Balmenach and Cromdale should remain agricultural.
44. The **Community Council** also raise concerns regarding the source of water supplies, the provisions for drainage and foul water disposal, as well as questioning the adequacy of access provision and in particular whether or not the existing road network can cope with increases in traffic. Concern is expressed at reference on the site layout plan to an entire field opposite 16 – 17 Balmenach Cottages which is shaded and incorrectly labelled "approved by planning and construction underway."
45. In summary **Cromdale and Advie Community Council** consider that the granting of outline permission would prejudice the current Local Plan and also the outcome of the new Local Plan, and would also be contrary to the wishes of the community that the land in question retain its agricultural nature. Reference is made to Cromdale being one of the few places that "retains its rurality" and that the community feel that there is space within Cromdale village for development and that any

development should take place there before the “rurality of the surrounding area is prejudiced.”

REPRESENTATIONS

46. Several objections have been received in relation to the development proposal. A petition objecting to the development and containing the signatures of twenty one residents from the Balmenach and Faebuie area has been lodged. The petition has been accompanied by a number of letters written by some of the individuals who signed the petition. In summary issues of concern mentioned in the letters include the relevance of the existing local plan and the consultation process that the residents of the area engaged in as part of the preparation of the consultative draft of the Cairngorms National Park Local Plan; an understanding amongst the community that there would be “no more building for five years”; potential water logging and flooding of the subject site; recent developments in the area having driven away wildlife; the development being detrimental to remaining wildlife in the area; concern that once built the proposed properties could be sold as private dwellings; reference to single track roads around the area and the level of traffic likely to be using the road network; presence of an existing cooling water dam used by the distillery which could be a source of danger to children inhabiting the proposed chalets; queries regarding the suitability of land for the buildings; reference to the extent of development of access tracks etc. that has recently occurred on the applicants land “under the disguise of agricultural work”; sewage concerns, including poor drainage for soakaways; growth of the size suggested would place a much larger burden on local services; “Balmenach is a settlement not a village as suggested”. A number of photographs of the existing area have also been submitted with the petition and group of letters accompanying it.
47. In addition to the petition and letters detailed above, a further fourteen individual letters of objection have also been received. Concerns are expressed on a wide range of issues, including inadequacy of road network; lack of adequate services to serve existing community, including infrastructure, street lighting and footpaths; impact of the development on wildlife in the area; unsuitability / incompatibility of a development of this nature and scale adjacent to a small rural settlement; and impact on the open character and landscape of the area. For a more detailed account of the issues raised in the individual letters please refer to Appendix 1 of this report.

APPRAISAL

48. There are a number of complex issues to take into account in the assessment of this development proposal, including the principle of a development of this nature; whether or not the development complies

with existing planning policy, as well as assessing its compatibility with the aims of the Cairngorms National Park; the scale, design and layout of the development proposal and its proposition as phase one of a possible larger future development; its location and setting and its physical and visual relationships with both the surrounding countryside and the existing adjacent settlement area of Balmenach; the servicing arrangements proposed for the development and an examination of any pressures that a development of the scale proposed could place on roads, sewage and water in the area.

49. The proposed development is located on flat, open and exposed agricultural land on the periphery of the existing tight knit clustered settlement pattern at Balmenach. It is at a location which is readily visible from a wide extent of the surrounding area, particularly from the southern and western areas. Whilst planning policy generally supports the provision of tourist accommodation in the Highland area, and even encourages the development of tourist accommodation and facilities at "suitable sites within or immediately adjoining communities" it is clear from **Structure Plan** and **Local Plan** policies that there is a strong requirement that such developments would be appropriately located relative to the landscape setting in which they are proposed as well as associating well with the prevailing pattern of building (**section 2.2.10, Badenoch and Strathspey Local Plan**). At the wider level, there is a clear implication under **Policy L4** of the **Structure Plan** that all developments, regardless of whether or not they are tourist oriented, are expected to maintain and enhance the present landscape character of the area in which they are proposed.
50. In terms of specific planning policies applicable to the subject site, the Supplementary Policy Note of the **Badenoch and Strathspey Local Plan** (as detailed in paragraphs 20 and 21 of this report) provides an insight into the intended method of development of the land area surrounding the settlement of Balmenach i.e. the acceptance of proposals for a number of single houses, located in a dispersed pattern in the rural area, at locations identified on the map accompanying the Supplementary Policy Note. The majority of locations identified as having "potential for further investigation" have since benefited from the granting of planning permission. The land which is the subject of this current proposal was not identified as having the potential to accommodate dwelling houses. In addition it is clearly shown as being outwith the 'existing development' area, as defined by Highland Council in the supplementary document. The 'existing development' area encompasses the built fabric of the settlement area of Balmenach as well as extending to include some undeveloped land to the north and a small portion of land in the north eastern corner of the field in which this current development is proposed, on which planning permissions have recently been granted for two dwelling houses. While this proposal is for holiday accommodation, as opposed to conventional dwelling houses for permanent occupation, the impact of the proposed structures would be similar to residential, albeit perhaps for non

permanent occupation. Given this quasi residential use I do not consider that it is possible to completely divorce the development proposal from assessment under housing policies applicable to the area and in this context I consider that the proposal for any form of residential units on the land is not in accordance with the general thrust of the Highland Council's **Supplementary Policy Note**.

51. With regard to the design concept and the proposed layout, this assessment is based on the current proposal, as contained within the site boundaries identified in red on the site layout plan. However, there is a clear indication, as referred to in the description of the development proposal as Phase One Holiday Accommodation, and as indicated on a masterplan, that the current proposal is intended to set the pattern for the concept envisaged to occupy the remainder of this field.⁵ The master plan shows a proposed layout with a total of 17 accommodation units, largely set out in an almost suburban cul de sac pattern, apart from three plots accessed directly off the extensive access road which is proposed to extend across the field as part of this current proposal. The currently proposed site is positioned in the south western corner of the overall land area identified on the masterplan for the accommodation units. It is the furthest distance from the existing settlement at Balmenach, and it is clear that an acceptance of the proposed development at this location would signal an acceptance of the overall concept, form and layout and would set a precedent for the development of the remainder of the field area.
52. I have already referred to the suburban type layout proposed and it is one which I consider wholly inappropriate as it fails to take cognisance of either the open and exposed rural landscape in which it is proposed, and in this regard completely overlooks Structure Plan and Local Plan policies which generally require the enhancement of landscape quality, and neither does it take account of the tightly knit cluster pattern of the developed settlement area of Balmenach. The introduction of a 0.75 metre 'strip of planting / screening' would be a completely ineffective means by which to attempt to assimilate the structures into the open landscape, and would create a highly unnatural, almost regimented appearance within such a setting, which would further serve to propagate the suburban concept proposed.
53. Whilst I accept that the drawings supplied as part of the proposal are indicative only as this is an application for outline permission, it is clear from supporting documentation that "a timber holiday chalet development" is the concept intended by the applicant for the subject

⁵ The 1 : 3500 location plan submitted with this application uses a shading system which identifies the proposed site and access road in red and the remainder of the surrounding field i.e. that shown as later phases of development on the 1 : 500 master plan, in purple with the annotation "site approved by planning and construction currently underway." This is incorrect as the only portions of land shaded purple to which this description is applicable are two permitted plots in the north eastern corner of the field, close to the junction with the public road, where a dwelling house is currently in construction. There is no history of permission on the remainder of the field shaded purple.

site. The indicative design proposed is a further illustration of the failure to recognise the landscape characteristics and general development pattern in this rural area. The overall form and design of the 'indicative' timber chalet clearly has its origins in Scandinavian architecture, rather than Scottish vernacular architecture. Indeed research in the course of this assessment has indicated that the timber chalet (titled 'Luoman 61' in submitted documentation), is a mass produced kit home, which it is possible to purchase from a number of websites in Britain and Scandanavia (www.buydirect.co.uk or www.nordicbuildings.com/Cabin). It is a point which serves to emphasise further the lack of regard which the development concept displays for its particular setting or the proposed location within the Cairngorms National Park and goes against the basic principles of good planning where designs should be specifically created in response to the individual setting and locational context.

54. In addition to difficulties regarding the principle of a development of the nature proposed at this location, there are further practical concerns to be taken into account, amongst them those expressed by SEPA about the use of individual septic tanks and soakaways to serve each of the proposed plots, and also the extensive concerns raised in the report from the Area Roads and Transportation section of Highland Council in which public roads serving the site are described as being of a "relatively poor standard." At a practical level, the consultation responses could be construed as indicating that the general infrastructure in this area at the present time cannot adequately cope with a development of the scale proposed and certainly not the future larger scale proposal identified on the master plan.
55. A brief assessment of the proposal in the context of the four aims of the National Park will be made in the following section of this report. However, I feel that there are a number of relevant points which it is necessary to expand on at this stage. The report from the CNPA's **Natural Heritage Group** clearly raises concern about the negative impact of the development on waders in the area, and the resultant loss of a substantial part of their breeding area. In addition, the effects of the development on the landscape character of the area is also highlighted.
56. In summary, whilst recognising that the tourism industry in general is of economic benefit to the area, and accepting that planning policies exist which are generally supportive of the provision of tourist accommodation and facilities, all policies come with the requirement that any developments proposed are appropriate to their setting. As has been demonstrated in the foregoing sections of this report the development proposal is not acceptable in this respect, and would diminish the rural qualities of this area of the National Park, where the open, exposed and almost stark nature of the landscape could be considered to add to its dramatic landscape qualities. The proposed development is essentially for phase one of a development that has

strong similarities to an almost suburban type housing layout, dominated by a prominent access road and bounded by a proposed meagre strip of planting and as such the development would ultimately appear as an alien form in this landscape. Aside from the actual provision of accommodation specifically for tourists the development fails to offer any other facilities specifically for tourists and fails to offer any means by which the visitor enjoyment of the area could be enhanced. It is also remote from established tourist facilities and attractions and from public transport routes and would therefore tend to promote a strong reliance on private vehicular transport in order for visitors to gain access to and from the area, and such activity could not be considered to be in the interests of sustainable development.

IMPLICATIONS FOR THE AIMS OF THE NATIONAL PARK

Conserve and Enhance the Natural and Cultural Heritage of the Area

57. The proposed development would have a negative impact on the natural heritage value of the area as development at this location would result in the loss of important breeding ground for a variety of species in the area. The proposed development would also significantly alter the landscape character of the area, impacting negatively on the open grassland character.

Promote Sustainable Use of Natural Resources

58. This application is for outline planning permission only and as such details of the proposed holiday chalets are described as indicative only. It is therefore not possible to determine whether or not the development would promote the sustainable use of natural resources, particularly as conflicting information has been submitted with drawings indicating a 'Luoman' log house which would be purchased in kit form from outwith the area, whilst supporting documentation suggests the sourcing of all timber and other materials locally.

Promote Understanding and Enjoyment of the Area

59. The proposed development would provide an accommodation opportunity for tourists wishing to holiday in the area, but other than this direct benefit to those choosing to avail of this accommodation option, the overall development would fail to promote any understanding or enjoyment of the area by the wider public. In addition, it is considered that the open and exposed location of the development, the urbanised layout and the non traditional designs of the accommodation units could detract from the general public's understanding and enjoyment of this area of the Cairngorms National Park.

Promote Sustainable Economic and Social Development of the Area

60. The development would be likely to have positive benefits in promoting economic development in the area in the course of the construction period and possibly later by encouraging visitors to holiday in the area. The economic benefits cannot be quantified at this stage⁶ and there is no conclusive evidence to demonstrate that the development would generate increased visitor spending in the area. The development would not assist in promoting the social development of the area.

RECOMMENDATION

That Members of the Committee support a recommendation to :

Refuse planning permission for the phase one holiday accommodation consisting of the formation of an access road and five plots for holiday chalets on land to the south west of 6 – 9 Balmenach Cottages, Cromdale, Grantown-on-Spey for the reasons listed hereunder -

1. The proposed development by reason of its inappropriate character, layout and design in an open, exposed and highly visible location would be detrimental to the visual amenity, quality and overall character of the local landscape. As such it would be contrary to Highland Council's **Badenoch and Strathspey Local Plan** which requires that tourist developments associate well with the prevailing pattern of building, or be well absorbed visually by landform and trees (section 2.2.10) and also contrary to Policy L4 (Landscape Character) of the Highland Structure Plan (2001). The proposed development would be injurious to the landscape character of the area and would detract from the enjoyment of the rural qualities of this area by the general public and is therefore contrary to the first and third aims of the National Park. The proposed indicative design of the holiday chalets also does little to achieve compliance with the second aim of the National Park. The proposed development would create an extremely prominent precedent for unsympathetically designed and landscaped new developments in the National Park.
2. The erection of a holiday chalet development on this exposed and prominent site would result in a detrimental impact upon the local and wider landscape. Approval would also set an unacceptable precedent for further development of this nature in the immediate vicinity, in an undeveloped rural area which is not identified as having development potential in the **Supplementary Policy Note** of the **Badenoch and Strathspey Local Plan**.

⁶ Figures provided in the supporting documentation in relation to the promotion of sustainable economic development cannot be considered accurate. Reference is made in the document to each chalet being occupied for at least 75% of the year. This is inconsistent with official information from Visit Scotland, where occupancy statistics for self catering accommodation indicate an average occupancy figures of 54.25% per annum, based on 2005 statistics.

3. The development of holiday accommodation units at the proposed location, which is remote from services and tourist facilities and is in an area which is not served by public transport, would promote greater reliance on private vehicles and as such would not be in the interests of achieving sustainable development and would be contrary to the second aim of the National Park.
4. The proposed development could result in the loss or displacement of a number of bird species, which would ultimately contribute another increment to the decline of the wader population in this area of the Park, and would therefore detract from the Park's special qualities and its importance for natural heritage. The development would therefore fail to promote the first aim of the National Park.

Determination background : The application was called in by the Cairngorms National Park Authority at the Planning Committee meeting of 18th November 2005. Shortly after this a phone call was received from the applicant requesting that the application be held in abeyance until the submission of supporting documentation. Whilst awaiting the documentation the consultation process commenced. Information was received from the applicants agent on 23rd February 2006, following which the assessment of the proposal continued.

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11 May 2006

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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.