
CAIRNGORMS NATIONAL PARK AUTHORITY

Title: REPORT ON CALLED-IN PLANNING APPLICATION

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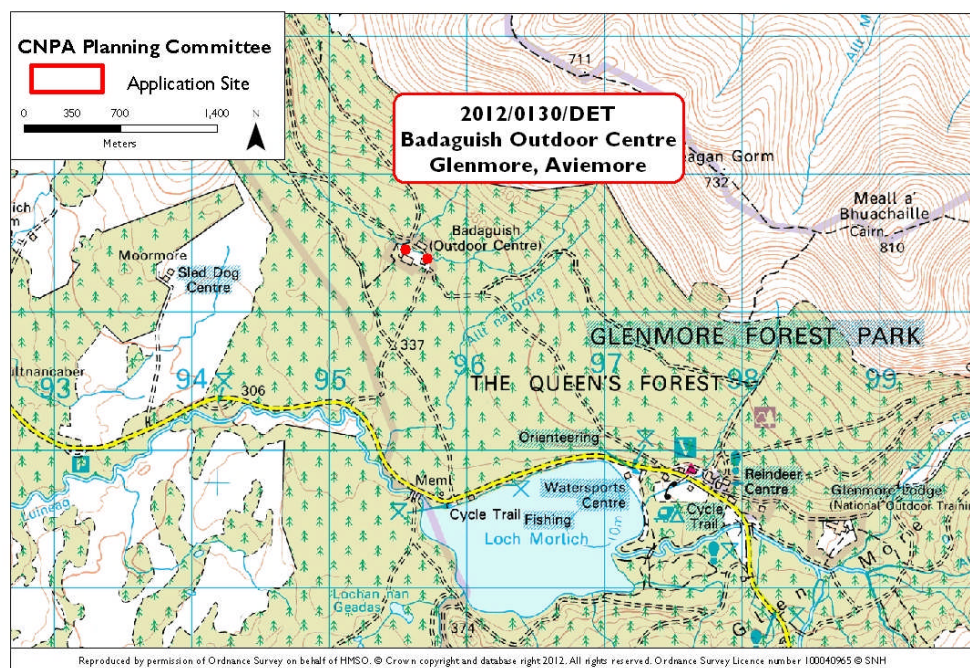
DEVELOPMENT PROPOSED: APPLICATION UNDER SECTION 42 TO VARY CONDITION I (CNPA REF. NO. 10/107/CP) RELATING TO TIME LIMITS AT SPEYSIDE TRUST BADAGUISH OUTDOOR CENTRE, GLENMORE, AVIEMORE

REFERENCE: 2012/0130/DET

APPLICANT: THE SPEYSIDE TRUST

DATE CALLED-IN: 27 APRIL 2012

RECOMMENDATION : APPROVE WITH CONDITIONS



Grid reference : 295588 811330

Fig. 1 - Location Plan

SITE DESCRIPTION AND PROPOSAL

1. This application relates to land at the Speyside Trust's Outdoor Centre at Badaguish in Glenmore, approximately 6.5 kilometres to the east of Aviemore. The application has been made under Section 42 of the Town and Country Planning (Scotland) Act 1997.¹ Permission is sought to vary condition no. 1 of consent (ref. no. 10/107/CP) which was previously granted for the 'temporary use of ground for the siting of 10 pre-fabricated timber wigwam tents.' That planning permission was granted in May 2010 and condition no.1 stipulated that the permission was for a temporary period only, expiring on 11th June 2012. The purpose of the current Section 42 planning application is to vary the terms of that condition, to extend the period of temporary consent. The details on the application form indicate that the extended period of temporary consent is being sought until "30 December 2014 or on completion of the wigwams under consent no. 2011/0206/DET granted 20/01/2012, whichever is the sooner of the two scenarios."
2. The 10 wigwams which are the subject of the existing temporary permission are in place on at two locations on the Outdoor Centre lands – 6 of the wigwams are positioned in a linear arrangement on part of an open grassed area in a central position within the existing developed area (and is also used for camping and games), with the remaining 4 units located on open ground in the eastern area of the site in the vicinity of two existing holiday lodges and adjacent to land on which planning permission exists for the development of a new car parking area to serve the Outdoor Centre.²



Fig. 2 : Existing wigwams in east of site



Fig. 3 : Wigwams set to side of grassed area

3. The wigwams are of a uniform design and are essentially 'camping cabins.' Each triangular shaped unit has a floor area of approximately 2.4m x 3.6m. The wigwams are of timber construction. Each unit has a centrally positioned entrance door in the front elevation, with natural light provided by a roof light on the side elevations. Internally, each wigwam has sleeping platforms and is capable of accommodating up to five adults.

¹ Section 42 applications refers to the determination of applications to develop land without compliance with conditions previously attached.

² CNPA planning ref. no. 09/925/CP refers. Planning permission was granted in April 2010 for the formation of a walk / cycleway, the formation of passing places, and additional car parking. The development has not yet commenced.

Background to the wigwam development

4. Details provided in support of the earlier proposals for the temporary development of the 10 wigwams on the site indicated that the development was part of a pilot test in order to monitor and assess the viability, demand and suitability of the units prior to embarking on a larger scale and more permanent venture. The units have been in place in their temporary positions since the summer of 2010.
5. Following an initial operation period, the Speyside Trust sought planning permission in 2011 for the development of a larger, permanent wigwam site as part of an expansion of the Outdoor Centre. The CNPA granted planning permission in January 2012 for the erection of 35 wigwams, an on-site activity area and canvas tent area and mountain bike free ride trail (CNPA ref. no. 2011/0206/DET refers). It is the applicant's intention that once development commences, the 10 existing wigwams would be transferred from their temporary location to the permanent site, which lies immediately to the north of the existing complex area.

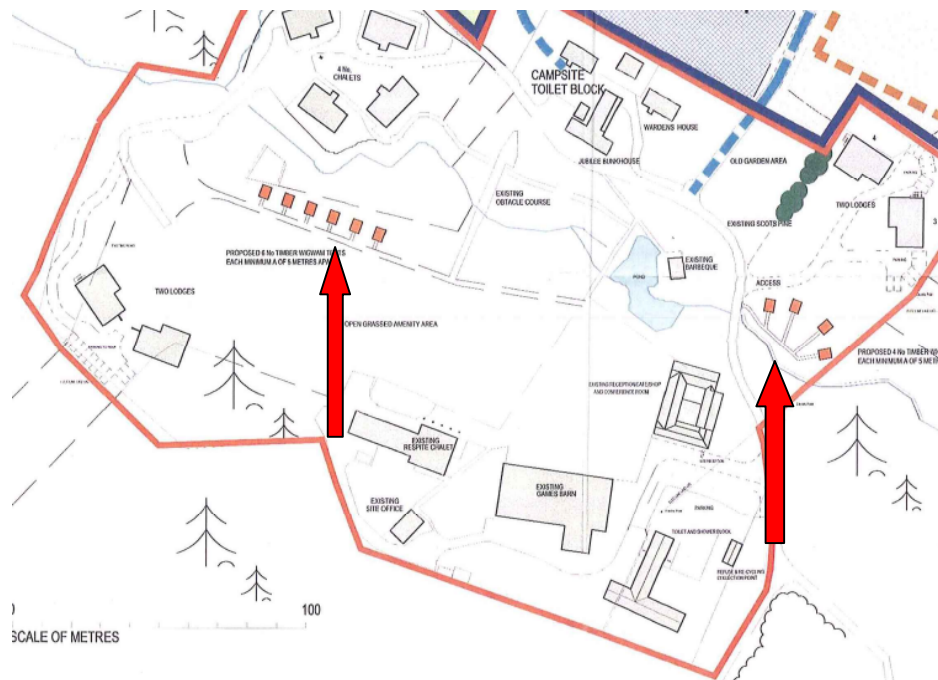


Fig. 4 : Existing wigwam locations

Justification to extend the period of temporary consent

6. Development has not yet commenced in connection with the new permanent wigwam area. Information supporting this application refers to discussions which are on-going at the present time between the Speyside Trust and the Forestry Commission.³ It is stated that the “Forestry Commission are in agreement to lease the land to the Centre for the purposes of providing the accommodation but have obligations which require to be addressed.....these obligations are being worked through at present but it is a complicated process and will take some further time to finalise.” Reference is also made to a number of practicalities associated with the physical development once the

³ The Forestry Commission are with the owners of the land which would accommodate the expansion

lease is agreed, including necessary tree felling which would require to be undertaken at an appropriate time to avoid bird breeding and nesting periods.

7. In taking all of those aspects into account, the applicants are seeking to vary condition no. 1 of the temporary consent, to allow the 10 units to remain in their current positions for a further temporary period. This is primarily to allow the centre to continue to provide the services that are currently available in the period between now and the new wigwam area being developed. The pilot project of 10 wigwams is described in documentation as being 'very successful' as it has made accommodation at the centre more affordable for youth and community groups and has also helped to minimise the effects of the current recession. The suggested date for the extension of the temporary permission is until 30 December 2014, with that date coinciding with the deadline for the uptake of the European Funding which is enabling the larger expansion project to proceed. The submission from the applicants clarifies that they are prepared to accept a condition stipulating that the end of the temporary period would be on "30 December 2014 or on completion of the wigwams under consent no. 10/107/CP, whichever is the sooner."

Section 42 planning applications

8. Section 42 of the Town and Country Planning (Scotland) Act 1997, as amended, is a mechanism which allows for the submission of a planning application for the development of land without complying with, or varying conditions pertaining to the previous planning permission. Section 42 of the Act stipulates that in this type of application "the planning authority shall consider only the question of the conditions subject to which planning permission should be granted." Therefore in the context of this application, the only matter which is required to be considered is the appropriateness and acceptability of varying condition 1 to extend the period of the temporary permission.

DEVELOPMENT PLAN CONTEXT

National policy

9. **Scottish Planning Policy⁴ (SPP)** is the statement of the Scottish Government's policy on nationally important land use planning matters. It supersedes a variety of previous Scottish Planning Policy documents and National Planning Policy Guidance. Core Principles which the Scottish Government believe should underpin the modernised planning system are outlined at the outset of **SPP** and include:
 - The constraints and requirements that planning imposes should be necessary and proportionate;
 - The system shouldallow issues of contention and controversy to be identified and tackled quickly and smoothly; and
 - There should be a clear focus on quality of outcomes, with due attention given to the sustainable use of land, good design and the protection and enhancement of the built and natural environment.

⁴ February 2010

10. **SPP** emphasises the key part that development management plays in the planning system, highlighting that it should “operate in support of the Government’s central purpose of increasing sustainable economic growth.” Para. 33 focuses on the topic of Sustainable Economic Growth and advises that increasing sustainable economic growth is the overarching purpose of the Scottish Government. It is advised that “the planning system should proactively support development that will contribute to sustainable economic growth and to high quality sustainable places.” Planning authorities are encouraged to take a positive approach to development, recognising and responding to economic and financial conditions in considering proposals that would contribute to economic growth.

11. Under the general heading of Sustainable Development, it is stated that the fundamental principle is that development integrates economic, social and environmental objectives, and that the “aim is to achieve the right development in the right place.”

Strategic Policies

Cairngorms National Park Plan (2007)

12. The Cairngorms National Park Plan sets out the vision for the park for the next 25 years. The plan sets out the strategic aims that provide the long term framework for managing the National Park and working towards the 25 year vision. Under the heading of ‘conserving and enhancing the special qualities’ strategic objectives for landscape, built and historic environment include maintaining and enhancing the distinctive landscapes across the Park, ensuring that development complements and enhances the landscape character of the Park, and ensuring that new development in settlements and surrounding areas and the management of public spaces complements and enhances the character, pattern and local identity of the built and historic environment.

13. Under the heading of ‘Living and Working in the Park’ the Plan advises that sustainable development means that the resources and special qualities of the national park are used and enjoyed by current generations in such a way that future generations can continue to use and enjoy them. Section 5.2.3 of the Park Plan acknowledges that tourism is one of the primary forms of employment in the Park, although many jobs in this and other sectors are highly seasonal and with little long term security. Strategic objectives for economy and employment include creating conditions that are conducive to business growth and investment that are consistent with the special qualities of the Park and its strategic location and the promotion of green business opportunities. Section 5.3 of the Plan concerns ‘enjoying and understanding the park’ noting that the Cairngorms National Park is known for its outstanding environment and outdoor recreation opportunities and advises that the vision for the Park seeks to “go further and develop a world class destination which plays a significant part in the regional and national tourism economy.”

Structure Plan Policy

Highland Council Structure Plan (2001)

14. **Highland Council Structure Plan** is founded on the principles of sustainable development, which are expressed as –
 - Supporting the viability of communities;
 - Developing a prosperous and vibrant local economy; and
 - Safeguarding and enhancing the natural and built environment.A variety of detailed policies emanate from the principles.
15. The following provides a brief summary of the policies applicable to a development of this nature. **Policy NI – Nature Conservation** advises that new developments should seek to minimise their impact on the nature conservation resource and enhance it wherever possible. The Plan refers to the socio-economic benefits of the nature conservation resource and advises that it should be optimised by a high level and standard of interpretation and understanding wherever possible.
16. Section 2.4 of the Plan concentrates on the subject of landscape. **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.”
17. **Policy G2 (Design for Sustainability)** states that developments will be assessed on the extent to which they, amongst other things make use of brownfield sites, existing buildings and recycled materials; are accessible by public transport, cycling and walking as well as car; are compatible with service provision; demonstrate sensitive siting and high quality design in keeping with local character and historic and natural environments; and contribute to the economic and social development of the community.
18. The Structure Plan recognises that tourism is a vital element of the Highland economy. **Policy T2 (Tourism developments)** supports high quality tourism development proposals, particularly those which extend the tourism season. **Policy T3** specifically relates to **Self catering tourist accommodation** and indicates that “permission for tourist accommodation proposals will be granted only on the basis of the development not being used for permanent residential accommodation. This will be secured by means of an appropriate occupancy condition.”

Local Plan Policy

Cairngorms National Park Local Plan (2010)

19. The Badenoch and Strathspey Local Plan (1997) was in effect at the time that the temporary permission was granted for the 10 wigwams in 2010 and was a material consideration in the determination of that application. That plan was superseded by the Cairngorms National Park Local Plan when it was adopted on 29th October 2010. The full text can be found at :
<http://www.cairngorms.co.uk/parkauthority/publications/results.php?publication>

[ID=265](#) The following paragraphs refer to the range of policies which are now applicable to the subject site.

20. Policy 6 – Landscape : there will be a presumption against any development that does not complement and enhance the landscape character of the Park, and in particular the setting of the proposed development. Exceptions will only be made where any significant adverse effects on the landscape are clearly outweighed by social or economic benefits of national importance and all of the adverse effects on the setting of the proposed development have been minimised and mitigated through appropriate siting, layout, scale, design and construction.
21. Policy 16 – Design Standards for New Development : this is one of a number of policies which is intended to encourage developers to consider how they can best include the principles of sustainable development in their proposals, and consider the impact on the environment, economy and community. Policy 16 requires that all proposals are accompanied by a design statement which sets out how the requirements of the policy have been met. The design of all development is encouraged to :
 - Reflect and reinforce the traditional pattern and character of the surrounding area and reinforce the local vernacular and local distinctiveness, whilst encouraging innovation in design and materials;
 - use materials and landscaping that will complement the setting of the development;
 - demonstrate sustainable use of resources; and
 - be in accordance with the design standards and palette of materials as set out in the Sustainable Design Guide.
22. Policy 33 – Tourism related development : tourism related development which has a beneficial impact on the local economy through enhancement of the range and quality of tourism attractions and related infrastructure, including accommodation, will be supported provided that the development would not have an adverse impact on the landscape, built and historic environment, or the biodiversity, geodiversity, or the culture and traditions of the Cairngorms National Park.

CONSULTATIONS

23. **Aviemore Community Council** and **Glenmore and Rothiemurchus Community Association** were each consulted on this planning application. No response was received at the time of preparing this report.

REPRESENTATIONS

24. The application was advertised in the Strathspey and Badenoch Herald on 24th April 2012. No representations have been received.

APPRAISAL

25. In determining this planning application regard is to be had to the development plan and the determination shall be made in accordance with the plan unless material considerations indicate otherwise. Crucially as this is an application made under Section 42 of the Town and Country Planning (Scotland) Act 1997, as amended, the matter on which the Planning Committee are being asked to decide is very specific, concerning only the period of temporary consent stipulated in condition no. 1 of the original planning permission (CNPA ref. no. 10/107/CP) and whether or not to agree to the request to vary that condition to extend the temporary period until 31 December 2014 or until completion of the wigwams granted under 11/0206/DET, whichever is the sooner.
26. The principle of wigwams on the site remains acceptable. The nature of the facility provided is consistent with the general operation of the Outdoor Centre, and as highlighted in the submission supporting the proposal, the pilot phase of the wigwam accommodation has already demonstrated the benefits, including the provision of more affordable facilities for youth and community groups holidaying at the centre. Although the original application was determined under the Badenoch and Strathspey Local Plan (1997), the continued temporary siting of the 10 wigwams in their current locations would also accord with Local Plan policies which are now applicable under the Cairngorms National Park Local Plan (2010) including Policy 6 – Landscape and Policy 33 – Tourism Development.
27. The retention of and continued operation of the wigwams in their current locations, potentially until December 2014, does not raise any issues in relation to landscape impact. The units are limited in number and scale, require little associated infrastructure and would be easily moveable at the end of the period of consent. The structures blend in sufficiently with other buildings on the site.
28. In conclusion, the proposal does not raise any significant implications in terms of planning policy or have any other technical constraints. The continued operation of the 10 wigwams in their current temporary locations at the Outdoor Centre would continue to deliver both social and economic benefits to user groups and the centre operators respectively. It would avoid the difficulties that might otherwise arise from a break in the continuity of this facility being offered prior to the permanent wigwam expansion area being developed. It is therefore recommended that the request to vary the terms of condition no. 1 of the original consent be agreed.

IMPLICATIONS FOR THE AIMS OF THE NATIONAL PARK

Conserve and Enhance the Natural and Cultural Heritage of the Area

29. The continued retention of the 10 wigwams in their current locations for a further limited period of time would not be injurious to this aim. The development is small scale in the context of the overall established

development at the Outdoor Centre. The units have assimilated with the existing structures and do not raise any issues in relation to natural heritage interests.

Promote Sustainable Use of Natural Resources

30. The primary construction material in the wigwams is timber and is therefore an example of the sustainable use of natural resources.

Promote Understanding and Enjoyment of the Area

31. The 10 wigwams have successfully provided a cost effective accommodation option for users of the Outdoor Centre and their presence may be of assistance in attracting additional visitors to the area to experience the special qualities of the National Park. The nature of the accommodation is also of particular benefit in providing camping style accommodation that is usable outside the traditional summer camping season, thereby providing users with an increased opportunity to experience the National Park at various times throughout the year.

Promote Sustainable Economic and Social Development of the Area

32. The continued provision of the wigwam facility at the Badaguish Outdoor Centre is of benefit in broadening the range of tourist accommodation on offer in the area. The wigwams have already increased the accommodation usage at the Outdoor Centre outwith the traditional summer months camping season. This increased usage outside the traditional high season has the potential to generate associated visitor spend in the wider area.
33. In addition, income which would continue to be generated from the wigwams would be of assistance in the overall operations of Speyside Trust at the Badaguish Outdoor Centre, including assisting in furthering their approved plans for an expansion of the facility. In addition to benefitting the economic situation of the centre, this would also be of assistance in achieving the principle aim of the Trust which is to deliver charitable services, particularly to disabled users of the recreational facility.

RECOMMENDATION

That Members of the Committee support a recommendation to vary condition no. 1 of CNPA planning ref. no. 10/107/CP to extend the period of temporary permission for 10 wigwams at the Speyside Trust Badaguish Outdoor Centre, Glenmore, subject to the following condition :

- I. This approval relates solely to the variation of condition 1 of CNPA planning ref. no. 10/107/CP, to extend the period of temporary consent until 31 December 2014 or until the completion and coming into operation of the first phase of the wigwam development which was granted under CNPA planning ref. no. 2011/0206/DET, whichever is the sooner. At the end of the stipulated period the use of the wigwams in their current locations shall be permanently discontinued and the land reinstated to its former condition or such condition

as otherwise agreed to the satisfaction of the Cairngorms National Park Authority acting as Planning Authority, unless a further extension of the time period has been granted by the relevant Planning Authority. Nothing contained in this consent shall be deemed to affect or vary the conditions imposed on the extant planning permission CNPA planning ref. no. 10/107/CP.

Reason: To ensure the conditions imposed by the previous consent remains applicable.

Mary Grier
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11 June 2012

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.