
CAIRNGORMS NATIONAL PARK AUTHORITY

Title: REPORT ON CALLED-IN PLANNING APPLICATION

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

DEVELOPMENT PROPOSED: DESIGN REVISION TO PROPOSED BUILDING GRANTED PLANNING PERMISSION UNDER BS/02/119 ON LAND BETWEEN THE A889 AND RIVER TRUIM, NEAR DALWHINNIE JUNCTION, A9, DALWHINNIE (FULL PLANNING PERMISSION)

REFERENCE: 05/501/CP

APPLICANT: TANMOOR HOTEL LTD., THE SQUARE, BEAULY, INVERNESS-SHIRE.

DATE CALLED-IN: 16TH DECEMBER 2005

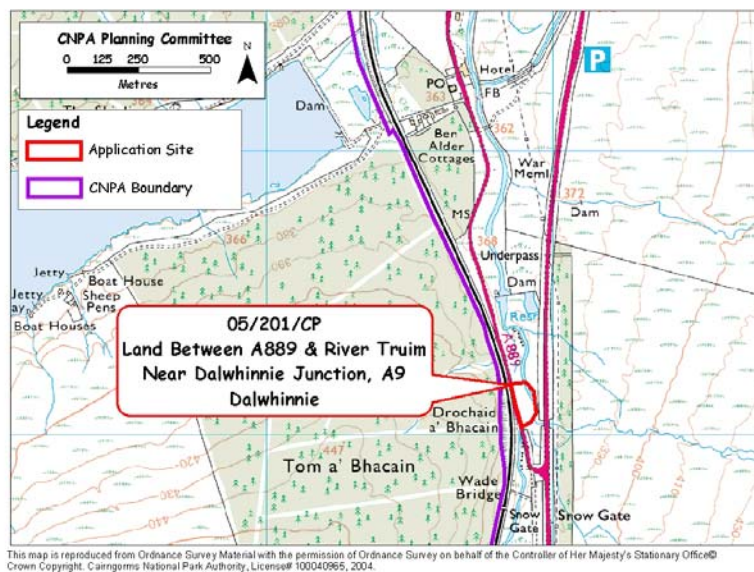


Fig. 1 - Location Plan

SITE DESCRIPTION AND PROPOSAL

1. The development proposal relates to amendments to the design of a building originally permitted in 2004 for use as a tourist information centre, shop and restaurant (Highland Council planning ref. no. BS/02/119 refers). The site is located adjacent to the A889, close to its junction with the A9 and approximately 1 kilometre south of the settlement of Dalwhinnie. The application site consists of an area of land formed from hard standing which is believed to have been created by upfilling at the time of construction of the A9 trunk road. The western boundary of the proposed site is bounded by the A889, with the River Truim winding its way along to form the eastern boundary of the site, with the A9 beyond that. The extremities of the site contains low level birch and other scrub vegetation.



Fig. 2 : proposed site as viewed from the A889



Figs. 3 & 4 : proposed site

2. Planning permission was originally granted by Highland Council on the site in 2004 for the erection of a building which was to contain a tourist information area (30.78 sq.m.), shop area (30.28 sq.m.) and a cafeteria and restaurant area (approx. 112 sq.m.), together with toilets, kitchen, service and staff areas, all at ground floor level. The building included a double height ceiling over the public areas. The upper floor included two bedrooms, bathroom, kitchen and sitting / dining area intended as staff accommodation. Roofing material was natural slate, with the remainder of external finishes detailed as being "traditional", but to be agreed at a later stage with the Planning Authority. The south eastern elevation in particular i.e. the elevation with maximum visibility from the A9, included a

large amount of glazing at ground floor level. The design concept was based on a triangular form, which has been described in documentation submitted with the current application as having a barn type appearance. The overall floor area of the permitted structure was approximately 440 square metres. Externally the site area included a service yard and car parking provision for 32 cars, together with 2 coach spaces and bicycle and motorcycle spaces.

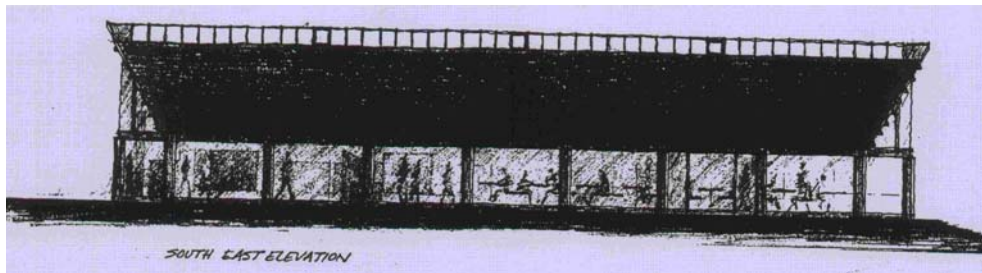


Fig. 5 : development already permitted

- Members will recall that a previous application seeking full permission for an amended design was submitted and called in by the CNPA in 2005. The development proposal (CNPA planning ref. no. 05/201/CP) was refused in July 2005 by the CNPA acting as Planning Authority on the grounds of design and visual impact¹ and the fact that the proposed tourist information area was smaller than that originally permitted and as such was not considered to make sufficient provision for the promotion of local communities and would fail to offer opportunities to promote the understanding and enjoyment of the special qualities of the area.² The design in that application differed significantly from the existing permission on the site, with the structure being a contemporary design, cylindrical in form (described in supporting material as the 'Dalwhinnie Drum') under a flat roof. The exterior of the structure was proposed to have a finish consisting of a mix of timber and render. The three main component uses of the originally permitted proposal were incorporated into the new design, although the distribution of floor space associated with each component differed significantly from the original proposal. In the course of that application information submitted from the designers expressed the applicants view that "a design of greater merit was required for this prominent site" and it was the designers contention that Dalwhinnie requires a distinctive building form to act as a 'gateway' and that the

¹ Reason no.1 - "The proposed development by reason of its overall design would represent a prominent and inappropriate feature, alien in form to the surrounding rugged upland landscape, and sited in a position that offers little natural screening and is highly visible from the approaches. The proposed design would be injurious to the visual amenity of the area, would detract from the enjoyment of the views and special qualities of this area of the Cairngorms National Park, close to the busiest entry point, by the general public and would set a precedent for further structures of this nature in similar open and sensitive landscapes in the vicinity."

² Reason no. 2 - "The proposed tourist information area is smaller than that originally permitted and as such is no considered to make sufficient provision for the promotion of local communities or adequate provision of interpretative material regarding the Cairngorms National Park and would therefore fail to offer opportunities to promote the understanding and enjoyment of the special qualities of the area by the public in accordance with the third aim of the Cairngorms National Park."

design quality of the building was to be an attraction in itself. The decision of the CNPA's Planning Committee was not appealed to the Scottish Executive. The applicant has instead chosen to submit a new application in an attempt to address previous concerns and overcome the past reasons for refusal of planning permission.

4. The current development proposal follows a very similar design approach to that previously employed, with a contemporary cylindrical structure proposed in the southern area of the site. The internal floor area of the overall building is 490 sq.m., with the ground floor occupying 315 sq.m., while the basement area has a total floor area of 175 sq.m.. Preparation and storage areas and plant areas, together with staff restrooms and public toilet facilities are proposed in the basement. At ground floor level, the internal floor space arrangement is divided between a retail element (43.30 sq.m.), tourist information facility (48.30sq.m.), service areas (89.70 sq.m.), circulation space (36.20sq.m.) and café / restaurant area (97.80sq.m.). In addition within the 'drum' structure is an open air play space and terraced area, with the provision of additional restaurant seating indicated in the latter area. The external finishes proposed consist of a combination of render finish on walls, together with extensive use of horizontal and vertical timber louvers and with all doors and windows having a colour coated aluminium frame. The building is proposed to have a flat roof of curved metal. Glazed areas are proposed on the southern elevation of the café / restaurant element of the structure. However, the glazed areas are to be largely concealed through the use of the timber louvers surrounding the open air terrace areas. The terrace and play area is created in an unroofed space between the render finished and glazed southern and part of the western walls of the internal floor space, with the terrace and play area subsequently being enveloped by an exterior circular layer. The exterior layer, consisting mainly of the timber louver finish effectively encases the main body of the structure, and to a certain extent camouflages the significant areas of rendered walls.

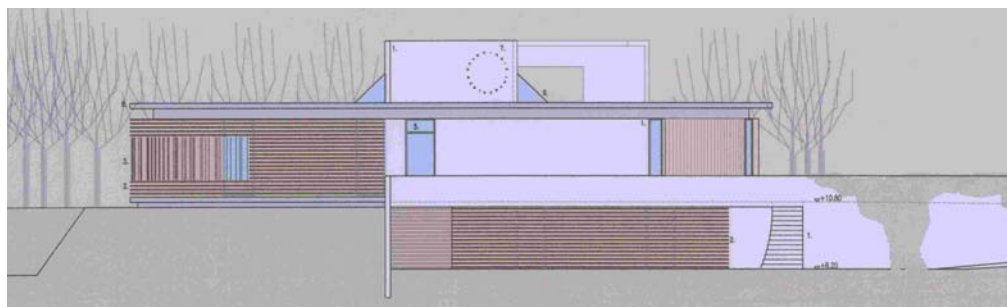


Fig. 5 : Eastern elevation

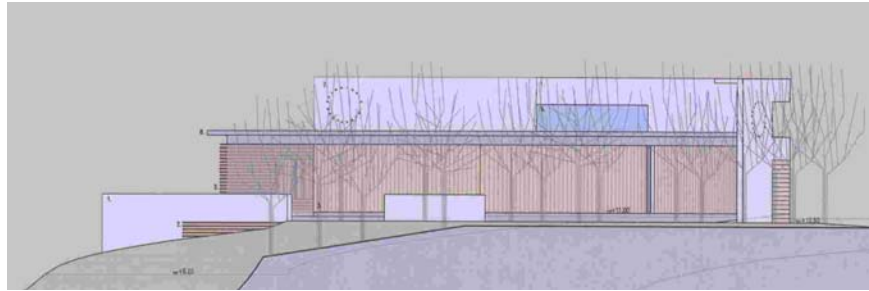


Fig. 6 : Northern elevation



Fig. 7 : photomontage of proposed view from A889

5. The Design Statement accompanying the application states that the “proposed building seeks to integrate with the wider landscape by means of its curved form, timber screens, and extended retaining walls. White walls are the norm for traditional buildings in the Scottish landscape. Retaining walls will be planted such that the surfaces merge with the landscaping.”
6. The site layout includes the provision of 37 car parking spaces to the north of the proposed structure, dispersed into four distinct areas. Of the 37 spaces, three are allocated for disabled parking. A further area adjacent to the roadside boundary is allocated for coach parking provision or overspill parking. Two vehicular access points onto the public road are located either side of this area, allowing the opportunity for the creation of an entry / exit system. A tarmac finish is proposed over some of the car parking area. However, in an effort to minimise the extent of hard surfacing associated with this area of the site, the use of ‘grasscrete’ is proposed in the coach parking / overspill car parking area. Documentation submitted on behalf of the applicant indicates that the intention is to minimise hard surface areas as part of the landscape design, with only the main car park and access road being tarmaced. The information puts forward the case that it is “not practical to do anything else for such a small area.” In addition to the dual vehicular entrance / exit arrangement to serve the site, a short pedestrian access leading directly from the A889 to the entrance to the building is proposed and it is indicated that this area would have a paver finish, possibly featuring the use of Caithness slate.

7. Some basic landscaping proposals have been submitted as part of the application documentation. The landscaping plan indicates the provision of a significant level of planting in the south western corner of the site i.e. bounded by the A889 to the west, the river edge to the south and the proposed building to the north east. Planting is also proposed following the circular form of the structure as it extends in a north westerly direction. Further areas of landscaping are also proposed between the car parking area and the embankment / river edge, as well as a planted area north of the entrance / exit point and coach parking area adjacent to the roadside. The design statement and landscaping details forming part of the submission refers to an intention to form an attractive riverside setting for the building, with the landscaping seeking “to reflect the local specific character of the Cairngorms.” However, specific details have not been provided regarding quantities, height or levels of maturity of vegetation at the time of planting. It is indicated that screen planting using native species will be undertaken, with birch interspersed with Scots Pine mentioned in particular, with the use of the latter intended to “give depth and longevity to Birch plantations.” The use of alder and willow is proposed for screen planting purposes in the embankment / river edge area of the site, with a concentration of locally significant species proposed for use over the rest of the embankment. Blackberry, bog myrtle, raspberry and juniper are detailed as examples to be used in forming mosaic thickets. Other proposals for the embankment include overseeding with “local provenance wild grass flower mix” and creating “occasional boulder outcrops to edge.”
8. With the exception of minor changes to the structure, the overall design concept has not altered dramatically from that previously refused, although the internal arrangement and distribution of floor space has altered in response in particular to reason number two of the previous refusal and the issue of ensuring that there is adequate provision for the tourist information facilities etc. The following table provides a brief summary of the changes to the internal dimensions, although it should be noted, as detailed in para. 4 of this report that the current proposal also includes sheltered outdoor terrace areas to be used in conjunction with the café / restaurant facility, and that area has not been included in floor space calculations.

Area	Ref. No. BS/02/119 (permitted)	Ref. No 05/201/CP (refused)	Ref. No 05/501/CP (current)
Service	135 sq.m.	165.30 sq.m.	89.70sq.m.
Café / restaurant	112.10 sq.m.	135.80 sq.m.	97.80 sq.m.
Retail	40.20 sq.m.	25.00 sq.m.	43.30sq.m.
Tourist info.	30.00 sq.m.	25.50 sq.m.	48.30 sq.m.
Circulation	8.70 sq.m.	36.8 sq.m.	36.20 sq.m.

Table 1 : Comparison of floor area use distribution

9. A ground floor layout plan shows an indicative seating layout of fourteen circular tables, each seating four (total = 56), as well as seven individual

seats accommodated in a small espresso café area. In addition, further restaurant seating in the form of six tables, each seating four (total = 24), is indicated in part of the sheltered open air terrace area, thereby resulting in an indicative seating capacity of 87 in the café / restaurant area. The previously refused proposal included a significantly larger internal restaurant floor area, as well as greater seating capacity in a larger terrace area. An indicative total seating capacity of 167 was shown in that instance. The reduced floor area of the café / restaurant element in the current proposal has resulted in a redistribution of floor space providing an increase of approximately 18 sq.m. in the retail unit, and a significant increase in the floor space of the proposed tourist information facility, increasing from an area of 25 sq.m. identified in the previously refused proposal to 48.3 sq.m. in the current proposal. External solid walls, devoid of any glazing are proposed in this area in an effort to further increase the exhibition space available for tourist information.

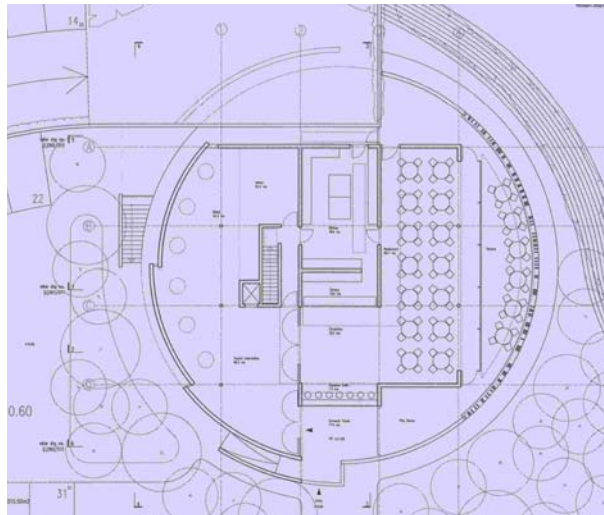


Fig. 8 : proposed ground floor layout

10. As with the previously permitted proposal, the development is proposed to be served by a new septic tank draining to a soakaway pit / perforated pipe system, and water is to be provided from the public water supply.
11. A completed questionnaire³ accompanying the application indicates that a maximum of nine staff would be involved in operating the proposed facility at any one time, distributed between seven restaurant staff (3 cooking / cleaning and 4 serving), one employee manning the tourist information facility and one shop sales person.

DEVELOPMENT PLAN CONTEXT

National Policy

³ Highland Council 'Questionnaire for Planning Applications involving industrial or commercial use.'

12. **NPPG 9 on The Provision of Roadside Facilities on Motorways and Trunk Roads in Scotland** includes a specific policy pertaining to the A9. Entitled Other Trunk Roads – A9 Policy, para. 23 refers to the existing policy of restricting service facilities to those provided in the bypassed settlements on the sections of the A9 which were reconstructed approximately 30 years ago between Inveralmond (Perth) and Arduilie on the Cromarty Firth.
13. **SPP 17 : Planning for Transport (Consultation Draft)** was published in January 2004 and is intended to replace **NPPG 9 – The Provision of Roadside Facilities on Motorways and Other Trunk Roads in Scotland, NPPG 17 – Transport and Planning** and **SPP17 – Transport and Planning Maximum Parking Standards Addendum to NPPG17**. A consultation procedure was undertaken in 2004, but SPP17 has not yet been adopted.
14. The summary of **SPP 17 : Planning for Transport (Consultation Draft)** highlights the issue of roadside service facilities stating that they are a “special case of development affecting strategic routes”, where the comfort and safety of drivers should be accommodated through the provision of opportunities to stop and rest, with additional facilities in appropriate locations from toilets through to full service area provision.
15. Para. 64 of **SPP 17** deals specifically with the A9 Policy. Reference is made to the “long standing policy embodied in structure plans of restricting service facilities to those provided in the by-passed settlements” but acknowledges that in the 30 years since A9 reconstruction, the economies of the by passed settlements have successfully adopted to their new role. Accordingly, **SPP 17** proposes that “national policy for the A9 should now revert to the general considerations under Development affecting trunk and other strategic roads, and Roadside service facilities provision – General and Other Trunk and Strategic Roads, as detailed elsewhere in the document. In terms of the policy on Roadside service facilities provision – General, it is stated that the “level of facilities provided should be realistic relative to traffic flow, operator interest, the impact on the economies of the wayside and bypassed communities, infrastructure costs, and the environmental character of the route corridor.” It is stated that Planning Authorities should make provision in their development plans for a range of roadside facilities and should avoid being unduly restrictive unless there are legitimate land use, environmental, road safety or traffic management justifications.
16. Para. 64 concludes in relation to the A9, that in the event that local authorities, having regard to the aforementioned policies, “decide that roadside facilities on the A9 are acceptable, design quality will be an additional paramount consideration of continuing national concern”. The policy specifically mentions the fact that any developments occurring should “complement the special character of the area, including the Cairngorms National Park.”

17. Informal advice from the Scottish Executive suggested that the provisions of **SPP 17** regarding the A9 as contained in the consultative draft are “unlikely to change.”

The Highland Structure Plan 2001

18. Section 2.16.7 details the Structure Plan policy on Roadside Services and refers to the fact that central Government guidance i.e. NPPG 9, had re-affirmed the policy of resisting roadside service developments outwith existing settlements on the A9. It is stated that Highland Council fully supports the policy in the interests of the economies of by-passed settlements and the environmental safeguarding of this key strategic route.
19. Policy TC8 details the specific Service Facilities policy, where it is stated that “The Council will promote and support commercial service facilities for road users within nearby settlements on the A9 between the Drumochter Pass and Ardullie and oppose direct facilities on the Trunk Road. The Council will support appropriate signage of these facilities from the A9. Informal roadside facilities from the A9, such as toilets and picnic sites, will be supported subject to the Route Strategy Study of the National Roads Directorate.”
20. The subject site is located within an Area of Great Landscape Value (AGLV) and consequently Policy L4 on Landscape Character applies, where any proposed development must have regard to the desirability of maintaining and enhancing present landscape character.

Badenoch and Strathspey Local Plan 1997

21. The Local Plan includes a specific section on Roadside Development (section 2.2.18) where it is stated that the Highland Council will continue to operate their joint A9 policy with the Scottish Office which presumes against the provision of roadside commercial facilities in favour of concentrating services within by-passed communities.
22. **For information purposes only** : The Consultation Draft of the Cairngorms National Park Local Plan identifies the subject site as being within a General Policy 1 area. Within such areas, “development will 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 the development, it will only be permitted where it is considered that these would be outweighed by social and 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.
23. The **Consultation Draft Cairngorms National Park Local Plan** includes a settlement statement on Dalwhinnie. The subject site is outside the settlement boundary identified on the map accompanying that statement.

The settlement statement describes Dalwhinnie as effectively being the south western 'gateway' into the National Park. In terms of opportunities for the area, the draft Plan highlights the importance of encouraging diversification of the local economy in general, and diversifying the facilities and attractions that are available for tourists. It also notes that the "surrounding areas are of high landscape value, and any new developments should not compromise the scenic beauty or special qualities of the area."

CONSULTATIONS

24. Given the striking, contemporary nature of the proposed development, the fact that it differs significantly from the previously permitted design concept, and having regard to the proposed prominent siting within a rugged upland landscape, specialist comments were sought from **Architecture and Design Scotland**⁴ (hereafter referred to as A+DS). **A+DS** has commented that the "current designs are a development of those originally submitted, and **A+DS** would therefore reiterate its earlier response." The **A+DS** response in relation to the refused application - 05/201/CP - referred to the design as a considerable improvement on that previously permitted, describing the level of architectural ambition as encouraging. **A+DS** did not consider that the size of the compared with that previously submitted should not be of concern. The consultation response however expressed some concern regarding the lack of clarity of intentions for the landscaped areas surrounding the building and suggested that more consideration needed to be given to the design and possible screening of the car and bus park "which are an integral part of the proposals and would be a prominent feature, particularly in entering the site and when viewed from nearby roads. External surfaces, walls and other structures, and planting all need to be considered as part of a comprehensive landscaping proposal".
25. In terms of the current application **A+DS** state that the "proposal should be supported and its designers encouraged." The additional information provided regarding landscape proposals is welcomed, although the response suggests that a specialist landscape consultant should be appointed to ensure that trees, plants and external finishes specified are appropriate to the exposed location.⁵ **Architecture and Design Scotland** conclude with a recommendation that the application be approved.

⁴ Architecture and Design Scotland have taken over the role of the Royal Fine Arts Commission for Scotland, and their design review service is intended to provide expert advice on the quality of design in applications, with a view to raising the quality of new developments so that "high standards of design are the rule, not the exception."

⁵ Further to the applicants agent receiving a copy of the consultation response from Architecture and Design Scotland the following comments was submitted to the CNPA – "regarding the comment from A+DS please be aware that the landscape strategy outlined in our submission has been developed in consultation with the accomplished landscape designer Jinny Blom who most recently has restored and enhanced the nearby Corrou Estate and is fully familiar with the local landscape."

26. **Scottish Natural Heritage** has no objection to the proposed development, noting that the application deals solely with the amended design of a building already granted planning consent. SNH highlight the fact that the proposed development site is located adjacent to the River Truim, which is part of the River Spey Special Area of Conservation, designated for its populations of Atlantic Salmon, sea lamprey, freshwater pearl mussel and otter. SNH consider it “unlikely that any qualifying features will be affected significantly either directly or indirectly” and accordingly consider that an appropriate assessment is not required. No comment has been made on the potential visual and landscape impacts of the proposed development, although in the course of consultation on the previously permitted development, SNH objected to the proposal on the grounds that it would introduce buildings into an area currently notable for the lack of such structures.
27. The **Trunk Roads Network Management Division** of the Scottish Executive have assessed the proposal and in their consultation response recommend a number of detailed conditions to be attached in the event of planning permission being granted. Conditions include the construction of a new junction where the proposed access joins the Trunk Road, the provision and maintenance of adequate visibility splays, appropriate entry and exit arrangements to serve the proposed coach parking area, and the provision of an unclimbable fence along the boundary of the site with the Trunk Road.
28. The response received from the **Area Roads and Community Works** section of Highland Council states that from an area roads perspective there is no comment. However, reference is made in the response to the site’s location close to the River Truim and accordingly it is recommended that “the applicant shall be responsible for providing and maintaining any measures necessary to ensure that the proposed development will be free from the effects of flooding and river erosion.”
29. In correspondence received in December 2005 **Scottish Water** formally objected to the application, but stated that the objection “can be deemed to be withdrawn” if the Planning Authority attaches a suspensive condition to any consent granted stating that “no development shall commence until evidence is exhibited to this Planning Authority that an agreement has been reached by the applicant with Scottish Water for the provision of a water scheme to serve the development.” The consultation response further stated that “due to the size of the proposed development the applicant must make a separate application in writing to Planning and Development Services” of Scottish Water in order to allow a full assessment of the impact of the development on Scottish Water’s assets.

30. Given that permission for a similar scale structure, facilitating similar uses, already exists on the site, having been granted by Highland Council in 2004 (Planning ref. no. BS/02/00119), and where Scottish Water in the course of that application did not raise any objections,⁶ Scottish Water were contacted to highlight this point. Upon conveying the information to the relevant official he accepted that it was possible that the existing permission had been factored into water calculations with the area, and that subject to verifying this with Scottish Water's Asset Team, he would forward an amended response on the proposal. Despite on-going communications with Scottish Water on the matter over the past number of weeks, a revised response has not been forthcoming on the proposal. This issue will be discussed in more detail in the appraisal section of this report.
31. **SEPA** have examined the proposal and have also engaged in some direct discussion with the applicants agent. **SEPA** have requested that a condition is attached in the event of a grant of planning permission requiring that detailed SUDS proposals must be approved by the Planning Authority, in consultation with **SEPA**, prior to the commencement of development, and implemented in full prior to the occupation of the development, in order to prevent potential water pollution.
32. The response from **SEPA** also advises that the applicant should be aware that SUDS proposals should be designed in accordance with relevant guidance, and in particular as per the CIRIA manual that two levels of SUDS treatment should be provided for a non-residential development, particularly for potentially contaminated run-off such as that from coach and car parks.
33. **Dalwhinnie Community Council** were consulted on the proposal and in their response detail the fact the Community Council have reviewed the application in detail, and have discussed it on a number of occasions, including at open meetings. The submission confirms the support of **Dalwhinnie Community Council** for the proposal, outlining the belief that the "development will benefit both the village and the local area, and complements the Dalwhinnie Local Plan." The response also refers to it being the understanding of the Community Council that the application includes the construction of a pavement / walking route between the village and the proposed development.
34. The **Visitor Services and Recreation Group** of the CNPA has commented from the perspective of the potential of the development to provide tourist information. **VSRG** highlight the location of the proposed development close to the "most popular vehicle entrance to the Park" with an estimated 7,060 vehicles per day passing north bound and accordingly consider that the site "is strategically well located to 'intercept' visitors."

⁶ According to the report prepared by the Area Planning and Building Control Manager of Highland Council in respect of BS\02\00119, Scottish Water had "no objection although substantial off-site works may be required to connect the development to the public water system. Extension of the public water system will be at the expense of the developer."

The consultation response notes that the proposed 48 sq.m. area designated for 'tourist information' compares favourably with formal partnership Tourist Information Centres (TIC's) in the area. It notes that despite there being no indication that the proposed facility would become a formal TIC it is nonetheless well located to provide a visitor information function. **VSRG** also add that the location is one where the CNPA would consider providing Park information if the facility met the Brand criteria, noting that "linking quality information about the Park to a high quality facility is likely to have a positive impact on visitors."

35. The **Visitor Services and Recreation Group** refer in their consultation response to the fact that visitor information is already provided at other locations in the area and that the proposed provision "may adversely effect other facilities that link information provision and sales."
36. Consultation responses were received from the Northern Constabulary as well as Perth and Kinross Council in the course of the original application (Highland Council ref. no. BS/02/119) on the site. Railtrack, as notifiable neighbours also commented at that time and did not object to the proposal.

REPRESENTATIONS

37. A number of representations have been received in respect of the proposed development. Jo Cumming of Laggan Stores, Laggan Bridge states that there is a need to take people off the A9 as early as possible in the Cairngorms National Park "so that businesses within the triangle formed by the communities of Dalwhinnie, Laggan and Kingussie are not by-passed" and in light of this the author of the letter considers that the "application is potentially of some benefit." Nonetheless concerns are expressed on three fronts – (1) the increased size of the restaurant; (2) what guarantees are there that local businesses will be strongly promoted – "if local business is not to the fore then the new development will make our communities even more fragile and unsustainable"; (3) pylon issues – reference is made to the SSE report which estimates that businesses close to the pylon line will lose 10-15% of their business and the author of the letter puts forward the view that "surely visitors, especially those from industrialised areas at home, will drive past."
38. David Massey of Gergask Avenue, Laggan writes to register his objection, stating that he believes the development would be detrimental to existing local businesses and local communities. He notes that local businesses rely on passing trade and asserts that "this development will reduce that." Mr. Massey also states that the "National Park Committee has a responsibility to protect promote and preserve the communities within its boundaries."
39. Richard Galpin of the Monadhliath Hotel, Laggan Bridge objects to the proposal on a number of grounds. He states that the "new plans show a building that is a complete change to the approved plans not just an

amendment". The author also refers to the fact that the plans show the proposed new building as having two storeys, and he notes that the basement is at the same level as the River Truim. Concern is expressed that this could result in damage to the river course or flooding, with the author also stating that he "was under the impression that the River Truim had SSI status." The third point of concern expressed by Mr. Galpin is in relation to the restaurant size, where he notes that "new plans indicate that there is a reduction in the restaurant size of 7% which when you take a closer look its actually increased by 33%." In conclusion, the author refers to past commitments expressed by the applicant in relation to the proposed development, stating that it would "compliment and strengthen his existing businesses in Dalwhinnie" and notes that contrary to this the applicants hotel is Dalwhinnie is currently on the market.⁷

40. The final letter of representation comes from Lynda Whitty of Caoldair Pottery Coffee and Craft Shop at Laggan Bridge, with the author objecting on three grounds – (1) the plans are not a revision, but a new set of plans and should be treated as such; (2) the new plans show the building on two levels "thus giving the applicant the opportunity to increase his restaurant seating area once planning were to be approved"; and (3) the author queries whether or not a 1- 200 year flood survey has been carried out due to the close proximity to the River Truim.

APPRAISAL

41. The development proposal is essentially for an amended design only, and is not therefore an assessment of the principle of the development at the proposed location. Paragraphs 7 to 13 of this report outline the existing and new draft national policy in relation to roadside facilities in the vicinity of the A9. The issue of compliance with the A9 Trunk Roads policy was explored in detail in the course of the planning assessment in respect of the originally permitted development (planning ref. no. BS/02/119 refers). As the principle of a development of the nature proposed has already been accepted on the subject site through the granting of that permission, and having regard to the fact that the current application concerns design amendments only, I do not propose in this report to assess the application in the context of the existing or new draft Trunk Roads policy.
42. The main issue is to determine whether or not the proposed design is appropriate at this exposed and visually prominent location, where it has the potential to be perceived as a 'gateway feature' to the Cairngorms

⁷ The applicants agents has chosen to respond to the points raised in Mr. Galpin's letter of objection. A) "this is an application for amendment ...design is indeed a change, the core content is largely identical and the layout and design much improved"; B) "The basement is not the same level as River Truim : the flood risk is classed as zero"; C)"...there is at least a 7% reduction in restaurant size, the foyer / circulation area should not be confused with the restaurant."; and finally the response states that the agents client i.e. the applicant "feels that he is entitled to some privacy as to the business decisions he makes, and feels it should be abundantly clear that given the length of time and level of investment in the area, his commitment to Dalwhinnie and Laggan is quite clear."

National Park. As detailed in earlier sections of this report the current proposal follows the same design concept as that previously refused. However, several changes have been made in this current application, including significant alterations in the distribution of internal floor space and uses, and also the provision of a slightly enhanced level of landscaping detail. Supporting information accompanying the current proposal is also of a more detailed nature, and includes photomontages and artists impressions, which have been submitted in an effort to demonstrate the assimilation of the structure into the open and rugged landscape in which it is proposed.

43. Despite the previous refusal of planning permission for a very similar design concept, the applicant has taken the decision to pursue this particular concept rather than appeal the previous decision, perhaps relying on a combination of factors supporting the concept, including **Architecture and Design Scotland's** clear endorsement of the design, the planning officers recommendation to grant planning permission in the case of the previous application, and also the fact that the current proposal incorporates several alterations, attempting to address the previous reasons for refusal.
44. It is particularly relevant to examine the two reasons for which the previous proposal on the site was refused (see footnotes 1 and 2 for full text of reasons) and to assess whether or not sufficient revisions have been made in the current proposal to potentially alleviate the concerns raised by the CNPA's Planning Committee and overcome the previous reasons for refusal. In response to reason no. 1, which considered that the "overall design represented a prominent and inappropriate feature, alien in form to the surrounding rugged upland landscape, and sited in a position that offers little natural screening and is highly visible on the approaches", the floor area and the radius of this circular structure have been reduced –

Gross internal floor area ground floor : refused = 406sq.m.
proposed =315.50sq.m.

Gross internal floor area of basement level : refused = 223.7 sq.m.
proposed = 175.70 sq.m. ;

the extent of rendered areas has been concealed through more extensive use of timber screening on the outer 'layer' i.e. the area enveloping the open air terraces; and proposals for increased landscaping surrounding the actual structure as well as along the embankment to the east of the proposed car parking area on the site have been included. As referred to in para. 33 an increased level of information has also been submitted to illustrate the impact of the structure on its surroundings. Photomontages have been submitted, as well as artists impressions, with the latter being used to demonstrate the potential view of the structure with the benefit of a surrounding mature landscape setting.



Fig. 9 : artists impression of western elevation



Fig. 10 : artists impression of aerial view of proposed development

45. With reference to the second reason for refusal of the previously proposed similar design, which referred to the limited size of the tourist information facility and the associated failure to provide adequate opportunity to promote either local communities or the Cairngorms National Park, alterations have been made in the internal floorspace distribution, resulting in an enlarged tourist information facility (please refer to para. 9 of this report). The public entrance to the proposed structure leads directly into the proposed tourist information area, thereby creating an opportunity to immediately attract visitors to information and displays.
46. On the issue of water provision and the correspondence from Scottish Water, as detailed in paragraphs 29 and 30 of this report, in light of the fact that permission already exists for a similar scale proposal, which would involve the utilisation of similar volumes of water as that currently proposed, and given that Scottish Water did not raise any objection to that proposal or highlight any difficulties in water provision at that time, I do not feel that the objection of Scottish Water as detailed in their correspondence of December 2005 is a justifiable reason to consider refusing planning permission. Neither do I feel that it is appropriate to attach a suspensive condition which would effectively prohibit the

development of the site for an undeterminable period of time. The general thrust of telephone conversations with Scottish Water on the matter has been an acceptance of the fact that permission exists on the site and in light of that information, the original response of December 2005 was not necessarily applicable. At the time of writing this report however Scottish Water were still investigating the matter. Further efforts will be made to secure an up to date response from Scottish Water and where this is forthcoming Members will be updated at the planning committee meeting.

47. The aspirations of the applicant are acknowledged in his quest to achieve a design of greater merit than that previously permitted and it is accepted that the proposed 'drum' or circular form offers greater potential to blend into the landscape in comparison to the triangular form of the previously permitted structure. The information submitted in connection with this application also provides a considerable level of detail regarding proposed finishes, and it is considered that the proposed extensive use of timber on the screen elements is an appropriate choice of material, as it fulfils the dual role of camouflaging large areas of glazing and render, with timber screens enveloping the main structure, and in addition it is also likely to weather over time to reflect a colour which should harmonise with the surrounding landscape.
48. The proposed development represents a contemporary design on a prominent site, where there is little existing screening. It is recognised that efforts have been made to introduce a design concept that takes account of the characteristics of the site, such as the sloping ground and the associated incorporation of a basement area, and the use of a circular form which is intended to reflect the curving nature of the adjacent River Truim. The positive endorsement of **Architecture and Design Scotland** of the design concept employed should also be borne in mind.



Fig. 11 : existing view of the proposed site on the southern A9 approach



Fig. 12 : photomontage showing predicted view of proposed structure on southern A9 approach (without the benefit of tree planting).



Fig. 13 : photomontage showing predicted view (with the benefit of planting)

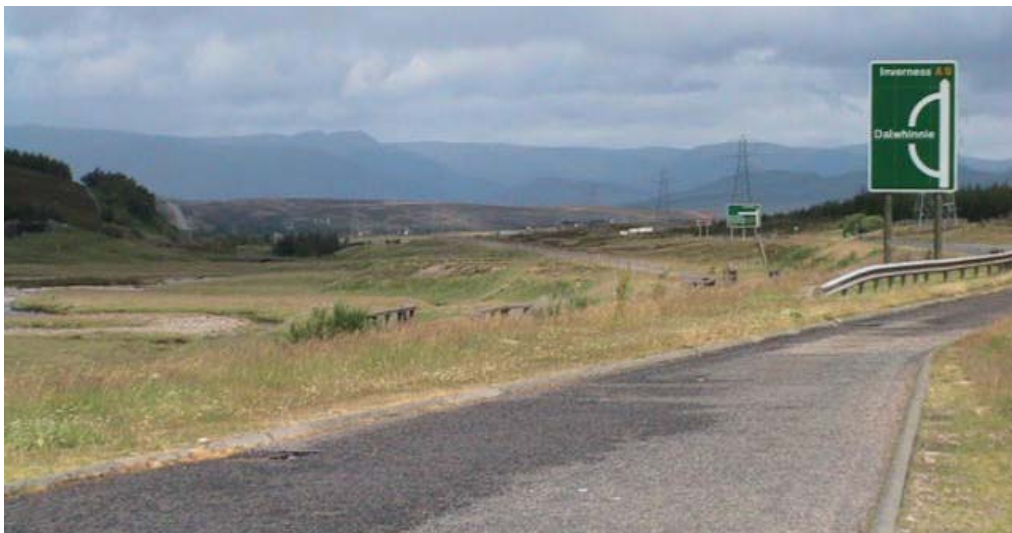


Fig. 14 : existing view from lay-by on A9 south of junction with A889



Fig. 15 : photomontage showing predicted view from same location as Fig. 12 (without the benefit of tree planting).



Fig. 16: photomontage showing predicted view with the benefit of screening.



Fig. 11 : A889 approach – photomontage generated by agent

49. The currently proposed design is undeniably of higher quality than the structure previously permitted on the site. However, I remain particularly conscious of the relatively stark nature of the site, at present devoid of any significant levels of natural vegetation or screen planting, and readily visible from the southern and northern approaches of the A9 trunk road as well as from the adjacent railway line, and also from a number of hills in the surrounding area, many of which are frequently used by hillwalkers and others engaged in sporting activities. Any structure of the scale proposed will inevitably have a significant degree of visibility, although the current proposal will not perhaps have any greater a degree of visibility than the structure already permitted. It is imperative that an appropriate landscaping scheme is undertaken at the site in order to achieve maximum assimilation of the structure into the rugged and open landscape in which it is proposed and the applicant / agent has expressed their intentions to conform to this.

IMPLICATIONS FOR THE AIMS OF THE NATIONAL PARK

Conserve and Enhance the Natural and Cultural Heritage of the Area

50. The proposed development is not considered to have any significant impact on the cultural heritage of the area. As regards natural heritage issues, despite being proposed on land adjacent to the River Truim, which is part of the River Spey Special Area of Conservation, it has been indicated by SNH that the development would not significantly affect any qualifying features. However, the development of a new building and the associated access formation, car parking areas etc. on this open and prominent site could impact on the character and quality of this part of the rural landscape of the National Park.

Promote Sustainable Use of Natural Resources

51. One of the principal materials proposed on the exterior of the building is timber, which could potentially be sourced locally.

Promote Understanding and Enjoyment of the Area

52. Having regard to the location of the proposed development site close to the busiest entry point to the Cairngorms National Park and also taking into account the proposed mix of uses, which includes tourist information provision, it is considered that the development has the potential to assist in the promotion of the understanding and enjoyment of the area.

Promote Sustainable Economic and Social Development of the Area

53. The proposed development would provide the opportunity to promote local accommodation and visitor facilities and attractions, which could serve as an impetus to encourage visitors to remain in the National Park. In

addition, it is also likely to create increased employment opportunities in this area. There is no quantifiable evidence to suggest that the development proposal would displace other local trade.

RECOMMENDATION

That Members of the Committee support a recommendation to:

Grant planning permission for a design revision to the proposed tourist information / shop / restaurant building previously granted planning permission under BS/02/119 on land between the A889 and the River Truim close to the junction with the A9 at Dalwhinnie, subject to the following conditions –

- (i) Details of lighting within the site shall be submitted for the approval of the Cairngorms National Park Authority after consultation with the Trunk Roads Authority.
- (ii) The proposed accesses shall join the Trunk Road at a new junction which shall be constructed by the applicant to a standard as described in DMRB Volume 6, section 2, part 7, TD 41/95 (junctions and accesses) complying with Layout 6 (Rural Access where long vehicles are predicted). The junctions shall be constructed in accordance with the details that shall be submitted and approved by the Cairngorms National Park Authority as Planning Authority, after consultation with the Trunk Roads Authority, before any part of the development is commenced.
- (iii) The visibility splays shall be provided and maintained on each side of the new access to the satisfaction of the Planning Authority. These splays are the triangles of ground bounded on 2 sides by the first 4.5 metres of the centreline of the accesses (the set back dimensions) and the nearside trunk road carriageway measured 215 metres (the y dimension) in both directions from the intersection of the accesses with the trunk road. In a vertical plane, nothing shall obscure visibility measured from a driver's eye height of between 1.05 metres and 2.00 metres positioned at the set back dimension to an object height of between 0.26 metres and 1.05 metres anywhere along the y dimension.
- (iv) An entry and exit arrangement shall be put in place on the Coach Parking / Overspill Parking area and clearly signed at all times, all to the satisfaction of the Cairngorms National Park Authority as Planning Authority, after consultation with the Trunk Roads Authority.

- (v) An unclimbable fence of a type approved by the Cairngorms National Park Authority, after consultation with the Trunk Roads Authority, shall be provided and maintained by the developer or subsequent owner of the land along the boundary of the site with the Trunk Road. Details of the required boundary treatment shall be submitted for the written agreement of the CNPA acting as Planning Authority and shall be provided prior to the first occupation of the development.
- (vi) Prior to the commencement of development a revised site layout shall be submitted for the written agreement of the CNPA acting as Planning Authority to show the pedestrian access located adjacent to the vehicular access.
- (vii) Prior to the commencement of any development at the site, details of proposed drainage arrangements at the site shall be submitted and approved by the Planning Authority. These shall include arrangements for the disposal of foul and surface water at the site. All drainage arrangements shall be arranged in such a way as to prevent pollution of the River Truim. The approved drainage works shall be carried out at the site and available for use prior to the bringing into use of any part of the proposed building.
- (viii) Prior to the commencement of development detailed SUDS proposals shall be submitted for the approval and written agreement of the CNPA acting as Planning Authority, in consultation with SEPA. The SUDS proposals agreed shall be implemented in full prior to the occupation of the development (refer to advice note 2 for further details on SUDS requirements).
- (ix) Prior to the commencement of development, a detailed landscaping scheme, together with comprehensive details of all external surfaces and boundary treatments shall be submitted for the agreement of the Cairngorms National Park Authority, acting as Planning Authority. All approved landscaping and boundary works shall be carried out within the first planting season following construction of the building. Any trees or shrubs which die or become damaged or diseased within a period of five years from the time of planting shall be removed and replaced with others of a similar size and species within the next planting season.
- (x) All public services for the development including electrical, communal television and telephone cables, shall be undergrounded throughout the site.
- (xi) For the avoidance of doubt, this planning permission does not include the erection of signage at the proposed site or in the vicinity. Any signage shall be the subject of a separate application for express advertisement consent.

- (xii) The development shall be carried out as a single operation. All building works, parking and access arrangements and servicing arrangements shall be in place prior to the bringing into use of any part of the proposed building.
- (xiii) This permission only authorises the number and layout of uses shown on the plans submitted with this application. For the avoidance of doubt, any alteration in floor space of any of the units contained within the building of more than 10% in terms of floor area shall require the prior written approval of the Cairngorms National Park Authority as Planning Authority. Unless otherwise approved in writing by the Planning Authority there shall be no retailing of food except within the restaurant facility.
- (xiv) Prior to the commencement of development at the site proposals for the formation of cycle / footways between the proposed site and Dalwhinnie shall be submitted for the agreement of the Planning Authority. The details shall include the provision of a timescale for the implementation of the works. All approved details shall thereafter be carried out in accordance with the approved timescale.

Advice note :

1. The development shall be free from the effects of river erosion and a 1 in 200 year flood event. The applicant shall be responsible for the provision and maintenance of any measures necessary to satisfy this requirement, and such measures shall be to the satisfaction of the Planning Authority in consultation with the respective roads authorities and public bodies.
2. SUDS proposals should be designed in accordance with relevant guidance. The CIRCA manual indicates that, for a non-residential development two levels of SUDS treatment should be provided particularly for potentially contaminated run off such as that from coach and car parks. Relevant guidance includes –
 - Planning Advice Note PAN 61 ‘Sustainable Drainage Systems’ published by the Scottish Executive;
 - ‘Sustainable Urban Drainage Systems Design Manual for Scotland and Northern Ireland (C521)’, published by the Construction Industry Research and Information Association (CIRIA);
 - The Domestic Technical Handbook which sets out guidance on how proposals may meet the Building Standards set out in the Building (Scotland) Regulations 2004;
 - SEPA’s Pollution Prevention Guidelines including guidance note PPG6 : Working at Construction and Demolition Sites and PPG5 : Works in, near or liable to affect Watercourses.

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20 March 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.