

Fig.1 -LocationPlan

SITEDescriptionANDPROPOSAL

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 contain low level birch and other scrub vegetation.



Fig.2:proposed site as viewed from the A889

2. Planning permission was originally granted by Highland Council on the site in 2004 for the erection of a building which was to contain at ground floor level 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. 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 structure permitted was approximately 440 sq.m. Externally the site area included a service yard and car parking provision for 32 cars, together with 2 coach spaces and bicycle and motor cycle spaces.

3. The current proposal is for an amended design that is significantly different from that originally permitted. Supporting information submitted with this application suggests that the amendments resulted from the applicant considering the design proposal in light of the site's inclusion with the Cairngorms National Park, and the conclusion that "a design of greater merit was required for this prominent site." The currently proposed design is a circular or 'drum' form. It is the designers contention that Dalwhinnie requires a distinctive building form to act as a 'gateway' and "*the design quality of the building is to be an attraction in itself. The designers believe that the 'drum' form provides an excellent image for the village and its Cairngorms National Park setting.*" Documentation also suggests that the overall form proposed could be used as a marketable brand for Dalwhinnie and suggests a marketing slogan of "Visit Dalwhinnie Drum."
4. The proposed development is a contemporary design with a ground floor area of 400 sq.m., combined with a basement level of 144 sq.m., and in addition also including two large areas of screened external terraces. The external finish proposed is predominantly timber – natural larch is proposed, with the intention that it would weather to a silver-grey colour and is combined with a white render. The proposal also includes extensive areas of glazing, particularly in the proposed café area. However, the glazed areas are to be largely concealed through the use of timber screenings surrounding the terrace areas. A flat roof is proposed in a lead grey colour. Although the actual site layout differs from that originally permitted, with the proposed building now located close to the A889 with car parking proposed at various levels, as opposed to the original forecourt type arrangement with the building set back from the A889, the same number of car parking spaces (32) are proposed, together with an increased coach parking area.
5. While the three main components of the original proposal (tourist information centre, shop and cafeteria / restaurant area) are incorporated into the currently proposed design, the internal layout and the distribution of floor space associated with each component differs significantly from the original proposal. At ground floor level, a shop is proposed to occupy 25 sq.m., the proposed tourist information exhibition area is also allocated 25 sq.m., and the remainder of the public area is allocated to an espresso/coffee bar (35.5 sq.m.) and the main café area of 135.8 sq.m., and an outdoor terrace, which is also indicated to contain a seating area associated with the café, extending to 70 sq.m.. The floor plans submitted indicate a total seating capacity of 167 distributed between the espresso / coffee bar and the indoor café and outdoor terrace area. A further outdoor terrace of 71 sq.m. is

also proposed for the purposes of play space. The remainder of the ground floor space is proposed to be utilised for kitchen, servery and storage purposes and public toilet facilities. The basement level is intended to accommodate 'back of house' facilities including staff room and toilets, office / meeting room, plant room and storage and preparation areas.

6. 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.

DEVELOPMENT PLAN CONTEXT

National Policy

7. **NPPG9 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 Ardullie on the Cromarty Firth.
8. **SPP17: Planning for Transport (Consultation Draft)** was published in January 2004 and is intended to replace **NPPG9 – 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.
9. 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 toilet through to full service area provision.
10. Para. 64 of **SPP17** 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, **SPP17** 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.

11. 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.
12. 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.”
13. At the time of writing this report, informal advice from the Scottish Executives suggested that the provisions of **SPP17** regarding the A9 as contained in the consultative draft are “unlikely to change.”

The Highland Structure Plan 2001

14. 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 bypassed settlements and the environmental safeguarding of this key strategic route.
15. 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 Arduilie 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.”
16. 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

17. 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.

CONSULTATIONS

18. 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. A+DS** has taken over the role of the Royal Fine Art Commission for Scotland, and their Design Review service is intended to provide expert advice on the quality of design in planning applications, with a view to raising the quality of new development “so that high standards of layout and design are the rule, not the exception.” **Architecture and Design Scotland** has commented that the design now submitted is a considerable improvement on that previously permitted. It is stated that the level of architectural ambition displayed is encouraging. It is also stated that the size of the building compared with that previously permitted should not be of concern, as much of the additional floor area has been made available due to utilising the slope of the site to bury some of the accommodation.
19. The consultation response commends the comprehensiveness of the drawings submitted in respect of the proposed building. Some concern is however expressed regarding the lack of clarity of intentions for the landscaped area that would surround the building. In conclusion **Architecture and Design Scotland** support the attempt to provide a building of quality at the southern entrance to the National Park, but highlight the fact that “ *more consideration needs to be given to the design and possibly screening of the car and bus park, which are an integral part of the proposals and would be a prominent feature, particularly on 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 landscape proposal.*”
20. **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, identified 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.

21. 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.
22. The response received from the **Area Roads and Community Works** section of Highland Council state that there is no objection to the proposed development, provided that it will be free from the effects of river erosion and a 1 in 200 year flood event, with the applicant being responsible for the provision and maintenance of any measures necessary to satisfy this requirement.
23. **Dalwhinnie Community Council** were consulted on the proposal and state that they have "no objection to the revisions as proposed" and also state that "they very much support Mr. Hutton's proposed development."
24. The **Economic and Social Development Group** of the CNPA were consulted and were apprised of concerns raised in letters of representation received. ESDG comment that although the development may have the potential to displace some local trade, it is not possible to quantify the extent to which this is likely. On the other hand, the comments of the Economic and Social Development Group also highlight potential positive aspects of the proposal stating that it would provide the opportunity to promote local accommodation and visitor facilities and attractions, and notes that this in turn could "feed through into people choosing to stay and spend money in the area, thus benefiting Dalwhinnie and Laggan and potentially the broader Park area."
25. Comments were also received from the **Visitor Services and Recreation Group** of the CNPA, and the provision of a further quality opportunity to provide information to visitors was particularly welcomed. The Group have stated that they would be willing to advise the applicant on the Interpretation Framework for the Park and "how it can be translated into something at this local level." Some concern has been expressed however that the space available in the tourist information area is diminished somewhat from the original permitted proposal. The need to ensure that signage to the site is sensitive to the

landscape was also highlighted in the consultation response. Reference was also made to the fact that "there may be issues relating to Raliaw where another private developer is in dialogue" with the Visitor Services and Recreation Group regarding the "provision of visitor information."

26. 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 or an assessment of servicing/infrastructural issues. **Scottish Water** and **SEPA** had both previously commented in detail on the original proposal. Other consultation responses received in respect of the previous application were from the Northern Constabulary and Perth and Kinross Council. Railtrack, as notifiable neighbours also commented at that time and did not object to the proposal.

REPRESENTATIONS

27. Two letters of representation have been received in respect of the proposed development. Richard Galpin of the Monadhliath Hotel at Laggan Bridge objects to the proposed development on the basis that "*the new plans show a building that would not be in keeping with the surrounding area or buildings. It is not a design that would fit well into the Cairngorm National Park.*" Mr. Galpin also refers to previous commitments given by the applicant (Mr. Hutton of Tanmoor Ltd.) that the proposed new development would compliment and strengthen his existing businesses within Dalwhinnie, and refers to the fact that contrary to this the applicant's hotel has now been put on the market.
28. Lynda Whitty of the Kilnroom Coffee Shop and Pottery Bunkhouse in Laggan states in her letter that "*visitors are not looking for these large centres and future tourists will not encounter small, creative, quality outlets*" and continues to state that "*the Cairngorm National Park will be the poorer for backing these large ventures that do nothing to sustain the small businesses.*" Particular reference is made to the fact that Ms. Whitty's business would have been struggling as a result of the originally permitted development and she expresses concern at increases in the development proposal from a "60 seat restaurant to a 160 seat restaurant".

APPRAISAL

29. 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 Road 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 Road policy.
30. 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 National Park.



Fig.3 view of the site from the junction of the A9 and A889



Fig.4: proposed site as viewed from the A9 northern approach

31. 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 an increased level of detail regarding proposed finishes, and it is considered that the proposed use of natural larch to create the timber screen elements is an appropriate choice of material, as it fulfils the dual role of camouflaging large areas of glazing, 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.
32. 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.5:A889 approach –photomontagegeneratedbyagent

33. Although taking the view that the currently proposed design is of higher quality than the structure previously permitted on the site, I remain particularly conscious of the relatively stark nature of the site, 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. It is an undeniable fact that the proposed structure will have a significant degree of visibility, although perhaps no greater a degree of visibility

that previously 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. I do not feel that a requirement for landscaping proposals in advance of a decision being taken on the development proposal would be of any greater benefit than that which could be achieved by way of the inclusion of an appropriate condition requiring agreement on landscaping issues prior to the commencement of development. The elevation drawings submitted already include tree planting and this can be considered to represent the potential views of the site likely to exist with the benefit of agreed appropriate planting.

IMPLICATIONS FOR THE AIMS OF THE NATIONAL PARK

Conserve and Enhance the Natural and Cultural Heritage of the Area

34. 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

35. 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

36. 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

37. 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.

38. 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, TD41/95 (junctions and accesses) complying with Layout 6 (Rural Access where long vehicles are predicted). The junctions shall be constructed in accordance with the detail 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. ter
- (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.
- (vi) The pedestrian access shall be 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, 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.
- (ix) All public services for the development including electrical, communal television and telephone cables, shall be undergrounded throughout the site.
- (x) 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.
- (xi) 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.

- (xii) 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.
- (xiii) 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.

Advisenote:

The developments 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.

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