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# CAIRNGORMS NATIONAL PARK AUTHORITY

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

**Prepared by: DON MCKEE, HEAD PLANNER**

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**DEVELOPMENT PROPOSED:**

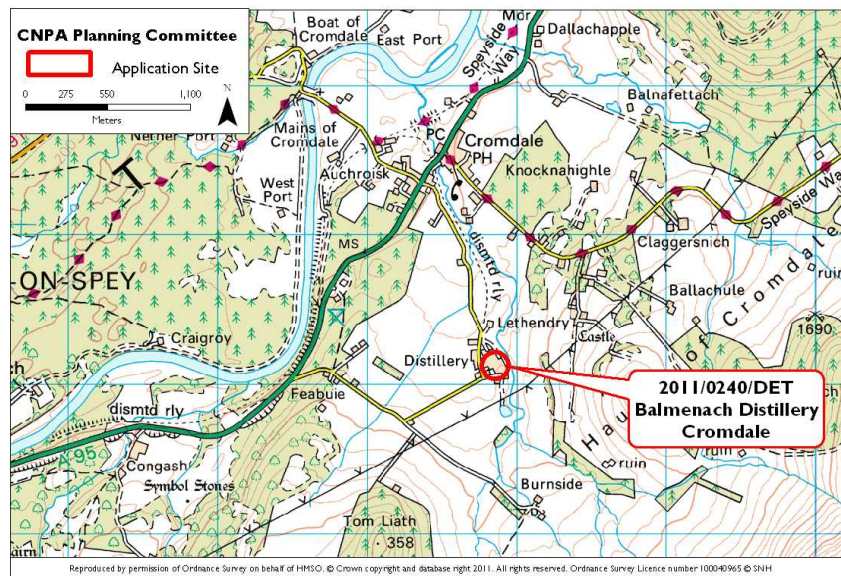
**DEMOLITION OF FOUR FLATS, MALTINGS, MALT BARNs, STEEPS, MALT BINS AND GARAGES; ERECTION OF NEW MALT STORAGE BINS, MASH TUN AND ASSOCIATED PLANT; CONSTRUCTION OF NEW ACCESS, HARD STANDING AND TURNING AREA AT BALMENACH DISTILLERY, CROMDALE**

**REFERENCE: 2011/0240/DET**

**APPLICANT: INVER HOUSE DISTILLERS  
C/O ASHLEY BARTLAM PARTNERSHIP**

**DATE CALLED-IN: 5 AUGUST 2011**

**RECOMMENDATION: APPROVE WITH CONDITIONS**



**Grid reference : 307813 827167**

**Fig. I - Location Plan**

## BACKGROUND

1. Members will recall that this application at Balmenach Distillery was originally presented to the CNPA Planning Committee for determination at the meeting of 3<sup>rd</sup> February 2012, with a recommendation to refuse planning permission, for three reasons, including conflicting with the first aim of the National Park in failing to conserve and enhance the cultural heritage of the area; failure to comply with Structure Plan and Local Plan policy on Landscape and Natural Heritage, Landscape Character and Landscape; and failure to satisfy the requirements of Scottish Historic Environment Policy (SHEP). The Planning Committee deferred a decision on the application in order to undertake a site visit and for the applicants to clarify the steps that they had taken to exhaust all possible options for the use of the residential property, including consultation with the local community and other business opportunities. The site visit took place on Friday 16<sup>th</sup> March. Members queried a number of points at the site visit and the applicants have now provided further information in relation to points raised. This report has been prepared in response to the recent developments in relation to this application. The original report and minutes of the Planning Committee meeting of 3<sup>rd</sup> February 2012 can be viewed at [www.cairngorms.co.uk](http://www.cairngorms.co.uk)

## SUMMARY OF SITE DESCRIPTION AND PROPOSAL

2. The following is a brief summary of the proposal :
  - the application is at Balmenach Distillery in Balmenach, Cromdale and has been submitted by Inver House Distillers Ltd.;
  - planning permission is sought for various demolition works and new development;
  - demolition is proposed of the malting and malt barn, steeps, malt bins (7 storey asbestos building), a terrace of garages and a two storey residential property, which has most recently been used as four flats but has been uninhabited for many years;
  - the new development is proposed to consist of the erection of new malt storage bins, mash tun and associated plant;
  - planning permission is also sought for modifications to the access arrangements, including the creation of a new hard standing and turning area. The access modifications and a proposed service yard extension would create an enlarged area for vehicle manoeuvres and would provide a new drop off zone and malt collection area;
  - the proposed development would be undertaken in 4 phases.

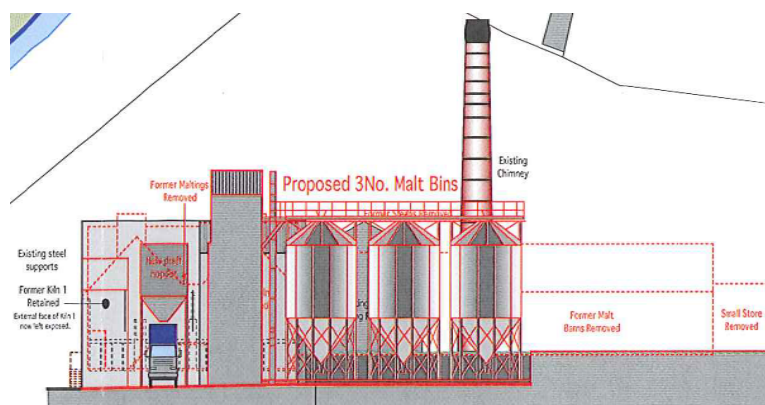


Fig. 2 : Proposed malt bins

### Supporting Information

3. A range of information was originally submitted with the planning application and further detail was submitted in December 2011 in response to queries raised by the CNPA in the course of the assessment. Supporting information includes :

- A Sustainable Design Statement;
- Justification / background explanation to the proposal;
- Structural details of the residential property proposed for demolition (dated April 2004);
- Estimated costs of refurbishment of the residential property (dated 2004); and
- Summary / assessment of the buildings proposed for demolition.

Paragraphs 5 to 11 of the original report contain further information on the detail provided.

4. Further information was provided by the applicant's agent on 19 March 2012, partially in response to queries raised by Members at the site visit on 16 March. Details have also been provided of a recent public consultation exercise which the distillery operators undertook with the local community.

5. The recently submitted further information covers a number of topics.

**(a) Location of proposed silos:** the submission refers to various options considered at the pre-submission stage but states that "the proposal currently being considered is the only viable one available." Reference is made to the "area suggested for relocation at the site visit" and it is stated that this was considered in conjunction with Highland Council's Planning Department at the outset but "ruled out due to excessive differences in levels and the need for a 'lollypop' turning area." The submission suggests that this would necessitate excavations that would create a quarry like appearance. It is also stated that the Distillery's main water supply is located centrally in that rear area and has to be avoided. A plan demonstrating the existing line of the water supply was also submitted on 21 March 2012.

- (b) Salvaging materials:** It has been confirmed that the applicants, Inver House Distillers, are “quite happy” to reclaim and reuse key components of the old house and adjacent stone buildings in the event of the granting of planning permission for their demolition. Components envisaged for salvaging include dressed stonework, slates, cast iron guttering and ironworks. Inver House Distillers also intend to invite architectural salvage firms to view the interior of the residential property to assess the potential to reuse panel doors, fire surrounds, the balustrading and the ironmongery. Non specific debris / rubble is proposed to be used for site re-profiling and as ‘road stone’ where possible. Reference is also made to asbestos sheeting being handled and disposed of in “an approved manner.”
- (c) Landscaping:** Various comments have been provided about the intended landscaping concept, stating that it “will be respectful and befitting of the existing character of Balmenach.” Proposals include enhancing an existing tree belt which is proposed for retention, through the use of local / native species. Reference is also made to the intended creation of a grassed area in the location of the currently existing malt bins, as well as native shrubs and bushes being planted in the proposed yard area.<sup>1</sup> The recent submission states that the applicants are “happy to have this conditioned accordingly.” It is a similar view to that previously expressed on behalf of the applicants in previous correspondence<sup>2</sup> in which it was requested that “the requirement to have landscaping proposals fully detailed at this stage be covered as a continuing requirement or condition of permission.”
- (d) Historical records:** It is stated that Inver House have an archive covering all of their properties and a commitment is given to ensure that ample information is ‘pulled together’ for retention and future reference.
- (e) Existing debris:** the redevelopment work is described as providing an opportunity to remove old and historical debris at the rear of the site and would ensure that ‘a clean and tidy appearance is achieved.’
6. Details have also been provided of a recent public consultation. The event was organised by the applicants and ran from March 12<sup>th</sup> to 14<sup>th</sup> 2012. Local residents were invited to view the proposals at the distillery. A copy of the comments sheet has been provided to the CNPA as part of the additional information submitted on 19<sup>th</sup> March. A total of 17 comments were recorded, all expressing support for the proposal. A high proportion of the comments refer to and welcome the removal of the asbestos silo building.

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<sup>1</sup> The details provided to date in relation to landscaping are limited and generally show indicative proposals on the site plan.

<sup>2</sup> 14 December 2011

## DEVELOPMENT PLAN CONTEXT

7. Reference should be made to the original report, as considered by the CNPA Planning Committee on 3<sup>rd</sup> February 2012, for more extensive details of relevant planning policy.

### National Policy

8. **Scottish Planning Policy<sup>3</sup> (SPP)** is the statement of the Scottish Government's policy on nationally important land use planning matters. 'Subject policies' covered in the document which are of relevance to the current proposal include :
  - Economic development;
  - Historic environment; and
  - Landscape and natural heritage.
9. **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 advises that increasing sustainable economic growth is the overarching purpose of the Scottish Government. The planning system is required to 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.
10. 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."

### Scottish Historic Environment Policy (SHEP)

11. **Scottish Historic Environment Policy** sets out the Scottish Ministers' policies for the historic environment, provides policy direction for Historic Scotland and provides a framework to assist the work of a wide variety of organisations involved in managing the historic environment, including planning authorities. Para. 1.8 of SHEP emphasises that "the protection of the historic environment is not about preventing change."

## 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

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<sup>3</sup> February 2010

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. 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.

### **Structure Plan Policy**

#### **Highland Council Structure Plan (2001)**

14. **Highland Council Structure Plan** is founded on the principles of sustainable development, in order to support the viability of communities, develop a prosperous and vibrant economy and safeguard and enhance the natural land built environment. Policies of relevance to the development proposal include :
- Policy 7 – Business development in rural areas;
  - Policy NI - Nature conservation;
  - Policy L4 – Landscape Character;
  - Policy G2 – Design for Sustainability; and
  - Section 2.15 – Built and Cultural Heritage.

### **Local Plan Policy**

#### **Cairngorms National Park Local Plan (2010)**

15. The Cairngorms National Park Local Plan was formally adopted on 29<sup>th</sup> October 2010. The full text can be found at :  
<http://www.cairngorms.co.uk/parkauthority/publications/results.php?publicationID=265>
16. The Local Plan contains a range of policies which follow the three key themes of the Park Plan in order to provide a detailed policy framework for planning decisions. The following policies are of relevance to the current development proposal :
- Policy 6 – Landscape;
  - Policy 11 – The Local and Wider Cultural Heritage of the Park;
  - Policy 14 – Contaminated Land;
  - Policy 16 – Design Standards for Development;
  - Policy 18 – Developer Contributions; and
  - Policy 25 – Business Development.

### **CNP Supplementary Planning Guidance**

17. In addition to the adoption of the Cairngorms National Park Local Plan (2010) on 29th October 2010, a number of Supplementary Planning Guidance documents were also adopted. The **Sustainable Design Guide** is applicable to this proposal.

### **CONSULTATIONS**

18. The following is a summary of the consultations responses received in relation to the development proposal. Further details are contained in paragraphs 43 – 51 of the original report.
- **Highland Council TEC Services (Roads):** no objection, subject to the inclusion of a number of roads related conditions;
  - **Highland Council Environment Health Officer :** no objection subject to the inclusion of a condition regarding dust suppression;
  - **Highland Council's Contaminated Land unit :** no objection;
  - **Highland Council's Conservation Officer :** objection and associated recommendation that the application should be refused;
  - **Planning Gain :** no developer contributions required;
  - **CNPA Sustainable Economy Manager :** no objection, expression of support for the proposals;
  - **CNPA Landscape Officer :** concerns regarding the inability of the proposal to enhance the landscape character or compensate for the loss of cultural heritage.

### **REPRESENTATIONS**

19. The application was advertised in the Strathspey and Badenoch Herald on 27<sup>th</sup> July 2011. No representations were received during the 42 day consultation period.
20. One late submission was received from Mr. Fergus Ewing MSP on 8<sup>th</sup> March 2012, expressing support for the proposal and setting out why permission should be granted. In addition, the information submitted by the applicants on 19<sup>th</sup> March 2012 includes a letter of support from the Crisp Malting Group. Copies of both letters are attached at the rear of this report.

### **APPRAISAL**

21. Issues to consider in the assessment of the proposal include the principle of development, compliance with planning policy, the impacts of the proposals on the historic and cultural environment, as well as the landscape impacts associated with it, and also the economic benefits associated with the proposal. The appraisal in the report to the Planning Committee on 3 February did this on the basis of the facts and understanding existing at that point in time, including the information that had been made available by the applicant. We

have now had the site visit and the applicant has provided additional information.

22. It is within this context that the appraisal has been refreshed and conclusions reached based on the current level of knowledge and understanding.

#### **Principle of development**

23. Balmenach Distillery has a long history at the subject site, dating back over a century. The principle of a distillery development is therefore accepted, as is the general principle of works which would assist on-going and future operations at the distillery. This was covered in detail in the previous report.

#### **Compliance with planning policy**

24. Planning policies encouraging economic development must be balanced against, and where possible reconciled with, all other relevant policies. It is the specifics of the various works proposed in this application, in particular the demolition of some of the oldest and most traditional buildings on the site which required significant consideration in balancing all policies. Potential policy conflicts between conservation of the historic and cultural environment and the requirement for change and economic growth are clearly highlighted in **Scottish Historic Environment Policy (SHEP)**, as summarised in paragraphs 20 – 23 of the 3 February report. One of the key messages is that the protection of the historic environment is not about stifling change. In considering the merits of the current planning proposal, this is a key consideration. It was for this reason that the CNPA had requested the applicants to provide significant further information to justify the case for the extensive demolition work in conjunction with the new build aspects of the proposal, particularly in relation to the disused residential property. This building, although not listed, is structurally sound and a good example of traditional architecture that forms part of the cultural heritage of the distillery and the Park. Despite the applicants having been made aware at an early stage that this was an issue to be addressed, the information available at the time of the last consideration of this application had not demonstrated that this property was incapable of reuse either as part of the distillery operation or separate from it. This was reflected in the comments from **Highland Council's Conservation Officer** and our own **Landscape Adviser** and led to the recommendation of refusal as set out on pages 20 and 21 of the previous report with reference, *inter alia*, to SHEP, the National Park Plan, Highland Structure Plan and the Cairngorms National Park Local Plan.

#### **Alternatives**

25. In addition to the absence of a business need by the applicant for the residential property and their concern at the impact separate disposal might have on their operation, the loss of the building had been justified on the basis that the new access arrangements require it, particularly the sweep needed by large goods vehicles. At the site meeting an alternative arrangement was suggested and discussed that would allow access to the south of the building and a turning circle to the west. This would allow the property to be retained and developed as a separate entity.



26. It became apparent on the site visit, and the applicant has subsequently confirmed this with the submission of additional information, that levels would require either a steep slope (which is a current problem for goods vehicles on the existing access) or substantial excavation. Moreover, the underground pipeline supplying water to the distillery comes in from the west and would be difficult to accommodate with the construction of an access in this area however it were formed.
27. Although the alternative arrangement could theoretically be achieved, it is now accepted that it is not a practical proposition and the access arrangement originally proposed is the most feasible one in the circumstances. This in turn will require the demolition of the structurally sound traditional residential property.

### **Conclusion**

28. The application had previously been recommended for refusal because, despite the issue being raised in pre-application discussions, it had not been demonstrated conclusively by the applicants that the residential property was incapable of retention. The positive contribution that will be made by the other aspects of the proposals had been accepted and the previous recommendation had not been made lightly. The report to the Planning Committee in February along with the subsequent deferral and site visit has however served to focus the applicant's attention on addressing the outstanding issue and resulted in them finally providing the further explanation and clarification that was required.
29. Scottish Planning Policy (SPP) requires "*the planning system to proactively support development that will contribute to sustainable economic growth and to high quality sustainable places*". This is what we seek to do via the National Park Plan, Cairngorms National Park Local Plan and with individual planning decisions where only around 10% of applications are called in and of those at least 75% approved. It is the latter element of the SPP statement that we have been seeking to address all along in this case via the provisions of the relevant national and local planning and historic environment policies that are in place to deliver Scottish Planning Policy through individual planning decisions.
30. Thanks to the information obtained at the site visit and the new information provided by the applicant we now know that there is no feasible and practical alternative to removal of the residential property. With this knowledge, we are at last in a position where the overall enhancement of the site and surroundings as a result of the other aspects of the proposals, along with the significant investment in an important economic asset, allow us to conclude with confidence that there is overall compliance with the provisions of the Structure Plan, National Park Plan, the Local Plan, and the Park aims. The application can now be recommended for approval subject to conditions covering landscaping, a historical record prior to demolition, interpretation, re-uses of salvaged materials, and highways requirements.

## IMPLICATIONS FOR THE AIMS OF THE NATIONAL PARK

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

31. The proposed demolition of a substantial residential property, as well as a number of other traditional distillery buildings, all of which are part of the traditional character of the area and occupy prominent positions within the local landscape, fail to assist in conserving or enhancing the cultural heritage of the area. The demolition and removal of some other elements of the existing site infrastructure will make a positive contribution to this aim.

### Promote Sustainable Use of Natural Resources

32. The proposal makes no contribution to this aim.

### Promote Understanding and Enjoyment of the Area

33. The demolition of some elements of the existing site infrastructure, in particular the highly visible, predominantly asbestos built, malt bin, could improve the views of the area and as such has the potential to enhance the general public's enjoyment of the area.

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

34. The development proposal would contribute positively towards the continued operations and modernisation of processes at the distillery and as such would be of benefit to the economic development of the area.

## RECOMMENDATION

**That Members of the Committee support a recommendation to GRANT planning permission for the demolition of four flats, malting, malt barns, steeps, malt bins and garages; erection of new malt storage bins, mash tun and associated plant; construction of new access, hard standing and turning areas at Balmenach Distillery, Cromdale, subject to the following conditions :**

1. The development to which this permission relates must be begun within three years from the date of this permission.

**Reason:** To comply with Section 58 of the Town and Country Planning (Scotland) Act 1997 or amended by the Planning etc. Scotland Act 2006.

2. The development shall be carried out in phases, in accordance with the phasing arrangement indicated on the 'Courtyard Proposals' plan (dwg. no. 7878/5/1).

**Reason:** In the interests of orderly development and in order to minimise disruption in the surrounding area.

3. Prior to the commencement of development, a photographic record and building survey (including internal layout and all elevations) shall be compiled of all existing structures on the site which are to be demolished. The photographic record and building survey shall be submitted for the written approval of the Cairngorms National Park Authority acting as Planning Authority, in consultation with the Archaeology Section of Highland Council. The photographic record shall include views of all elevations as well as views of unusual internal or external features.

**Reason:** To ensure that a permanent record is compiled of existing structures and their significance to the cultural heritage of the area.

4. Prior to the commencement of development, detailed landscape enhancement measures shall be submitted for the written approval of the Cairngorms National Park Authority acting as Planning Authority. The landscape enhancement measures shall include :
  - (a) A survey and analysis of the site and landscape context;
  - (b) Identification of landscape assets and opportunities;
  - (c) A landscape enhancement plan which shall include details of finished levels, areas to be seeded, and within areas of tree and shrub planting shall show the siting, numbers, species (which shall be appropriate to the rural setting) and heights (at the time of planting) of all trees, shrubs and hedges to be planted; and
  - (d) A method statement which shall include details of ground preparation, and proposals for the protection of protection, maintenance and on-going management.

The landscape enhancement measures shall also include proposals for:

- (e) Completion of the scheme during the planting season next following the completion of the development, or such other date as may be agreed in writing with the CNPA acting as Planning Authority; and
- (f) The maintenance of the landscaped areas in perpetuity in accordance. Any trees or shrubs removed, or which in the opinion of the CNPA acting as Planning Authority, are dying, being severely damaged or becoming seriously diseased within five years of planting, shall be replaced by trees or shrubs of similar size and species to those originally required to be planted.

All landscaping enhancement measures shall be implemented and maintained in accordance with the approved plan.

**Reason:** In the interests of protecting the visual amenity of the area and in order to enhance the natural heritage of the area.

5. Prior to the commencement of development proposals for suitably sited interpretation material (including the location, physical details of the interpretation facility and details of the intended interpretation material) shall be submitted for the written agreement of the Cairngorms National Park Authority acting as Planning Authority. The agreed interpretation materials shall be implemented and maintained on site thereafter.

**Reason:** In order to assist the general public in understanding the history and cultural heritage of the site.

6. Efforts shall be made to re-use salvaged materials from the structures and details of this shall be submitted for the written agreement of the Cairngorms National Park Authority acting as Planning Authority, prior to the commencement of development.

**Reason:** In the interests of clarity and to ensure that the development is undertaken in accordance with the submitted details.

7. Prior to the commencement of development a pre-construction condition survey of the existing public road (Balmenach Road) connecting to the points of access to the site shall be undertaken and submitted for the written agreement of the Cairngorms National Park Authority acting as Planning Authority, in consultation with Highland Council TEC Services as Roads Authority.

The survey shall include a detailed photographic record of the carriageway, footways and verges of the public road. Any damage arising to the public road as a result of construction traffic associated with the development shall, on completion of the works, be made good to the satisfaction of the Planning Authority in consultation with the Roads Authority.

**Reason:** In the interests of traffic safety and the general amenity of the area.

8. Prior to the commencement of development a Traffic Management Plan shall be submitted for the written agreement of the Cairngorms National Park Authority acting as Planning Authority in consultation with Highland Council TEC Services as Roads Authority. The Traffic Management Plan shall address vehicle movement during (a) construction activities and (b) operation of the facility.

**Reason:** In the interests of public safety and in order to avoid congestion.

9. Prior to any other work commencing in connection with the development, the works listed in the following paragraph shall be completed and approved by the Cairngorms National Park Authority acting as Planning Authority, in consultation with Highland Council TEC Services as Roads Authority:
- (a) The site access shall be fit for purpose and its geometry shall be such that the largest vehicle requiring access will be able to safely enter and leave the site without overrunning the public road verges alongside and opposite the access. The bellmouth shall have edge radii of at least 6 metres and a throat width of at least 5.5 metres that shall extend to a point at least 15 metres from the nearside edge of the public road. Construction shall consist of, a minimum of 40mm thick Close Graded Asphalt Concrete Surface Course, on 60mm Dense Asphalt Concrete Binder Course, on a minimum thickness of 350mm Type I sub base, all on a sound formation.

**Reason:** In the interests of highway safety.

10. Prior to the commencement of development details of all dust suppression measures shall be submitted for the written agreement of the Cairngorms National Park Authority acting as Planning Authority, in consultation with Highland Council's Environmental Health section. The proposals shall include measures to suppress dust arising from activities at the site and to minimise dust nuisance associated with distillery operations arising off site. All dust suppression measures shall be implemented and maintained as agreed thereafter.

**Reason:** In the interests of public health and the general amenity of the area.

11. All public services for the development, including electrical, cable television and telephone cables, shall be located underground throughout the site. All such work shall be carried out prior to road surfacing and junction boxes shall be provided by the developer.

**Reason:** In the interests of the visual amenity of the area.

**Advice notes:**

- (a) Prior to any work of excavation or surfacing starting within 2 metres of the public road edge a road opening permit shall be obtained from the Roads Authority.
- (b) There is the potential for contamination at this site due to its use as a 'Distillery'. As the development does not appear to materially change the risk of potential contamination at the site an investigation is not required. However, please note that all sites with a former industrial / commercial use have been prioritised by the Highland Council under duties conferred by Part IIA of the Environmental Protection Act 1990, and may require investigation in the future. In addition, land contamination issues may affect property value. In the event that there is a wish to discuss potential contamination issues or

commission an investigation, please contact Highland Council's TEC Services Contaminated Land section for advice.

- (c) Prior to commencing the preparation of the landscaping plan required in fulfilment of condition no. 5 of this permission, the applicants are advised to (a) engage the services of a landscape architect and (b) engage in discussions with CNPA planning and landscape officials.
- (d) The interpretation material required in fulfilment of condition no. 4 of this permission shall be demonstrate how the distillery site has altered and developed since its original establishment, and shall also include details to inform the public of the further on-going development of the site.

**Don McKee**

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**22 March 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.