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| Agenda Item | 8.2 |
| Report No | PLS 035/17 |

HIGHLAND COUNCIL

Committee: South Planning Applications Committee

Date: 20 June 2017

Report Title: 16/05426/FUL: Badaguish Outdoor Centre
Speyside Trust, Badaguish Outdoor Centre, Glenmore, Aviemore, PH22 1AD

Report By: Area Planning Manager – South/Major Developments

Purpose/Executive Summary

Description: Change of use of existing laundry block to provide accommodation for a 24 hour on-site warden service

Ward: 20: Badenoch And Strathspey

Development category: Local

Reason referred to Committee: Objection from Aviemore and Vicinity Community Council

All relevant matters have been taken into account when appraising this application. It is considered that the proposal accords with the principles and policies contained within the Development Plan and is acceptable in terms of all other applicable material considerations.

Recommendation

Members are asked to agree the recommendation to **GRANT** planning permission as set out in section 11 of the report.

1. PROPOSED DEVELOPMENT

- 1.1 The proposal is to change the existing laundry block to provide accommodation for a warden.
- 1.3 Existing laundry facility with water and drainage connections. There is parking provision in the wider surrounding area.
- 1.4 Supporting Statement.
- 1.5 **Variations:** Amended Location Plan and Supporting Statement.

2. SITE DESCRIPTION

- 2.1 Badaguish Outdoor Centre is an established recreational site offering an environmental and outdoor education service for youth and community groups with numerous existing facilities on site (offices, toilet/shower blocks, lodges, café, play area, camping, wigwams, paths etc.). Land to the south of the Badaguish complex is designated as a Special Protection Area, Site of Special Scientific Interest and Special Area of Conservation and the entire site lies within the Cairngorms National Scenic Area.
- 2.2 The single storey building subject to this application is located in the northern portion of the Badaguish Outdoor Centre approximately 6km east of Aviemore.

3. PLANNING HISTORY

- 3.1 30 previous applications at the Badaguish Outdoor Centre going back to 1998 including conversion of bothy to form coffee shop/restaurant, chalets, shower block, footpaths and antennae. The majority of applications have been called in and dealt with by the Cairngorm National Park.

4. PUBLIC PARTICIPATION

- 4.1 Advertised: Unknown Neighbour: 20.03.2017

Representation deadline: 20.03.2017

Timeous representations: 2 timeous representations

Late representations: None

- 4.2 Material considerations raised are summarised as follows:

- Does not accord with the Development Plan;
- Inappropriate location;
- Impact on natural heritage interests;
- Set a precedent for residential development.
- Previous Visitor Management Plan and conditions not complied with;
- Proposal not shown in previous Visitor Management Plan;
- Inaccurate details.

Non-material considerations raised are summarised as follows:

- Should have been called in;
- Care Inspectorate requirements.

4.3 All letters of representation are available for inspection via the Council's eplanning portal which can be accessed through the internet www.wam.highland.gov.uk/wam. Access to computers can be made available via Planning and Development Service offices.

5. CONSULTATIONS

5.1 **Aviemore and Vicinity Community Council:** Object. The Community Council raises concerns regarding the accuracy of the supporting information, the long term use of the building and questions why the site was not included in the initial Masterplan for the outdoor centre.

5.2 **Cairngorms National Park Authority:** No objection.

6. DEVELOPMENT PLAN POLICY

The following policies are relevant to the assessment of the application

6.1 **Cairngorms National Park Local Development Plan (March 2015)**

- Policy 2 - Supporting Economic Growth
- Policy 3 - Sustainable Design
- Policy 4 - Natural Heritage
- Policy 10 - Resources

6.2 **Local Development Plan Policy Guidance**

- 2 - Supporting Economic Growth (non-statutory guidance)
- 3 - Sustainable Design (non-statutory guidance)
- 4 - Natural Heritage
- 10 - Resources

7.2 **Highland Council Supplementary Planning Policy Guidance**

Not applicable

7.3 **Scottish Government Planning Policy and Guidance**

SPP Scottish Planning Policy (June 2014)

8. PLANNING APPRAISAL

- 8.1 Section 25 of the Town and Country Planning (Scotland) Act 1997 requires planning applications to be determined in accordance with the development plan unless material considerations indicate otherwise.

Determining Issues

- 8.2 This means that the application requires to be assessed against all policies of the Development Plan relevant to the application, all national and local policy guidance and all other material considerations relevant to the application.

Planning Considerations

- 8.3 The key considerations in this case are:

- a) Compliance with the Development Plan and other planning policy;
- b) Site location;
- c) Natural heritage interests;
- d) Resources, and
- e) Any other material considerations.

Development Plan/other planning policy

- 8.4 The site lies within Badaguish, an area where the principle of recreational development is well established and it is generally accepted that there will be a requirement for ancillary buildings within the site. The proposal is for a change of use to an existing building to provide additional warden accommodation.
- 8.5 Development Plan Policy 2: Tourism and Leisure Development offers strong support for the principle of this type of development subject to satisfying other relevant planning policies on landscape, heritage and servicing. Policy 8: Sport and Recreation also supports the provision of such facilities. The proposal complies with Policy 3: Sustainable Development, Policy 4: Natural Heritage and Policy 10: Resources as the conversion is considered appropriate, has minimal impact on wider natural heritage interests and there is capacity for connection to services.
- 8.6 The principle of development is therefore supported by policy. The application has attracted two representations and an objection from the Community Council which requires further detailed consideration.
- 8.7 Some of the initial application details were inaccurate and an amended location plan and updated Supporting Statement were provided.

Location of the building

- 8.8 Concern had been raised with the location of the building stating that it is not well situated for a 24 hour warden service given that it is set back approximately 200m from the site entrance. Whilst there will be an element of separation between the building and proposed camping pods in the northern portion of the outdoor centre the site is centrally located and makes use of an existing unit.

- 8.9 Concern was also raised with regard to setting a precedent for further residential development within the site. The application is for staff accommodation associated with the existing outdoor centre. A condition restricting occupation of the unit to employees and tying the use to the land is attached.

Natural heritage interests

- 8.10 Previous applications at the outdoor centre have fully considered potential impacts on capercaillie through a Habitats Regulation Assessment and Appropriate Assessment. A Visitor Management Plan was to be implemented to mitigate any impacts. The proposed development has little direct ecological impacts, being located within the developed complex at Badaguish on land of limited ecological value. It is not considered that the proposal is likely to have any impact on capercaillie interests in the wider surrounding area.

Resources

- 8.11 Whilst the proposal will marginally increase staff numbers on site the existing infrastructure is considered to be sufficient.

Other material considerations

- 8.12 Concerns have been raised in relation to non-compliance with an existing Visitor Management Plan (VMP) for Badaguish. In its consultation response Cairngorms National Park Authority raised no issue with the proposal in respect of the VMP. It is therefore considered that this is not directly relevant to this particular application or to Members decision in this case. The CNPA Monitoring and Enforcement Officer will continue to monitor and enforce existing planning conditions at this site.
- 8.13 In a similar vein, concerns are expressed that this proposal was not shown on the Masterplan for a separate application dealt with by the Park. The lack of identification on a Masterplan has not concerned the CNPA in its response to the Council. The applicant has taken this opportunity, as they are entitled to, in isolation of any existing permissions. The proposal however must be judged on its individual merits.
- 8.14 Third parties raise issue with the accuracy of some application details. Some of the initial application details were inaccurate and an amended location plan and updated Supporting Statement were provided to address this.

Non-material considerations

- 8.15 Whether the Cairngorms National Park Authority call-in planning applications or not is a matter for that Authority. It chose not to in this case.
- 8.17 Care Inspectorate requirements are not material to the determination of this application.

Matters to be secured by Section 75 Agreement

- 8.19 None

9. CONCLUSION

- 9.1 All relevant matters have been taken into account when appraising this application. It is considered that the proposal accords with the principles and policies contained within the Development Plan and is acceptable in terms of all other applicable material considerations. Concerns raised by the Community Council and representations received can be mitigated by conditions. By imposing conditions, it is considered that the proposal accords with the Development Plan.

10. IMPLICATIONS

- 10.1 Resource: Not applicable
- 10.2 Legal: Not applicable
- 10.3 Community (Equality, Poverty and Rural): Not applicable
- 10.4 Climate Change/Carbon Clever: Not applicable
- 10.5 Risk: Not applicable
- 10.6 Gaelic: Not applicable

11. RECOMMENDATION

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|---|---|
| Action required before decision issued | N |
| Notification to Scottish Ministers | N |
| Notification to Historic Scotland | N |
| Conclusion of Section 75 Agreement | N |
| Revocation of previous permission | N |

Subject to the above, it is recommended that planning permission be **GRANTED** subject to the following conditions and reasons:

1. The use of the building hereby approved is for ancillary accommodation only associated with the operation of the Badaguish Outdoor Centre and at no time shall be separated or operated separately from this facility. In addition, the building shall only be occupied by persons directly employed in connection with Badaguish Outdoor Centre.

Reason: To clarify the terms of this planning permission and to ensure that the building does not become used as a separate dwellinghouse independent of the operation of Badaguish Outdoor Centre.

2. The use hereby granted planning permission shall not be implemented unless it has been demonstrated to the planning authority that there is sufficient capacity

within the existing foul drainage system to accommodate the additional use and include details of the existing facilities. The premises shall not be used for residential accommodation unless any upgrade so identified is implemented and completed to the satisfaction of the planning authority.

Reason: in the interests of public health.

REASON FOR DECISION

The proposals accord with the provisions of the Development Plan and there are no material considerations which would warrant refusal of the application.

TIME LIMIT FOR THE IMPLEMENTATION OF THIS PLANNING PERMISSION

In accordance with Section 58 of the Town and Country Planning (Scotland) Act 1997 (as amended), the development to which this planning permission relates must commence within THREE YEARS of the date of this decision notice. If development has not commenced within this period, then this planning permission shall lapse.

FOOTNOTE TO APPLICANT

Initiation and Completion Notices

The Town and Country Planning (Scotland) Act 1997 (as amended) requires all developers to submit notices to the Planning Authority prior to, and upon completion of, development. These are in addition to any other similar requirements (such as Building Warrant completion notices) and failure to comply represents a breach of planning control and may result in formal enforcement action.

1. The developer must submit a Notice of Initiation of Development in accordance with Section 27A of the Act to the Planning Authority prior to work commencing on site.
2. On completion of the development, the developer must submit a Notice of Completion in accordance with Section 27B of the Act to the Planning Authority.

Copies of the notices referred to are attached to this decision notice for your convenience.

Accordance with Approved Plans & Conditions

You are advised that development must progress in accordance with the plans approved under, and any conditions attached to, this permission. You must not deviate from this permission without consent from the Planning Authority (irrespective of any changes that may separately be requested at the Building Warrant stage or by any other Statutory Authority). Any pre-conditions (those requiring certain works, submissions etc. prior to commencement of development) must be fulfilled prior to work starting on site. Failure to adhere to this permission and meet the requirements of all conditions may invalidate your permission or result in formal enforcement action.

Scottish Water

You are advised that a supply and connection to Scottish Water infrastructure is dependent on sufficient spare capacity at the time of the application for connection to Scottish Water. The granting of planning permission does not guarantee a connection. Any enquiries with regards to sewerage connection and/or water supply should be directed to Scottish Water on 0845 601 8855.

Septic Tanks & Soakaways

Where a private foul drainage solution is proposed, you will require separate consent from the Scottish Environment Protection Agency (SEPA). Planning permission does not guarantee that approval will be given by SEPA and as such you are advised to contact them direct to discuss the matter (01349 862021).

Local Roads Authority Consent

In addition to planning permission, you may require one or more separate consents (such as road construction consent, dropped kerb consent, a road openings permit, occupation of the road permit etc.) from the Area Roads Team prior to work commencing. These consents may require additional work and/or introduce additional specifications and you are therefore advised to contact your local Area Roads office for further guidance at the earliest opportunity.

Failure to comply with access, parking and drainage infrastructure requirements may endanger road users, affect the safety and free-flow of traffic and is likely to result in enforcement action being taken against you under both the Town and Country Planning (Scotland) Act 1997 and the Roads (Scotland) Act 1984.

Further information on the Council's roads standards can be found at: <http://www.highland.gov.uk/yourenvironment/roadsandtransport>

Application forms and guidance notes for access-related consents can be downloaded from:

http://www.highland.gov.uk/info/20005/roads_and_pavements/101/permits_for_working_on_public_roads/2

Mud & Debris on Road

Please note that it is an offence under Section 95 of the Roads (Scotland) Act 1984 to allow mud or any other material to be deposited, and thereafter remain, on a public road from any vehicle or development site. You must, therefore, put in place a strategy for dealing with any material deposited on the public road network and maintain this until development is complete.

Construction Hours and Noise-Generating Activities

You are advised that construction work associated with the approved development (incl. the loading/unloading of delivery vehicles, plant or other machinery), for which noise is audible at the boundary of the application site, should not normally take place outwith the hours of 08:00 and 19:00 Monday to Friday, 08:00 and 13:00 on Saturdays or at any time on a Sunday or Bank Holiday in Scotland, as prescribed in Schedule 1 of the Banking and Financial Dealings Act 1971 (as amended).

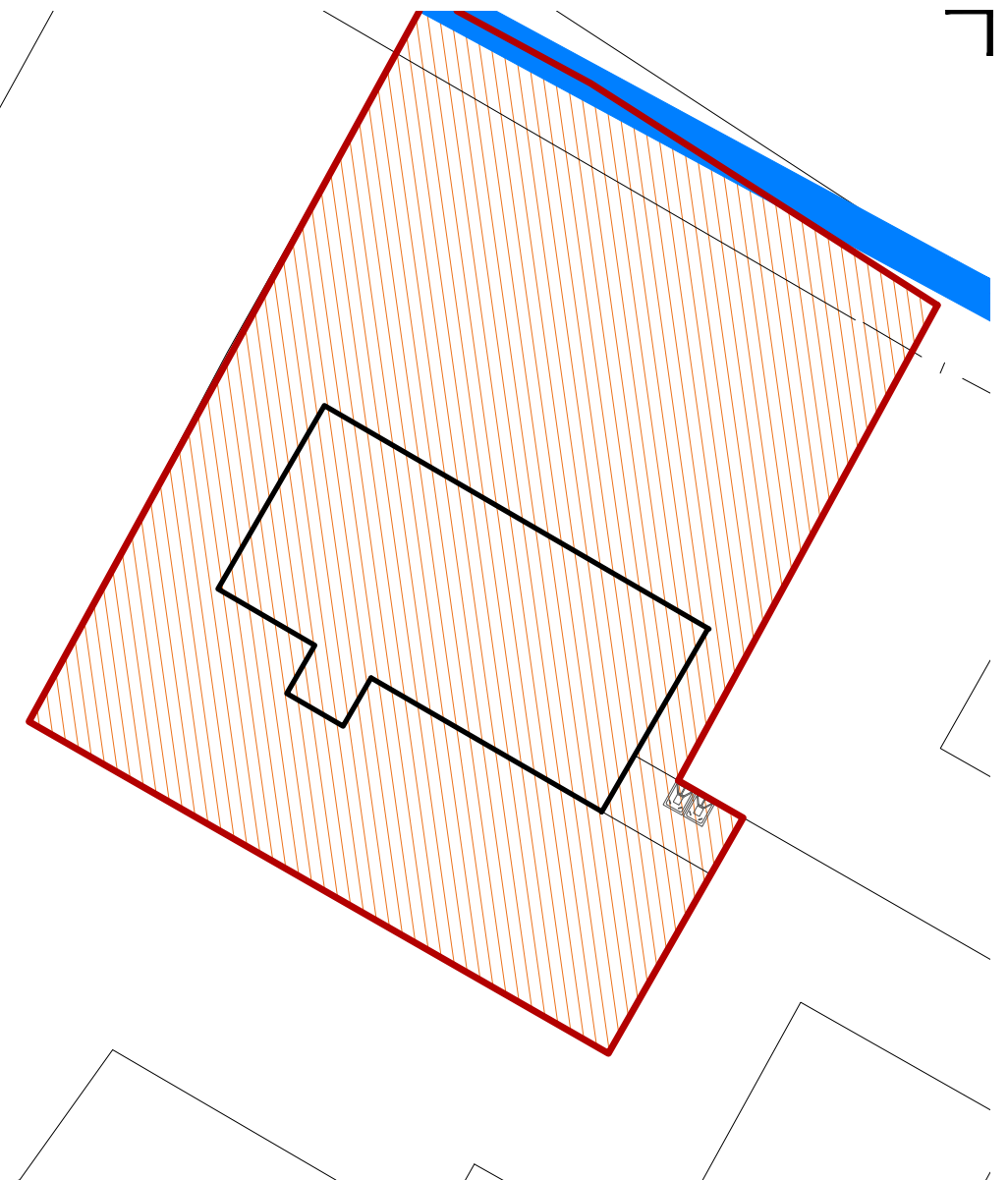
Work falling outwith these hours which gives rise to amenity concerns, or noise at any time which exceeds acceptable levels, may result in the service of a notice under Section 60 of the Control of Pollution Act 1974 (as amended). Breaching a Section 60 notice constitutes an offence and is likely to result in court action.

If you wish formal consent to work at specific times or on specific days, you may apply to the Council's Environmental Health Officer under Section 61 of the 1974 Act. Any such application should be submitted after you have obtained your Building Warrant, if required, and will be considered on its merits. Any decision taken will reflect the nature of the development, the site's location and the proximity of noise sensitive premises. Please contact env.health@highland.gov.uk for more information.

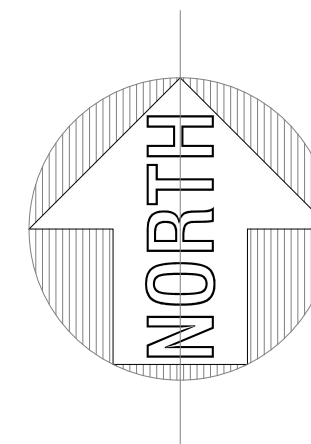
Signature: Nicola Drummond
Designation: Area Planning Manager – South/Major Developments
Author: Roddy Dowell (01463 255 183)
Background Papers: Documents referred to in report and in case file.
Relevant Plans: Plan 1 – Location Plan 4224-01-001 REV B
Plan 2 – Floor Plan 4224-03-100



Location Plan
Scale 1/2500



Site Plan
Scale 1/200



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|-----|---------|------------------------------------|-----|------|
| REV | DATE | DESCRIPTION | DRN | CH'D |
| B | 9.02.17 | Mistake corrected on the site plan | AF | |
| A | 2.12.16 | bin area indicated | AF | |

Bracewell Stirling

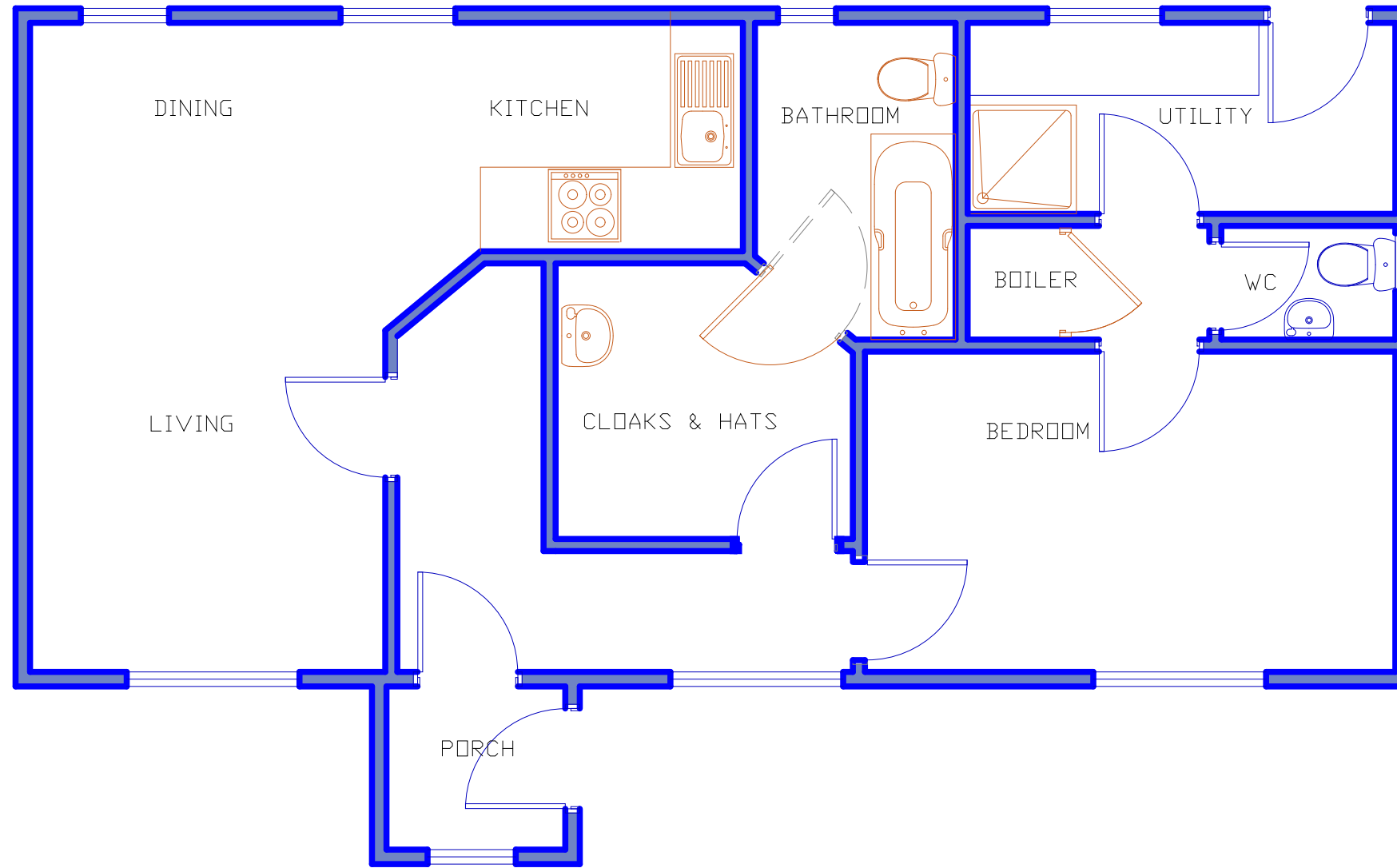
- 38 WALKER TERRACE, TILlicOUNTRY, FK13 6EF
TEL: 01259 750301
- 5 NESS BANK, INVERNESS, IV2 4SF
TEL: 01463 233760

BADAGUISH - WARDEN'S HOUSE
BADAGUISH

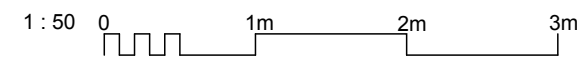
TITLE
SITE AND LOCATION PLAN

| | | |
|---------------|------------|-------|
| SCALE | DATE | BY |
| 1:1000 1:2500 | 09/02/2017 | AF |
| | PURPOSE | PAPER |
| | Planning | A3 |

| | |
|-------------|---------------|
| DWG NO.-REV | 4224-01-001 B |
|-------------|---------------|



- Existing partitior , doors , windows, furniture
- Proposed doors ,furniture
- Removed door



| REV | DATE | DESCRIPTION | DRN | CH'D |
|----------------------------|------|--|-------|------|
| Bracewell Stirling | | | | |
| ● | | 38 WALKER TERRACE, TILlicOUNTRY, FK13 6EF TEL: 01259 750301 | | ● |
| ○ | | 5 NESS BANK, INVERNESS, IV2 4SF TEL: 01463 233760 | | ○ |
| BADAGUISH - WARDEN'S HOUSE | | | | |
| BADAGUISH | | | | |
| ---- | | | | |
| TITLE | | | | |
| FLOOR PLAN | | | | |
| SCALE | | | | |
| 50 | DATE | 01/12/2016 | BY | AF |
| PURPOSE | | PLANNING | PAPER | A3 |
| DWG NO.-REV | | | | |
| 4224-03-100 | | | | |