
CAIRNGORMS NATIONAL PARK AUTHORITY

Title: REPORT ON CALLED-IN PLANNING APPLICATION

Prepared by: ANDREW TAIT, PLANNING OFFICER (DEVELOPMENT MANAGEMENT)

DEVELOPMENT PROPOSED: ERECTION OF WOOD CHIP STORE AMENDED DESIGN, DORBACK LODGE, DORBACK ESTATE, NETHY BRIDGE (FULL PP RETROSPECTIVE)

REFERENCE: 09/352/CP

**APPLICANT: DORBACK ESTATE
C/O ANTA ARCHITECTURE, TAIN**

DATE CALLED-IN: 13 NOVEMBER 2009

RECOMMENDATION: APPROVE SUBJECT TO CONDITIONS

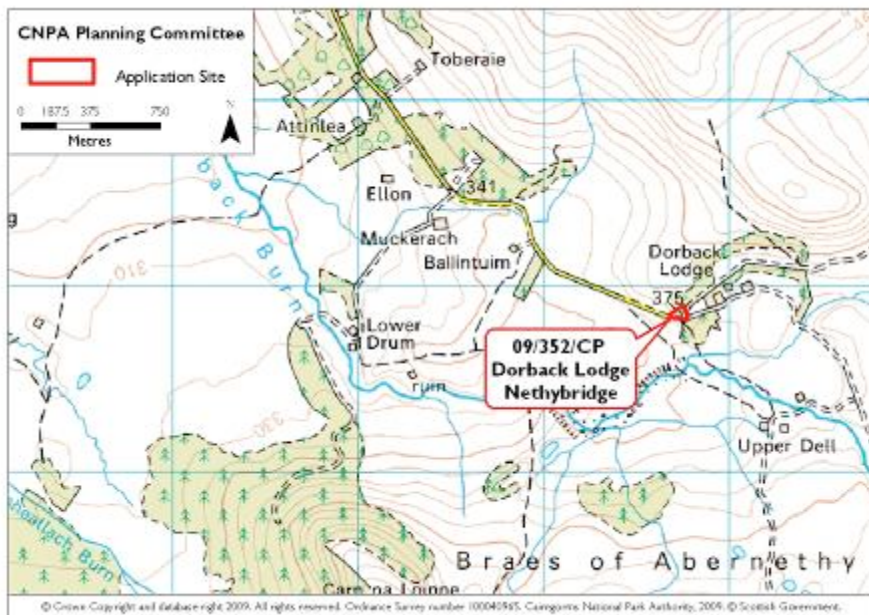


Fig. 1 - Location Plan

SITE DESCRIPTION AND PROPOSAL

1. The site is a former gravel pit at the end of the Dorback Road approximately 400 metres to the west of Dorback Lodge (see fig 1).
2. The CNPA granted permission for a woodchip store at the site in June 2007. The CNPA Monitoring and Enforcement Officer noted that the building had been constructed in summer 2009. However, there were a number of design variations to the building that departed from the permission. The changes included a larger concrete apron, a change in the configuration of external timber boarding and a gateway of a different dimension to that approved. The permission required compliance with a number of planning conditions and in particular that a landscaping plan should be submitted to and agreed by the CNPA. This was not submitted. In addition, and crucially, significant earthworks/embankments had been formed around the building which would have been a key subject of the landscaping plan. The works carried out went beyond the approved consent for the site and were carried out outside of the red line that was approved for the original application. A copy of the original decision notice is attached at the back of this report.



Figs. 2 & 3 -Site prior to development

Fig. 4- Approved Layout Plan

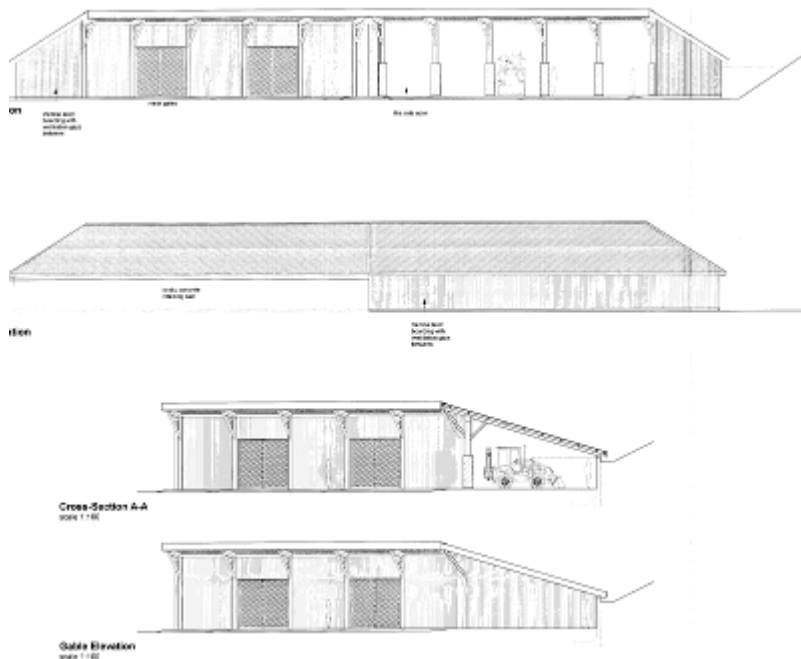
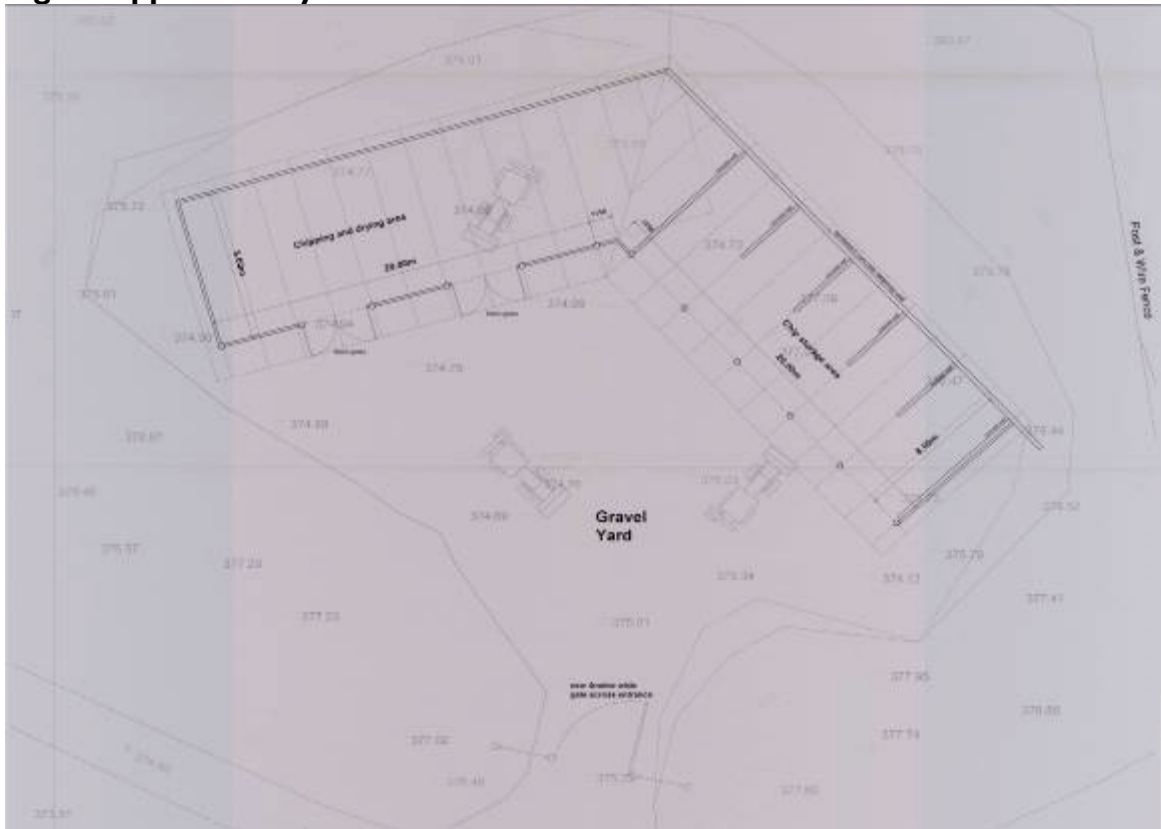


Fig. 5- Approved elevations



Fig.6- Wood chip building as constructed showing concrete apron and sliding doors



Fig.7- Photograph showing earthworks adjacent to Dorback Road

3. This application is retrospective and seeks permission to retain the design of the building as is with a revised red line taking account of the area in which works have taken place. A landscaping plan has also been submitted to show how alterations can be made to the embankment that has been formed at the

entrance to the wood chip building. Tree planting is also proposed by the landscaping plan. Photomontages of the building and existing and proposed landscaping/re-profiling works can be seen at the back of this report.

DEVELOPMENT PLAN CONTEXT

Highland Structure Plan March 2001

4. **Policy L4 (Landscape Character)**, states that the Council will have regard to the desirability of maintaining and enhancing present landscape character in the consideration of development proposals. **Policy G2 (Design for Sustainability)**, lists a number of criteria on which proposed developments will be assessed. These include service provision (water and sewerage, drainage, roads, schools electricity); accessibility by public transport, cycling, walking and car; energy efficiency in terms of location, layout and design (including the utilisation of renewable energy sources); use of brownfield sites, existing buildings and recycled materials; demonstration of sensitive siting and high quality design; contribution to the economic and social development of the community; and the impact on resources such as habitats. **Policy E8 Small Community Renewable Energy Projects** considers that the Council will support efforts to make more provision for small community renewable energy projects.
5. The **Badenoch and Srathspey Local Plan 1997** contains no policies which directly relate to the development being proposed.

Cairngorms National Park Plan 2007

6. Section 5.2 of the National Park Plan “**Living and Working in the Park**” includes strategic objectives under 5.2.4 Housing c) Improve the physical quality, energy efficiency and sustainable design of housing in all tenures throughout the Park. Under 5.1 “**Conserving and Enhancing the Park Strategic**” objectives include a) Promoting multi objective forest and woodland management that delivers environmental, economic and social benefits; d) Increase the value of timber and other local forest products, strengthen supply chains and develop new markets; g) contribute to national efforts to address climate change.

CONSULTATIONS

7. **CNPA Heritage and Land Management (Landscape)** are comfortable with what has been submitted but would suggest that to achieve what is being set out in the proposals there would be a need to apply the following conditions;
 - that mounding is re-profiled as per the section and drawings shown on drawing photosheet 003 and photosheets 01 and 02.
 - that deer fencing be erected around planted and sown areas to protect from grazing and ensure successful establishment and long term survival.

- that the line of fence to be agreed with CNPA
 - the deer fence to be maintained for 20 years and then removed.
 - All birch trees to be protected using spiral guards to prevent damage from hares and rabbits.
8. **SEPA** has been consulted but make no specific comments referring to their generic guidance.
9. **Nethy Bridge and Vicinity Community Council** raise concern that the development has exceeded its original permission and that efforts should be made to hide the building in the landscape. If trees were to be planted around the building this should be done in an irregular pattern to look as natural as possible. The Community Council would also like the authority to make it very plain that in future such transgressions would be dealt with much more severely. A copy of the Community Council response is attached at the back of this report.

REPRESENTATIONS

10. No representations have been received.

APPRAISAL

11. The principle, siting and general design of the building are all accepted by the permission (07/087/CP) granted at the site by the CNPA. The object of this report is to look at the differences between the consented and constructed scheme and in particular the earthworks that have been carried out that are beyond the scope of the earlier permission.
12. There are some minor design changes to the building including sliding doors as opposed to opening out doors. I am of the view that the building as built does not vary to any extent that would alter a positive recommendation with regard to the design of the building. The sliding doors and the extended concrete apron presumably make the use of the building and the yard easier as does the widened entrance area. The photograph at figure 6 shows a contemporary, well designed building for its purpose and I have no concerns with the changes that have been made from the original consent.
13. Of more concern are the earthworks that have taken place as part of the construction of the building. The site originally formed a hollow with banks around but material added has significantly increased this effect and made it look more formalised and less natural. Importantly works extended outside of the red line of the original permission. The applicant has employed a firm of landscape architects to address this problem and it is intended that the upper sections of the bunds around the entrance will be reduced and given a more 'rounded' appearance. Likewise the ramped embankments at the rear of the building will be rounded. Sporadic planting is also proposed which should help to naturalise the area surrounding the site. A very detailed landscaping plan and maintenance schedule has been produced to accompany

this application. With the implementation of the landscaping plan the situation will be much improved and considered acceptable. The CNPA Monitoring and Enforcement Officer will ensure that the landscaping proposals are implemented.

14. The site originally hosted some items of scrap metal and it appears that some of this material may have been formed into the embankment. SEPA had been consulted upon this but make no comment. Issues regarding potential contamination of the site have been resolved through condition No. 4 on the original planning permission.
15. Overall the proposal is considered acceptable. However, given that works have taken place that do not comply with the original permission part B of the recommendation suggests that a letter be sent to the applicant's expressing concern that works outside of the permission have taken place.

IMPLICATIONS FOR THE AIMS OF THE NATIONAL PARK

Conserve and Enhance the Natural and Cultural Heritage of the Area

16. The changes to the building have little impact upon the acceptable nature of the scheme. The changes proposed through the landscape proposals will improve the look of the site and its surroundings.

Promote Sustainable Use of Natural Resources

17. The proposal performs well in terms of this aim by creating a localised market for heating based upon the timber resource of the estate. Solid wood fuel is generally regarded as an environmentally friendly form of heating, particularly where the forest resource is managed sustainably.

Promoting Understanding and Enjoyment

18. The proposal is not directly relevant to this aim. However, when the application was determined it was mentioned that some car parking should be provided for walkers to access a nearby Corbett (Scottish Hill Over 2,500ft). A small area extending the turning head provides limited parking.

Promoting Sustainable Economic and Social Development of the Area

19. The proposal should help to maintain local estate worker employment.

RECOMMENDATION

20. It is recommended to members of the Committee that the application for full, retrospective planning permission for the erection of wood chip store, amended design, Dorback Lodge, Dorback Estate, Nethy Bridge is **GRANTED** subject to the following:

A. Conditions

1. The development shall be landscaped (including earthworks) and maintained in accordance with the approved landscape specification and maintenance manual received 17 December 2009 as follows:-

Completion of the scheme during the first planting season following the completion of the development, or such other date as may be approved in writing with the CNPA acting as Planning Authority.

- (a) The mounding to be re-profiled as per the section and drawings shown on drawing photo sheet 003 and 01 & 02.
- (b) Deer fencing to be erected around planted and sown areas in a position to be agreed in writing by the CNPA.
- (c) The deer fence to be maintained for a period of 20 years from the date of its erection and then removed.
- (d) All trees to be protected using spiral guards.
- (e) Any trees/shrubs removed, or which in the opinion of the 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.

Reason: To ensure the implementation of a satisfactory scheme of landscaping which will in due course improve the environmental quality of the development.

2. Should any non organic waste material (e.g items of metal/plastic etc..) be found during excavations to re-profile the landscaping around the site a report shall be supplied to the CNPA setting out the nature of the material and the intended disposal method. Any material shall be disposed of to a licensed waste facility.

Reason: To ensure that any waste material is disposed of in a proper manner.

B Covering Letter

It is recommended that a letter be sent to the applicant's expressing the CNPA's disappointment that development has taken place that does not conform to the terms of the original planning permission strongly advising that these circumstances should not be repeated.

Andrew Tait

Date 27 January 2010

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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.