
CAIRNGORMS NATIONAL PARK AUTHORITY

Title: REPORT ON CALLED-IN PLANNING APPLICATION

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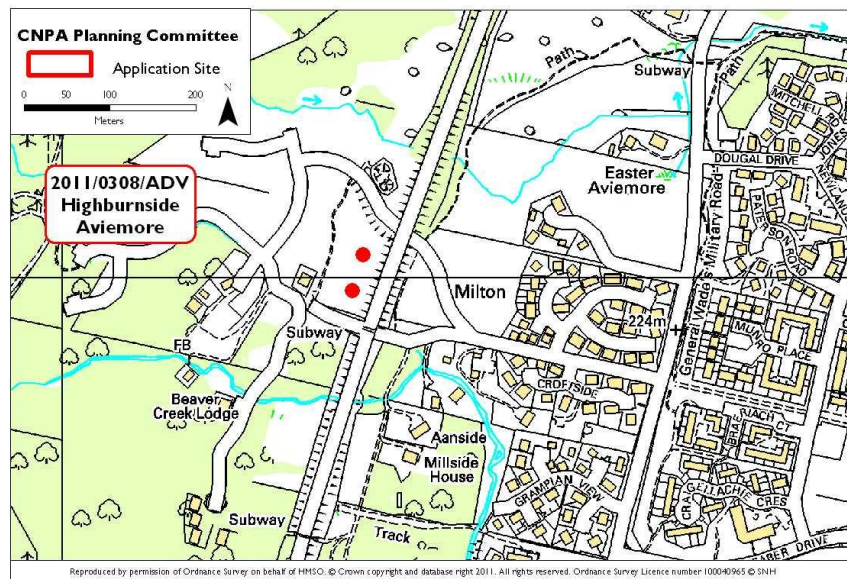
DEVELOPMENT PROPOSED: ADVERTISEMENT CONSENT FOR THE DISPLAY OF ADVERTISEMENTS (2 SIGNBOARDS) ON LAND AT HIGHBURNSIDE, AVIEMORE

REFERENCE: 2011/0308/ADV

APPLICANT: TULLOCH HOMES LTD., C/O BRACEWELL STIRLING CONSULTING, NESS BANK, INVERNESS.

DATE CALLED-IN: 30 SEPTEMBER 2011

RECOMMENDATION : REFUSE



Grid reference : 289347 814019 (easting northing)

Fig. 1 - Location Plan

SITE DESCRIPTION AND PROPOSAL

1. Advertisement consent is sought for the display of two signboards on land which is part of the Highburnside development in Aviemore. Consent is sought retrospectively. Advertising consent was originally granted by the Cairngorms National Park Authority in November 2008 for a temporary period of 12 months. The signboards have remained in place since the expiry of that consent. The unauthorised status of the signage was brought to the attention of the applicants and the current application was submitted in response to that.
2. The signboards are positioned on the eastern edge of the Highburnside development site, adjacent to the A9 trunk road, on land which forms part of the public open space area associated with the housing development. Some landscaping works have been undertaken in this location. The signboards are positioned on white poles, with each sign being an overall height of 3.5 metres. The V shape signboards are vertically aligned and each bears the same information, with one side advertising the Highburnside development as a “prestigious development of 3, 4 and 5 bedroom homes” and also providing details of the opening hours of the sales and marketing suite, as well as including the company name and logos, while the other side provides directional details to access the site. Advertising consent is sought for a period of five years.



Fig. 2 : The existing signage adjacent to the A9 trunk road



Fig. 3: Sales and direction information on the existing signs

Previous consent

3. Several advertising signs were erected close to the A9 road frontage of the site in 2008, coinciding with the early phases of housing construction activity at Highburnside. The existing signboards, as well as a larger centrally positioned horizontal V shaped signboard were erected at that time, without the benefit of advertising consent. Consent was retrospectively sought and the application was called in by the CNPA (planning ref. no. 08/287/CP refers). Details submitted by the applicants in support of the signage referred to marketing factors which made it imperative to properly identify the existence and purpose of the site for potential customers. The proposal was initially

considered by the CNPA Planning Committee in October 2008 and a decision was deferred in order to investigate whether or not the applicants were willing to reduce the number of signs. The applicants agreed to remove the centrally positioned horizontal sign. Advertising consent was subsequently granted for the remaining vertical signs in November 2008. The consent was for a period of 12 months, with a requirement that the signage would be removed at the end of the period, and the site reinstated. The signage has however remained in place since that time.

The applicants' case

4. A similar case as in 2008 has been advanced on this occasion in support of the signage. Reference is made in supporting information submitted by the agent to the need to maintain the signage in position at the site to provide adequate directions to potential visitors and construction vehicles "in order to avoid potential road safety issues as vehicles try to determine which junctions to take." Reference is also made to the position of the signage, set back from the trunk road verge and adjacent to a straight section of the A9 where the signs do not interfere with sight lines.
5. The agents submission also refers to the "current protracted economic climate" stating that every effort is required in this climate to promote the development in order sustain the construction programme and maintain employment for the workforce. Since the commencement of the development, the build rate has been 10 houses per year and future build rates are not anticipated to exceed this in the coming years. It is suggested that the 5 year period for which advertising consent is currently being sought would take into account remaining units to be built. In the event of the development being completed before the anticipated time, it is stated that the applicants would remove the signage.

DEVELOPMENT PLAN CONTEXT

National policy

6. **Scottish Planning Policy¹ (SPP)** is the statement of the Scottish Government's policy on nationally important land use planning matters. It supersedes a variety of previous Scottish Planning Policy documents and National Planning Policy Guidance. Core Principles which the Scottish Government believe should underpin the modernised planning system are outlined at the outset of **SPP** and include:
 - The constraints and requirements that planning imposes should be necessary and proportionate;
 - The system shouldallow issues of contention and controversy to be identified and tackled quickly and smoothly; and
 - There should be a clear focus on quality of outcomes, with due attention given to the sustainable use of land, good design and the protection and enhancement of the built and natural environment.

¹ February 2010

7. **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 focuses on the topic of Sustainable Economic Growth and advises that increasing sustainable economic growth is the overarching purpose of the Scottish Government. It is advised that “the planning system should 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, recognising and responding to economic and financial conditions in considering proposals that would contribute to economic growth.
8. 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.”
9. As a replacement for a variety of previous planning policy documents the new **Scottish Planning Policy** includes ‘subject policies’, of which many are applicable to the proposed development. Topics of relevance in the context of this proposal include economic development and landscape. The following paragraphs provide a brief summary of the general thrust of each of the subject policies.
10. Economic development : Planning authorities are encouraged to respond to the diverse needs and locational requirements of different sectors and to take a flexible approach to ensure that changing circumstances can be accommodated. The benefits of high environmental quality are also recognised and planning authorities are therefore required to ensure that new development safeguards and enhances an area’s environmental quality and where relevant, also promote and support opportunities for environmental enhancement and regeneration.
11. Landscape and natural heritage : The **Scottish Planning Policy** document recognises the value and importance of Scotland’s landscape and natural heritage. It is accepted that landscape is constantly changing and the aim is to facilitate positive change whilst maintaining and enhancing distinctive character. As different landscapes have different capacities to accommodate new development, the siting and design of development should be informed by landscape character.
12. **Scottish Planning Policy** concludes with a section entitled ‘Outcomes’ in which it is stated that the “planning system should be outcome focused, supporting the creation of high quality, accessible and sustainable places through new development, regeneration and the protection and enhancement of natural heritage and historic environmental assets.”

Strategic Policies

Cairngorms National Park Plan (2007)

13. 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 and the management of public spaces complements and enhances the character, pattern and local identity of the built and historic environment.
14. 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)

15. **Highland Council Structure Plan** is founded on the principles of sustainable development, which are expressed as –
 - Supporting the viability of communities;
 - Developing a prosperous and vibrant local economy; and
 - Safeguarding and enhancing the natural and built environment.A variety of detailed policies emanate from the principles.
16. Section 2.4 of the Plan concentrates on the subject of landscape, stating that “no other attribute of Highland arguably defines more the intrinsic character and nature of the area than its landscape.” Similar to national policy guidance, there is a recognition that landscape is not a static feature and that the protection and enhancement of landscape and scenery must be positively addressed. **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.”

Local Plan Policy

Cairngorms National Park Local Plan (2010)

17. The Cairngorms National Park Local Plan was formally adopted on 29th October 2010. The full text can be found at :
<http://www.cairngorms.co.uk/parkauthority/publications/results.php?publicationID=265>

18. The Local Plan contains a range of policies dealing with particular interests or types of development. These provide detailed guidance on the best places for development and the best ways to develop. The policies follow the three key themes of the Park Plan to provide a detailed policy framework for planning decisions:
- Chapter 3 - Conserving and Enhancing the Park;
 - Chapter 4 - Living and Working in the Park;
 - Chapter 5 - Enjoying and Understanding the Park.
19. Policies are not cross referenced and applicants are expected to ensure that proposals comply with all policies that are relevant. The site-specific proposals of the Local Plan are provided on a settlement by settlement basis in Chapter 6. These proposals, when combined with other policies, are intended to meet the sustainable development needs of the Park for the Local Plan's lifetime. The following paragraphs list a range of policies that are appropriate to consider in the assessment of the current development proposal.
20. Policy 6 – Landscape : there will be a presumption against any development that does not complement and enhance the landscape character of the Park, and in particular the setting of the proposed development. Exceptions will only be made where any significant adverse effects on the landscape are clearly outweighed by social or economic benefits of national importance and all of the adverse effects on the setting of the proposed development have been minimised and mitigated through appropriate siting, layout, scale, design and construction.
21. Policy 16 – Design Standards for New Development : this is one of a number of policies which is intended to encourage developers to consider how they can best include the principles of sustainable development in their proposals, and consider the impact on the environment, economy and community. Policy 16 requires that all proposals are accompanied by a design statement which sets out how the requirements of the policy have been met. The design of all development is encouraged to :
- Reflect and reinforce the traditional pattern and character of the surrounding area and reinforce the local vernacular and local distinctiveness, whilst encouraging innovation in design and materials;
 - use materials and landscaping that will complement the setting of the development;
 - demonstrate sustainable use of resources; and
 - be in accordance with the design standards and palette of materials as set out in the Sustainable Design Guide.

CONSULTATIONS

22. As the signage is adjacent to the A9 trunk road **Transport Scotland**, as the trunk roads network management authority, was consulted. The recently received response from **Transport Scotland** recommends that consent be refused as “the proposed signage is likely to cause an unnecessary distraction to drivers on the trunk road and would be detrimental to road safety.”

Reference is also made to the previous application (CNPA ref. no. 08/827/CP) which was accepted on the basis that the signs were of a temporary nature. **Transport Scotland** consider that the current proposal effectively makes the signs longer term.

23. **Aviemore and Vicinity Community Council** has examined the proposal and object. A number of points are raised in the objection.
- The signage is described as a distraction for motorists and a serious hazard for trunk road traffic and it is suggested that signs will take drivers attention away from the road and encourage them to look at the housing, while on a road which accommodates high speed traffic;
 - The signs are described as large and intrusive;
 - There is concern that if the signs were allowed to remain they would set a precedent for applicants ignoring the terms of their planning permission;
 - Reference is made to the recent refusal by Highland Council of advertising consent² and it is suggested that the CNPA should “take their lead from the Highland Council;”
 - Reference is made to an extract from the CNPA planning report which was prepared in relation to the 2008 application for signage at the site, including reference to the temporary nature of the signage. The Community Council submission states that “these signs are anything but temporary;”
 - It is stated that the development proposal does not make any positive contribution to the second or third aim of the National Park; and
 - The Community Council also state that the signage will not promote sustainable economic or social development of the area, as it is only of benefit to the applicants.

REPRESENTATIONS

24. No representations have been received in respect of the proposed development.

APPRAISAL

25. The key considerations in assessing this application include whether size, design and location of the signboards are acceptable, the period of time for which advertising consent is being sought, the impact of the signage on the visual amenity and landscape character of this part of the National Park and the traffic safety issues arising as a result of the signage.
26. Details have been provided in foregoing sections of this report on the nature of the signage for which advertising consent is now retrospectively being sought. In the context of advertising associated with housing developments, the size and content of the signage is of a generally acceptable nature.

² The signage related to the advertising of a sporting event, and also contained corporate logo's associated with Tulloch Homes.

However, its location in a highly visible location adjacent to the A9 trunk road, which is the main thoroughfare through the western side of the National Park necessitates consideration of the impact of the signage on the visual amenity and landscape experience of the area. The signs are prominently located and while this may achieve the commercial benefit required by the applicant in marketing the Highburnside housing development, as well as providing directional advice for interested parties, the impact of the signs, and in particular their retention on the site for a further pro-longed period of time, must also be considered. On approaching the trunk road frontage of the Highburnside housing site, a significant level of tree cover and vegetation is in existence, before reaching the open area in which the signboards are currently positioned. It is at this location that significant views open up of both the site and also the higher ground to the rear. The signboards are prominent in this open siting and negatively impact on the visual quality and the general public's experience and enjoyment of the wider landscape.

27. The commercial reasoning for the proposed retention of the signage for 5 years, as set out in paragraphs 4 and 5, is acknowledged, including references to the adverse economic circumstances which have prevailed for the past few years and the anticipated build rate. It is on the basis of similar justification offered in the course of the consideration of the previous proposal for signage on the site in 2008, that temporary consent was granted. The prominence of the signage was acknowledged at that time, but it was considered that this adverse impact could be countenanced for a temporary period and would facilitate the applicants' desired objective of providing easy identification and direction to the site during the early stages of construction activity. Despite the expiry of the original temporary consent in 2009, the applicants have had the benefit of the signage being in place for a considerably longer period than originally permitted.
28. There are a number of altered circumstances to take into account in considering the current proposal. One significant factor is the five year period for which consent is sought. Notwithstanding the three years that the signboards have already been in place, the proposed retention of the signage for a further five years suggests an unacceptable longer term visual impact. In addition, it could also set a precedent for the acceptance of such signage in other areas of the National Park for extended time periods. A further change in circumstances since the previous proposal is the progress which has been made in construction on the Highburnside site. While this may be at a slower rate than originally anticipated by the applicants, construction activity in the eastern areas of the site has nonetheless progressed to a stage where the housing is clearly evident, with many properties now occupied and the showhouse prominently identifiable from the A9 trunk road. The evidently identifiable site location and the visually apparent fact that this is a new housing development where construction activity is on-going, could be considered to go a significant way towards attracting the attention of interested parties, thereby negating the commercial need for the retention of the signage.



Fig. 4 - 'Lochnagar' type showhouse, as viewed from the eastern site boundary, adjacent to the A9 trunk road.

29. The final significant change in circumstances since the determination of the previous application in 2008 is the advice provided by **Transport Scotland**. As detailed in paragraph 23, **Transport Scotland** recommend that the current proposal be refused, considering the requested 5 year consent to be 'long term' as opposed to the temporary nature of the earlier proposal in 2008. The views of **Transport Scotland** are unequivocal, with reference being made to the signage being likely to cause an unnecessary distraction to drivers in the trunk road, to the detriment of road safety. Having regard to the status of **Transport Scotland** as a statutory consultee, it would be necessary, in the event of the CNPA being minded to grant advertising consent for the signboards against the advice of **Transport Scotland**, for the decision to then be referred to Scottish Ministers.
30. In considering all of the foregoing factors, the case advanced in justification of the retention of the signboards in this position for a further five years, particularly due to prevailing economic circumstances, is insufficient to outweigh all other concerns, including the sustained longer term adverse visual impact, and crucially the road safety issues alluded to in the response from **Transport Scotland**.

IMPLICATIONS FOR THE AIMS OF THE NATIONAL PARK

Conserve and Enhance the Natural and Cultural Heritage of the Area

31. The signboards form a prominent feature in the landscape, adjacent to one of the main thoroughfares through the National Park. Their proposed retention for a prolonged period of five years would hinder the long term achievement of conserving and enhancing the natural or cultural heritage of the area.

Promote Sustainable Use of Natural Resources

32. The development proposal does not make any positive contribution to this aim.

Promote Understanding and Enjoyment of the Area

33. The signboards do not contribute to the general public's enjoyment or understanding of the special qualities of the area.

Promote Sustainable Economic and Social Development of the Area

34. The proposed signage is of limited economic benefit, primarily to the applicants as the signage is intended to advertise the sale of their residential development. The successful marketing of the properties could however be considered to have a spin off effect in the local economy in terms of employment generation on the construction site.

RECOMMENDATION

35. That Members of the Committee support a recommendation to:

(a) Refuse Advertisement Consent for the Display of Advertisements on land at Highburnside, Aviemore, for the following reasons : -

1. The signage has the potential to cause an unnecessary distraction to drivers of the trunk road to the detriment of road safety. The proposal could therefore endanger public safety by reason of a traffic hazard.
2. The signboards are large scale, prominently located and proposed to be retained on site for a prolonged period of 5 years. The development would adversely impact on the visual amenity of the area and as such would not complement or enhance the landscape character of the area. The signboards are therefore contrary to Policy 6 (Landscape) of the Cairngorms National Park Local Plan.
3. The retention of the signboards for the proposed period of five years would set an undesirable precedent for long term commercial advertisement in an inappropriate and prominent location in the National Park.

AND

- (b) support a recommendation to pursue enforcement action to ensure the removal of the 2 signboards.**

Mary Grier
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28 November 2011

CAIRNGORMS NATIONAL PARK AUTHORITY
Planning Paper 3 9 December 2011

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