

CAIRNGORMS NATIONAL PARK AUTHORITY

Title: REPORT ON CALLED-IN PLANNING APPLICATION

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DEVELOPMENT MANAGEMENT)**

DEVELOPMENT PROPOSED: Installation of Viewpoint Feature with Cowled Seats, Path and Minor Lay-by Improvements

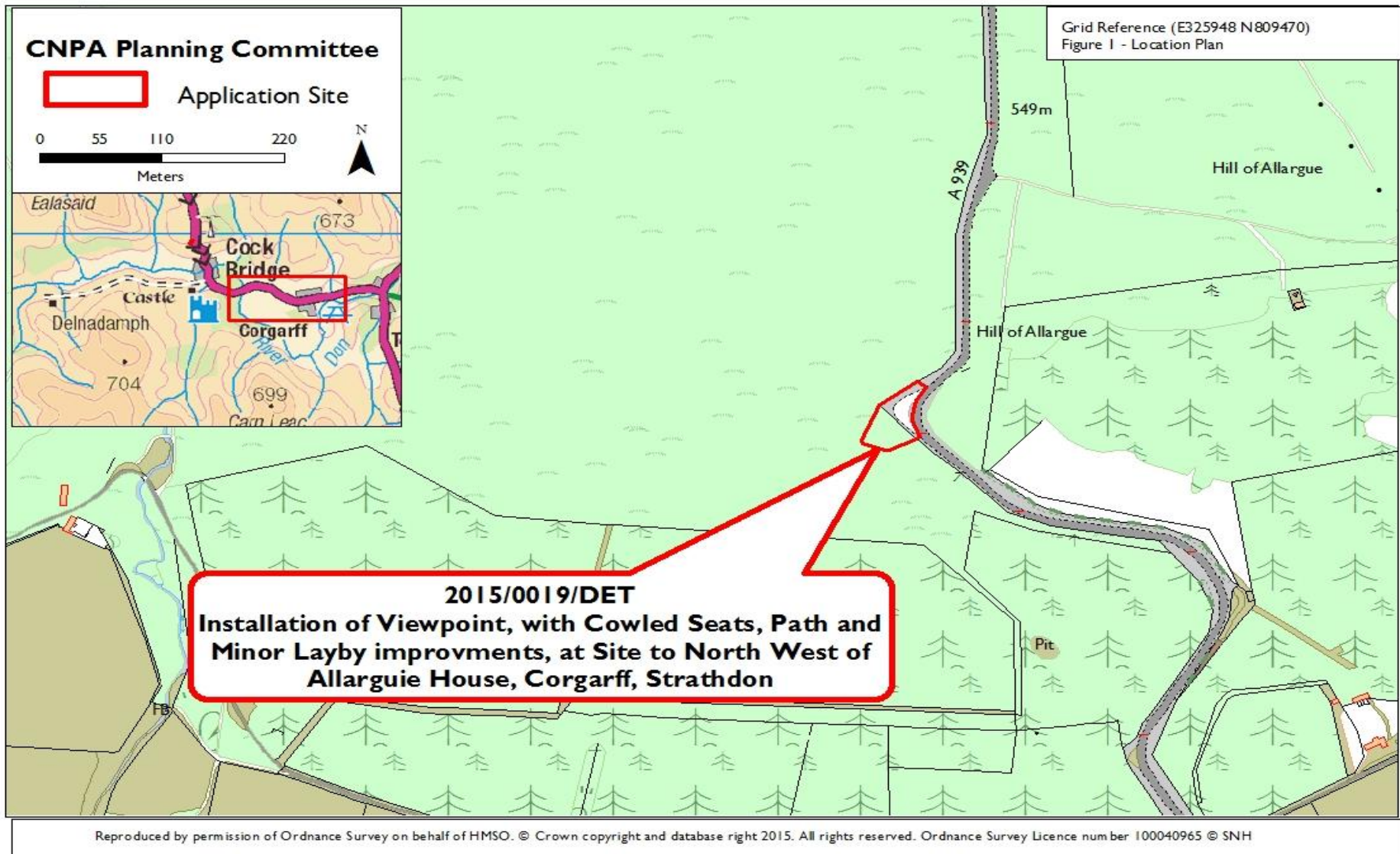
REFERENCE: 2015/0019/DET

APPLICANT: Cairngorms National Park Authority

DATE CALLED-IN: 2nd FEBRUARY 2014

REASON FOR CALL-IN The proposed development is located on a prominent, upland location close to a key tourist route in the National Park, overlooking Corgarff Castle, and is part of a national initiative - Scotland's Scenic Routes. It is a Type I application - linked to an application previously determined by the Cairngorms National Park Authority and raises issues relating to natural and cultural heritage and the promotion of understanding and enjoyment of the area. It is therefore considered to be of significance to the collective aims of the National Park.

RECOMMENDATION: APPROVE SUBJECT TO CONDITIONS



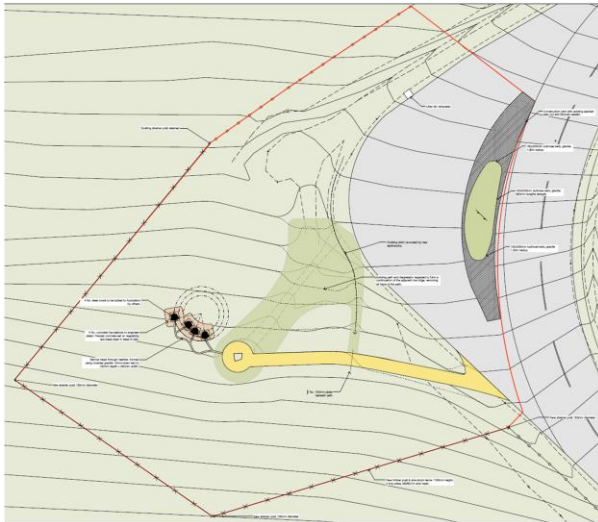


Figure 2: Extract from drawing no. 1945/01

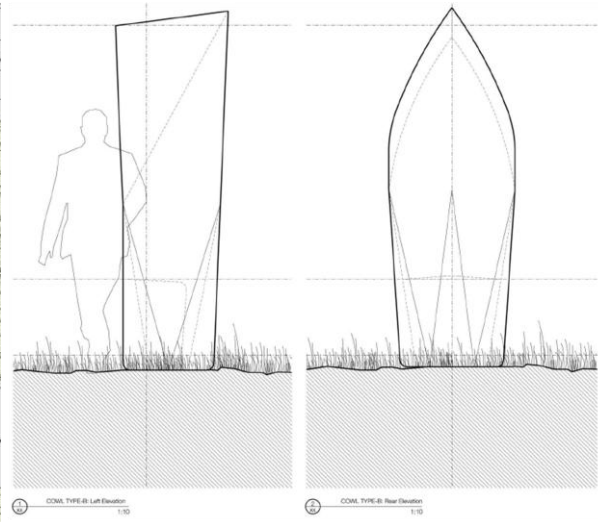


Figure 3 Extract from drawing no. JWK-J1410-E-COWL-TYPEB-00



Figure 4: Extract from JWK-J1410-R-V08-00 – Illustrative View South (Winter)

SITE DESCRIPTION AND PROPOSAL

- I. The drawings and documents associated with this application are listed below and are available on the Cairngorms National Park Authority website unless noted otherwise. <http://www.eplanningcnpa.co.uk/online-applications/applicationDetails.do?activeTab=summary&keyVal=NIU2N8SI0C000>

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Title	Drawing Number	Date on Plan	Date Received
Design Statement		01 February 2015	20 February 2015
Existing Site Plan	I945/01	16 December 2014	02 February 2015
Elevations	JWK-JI410-E-COWL-TYPEB-00	15 January 2015	15 January 2015
Sections	JWK-JI410-P-NET-TYPEA-00	15 January 2015	15 January 2015
Proposed Layout	I945/03	23 December 2014	02 February 2015
Location Plan	I945/L01 REV C	22 January 2015	02 February 2015
Illustrative View North	JWK-JI410-R-V07-00	15 January 2015	15 January 2015
Illustrative View South (Winter)	JWK-JI410-R-V08-00	15 January 2015	15 January 2015
Illustrative View South (Summer)	JWK-JI410-R-V11-00	20 February 2015	20 February 2015

2. The application site lies 3.5km to the south of the Lecht Ski Centre, along the Lecht Road. The site currently comprises of a lay-by as well as a standing stone viewpoint feature with a footpath between the two.
3. The proposal is for the erection of 4 no. stainless steel cowls, in a brushed matt finish, of approximately 7ft to 8ft in height to act as a viewpoint feature overlooking the Grampian Mountains. The works will also include improvements to the lay-by and footpath. A previous application reference 2014/320/DET, was refused planning permission by CNPA on 19th December 2014. The reasons for that refusal were that the proposed cowed seats, by reason of their design, location and materials, were deemed to have a negative impact on the landscape and on this iconic view, contrary to Policy 6-Landscape of the Cairngorms National Park Local Plan 2010. The previous application is available at here <http://www.eplanningcnpa.co.uk/online-applications/simpleSearchResults.do?action=firstPage>.
4. A greater level of supporting information has been provided with this latest application that also proposes reducing the number of cowed seats from 8 to 4. The revised application now reduces the visual scale of the cowls by placing them to the west of the standing stone, further away from the road, reducing the visual clutter at the bend. The proposal aims to reflect the smooth and sweeping forms of the ridgelines and slopes, and the simplicity of land cover. The cowls have been redeveloped to look less angular and sit better alongside the existing stone.
5. The existing 'spy-stone' located at the site was completed in 2003. The inscribed granite sculpture is described by the applicant as an extremely atmospheric part of the site, and the proposed design aims to treat the sculpture with care and sensitivity, and maintain the existing views through the viewing telescopes within the stone. Anecdotal evidence indicates that the existing lay-by is well used but that dwell time is short.

BACKGROUND

6. The Scottish Government has committed £500,000 in 2014-15 for the development of a number of pilot architectural interventions along Scottish scenic routes, to be completed by the spring of 2015.
7. The Scottish Scenic Routes programme is intended to provide economic stimulus to the country's tourism sector whilst at the same time enhancing the country's enduring cultural and landscape strengths. The benefits of doing so are:
 - a) The potential to attract more visitors to spend more time enjoying Scotland's varied landscapes;
 - b) The opportunity to create an attractive experience for visitors (and local residents) by providing site specific, high quality installations that have strong visual impact;
 - c) By encouraging visitors to leave vehicles and experience the landscape setting on foot;
 - d) Enhance and sustain rural economies and rural employment;
 - e) The construction, retail, hotel, transport and other service sectors in rural areas can all benefit from the creation of enhanced facilities along Scotland's Scenic Routes whilst the maintenance of employment in rural areas has a valuable knock-on effect in terms of local services, schools etc;
 - f) Create new opportunities for private sector investment in the tourism industry;
 - g) An increase in visitor numbers implies a commensurate increase in business opportunities and besides tie-ins to existing local businesses, a wider range of viable enterprises connected to outdoor activities can be established, together with investment in longer term facilities such as hotels and restaurants;
 - h) The creation of a continuing programme of high quality design interventions along Scotland's most scenic routes is an important opportunity for recently graduated and recently qualified architects/landscape architects to gain the necessary practical experience of construction and contract administration;
 - i) Identifying the best of the country's young and emerging design talent through the Scottish Scenic Routes programme is a first step to supporting the establishment of new design-focused businesses, with the potential to compete and succeed on an international stage.
8. This is one of three proposed sites scheduled for upgrade in 2015/16 along the A93/939 from Blairgowrie to Grantown-on-Spey, and is part of the Scottish Scenic Routes Project.

DEVELOPMENT PLAN CONTEXT

National Policy

9. **Scottish Planning Policy (SPP, revised 2014)** sets out national planning policies that reflect Scottish Ministers priorities for the operation of the planning system and for the development and use of land. Under planning law, planning applications must be determined according to the development plan unless material considerations

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indicate otherwise. The content of SPP is a material consideration in planning decisions that carries significant weight. The SPP promotes consistency in the application of policy across Scotland whilst allowing sufficient flexibility to reflect local circumstances.

10. The natural environment forms the foundation of the spatial strategy set out in NPF3. The environment is a valued national asset offering a wide range of opportunities for enjoyment, recreation and sustainable economic activity. Planning plays an important role in protecting, enhancing and promoting access to our key environmental resources, whilst supporting their sustainable use.
11. The SPP sits alongside four other Scottish Government planning policy documents:
 - a) The **National Planning Framework** (NPF) which provides the statutory framework for Scotland's long term spatial development. The NPF sets out the Scottish Government's spatial development policies for the next 20 to 30 years; NPF3 recognises the contribution made by our cultural heritage to our economy, cultural identity and quality of life. Planning has an important role to play in maintaining and enhancing the distinctive and high-quality, irreplaceable historic places which enrich our lives, contribute to our sense of identity and are an important resource for our tourism and leisure industry.

The historic environment is a key cultural and economic asset and a source of inspiration that should be seen as integral to creating successful places. Culture-led regeneration can have a profound impact on the well-being of a community in terms of the physical look and feel of a place and can also attract visitors, which in turn can bolster the local economy and sense of pride or ownership.
 - b) **Creating Places**, the policy statement on architecture and place, containing the Scottish Government's policies and guidance on the importance of architecture and design: The current proposal aims to create high quality design interventions along Scotland's most scenic routes, and in so doing also provide opportunities for recently qualified architects and/or landscape architects.
 - c) **Designing Streets**, a policy statement putting street design at the centre of placemaking. It contains policies and guidance on the design of new or existing streets and their construction, adoption and maintenance. The current proposal aims to improve an existing lay-by, thereby encouraging visitors to lengthen their stay and appreciate their surroundings.
 - d) **Circulars**, which contain policy on the implementation of legislation or procedures.

Strategic Policies

Cairngorms National Park Partnership Plan (2012-2017)

12. The Partnership Plan sets out the vision and overarching strategy for managing the Park and provides a strategic context for the Local Development Plan. Three long term outcomes have been identified to deliver the vision for the Park and development proposals would be expected accord with these :
 - a) A sustainable economy supporting thriving businesses and communities;
 - b) A special place for people and nature with natural and cultural heritage enhanced;
 - c) People enjoying the park through outstanding visitor and learning experiences.
13. The CNP Partnership Plan can be viewed on the Cairngorms National Park Authority website at <http://cairngorms.co.uk/park-authority/about-us/publications/?publicationID=299>
14. The current proposal will help to achieve the outcomes set out in the partnership plan as stated by;
*“High quality visitor experiences are supported by the infrastructure of visitor centres, car parks, promoted and core paths throughout the Park and by the welcome experienced by people.
The fantastic outdoor recreation opportunities are an asset for residents and visitors that are enjoyable and help people live healthy lifestyles. Encouraging more use of them by people who would benefit most has potential to improve the health of many people through exercise.” (Cairngorms National Park Partnership Plan 2012-2017, CNPA 2012).*

Local Plan Policy

Cairngorms National Park Local Plan (2010)

15. All new development proposals require to be assessed in relation to policies contained in the adopted local plan. The full wording of policies relevant to the current application can be found at: <http://cairngorms.co.uk/park-authority/about-us/publications/?publicationID=265>. The relevant policies are summarised below:
 - a) *Policy 6 – Landscape:* sets out that there will be a presumption against development which does not conserve and enhance the landscape character of the National Park unless any significant adverse effects are outweighed by social or economic benefits of national importance and all adverse effects can be mitigated.
 - b) *Policy 16 - Design Standards for Development:* sets out the design standards to be met with new development and is supported by supplementary planning guidance in the form of the sustainable design guide.

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- c) *Policy 33 – Tourism Related Development:* which supports tourism related development which has a beneficial impact on the local economy through enhancing the range and quality of tourism attractions, providing it has no adverse environmental impacts.
- d) *Policy 34 – Outdoor Access:* encourages development which improves opportunities for responsible outdoor access.

Supplementary Planning Guidance (SPG)

- 16. 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. Key for the current proposal is the sustainable design guide which sets out guidance on design and also the supplementary guidance on natural heritage.

Proposed Cairngorms National Park Local Development Plan

- 17. The CNPA Planning Committee approved post-examination modifications to the Proposed Cairngorms National Park Local Development Plan (Proposed LDP) on 21 November 2014. The CNPA has published notice of its intention to adopt the Plan and expects to adopt in March 2015. The Proposed LDP (as modified) is a material consideration and carries significant weight in planning decisions though it does not replace the adopted Local Plan until it is formally adopted.
- 18. The Proposed LDP includes the following relevant policies, all of which are similar in their intention to the policies in the adopted Local Development Plan described above.
 - a) Policy 2 (Supporting Economic Growth);
 - b) Policy 3 (Sustainable Design);
 - c) Policy 4 (Natural Heritage);
 - d) Policy 5 (Landscape);
 - e) Policy 9 (Cultural Heritage);

CONSULTATIONS

- 19. Scottish Natural Heritage – No comments
- 20. Aberdeenshire Council Roads Department – No objection on the basis that adequate provision is taken to ensure surface water drainage does not run onto the public road from the site and vice versa. Also to ensure adequate precautions are to be taken to protect any Statutory Undertaker’s plant which may be affected by the works/development.
- 21. CNPA Landscape Advisor – No Objection – The proposed cowls will be a striking group in this wide open landscape but set apart from, and slightly subservient to, the existing standing stone. Views from the lay-by to Corgarff castle and westwards will

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not be impeded. The design of the cowls will prompt people to interact with their landscape in a contemplative way. The positioning of the 4 cowls close to the standing stone and back-dropped by moorland and woodland means that they will not adversely affect the sense of openness.

22. This proposed development will complement and enhance the landscape character of this part of the National Park and with a minor adjustment to the access will enhance the opportunity that visitors have to engage with the special landscape qualities that can be experienced here.
23. The Landscape Advisor recommends use of conditions requesting a Construction Method Statement covering any restoration required as well as further details of the proposed lay-by improvements. Also recommends a condition requiring any proposed signage to be discussed with CNPA prior to its installation.

REPRESENTATIONS

24. No Representations Received

APPRAISAL

25. The revised proposal for 4 no. seats rather than 8 no. in the open landscape is considered more appropriate and raises no issue this time of overall adverse impact to the landscape. The revised design in this application will improve the character of the site, an existing lay-by, and promote the opportunity for the travelling public to engage in the wider landscape. The reduction in the number of cowled seats proposed has resulted in a more sympathetic and complementary development to exist alongside the present 'spy-stone' currently on the site. This therefore complies with the wording of Local Plan Policy 6 in that it complements and enhances the wider landscape character of the Cairngorms National Park. The revision is considered to have minimised and mitigated the development by better siting, layout, scale and design, thus complying also with the wording of Local Plan policies 6 and 16.
26. Aberdeenshire Roads department have requested adequate provision is taken to ensure surface water drainage does not run onto the public road from the site and vice versa. This can be dealt with by way of appropriate condition.
27. The proposal is consistent with the wording of Local Plan Policy 33, Tourism Related Development, in that it will enhance an existing tourism feature and encourage people to interact with the landscape in a contemplative way.
28. The development will open up opportunities for the promotion of responsible outdoor access by providing interpretive signage; any such signage will be controlled by condition to ensure any such signage is suitable for the site, thus being compliant with the wording of Local Plan Policy 34.
29. Class 33 of the Town and Country Planning (General Permitted Development) (Scotland) Order 1992 (GPDO) permits local authorities to carry out development without the need for planning permission provided that it does not exceed £100,000, that it does not involve a change of use and that it does not constitute a 'bad

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neighbour development'. While the development does not exceed £100,000 nor is it a bad neighbour development, it is arguably a change of use in the land and in addition there is some legal dubiety as to whether Cairngorms National Park Authority falls within the definition of "local authority" under the terms of the GPDO. We have therefore applied the precautionary principle and assumed that the proposal does not benefit from permitted development rights under the GPDO, and have appraised the application accordingly having regard to the terms of the development plan and other relevant material considerations.

CONCLUSION

30. The revised application and subsequent reduction of cowls represents a significant improvement on the previous application and will be less obvious in the wider landscape therefore complying with Local Plan Policy 6. We find no other policies or material considerations sufficient to out-weigh this presumption in favour of sustainable development, and therefore consider that this application should be approved, subject to the conditions listed below.

IMPLICATIONS FOR THE AIMS OF THE NATIONAL PARK

Conserve and Enhance the Natural and Cultural Heritage of the Area

31. The proposal will enhance the existing viewpoint at the site.

Promote Sustainable Use of Natural Resources

32. The proposal will have no significant impact on this aim.

Promote Understanding and Enjoyment of the Area

33. The proposal will allow visitors to interact and appreciate the surrounding landscape.

Promote Sustainable Economic and Social Development of the Area

34. The enhancement of this viewpoint feature will act as a stopping point for, and encourage more, visitors to the area. It will also allow them to appreciate more the area they are visiting.

RECOMMENDATION

That members of the Committee support a recommendation to GRANT DETAILED PLANNING PERMISSION for this proposed development, subject to the following conditions:

- I. No development shall commence until a revised paving plan showing the granite pathway extending throughout the site has been submitted to, and approved in writing by, the Cairngorms National Park Authority acting as Planning Authority. The granite pathway should link all the seats;

Reason: The proposed development and its location require this paving to fully integrate the proposal with its surroundings. Without such landscaping the proposal would be considered contrary to the provisions of the development plan;

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2. No signage or interpretation panels shall be displayed on the site without the prior written approval of Cairngorms National Park Authority, acting as Planning Authority;

Reason: To ensure that the landscape quality in this sensitive location is protected;

3. No development shall commence on site until a Construction Method Statement (CMS) has been submitted to and approved in writing by the Cairngorms National Park Authority acting as Planning Authority. The CMS shall include, but not be limited to, landscape restoration work, in particular the removal, storage and re-use of vegetation and soils;

Reason: To ensure that there is no adverse landscape impact in accordance with planning policies;

4. No development shall commence until a plan has been submitted to and approved in writing by the Cairngorms National Park Authority, acting as Planning Authority, showing details for internal surface water drainage to ensure that adequate provision is made so that surface water does not run from the site onto the public road or vice versa;

Reason: In the interests of road safety and to ensure adequate precautions are taken to protect any Statutory Undertaker's plant which may be affected by the works/development.

Informatives

1. **Duration of permission:** In accordance with section 58 of the Town and Country Planning (Scotland) Act 1997 (as amended), this permission lapses on the expiration of 3 years beginning from the date of this permission, unless the development to which this permission relates is begun before that expiration.
2. **Notification of Initiation of Development:** Under section 27A of the Town and Country Planning (Scotland) Act 1997 (as amended) the person undertaking the development is required to give the planning authority prior written notification of the date on which it is intended to commence the development. We recommend this is submitted 2 weeks prior to the start of work. A failure to submit the notice, included in the decision pack, would constitute a breach of planning control under section 123(1) of that Act, which may result in enforcement action being taken.

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3. **Notification of Completion of Development:** As soon as practicable after the development is complete, the person who completes the development is required by section 27B of the Town and Country Planning (Scotland) Act 1997 (as amended) to give written notice to the planning authority of the completion of the building works. As before, there is notice for you to complete for this purpose included in the decision pack. In larger, phased developments, a notice of completion is to be submitted as soon as practicable after each phase is finished by the person carrying out the development.

Officer Name: Edward Swales

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2nd March 2015