
CAIRNGORMS NATIONAL PARK AUTHORITY

Title: REPORT ON CALLED-IN PLANNING APPLICATION

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DEVELOPMENT PROPOSED: ERECTION OF BUILDING AS ANIMAL FEED AND EQUIPMENT SHOP, SITING OF STORAGE CONTAINER AND ALTERATIONS TO ACCESS AT LAND ADJACENT TO PUBLIC ROAD, CLURY CROFT, DULNAIN BRIDGE

REFERENCE: 08/289/CP

APPLICANT: JACKIE FURDA

DATE CALLED-IN: 8th AUGUST 2008

RECOMMENDATION: APPROVAL

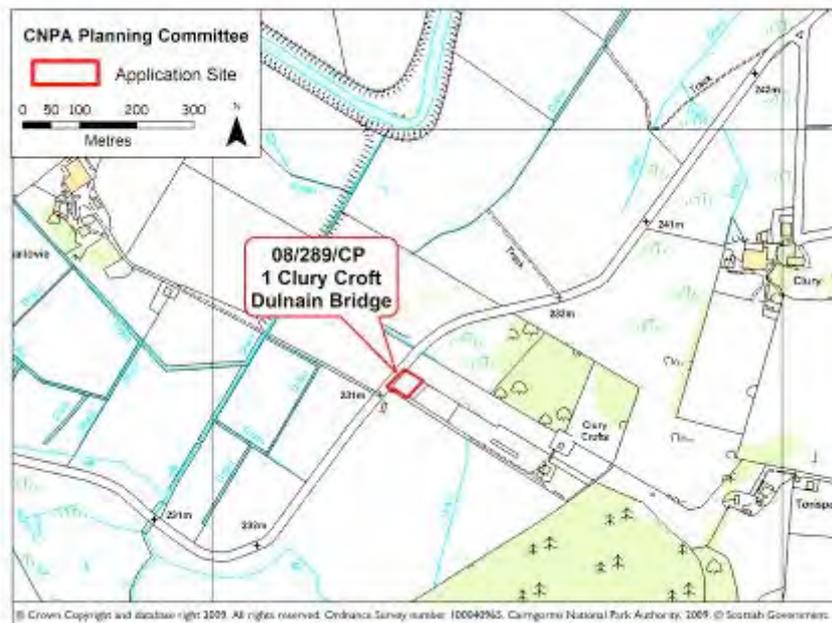


Fig. 1 - Location Plan



Fig 2 Clury Croft from the site access



Fig. 3 The proposed site from the access



Fig. 5 Site from West

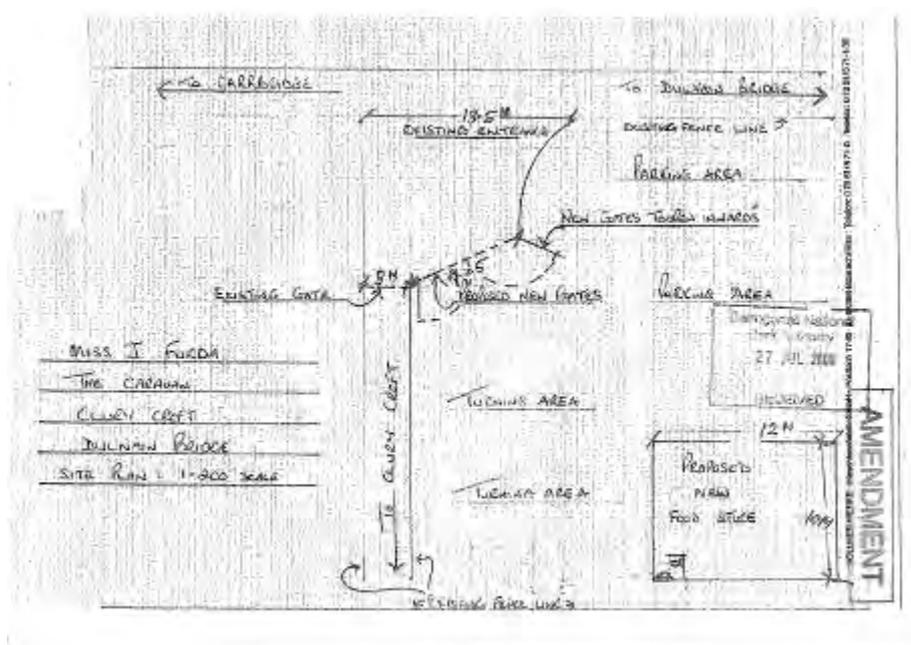


Fig. 6 Site Layout

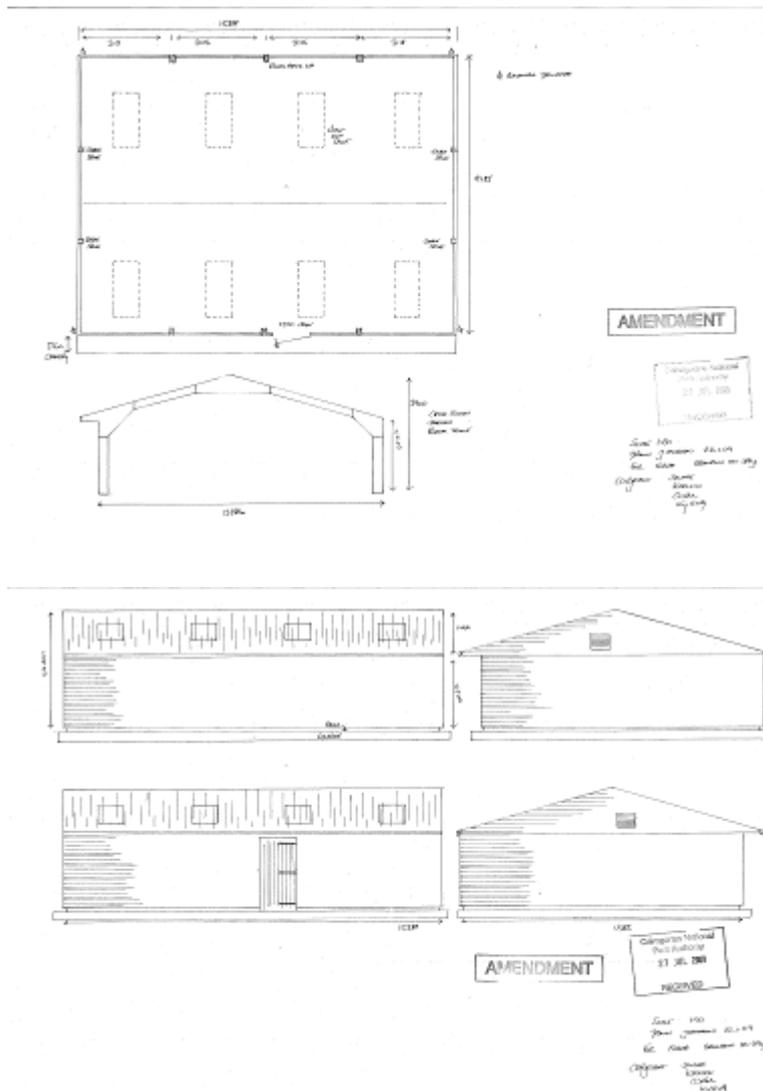


Fig. 7 Site Layout, Plans and Elevations

HISTORY

1. This application was considered by the Planning Committee on 9th January 2009 (Item 9). The committee expressed concerns about a number of matters but also lent support to the general principle of the development if a number of matters can be addressed. The committee decided to defer the application to allow the applicant to submit accurate scaled plans of the site and proposed building and to seek additional information on:
 - i) the foul drainage arrangements for the site, indicating that the proposed portaloo was unacceptable on visual impact grounds, suitability for public use and due to the risk malfunction through freezing;
 - ii) internal and external storage arrangements, indicating that the container already on site is unacceptable and that storage should be internal;
 - iii) the appearance of the site and the colour of the building;
2. Since January, the applicant has slowly responded to prompts for information, with a trickle of submissions. An updated report follows. In the interests of

the proper management of the site for the benefit of visiting members of the public and staff, the applicant has been asked to confirm that she can comply with the recommended conditions and whether she is in a position to make an application for a Building Warrant. At the time of writing a reply was awaited.

SITE DESCRIPTION AND PROPOSAL

3. The site is located at the road side below Clury Croft, 4 kilometres South West of Dulnain Bridge, on land adjacent to the C Class road from Balnaan to Carrbridge. Engineering to form 1.2 metre high bunds has already taken place along the North east and North West boundaries. The storage container is currently on the site. Access would be via the gate to the croft, where access improvements are proposed.
4. The site is located in open fields. The croft is located 300 metres to the South East. There is an existing agricultural shed to the West.
5. It is proposed to erect a timber agricultural-style building measuring 114m² (12.4m x 9.2m x 3.9m high). The building would not include a sales display window. It would be accessed by a pedestrian pass door and lit by roof lights. The storage container is typical of its type and would be used to store bulky items such as horse feed and shavings. Bulky items such as bales would be stored at the Croft. No other external storage is proposed. Parking for 5 vehicles and a delivery lorry is proposed.
6. The applicant has requested a temporary permission for the container for a period of two years. The applicant is presently unable to commission test pits to establish the ground conditions for a foul discharge. She has therefore requested that the committee considers a temporary permission for a portaloos for a period of 6 months, whilst more permanent arrangements can be made.

DEVELOPMENT PLAN CONTEXT

National Planning Advice

SPP 8 Town Centre and Retailing

7. The Scottish Executive is committed to supporting the viability and vitality of existing town centres by focusing development on them and using a sequential approach to development. Priority for retail development is given to town centres then edge of centre and then edge of town sites.
8. In rural areas, a range of shops and other facilities are provided in small towns, villages and other accessible locations. These locations form an important part of a network, as the uses provide vital local community and

economic services both to the settlement and the surrounding rural community. Bulky goods are directed to town centres etc. but out-of-centre locations may be considered appropriate, when the location would provide a qualitative benefit to customers. Travel distances and combined trips are important considerations in these cases. Conditions restricting the sale of certain goods or the format of units, should be used where such restrictions are necessary to support the policies and/or the town centre strategy of the development plan.

SPP 15 Planning for Rural Development

9. Scottish Ministers see considerable potential for encouraging diversification, including equestrianism. Small towns should be self sufficient and able to maintain their function in the local economy. They have a key role in providing services to the wider catchment population. However, support is given to a wide range of economic activity in rural areas and planning authorities should seek environmental enhancement through development at every opportunity.

Cairngorms National Park Plan 2007

10. Strategic objectives for Landscape seek to ensure that development compliments and enhances the landscape character of the Park. Strategic objectives for the Economy and Employment seek to encourage entrepreneurship, especially in young people and promote opportunities for economic diversification and year round employment.

DEVELOPMENT PLAN CONTEXT

11. **The Highland Structure Plan 2001_Policy B7** Business Development in Rural Areas encourages business development and extensions.
12. **The Badenoch and Strathspey Local Plan 1997 Policy 2.2.1(a)** states that new economic development will be encouraged where it is compatible with a clean environment. **Policy 2.2.1(b)** encourages agricultural diversification into a range of businesses including specialist farm enterprises (e.g. farm shops) but does not mention wider retailing, as this is directed into settlements. **Policy 2.2.19 Roadside Development** refers to road side development along the main routes and restricts the spread of commercial development outwith recognised settlements unless it conforms to other policies applied in the Landward Area.

CONSULTATIONS

13. **Highland Council's Area Roads Manager** raises no objection to the proposal subject to conditions to control sightlines, entry and exit from the site and access improvements.

14. **CNPA Economic and Social Development Officer** welcomes the diversification and expansion of a land-based business at Dulnain Bridge and considers the business may compliment the existing shop and garage in the village. A clash with existing rural shops should be avoided by applying conditions to restrict the range of goods sold, thus avoiding a permission for general retailing.
15. **CNPA Heritage and Land Management (Landscape Officer):** Advises that the site is situated within an open agricultural landscape combining arable and grazing land. There are a few scattered trees along the main Strath floor with woodland on the undulating hillsides that surround it. There are occasional agricultural buildings in the area but they are most commonly associated with the scattered farmsteads. The existing croft generally fits into this landscape. However the existing container is very prominent given its positioning and colour, it is considered that a limited consent might be acceptable. The building which is also present is less so, and with some planting could be improved. Similarly, the barn is acceptable in landscaping terms subject to appropriate landscaping; effects of the car park could be ameliorated by the use of appropriate landscaping, suitably protected from wildlife. Finally it is suggested that the barn should incorporate nesting boxes and bat boxes to enhance the biodiversity of the area.
16. **Dulnain Bridge Community Council:** no response.
17. **Highland Council Building Standards Officer:** advises verbally that a toilet is required for staff but not customers although he acknowledges that customers are likely to use it. A portaloo could be given consent under the building regulations provided that it is temporary for 6 months, accessible to all (disabled access) and that the applicant demonstrates that there is a contract in place for its supply and maintenance. No application for a Building Warrant has been submitted.

REPRESENTATIONS

18. In three letters of support the applicant explains that she has been operating an animal feeds and associated goods business for 6 years. The current business is by phone or mail order, with local free delivery. The establishment of a shop and storage would allow for the expansion of the business, although the same range of products would be sold. These comprise:
For horses: feed, hay (big bales), bedding (wood shavings, paper, straw), herbs and supplements, clothing (jodpurs etc.), boots, hats, stable equipment, grooming equipment, tack, shampoos, boots and bandages;
Pets: food, treats, toys, leads and collars, beds, bedding and bowls;
Domestic and wild birds: Bird feeders and food;
Poultry and farm feed.

19. Customers from the Speyside area would be able to visit rather than travel to Inverness (Seaforth Saddlers and Pets at Home) or Nairn (NDS Animal Feeds) and collect bulk purchases or benefit from free delivery. Visiting customers would amount to 15 - 20 per week with a turnover from this sector of between £200 - £400 per day. Bulk sales are growing monthly.

APPRAISAL

Principle of Development

20. National advice and local planning policy for retail development steers retail activity into existing centres such that combined visits and mutually supportive vitality and viability is maintained. The sequential test requires the examination of town centre locations first. Bulky goods may appropriately be provided in out of centre locations when there is a qualitative benefit to customers. In the case of this application, the customer base is found in rural locations and the nature of the goods sold is specifically aimed at their requirements and is generally provided in bulk. The applicant has not done a full retail impact assessment, including the sequential test but has provided information about the locations of the nearest alternative suppliers. There are some small scale specialists for pet foods in Grantown on Spey but otherwise the main alternatives are 40 to 45 kilometres away in Inverness and Nairn.
21. National Advice and Development Plan policy are supportive of rural enterprises of this type, when they diversify the traditional economy and provide year round employment. The development would also be supportive of planning objectives to service the rural population closer to home, reducing the need for lengthy journeys, in this case to Inverness or Nairn. The Economic Development Officer supports these aspects of the proposal and the potential to compliment the existing garage and shop in Dulnain Bridge, subject to conditions to limit the nature of the goods sold.
22. The application is for a general retail shop and storage but it is apparent from the supporting letters provided by the applicant that she already operates an animal feeds and ancillary products sales business and that the proposal would be an enhancement of the existing activity. She does not intend to increase her product range. It would therefore be appropriate to apply conditions restricting the nature of the goods sold and the format of the unit, both in support of planning policies to maintain existing town centres and to prevent the unit becoming a more general retail outlet such as Brodies or Millers, without further consideration of the planning issues.

Access, Traffic and Transport

23. National advice and local policy state that rural developments should be accessible and offer the opportunity for combined trips. The site is 2 kilometres from the A938 Dulnain Bridge to Carrbridge Road and 4.5 Kms from Dulnain Bridge and the A95. It is not ideally located for accessibility but

is near enough from the main roads to service the wider community whilst limiting traffic on minor roads and encouraging some combined trips. The Roads Authority has not objected to the use of the C class road for the proposed business despite a poor junction at the A938.

Landscape

24. The local plan is silent on road side development other than along the main thoroughfares, therefore the impact on the local landscape must be considered on its merits. The unit would be located in open fields with little existing screening other than the artificial bunds to the North East and South East and a small existing agricultural building to the west. The site would be quite prominent in the valley and some tree planting is essential to soften its appearance. The road side location has been selected for the convenience of customers, as the croft itself is 300metres to the South East up an unmade track. Passing trade is unlikely to be anything other than occasional. The site would not enhance the local landscape but at this particular location and scale would not be seriously detrimental and could be accepted given the other benefits offered by the proposal. Conditions are recommended to control storage and tidiness.

Storage Container

25. The storage container on the site is important to the business as a store for bulky items such as bedding shavings. The committee has expressed concern about its continuing presence as it is visually intrusive. It is recommended that a temporary permission for two years, including a condition to paint the structure to match the building, would not be unduly detrimental and would assist the business.

Drainage

26. Normal ground water levels are high so soakaways are likely to be impractical. Disposal to local field culverts is unacceptable. The applicant has made enquiries about a Balmoral Sequential Batch Reactor which provides a higher quality effluent suitable for disposal to a water course via partial soakaway. SEPA requires ground tests to establish that this is the only viable option and details of the system have not been designed. The applicant has requested an opportunity to commission this work once the business is up and running. The proposed portaloo is an interim arrangement. Conditions are recommended for the management of this arrangement. Tests would be required within 4 months of the building coming in to use. Roof water would be collected in a 45 gallon drum and then used on the croft.

Conclusion

27. The proposed activity is small in scale and serves a specific rural market. Due to the bulk nature of the sales and a high proportion of delivery to clients, the activity is unsuited to a high street setting. It is too small to be viable on a business park. It is therefore capable of complying with the relevant policies on the grounds of its nature and type, synergy with other small shops in the area and its capacity to reduce client journeys to distant suppliers. In a rural setting, it would not comply with planning policy if a general retail permission were to be granted therefore it is only capable of support with conditions clearly defining the scale and nature of retail activity and providing for an improved landscaped setting for the site. The temporary toilet and container proposed by the applicant should be seen as a short term expediency to be replaced, as specified in the conditions.

IMPLICATIONS FOR THE AIMS OF THE PARK

Conserve and Enhance the Natural and Cultural Heritage of the Area

28. The development introduces hard features into an open landscape of fields but a screen bund and planting with native species will partly off set the disruption to the landscape.

Promote Sustainable Use of Natural Resources

29. The development provides a facility which is much closer to its customer base than alternatives, thereby reducing travel by customers and giving greater scope to provide local deliveries to customers, reducing fuel consumption and vehicle emissions.

Promote Understanding and Enjoyment

30. Not relevant to this aim.

Promote Sustainable Economic and Social Development

31. The development provides for a diversification of economic activity in a rural, agriculturally based area and supports employment for a younger person.

RECOMMENDATION

That Members of the Committee agree to a recommendation to: Grant Full Planning Permission for the erection of building for use as an animal feed and equipment shop, siting of storage container and alterations to access at Clury Croft, Dulnain Bridge, 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 relevant timeframes in the appropriate Act.

2. The storage container hereby approved and located at the south most corner of the site shall be completely removed from the site within 2 years of the date of this notice and it's site reinstated for use as a turning and parking area, to the satisfaction of the Cairngorm National Park Authority.

Reason: The approval is a temporary expedient to support the short term needs of the business. The container is otherwise detrimental to the appearance of countryside and an inappropriate structure on an exposed site.

3. The toilet arrangements comprising a portable toilet unit are approved for a period of 6 months only, commencing from the date that the building comes into use. The toilet shall be accessible to all (including disabled access). Prior to the commencement of any part of the development the applicant shall demonstrate to the Cairngorms National Park Authority that a contract is in place, with a reputable supplier, for the supply and on-going maintenance of the unit, including arrangements to ensure that unit is functional in all weather conditions.

Reason: The approval is a temporary expedient to support the short term needs of the business. The portable toilet is otherwise detrimental to the appearance of countryside and an inappropriate structure on an exposed site. It is unsuitable to meet the longer term welfare needs of users of the site which should be met inside the building.

4. Within 4 months of the building hereby approved coming into use, the applicant shall submit a detailed design for the permanent toilet and foul discharge arrangements. The submission shall include a test pits report attesting to the suitability or otherwise of the ground for a full soakaway discharge. Subject to consultation with SEPA, the approved design shall be installed within 6 months of the approved building coming into use, to the satisfaction of the Cairngorms National Park Authority.

Reason: In order to meet the welfare needs of users of the site in a manner that avoids pollution of ground water or water courses in the vicinity.

5. The sales display area shall be restricted to the internal floor area of the timber building hereby approved and goods, other than hay and straw bales, shall not be stored on any external part of the site without the prior written approval of the Planning Authority.

Reason: To ensure that the site is kept in an orderly manner and in the interests of the visual amenity and character of the countryside.

6. The goods sold shall be restricted to feed for horses, farm animals, birds and pets and associated ancillary consumer goods and clothing necessary for the keeping, feeding and welfare of the above animals and birds; or items that are wholly produced at Clury Croft. No mechanised equipment shall be sold, rented or serviced at the site. No livestock shall be sold. No food or drink for human consumption shall be sold.

Reason: In view of the nature of the applicant's business and its specific requirements for a rural location and to prevent its expansion into activities that would not be appropriate to the site or a rural location away from a town centre or service centre or better road access.

7. Tree planting, of a native species and variety, height and number, in accordance with a scheme to be submitted to and approved by the Planning Authority, within three months of the date of consent, shall be undertaken in the areas hatched in green on the approved plan, during the planting season next following the completion of the development.

Reason: In the interests of the visual amenity and character of the area.

8. Exact details and specifications of all proposed external colour finishes (including roofing) shall be submitted for the further approval of the Planning Authority before any work commences on site. For the avoidance of doubt, the timber building shall be finished in a dark or neutral, recessive colour and the storage container shall be repainted to match the building.

Reason: In the interests of the visual amenity and character of the area.

9. In the event that any part of the building is heated, a scheme for the reduction of carbon emissions, by means of energy efficiency, insulation and the use of renewable energy sources, shall be submitted for the approval of the Cairngorms National Park Authority acting as Planning Authority and shall be implemented in accordance with the approved details.

Reason: In the interest of energy saving and the operation of the business in an energy efficient manner.

10. Prior to any work starting on the animal and feed shop building the works listed in the following paragraphs shall be completed and approved by the Planning Authority in consultation with the Roads Authority:

- (i) The access bell mouth shall have an edge radii of at least 6 metres and a throat width of at least 5 metres that shall extend for at least a further 5 metres. Construction for at least the first 10 metres measured from the nearside edge of the public road shall consist of a minimum of 40mm thick Close Graded Wearing Course on 60mm Dense Base Course on a minimum thickness of 350mm Type I sub base, all on a sound foundation;
- (ii) Access to the proposed development shall be set back at least 10 metres from the nearside edge of the public road;
- (iii) Visibility splays of not less than 2.5 metres along the centre line of the access measured from the nearside edge of the public carriageway, 90 metres from the centre line of the access road when measured along the nearside edge of the public carriageway in a North East direction and 120 metres in a South West direction, and thereafter maintained free from any obstructions within the visibility splays exceeding a height of 1 metre above the adjacent road channel level.
- (iv) Any gates that are provided shall be set back at least 10 metres from the road edge and open into the property only.
- (v) Parking and manoeuvring space for at least 5no. vehicles shall be provided and maintained within the curtilage of the site such that all vehicles associated with the development are able to safely enter and leave in forward gear.

Reason: In the interests of road safety at the locus.

- 11. Details of the incorporation of nesting boxes and bat boxes into the design of the barn shall be submitted to and agreed in writing with the CNPA's Planning Authority, prior to any work commencing on the barn. Thereafter the approved boxes shall be installed, retained and maintained in accordance with the approved details.

Reason: In order to enhance the biodiversity of the surrounding area.

ADVICE NOTES

Building Warrant

An application for approval of the building under the Building Regulations is required.

Roads Authority

Prior to any work of excavation or surfacing starting within 2 metres of the public road edge a road opening permit shall have been obtained from the Roads Authority.

SEPA consent would be required for any future proposals to discharge foul drainage water to the ground or field culverts.

Advertising consent is required for most adverts at the site other than a small frontage sign. Advice and the necessary consent should be obtained from Highland Council.

The caravan located at the track side to the rear of the site appears to be unauthorised and should be removed unless permission is first sought from and granted by the Planning Authority.

Hilary MacBean

6th October 2009

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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.