
CAIRNGORMS NATIONAL PARK AUTHORITY

Title: REPORT ON CALLED-IN PLANNING APPLICATION

**Prepared by: Edward Swales
(Planning Support Officer, Development Management)**

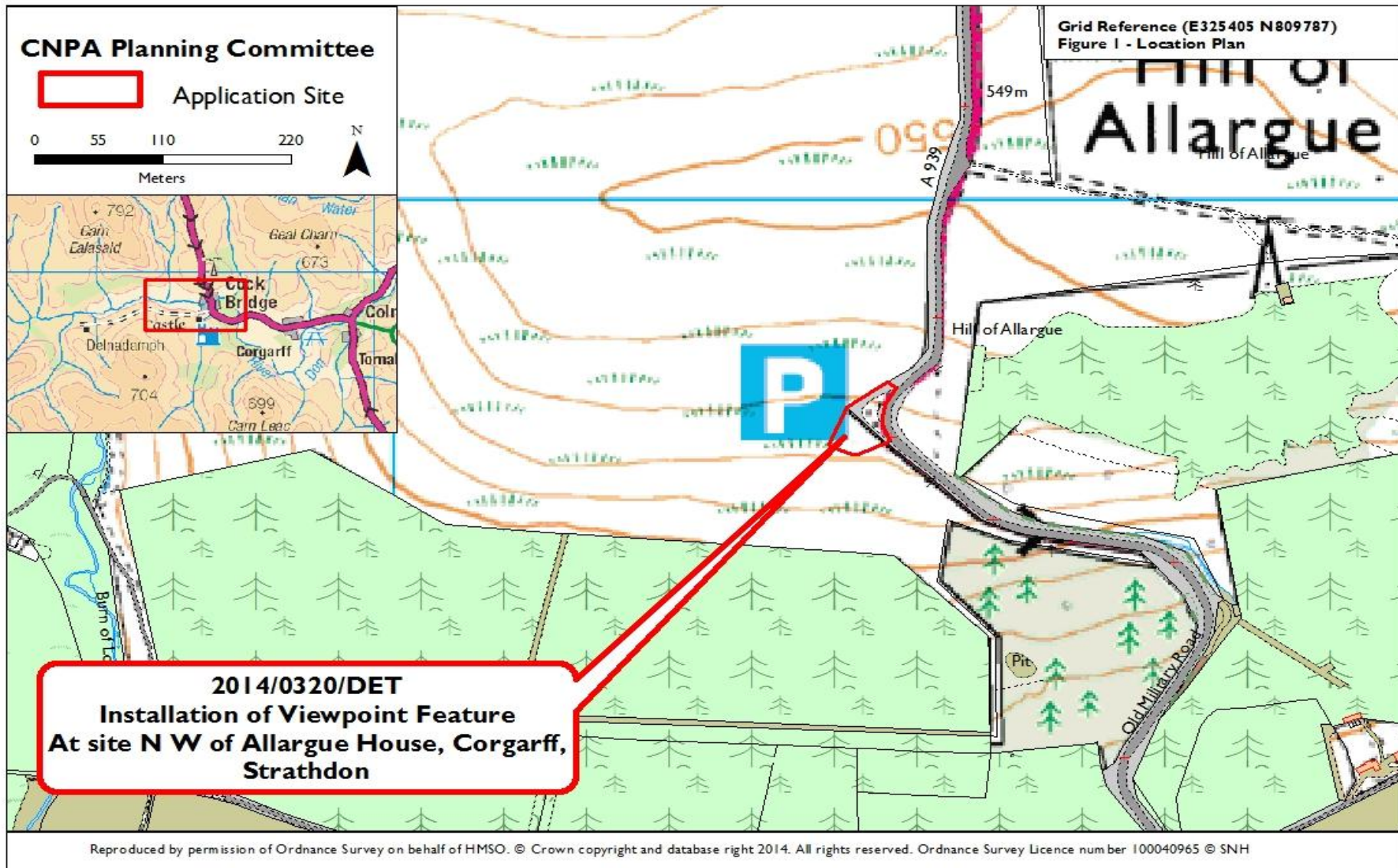
DEVELOPMENT PROPOSED: Installation of Viewpoint Feature with Cowled Seats, Path and Minor Lay-by Improvements at Corgarff, Strathdon, Aberdeenshire

REFERENCE: 2014/0320/DET

APPLICANT: Cairngorms National Park Authority

DATE CALLED-IN: 27th October 2014

RECOMMENDATION: APPROVAL SUBJECT TO CONDITIONS



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SITE DESCRIPTION AND PROPOSAL

1. The drawings and documents associated with this application are listed below and are available on the Cairngorms National Park Authority website at <http://www.eplanningcnpa.co.uk/online-applications/#searchApplications> unless noted otherwise.

Title	Drawing Number	Date on Plan	Date Received
LOCATION PLAN @ A3	1945/L01	15/10/2014	27/10/2014
LOCATION PLAN @ A3	JWK-J1410-P-LOCATION-00	28/07/2014	27/10/2014
SITE PLAN @ A1	JWK-J1410-P-SITE-EXISTING-00	29/09/2014	27/10/2014
SITE PLAN @ A1	JWK-J1410-P-SITE-PROPOSED-00	29/09/2014	27/10/2014
SECTIONS COWL TYPE A @ A1	JWK-J1410-S-COWL-TYPEA-00	03/09/2014	27/10/2014
VISUALISATIONS OF THE PROPOSALS			04/12/2014
VISUALISATIONS OF THE PROPOSALS			04/12/2014
VISUALISATIONS OF THE PROPOSALS	RENDER_JWK-J1410-R-V02-00	11/11/2014	04/12/2014
VISUALISATIONS OF THE PROPOSALS	RENDER_JWK-J1410-R-V07-00	11/11/2014	04/12/2014

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 existing 'spy-stone' located at the site was completed in 2003, the inscribed granite sculpture is described as an extremely atmospheric part of the proposed site, and the design aims to treat the sculpture with care and sensitivity, and maintain the existing views through the viewing telescopes within the stone.
4. The proposal is for the erection of 8 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.

Strategic Policies

Cairngorms National Park Partnership Plan (2012-2017)

8. 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 those :
- A sustainable economy supporting thriving businesses and communities;
 - A special place for people and nature with natural and cultural heritage enhanced; and
 - People enjoying the park through outstanding visitor and learning experiences.

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>.

Local Plan Policy

Cairngorms National Park Local Plan (2010)

9. 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:

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.

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.

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.

Policy 34 – Outdoor Access: applies which encourages development which improves opportunities for responsible outdoor access.

Supplementary Planning Guidance (SPG)

10. 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

11. 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 February 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.
12. 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.
 - Policy 2 (Supporting Economic Growth);
 - Policy 3 (Sustainable Design);
 - Policy 4 (Natural Heritage);
 - Policy 5 (Landscape);
 - Policy 9 (Cultural Heritage);

CONSULTATIONS

13. **Scottish Natural Heritage** – No comments
14. **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.
15. **CNPA Landscape Advisor** - The proposal will not impede views to Corgarff Castle and other landscape features. Their positioning means they will not adversely affect the sense of openness on the Lecht Road.
The proposed granite slabs forming the paving on the site should be laid throughout the site to encourage interaction with the whole site.
The improvements to the lay-by should be sympathetic to the rural nature of the location. Any signage may detract from the overall experience of the installation.

REPRESENTATIONS

16. No Representation received

APPRAISAL

17. The proposal is consistent with local plan Policy 33 Tourism-Related Development. The proposal is also consistent with Policy 6 and Policy 16 regarding design and landscape improvements, and the improved lay-by and footpath arrangements are supported by Policy 34.
18. The proposal for 8 seats in an open landscape causes no issues in terms of landscape amenity. The latest revised design will improve the fit of the overall proposal with the character of the site and the wider landscape. The materials as originally proposed would have had the potential to rust and corrode, and could have had the potential to ruin visitors clothing. The change has resulted in more appropriate materials being used and a more sympathetic appearance to the existing 'spy-stone' that is considered will blend in more to the site.
19. 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.
20. 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 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

21. The design and layout of the development accords with the relevant Local Plan policies in that it enhances the character of the existing site and will allow visitors to interact and appreciate further the surrounding landscape.

IMPLICATIONS FOR THE AIMS OF THE NATIONAL PARK

Conserve and Enhance the Natural and Cultural Heritage of the Area

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

Promote Sustainable Use of Natural Resources

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

Promote Understanding and Enjoyment of the Area

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

Promote Sustainable Economic and Social Development of the Area

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

RECOMMENDATION

That members of the Committee support a recommendation to GRANT PLANNING PERMISSION, subject to the following conditions:-

Conditions:

1. 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.

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

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

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.

- 4. Drainage:** Adequate provision to be made for internal surface water drainage to ensure that surface water does not run from the site onto the public road or vice versa.

Edward Swales

planning@cairngorms.co.uk

4 December 2014

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.