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## CAIRNGORMS NATIONAL PARK AUTHORITY

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**Title:** REPORT ON CALLED-IN PLANNING APPLICATION

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(PLANNING SUPPORT OFFICER,  
DEVELOPMENT MANAGEMENT)

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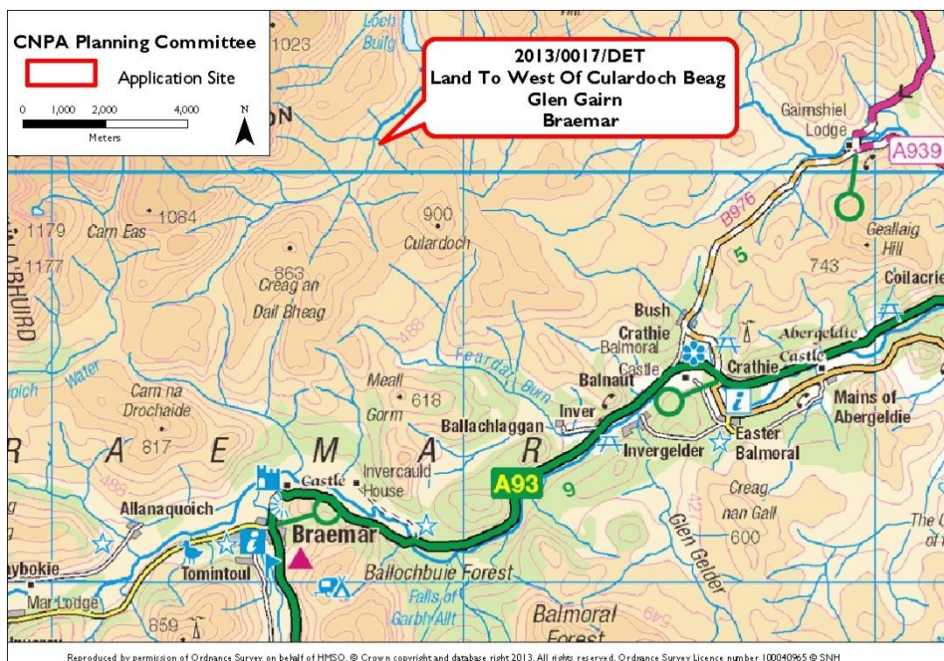
**DEVELOPMENT PROPOSED:** PLANNING PERMISSION FOR  
ERECTION OF TIMBER LUNCH  
HUT AT LAND TO WEST OF  
CULARDOCH BEAG, GLEN GAIRN,  
BRAEMAR

**REFERENCE:** 2013/0017/DET

**APPLICANT:** MR S BLACKETT, INVERCAULD  
ESTATE c/o HESDESIGN  
ARCHITECTURAL SERVICES

**DATE CALLED-IN:** 18 JANUARY 2013

**RECOMMENDATION:** APPROVE WITH CONDITIONS



**Fig. I - Location Plan**

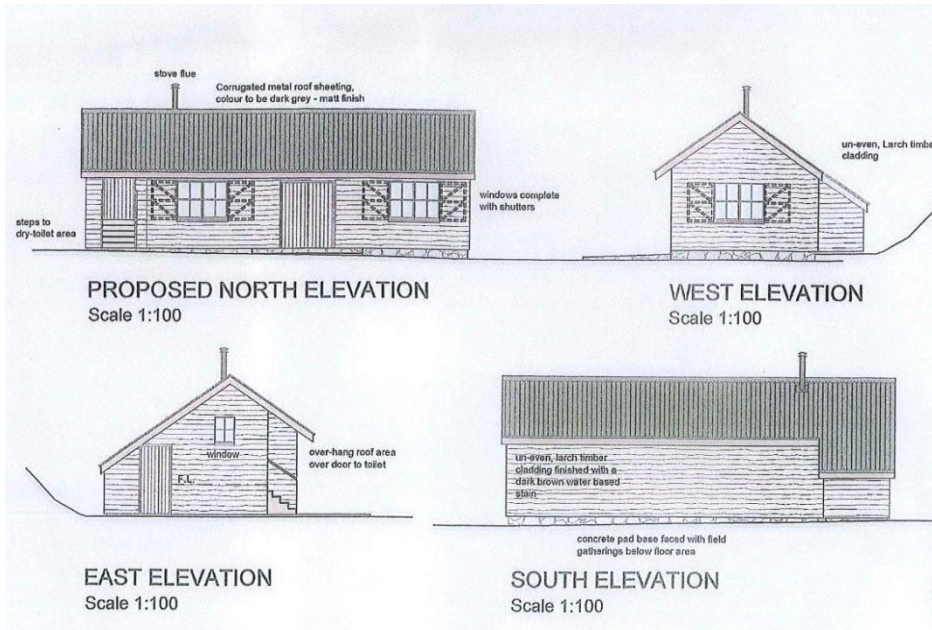
## SITE DESCRIPTION AND PROPOSAL

1. The site is located on the Invercauld Estate in Glen Gairn where it divides the Munro of Ben Avon from the Corbett's Carn Liath and Culardoch some 8km north of Braemar. The site for the lunch hut is located adjacent to an existing estate track as shown in Fig. 2 below. This track leads approximately 8km from the B976 past Corndavon Lodge to the site. The area is just outside the Cairngorm Mountain National Scenic Area.



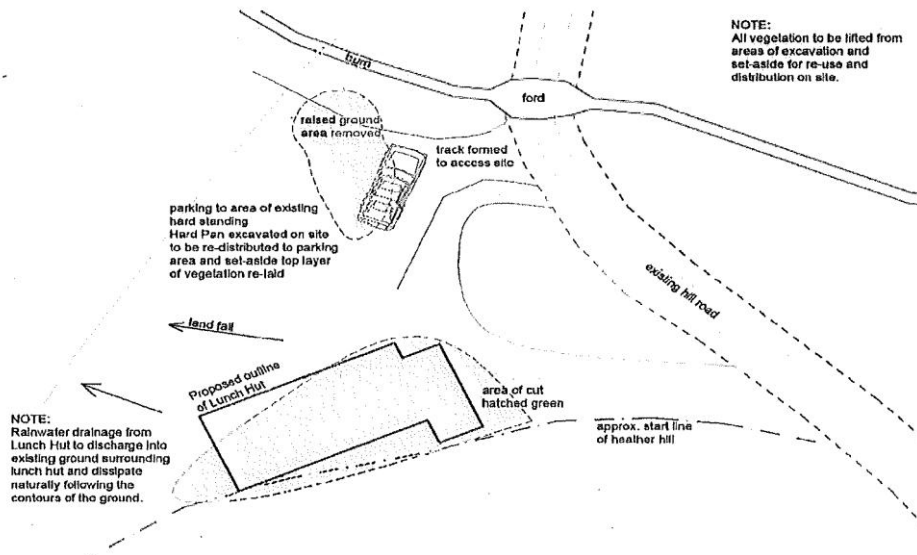
**Figure 2. – Site for lunch hut**

2. The proposed application is for a lunch hut for those taking part in traditional sporting activities on the estate. The hut is 12 metres long by 4.5 metres wide and 4.4 metres high to pitch of roof. It would contain a wood-burning stove and seating area. The building would be finished in un-even sawn larch with a corrugated metal roof and timber framed windows. The proposed design is shown in Figure 3 and has been amended following discussion with officers.



**Figure 3. - Lunch hut elevations**

- The proposals have also been revised to address our concerns regarding the original proposal for an area of hardstanding to accommodate car parking which was considered to be unduly formal in this remote area. Accordingly the hardstanding was removed and the area for parking minimised to an informal area where the terrain is suitable for the number of vehicles required. Revisions have also been made to remove the dry toilet from the lunch hut. Figure 4. below shows the proposed layout.



**Figure 4. - Revised proposals**

4. There have been no previous planning applications on this site. An application for upgraded tracks on the land leading to the proposed lunch hut was approved in July 2012 which have been recently constructed.

## DEVELOPMENT PLAN CONTEXT

### National policy

5. **Scottish Planning Policy (SPP)** is the statement of the Scottish Government's policy on nationally important land use planning matters. SPP emphasises the core principles of the planning system, highlighting the key role of development management to 'operate in support of the Government's central purpose of increasing sustainable economic growth'.
6. **SPP** includes broad 'subject policies' which may apply to the proposed development including Landscape and Natural Heritage, Economic Development and Rural Development. Of particular relevance to this application, paragraph 93 promotes 'economic activity and diversification in all small towns and rural areas, including development linked to tourism and farm diversification'.
7. **SPP** 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 Partnership Plan 2012-2017

8. The Cairngorms National Park Partnership Plan 2012-2017 sets out the vision and overarching strategy for managing the park at a time of limited financial resources. The Plan provides the strategic context for the Local Development Plan and shows how the four aims of the National Park can be achieved together, benefitting people and place.
9. The long-term outcomes of the Park Partnership Plan address the interaction of three characteristics of the Park as an internationally important area for nature conservation, a fragile rural economy and an internationally known tourism destination. The interdependence and successful delivery of these outcomes is at the heart of the National Park.

### Local Plan Policy

#### Cairngorms National Park Local Plan (2010)

10. As of 29<sup>th</sup> October 2010, this plan has been superseded by the Cairngorms National Park Local Plan (2010). The full text can be found at :  
[http://www.cairngorms.co.uk/parkauthority/publications/results.php?publication\\_ID=265](http://www.cairngorms.co.uk/parkauthority/publications/results.php?publication_ID=265) All policies of the Plan apply, and the following paragraphs refer to the key policies which are applicable to the site.

11. Policy 4 – Protected Species: Development that would have an adverse effect on any European Protected Species will not be permitted unless:
- a. There are public health, public safety or other imperative reasons of overriding public interest, including those of a social or economic nature and beneficial consequences of primary importance for the environment; and
  - b. There is no satisfactory alternative solution; and
  - c. There development will not be detrimental to the maintenance of the population of the species concerned at a favourable conservation status in their natural range.

In addition, development should avoid any adverse impact of proposals on species listed in Schedules 1, 5 and 8 of the Wildlife & Countryside Act 1981, as amended, Annexes II and V of the EC Habitats Directive and Annex I of the EC Birds Directive.

12. Policy 5 – Biodiversity: Development that would have an adverse effect on habitats or species identified in the Cairngorms Local Biodiversity Action Plan, UK Biodiversity Action Plan or by Scottish Ministers through the Scottish Biodiversity List, including any cumulative impact will only be permitted where:
- a. The developer can demonstrate to the satisfaction of the planning authority, that the need and justification for the development outweighs the local, national or international contribution of the area of habitat or populations of species; and
  - b. Significant harm or disturbance to the ecological functions, continuity and integrity of the habitats or species populations is avoided or minimised where harm is unavoidable, and appropriate compensatory and/or management measures are provided and new habitats of commensurate or greater nature conservation value are created as appropriate to the site.

Where there is evidence to indicate that a habitat or species may be present on, or adjacent to, a site, or could be adversely affected by the development, the developer will be required to undertake a comprehensive survey of the area's natural environment to assess the effect of the development on it.

13. 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. Proposed development that does not complement and enhance the landscape character of the Park and the setting of the proposed development will be permitted only where:
- a. any significant adverse effects on the landscape character of the Park are clearly outweighed by social or economic benefits of national importance; and
  - b. all adverse effects on the setting of the proposed development have been minimise and mitigated through appropriate siting, layout, scale, design and construction to the satisfaction of the planning authority.

14. Policy 16 – Design Standards for Development: Design of all development will seek, where appropriate, to:
- a. Minimise the effect of the development on climate change;
  - b. 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 use of materials;
  - c. Use materials and landscaping that will complement the setting of the development
  - d. Demonstrate sustainable use of resources (including the minimisation of energy, waste and water usage) throughout construction, within the future maintenance arrangements, and for any decommissioning which may be necessary;
  - e. Enable the storage, segregation and collection of recyclable materials and make provision for compositing;
  - f. Reduce the need to travel;
  - g. Protect the amenity enjoyed by neighbouring properties and all proposals will be designed to help create environments that can be enjoyed by everyone;
  - h. Be in accord with the design standards and palette of materials as set out in the Sustainable Design Guide and any other Supplementary Planning Guidance produced relating to design for new developments.
- All proposals must be accompanied by a design statement which sets out how the requirements of the policy have been met.

15. Policy 34 – Outdoor Access: Development which improves opportunities for responsible outdoor access which adheres to the Cairngorms National Park Outdoor Access Strategy will be encouraged. Developments will be required to be consistent with the Scottish Outdoor Access Code and the Cairngorms National Park Core Paths Plan.
- Development proposals which would result in a reduction of public access rights, or loss of linear access (such as core paths, rights of way, or other paths and informal recreation areas, or loss of access to inland water) will only be permitted where an appropriate or improved alternative access solution can be secured to the satisfaction of the planning and access authorities.

#### **Supplementary Planning Guidance**

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.

### **Sustainable Design Guide**

17. The Sustainable Design Guide highlights the need to conserve and enhance the distinctive character and the innate special qualities of the Park. The Guide promotes a sustainable design approach using four key sustainable design principles:

1. Conserving and enhancing the character of the Cairngorms National Park;
2. Using resources efficiently;
3. Minimising the environmental impact of development; and
4. Enhancing the viability of the Cairngorms National Park communities.

The guidance has at its core the traditional approach to design which aims to 'deliver buildings which provide a resource-efficient, comfortable and flexible living environment' whilst welcoming 'innovation in both design and use of material...in keeping with its setting in the National Park'.

### **Wildness**

18. The Wildness Supplementary Planning Guidance sets out how wildness will be taken into account when considering development proposals. The guidance defines areas where the park wildness is most readily experienced with regard to the quality and sensitivity of the wildness to development.

## **CONSULTATIONS**

19. **Scottish Natural Heritage (SNH)** note that the proposal lies within the boundary of the Cairngorms Massif SPA which is designated for golden eagles. The site also lies close to the boundary of the River Dee SAC, Cairngorms SAC and SPA and the Eastern Cairngorms SSSI.
20. SNH comment that the proposal is unlikely to have a significant effect on any qualifying interests either directly or indirectly. SNH highlight the requirement for an otter survey which has now been provided by the agent. A further response from SNH on this additional information is outstanding at the time of writing. Consequently, a condition recommending that any comments in their response be incorporated as planning conditions is recommended in the event of planning permission being granted.
21. **Braemar Community Council** has been consulted but has not commented on the proposal.
22. **CNPA Landscape Officer** considers that although the proposed lunch hut may have potential to impact on some people's experience of wildness the level of impact is slight overall. The development is considered acceptable in terms of landscape through the use of conditions to address landscape and visual impact to cover:
- a. Design and finish of the lunch hut, and
  - b. Construction, restoration and reinstatement of the landform around the hut.

23. **CNPA Access Officer** comments that the lunch hut is located adjacent to the main hill track west of Culardoch which is a Right of Way and a Core Path (CC6). It is highlighted that where standard conditions relating to the construction period are adhered to, there should be no adverse effects resulting from the proposal.
24. **Aberdeenshire Council Environmental Health** has no objections to the proposal.

### **REPRESENTATIONS**

25. Three representations have been received which are attached as Appendix I. These include a representation from the Mountaineering Council of Scotland. Reasons for the objections relate to the increased human impact on a wild area already scarred by dirt roads. Also concerns regarding impact on the feeling of isolation and wildness; potential for increased litter, traffic and required maintenance; terms of use of the lunch hut; impacts on walkers and potential misuse of the lunch hut were highlighted. Finally it was considered that Corndavan Lodge could be used whereby there would be no need for the hut.
26. The applicant's agent has requested the opportunity to be heard at Committee.

### **APPRAISAL**

27. In principle, the addition of a lunch hut on the estate raises no particular policy issues, given that huts of this nature are part of grouse shooting and deer stalking infrastructure throughout Scotland. Consequently, the key issues relate to any potential environmental impacts of the proposal and the design of the structure.

#### **Environmental Issues**

28. SNH are responsible for advising upon SPA, SAC and European Species. SNH have no objection to the proposal given that it is unlikely that the proposal will have any effect on qualifying interests. It was advised that otter are a European Protected Species and potentially present in the area. An otter survey has been provided by the applicant and although evidence of otter were identified in the area it is expected that there will be no negative impact providing measures are taken at the construction stage to protect any otters in the area. This can be covered by an appropriate planning condition.

#### **Siting and Design**

29. The proposed lunch hut is sited on a concrete pad which requires some excavation. The hut will sit on the concrete pad with minimised exposed underbuild resulting from timber cladding to ground level.



30. The design of the lunch hut is a simple rectangular structure with a pitched corrugated roof. Designs of this type are common to sporting estate developments throughout Scotland. Consideration of specific aspects including type and colour of cladding, roofing and chimney have been agreed with the CNPA Landscape Officer to reflect traditional estate buildings in the area.
31. The proposed parking area for the lunch hut was initially proposed as an area of hardstanding. Following discussions with the agent, this area has been reduced to an informal parking area to minimise impact and disturbance of the area. In these circumstances the development is considered to comply with policies on landscape and design.

#### **Technical Issues**

32. A technical concern was highlighted by Aberdeenshire Council Environmental Health Officer regarding details of the proposed dry toilet. Following discussion with the applicant it was resolved to remove the toilet facility and there are no outstanding technical issues.

#### **Other Issues Raised by Representations**

33. Concerns of the objectors relating to the potential impact on wildness have been fully considered. As noted by the CNPA Landscape Officer that the addition of a lunch hut may have an adverse effect on some people's experience of wildness as they head up into or out of, the more remote upper reaches of Glen Gairn. However, this impact can be mitigated by careful siting and design which will help ensure that the development complements the landscape character of the glen, and avoids negative effects on the quality of the experience for the visiting walker, cyclist and sportsman.

#### **Conclusion**

34. In conclusion, the development will be seen in combination with other infrastructure associated with a sporting estate, such as tracks, bridge over the river to the northwest, grouse butts etc. and as such is not considered to adversely affect the landscape quality here. There are particular reasons for requiring a sporting hut on this part of the estate which relate to the ongoing management of the sporting enterprise here, and a location has been selected whereby the hut will sit against a backdrop of an existing hillside thus minimising its visual impact.
35. The proposals are considered acceptable in terms of natural heritage, landscape impact and design and are in accordance with the adopted CNP Local Plan. Therefore, it is considered appropriate to recommend the application for approval.

## IMPLICATIONS FOR THE AIMS OF THE NATIONAL PARK

### Conserve and Enhance the Natural and Cultural Heritage of the Area

36. The proposal would have no significant impacts on designated sites or species. Subject to conditions set out at the end of the report, as a low-key feature in the landscape of the glen, the development has potential to have a positive effect in relation to the ongoing evolution of the heritage of a sporting estate. The design improvements achieved in terms of finishes and siting are considered to ensure that the development helps support this aim.

### Promote Sustainable Use of Natural Resources

37. There is no indication of where materials would be sourced from. However, it is likely that local builders and estate staff would assist in the construction of the hut with suitable materials (such as timber) to be used.

### Promote Understanding and Enjoyment of the Area

38. The proposal would improve the facilities and consequently the enjoyment of the area for people taking part in traditional sporting activities.

### Promote Sustainable Economic and Social Development of the Area

39. The provision of the hut should make the sporting estate more attractive and has the potential to contribute to the economic development of the rural area.

## RECOMMENDATION

**That Members of the Committee support a recommendation to GRANT planning permission to erect a timber lunch hut on land to the West of Culardoch Beag, Glen Gairn, Braemar subject to:**

- (a) **Any comments received from Scottish Natural Heritage in respect of the otter survey being incorporated as planning conditions**  
(b) **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 Section 58 of the Town and Country Planning (Scotland) Act 1997.

2. Prior to commencement of the development samples of the external wall finish and roof material shall be submitted to and approved by the CNPA. The development shall thereafter be undertaken in accordance with the approved details

**Reason:** To ensure that materials are non-reflective and appropriate to the setting.

3. Prior to the commencement of the development a construction method statement setting out how the building will be constructed and, in particular how the water environment would be protected shall be submitted to and approved by the CNPA acting as Planning Authority. The development shall thereafter be carried out in accordance with these details. These details shall include measures for protection of Otter during construction.

**Reason:** In the interest of preventing pollution and to ensure there is no adverse impact on the environment in accordance with planning policies.

4. The development hereby approved shall be constructed in accordance with the approved plans and sections. There shall be no excavations undertaken to form the informal car parking area, instead this area shall remain as existing moor/heath land.

**Reason:** In the interests of visual amenity and in accordance with Local Plan policies on landscape.

5. In the event of the development becoming redundant for its approved use it shall be removed from site and the site reinstated to moorland with all associated structure removed.

**Reason:** In the interests of visual amenity and in accordance with Local Plan policies on landscape.

6. Access along the adjacent right of way shall remain unobstructed throughout construction.

**Reason:** To ensure there is no adverse impact upon public access in accordance with planning policies.

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**04 June 2013**

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.