

---

## CAIRNGORMS NATIONAL PARK AUTHORITY

---

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

**Prepared by: MARY GRIER (SENIOR PLANNING OFFICER, DEVELOPMENT MANAGEMENT)**

---

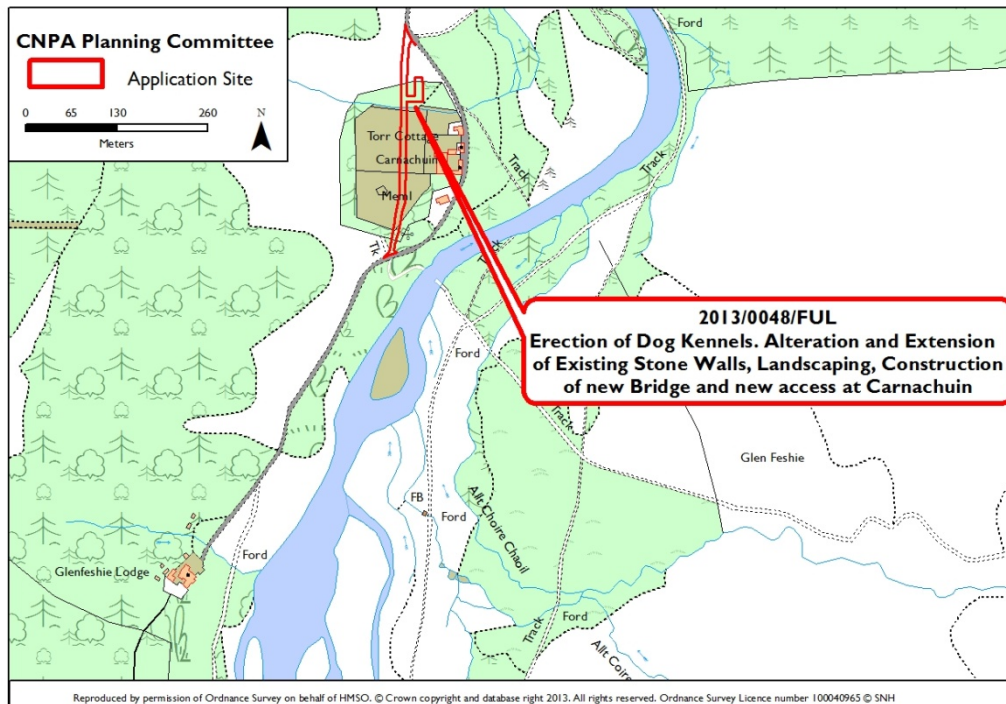
**DEVELOPMENT PROPOSED: ERECTION OF DOG KENNELS, ALTERATIONS AND EXTENSION OF EXISTING STONE WALLS, LANDSCAPING, CONSTRUCTION OF NEW BRIDGE AND NEW ACCESS ROAD AT CARNACHUIN, GLENFESHIE**

**REFERENCE: 2013/0048/DET**

**APPLICANT: MR. THOMAS MACDONELL ON BEHALF OF GLENFESHIE ESTATE LTD., C/O GROVES – RAINES ARCHITECTS LTD.**

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

**RECOMMENDATION: APPROVE WITH CONDITIONS**



**Grid reference : 284574 793956**

**Fig. 1 - Location Plan**

## SITE DESCRIPTION AND PROPOSAL

1. Planning permission is sought on land at Carnachuin on Glenfeshie Estate, for the erection of dog kennels, the construction of a new bridge across a small watercourse, the creation of a new section of access road, an extension to an existing stone wall and the provision of associated landscaping. The identified site area is an irregular shape, encompassing land to the north, west and south of the existing Estate complex and extends to approximately 0.22 hectares. The kennels and an alternative shorter section of new access were previously proposed and permitted in an application determined by the CNPA in 2012, which encompassed a overall larger site area and also included proposals for the demolition of existing agricultural buildings and ancillary buildings on the site and the erection of a new large steading building in a central position within the existing courtyard complex, as well as a number of new ancillary buildings (CNPA planning ref. no. 2012/0119/DET refers). Various changes have been made to the proposals, which have resulted in this and a further application on adjacent land being submitted.<sup>1</sup>
2. The proposed new section of access track would extend approximately 330 metres in a north / south direction, and would link into the existing Estate road at either end. The primary purpose of the new section of access road is to divert traffic away from the front of a number of existing residential properties. The residential properties are owned by the Estate and a key driver in the current proposal is to improve the residential amenity for occupants. As part of this, but separate from the current planning application, it is intended that an existing section of the access road, once it becomes obsolete, would be developed into private garden ground at the front of two of the properties.



Fig. 2 : Start of new access (north)



Fig. 3 : connection with access (south)



Fig. 4 : Front gardens would be created in place of existing access road



Fig. 5 : The new access would extend across a grassland area

<sup>1</sup> CNPA planning ref. no. 2013/0042/DET is currently under consideration on the adjacent land.

3. A new bridge is proposed at the point where the new access would cross a burn. Supporting information indicates that the structure would be a stone construction *Wade* bridge. A small pond and weir is also proposed to be formed at the burn crossing.
4. The new kennel building is proposed in an existing area of woodland, on the northern side of the burn and set to the east of the proposed new access track. The design and appearance of the kennel building is the same as that approved in the 2012 planning application referred to in paragraph 1. The kennel building is an elongated single storey pitched roof structure. The external finishes are consistent with those proposed on buildings in the current separate application on adjacent land, including the use of locally sourced random rubble natural stone, dressed stone quoins, and a Scotch slate roof. Conservation style rooflights and cast iron gutter and downpipes are proposed, as well as timber painted doors. The building would accommodate six kennels and runs.



**Fig. 6 : Proposed eastern elevation of kennels and proposed *Wade* style bridge**

5. The development of the access roads and kennels would result in some loss of an area of young plantation in the north of the site. Supporting information indicates that most of the trees that would be lost were planted by the Estate in 1999 and that prior to that this area had a deer fence around the perimeter and was always part of the curtilage of Carnachuin. It has also been confirmed that the development would not affect an existing triangular area of mature woodland.



**Fig. 7 : Existing mature trees to be retained**

## DEVELOPMENT PLAN CONTEXT

### National Policy

6. **Scottish Planning Policy<sup>2</sup> (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 should .....allow 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.
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 include economic development, rural development, and landscape and natural heritage. The following paragraphs provide a brief summary of the general thrust of each of the subject policies.
10. *Rural Development* : the planning system is expected to play a vital role in supporting sustainable economic growth in rural areas. Developments which provide employment or community benefits are to be encouraged. Planning authorities are also advised to support and promote opportunities for environmental enhancement and regeneration in rural areas.

---

<sup>2</sup> February 2010

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. There is also an acknowledgement that the protection of the landscape and natural heritage may sometimes impose constraints on development, but the potential for conflict can be minimised and the potential for enhancement maximised through careful siting and design.
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 Partnership Plan (2012 - 2017)**

13. The Cairngorms National Park Partnership Plan sets out the approach to managing the National Park, and reflecting the special qualities, challenges and opportunities it presents. The Plan highlights three long-term outcomes :
  - Having a sustainable economy that supports thriving businesses and communities;
  - Enabling people to enjoy the Park through outstanding visitor and learning experiences; and
  - Being a special place for people and nature with natural and cultural heritage enhanced.

### **Structure Plan Policy**

#### **Highland Council Structure Plan (2001)**

14. **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.
15. The following provides a brief summary of the policies applicable to a development of this nature. **Policy NI – Nature Conservation** advises that new developments should seek to minimise their impact on the nature conservation resource and enhance it wherever possible. The Plan refers to the socio-economic benefits of the nature conservation resource and advises that it should be optimised by a high level and standard of interpretation and understanding wherever possible.

16. The Structure Plan also includes a section on biodiversity, defining it as “natural richness and diversity of nature – the range of habitats and species and the uniqueness of each and every organism.” Biodiversity is not the same as natural heritage, but is one of the key functional components. As a key part of the natural heritage of an area it is important to protect, and where possible enhance biodiversity and to monitor any change.
17. 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.”
18. **Policy G2 (Design for Sustainability)** states that developments will be assessed on the extent to which they, amongst other things make use of brownfield sites, existing buildings and recycled materials; are accessible by public transport, cycling and walking as well as car; are compatible with service provision; demonstrate sensitive siting and high quality design in keeping with local character and historic and natural environments; and contribute to the economic and social development of the community.

### **Local Plan Policy**

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

19. The Cairngorms National Park Local Plan was formally adopted on 29<sup>th</sup> October 2010. The full text can be found at :  
<http://www.cairngorms.co.uk/parkauthority/publications/results.php?publicationID=265>
20. 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. Policies are not cross referenced and applicants are expected to ensure that proposals comply with all policies that are relevant. The following paragraphs list a range of policies that are appropriate to consider in the assessment of the current development proposal.
21. Policy 4 Protected Species : development which would have an adverse effect on any European Protected Species will not be permitted unless there are imperative reasons of overriding interest, including public health or public safety; there is no satisfactory alternative solution; and the development will not be detrimental to the maintenance of the population of the species concerned at a favourable conservation status in their natural range. The policy is intended to ensure that the effects of development proposals on protected species are fully considered by the planning authority. Developers will be required to undertake any necessary surveys for species at their own

cost and to the satisfaction of Scottish Natural Heritage and the planning authority.

22. Policy 5 – Biodiversity : development that would have an adverse effect on habitats and species identified in the Cairngorms Biodiversity Action Plan, UK Biodiversity Action Plan, or by Scottish Ministers through the Scottish Biodiversity List, will only be permitted where
- (a) The developer can demonstrate that the need and justification for the development outweighs the local, national and international contribution of the area of habitat or population 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.
23. 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.
24. Policy 16 – Design Standards for 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.

#### **Supplementary Planning Guidance**

25. 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**

26. The guide highlights the fact that the unique nature and special quality of the Cairngorms National Park and the consequent desire to conserve and enhance this distinctive character. 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. The **Sustainable Design Guide** requires the submission of a Sustainable Design Statement with planning applications. It is intended that applicants would use the Sustainable Design Statement to demonstrate how standards set out in the Sustainable Design Checklist will be achieved.
27. One of the key sustainable design principles referred to in the document is that “future development in the Park should be sensitively located, reflect existing development pattern and setting, and respect the natural and cultural heritage of the Park.” Developments are also required to reflect traditional materials and workmanship, and take on board innovation, contemporary design and the emergence of modern methods of construction.

### **CONSULTATIONS**

28. **SEPA** : The response from SEPA highlights that the application site is adjacent to a small watercourse and consequently the site may be at risk of flooding. The main concern regarding the proposal is the design of the proposed bridge. It is suggested in the event that the design is inadequate that it could reduce the channel capacity and increase the likelihood of out of bank flow. The SEPA current response considers that insufficient information has been provided in order to enable a sufficient assessment of flood risk at the site. Consequently, the current SEPA position is one of objection to the proposal on the grounds of lack of information.
29. The applicants have recently provided additional information to address SEPA’s concerns. At the time of writing this report, it is anticipated that a response from SEPA is likely in the near future. Members will be verbally updated on this at the forthcoming planning committee.
30. **Highland Council Forestry Officer** : It is noted that the proposed new access road and kennels are either within open ground or in areas of young tree planting, which could be easily replaced. As such there is no objection to the proposal. The proposals for new tree planting, as detailed in the Landscape Masterplan are welcomed. It is however suggested that further detail is provided in relation to tree protection measures and maintenance proposals, and it is accepted that this could be in the form of a condition in the event of granting planning permission.
31. **CNPA Ecology Officer** :The response from the Ecology Officer identifies a number of potential impacts, including the development footprint giving rise to the loss of semi-improved grassland habitat, the loss of young native trees and shrubs on part of the development site, and the bridge construction potentially resulting in sedimentation and pollution of the burn at the northern end of the



site. In terms of grassland, it is noted that it has been subject to past improvement and is currently somewhat neglected and overgrown. Nonetheless, the impact on the landscape should be minimised. Suggested measures to achieve this include the storing of any turfs removed in the course of construction of the access road and their use afterwards to reinstate damaged areas adjacent to the access. It is also recommended that the reinstatement of the turfs should be supplemented by plug planting of native plants appropriate to the location.<sup>3</sup>

32. General advice is also provided on limiting construction activities and vehicle movement to the eastern part of the field (within the footprint of the proposed steading compound / courtyard which is the subject of a separate planning application – CNPA ref. no. 2013/0042/DET). This would be of benefit in reducing potential damage to habitat and limiting the disturbance of any nesting birds in the vicinity. The Ecology Officer also suggests that the loss of planted trees could be compensated for by the planting of diverse, local origin, native tree species, as indicated in the submission documentation. It is also recommended that specialist advice should be sought from the CNPA about the potential to transplant juniper shrubs from the development area to other suitable sites in the vicinity. Overall, the Ecology Officer considers that the proposal would have a minor impact on the ecology of the area, but has the potential to be addressed by a range of appropriate mitigation measures.
33. **CNPA Landscape Officer** : The consultation response from the Landscape Officer identified the potential impacts of (a) the new section of track and (b) the kennels. It is noted that the access track would result in the loss of some juniper and a small area of birch and pine. Due to the loss of the area of young plantation, the development of the kennels would be likely to increase the visibility of the buildings and the courtyard, which are located to the south, outwith the current site boundaries.
34. Overall the Landscape Officer considers that there is no issue in principle, but makes a number of recommendations in order to ensure that potential development impacts are minimised and that the proposal can be considered to comply with CNP Local Plan Policy 6 on Landscape. In respect of the new access road, it is recommended that the road should be finished to match the existing in its detailing and its fit with the local landform and that a construction cross section should be provided to confirm this. It is also recommended that the landscape masterplan be modified to include proposals for enhanced tree planting to compensate for the loss of trees. This is of particular importance in the area to the north and north west of the kennel compound. Underplanting is also recommended amongst the mature pines to the west of the kennels.

---

<sup>3</sup> This species mix should be developed in consultation with the CNPA and the plug planting and turf reuse should be carried out in accordance with British Standards on general landscape operations (BS 4428:1989);

## REPRESENTATIONS

35. No representations have been received in connection with the proposed development.

## APPRAISAL

### Principle

36. As noted in earlier sections of this report, the kennel building (in an alternative position) and a shorter section of new access were previously proposed and permitted in an application determined by the CNPA in 2012. Those proposals formed part of a larger development proposal for the site, including the development of a large steading complex to serve the agricultural and operational needs of the Estate. Those aspects are the subject of a current amended application (CNPA planning ref. no. 2013/0042/DET).
37. Similar to some of the considerations in this current application, the previous proposal for the kennels and the smaller section of new access also involved the loss of an area of young trees, and included a new bridge crossing of the burn. The principle of the current proposal remains generally acceptable, although there are a number of more detailed factors to consider, including the more extensive nature of the new access, and the larger burn crossing and the associated objection from SEPA on this matter.

### Design

38. The design of the kennel building is as per the details approved in the earlier planning permission. The design of the building, as well as the external finishes, is consistent with the design concept which is to be employed on the adjacent associated site i.e. the yard area which would accommodate the new steading building as well as two ancillary buildings. The form and scale of the kennels particularly reflects the characteristics of the ancillary buildings.
39. The access road would be constructed to the same standard as the existing Estate track. The Landscape Officer has stressed the need for this in order to ensure that it fits with the existing landforms and features of the area. The additional information which it is suggested should be submitted, including a cross section of the access road, is reasonable in order to achieve certainty and ensure that the development accord with Local Plan Policy (Landscape).
40. The design of the proposed bridge across the burn, being a 'Wade' style bridge, of stone construction, and similar in style to a bridge which currently exists closeby to the east of the site, is considered appropriate to the location. Fig. 6 demonstrates the visual relationship between the bridge and the kennel building.

### SEPA objection

41. As detailed in paragraph 28, at the time of preparing this report, the consultation response from SEPA is in the form of an objection, on the basis that insufficient information has been provided to enable a sufficient assessment of the flood risk, resulting from the development of the proposed

Wade bridge. As noted earlier in this report, additional information on this matter has now been provided by the planning agent, and is currently with SEPA for assessment. Whilst it is not recommended that a decision to grant planning permission would be issued in the face of a SEPA objection, it is suggested that Members proceed to consider the proposal and in the event of finding it otherwise acceptable, resolve to grant planning permission subject to receipt of confirmation from SEPA of the removal of the objection. The issuing of a decision notice would be withheld until that confirmation was received, and in the event that the SEPA objection cannot be removed, the matter would be brought before the Planning Committee for re-consideration.

### **Conclusion**

42. In conclusion, subject to the removal of the objection by SEPA, the proposed development is acceptable. Adequate justification has been provided for the extent of new access track. The potential creation of garden areas at the front of the existing residential properties to the east of the site would deliver significant benefits to occupiers of those properties. The new access would facilitate the decommissioning of a section of road and would instead take traffic some distance to the rear of those buildings. In addition to the practical justification for the new access, the siting which is close to the area of existing and proposed new structures, would be relatively inconspicuous in the landscape. The overall proposal would fit well with the existing developments on the adjacent land, and would also be consistent with the design concept and development quality demonstrated in the larger building proposal on that adjacent land. In considering all of those aspects, it is recommended that planning permission be granted.

## **IMPLICATIONS FOR THE AIMS OF THE NATIONAL PARK**

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

43. The proposed development would result in the loss of an area of young tree planting and a small area of juniper. Sufficient measures can be undertaken to mitigate the impact, including new tree planting as proposed in the landscaping details supporting the proposal. Juniper could also be translocated to an appropriate location in the vicinity.

### **Promote Sustainable Use of Natural Resources**

44. Supporting information indicates that salvaged or second hand materials would be used where possible in the construction of the kennel building.

### **Promote Understanding and Enjoyment of the Area**

45. The development has limited impact on the general public's understanding or enjoyment of the area. However, the diversion of the Estate road to the rear of residential properties and other buildings would be of benefit to occupiers of those dwellings, as it would improve the amenity space available to them and would provide increased privacy.

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

46. The proposed development is part of a larger programme of re-development works at Carnachuin. Collectively the developments have been purpose designed to fit the landscape and be 'fit for purpose' and would provide an improved working environment for a variety of estate activities. As such this proposal could be considered to contribute to the economic development of the area.

**RECOMMENDATION**

**That Members of the Committee support a recommendation to GRANT planning permission for the erection of dog kennels, alterations and extension of existing stone walls, landscaping, construction of new bridge and new access road at Carnachuin subject to :**

**(a) Confirmation from SEPA of the removal of the current objection to the proposal; and**

**(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 or amended by the Planning etc. Scotland Act 2006.

2. Prior to the commencement of development, the following details shall be submitted for the written agreement of the Cairngorms National Park Authority acting as Planning Authority :

**(a)** A construction cross section of the new access road;

**(b)** Full specifications for the access road construction and comprehensive proposals for restoration works in areas where changes in levels occur; and

**(c)** A construction method statement.

All work shall thereafter be undertaken in accordance with the agreed details.

**Reason :** In order to ensure that the access road assimilates into the landscape and to ensure that restoration profiles have no exposed cut faces.

3. Prior to the commencement of development, full specifications and elevation plans of the Wade style bridge shall be submitted for the written agreement of the Cairngorms National Park Authority acting as Planning Authority. The structure shall thereafter be constructed in accordance with the agreed measures.

**Reason :** In the interests of clarity and orderly development.

4. Prior to the commencement of development revised landscaping details shall be submitted for the written agreement of the Cairngorms National Park Authority acting as Planning Authority. The details shall include –
- (a) Additional landscaping proposals to provide enhanced tree planting to compensate for the loss of established trees due to the development of the access road;
  - (b) The provision of additional landscaping on land to the north and north west of the kennel compound;
  - (c) The provision of under-planting amongst the mature pines on land to the west of the kennel compound;
  - (d) A scaled drawings showing the specific location of tree planting;
  - (e) A planting specification to include details of timing, ground preparation, fertilising and watering; and
  - (f) A protection plan and maintenance schedule that secures the form, stability and longevity of the planting;

The landscaping works shall be undertaken thereafter in accordance with the agreed measures. The landscaped areas shall be maintained in perpetuity in accordance with the detailed maintenance schedule/table. Any trees or shrubs removed, or which in the opinion of the CNPA acting as Planning Authority, are dying, being severely damaged or becoming seriously diseased within five years of planting, shall be replaced by trees or shrubs of similar size and species to those originally required to be planted.

**Reason :** in the interests of visual amenity and to enhance the natural heritage value of the area.

5. Prior to the commencement of development, a method statement shall be submitted for the removal of juniper from the development site and its reuse / translocation at an appropriate location in the vicinity.

**Reason :** in the interests of conserving the natural heritage features of the area.

6. Prior to the commencement of above ground construction works, samples of window frames, roofing and all external wall materials shall be submitted to and approved by the Cairngorms National Park Authority acting as Planning Authority. All agreed materials shall be utilised in the construction thereafter.

**Reason:** To ensure that the detailed finishing materials are appropriate for the building and its setting.

7. All public services for the development, including electrical, telephone cables etc. shall be located underground throughout the site.

**Reason:** In the interests of minimising the visual impact of the development.

**Advice notes :**

- (a) The Construction Method Statement required in Condition 2(c) shall include proposals to (i) re-use turfs from the grassland area to reinstate any potentially damaged areas adjacent to the new access road; and (ii) identify a limited area in the easternmost area of the grassland field, close to the footprint of the steading courtyard development (CNPA planning ref. no. 2013/0042/DET), in which to undertake construction activities and vehicle movements, in order to reduce damage to the habitat in the wider area.
  
- (b) The advice of CNPA Ecology and Landscape Officers should be sought in relation to re-turfing measures, the transplanting of juniper and the mix of tree species to be introduced on the site.

**Mary Grier**

[planning@cairngorms.co.uk](mailto:planning@cairngorms.co.uk)

**21 March 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.