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## CAIRNGORMS NATIONAL PARK AUTHORITY

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

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(PLANNING OFFICER,  
DEVELOPMENT MANAGEMENT)**

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**DEVELOPMENT PROPOSED:** Installation of extraction ducts, ATM aerial, and external lighting (retrospective). Co-Operative Group, Newtonmore.

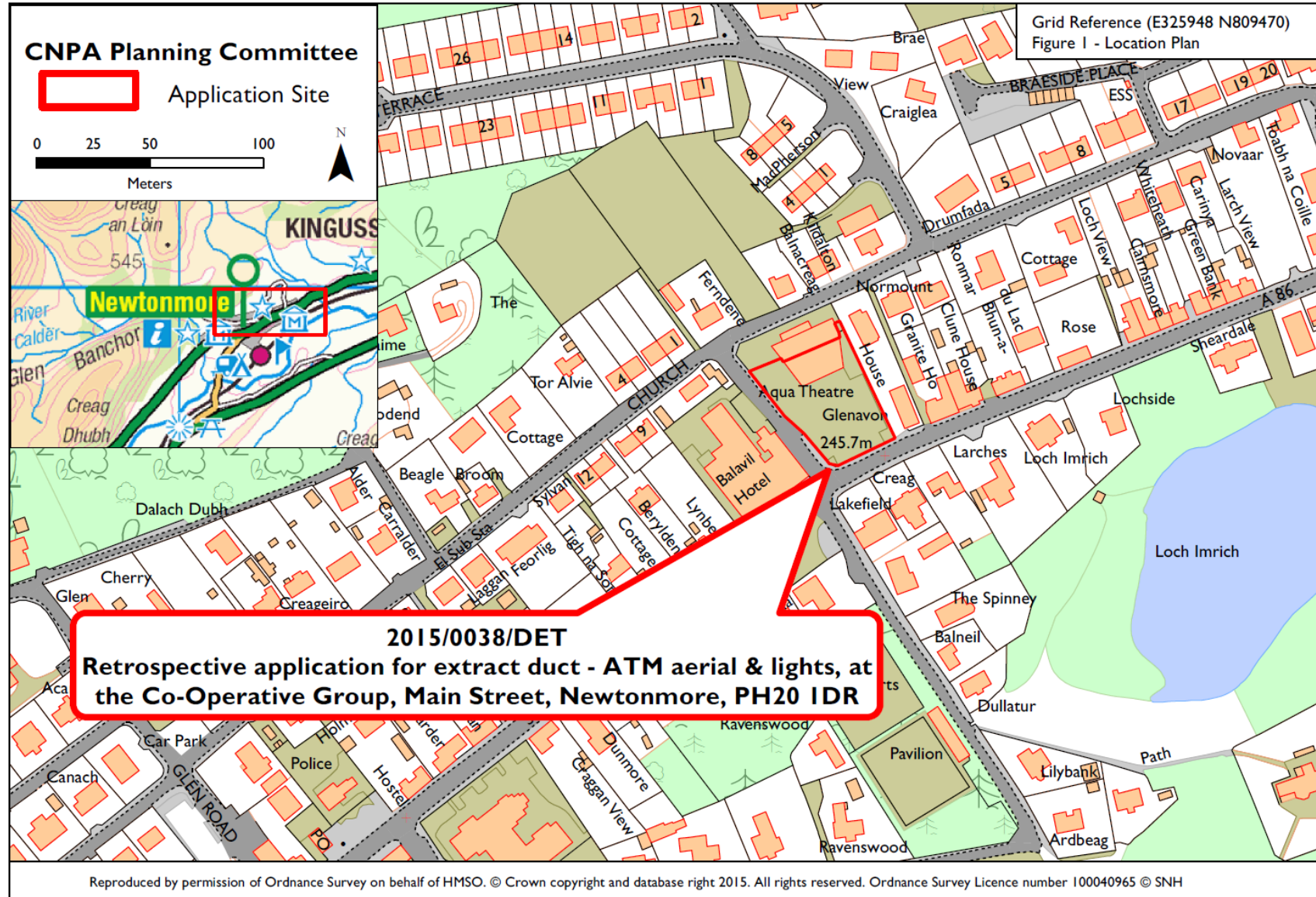
**REFERENCE:** 2015/0038/DET

**REASON FOR CALL IN:** Given the application and enforcement history, despite its minor nature, this application is deemed to be Type I – Applications which are directly related to applications which have been previously determined by CNPA.

**APPLICANT:** The Co-Operative Group

**DATE CALLED-IN:** 09 February 2015

**RECOMMENDATION:** APPROVAL SUBJECT TO CONDITIONS



## SITE DESCRIPTION AND PROPOSAL

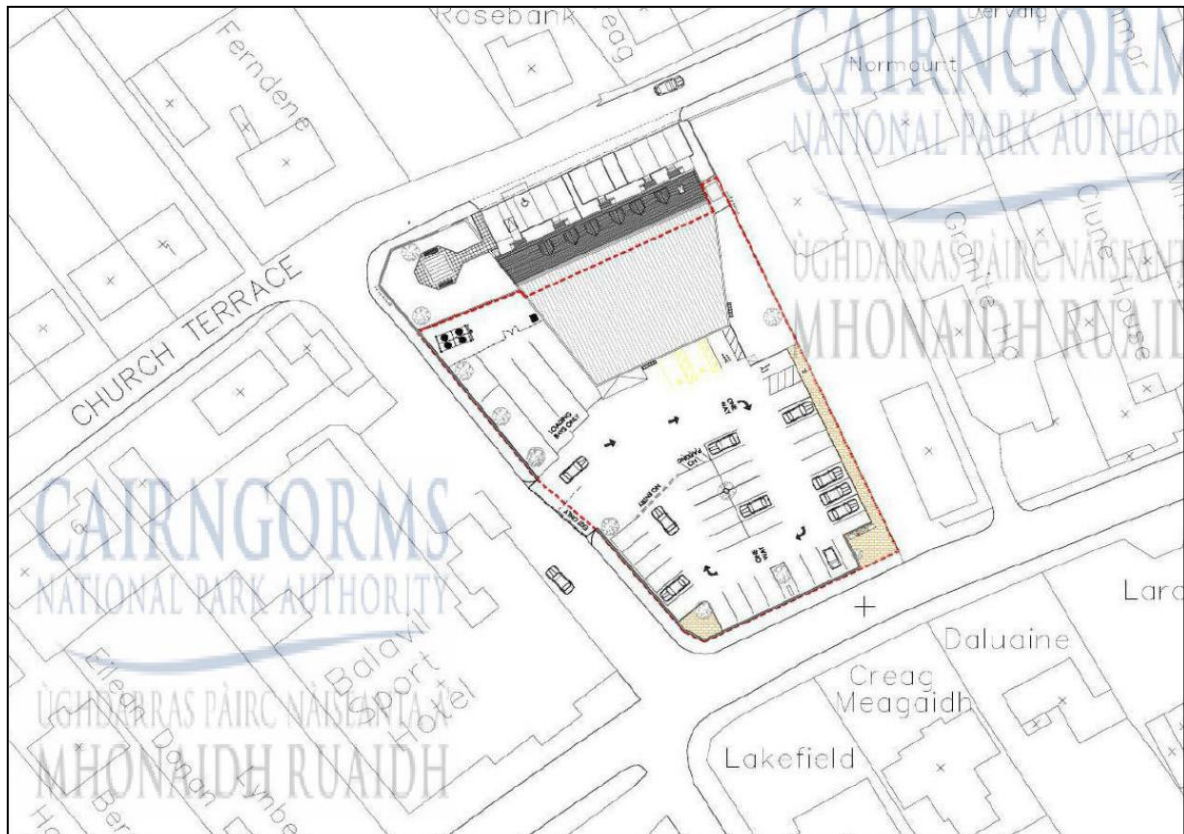
### Plans and Documents

1. The drawings and documents associated with this application are listed below and are available on the Cairngorms National Park Authority website unless noted otherwise:

<http://www.eplanningcnpa.co.uk/online-applications/search.do;jsessionid=F731468B04ACC046D99CFC0E36E75CAC?action=simple&searchType=Application>

Title	Drawing Number	Date on Plan	Date Received
Existing Location Plan	CO-AQ-10-100	June 2014	09 Feb 2015
Existing East & South Elevations & Images Rev B ac extracts removed from east elevation and light removed	CO-AQ-10-101	June 2014	29 May 2015
Existing/Proposed West Elevation	CO-AQ-10-102	Jan 2015	29 May 2015

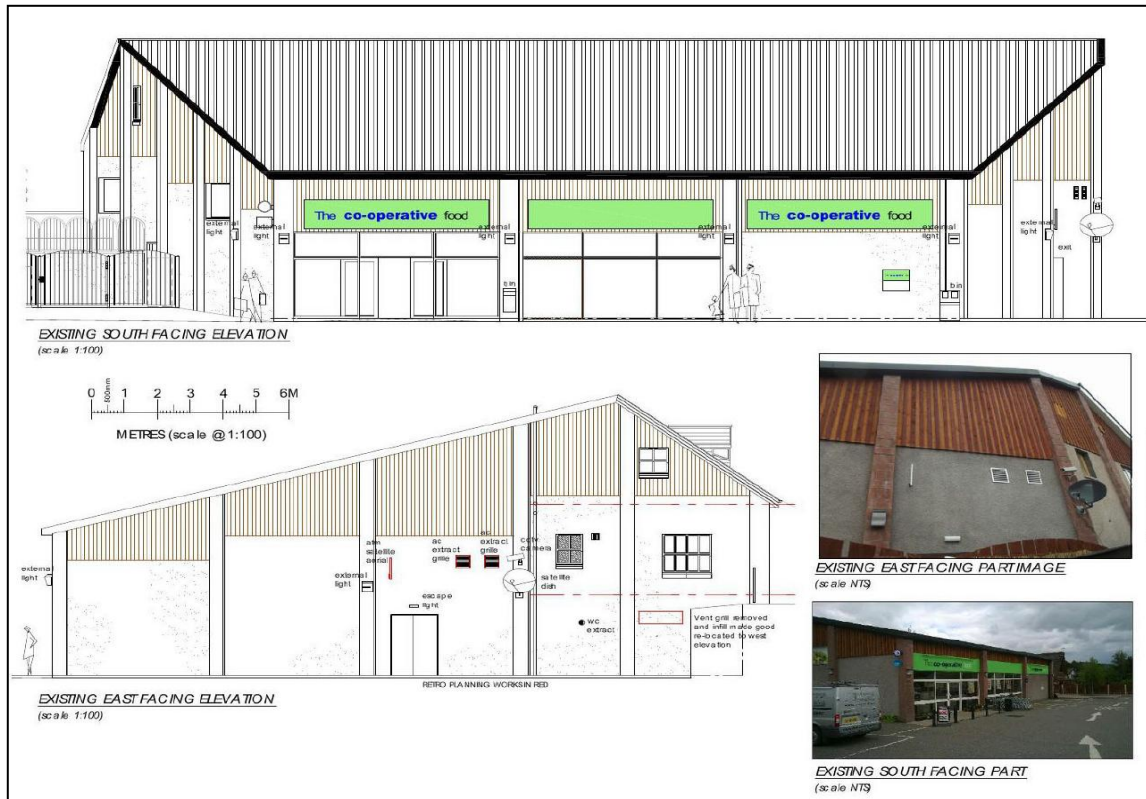
2. This application was received seeking full planning permission to retain three extraction points, ATM aerial, and external lighting to the Co-Operative building. The store is located within the Newtonmore settlement boundary on the site of the former Waltzing Waters attraction. The surrounding land use is a mixture of residential and commercial premises with the site location as shown in **Figure 1**. The vehicle and pedestrians access to the Co-Operative store is via a side road from Main Street (A86) or Church Terrace.
3. The Co-Operative food store is housed within a building that also accommodates a number of residential properties to the upper level along Church Terrace (being outwith the development site). The building, when seen in the context of the imposing Balavil Hotel to the west, and being set back from Main Street forms part of an opening to the streetscape. The building is split level with an asymmetric roof structure and externally finished in blockwork, harl, timber and profile sheeting. When viewed from the south the building has a utilitarian appearance with the principle store frontage typical of modern retail developments. The overall site also contains a car park and delivery area as shown in **Figure 2**.



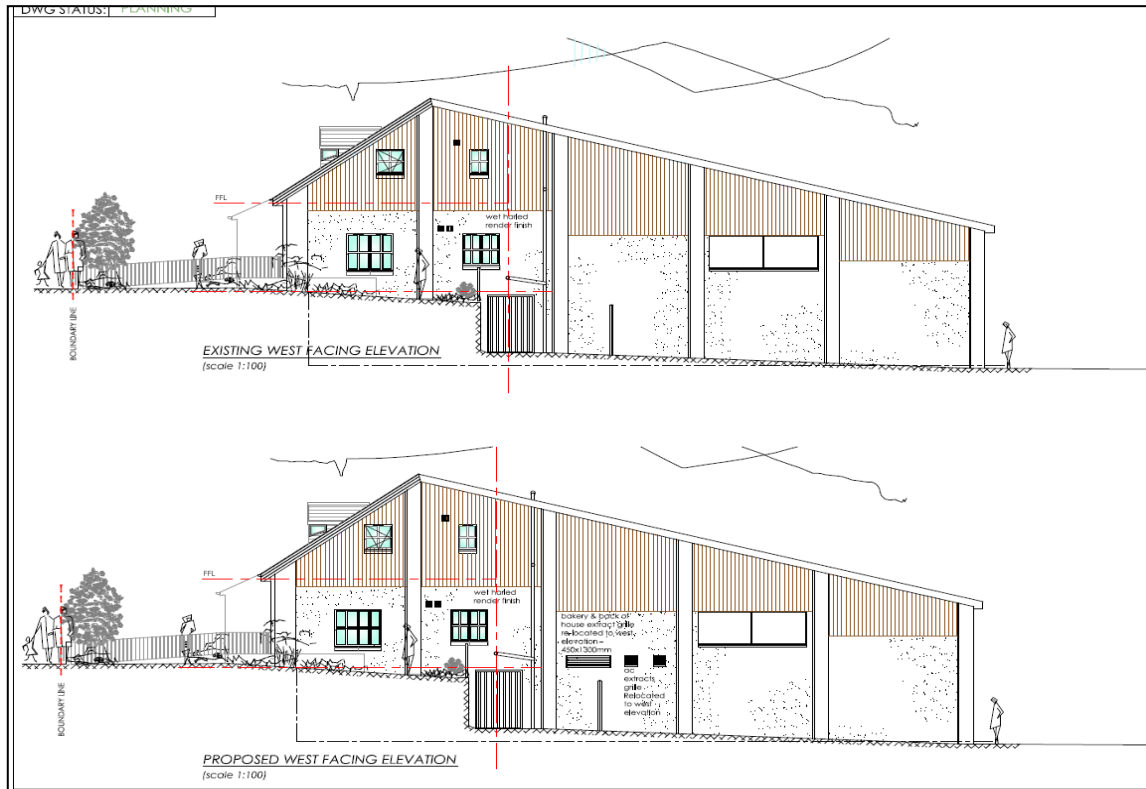
**Figure 2 – Site Plan**

4. The application was originally submitted seeking retrospective approval for the retention of three extraction points serving air conditioning and bakery/back of house ventilation functions, a single ATM satellite aerial, and six external lighting points around the building. The vents, aerial, and one of the lighting points were located to the east elevation immediately adjacent to a domestic property, with the remaining lighting points located to the south and west elevations. The locations of the features are as shown on **Figure 3**.
5. During the course of the planning assessment the application was varied to allow the relocation of the extraction vents from the east to the west elevation, and the removal of the light fitting to the east elevation. The application was varied after submission with the agreement of the planning service as it did not involve a substantial change to the description of the proposed development and was in response to the findings of the ongoing assessment. The planning service issued a new neighbour notification as appropriate. The revised locations of the extraction features are as shown on **Figure 4**.





**Figure 3 – Location of Features**



**Figure 4 – Revised Location of Extraction Features**

## RELEVANT PLANNING HISTORY

6. Planning applications related to the development site were previously considered by the Cairngorms National Park Authority (CNPA) including 2011/0179/DET – Change of use to retail and residential (approved by the CNPA 16/09/2007), 2012/0009/ADV – Advertisement consent (approved by the CNPA 30/03/2012), and 2012/0021/DET (approved by the CNPA 30/03/2012) being a revised proposal to 2011/0393/DET – External plant (withdrawn by the applicant).
7. The CNPA has also been involved in enforcement action against an increase in boundary wall height to the rear (outwith the current application boundary) and subsequent planning appeal (upheld).
8. Whilst small scale developments of this nature are usually permitted without the need for a planning application, Class 9A of the Town and Country Planning (General Permitted Development) (Scotland) Amendment Order 2014 states that development is not permitted in the case of land within a National Park. Therefore as the applicant had not applied for consent prior to the works this application seeks retrospective approval. Such applications are required to be considered on their merits.

## DEVELOPMENT PLAN CONTEXT

### National Policy

9. **Scottish Planning Policy** (SPP, revised 2014) sets out national planning policies that reflect Scottish Ministers priorities for the operation of the planning system and for the development and use of land. Under planning law, planning applications must be determined according to the development plan unless material considerations indicate otherwise. The content of SPP is a material consideration in planning decisions that carries significant weight. The SPP promotes consistency in the application of policy across Scotland whilst allowing sufficient flexibility to reflect local circumstances.
10. The SPP sits alongside four other Scottish Government planning policy documents:
  - a) The **National Planning Framework** (NPF) which provides the statutory framework for Scotland's long term spatial development. The NPF sets out the Scottish Government's spatial development policies for the next 20 to 30 years;
  - b) **Creating Places**, the policy statement on architecture and place, containing the Scottish Government's policies and guidance on the importance of architecture and design;
  - c) **Designing Streets**, a policy statement putting street design at the centre of placemaking. It contains policies and guidance on the design of new or existing streets and their construction, adoption and maintenance; and
  - d) **Circulars**, which contain policy on the implementation of legislation or procedures.

11. Scottish Planning Policy seeks to support business and employment and to facilitate sustainable economic growth.

### **Strategic Policy**

#### **Cairngorms National Park Partnership Plan (2012-2017)**

12. The Cairngorms National Park Plan sets out the vision and overarching strategy for managing the Park and provides focus and priorities at a time of limited financial resources. The Plan also provides a strategic context for the Local Development Plan and shows how the four aims of the National Park can be achieved together. It sets out the strategic direction and priorities for the Park.
13. Three long term outcomes for the Park are set out as follows:
  1. A sustainable economy supporting thriving businesses and communities;
  2. A special place for people and nature with natural and cultural heritage enhanced; and
  3. People enjoying the park through outstanding visitor and learning experiences.

These outcomes address the interaction of the three main characteristics of the National Park these being that the Park is an internationally important area for nature conservation; a fragile rural economy, and an internationally known tourism destination. Recognising the relationship of these outcomes is at the heart of the National Park. A series of work programmes to help deliver the outcomes is set out in the Plan.

Also relevant in this case is Policy 1.1 which seeks to grow the economy of the Park by strengthening the existing business sector as well as supporting business diversification and start-ups.

### **Local Plan Policy**

#### **Cairngorms National Park Local Development Plan (2015)**

14. All new development proposals require to be assessed in relation to policies contained in the adopted Local Development Plan. The full wording of policies can be found at: <http://cairngorms.co.uk/park-authority/planning/local-development-plan>. The key policy relevant to the proposed development is summarised below:
15. Policy 2: Supporting Economic Growth Policy 2.1 seeks to support proposals for retail development whilst ensuring that developments should have no adverse impact on neighbouring properties and should have no detrimental impact on the vitality and viability of that settlement/centre.

### Supplementary Planning Guidance

16. Current supplementary guidance on sustainable design, natural heritage and landscape sets out issues to be considered and these are largely reflected in the Supplementary Guidance recently approved by the Planning Committee which will be passed onto Scottish Ministers with a view to future adoption.

### CONSULTATIONS

17. **Highland Council Environmental Health** consider that the design and installation of any plant, machinery or equipment should be such that any associated noise complies with Noise Rating Curve 25 when measured and/or calculated within any nearby noise sensitive dwelling, and that no structure borne vibration is perceptible within any nearby noise sensitive dwelling. In this regard, it is recommended that any ducting, motors, air handling equipment, and air conditioning units etc be located as far away as possible from any domestic properties.
18. **The Community Council** - No response had been received at the time of report preparation.

### REPRESENTATIONS

19. Neighbours were originally notified of the planning application at the time of submission. Two objections have been received from the residents of Glenavon House and Glenavon Cottage located east of the development site and has been included as **Appendix I**.
20. The main basis of the objections to the retrospective approval of the development is as follows:
  1. Noise from the extract grills;
  2. Use of the illuminated car park by youths leading to nuisance.
21. The application was revised as a result of the negotiations between the CNPA Planning Service and the applicant. Neighbour notifications were re-issued to make the neighbours aware of the revisions and to allow for further representations. A representation was received in support of the revised proposals from the residents of Glenavon House stating that the proposed alterations seem to be the best solution to solve the ongoing problem with unacceptable levels of noise from the extraction units. This has been included as **Appendix I**.

### APPRAISAL

#### Principle

22. Local Development Plan Policy 2.1 Supporting Economic Growth offers support for retail development. It is noted that the Co-Operative is established and operating successfully having gained planning permission



granted by the CNPA for a change of use of the premises (2011/0179/DET). The current planning application does not seek to review the overall permission for retail use of the premises, but to retrospectively authorise minor works that require planning permission.

23. Local Development Plan Policy strives to support the sustainable growth of the economy of the Park, a principle that is considered to be at the heart of supporting our communities. The policy is not just about identifying sites for new development, it is also about assisting existing businesses and creating a flexible framework that allows the best economic developments to thrive and prosper. Whilst the current application seeks authorisation for relatively minor works, they provide servicing to the retail use of the site to enable it to function effectively.
24. Policy 2 also requires that developments should have no adverse impact on neighbouring properties and in this regard the unauthorised works have attracted objections from two nearby residents to the site. The main concerns relate to noise from the extraction points and how the works may encourage the use of the car parking area by youths during winter months, and these issues are considered below.

### **Design and Layout**

25. The Co-Operative is housed within an established building of a utilitarian appearance. The building is set back from Main Street with a car park for service vehicles and customers. The site arrangement remains unchanged from its earlier use as Waltzing Waters being a tourism/recreation destination. In respect of general design, it is considered that the flush fitting extraction points, small aerial, and attached lighting units are consistent with those features ordinarily expected to be seen serving this type of building and retail use.
26. It is considered that the east or west elevations to the building would allow for the most appropriate and least visually intrusive location for the works. The principle elevation (being the shop frontage) is considered to be less appropriate in terms of design, with the north elevation being constrained by the upper level residential uses. Any rooftop exit for the extraction would require weather protection cowls that would project from the simple roof plane and be considered more visually obtrusive.

### **Environmental Impacts**

27. The original location of the extract points to the eastern elevation was the main issue of concern to the occupiers of Glenavon House. A site inspection confirmed the close relationship between properties, but due to the physical arrangement and building design it was not conclusive that a significant detrimental impact upon the residential amenity enjoyed by the neighbouring occupiers would occur as a result of noise or emissions from the extraction points. Nevertheless, the CNPA issued a consultation request to the Highland Council Environmental Health Service (EH) who consider that such

works should be located as far away as possible from any domestic properties. It should be noted that EH has made no comment on the potential for the current arrangement to create a statutory nuisance.

28. In response to the objection and consultation return from Environmental Health, agreement was sought of the applicant to relocate all three extraction points from the east to the west elevation. This was considered the best solution to increase the separation distance from noise generating extractions to the nearest sensitive neighbours, and to mitigate any actual or perceived amenity impacts arising from the development on neighbours. A neighbour notification was re-issued, and a letter in support of the revised works was received from the occupier of Glenavon House. No other representations have been received.
29. In respect of the concern from occupiers of Glenavon Cottage, specifically in relation to the actual or perceived amenity impact arising from the use of the car park by youths, it should be noted that the site arrangement remains unchanged from its previous use. A site inspection also identified a number of street lights along Main Street being outwith the development site or control of the applicant and a bus stop immediately adjacent to the complainant's property.
30. The existing public street lights may provide night time illumination, with the attached lighting points (subject to the application) providing lesser illumination at a distance and being set back from the frontage of the site away from Glenavon Cottage. Notwithstanding this the applicant has agreed to remove one of the lighting points to the East elevation (being the nearest to the site boundary), and has confirmed that the remaining light points attached to the building are used to provide safe access to the store and bike parking during the darker winter months.
31. Whilst the occupiers of Glenavon Cottage cite concerns over antisocial behaviour, it should be noted that the planning function does not purport to control antisocial behaviour under these circumstances. In that respect the use of the open car parking and bus stop waiting area by individuals other than store customers and public transport users is not a material planning consideration. Furthermore on account of the street lighting, the established site arrangements, and the more appropriate avenues available to the residents through police and/or Local Authority reporting, in this instance it would be unreasonable for the CNPA as planning authority to seek the removal of the lighting points.

## **CONCLUSION**

32. Following site inspection, consultation with Environmental Health, and close consideration of the representations received from neighbouring occupiers, a revised development has been secured that minimises any resultant loss of amenity on private individuals and ensures that the works are entirely compatible with surrounding land uses. The design and appearance of the works, being lighting points, small scale aerial, and extraction vents, is

appropriate to the building and site. Appropriate conditions are proposed to control the standard of works and to ensure completion within a reasonable term. The proposal therefore complies with the relevant provisions and intent of the Cairngorms National Park Local Development Plan (2015) and there are no other material considerations that warrant the setting aside of adopted policy.

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

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

33. The proposed development is minor in nature and has no detrimental impact upon the Natural and Cultural Heritage of the Area.

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

34. The development is of an appropriate type and scale being ancillary to the retail premises.

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

35. The proposed development will ensure the continued function of the retail premises to serve residents and visitors.

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

36. The proposed development readily supports this aim by serving an established local business and supporting, in a small way, an important sector of the National Park economy – retail food and drink.

## **RECOMMENDATION**

**That Members of the Committee support a recommendation to GRANT Full Planning Permission for the installation of extraction ducts, ATM aerial, and external lighting (part retrospective) and making good of the wall apertures to the East elevation submitted by the Co-Operative Group, Newtonmore and being subject to the following conditions:**

- I. The works hereby approved shall be completed within 6 months from the date of this planning permission. This shall include the complete removal of the extraction points and making good of the openings to the east elevation; relocation of the extraction vents to the west elevation; and the removal of the single lighting point to the east elevation.

Reason: To mitigate the amenity impacts to neighbouring residential occupiers arising from the existing works in a timely manner and as the extraction vents to the east elevation remain unauthorised.

**Informatives:**

- I. The developer is reminded that the works completed to date are unauthorised. Until such a time as the approved works as detailed on this planning permission is completed enforcement action may be taken by the CNPA against the landowner. The applicant is strongly encouraged to comply with the terms of this permission at the earliest opportunity and no later than the time period allowed under condition I.

**Officer Name: Matthew Taylor**

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

**Date: 30 June 2015**

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.