Agenda Item	8.6
Report No	PLS-101-22

# HIGHLAND COUNCIL

**Committee:** South Planning Applications Committee

Date: 13 December 2022

**Report Title:** 21/04616/FUL: Mr N McKenzie

Land 125m NE Mid Anagach, Grantown-on-Spey

**Report By:** Area Planning Manager – South

# **Purpose/Executive Summary**

**Description:** Erection of 4 glamping pods, service hut, solar panels, formation of

parking area

**Ward:** 20 – Badenoch and Strathspey

**Development category:** Local Development

**Reason referred to Committee:** Community Council objection and more than 5 objections from members of the public.

All relevant matters have been taken into account when appraising this application. It is considered that the proposal accords with the principles and policies contained within the Development Plan and is acceptable in terms of all other applicable material considerations.

# Recommendation

Members are asked to agree the recommendation to **GRANT** planning permission as set out in section 11 of the report.

# 1. PROPOSED DEVELOPMENT

- 1.1 Planning permission is sought for the installation of 4.No pods for holiday letting accommodation. The pods shall be set out in a linear pattern. Two pods which sleep 2 people shall have a rectangular footprint measuring 7.9m x 4m; and two larger pods which sleep 4 people shall measure 4m x 10.5m. The pods are designed to have the appearance of an upturned hull which measures 3.1m to the ridge. Both sizes are to be finished in timber with double doors to the front elevation and a small window to the rear. There are no windows on the curved sides of the pods.
- 1.2 The proposal also includes the formation of a new access from an existing private track which runs to the south of Anagach Woods. This leads into a shared car parking area with 7 spaces and a service hut, the service hut is of the same design as the pods with a footprint of 4m x 6m. A path leads to the pods which have a decking area to the rear. Solar panels are to be installed in the southern portion of the site alongside a soakaway for foul water. A vegetated swale is also provided to take any overflow of surface water.
- 1.3 There is an existing private access track which it is proposed shall serve the site and an existing gated access into the field. There is no other infrastructure on site.
- 1.4 Pre-Application Consultation: Pre-Application Advice was sought under 21/01443/PREAPP which advised the rural location may be appropriate in principle however, based on the information submitted at that time support was not forthcoming due to ecological concerns around Capercaillie which had been raised by NatureScot.

# 1.5 Supporting Information:

- Communication Strategy
- Design and Access Statement
- Market Research
- Photo/Visual Information
- Supporting Statement
- Tree Survey Report

# 1.5 Variations:

- 1. Re-siting of pods to avoid impact to trees
- 2. Drainage revised to comprise vegetated swales
- 3. Provision of passing places along track

# 2. SITE DESCRIPTION

2.1 The site is located approximately 1.4km to the southeast of Grantown-on-Spey and is 175m northwest of the River Spey. At their nearest points to the site, the nearest houses are Mid Anagach and Easter Anagach which are approximately 90m southwest and 190m northeast respectively.

- 2.2 The site lies partly within an area of semi-improved grassland and partly within existing woodland (mainly birch). The landscape is characterised by elevated terraces or hill slopes along the River Spey which forms a key landscape feature.
- 2.3 The application site comprises an open field which has an existing gated access. The site is bound to the north by a private access track, which is to serve the site, and is separated from the track by a small area of undesignated trees which run along the extent of the site. It is bound to the west by a post and wire fence. The surrounding area comprises woodland and open fields surround. The site is elevated above the River Spey which is situated to the southeast. There are a number of residential properties which utilise the private access track which has its junction at the Old Military Road to the west.
- 2.4 Anagach Wood is designated as Ancient Woodland, Long Established Woodland and a Special Protection Area (SPA), Capercaillie being the qualifying interest of the site. A Core Path LBS13 (Anagach Wood red route) passes through this woodland and along the northern boundary of the site. The River Spey Special Area of Conservation (SAC) is located to the south of the site.

# 3. PLANNING HISTORY

3.1 13 May 2021 21/01443/PREAPP - Glamping site with Closed associated paths and parking area

### 4. PUBLIC PARTICIPATION

4.1 Advertised: Badenoch and Strathspey Herald

Date Advertised: 11 November 2021 and 14 April 2022

Representation deadline: 28 April 2022

Timeous 52

representations:

Late representations: 0

- 4.2 Material considerations raised are summarised as follows:
  - a) access track inadequate to serve the development
  - b) safety on track to users and in winter
  - c) impact to private accesses on track
  - d) road safety on Old Spey Bridge Road
  - e) visibility from access track to public road
  - f) pedestrian and cycle safety
  - g) lack of public transport
  - h) insufficient parking
  - i) impact to wildlife
  - j) impact to Capercaillie leks and Anagach Woods SPA
  - k) Appropriate Assessment required under Habitats Regulations
  - I) noise pollution
  - m) light pollution
  - n) waste/litter pollution

- o) visual amenity pods not in keeping with the area
- p) development out of keeping with the character of the area
- q) loss of trees
- r) site not zoned for development
- s) lack of supervision of the development
- t) water supply and sewerage issues
- u) drainage impacts to SSSI
- v) no clarity on waste or refuse collection
- 4.3 All letters of representation are available for inspection via the Council's eplanning portal which can be accessed through the internet <a href="www.wam.highland.gov.uk/wam">www.wam.highland.gov.uk/wam</a>.

# 5. CONSULTATIONS

5.1 **Grantown-on-Spey Community Council** object to the proposals on the grounds of access and parking, amenity and the environment. The road and site are considered unsuitable for the development.

The public road at Spey Bridge and the unmade road through Anagach are unsuitable for the increased traffic associated with the development for users and servicing. Both are used by pedestrians and cyclists and would become dangerous, existing users will be inconvenienced.

The agricultural setting adjacent to existing residences and woodland will by day and night cause potential noise, disturbance, light pollution and fire risk.

The site is very sensitive, and the development threatens wildlife of all kinds as well as grazing farm animals in the adjacent fields.

Approving the application would also set a precedent.

Following the submission of additional information, the Community Council confirmed they wished to maintain their objection.

5.2 **Environmental Health** has no objection. However, it makes the following comments:

"The proposal would be classified as a caravan site; a caravan site licence would be required. Caravan site conditions would be required and it is the applicant's responsibility to ensure they can comply with the relevant conditions.

While the model conditions specify an operating period (from 1st April to 31st October), these dates are not fixed, and the applicant should make clear over what period they wish to operate, and any planning consent should clarify what the permitted opening period is.

The pods will be self- sufficient for cooking and toilet and shower facilities. However, the licence will only cover the use of the site for these four glamping pods as per the planning consent. Tents/mobile homes/touring caravans would require to be prohibited unless further toilet/washing facilities etc are made.

Odour: The application includes the installation of wood burning hot tubs at each glamping pod. EH receive complaints every year about smoke arising from similar types of installations, although in this case the separation distance to the nearest property is likely to be sufficient to reduce the impact of smoke on neighbouring

properties. EH advise that any solid fuel heating appliance should have emission levels that meet Eco Design standards or better"

5.3 **Forestry Officer:** Following submission of further information confirmed no objections subject to conditions.

"The Proposed Access drawing shows two passing places (1 & 2), and these are accepted. The Tree Protection Plan shows the location of tree protection barriers, and the previously supplied Tree Survey Report provides specification for the tree protection barrier, so this is accepted.

The Landscaping Plan has New Indigenous Trees in the Legend with a green tree symbol, but in the drawing this symbol represents existing surveyed trees. It therefore appears that no new trees are proposed to be planted around the development. This is very disappointing and should not be supported. Some new tree planting around the development could be required as a condition of consent, in order to help integrate the development into the landscape."

5.4 **Transport Planning Team** initially requested additional information to address the site access, visibility splays and required passing places on the track itself. The final response received confirmed there is no objection.

"The access route to the development is from the U2355 public road then a private track to the site entrance. Council guidance generally requires an SDB 2 type access layout to be provided for a small development in a rural situation, thereby enabling two opposing vehicles to pass each other within the access layout without causing obstruction to main road traffic. The amended 5.5 metre wide SDB 2 access layout is comparable with our guidelines and therefore acceptable.

This development will generate an unknown increase in traffic volume along the length of the existing private track. To avoid adversely affecting the safety and free flow of existing and future track users, we recommend that this development deliver passing place opportunities along the full length of the track. The track should be 3.3m wide and be provided with inter visible passing places, where possible, that are a maximum distance of 150 metres apart and sited to suit the vertical and horizontal geometry.

Based on the proximity of trees and the applicant not having control of the necessary land adjacent to the road, the latest proposal is to form 2 passing places on the private track. As intimated by the applicant, the provision of formal passing places and enhancing the current road surface will benefit all users of the private track."

# 5.5 Cairngorms National Park Authority (Conservation Officer):

"The proposal is adjacent to Anagach Woods SPA for which Capercaillie is a qualifying feature. The proposal will result in an increase in recreational use of rails in the woods; there is potential for increased disturbance to Capercaillie and therefore a Habitat Regulations Appraisal is likely to be required to assess impacts of the proposal on Capercaillie.

Advise that further information required with regard to trees to avoid negative impacts. Additionally, advise that there is sufficient space away from trees to amend the layout to avoid impacts and retain trees.

The woodland associated with the proposal forms part of a stepping-stone of woodland blocks between Anagach Woods and the River Spey. The woodland block is currently in poor condition, being used for sheltering sheep and is overgrazed. There is no regeneration of trees and ground flora is lacking. The presence of juniper increases the value of this woodland and there is scope through the proposal to protect and enhance this woodland and provide biodiversity gain at the site itself (not considering potential recreation impacts on Capercaillie above).

The footprint of the development largely falls within improved grassland of negligible ecological value. There is native woodland with mature juniper adjacent and within part of the proposal. The current proposed layout will result in the loss of a small number of birch trees and juniper. However, there is scope to change the layout so that the footprint completely avoids all trees and juniper

If the adjoining woodland is included as part of the proposal and an agreement to fence this off, keeping sheep out, there is scope to allow this woodland to regenerate and recover from grazing. Supplementary planting of native species such as rowan, bird cherry and hazel would increase the diversity of the woodland.

The proposal includes low bollard type lighting with timed sensor and this reduces impact on wildlife and adjoining woodland.

The proposed drainage plan involves holding tanks, underground treatment (not specified) and a soakaway, and therefore provides no ecological gain. An alternative scheme that uses vegetated swales and/or a rain garden would provide significantly more amenity and ecological value and meet the CIRIA (C753) SUDS good practice guidelines.

The landscape plan shows some tree planting and shrubs, indicated as "indigenous species". The species must be specified and include native species:

- Trees: birch, rowan, gean, aspen
- Shrubs: hazel, beech (not strictly locally native but is a useful hedge species that provides good shelter for birds year-round), holly, hawthorn (not strictly a local native but is good for wildlife)
- It should be noted that juniper cannot be planted adjacent to existing juniper stands, due to the current risks of spreading *Phytophthera austrocedrae*, as non-native disease which can kill juniper"

# 5.6 Cairngorm National Park Authority (Landscape Advisor):

"The site has some landscape capacity for the type of development being proposed. This is influenced by scope for the proposal to fit in with the local landscape character, particularly the landscape pattern and landform. Nonetheless, the development would be clearly visible by people travelling along the adjacent access road and by some local residents, and it would contrast to the prevailing agricultural character. Thus, it is recommended that landscape mitigation measures are adopted to reduce its prominence and increase its integration with the surrounding landscape. In addition, further details are required for some elements such as existing trees on and adjacent to the site, boundary treatments and new planting.

The proposed development site is in a fairly discreet location upon a landform shelf and with woodland to the north and west. It would broadly fit with the landscape pattern that includes separate clusters of farm buildings but, in contrast to the agricultural character of these, the pods would appear distinctly as a tourist development because of their curved form, regular pattern and inclusion of hot tubs.

To mitigate these effects, it is advised that the accommodation is designed to appear more agricultural in character if possible and adopt a layout more typical of local farm steadings.

The proposed pods and people staying on site would be visible from the adjacent access road and by some local residents, although visibility from the south would be limited by intervening landform and trees along the River Spey and the A95.

To mitigate these effects, it is advised that existing woodland trees are retained (see below) and native trees or a hedge are planted along the eastern fence-line (due to the electricity powerline wayleave, these would need to be low in height). This would increase the visual integration of the site when viewing from the north and east and also help connectivity between Anagach Woods and the River Spey. It would also be good to repair the existing stone dyke where possible.

To mitigate these effects, it is advised that the layout of the proposed development is amended so that all built elements are located within the open part of the site and avoid removal or disturbance of existing trees (including their RPAs). In addition, as a compensation measure, it is recommended that management measures be adopted for the adjacent woodland to improve its condition, e.g reduction in grazing pressure.

The proposed new planting is welcome. Nonetheless, the information currently provided is insufficient to ensure that this planting will relate to the landscape character of the site and the plants will succeed. Species selection, location and numbers/spacing needs to be considered in further detail.

The cumulative effects of the site infrastructure, including surfacing, signs and boundary treatments, may contrast to the existing rural character and thus it will be important to design these sensitively to relate to their distinct setting.

The proposed photovoltaic panels would introduce a new element to the local landscape but, in the location currently proposed, are unlikely to be clearly visible within the wider landscape."

- NatureScot: No objection. "There are natural heritage interests of international importance close to the site, but in our view, these will not be adversely affected by the proposal. In our view, this proposal is likely to have a significant effect on Capercaillie in Anagach Woods SPA. Consequently, Highland Council, as competent authority, is required to carry out an appropriate assessment in view of the site's conservation objectives for its qualifying interest. To help you do this we advise that, in our view, taking into account the Communications Plan, the proposal will not adversely affect the integrity of the site. The appraisal we carried out considered the following factors:
  - The potential for additional recreational use from the glamping pods resulting in significant disturbance to Capercaillie in the adjacent woodland,
  - That the woods are popular for recreational activities by local communities and visitors.
  - Any increase in recreational use of the woods arising from a proposal of this scale would be very small in relation to existing levels of use.

 That the communications plan proposed aims to encourage people staying in the pods towards less sensitive parts of the woods, away from the most important areas used by Capercaillie, further reducing the risk of an increase in recreational use"

# 6. DEVELOPMENT PLAN POLICY

The following policies are relevant to the assessment of the application

# Cairngorms National Park Local Development Plan (2021)

- 6.1 2 Supporting Economic Growth
  - 3 Design and Placemaking
  - 4 Natural Heritage
  - 10 Resources

# **Cairngorms National Park Guidance**

- 6.2 2 Supporting Economic Growth, Non-statutory Guidance
  - 3 Design and Placemaking, Non-statutory Guidance
  - 4 Natural Heritage, Supplementary Guidance
  - 10 Resources, Non-statutory Guidance

# The Highland Council Guidance

6.3 Roads and Transport Guidelines for New Developments (May 2013)

# 7. OTHER MATERIAL POLICY CONSIDERATIONS

# 7.1 Scottish Government Planning Policy and Guidance

Scottish Planning Policy

Revised Draft National Planning Framework 4 (2022)

# 8. PLANNING APPRAISAL

8.1 Section 25 of the Town and Country Planning (Scotland) Act 1997 requires planning applications to be determined in accordance with the development plan unless material considerations indicate otherwise.

# **Determining Issues**

8.2 This means that the application requires to be assessed against all policies of the Development Plan relevant to the application, all national and local policy guidance and all other material considerations relevant to the application.

# **Planning Considerations**

- 8.3 The key considerations in this case are:
  - a) compliance with the development plan and other planning policy

- b) siting and design, including visual amenity
- c) residential amenity
- d) access and transport
- e) drainage and servicing
- f) impact on trees
- g) impact on natural heritage interests
- h) any other material considerations

# Development plan/other policy guidance

- 8.4 The application is assessed against the relevant policies of the Cairngorms National Park Local Development Plan (2021). As the proposal is for tourist accommodation the proposal requires to be assessed against the provisions of Policy 2 Supporting Economic Growth. Policy 2.2 covers tourist accommodation and states that proposals for tourist related accommodation, other than dwellings built to residential standards will be supported where they:
  - a) have no adverse environmental or amenity impacts on the site or neighbouring areas; and
  - b) contribute to/support the provision of a wide range of visitor accommodation options including low-cost accommodation; and
  - c) support or contribute to a year-round economy.
- 8.5 The proposals are also assessed against Policy 3 Design and Place-making, the main part of relevance being 3.3 Sustainable Design which lists criteria which development proposals must be designed to accommodate. Of particular relevance to this proposal is that the development must:
  - be sympathetic to the traditional pattern and character of the surrounding area, local vernacular and local distinctiveness whilst encouraging innovation in design and use of materials
  - use materials and landscaping that will complement the setting of development
  - make sustainable use of resources
  - promote sustainable transport methods and active travel including making provision for the storage of bicycles and reducing the need to travel
  - maintain and maximise all opportunities for responsible outdoor access, including links into the existing path network
  - protect amenity enjoyed by neighbours including disturbance caused by access to the development site
  - include an appropriate means of access, egress, levels of private amenity ground and space for off-street parking
- 8.6 The site is not located within the Anagach Woods SPA, with the boundary being just to the northern side of the access track. It is considered that there is still potential for impacts to this designation given the very close proximity to its boundary. The proposal therefore requires to be considered against Policy 4 Natural Heritage. This outlines a presumption against development which would have a significantly detrimental impact on the integrity of such sites unless it can be demonstrated that

there are reasons for overriding public interest such as human health and public safety for example.

- 8.7 The site is also identified as being within a Protected Species boundary; Policy 4.4 Natural Heritage (Protected Species) requires there to be an overriding public interest of a social or economic interest if protected species are to be impacted. Policy 4.6 (All development) states that where there is evidence to indicate that a protected or priority habitat or species may be present on, or adjacent to the site, which could be adversely affected by the proposed development, a focussed survey is required to assess the effect of the development on it and provide mitigation to avoid/minimise any effects.
- 8.8 The proposal does support the provision of tourist accommodation and will contribute to the year-round economy and is therefore considered to comply with Policy 2.2 of the CNPA LDP (2021) in this regard. Subject to the proposal not having any significant impacts on the natural heritage, amenity and is sympathetic to the character of the area and can be appropriately accessed and serviced, the proposal would comply with the Development Plan overall.

# Siting and design

- 8.9 The proposal is for the erection of 4 pods, a service hut and associated infrastructure. The scale and design of the proposal is largely in keeping with other recent developments in the National Park, which, due to the tourist accommodation demand, has seen an increase of similar accommodation provision.
- 8.10 Representations refer to the impact on visual amenity within the local area. The site is located along an existing track which is shared with 8 other houses. Of these 8 houses, only one is located beyond the site. The nearest neighbours likely to be impacted in terms of visual amenity is Mid Anagach approximately 90m to the southwest which has a gable end overlooking the open field. Easter Anagach is located approximately 190m to the northeast and is in an elevated position above the field. Both houses have principal elevations and views which are orientated away from the proposed site. Due to separation distances and the orientation of the houses, it is not considered that the impact to visual amenity is such that it would warrant refusal of planning permission. Further mitigation through landscaping will be required in order to assist in the assimilation of the proposals into it the landscape. It is recommended that this is secured by condition. The layout has been re-designed to retain the trees following advice from the CNPA Landscape Adviser and Forestry Officer.
- 8.11 It is noted that there are houses elevated above the site on the opposite side of the River Spey. However, the distance and landform between the properties and the proposed development is such that it is not considered that their visual impact will be significant. It is acknowledged that the tracks and woods are used for walking and cycling and therefore the proposals will be visible to a wider number of people than those resident in the immediate area. Having said that, the proposals will be partially screened by trees and additional landscaping and planting that can be secured by planning condition. The scale and design of the development in relation to the wider area is not such that its visibility to walkers, cyclists and other transient

- visitors, and therefore it is not considered that its landscape impact is significantly detrimental to warrant refusal of planning permission.
- 8.12 The CNPA Landscape Adviser notes that the site is in a 'fairly discreet' location and the area has some landscape capacity for the development proposed, and scope to fit in with the local landscape pattern and landform. It is acknowledged that the development will be clearly visible by people using the adjacent access road and to some residents and that this would contrast with the agricultural character however it is recommended that landscape mitigation can reduce the prominence within the surrounding landscape. With the above in mind, it is not considered that the visual impact of the development will be significantly detrimental as the surrounding landscape is considered to have the ability to accommodate the proposals without significantly impacting on its character.

# Residential amenity

- 8.13 There are no neighbours immediately on the boundaries of the proposed development site. The closest neighbour to the northeast is 190m distant and to the southwest 90m. These are the main neighbours whose residential amenity may be affected by the proposed development. The main impact on these neighbours is likely to be from external noise from customers using the pods. The impact of noise from users is not a matter for the Planning Authority. It would be for Environmental Health to deal with noise issues and Police Scotland with anti-social behaviour.
- 8.14 Representations have been received in relation to the management of the site as there is no live-in accommodation proposed with the development. The applicant has advised that a manager will be employed locally to manage the site and there will be a member of staff on-call 24/7 to deal with issues; there would therefore be a contactable party in the event that there are any issues on site. It is not considered that potential amenity impact on nearby properties will be significant if the site is managed effectively, which is a matter for the operator of the site.
- 8.15 Low level bollard lighting is proposed within the site. This is to be controlled by automatic sensors. There will therefore not be continual light emitting from the development. Amenity impacts as a result of light pollution will therefore be partly controlled.
- 8.16 Representations also relate to impact on residential amenity as a result of the use of the private access track. The use of the track by pod occupants is not considered to raise significant issues around residential amenity to those who reside along the track. The geometry and layout of the track is such that vehicles would be travelling slowly along it; therefore, it does not give rise to significant concern over noise from vehicles. Most of the existing housing along the track is set back from it and therefore it is not considered that there will be a significant impact to these properties from headlights. Issues around safety on the track are a separate matter which will be considered further in the sections to follow.

# **Access and Transport**

- 8.17 Access to the site is from the Old Military Road adjacent to Larch Cottage to the west of the site. This is an unlit, 60mph speed limit rural road which has space for two vehicles passing in each direction to the north of the access, narrowing to single track to the southern side of the access. The site access has an existing surfaced bellmouth. It is proposed to widen the access point at the public road and provide a service bay. This will allow two vehicles to pass each other at the existing junction which is an improvement over the current situation on site. The existing visibility splays are 2.4m x 66m to the north and 2.4m x 180m to the south. Such splays are considered acceptable given that the existing road geometry does not lend itself to speeds of 60mph, and that the road is relatively lightly trafficked due to the main route (A95) into/out from Grantown-on-Spey being to the west. The available splays and upgrade to the junction are acceptable and the use of the access point itself does not raise any significant road safety issues. There are no objections from Transport Planning regarding this arrangement.
- 8.18 Representations relate to the use of the unlit track which currently serves 8 houses and potential conflict between the development and existing users. It should be noted that the unsurfaced track is unadopted and privately owned, although is in a reasonably good condition. It appears that the Council collect refuse along a portion of the track. Notwithstanding this, the potential impact on road safety over the track has been considered. There are 6 informal passing opportunities along the track. Between most of these, there is intervisibility that would allow two vehicles to see and be seen. It is proposed to deliver an additional two passing places on the south side of the track. One shall be situated between the properties known as Wester and Mid Anagach and a further passing place between Mid Anagach and the proposed site. The existing and proposed provision of passing places has been confirmed as acceptable by the Transport Planning team.
- 8.19 Although the development would lead to an increase in traffic along the private track, it is not considered to be substantially above current levels. Given the geometry of the track and the existing and proposed opportunities for passing, as well as the relatively low assessed vehicle speeds, it is not considered that the additional use of the private track gives rise to significant issues which would warrant refusal of the application. It should be noted that the use of the private track and any works to it, including maintenance and repair, are for the interested parties, and not the Council as Roads Authority.

# Drainage and servicing

- 8.20 Drainage arrangements are to be contained within the site, to the southeast of the pods. This includes the provision of septic tank(s) which connect to a holding tank and land soakaway. There are no issues with the principle of this arrangement. All pods are to connect to a vegetated swale to take surface water as recommended within the CNPA conservation officer response. The car parking and turning area are to be permeable in order to deal with surface water.
- 8.21 Waste and refuse collection points are located adjacent to the car parking area. A condition is recommended to confirm waste management arrangements for the site.

- It is not considered that there will be a significant impact in terms of waste pollution arising from the development.
- 8.22 Ground mounted solar panels are proposed within the site to the south of pods 3 and 4, providing an off-grid energy source. These are to be screened by planting, so the visual impact is not considered to be significant. Planning policy is broadly supportive of renewable energy and there are no issues with this element of the proposal.

# Impact on trees

- 8.23 Representations refer to the impact on and potential loss of trees. Initially, the pods were to be sited within the area of trees which is to the immediate northwest of the site. Following an objection from our Forestry Team and the CNPA consultation responses, the pods were re-sited to sit behind the trees, which secures their retention, and also assists in providing a partial screen between the site, the track and woods beyond.
- 8.24 The proposed passing places have also had to be revised in order to take into account their impact on trees. Unfortunately, this involved a reduction from 4 passing places to the 2 now proposed in order to protect tree root protection areas along the track. These changes resolved the Forestry team's concerns; there were no objections from Transport Planning in relation to this.

# Impact on natural heritage interests

- 8.25 The site is located within proximity to Anagach Wood Special Protection Area (SPA) and within Protected Species boundaries as defined by the CNPA. The qualifying feature of the SPA is Capercaillie. Given the sensitive nature of the surrounding area, the CNPA Conservation officer was consulted alongside NatureScot, who are a statutory consultee. The Capercaillie and impact on this has been raised in representations.
- 8.26 NatureScot confirmed in its response that while there are natural heritage interests of international importance close to the site, it did not consider that these will be adversely affected by the proposals. It advised that due to the potential impact on Capercaillie from the additional recreational use, that an Appropriate Assessment requires to be undertaken by the Planning Authority. An Appropriate Assessment is set out within Appendix 2. NatureScot considered that the woods are popular for recreational activities by local communities and visitors and any increase in recreational use of the woods arising from a proposal of this scale would be very small in relation to the existing levels of use.
- 8.27 It is noted that the Communications Plan proposed by the applicant for visitors to the pods aims to encourage visitors towards less sensitive parts of the woodland, away from areas used by Capercaillie. With all of the above in mind, the additional visitor usage from the pods, over and above current recreational usage of the woods are not considered to be significant. It is recommended that further details on the content of the Communication Pack are secured by condition.

### Other material considerations

- 8.28 Third parties consider that the proposal will not create many jobs or add to economy. However, the development will require local staff to run, clean and maintain the development. Those using the accommodation are most likely to spend money in the local area.
- 8.29 Commentators also indicate that there would appear to be more tourist accommodation over local housing with a concern that there is a lack of demand/need for the type of accommodation proposed. While there is a need for housing within the area and that this can give rise to conflict where mainstream housing is repurposed for tourist accommodation, this is a specific type of accommodation that will meet the needs of certain tourists. It does not involve the loss of an existing established home.

# Non-material considerations

- 8.30 The presence of existing facilities nearby is not material in assessing the proposals.
- 8.31 It is not for the Planning Authority to control the behaviour of guests and any impact that they may have on livestock and other near neighbours. These are all matters for appropriate management of the site. Only where there is a potential statutory noise nuisance would the Council's Environmental Health team become involved. Anti-social behaviour can be more appropriately addressed by Police Scotland.
- 8.32 The community council commented that the application, if approved, would set a precedent. Any application for further pod development would however need to be assessed on its own merits
- 8.33 The development will not impact upon the rights of residents.
- 8.34 With regard to community interest, there is no requirement to secure such community benefit with a development of this type.
- 8.35 Objections highlight non-compliance with Highland-wide Local Development Plan. However, as the site lies within the National Park, the adopted local plan for the area is the Cairngorm National Park Local Development Plan (2021).
- 8.36 The credentials of the agent submitting the application is not relevant to the consideration of the application.
- 8.37 It is for the CNPA to call in any planning application. It chose not to. Given the level of local opposition the proposals were discussed with the CNPA. CNPA was consulted and provided comment on the application.

# Matters to be secured by Legal Agreement / Upfront Payment

8.38 None

### 9. CONCLUSION

- 9.1 The proposal is for a change of use of an area of land to accommodate a small-scale tourist development comprising 4 pods, service hut and associated infrastructure. The application has been considered against the relevant policies of the development plan. It is widely known that demand exists within the CNPA area for tourist accommodation and the application is supported by an assessment of tourism and market demand.
- 9.2 The CNPA LDP Policy 2.2 is broadly supportive of such proposals where they have no adverse environmental or amenity impacts on the site or neighbouring areas; contribute to/support the provision of a wide range of visitor accommodation options including low-cost accommodation; and support or contribute to a year-round economy. The proposal does support the provision of tourist accommodation and will contribute to the year-round economy. The scale, design and location of the proposal is such that it is unlikely to significantly impact on neighbouring residential amenity. The proposal accords with Polices 2.2 and 3 of the local plan.
- 9.3 As confirmed by the consultation response from NatureScot the proposal does not give rise to significant concern in terms of potential environmental impact to protected species, in particular Capercaillie, over and above the current impacts arising from the existing use of the woodlands and local area by residents and visitors. The proposal does not therefore conflict with the requirements of policy 4 Natural Heritage.
- 9.4 It has been demonstrated that the proposed development complies with the relevant policies of the development plan and all technical issues around access and servicing have been addressed to the satisfaction of consultees. The planning application is therefore recommended for approval.
- 9.5 All relevant matters have been taken into account when appraising this application. It is considered that the proposal accords with the principles and policies contained within the Development Plan and is acceptable in terms of all other applicable material considerations.

# 10. IMPLICATIONS

- 10.1 Resource: Not applicable
- 10.2 Legal: Not applicable
- 10.3 Community (Equality, Poverty and Rural): Not applicable
- 10.4 Climate Change/Carbon Clever: Not applicable
- 10.5 Risk: Not applicable
- 10.6 Gaelic: Not applicable

# 11. RECOMMENDATION

# Action required before decision N issued

Notification to Scottish Ministers N

Conclusion of Section 75 Obligation N

Revocation of previous permission N

**Subject to the above actions,** it is recommended to **GRANT** the application subject to the following conditions and reasons:

1. Prior to any site excavation or groundworks, all retained trees shall be protected against construction damage using protective barriers located as per the Tree Protection Plan and Tree Survey Report (in accordance with BS 5837:2012 Trees in Relation to Design, Demolition & Construction). Barriers shall remain in place throughout the construction period and shall not be moved or removed without the prior written approval of the Planning Authority.

**Reason**: To ensure the protection of retained trees throughout the construction period

A suitably qualified Arboricultural consultant shall be employed by the applicant to ensure that the Approved Tree Protection Plan and Preliminary Arboricultural Method Statement (AMS) are implemented to the agreed standard. Stages requiring supervision shall be set out in a Schedule of Supervision for the written agreement of the Planning Authority and certificates of compliance for each stage shall be submitted for approval.

**Reason**: To ensure the protection of retained trees throughout the construction period.

3. No development shall commence until a Tree Planting Plan and maintenance programme has been submitted to and approved in writing by the Planning Authority. The Tree Planting Plan shall be implemented in full during the first planting season following commencement of development or as otherwise agreed in writing by the Planning Authority.

**Reason**: In the interests of amenity.

- 4. No development shall commence until details of a scheme of hard and soft landscaping works have been submitted to, and approved in writing by, the Planning Authority. Details of the scheme shall include:
  - i. All earthworks and existing and finished ground levels in relation to an identified fixed datum point;
  - ii. A plan showing existing landscaping features and vegetation to be retained;
  - iii. The location and design, including materials, of any existing or proposed walls, fences and gates and detail on the rebuilding of areas of drystane dyke;

- iv. All soft landscaping and planting works, including plans and schedules showing the location, species and size of each individual tree and/or shrub and planting densities; and
- v. A programme for preparation, completion and subsequent on-going maintenance and protection of all landscaping works.

Landscaping works shall be carried out in accordance with the approved scheme. All planting, seeding or turfing as may be comprised in the approved details shall be carried out in the first planting and seeding seasons following the commencement of development, unless otherwise stated in the approved scheme.

Any trees or plants which within a period of five years from the completion of the development die, for whatever reason are removed or damaged shall be replaced in the next planting season with others of the same size and species.

**Reason:** In order to ensure that a high standard of landscaping is achieved, appropriate to the location of the site.

5. No other development shall commence until the site access with the U2355 public road has been upgraded as per the approved Visibility Splay plan drawing no. 210213-01-11 REV D and the passing places installed.

**Reason**: For the avoidance of doubt in accordance with the approved details.

6. No development shall commence until full details of a covered and secure communal bicycle storage/racking system have been submitted to, and approved in writing by, the Planning Authority. Thereafter, the storage/racking system shall be installed in accordance with these approved details prior to the first occupation of the development hereby approved.

**Reason**: In order to facilitate the use of a variety of modes of transport.

7. No development shall commence until a scheme for the storage of refuse and recycling within the application site has been submitted to, and approved in writing by, the Planning Authority. The approved scheme shall thereafter be implemented prior to the first use of the development and thereafter maintained in perpetuity.

**Reason:** To ensure that waste on the site is managed in a sustainable manner.

8. The holiday units hereby approved shall be used for holiday letting purposes only and shall not be used as a principal private residence or be occupied by any family, group or individual for more than three months (cumulative) in any calendar year.

**Reason:** To ensure that the development does not become used for permanent residential accommodation in recognition of the lack of private amenity space and in accordance with the use applied for.

9. No development shall commence until full details of the Communications Pack to be included within the pods has been submitted to and approved in writing by the

Planning Authority. Thereafter the approved details shall be provided within the pods hereby approved in perpetuity.

**Reason:** In order to ensure that guests are aware of the sensitive nature of the nearby Anagach Woods Special Area of Conservation.

# REASON FOR DECISION

The proposal is for a change of use of an area of land to accommodate a small-scale tourist development comprising 4 pods, service hut and associated infrastructure. The application has been considered against the relevant policies of the development plan. It is widely known that demand exists within the CNPA area for tourist accommodation and the application is supported by an assessment of tourism and market demand.

The CNPA LDP Policy 2.2 is broadly supportive of such proposals where they have no adverse environmental or amenity impacts on the site or neighbouring areas; contribute to/support the provision of a wide range of visitor accommodation options including low-cost accommodation; and support or contribute to a year-round economy. The scale, design and location of the development is such that it is unlikely to significantly impact on neighbouring residential amenity. The proposal is therefore considered to comply with policy 3 – Sustainable Design.

The proposal does not give rise to significant concern in terms of potential environmental impact to protected species over and above the current impacts through the existing use of the woodlands and local area by residents and visitors. The proposal does not therefore conflict with the requirements of policy 4 – Natural Heritage.

It has been demonstrated that the proposed development complies with the relevant policies of the development plan and all technical issues around access and servicing have been addressed to the satisfaction of consultees. The planning application is therefore recommended for approval.

All relevant matters have been taken into account when appraising this application. It is considered that the proposal accords with the principles and policies contained within the Development Plan and is acceptable in terms of all other applicable material considerations.

# **INFORMATIVES**

# **Initiation and Completion Notices**

The Town and Country Planning (Scotland) Act 1997 (as amended) requires all developers to submit notices to the Planning Authority prior to, and upon completion of, development. These are in addition to any other similar requirements (such as Building Warrant completion notices) and failure to comply represents a breach of planning control and may result in formal enforcement action.

- The developer must submit a Notice of Initiation of Development in accordance with Section 27A of the Act to the Planning Authority prior to work commencing on site.
- 2. On completion of the development, the developer must submit a Notice of Completion in accordance with Section 27B of the Act to the Planning Authority.

Copies of the notices referred to are attached to this decision notice for your convenience.

# Flood Risk

It is important to note that the granting of planning permission does not imply there is an unconditional absence of flood risk relating to (or emanating from) the application site. As per Scottish Planning Policy (paragraph 259), planning permission does not remove the liability position of developers or owners in relation to flood risk.

# **Scottish Water**

You are advised that a supply and connection to Scottish Water infrastructure is dependent on sufficient spare capacity at the time of the application for connection to Scottish Water. The granting of planning permission does not guarantee a connection. Any enquiries with regards to sewerage connection and/or water supply should be directed to Scottish Water on 0845 601 8855.

# Septic Tanks & Soakaways

Where a private foul drainage solution is proposed, you will require separate consent from the Scottish Environment Protection Agency (SEPA). Planning permission does not guarantee that approval will be given by SEPA and as such you are advised to contact them direct to discuss the matter (01349 862021).

# **Local Roads Authority Consent**

In addition to planning permission, you may require one or more separate consents (such as road construction consent, dropped kerb consent, a road openings permit, occupation of the road permit etc.) from the Area Roads Team prior to work commencing. These consents may require additional work and/or introduce additional specifications and you are therefore advised to contact your local Area Roads office for further guidance at the earliest opportunity.

Failure to comply with access, parking and drainage infrastructure requirements may endanger road users, affect the safety and free-flow of traffic and is likely to result in enforcement action being taken against you under both the Town and Country Planning (Scotland) Act 1997 and the Roads (Scotland) Act 1984.

Further information on the Council's roads standards can be found at: <a href="http://www.highland.gov.uk/yourenvironment/roadsandtransport">http://www.highland.gov.uk/yourenvironment/roadsandtransport</a>

Application forms and guidance notes for access-related consents can be downloaded from:

http://www.highland.gov.uk/info/20005/roads and pavements/101/permits for wor king on public roads/2

### Mud & Debris on Road

Please note that it an offence under Section 95 of the Roads (Scotland) Act 1984 to allow mud or any other material to be deposited, and thereafter remain, on a public road from any vehicle or development site. You must, therefore, put in place a strategy for dealing with any material deposited on the public road network and maintain this until development is complete.

# Caravan Site Licence

The Caravan Sites and Control of Development Act 1960 states that any area of land used for the siting of caravans would require a caravan site license.

The design of the Glamping pods means that they fall within this definition of a Caravan in terms of this Act.

Consequently, the development will require a caravan site license and the applicant would require to comply with the license conditions which the Council has adopted for such sites.

# **Construction Hours and Noise-Generating Activities**

You are advised that construction work associated with the approved development (incl. the loading/unloading of delivery vehicles, plant or other machinery), for which noise is audible at the boundary of the application site, should not normally take place outwith the hours of 08:00 and 19:00 Monday to Friday, 08:00 and 13:00 on Saturdays or at any time on a Sunday or Bank Holiday in Scotland, as prescribed in Schedule 1 of the Banking and Financial Dealings Act 1971 (as amended).

Work falling outwith these hours which gives rise to amenity concerns, or noise at any time which exceeds acceptable levels, may result in the service of a notice under Section 60 of the Control of Pollution Act 1974 (as amended). Breaching a Section 60 notice constitutes an offence and is likely to result in court action.

If you wish formal consent to work at specific times or on specific days, you may apply to the Council's Environmental Health Officer under Section 61 of the 1974 Act. Any such application should be submitted after you have obtained your Building Warrant, if required, and will be considered on its merits. Any decision taken will reflect the nature of the development, the site's location and the proximity of noise sensitive premises. Please contact <a href="mailto:env.health@highland.gov.uk">env.health@highland.gov.uk</a> for more information.

# Protected Species – Halting of Work

You are advised that work on site must stop immediately, and Scottish Natural Heritage must be contacted, if evidence of any protected species or nesting/breeding sites, not previously detected during the course of the application and provided for in this permission, are found on site. For the avoidance of doubt, it is an offence to deliberately or recklessly kill, injure or disturb protected species or to damage or destroy the breeding site of a protected species. These sites are protected even if the animal is not there at the time of discovery. Further information regarding protected species and developer responsibilities is available from SNH: www.snh.gov.uk/protecting-scotlands-nature/protected-species

Signature: David Mudie

Designation: Area Planning Manager – South

Author: Laura Stewart

Background Papers: Documents referred to in report and in case file.

Relevant Plans: Plan 1 - 210213-01-01 REV C – Location Plan

Plan 2 - 210213-01-02 REV F – Proposed Site Layout Plan

Plan 3 - 210213-01-03 REV B - Drainage

Plan 4 - 210213-01-11 REV D - Visibility Splay Plan

Plan 5 - 210213-01-12 REV C - Proposed Access Plan

Plan 6 - 210213-01-13 REV B - Tree Protection Plan

Plan 7 - 210213-01-07 B - Floor/Elevation Plan

# ERECTION OF 4 GLAMPING PODS, SERVICE HUT, SOLAR PANELS, FORMATION OF PARKING AREA AT LAND 125M NE OF MID ANAGACH, GRANTOWN-ON-SPEY 21/04616/FUL

# **CONSIDERATION OF PROPOSALS AFFECTING EUROPEAN SITES**

The Anagach Woods status as a classified SPA under the EC Directive 92/43/EEC, the 'Habitats Directive,' and EC Directive 79/409/EEC, the 'Birds Directive,' means that The Conservation (Natural Habitats, &c.) Regulations 1994 (as amended), the 'Habitats Regulations,' apply.

This means that where the conclusion reached by the Council on a development proposal unconnected with the nature conservation management of a Natura 2000 site is that it is likely to have a significant effect on that site, it must undertake an appropriate assessment of the implications for the conservation interests for which the area has been designated. The need for appropriate assessment extends to plans or projects <u>outwith</u> the boundary of the site in order to determine their implications for the interest protected <u>within</u> the site.

This means that the Council, as competent authority, has a duty to:

- determine whether the proposal is directly connected with or necessary to site management for conservation; and, if not,
- determine whether the proposal is likely to have a significant effect on the site either individually or in combination with other plans or projects; and, if so, then
- make an appropriate assessment of the implications (of the proposal) for the site in view of that site's conservation objectives.

The competent authority can only agree to the proposal after having ascertained that it will not adversely affect the integrity of the site. If this is not the case, and there are no alternative solutions, the proposal can only be allowed to proceed if there are imperative reasons of overriding public interest, which in this case can include those of a social or economic nature.

It is evident that the proposal is not connected with or necessary to site management for conservation, hence further consideration is required. Because it may have a significant effect on the qualifying interests (capercaillie) of Anagach Woods SPA. The Council is therefore required to undertake an appropriate assessment of the implications of the proposal for the Anagach Woods SPA in view of the site's conservation objectives.

# APPROPRIATE ASSESSMENT

While the responsibility to carry out the appropriate assessment rests with the Council, advice contained within Circular 6/1995 is that the assessment can be based on the information submitted in support of the application and informed by NatureScot's appraisal.

# <u>Appraisal</u>

In its latest response to the Council, NatureScot has provided an appraisal of the impact that the proposal is likely to have on the Anagach Woods SPA. NatureScot conclude that the proposals will not adversely affect the integrity of the site and that on this basis the proposal will not adversely affect the integrity of the Anagach Woods SPA.

The above conclusion was arrived at through an appraisal which considered the following factors:

- The potential for additional recreational use from the glamping pods resulting in significant disturbance to capercaillie in the adjacent woodland,
- That the woods are popular for recreational activities by local communities and visitors.
- Any increase in recreational use of the woods arising from a proposal of this scale would be very small in relation to existing levels of use.
- That the communications plan proposed aims to encourage people staying in the pods towards less sensitive parts of the woods, away from the most important areas used by capercaillie, further reducing the risk of an increase in recreational use.

# Decision

On the basis of this appraisal, it can be concluded that the proposal will not adversely affect the integrity of the Anagach Woods SPA.

**NORTH** 

PLANNING SITE BOUNDARY SITE AREA EXCLUDING ROAD ACCESS = 2,235m2

Client intends to rent the area of land from the Estate on which the Site is located. Hence why there is no Blue ownership boundary line



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H-1400: AT		43		.45 .46	ag.	48	36499
	h (um)						ster Anagach
					SITE	Tack	
				Mid Anagach			68
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SPEYBRIDGE	Nether Anagach		Wester Anagach	CG	River Spey Long Pool		Dismantled Railway
Path (um)				Series Street, Series S			
Cherry Grove	,42	8	44	45		48	

Date	Description	Rev	Ву
25/10/21	Red line boundary amended	Α	CW
07/07/22	amended red line boundary as per PP move.	В	LI
0/10/22	Red line boundary amended.	С	EC

# **Revision Description**

Project:

**Proposed Glamping Site For** Spey Pods, Anagach Land 100 meters to the north east of Mid Anagach

**Drawing Title: LOCATION PLAN** 

Drawing Number:

# 210213-01-01

Revision:

21.09.21 Date:

Scale: 1:2500 @ A2

Drawn By:

CW CAD Dwg File:

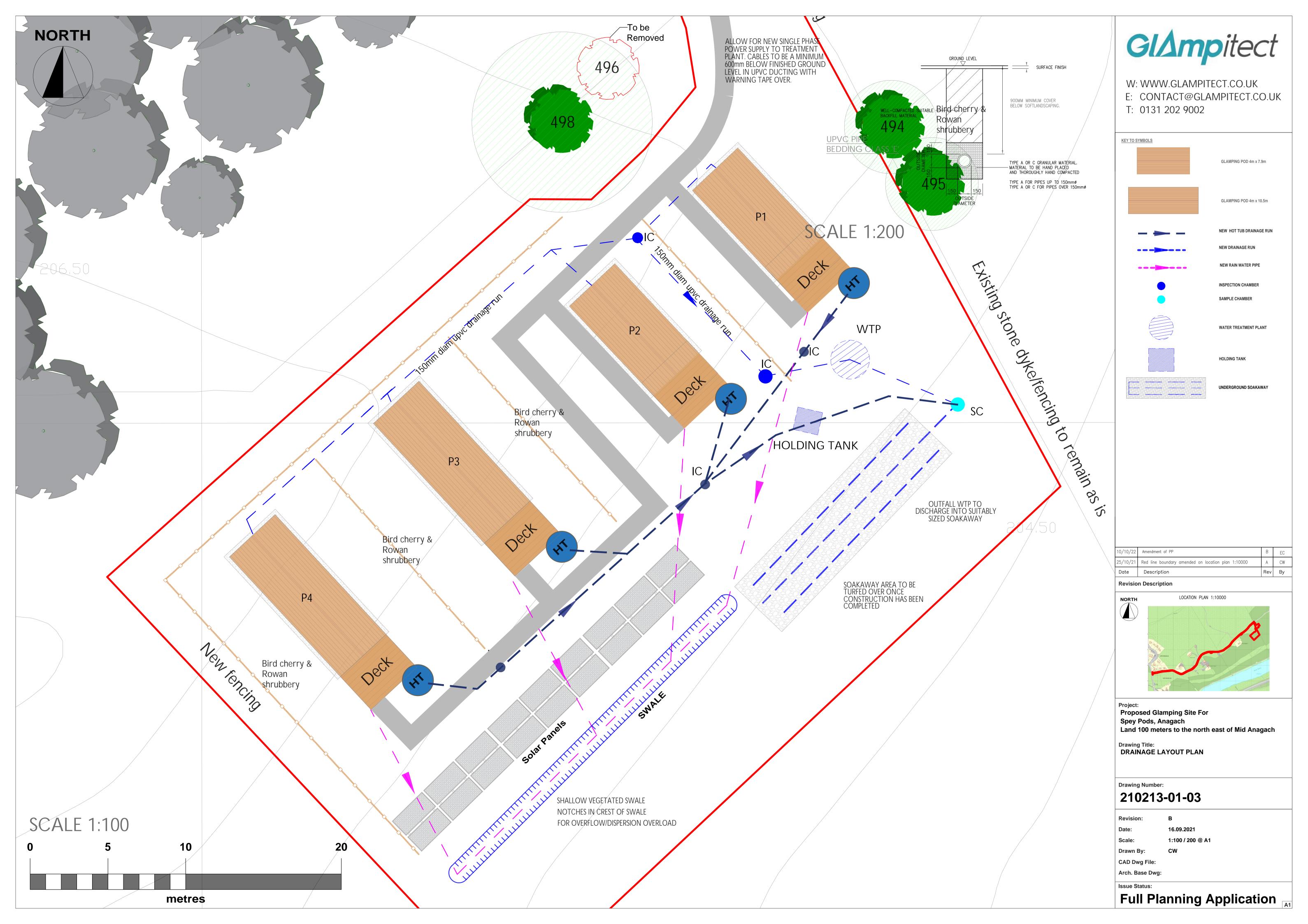
С

Arch. Base Dwg: -

Issue Status:

Full Planning Application A

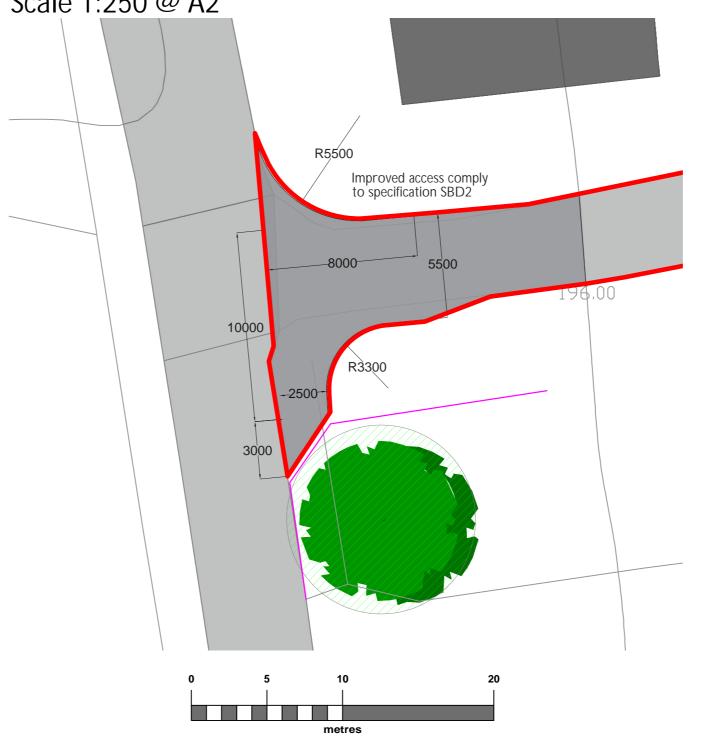




# Scale 1:000 @ A2



# Proposed improved access point Scale 1:250 @ A2



# Passing Places Scale 1:2500 @ A2

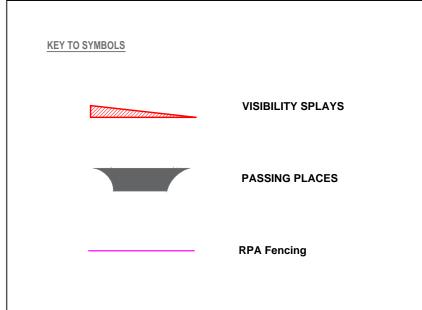
<u>150 200 250</u> 100 metres

# **GIAmpitect**

W: WWW.GLAMPITECT.CO.UK

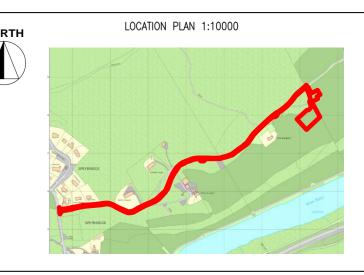
E: CONTACT@GLAMPITECT.CO.UK

T: 0131 202 9002



10/10/22	Amendment of PP	D	EC
07/07/22	Amendment of PP	С	LI
16/05/22	Road improvement details of SBD2 amendments.	В	LI
02/05/22	Visibility splay/Passing points amended. Road improvement details.	Α	LI
Date	Description	Rev	Ву

# **Revision Description**



**Proposed Glamping Site For** Spey Pods, Anagach Land 100 meters to the north east of Mid Anagach

**Drawing Title:** 

Visibility & Passing Place Plan

Drawing Number:

# 210213-01-11

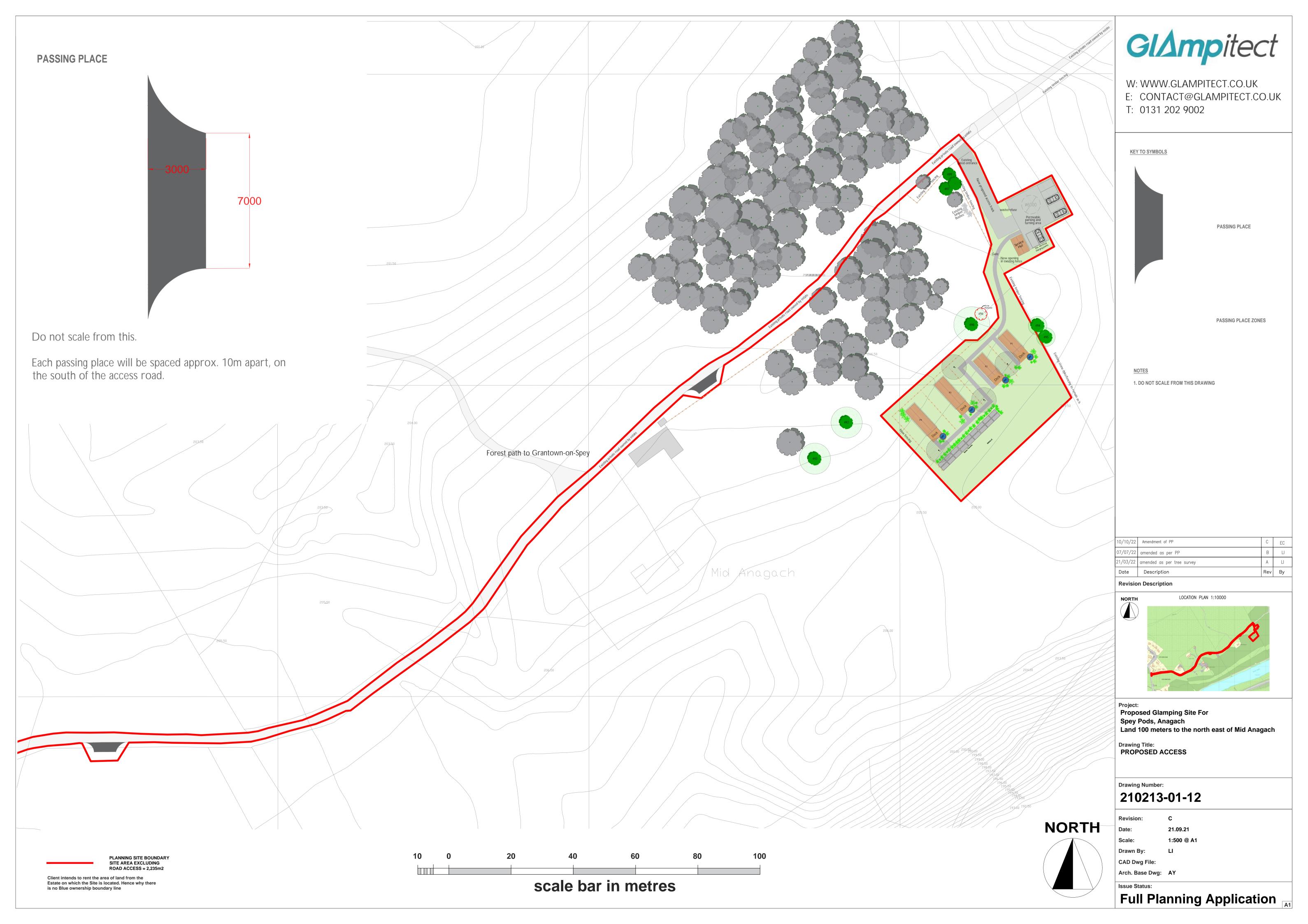
Revision: Date: 24.09.21

1:1000 @ A2 / 1:250 @ A2 / 1:2500 @ A2 Scale:

Drawn By: **CAD Dwg File:** Arch. Base Dwg: AY

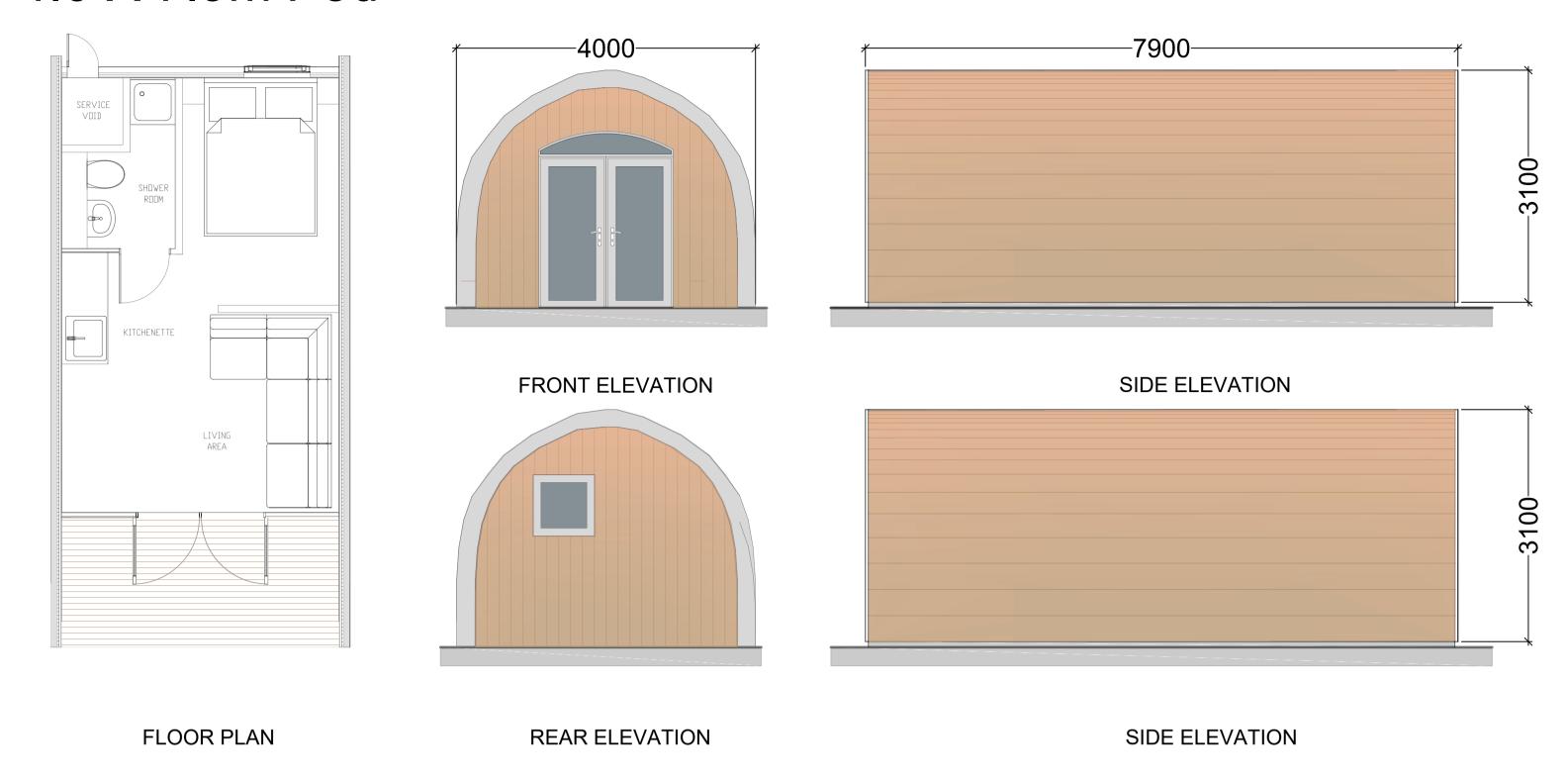
Issue Status:

Full Planning Application [A2]





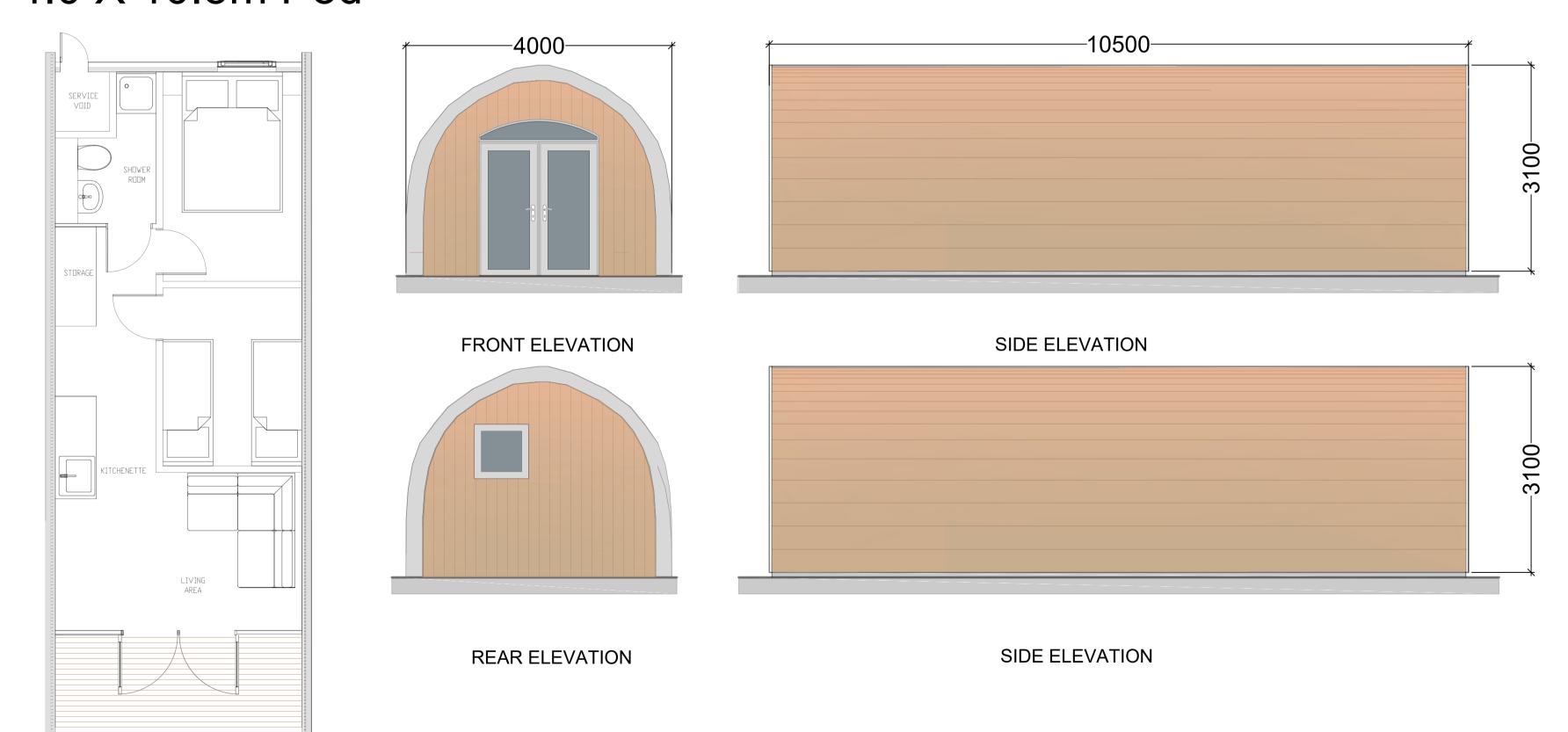
# 4.0 X 7.9m Pod



# 4.0 X 10.5m Pod

FLOOR PLAN

SCALE 1:50



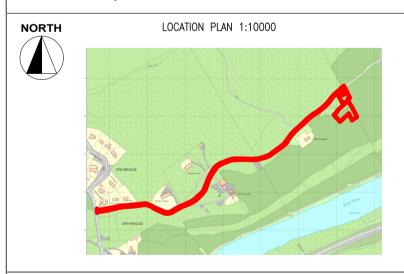


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Devision Description			
Date	Description	Rev	Ву
1/10/21	POD HEIGHTS UPDATED	Α	CW
25/10/21	Red line boundary amended on location plan 1:10000	В	CW

# **Revision Description**



Project:
Proposed Glamping Site For Spey Pods, Anagach Land 100 meters to the north east of Mid Anagach

Drawing Title:
POD ELEVATIONS & FLOOR PLANS

Drawing Number:

# 210213-01-07

Revision: 23.09.21 1:50 Scale: Drawn By: CAD Dwg File: Arch. Base Dwg:

Full Planning Application