
CAIRNGORMS NATIONAL PARK AUTHORITY

Title: REPORT ON CALLED-IN PLANNING APPLICATION

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(DEVELOPMENT MANAGEMENT)**

**DEVELOPMENT PROPOSED: ERECTION OF DWELLING, SITE IN
GROUNDS OF LAGGAN COUNTRY
HOTEL, LAGGAN**

REFERENCE: 06/336/CP

APPLICANT: MR & MRS HUISMAN

DATE CALLED-IN: 25 AUGUST 2006

**RECOMMENDATION: APPROVAL, SUBJECT TO S75
PLANNING AGREEMENT**

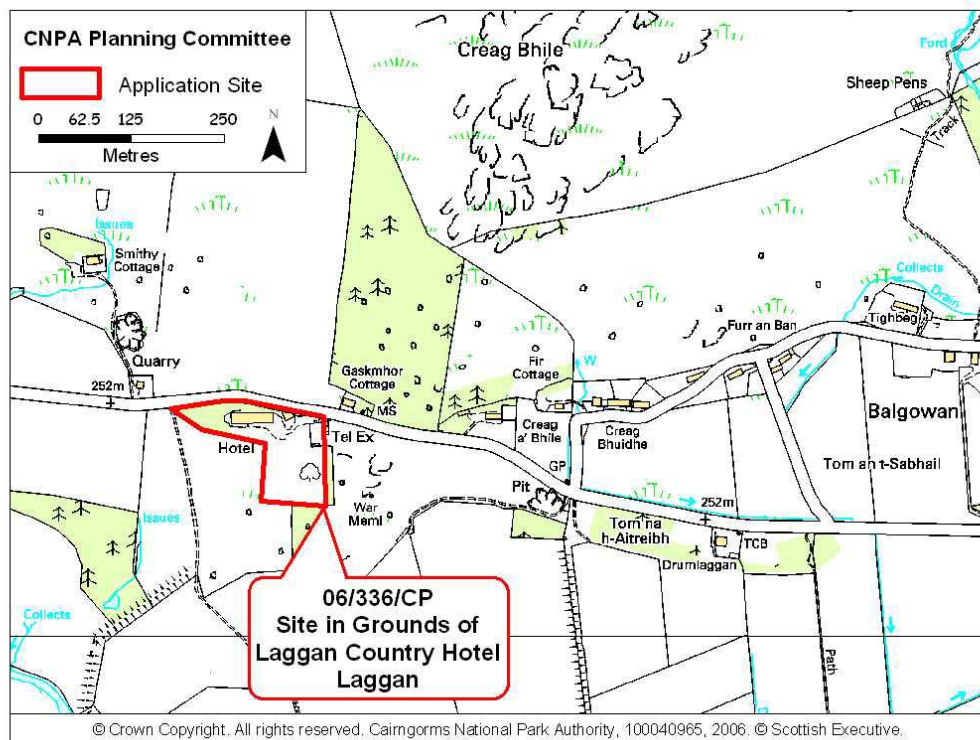


Fig. 1 - Location Plan

SITE DESCRIPTION AND PROPOSAL

1. The site is at the Laggan Country Hotel (see fig 1) approximately 1.5 kilometres to the east of Laggan village. The site for the house is located within the grounds, and to the south of the hotel on a small knoll in front of a band of trees. The house would use the same access as for the Hotel (see fig 6) and an access drive would be formed from an area near to the hotel sweeping round the back of a landscaped garden area to the proposed house.
2. The application seeks full planning permission for a house over two floors incorporating 5 bedrooms on the first floor with lounge/study/kitchen/dining room and snooker room on the ground floor. Members will recall that this application was deferred at the 12 January Planning Committee this year. The proposal was recommended for refusal on design grounds. Members appeared happy with the principle of the proposal but concern was raised about the design, particularly in relation to the scale and height of the building. As a result of further negotiation a third amendment has been made to the scheme which can be seen at figure 9 of this report. The main plan width of the dwelling has been reduced from 17.5 metres to 12.5 metres, with stepped in projections on the rear elevation to provide the level of accommodation required by the applicants. The narrowing of the plan form has enabled a reduction in the ridge height of the dwelling of approximately 1.8 metres. Foul drainage is to a new septic tank with surface water run-off to separate soakaways.



Fig 2. Looking to site across strath



Fig 3. Site from hotel garden

3. The house is sited facing along the Strath towards Laggan (see fig 4), the front elevation originally exhibited arched doorways in a central gable with bay windows either side. Along with the narrowing of the plan form the front elevation has also been amended to include a stone finish for the front and on one side elevation with much simpler designs for the windows. A large front gable on the original scheme has also been removed (see figs 7, 8 & 9). The roof is to be finished in slate.



Fig 4 View from site looking towards Laggan
Fig 5 View from site to Hotel



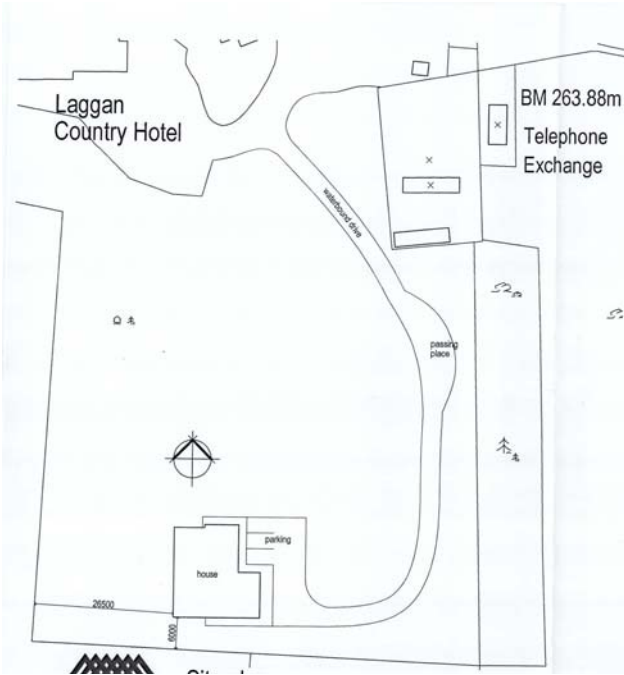


Fig 6. Amended site layout plan



Fig 7. Original elevations



Fig 8. First amended elevations

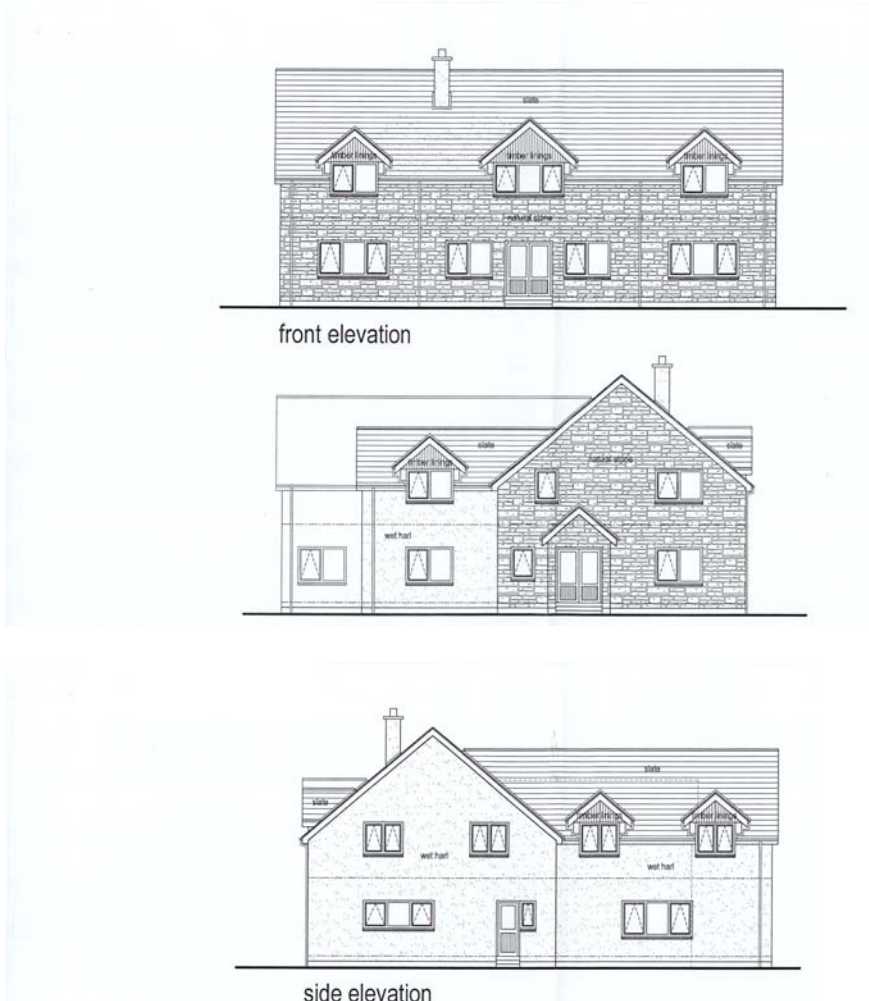


Fig 9 Latest amended elevations (scheme now for consideration)

DEVELOPMENT PLAN CONTEXT

National Guidance

4. **Scottish Planning Policy 3 Planning for Housing** notes that where possible, most housing requirements should be met within or adjacent to existing settlements. This prevents the sprawl and coalescence of settlements, makes efficient use of infrastructure and public services and helps to conserve natural heritage and rural amenity. The guidance goes on to note that in more remote areas, new housing outside of settlements may have a part to play in economic regeneration and environmental renewal.
5. **Scottish Planning Policy 15 Planning for Rural Development** para 23 considers that there is an unmet demand for plots on which unique, individually designed houses can be built in rural locations. Consideration should be given by planning authorities to formulating supportive policies in their local plans where such developments may be justifiable for economic reasons.
6. **Planning Advice Note 72** is the new advice from central government on **Housing in the Countryside, (February 2005)** and on design it states “High quality design must be integral to new development and local area differences must be respected”. Furthermore it states “In some areas, such as National Parks, National Scenic Areas and Conservation Areas, there may be a case for more prescription and a preference for traditional design, but it is also important to encourage the best of contemporary designs. There is considerable scope for creative and innovative solutions whilst relating a new home to the established character of the area. The overall aim should be to ensure that new housing is carefully located, worthy of its setting, and is the result of an imaginative, responsive and sensitive design process.”

Highland Structure Plan

7. **Highland Structure Plan (approved March 2001) Policy H3 (Housing in the Countryside)** states that housing will generally be within existing and planned new settlements. New housing in the open countryside will not be permitted unless it can be demonstrated that it is required for the management of land and related family purposes or where it supports communities experiencing difficulty in maintaining population and services. This policy points out that housing should be appropriate in location, scale, design and materials. **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. **Policy G2 (Design for Sustainability)**, lists a number of criteria on which proposed developments will be assessed. These include service provision (water and sewerage, drainage, roads, schools electricity); accessibility by public transport, cycling, walking and car; energy efficiency in terms of

location, layout and design (including the utilisation of renewable energy sources); use of brownfield sites, existing buildings and recycled materials; demonstration of sensitive siting and high quality design; contribution to the economic and social development of the community; and the impact on resources such as habitats, species, landscape, scenery and freshwater systems.

Highland Council Development Plan Policy Guidelines 2003

8. These guidelines consider that **open countryside** is **all** land outside the boundaries of defined settlements. New housing in the Countryside will be exceptional and will only be permitted, in accordance with national policy and approved structure plan policy where it is required for the management of land or related family purposes (retired farmers and their spouses); provided by a social housing provider; involves the conversion/re-use of a traditional building; involves the replacement of an existing dwelling which does not meet the requirements for modern living and where the costs of upgrading are not justified on economic and environmental grounds (subject to the existing dwelling being demolished); or is part of a comprehensively planned new settlement.

Badenoch and Strathspey Local Plan 1997

9. The Landward 'Housing in the Countryside' strategy of the **Badenoch and Strathspey Local Plan (1997)** identifies the proposed site as being within a Restricted Countryside Area. Section 2.1.2.3 of the Local Plan reconfirms the sentiments of the Structure Plan policy stating that a "strong presumption will be maintained against the development of houses" in such areas. Exceptions will only be made where a "house is essential for the management of land, related family and occupational reasons." It further stresses that adherence to the principles of good siting and design will be required.

Cairngorms National Park Plan

10. **The Cairngorms National Park Local Plan includes Section 5.1 on Conserving and Enhancing the Park. Strategic objectives include Objective a) which seeks to maintain and enhance the distinctive landscapes across the Park.** This objective notes that the distinctive landscape character is a result of the interaction of landforms, geophysical processes, habitats species and land management. It is one of the prime reasons people enjoy the Park and is recognised as nationally important. Within the landscape there is dynamic change and evolution but management and development of the Park should retain and enhance the distinctive character and restore areas of degraded landscape.
11. **Section 5.2 Living and Working in the Park** includes strategic objectives for Economy and Employment including a) create conditions conducive to business growth and investment that are consistent with the special qualities of the Park and its strategic location.

12. **Section 5.3 Enjoying and Understanding the Park** includes objectives b) to improve and maintain the quality of experience in the Park for all visitors, communities and those working within the tourism industry; c) maintain a high quality environment by encouraging sound environmental management by all those involved in tourism in the Park; strengthen and maintain the viability of the tourism industry in the Park and the contribution that it makes to the local and regional economy.

CONSULTATIONS

13. **Trunk Roads** initially objected to the proposal on highway safety grounds. However, after negotiations their response is now no objection subject to conditions which ensure that the house cannot be sold separately from the hotel, that one of the temporary accommodation units is removed from the site before the new house is occupied and that the access bellmouth is tarmaced.
14. **Highland Council Area Roads Manager** has no comments to make on the proposal.
15. **SEPA** comment that if there is no public sewerage system then, in a planning context, the proposals for foul drainage are acceptable provided the standard minimum distances can be achieved (minimum 10 metres from soakaway to watercourse and 50 metres from any water abstraction). In relation to floods SEPA holds no historic data of this site having flooded and is outwith the indicative limits of fluvial flooding as shown on SEPA's Indicative River and Coastal Flood Map at 1 in 200 year return period flood event.
16. **The CNPA Natural Heritage** originally considered that the combination of size and location would make this dwelling extremely visible from the areas to the south and west. It would be highly visible from the main road that cuts across the strath and runs eastwards from Laggan. The position and number of rooms will mean that at night the building, when lit, will be very obvious from the direction of Laggan and the main road that connects the two. From the south the lights of the building may merge with those of the hotel and so would not be significant.

17. While the proposal as it stands would be a significant detractor in the landscape there is the possibility of positioning it in the dell that lies to the immediate north of the proposed location. If it were placed here and reduced in size, particularly in height, the impact on the landscape would not be too severe and in combination with some appropriate planting the effect would be quite acceptable in landscape terms. **After the Planning Committee in January a meeting was subsequently held at the site with Planning and Landscape Officers and the applicant his agents and at which a range of potential options for development at the site were considered. Given the difficulties of utilising alternative sites a narrowing of the plan form and subsequent reduction in ridge height were suggested as a way forward.**

REPRESENTATIONS

18. One e-mail objection was received on the original scheme and is attached at the back of the report. The main concern relates to the size and position of the house. A detailed representation with a range of photographs was received from the applicant on the original scheme and is attached at the back of the report. **A further letter from the original objector on the latest design is attached at the back of the report.**

APPRAISAL

19. The starting point for the appraisal is the development plan and whether the principle of a house could be considered acceptable in this location. After this, issues regarding siting design and then more technical issues including highways are considered.

Principle

20. The Badenoch and Strathspey Local Plan shows the site as a restricted countryside area where housing would not normally be allowed unless there was a land management justification. There are 'other' more permissive areas for housing nearby to the north of the hotel on the opposite side of the A86 (the applicants do not own land in this area) but the proposed site is clearly within a restricted countryside area.
21. Because of the above, there is a clear presumption against new housing under the current Local Plan. However, there are a number of other considerations that may indicate in favour of the proposal in principle.
22. The key factor here is that what is being proposed is essentially a house for the applicants to manage the hotel from. They currently live in a chalet together with their children adjacent to the entrance to the hotel site. The chalet is one of 3 temporary accommodation units at the site. One of the units (a static caravan would have been removed as part

of the requirements of Trunk Roads). While I am of the view that an open market house proposal would not be acceptable at this site there is an economic justification for a house in this instance. This is particularly the case given that the applicants understandably do not want to live in the hotel with a large family. Crucially, in recent times, the business has relied heavily upon attracting coach tours which often utilise all of the bedrooms available at the hotel when visiting. This results in there being no room within the hotel for staff or management accommodation. Also, more recent guidance from the Scottish Executive in the form of SPP15 on Rural Development emphasises the sometimes need for new housing in the countryside based upon an economic justification which this proposal essentially is.

23. While the policy context for housing at this site is generally restrictive the material considerations discussed above, in my view may warrant an exceptional approval for a house for the applicants based upon economic grounds. In all practical terms it is recognised that new on-site accommodation for hotel owners is required from time to time and other proposals of this type have been granted before elsewhere. However, as an exceptional approval, any house should be strictly accommodation for the management of the hotel only. This could be ensured by means of a Section 75 planning agreement.

Siting and Design

24. The site for the house is to the south of the hotel on an area of ground that rises from the flood plain and is backed by a small area of woodland. As noted by our landscape officer this is a prominent site that is highly visible from the south and west (see fig 2). The site also has a certain element of separation from the hotel and is effectively on a boulder knoll, there are a number of trees scattered around the perimeter of the site but none of them offer fully effective screening for the site.
25. One more favoured option for the house, from a landscape point of view, would be in a small dell immediately to the north of the proposed site. However, it has been pointed out that this area is effectively the soakaway for the hotel septic tank that lies just above the soakaway. This effectively rules out this part of the site unless both the tank and soakaway could be moved. However, there would appear to be no reasonable area to move them to that is within the ownership of the applicants.
26. Another option would be to site the house on the existing site of the chalets and caravans. However, this in turn raises the question as to where staff would be accommodated. In addition, the applicants would prefer a greater degree of separation between any new home and the hotel. While the dwelling is still in the same general area as originally submitted the earlier revised drawings have set it 9.5 metres further back to take greater advantage of a band of trees that will provide

some screening for the dwelling when viewed from the south. It is also the applicants intention to set the dwelling down into the hillslope as much as possible to help further reduce visual impact.

27. Given the above the site proposed would appear to be the only option that is open to the applicants in this case. The overall bulk and scale of the original dwelling was considerable and the Planning Committee raised concern about this when the application was previously considered. As a result of this significant amendments have been made to the proposal which create a much narrower plan form enabling a reduction in roof height of 1.8 metres. The detailed design of the front elevation has also been simplified by comparison with the two earlier versions of the proposal seen in Fig's 7 & 8. The applicant has a large family to accommodate and the negotiated amendments to the proposal, on balance, are considered to result in an acceptable solution, hence my recommendation of approval. I am of the view that the proposal now generally conforms with relevant design policy. However, on what is a prominent site high quality materials and a thorough landscaping scheme is of great importance and these issues will be addressed by conditions at the end of the report. In addition, conditions are recommended to remove permitted development rights from the dwelling to ensure that control can be retained over outbuildings and extensions. This does not mean that the owners would not be able to erect garages or smaller extensions to the house but permission would have to be specifically sought.

Technical Issues

28. Drainage has been found to be acceptable and water will come from the same private supply utilised by the hotel. Trunk Roads originally objected to the proposal but provided that the house is tied to the hotel, that one of the existing caravans is removed and that the bellmouth at the entrance is tarmaced no objection is raised.

Conclusion

29. The proposal is now considered to be acceptable. However, given that the site lies within a restricted countryside area the recommendation includes a requirement for a Section 75 Agreement to effectively tie the accommodation to the Hotel. The applicant confirmed at the meeting when this application was last considered that while not necessarily happy with this he would be willing to sign up to it. It is also important to note that tying the new dwelling to the hotel is a condition of the Trunk Roads Authority removing their objection. **If the Section 75 Agreement is not applied then the Trunk Roads response must be considered as an objection to the scheme.**

IMPLICATIONS FOR THE AIMS OF THE NATIONAL PARK

Conserve and Enhance the Natural and Cultural Heritage of the Area

30. The landscape impact of a house of the scale proposed was considered unacceptable. The latest amendments reduce the scale, bulk and height of the proposal considerably, with quality material and a thorough landscaping scheme to be sought by condition the proposal is considered appropriate to the site.

Promote Sustainable Use of Natural Resources

31. There is little information with the application regarding where materials to be used in construction would be sourced.

Promote Understanding and Enjoyment of the Area

32. The proposal has only limited relevance to this aim. The continuing use of the hotel would help to foster the enjoyment of the area.

Promote Sustainable Economic and Social Development of the Area

33. The proposal would help the applicants to effectively manage the hotel from the site helping to promote the sustainable economic and social development of the area.

RECOMMENDATION

34. That Members of the Committee support a recommendation to: **GRANT** Full Planning Permission for the erection of a dwelling at a site in the grounds of the Laggan Country House Hotel, Laggan subject to the following:
- A. Section 75 Planning Agreement to ensure that the accommodation is not sold separately and is used to accommodate staff engaged in the operation of the business.**
 - B. The following conditions:**
 - 1. The development to which this permission relates must be begun within five years from the date of this permission.
 - 2. That notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (Scotland) Order 1992 as amended, no house extension shall be formed, and no greenhouse, shed or garage erected without the prior written consent of the Planning Authority.

3. Exact details and specifications of all proposed external finishing materials (including roofing materials and driveway materials) shall be submitted for the further approval of the CNPA acting as Planning Authority before any work commences on site.
4. The development shall be landscaped and maintained in accordance with a scheme which shall be submitted to and approved by CNPA acting as Planning Authority before development commences. The scheme shall include indications of all existing trees and landscaped areas on the land, and details of any to be retained, together with measures for their protection in the course of the development and shall include a phasing programme for implementation and shall indicate the siting, numbers, species and heights (at the time of planting) of all trees, shrubs and hedges to be planted and to the extent of any areas of earthmounding, and shall ensure:-
 - (a) Completion of the scheme during the planting season next following the completion of the development, or such other date as may be agreed in writing with the CNPA acting as Planning Authority.
 - (b) The maintenance of the landscaped areas 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 three years of planting, shall be replaced by trees or shrubs of similar size and species to those originally required to be planted.
5. From the date of this consent no trees shall be lopped, topped or felled on the site without the prior permission of the CNPA acting as planning authority.
6. Prior to the first occupation of the dwelling hereby approved an existing caravan. Furthest south indicated by approved drawing No 104 shall be removed from the site.
7. The bellmouth of the access shall be resurfaced in a bitumous material and measures shall be adopted to ensure that all drainage from the site does not discharge onto the trunk road. These measures shall be completed prior to the first occupation of the house hereby approved.

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23 May 2007

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.