
CAIRNGORMS NATIONAL PARK AUTHORITY

Title: REPORT ON CALLED-IN PLANNING APPLICATION

Prepared by: MARY GRIER, PLANNING OFFICER (DEVELOPMENT CONTROL)

DEVELOPMENT PROPOSED: OUTLINE PERMISSION TO DEMOLISH STEADING AND REPLACE WITH DWELLING AND FOR SEPTIC TANK AND SOAKAWAY AT BLAIRNAMARROW, TOMINTOUL.

REFERENCE: 05/427/CP

APPLICANT: GLENAVON ESTATE, C/O DAVID LEGGE, ALTYPE PLANS LTD., THE SMALLHOLDINGS, KINLOSS, MORAY, IV36 3TS.

DATE CALLED-IN: 21ST OCTOBER 2005.

RECOMMENDATION: APPROVAL SUBJECT TO CONDITIONS

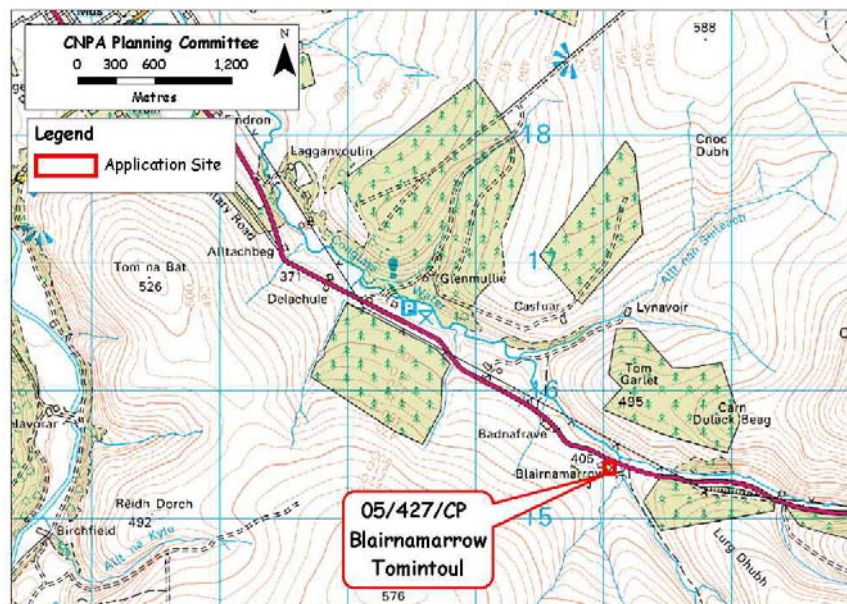


Fig. 1 - Location Plan

SITE DESCRIPTION AND PROPOSAL

1. This application was initially discussed by the Planning Committee of the CNPA at its meeting on October 20th 2006 at which a decision was taken by the Committee to defer determination. This decision was taken in order to facilitate exploration of a number of issues in further detail, including a request to prepare an independent structural survey on the steading, the potential loss of trees in the creation of a new access, design issues, further investigation of septic tank and soakaway proposals, background to the need for the proposed dwelling house, and the resolution of conflict between planning policies and National Park aims. Additional information on a number of points was received on 22nd November 2006 from Sir Edward Mountain of Bidwells, who act as factors for Glenavon Estate. The information is detailed in this report and all amendments to the text of the original report are highlighted in bold type.
2. Outline permission is sought in this application for the demolition of a steading and its replacement with a dwelling house. The subject site is located at Blairnamarrow, just off the A939, and is approximately 6 kilometres south east of Tomintoul and 4.5 kilometres north west of the Lecht ski centre. The site is part of Glenavon Estate.



Fig. 2 : Existing steading at Blairnamarrow

3. The site area measures approximately 0.5 acres, with the existing steading set back towards the rear of the site area. The new dwelling house is intended to be located in the same position as the steading that is proposed for demolition. The front boundary of the site is set back from the existing A939, with a former 'cut off' section of the A939 and a Scottish Water pump house and associated ground between the public road and the site boundary. A traditional 1 ³/₄ storey dwelling house is located immediately to the north west of the subject site, and is approximately 8 metres from the side elevation of the steading. The dwelling house is also in the ownership of Glenavon Estate and is tenanted at present. The existing steading is a predominantly single height L shaped structure, of stone construction under a fibre cement roof. Due to changing ground levels in the vicinity of the structure, the projecting gabled section at the front has a double height appearance.

There are a number of openings in the front elevation of the structure, with two large double width door openings in the front gable. The steading is located on the highest ground on the site, with ground levels gradually ascending towards the front boundary. Groundcover on the site is generally rough grassland.

4. At the outset of this application it was proposed to utilise the existing access arrangements to serve the subject site and the proposed new dwelling house i.e. the track which extends for approximately 80 metres in a south easterly direction from its junction with the A939 and serves both the existing dwelling house and steading. However, due to difficulties in achieving adequate visibility at the junction with the public road, which emerged in the course of the assessment of this application, the access arrangements were altered. The proposal presented at the CNPA's Planning Committee meeting of October 20 2006 involved an extension of the identified site boundaries to allow for the creation of a new access extending inwards for approximately 60 metres from the public road, to provide access to the proposed new dwelling house and also to serve the existing dwelling. In conjunction with this it was also proposed to close the entrance to the existing dwelling house. The details on the site layout plan refer to this closure taking effect "when wall on house starts." The junction of the proposed new entrance with the public road was shown at a 90 degree angle, where improved visibility could be achieved. **The proposal at that time showed the new access cutting through a wooded area.**
5. **Further to concerns raised in the previous planning report and concerns voiced by Members regarding the lack of detail on the potential loss of trees, a further revised proposal has now been submitted. The current site layout is quite similar to that previously shown to Members, differing only in that the proposed new access has been repositioned approximately 8 metres south east of the previous location, which essentially takes it beyond the perimeter of the wooded area, onto the south eastern side of an existing wire fence boundary. In order to create the new access it has been clarified that the felling of three trees will be necessary – a multi stemmed willow and two large sitka spruce.**
6. **Additional information also refers to the area having been examined by the Estate's forestry consultant, and his confirmation that no other trees should be affected. Reference is however made to the fact that some trees in the coup fell during the last gale and consequently it is the opinion of the forester that further trees could fall in future high winds. Accordingly it is the intention "as part of normal management measures, to remove any trees that pose a significant hazard" to Estate employees and the general public. Some replanting will be undertaken as part of the management measures to replace the non native trees that are removed.**

7. Although this is an application for outline permission indicative drawings have been provided of the type of 'traditional style dwelling' house envisaged on the site. The drawings submitted show a 1 ³/₄ storey L shaped dwelling, incorporating a traditional porch in the front elevation. The floor plans indicate three bedrooms and bathroom at first floor level, with the ground floor area including a kitchen/ living / family room and also a lounge, study and utility room. A wet dash finish is detailed for the exterior, under a slate roof. A private water supply is proposed to serve the property, with foul drainage being disposed of via a septic tank and soakaway.

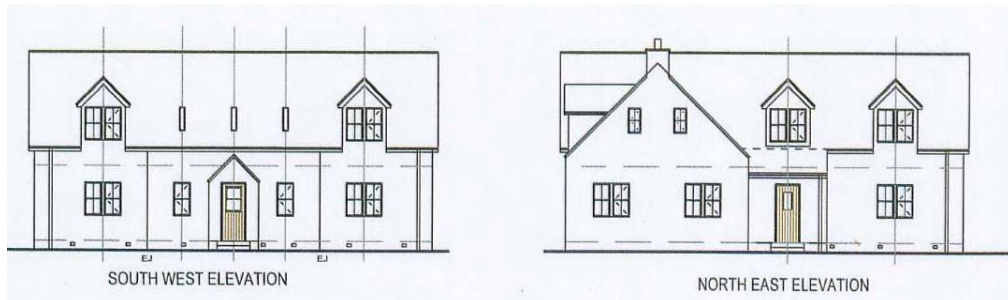


Fig. 3 : Front and rear elevations of indicative dwelling house type.



Fig. 4 : Built example of indicative house type

8. Further to concerns raised in my previous report regarding the potentially inappropriate nature of the indicative design, having regard in particular to the open nature of the landscape and the scale and characteristics of the structure that it is proposed to replace, with such concerns being shared by Members, the design issue was raised with the applicants. In the response from Bidwells confusion is expressed over the request to consider an amended design where it is stated that "the indicative design of the house was similar to the house that is currently there." It is also stated that "there is no evidence to suggest that the current house is significantly different to what has always been there." The indicative design of the dwelling house has not been altered, although the submission from Bidwells concedes that the client is prepared to accept a change in the proposed white wet dash finish so that it is similar to the existing house.

9. **Only limited additional information has been provided regarding the background to the need for the proposed new dwelling house, despite this information being sought in the course of the application assessment and again following deferral of determination, specifically at the request of the CNPA's Planning Committee. It has been confirmed that the house "will be used, by the Estate, as part of their commercial activities."**
10. Some additional supporting information was provided by Bidwells in the course of the initial planning assessment. In terms of the historical significance of the steading it is stated that it comprises of an old byre that has been extended to include a mill. It is thought that the old byre was "probably built in the 1700s and the mill added later" and the submission also notes that the current configuration of the building is shown on a map dated 1872. The submission also refers to the original structure having had a slate roof, and suggests that its later replacement with a fibre cement roof was probably due to a need to reduce loading on the walls.
11. In terms of the quality of the existing structure, it is the opinion of the chartered surveyor from Bidwells that the "building is not structurally sound and is in danger of collapse." This is in "most part due to a lack of foundations coupled with poor structural integrity within the fabric of the walls" and the submission suggests that it is not worthy of retention in its current state "which would be cost prohibitive." A number of photographs have also been included in the submission to demonstrate the nature of the building and in particular showing the byre "built on single rough course stone foundations laid on the clay subsoil." Evidence is also provided of numerous cracking faults, including the failure of a main lintel in the mill section of the building and also the separation of areas where the wall has been repaired with cement.
12. **Further to queries and concerns raised by Members on the structural stability of the steading, an full independently prepared structural survey was requested. This has not been submitted. However, further comments have been made by Sir Edward Mountain of Bidwells, who has made reference to the fact that he is a fully qualified Chartered Surveyor, and has also specifically requested that this point be brought to the attention of the Planning Committee.¹ The following are the points of additional information that have been provided in respect of the structural condition of the steading in correspondence dated 10 November 2006 –**
 - **The building suffers from vertical and horizontal cracking, which would indicate that it is structurally unsound;**

¹ Please refer to attached letter from Sir Edward Mountain of Bidwells, dated 10th November 2006, for full details on this matter, as well as details of all additional information received following deferral of a decision on this application.

- The lime mortar used to bind the stonework is in places crumbling and there is clear evidence of water ingress into the rubble infill, which is partially washed out;
- It appears that the steading has been built directly onto the soil with in the most part no evidence of suitable foundations. The bowing of the walls would indicate that if there is any disturbance of the roof trusses, there is a high probability the large sections of the wall would collapse.
- The opinion is expressed that “the building is beyond economic repair and as redundant as far as agricultural use”;
- “Whilst it cannot be accurately determined, without reasonable repair, the likely-hood of the building falling down within the next ten years must be considered to be high.”



Fig. 5 : western elevation



Fig. 6 : southern (rear) elevation



Fig. 7 : northern (front) elevation



Fig. 8 : northern elevation

DEVELOPMENT PLAN CONTEXT

13. **Planning Advice Note 72 : Housing in the Countryside** sets out its purpose to create more opportunities for good quality rural housing which respects Scottish landscapes and building traditions. **PAN 72** identifies the conversion or rehabilitation of rural buildings as an example of one of the main opportunities to accommodate housing in the countryside. It details the benefits of this type of activity including bringing a building back to life whilst also providing an opportunity to

sensitively conserve the built heritage. **PAN 72** provides advice on factors such as scale, materials and design.

14. **PAN 67** discusses **Housing Quality** and although a lot of the guidance contained therein is directed towards larger scale developments than the current proposal, many aspects of it can be applied to all house building activity. **PAN 67** notes that the planning process should seek to ensure that development is planned and designed so that it contributes to achieving the goals of social justice, economic competitiveness and environmental quality. The creation of a sense of identity and place is encouraged as well as creating a sense of what is distinctive about the locality and the region. To achieve this, there are five essential components to be taken into account – layout, landscape, scale and mix, details and materials, and maintenance. In terms of landscape **PAN 67** highlights the contribution of landscape design to environmental quality, particularly where it begins to mature. It advises however that landscape design cannot compensate for poor layout and design and that developers should consider landscape as a part of the design and layout from the outset of the development process. With reference to details and materials, **PAN 67** warns that the quality of development can be spoilt by poor attention to detail and advises that “important aspects include building styles, the detailed design of features such as doors, windows and porches, and the texture, colour, pattern, durability and ease of maintenance of materials.”

Moray Development Plan – Structure Plan

15. Chapter Two of the Structure Plan deals with the Environment and policies on Landscape and the Built Heritage are of particular relevance in this particular application. The subject site is within a designated Area of Great Landscape Value and the Structure Plan advises that any development proposals within such areas will be required to incorporate best principles of siting and design. **Policy S/Env 3 : Scenic Designations** asserts that “areas of scenic quality will be protected from inappropriate development.” In terms of the Built Heritage, **Policy S/Env5** states that the “Council will seek to conserve and promote Moray’s built heritage as a valuable, but finite resource and shall encourage enhancement, active use and access to building heritage wherever possible.”
16. On the subject of housing, the **Moray Structure Plan** operates a presumption in favour of housing in the countryside in rural areas in the south and east (**Policy S/H4**) in a number of circumstances, including situations that involve the re-use, replacement or rehabilitation of existing buildings. The **Structure Plan** also contains Development Control policies applicable to a proposal of this nature. **Policy L/IMP2 : Development in Rural Areas** requires that proposals are compatible in terms of character, amenity and design and integrate sensitively into the environment.

Moray Development Plan – Local Plan

17. **Policy L/ENV 7** of the Local Plan requires that development proposals within Areas of Great Landscape Value will only be permitted where they incorporate high standards of siting and design and where they will not have a significant adverse effect on the landscape character of the area. Within such areas detailed proposals covering site layout, landscaping, boundary treatment, building design and material finishes are required with any planning application. On the subject of the Built Heritage, the Local Plan contains a section on Vernacular Buildings² and **Policy L/ENV16 : Local Buildings (not protected by statute)** states that the Council will generally seek the retention and reuse of vernacular buildings in preference to their demolition and redevelopment.

18. **Policy L/HC2 : Re-Use of Derelict Sites and Existing Buildings** provides detailed policies which are compatible with the policies applicable to Local Buildings. The policy states that the “Council will presume to approve applications for residential development involving the re-use of existing buildings, including existing dwellings, farm steadings, mills etc. where the renovation of the original building is sensitively designed and is to form the core of the new development.” It is the Council’s policy to normally seek the restoration of an existing building in preference to demolition and re-development, and in particular where a building is considered to be of some architectural merit locally, for example, a substantial stone built farm building, “and is considered structurally sound for residential use, the Council will resist proposals to replace it, and may insist on renovation and re-development.”

19. **Policy L/HC2** also addresses the principle of replacement of an existing building, which will only be accepted where there is visible evidence of the structure of the existing building. In such instances, it is advised in the Local Plan that the siting of a new dwelling should be similar to that of the previous building in terms of orientation and distance from the road.

20. **Policy L/ED16** requires that proposals in countryside locations demonstrate the landscaping measures that will be taken to assist with the integration of the site into its rural setting, as well as providing for on site amenity.

21. Distinct from the policy on the replacement of existing buildings, the **Moray Local Plan** also includes a specific policy (**L/HC3**) entitled New Houses in the Open Countryside. I do not propose to provide a detailed account of the policy. Despite the fact that this proposal if granted would ultimately generate a new dwelling house at Blairnamarrow, it falls within option two of the Strategy for housing i.e.

² The Moray Local Plan defines Vernacular Buildings as “those which epitomise local character but are offered no statutory protection.”

Re-use / Replacement as opposed to option three i.e. Open Countryside.

22. The Local Plan includes an extensive policy section on Development Control, providing guidelines on character, amenity and design, with the latter primarily referring to new building design only.
23. **For information purposes only:** The subject site is located within General Policy Area 2 as identified and defined in the **Cairngorms National Park Consultation Draft Local Plan**. Within such areas it is the policy that development will only be permitted “where it is demonstrated that there is no alternative and that the aims of the National Park or objectives of designation and the overall integrity of the areas, features or interests will not be compromised; or any significant adverse effects on the special qualities of the National Park or qualities for which the area, feature or interest has been designated or identified, or amenity or public health are clearly outweighed by social or economic benefits of national importance and are mitigated to provide features or interests of equal importance to those that are lost.”
24. **Section 3** of the **Consultation Draft Local Plan** discusses a number of topic policies, of which many are relevant to the type of development proposed. **Policy 2 on Protected Species** states that proposals for developments that would have an adverse impact on any European Protected Species will not be permitted unless there are public health or public safety or other imperative reasons of overriding public interest, and there is no satisfactory alternative, and the development would not be detrimental to the maintenance of the population of species concerned. Section 3.5 of the draft Plan stresses the importance of considering the value of habitats and species in all planning decisions and ensuring that appropriate measures to conserve and enhance biodiversity are implemented through the planning process.
25. **Policy 3 : Biodiversity** states that proposals that will enhance or restore existing habitats and that will not have any other adverse effects, will be considered favourably. **Policy 3** also advises that the developer should be required to undertake a survey of the area’s natural environment where there is evidence or likelihood to suggest that a habitat or species may be present on or adjacent to a site and could be adversely affected by the development.

CONSULTATIONS

26. In a consultation response from **Scottish Natural Heritage** it is stated that there is no objection to the proposal, although the response also offers further detailed comment on some aspects of the proposal. It is noted that the subject site is approximately 100 metres from the Conglass Water which is a tributary of the River Spey which has been

included within the extension of the River Spey Special Area of Conservation. The SAC has been designated for its important populations of freshwater pearl mussels, Atlantic Salmon, sea lamprey and otter. The consultation response assumes that any work undertaken at the site would be carried out in accordance with best working practice guidelines and advises that the developer should be advised of SEPA's Pollution Prevention Guidelines for working in or near watercourses, which should ensure that no pollutants are released into the river that could adversely impact on the qualifying features of the SAC. **SNH** consider it unlikely that any qualifying feature will be affected either directly or indirectly.

27. The consultation response from **Scottish Natural Heritage** also refers to European Protected Species, and in particular bats at the site, noting that the applicants agent has supplied a bat survey report. The **SNH** consultation response details the fact that bats use a range of buildings and structures as breeding and resting places and reference is also made to The Wildlife and Countryside Act 1981 (as amended) which provides full protection for certain animal and plant species. The bat survey report submitted was based on a detailed inspection of the buildings, both internally and externally in September 2005. The survey evidence indicates that there are no bats or bat roosts present on the site and that the development is therefore unlikely to have any adverse impact on bats. On this basis **SNH** has no objection to the proposal. Nonetheless the report recommends that "the applicant remains vigilant for signs of bats during the proposed development work and if they come across any bats or signs of bats, all work in that area must cease immediately and SNH should be contacted for advice."
28. The bat survey report also noted that swallows and feral pigeons have used the buildings for breeding. **SNH** consequently highlight in their consultation response that all wild birds, their nests and their eggs are protected by law. **SNH** require that any development of the steading at Blairnamarrow is carried out in a manner that complies with the Wildlife and Countryside Act 1981 (as amended) with respect to swallows, pigeons and breeding birds. **SNH** recommend that no works are carried out in any area likely to be used by breeding birds during the breeding season, which is taken to be from 1 April to 31 July inclusive.
29. **A consultation response received from SEPA in November 2006 does not raise any objections to the proposed development. In terms of foul drainage it is stated that the main concern where private systems are proposed is the protection of surface waters and groundwater. In conjunction with this, the consultation response details required minimum separation distances.³ The response from SEPA confirms that the proposals for foul drainage**

³ In relation to the protection of surface waters a minimum separation distance of 10 metres from soakaway to watercourse (including ditches and field drains) is required, and 50 metres is required from soakaway to well or abstraction.

via septic tank to soakaway, as shown on submitted drawings, are acceptable, as long as the minimum distances can be achieved.

30. SEPA's consultation response also makes reference to surface water drainage and states that the Planning Authority is normally expected to seek SUDS for all developments in line with PAN 61 "Planning and Sustainable Urban Drainage Systems" and Section 3 of the Domestic Technical Handbook. It is suggested that measures for single house developments can comprise of simple devices such as separate land soakaways, if site conditions are appropriate, or a filter trench prior to discharge if not.
31. The **Contaminated Land** section of Moray Council upon initial examination of the development proposal requested further information on a number of issues including a site history relating to the steading on the site. Upon receipt of a response to the queries raised the **Contaminated Land** section has recommended that a number of conditions be attached in the event of the granting of planning permission. The first condition requires that all work cease in the event of significant unsuspected contamination being found until an appropriate investigation is undertaken to determine the nature, extent and potential impacts of the contamination and the agreement of a remediation method statement. In addition, due to the past agricultural use of the site, it is stated that there is always potential for contamination to have arisen and one of the recommended conditions therefore requires that no development shall commence until the developer has ensured that all asbestos has been removed from the site by a specialised licensed contractor and disposed of to a suitable waste site. A report is also required to be submitted to validate the removal and disposal of the asbestos.
32. In a comment on the proposed private water supply, the **Development Services** section of Moray Council have stated that the details of the supply, as provided by the applicants agent, indicate that the supply has sufficient yield to supply the proposed development.
33. The Transportation section of **Moray Council** objected to the originally proposed access arrangements to serve the proposed site i.e. use of the existing access. Further to significant revisions to the proposed access arrangements a revised recommendation was received from the Transportation section. It states that there are no longer objections to the proposal based on the revisions to the access arrangements, which show the new access being "sited at a position where visibility in both directions onto the fast section of road is good." The consultation response also states that the "benefits to road safety that can be achieved by moving from the current sub standard and dangerous position (where both visibility and the alignment of the access cause concern) to this revised location are considerable." It is also noted that by 'Stopping Up' the existing access as proposed, the changes will significantly enhance safety for users of the existing house as well as

the proposed new development. A set of conditions have been recommended to be attached in the event of the granting of planning permission. Conditions include the provision of adequate on site car parking provision and a turning facility within the curtilage of the site, and also stipulations regarding surfacing between the edge of the public road and the proposed gate.



Fig. 9 : Approaching the proposed site from the east



Fig. 10 : Existing access off the A939 serving Blairnamarrow steading and adjacent dwelling house



Figs. 11 & 12 : general location of proposed new access off the A939

REPRESENTATIONS

34. No representations have been received in respect of the proposed development.

APPRAISAL

35. There are a number of issues to consider in the assessment of the proposed development, including the acceptability of a development of this nature, its compliance with planning policy and its implications for the aims of the National Park and in particular the first aim.
36. In terms of Structure Plan and Local Plan policy, as outlined in paragraphs 17 and 18 of this report, the **Moray Development Plan** includes policies which encourage the conversion / rehabilitation of existing buildings in the countryside, and expresses a clear intention to resist proposals for the replacement of vernacular buildings where they are considered to be of local architectural merit and structurally sound for residential use and instead insist on renovation and re-development. In this particular instance, given the substantial stone built nature of the structure, where a portion of it is thought to have been in situ for the past 200 years, together with the relatively prominent nature of the site and its visibility from the public road, which is itself a heavily trafficked 'A' class route, it is possible to consider the structure to be of local architectural merit and consequently it could also be considered to be part of the cultural heritage of the area. **The cultural heritage value of the existing structure has been accepted in the letter dated 10 November 2006 from Bidwells, but the letter also notes that "it is one of many such buildings of this type within the National Park."**
37. **As Members will note from the report previously prepared in respect of this planning application, efforts were made in the course of assessing the application to ascertain the condition of the structure and in particular a structural survey was requested. Some information was supplied detailing its condition, describing it as 'not structurally sound', 'in danger of collapse' and stating that "it is not worthy of retention in its current state which would be cost prohibitive." Following deferral of a decision on the application and further to Members concerns, a comprehensive independent structural survey was requested. As detailed in paragraph 8 of this report, such a survey has not been forthcoming, although some additional comments have been made. Reference is made to vertical and horizontal cracking, crumbling lime mortar and evidence of water ingress into the rubble infill. The comments also refer to the building being beyond economic repair.**

38. I do not consider that the issue of cost provides justification for the demolition and replacement of a building such as the steading at Blairnamarrow, as opposed to its re-use. However, on the basis of the remainder of the details provided by the surveyor it is my view that a case has been advanced to verify that the building is no longer structurally sound (please see attached photographic extracts from the surveyor's appraisal). Consequently I do not feel that it is possible to insist on the renovation and re-development of the structure. It should be noted that the Moray Local Plan, in Policy L/HC2 simply states that the Council will resist proposals to replace buildings which are considered structurally sound, and may insist on renovation and re-development. The Plan does not however stipulate the level of detail necessary to verify the structural condition of a structure and whilst I share the same concerns as the Members in wishing to have as comprehensive an assessment as possible of the structural condition of the steading, the mandatory submission of a full structural survey does not form part of the policy applicable under the Local Plan. It is therefore necessary to make an assessment of the proposal on the basis of the extent of the information which the applicants / their agent are willing to provide with this application.
39. The information provided to date all indicates that the steading is not structurally sound. As this application has two aspects – (a) demolition of the steading and (b) its replacement with a new dwelling house, the proposal must be assessed in the context of the replacement policy as detailed in L/HC2 : Re-use of Derelict Sites and Existing Buildings. The policy accepts the principle of “replacement of an existing building” and does not refer to any requirement that replacement buildings to be within the same use class as the original. The main criteria for accepting the principle of replacement of an existing building is that there is visible evidence of the structure of the existing building to the extent of “level 4” with that level essentially referring to the existence of a partial shell of a building to window sill height. There is no requirement at this level to be able to ascertain the full extent or former use of the building. The concept of replacing a former agricultural building with a new residential property as proposed in this application is therefore acceptable in structure plan and local plan policy terms.
40. Despite the proposal being compliant with the basic policy on the replacement of existing buildings, it is nonetheless necessary to take into account the potential impacts of the proposed development on the natural and cultural heritage of the area. The existing byre / mill on the site undoubtedly represents an aspect of the cultural heritage of the area and any potential loss of this is lamentable. However, the practicalities of the situation must also be taken into account and in particular I feel that it is necessary to acknowledge the case that has

been made in relation to the poor structural condition of the existing building, coupled with the fact that it has not, according to the agents acting for the applicants, actively been used for its original agricultural / milling purposes for several years. **I am largely in agreement with the comments made in the letter from Bidwells of 10th November 2006 referring to there being a high likelihood of the building falling down without considerable repair.** In the event that the structure was to remain in its unused and deteriorating state, it is highly likely over time that the structure would be lost, with little to signify its former use other than the ruins of the property in this relatively prominent location. The structure is not a listed building, and although it is representative of a local vernacular building, it is not the only building of this kind within this area of the National Park. Many other structures of a similar nature remain, some of which are in better condition and offer greater opportunities for preservation in a quest to conserve the cultural heritage of the area.

41. In terms of the natural heritage implications of the proposed demolition of the building, the response from **Scottish Natural Heritage** as detailed in paragraphs 22 – 24 of this report does not consider that the development would affect either directly or indirectly any qualifying features in relation to European sites.⁴ In addition, a bat survey of the existing structure verified that there are no bats or bat roosts present on the site and consequently the proposal would not have any impact on bats, which are a European Protected Species. Although there is evidence that the building has been used for breeding by swallows and pigeons **SNH** do not consider that development on the site would interfere with bird interests as long as all works are carried out in a manner that complies with the Wildlife and Countryside Act 1981 (as amended).

42. **A further issue which was detailed in my previous report as potentially having implications on the conservation or enhancement of the natural heritage of the area was associated with the proposal to create a new access to serve the development site and also the existing dwelling house through an existing wooded area.** Various permutations of access provision have been put forward by the applicants in the course of this application including use of the existing access lane which forms a junction with the public road at a 45 degree angle and at a point where there is restricted visibility. This was discounted following the recommendation of the Roads Department of Moray Council to refuse planning permission on the basis of the proposal representing an unacceptable hazard to traffic safety. The second site layout proposed involved the creation of a new access through the subject site (also serving the existing dwelling house to the west) which would lead onto the disused cut off section of the public road, and following this route to

⁴ In this instance, the European site in question is the River Spey SAC of which the Conglass Water is a tributary.

its junction with the public road. This proposal was later withdrawn when it transpired that the cut off road / track was not in the ownership of the applicants. **The third proposal, which was the subject of Members initial deliberations on the application in October and as detailed earlier in this report, involved the creation of a new access to serve the existing dwelling and the proposed new dwelling.**

43. **As detailed in paragraphs 5 - 6 of this report, in response to concerns raised in relation to the loss of trees in the area a modified site layout plan has now been submitted, altering the position of the proposed new access drive, to avoid the wooded area. The new layout retains the benefits of creating access onto the public road at a 90 degree angle and at a point where there is good visibility in either direction, whilst also minimising the extent of tree loss. A total of three trees would be felled, whereas the previously proposed route could potentially have necessitated the felling of at least ten large trees. In considering the loss of three trees to create the new access, it is a case of having to balance natural heritage interests against the indisputable traffic safety benefits that would accrue in comparison the existing access arrangement. The revised access will allow for the majority of the existing stand of trees to remain untouched, which although mostly of non-native origin, collectively contribute to the overall setting of the existing dwelling house and indeed could also be of assistance in assimilating any new structure into the landscape.**
44. Finally, on the subject of the design of any new dwelling house on the subject site, **it should be borne in mind that the drawings currently accompanying this application are indicative, as outline permission only is sought at this stage.** Whilst the indicative dwelling house is a relatively simple, traditional property and largely reflects the design features of the existing adjacent dwelling I continue to have some concerns regarding a structure of this scale and height at the proposed location, due to the relatively high degree of visibility and the fact that it represents such a departure, visually and architecturally, from the building which it is intended to replace.
45. **I do not accept the case put forward in the most recent submission from Bidwells, which seeks to justify the design on the basis that it is similar to the house that currently exists adjacent to the steading. Neither do I consider that the suggestion of changing the proposed white wet dash finish to something similar to the existing house is sufficient to address design concerns in this particular setting.** It is my view that a lower level structure, perhaps designed to take account of differing ground levels in the vicinity, as well as incorporating finishes which reflect to a greater degree the stone structure currently on site (possibly even utilising the stone from the existing structure), would offer greater opportunity to create a building which could assimilate more

successfully into the surrounding landscape. **I feel that it is necessary to stress that the issue of design is not one upon which determination of this application should be based, as this is an application for outline permission only and is therefore seeks a determination on the principle of the proposal to demolish the steading and replace it with a new dwelling house. In the event of consideration being given to the granting of planning permission it is however entirely within the scope of determination to set design parameters by way of an appropriate condition.**

IMPLICATIONS FOR THE AIMS OF THE NATIONAL PARK

Conserve and Enhance the Natural and Cultural Heritage of the Area

46. The development proposal would result in the loss of a traditional stone steading and as such cannot be considered to assist in conserving the cultural heritage of the area. The development has limited implications on the natural heritage of the area, in particular **as efforts have been made to modify the access route to minimise the extent of tree felling necessary.**

Promote Sustainable Use of Natural Resources

47. As this is an application for outline permission, only indicative drawings for a proposed dwelling house have been submitted and it is not therefore possible to determine whether or not the development would assist in promoting the sustainable use of natural resources.

Promote Understanding and Enjoyment of the Area

48. The development would not make any particular contribution to this aim, although an appropriately designed dwelling house at this location would be unlikely to detract from visual qualities of the area or affect the enjoyment of the area by the general public.

Promote Sustainable Economic and Social Development of the Area

49. No case has been advanced to suggest that the proposal would make any positive contribution towards this aim. The location of another single house in the countryside has the potential to add to servicing costs for the local community in terms of services such as school transport, refuse collection, fire and health etc and would tend to promote reliance upon the private car.

RECOMMENDATION

50. That Members of the Committee support a recommendation to :

Grant outline planning permission to demolish a steading and replace with a dwelling house and for a septic tank and soakaway at Blairnamarrow, Tomintoul, subject to the condition detailed hereunder :

1. A formal planning application and detailed plans indicating all matters relating to the siting, design and external appearance of all buildings, means of access thereto, means of enclosure and landscaping proposals shall be submitted for the prior approval of the Planning Authority within 3 years of the date of this consent and the development must be commenced within 5 years of the date of this permission or within 2 years from the date of final approval of all the foregoing Reserved Matters.
2. Notwithstanding the indicative design drawings submitted, the proposed dwelling house shall be designed in accordance with the traditional vernacular architecture of the area and shall reflect the form and scale of the existing structure on the site that is to be demolished. All external materials shall visually compliment existing properties in the area. In particular, all windows and doors shall be timber; the roof shall have a traditional slate finish; and the use of natural stone from the existing steading on the site shall be incorporated into the design.
3. Prior to the commencement of works on site the new access shall be formed and the existing access shall be permanently and effectively closed off (in accordance with the details shown on drawing no. AP REF 6294 as modified on 12 September 2006) by the erection of a boundary fence and associated vegetation to match the existing adjacent boundaries. The new access shall serve the new dwelling house and also the existing dwelling house located to the west of the identified site area.
4. The section of access between the edge of the public road and the proposed gate shall be surfaced in bituminous material to prevent loose chippings being carried out onto the public road.
5. Parking provision shall be at the following rate and should be available before the dwellinghouse is occupied :
A minimum of 2 spaces for 3 or less bedrooms;
A minimum of 3 spaces for 4 or more bedrooms.
In addition existing parking provision shall be retained for the existing house.
6. A turning facility shall be available within the curtilage of the site so that all vehicles are able to enter and exit in a forwards direction.

7. An application for approval of reserved matters shall include detailed proposals to show the proposed access route altered to minimise the extent of tree felling. A detailed site layout plan shall include accurate dimensions of the access road and shall also identify (a) the location, species type, height and girth of all existing trees within and adjacent to the identified site boundaries, and (b) identification of the exact location, species type and number of trees to be felled.
8. No development shall commence on the site until a scheme (prepared in accordance with section 7, BS59837, the Tree Protection Plan) for the retention and protection of all existing semi mature trees, has been submitted for the agreement of the Cairngorms National Park Authority acting as Planning Authority.
9. An application for approval of reserved matters shall be accompanied by a detailed landscaping plan, including details of all proposed boundary treatments. The landscaping shall be implemented and maintained in accordance with the approved plan. The plan shall include details of the siting, numbers, species (which shall be appropriate to the rural setting) 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.
10. No surface water shall discharge on to the main road.
11. All public services for the development including electrical, communal television and telephone cables, shall be undergrounded throughout the site.
12. An application for approval of reserved matters shall include exact specifications of the finishing materials for all external hard landscaping, including the access drive, parking and turning areas, and footpaths.
13. No works shall be carried out in any area likely to be used by breeding birds during the breeding season, which is taken to be from 1 April to 31 July inclusive.

14. **Prior to the commencement of development details shall be submitted for the agreement of the CNPA acting as Planning Authority dealing with surface water drainage, where SUDS proposals shall be implemented in accordance with PAN 61 "Planning and Sustainable Urban Drainage Systems" and Section 3 of the Domestic Technical Handbook.**
15. The applicant / developer shall remain vigilant at all times during the development works for signs of bats and in the event of finding bats or signs of bats, all work in this area shall cease immediately and may only proceed in accordance with further guidance from **Scottish Natural Heritage**, in conjunction with the Cairngorms National Park Authority, acting as Planning Authority.
16. In the event that unsuspected contamination is found then all work shall cease until an appropriate investigation to determine the nature, extent and potential impacts of the contamination has been undertaken and a remediation method statement agreed with the Cairngorms National Park Authority acting as Planning Authority, in conjunction with the Contaminated Land section of Moray Council.
17. No development shall commence until the developer has ensured all asbestos has been removed from the site by a specialised licensed contractor and disposed of to a suitable waste site. The details of removal and disposal shall be submitted by the developer in writing to the Cairngorms National Park Authority acting as Planning Authority, for approval no later than fourteen days prior to the commencement of these works. Within six weeks of completion of the agreed works a report shall be submitted by the developer, in writing to the Cairngorms National Park Authority as Planning Authority for approval which validates the removal and disposal of the asbestos.

Determination Background :

The Planning Committee of the CNPA determined to call in the application at the meeting of 21st October 2005. Following an examination of the proposal and receipt of the relevant consultation responses, a detailed request for further information on a number of aspects of the proposal was issued to the applicants agent on 29th November 2005. A response was received on 15th May 2006 and after consideration of the information it was necessary to request clarification on a number of points on 25th May 2006. Various partial responses were received on 10th August and 29th August 2006, with the final response, which included an amended site layout plan and significantly revised access arrangements submitted to the CNPA on 13th September 2006. **The application was presented to the Planning Committee at the meeting of 20th October 2006 and following discussion on various aspects of the development, it was decided by the Committee to defer determination, pending the submission for further information on a number of aspects. A letter was issued to the applicants / their**

representatives on 24th October 2006 detailing the required information. A response and additional information was submitted to the CNPA on 22nd November 2006.

Mary Grier

24th November 2006

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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.