
CAIRNGORMS NATIONAL PARK AUTHORITY

Title: REPORT ON CALLED-IN PLANNING APPLICATION

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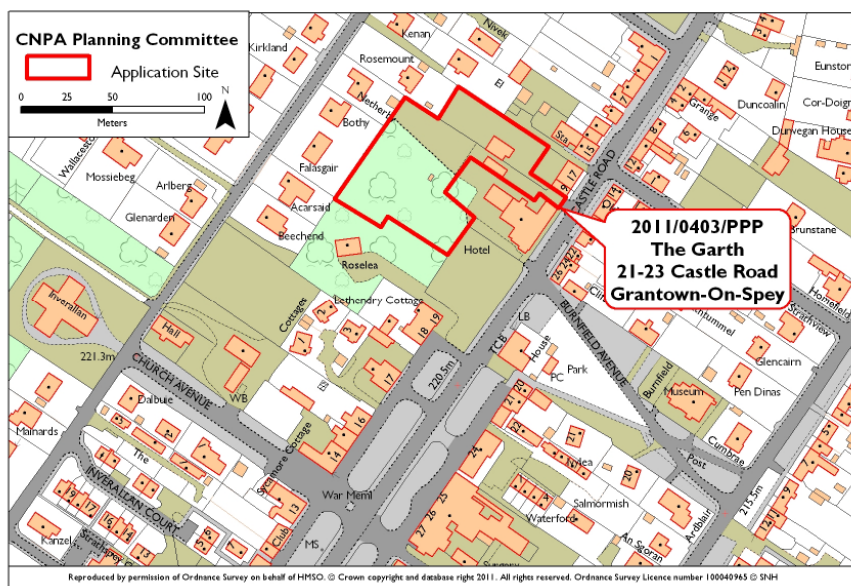
DEVELOPMENT PROPOSED: PLANNING PERMISSION IN PRINCIPLE FOR THE ERECTION OF 18 FLATS AND 2 NO. SEMI-DETACHED HOUSES (20 UNITS IN TOTAL) AT THE GARTH, 21-23 CASTLE ROAD, GRANTOWN ON SPEY

REFERENCE: 2011/0403/PPP

APPLICANT: MR. RAY WELHAM, C/O COLIN LAWSON (BUILDERS) LTD., GRANTOWN ON SPEY

DATE CALLED-IN: 23RD DECEMBER 2011

RECOMMENDATION : REFUSE



Grid reference : 303430 828104

Fig. 1 - Location Plan

SITE DESCRIPTION AND PROPOSAL

1. Planning permission in principle (PIP) is sought in this application for the erection of 18 flats and 2 no. semi detached dwelling houses on land associated with the Garth Hotel on Castle Road in Granttown on Spey. The site area extends to 0.53 hectares (1.3 acres) and includes the lawned area and the existing car parking area at the rear of the hotel, as well as a woodland area to the south west, and also land to the rear of Gladstone House. An access track which runs parallel to the northern boundary of the site provides vehicular access to Granttown on Spey Police Station and also serves a residential property (Dalraddy) which is located to the north west of the proposed site. The land to the north, north west and south west of the site is predominantly occupied by residential properties, which are detached single storey or one and a half storey in design and located on individual plots. Residential properties to the north west (rear) of the site are accessed off Mossie Road, while the property to the south west is accessed off Castle Road and The Square. As an application for planning permission in principle, the documentation which has been submitted in support of the proposal is limited and consists primarily of an indicative site plan.
2. The indicative site plan identifies the proposed vehicular and pedestrian access provision and also identifies the footprint of a number of structures. The existing vehicular access which serves the rear car park and grounds of the hotel is the only vehicular access proposed to serve the development. It would also continue to be used to provide access to the rear of the hotel, with the indicative site plan identifying a small service zone adjacent to the side elevation of the hotel. Pedestrian access provision is identified as following the same existing route at the southern side of the hotel linking the rear hotel garden grounds to Castle Road.



Fig. 2 : Site layout

3. The 18 proposed flatted units are identified on the indicative site plan as being accommodated within a number of structures. Two blocks of flats are proposed on land to the rear of Gladstone House, with each block identified to accommodate 6 units. This area of the site is currently separated from the main garden grounds of The Garth by a number of existing outbuildings (which would be demolished to facilitate the proposed development) and mature hedging. The area in which the two blocks of flats are proposed was traditionally associated with Gladstone House on Castle Road, which is situated outside the identified site boundaries. The area of the subject site is currently in an overgrown state. It is bounded to the rear by a high stone wall, which demarcates the boundary with an existing private access lane to the north adjacent to the police station. The footprint of each of the two blocks of flats is approximately 3 metres from the rear boundary at their closest point. A limited area of communal open space is proposed at the side of each of the two blocks.



Fig. 3 : Proposed semi detached houses



Fig. 4 : Boundary wall to the rear of 2 proposed blocks of flats

4. Moving in an anti clockwise direction around the site, the next element of the proposal is the erection of two dwelling houses, with the indicative site plan showing them in a semi detached form (on a west / east orientation) and located in the area which is currently set to lawn at the rear of the hotel car park. The western most unit would be positioned approximately 12 metres from the rear site boundary. Ground levels in the lawned area are higher than the adjacent car park or the residential garden ground to the north west. The boundary between the hotel lawn and the residential property (Netherby) immediately to the rear is currently demarcated by a timber fence and the property which lies to the north western corner of the site (Rosemount) is demarcated by a substantial hedgerow. The line of the hedgerow continues eastwards on the site, and currently acts as a demarcation between the hotel car park and grounds and the unused and overgrown area of land at the rear of Gladstone House.

5. The remaining six units of the total proposed 18 flats are identified on the indicative plan in a location in the south west of the site. The area is significantly lower lying than the car parking and lawned area at the rear of The Garth, and is currently wooded in character, accommodating a variety of mature trees species. The six flatted units are identified in a staggered terrace arrangement. The position of the proposed units would result in the loss of a number of trees in this area.
6. A total of 30 car parking spaces are proposed on the subject site and arranged in quite a high density arrangement on the periphery of the proposed built structures. The car parking appears to be intended only to serve the proposed residential development, as the identified site boundaries clearly distinguish the site from the grounds that would be associated with The Garth. The extent of area that would remain associated with the hotel is curtailed to a limited area to the rear of the structure and a small existing garden area on the southern side of the hotel. There is no provision within the area for car parking to serve the hotel.



Fig. 5 : Proposed site of 6 flatted units



Fig.6 : 6 flatted unit site as viewed from Castle Rd, looking across public gardens



Fig. 7 : Pedestrian access and garden area to be retained to the south of the hotel

7. As detailed in paragraph 2, the extent of information submitted in support of the current proposal is primarily limited to an indicative site plan, a tree survey and some ecological information. The proposal has not been supported by a design statement or any reference to the potential design concept envisaged on the site. Neither have any details been provided to clarify whether or not any of the residential units would be provided as affordable housing.

Site history

8. The grounds of The Garth Hotel and the adjacent Gladstone House have been the subject of a number of planning applications in the past. Highland Regional Council granted consent in the 1990's for
- Listed Building Consent for alterations to Gladstone House and demolition of cottages and outbuildings (planning ref. no. BS/94/22 refers); and
 - Outline planning permission for the erection of five new build dwellings, formation of access road, and subdivision of land to form plots for three dwellings (planning ref. no. BS/94/21 refers).
9. In addition to this current planning application, Gladstone House is also the subject of current applications for planning permission and listed building consent for alterations and extensions to form 2 semi detached dwelling houses (CNPA planning ref. no's 2011/0401/DET and 2011/0402/LBC respectively apply).

DEVELOPMENT PLAN CONTEXT

National policy

10. **Scottish Planning Policy¹ (SPP)** is the statement of the Scottish Government's policy on nationally important land use planning matters. It supersedes a variety of previous Scottish Planning Policy documents and National Planning Policy Guidance. Core Principles which the Scottish Government believe should underpin the modernised planning system are outlined at the outset of **SPP** and include:
- The constraints and requirements that planning imposes should be necessary and proportionate;
 - The system shouldallow issues of contention and controversy to be identified and tackled quickly and smoothly; and
 - There should be a clear focus on quality of outcomes, with due attention given to the sustainable use of land, good design and the protection and enhancement of the built and natural environment.

¹ February 2010

11. **SPP** emphasises the key part that development management plays in the planning system, highlighting that it should “operate in support of the Government’s central purpose of increasing sustainable economic growth.” Para. 33 focuses on the topic of Sustainable Economic Growth and advises that increasing sustainable economic growth is the overarching purpose of the Scottish Government. It is advised that “the planning system should proactively support development that will contribute to sustainable economic growth and to high quality sustainable places.” Planning authorities are encouraged to take a positive approach to development, recognising and responding to economic and financial conditions in considering proposals that would contribute to economic growth.
12. Under the general heading of Sustainable Development, it is stated that the fundamental principle is that development integrates economic, social and environmental objectives, and that the “aim is to achieve the right development in the right place.”
13. As a replacement for a variety of previous planning policy documents the new **Scottish Planning Policy** includes ‘subject policies’, of which many are applicable to the proposed development. Topics include economic development, rural development, and landscape and natural heritage. The following paragraphs provide a brief summary of the general thrust of each of the subject policies.
14. Housing : **SPP** highlights the Scottish Government commitment to increasing the supply of new homes. The planning system is expected to enable the development of well designed, energy efficient, good quality housing in sustainable locations. The subject of ‘Affordable Housing’ is discussed and it is defined “broadly as housing of a reasonable quality that is affordable to people on modest incomes” and that it may take the form of social rented accommodation, mid-market rented accommodation, shared ownership, shared equity, discounted low cost home ownership, or low cost housing without subsidy. **SPP** advises that the need for affordable housing should be met, where possible, within the housing market area where it has arisen.
15. Landscape and natural heritage : The **Scottish Planning Policy** document recognises the value and importance of Scotland’s landscape and natural heritage. It is accepted that landscape is constantly changing and the aim is to facilitate positive change whilst maintaining and enhancing distinctive character. As different landscapes have different capacities to accommodate new development, the siting and design of development should be informed by landscape character. There is also an acknowledgement that the protection of the landscape and natural heritage may sometimes impose constraints on development, but the potential for conflict can be minimised and the potential for enhancement maximised through careful siting and design.

16. **Scottish Planning Policy** concludes with a section entitled 'Outcomes' in which it is stated that the "planning system should be outcome focused, supporting the creation of high quality, accessible and sustainable places through new development, regeneration and the protection and enhancement of natural heritage and historic environmental assets."

Planning Advice Notes (PANs)

17. **PAN 44 - Fitting New Housing Development into the Landscape** is not intended to provide a blueprint for housing design, but sets out approaches which should help to relate housing layout more sensitively to the existing landscape. Housing is recognised as having a major impact on the standard of the environment and it must be seen to make a positive and specific contribution in fulfilling the principles of sustainable development. **PAN 44** encourages proposals to be sufficiently responsive to the sense of place, and to the general and particular character of the landscape. It advises that the capacity of the landscape to absorb development must be given proper attention, alongside other considerations such as the need and demand for housing, the availability of land, energy efficiency and the provision of infrastructure.
18. **Housing Quality** is discussed in **PAN 67**. The diversity in housing quality is noted in the introductory section of the document, where reference is made to some of Scotland's recent new housing being acclaimed for its high standard of design, while at the same time concerns have been expressed about the low design standards of much new (particularly volume) housing that has been built in recent years. Successful places are distinctive, safe and pleasant, easy to get to and move around, welcoming, adaptable and resource efficient. The design of a successful place should begin with understanding how new housing can be connected to the movement patterns²³ and settlement patterns of an area.
19. **PAN 67** advises that the combination of layout of buildings, streets and spaces should create local identity, and should contribute positively to Scotland's cities, towns and villages. Five particular aspects of built form are intended to assist in achieving this – layout, landscape, scale and mix, details and materials, and maintenance.

Strategic Policies

Cairngorms National Park Plan (2007)

20. The Cairngorms National Park Plan sets out the vision for the park for the next 25 years. The plan sets out the strategic aims that provide the long term framework for managing the National Park and working towards the 25 year vision. Under the heading of 'conserving and enhancing the special qualities' strategic objectives for landscape, built and historic environment include maintaining and enhancing the distinctive landscapes across the Park, ensuring that development complements and enhances the landscape character of the Park, and ensuring that new development in settlements and surrounding areas and the management of public spaces complements and enhances the character, pattern and local identity of the built and historic environment.

21. Under the heading of 'Living and Working in the Park' the Plan advises that sustainable development means that the resources and special qualities of the national park are used and enjoyed by current generations in such a way that future generations can continue to use and enjoy them. Section 5.2.4 of the Plan focuses on housing and highlights the need to ensure greater access to affordable and good quality housing in order to help create and maintain sustainable communities. The Plan advises that the quality and design of all new housing should meet high standards of water and energy efficiency and sustainable design and be consistent with or enhance the special qualities of the Park through careful design and siting.
22. The National Park Plan includes a number of strategic objectives in relation to housing, including
 - Increasing the accessibility of rented and owned housing to meet the needs of communities throughout the Park;
 - Promote effective co-ordination and co-operation between all public and private organisations involved in housing provision in the Park and communities living there; and
 - Improve the physical quality, energy efficiency and sustainable design of housing.

Structure Plan Policy

Highland Council Structure Plan (2001)

23. **Highland Council Structure Plan** is founded on the principles of sustainable development, which are expressed as –
 - Supporting the viability of communities;
 - Developing a prosperous and vibrant local economy; and
 - Safeguarding and enhancing the natural and built environment.A variety of detailed policies emanate from the principles.
24. The following provides a brief summary of the policies applicable to a development of this nature. Section 2.2 of the Structure Plan discusses the topic of housing. It recognises that the availability of quality housing is fundamental to social and individual well being and to creating and maintaining balanced communities and that adequate provision of housing is a pre-requisite of economic growth. Alongside this the Plan also recognises that housing must be provided in a way which minimises the impact on the environment.
25. **Policy H8 – Access arrangements for new and existing development** states that proposals which involve new or improved access to serve more than 4 houses and / or to serve a development that would generate vehicular traffic to serve more than 4 houses shall be served by a road constructed to adoptive standards.

26. **Policy NI – Nature Conservation** advises that new developments should seek to minimise their impact on the nature conservation resource and enhance it wherever possible. The Plan refers to the socio-economic benefits of the nature conservation resource and advises that it should be optimised by a high level and standard of interpretation and understanding wherever possible.
27. The Structure Plan also includes a section on biodiversity, defining it as “natural richness and diversity of nature – the range of habitats and species and the uniqueness of each and every organism.” Biodiversity is not the same as natural heritage, but is one of the key functional components. As a key part of the natural heritage of an area it is important to protect, and where possible enhance biodiversity and to monitor any change.
28. Section 2.4 of the Plan concentrates on the subject of landscape, stating that “no other attribute of Highland arguably defines more the intrinsic character and nature of the area than its landscape.” Similar to national policy guidance, there is a recognition that landscape is not a static feature and that the protection and enhancement of landscape and scenery must be positively addressed. **Policy L4 Landscape Character** states that “the Council will have regard to the desirability of maintaining and enhancing present landscape character in the consideration of development proposals.”
29. **Policy G2 (Design for Sustainability)** states that developments will be assessed on the extent to which they, amongst other things make use of brownfield sites, existing buildings and recycled materials; are accessible by public transport, cycling and walking as well as car; are compatible with service provision; demonstrate sensitive siting and high quality design in keeping with local character and historic and natural environments; and contribute to the economic and social development of the community.

Local Plan Policy

Cairngorms National Park Local Plan (2010)

30. The Cairngorms National Park Local Plan was formally adopted on 29th October 2010. The full text can be found at :
<http://www.cairngorms.co.uk/parkauthority/publications/results.php?publicationID=265>
31. The Local Plan contains a range of policies dealing with particular interests or types of development. These provide detailed guidance on the best places for development and the best ways to develop. The policies follow the three key themes of the Park Plan to provide a detailed policy framework for planning decisions:
 - Chapter 3 - Conserving and Enhancing the Park;
 - Chapter 4 - Living and Working in the Park;
 - Chapter 5 - Enjoying and Understanding the Park.

32. Policies are not cross referenced and applicants are expected to ensure that proposals comply with all policies that are relevant. The site-specific proposals of the Local Plan are provided on a settlement by settlement basis in Chapter 6. These proposals, when combined with other policies, are intended to meet the sustainable development needs of the Park for the Local Plan's lifetime. The following paragraphs list a range of policies that are appropriate to consider in the assessment of the current development proposal.
33. Policy 4 – Protected Species : Development which would have an adverse effect in any European Protected Species will not be permitted unless
- (a) There are public health, public safety or other imperative reasons of overriding public interest, including those of a social or economic nature; and
 - (b) There are no satisfactory alternative solutions; and
 - (c) The development will not be detrimental to the maintenance of the population of the species concerned at a favourable conservation status in their natural range.
34. Policy 5 – Biodiversity : Development that would have an adverse effect on habitats or species identified in the Cairngorms Local Biodiversity Action Plan, or by Scottish Ministers through the Scottish Biodiversity List, including any cumulative impact, will only be considered where :
- (a) The developer can demonstrate that the need and justification for the development outweighs the local, national or international contribution of the area of habitat or population of species; and
 - (b) Significant harm or disturbance to the ecological functions, continuity and integrity of the habitats or species populations is unavoidable, or minimised where harm is unavoidable.
35. Policy 6 – Landscape : there will be a presumption against any development that does not complement and enhance the landscape character of the Park, and in particular the setting of the proposed development. Exceptions will only be made where any significant adverse effects on the landscape are clearly outweighed by social or economic benefits of national importance and all of the adverse effects on the setting of the proposed development have been minimised and mitigated through appropriate siting, layout, scale, design and construction.
36. Policy 10 – Conservation Areas : Development within a conservation area or affecting its setting, will preserve or enhance its character. Policy 10 requires that the design, materials, scale, layout and siting of any development will be appropriate to the character and appearance of the conservation area and its setting. It also states that “given the importance of assessing design matters, outline planning applications will not be considered appropriate for developments in conservation areas.”

37. Policy 16 – Design Standards for New Development : this is one of a number of policies which is intended to encourage developers to consider how they can best include the principles of sustainable development in their proposals, and consider the impact on the environment, economy and community. Policy 16 requires that all proposals are accompanied by a design statement which sets out how the requirements of the policy have been met. The design of all development is encouraged to :
- Reflect and reinforce the traditional pattern and character of the surrounding area and reinforce the local vernacular and local distinctiveness, whilst encouraging innovation in design and materials;
 - use materials and landscaping that will complement the setting of the development;
 - demonstrate sustainable use of resources;
 - protect the amenity enjoyed by neighbouring properties and all proposals will be designed to help create environments that can be enjoyed by everyone; and
 - be in accordance with the design standards and palette of materials as set out in the Sustainable Design Guide.
38. Policy 18 – Developer Contributions : Development which gives rise to a need to increase or improve public services, facilities or infrastructure, or mitigate adverse effects, will require the developer to make a fair and reasonable contribution in case or kind towards the additional costs or requirements.
39. Policy 19 – Contributions to affordable housing : The affordable housing policy is intended to ensure the delivery of a wide range of housing options to a wide range of households in the Park. Policy 19 requires that developments of three or more dwellings will be required to incorporate a proportion of the total number of units as affordable. Developments solely for affordable housing will be considered favourably.
40. Policy 20 – Housing developments within settlements : The policy advises that new housing should be contained within the identified settlement boundaries. Housing proposals within the settlement boundaries will be considered favourably where the development (a) occurs within an allocated site identified within the proposals' maps; or (b) is compatible with existing and adjacent land uses, and comprises infilling, conversion, small scale development, the use of derelict or underused land or the redevelopment of land. All housing proposals are required to reinforce and enhance the character of the settlement, and accommodate appropriate amenity space, and parking and access arrangements within the development.
41. In text supporting Policy 20 a range of expectations are referred to. The development of housing in settlements is expected to reinforce and enhance the character of the settlement; should not have any adverse impact on the features of the natural or cultural heritage importance within the settlement; should not result in the loss of amenity of surrounding land uses; and development should provide a range of house sizes to reflect the needs of the community of the Park. Para. 4.54 of the Plan states that the principle of

achieving a sustainable balance of houses sizes will apply to both affordable housing and open market housing.

42. Grantown on Spey is identified as a strategic settlement within the settlement hierarchy in the CNP Local Plan and it is also recognised as the main settlement within the Cairngorms National Park Plan. The subject site is within the settlement boundary and is 'white land' which means that no specific land use allocation has been assigned to it. As a result a variety of uses are open to consideration.

Supplementary Planning Guidance

43. In addition to the adoption of the Cairngorms National Park Local Plan (2010) on 29th October 2010, a number of Supplementary Planning Guidance documents were also adopted.

Sustainable Design Guide

44. The guide highlights the fact that the unique nature and special quality of the Cairngorms National Park and the consequent desire to conserve and enhance this distinctive character. The guidance has at its core the traditional approach to design which aims to deliver buildings which provide a resource efficient, comfortable and flexible living environment. The **Sustainable Design Guide** requires the submission of a Sustainable Design Statement with planning applications. It is intended that applicants would use the Sustainable Design Statement to demonstrate how standards set out in the Sustainable Design Checklist will be achieved.
45. One of the key sustainable design principles referred to in the document is that "future development in the Park should be sensitively located, reflect existing development pattern and setting, and respect the natural and cultural heritage of the Park." Developments are also required to reflect traditional materials and workmanship, and take on board innovation, contemporary design and the emergence of modern methods of construction.

Developer Contributions SPG

46. The SPG on **Developer Contributions** sets out the framework for the provision of contributions per development. It sets out various payment mechanisms and states that the applicant may opt to remit the full amount due prior to the issuing of the planning permission. This course of action is widely used where the cost of putting in place a legal agreement is disproportionate to the planning gain contribution required.

Natural Heritage SPG

47. The guidance sets out how the natural heritage of the National Park will be taken into account when considering development proposals. Section 5.0 sets out the information that applicants are required to provide in support of a proposal, including :
- A description of the natural heritage of the site;
 - An assessment of the effect of the proposal on the natural heritage of the area; and
 - If there are adverse effects, details would also be required of mitigation and compensation proposals.

CONSULTATIONS

48. The proposal was considered by Highland Council's **TEC Services** and a number of concerns have been raised in relation to road safety and the free flow of traffic. One of the main issues raised is that the existing substandard access from the public road is proposed to serve the new development. Due to the existence of the two buildings either side of the access, only a substandard access arrangement can be achieved in terms of geometry. It would also be lacking in pedestrian provision, with the result that manoeuvres from the public road would result in conflict and give rise to safety concerns.
49. **TEC Services** also raise concerns that the proposed development would generate an increase in demand for on street parking, as the proposal involves the removal of existing hotel car parking on the subject site. The consultation response mentions that complaints have previously been received from residents in the surrounding area regarding limited parking at the Garth Hotel. **TEC Services** clearly state that the proposed development would "undoubtedly exacerbate these problems." Any development proposed on the site would be expected to include parking provision for the new development and also the existing hotel and should meet the parking standard requirements of Council Guidelines.²
50. A further point of concern is raised in relation to the access geometry and manoeuvrability for service vehicles at the access and within the site, stating that it is substandard, with the details on the indicative plan appearing to suggest that service vehicles would not be able to readily enter and leave the proposed site in forward gear as a result of the scale of development. The consultation response from **TEC Services** concludes that it is not possible to recommend approval of the application in the interests of road safety and the free flow of traffic.

² Council Guidelines as detailed in Roads and Transport Guidelines for New Developments Consultation Draft, November 2010.



Fig. 8 : Castle Rd. access



Fig. 9 : Access, as viewed from site

51. Highland Council's **Contaminated Land** section considered the proposal and recommended that the applicant either (a) provide a written summary of the history of the site and if the previous use of the site is confirmed as potentially contaminative, a land contamination assessment may be required or (b) in the event that no information is provided, a condition should be applied in the event of the granting of planning permission, requiring that a scheme to deal with potential contamination on site be submitted and agreed prior to the commencement of development.
52. The response from Highland Council's **Conservation Officer** refers to the currently identified site boundaries and its relationship with Gladstone House, which is a Category C(s) Listed Building. First edition Ordnance Survey maps show that four buildings, including Gladstone House and separate cottages to the rear, all shared a single amenity space. As such the boundary walls and remains of buildings are considered to be curtilage and the area of garden ground which is the subject of the current planning application is historically the amenity space associated with the listed buildings and is therefore considered to be part of the historic curtilage of the listed building.
53. The **Conservation Officer** advises that the development proposals will need to address the issue of curtilage. Reference is also made to publicly available information in relation to the submission of planning applications, which requires where there are potential impacts on listed buildings and in conservation areas, a submission must include sufficient information to explain the potential impacts and make clear how the historical context has influenced the design. The **Conservation Officer** states that this information is essential, despite not being included as standard in PIP applications.
54. In addition to the general points raised in the consultation response, the Conservation Officer also highlights a number of specific points of concern in relation to the current proposal, including
- (i) The amount of development proposed – the development density is considered excessive for a small site in a Conservation Area and partially within the curtilage of a listed building. Due to the number of units proposed, the development cannot respond to the local context and will not respond to the grain, scale and proportions of the established built environment within the conservation area. As such the development proposal is “likely to result in a form of development which is detrimental to the setting of the listed building and will neither preserve

- nor enhance the character or appearance of the designated conservation area;”
- (ii) The development proposal is likely to impact on trees within the Conservation Area. Reference is made to trees in a Conservation Area being protected and their positive contribution to the character and appearance in the historic environment being widely acknowledged; and
 - (iii) The need to ensure that any development on the site is clearly linked to addressing the needs of the listed buildings and that consideration should only be given to the proposal on that basis. It is recommended that the application is linked³ to the current application for Listed Building Consent at Gladstone House (CNPA ref. no. 2011/402/LBC refers) and that “unless there are exceptional benefits for the listed building it would not be considered acceptable in principle to allow the curtilage ground of the listed buildings to be independently developed.”
55. The response from the **Conservation Officer** concludes that the fundamental principles of the current submission are difficult to support in both historic environment and urban design terms.
56. The consultation response from **Grantown on Spey and Vicinity Community Council** indicates a unanimous objection to the planning application and sets out five reasons –
- (i) Location within the town’s Conservation Area, with the woodland setting being important for amenity. The proposal would involve tree felling and root disturbance;
 - (ii) The proposal represents over-development and the blocks of flats are out of character with the site and neighbouring properties;
 - (iii) The proximity of the proposed blocks of flats to the site boundary, the overlooking of neighbouring properties and associated concerns regarding intrusiveness and loss of privacy and light;
 - (iv) The sub-standard nature of the proposed access arrangement, with visibility obstructed by The Garth and Gladstone House buildings. Concerns are raised regarding traffic congestion and problems for service vehicles; and
 - (v) The quiet and wooded nature of the site and its use by wildlife, including birds and squirrels in particular.
57. **Planning Gain** officials considered the proposal and have advised of an expectation that 5 of the units proposed on the site would be delivered as affordable housing. Developer contributions would also be required in respect of “community / sport / recreation / library” facilities.
58. In a response from the CNPA’s **Economic Development Section**, the proposal has been considered in relation to economic development and tourism interests. It is considered that the proposal would have an impact on economic development, with potential impacts being identified as a reduction in car parking space for hotel residents, the impact on hotel customers’

³ Reference is made in the consultation response to the potential use of a Section 75 legal agreement to link the proposals.

experiences during the construction phase and the impact on the amenity of the hotel due to overdevelopment of the adjacent grounds and the loss of garden ground. The response includes a number of suggestions in order to address the potential impacts. Suggestions include a reduction in the number of units, retaining more outside space for hotel residents, retaining views and amenity for the benefit of customer experience, and making specific provision on site for hotel customer car parking.

59. The CNPA's **Landscape Advisor** considered the landscape impacts of the proposal. The response highlights the importance of trees within the settlement, particularly in terms of amenity and contributing to the character of the place. The removal of large trees and the insertion of substantial built development into the area behind the Garth Hotel is described as running the risk of severely weakening the contribution of this area to the wider townscape, the Conservation Area and the general amenity of Grantown's main street. The Landscape Advisor comments that "the landscape and visual impact resulting from the proposed new-build development when combined with the loss of tree cover will create an impact that is likely to be adverse and significant."
60. The response also notes that any potential to mitigate the impact is entirely dependent on the layout, density and design (especially mass and form) of the buildings, the associated landscaping and the likely level of pedestrian and vehicular activity in the general area. In the absence of such detailed information, a precautionary approach is recommended.
61. The response from the CNPA's **Ecology Officer** highlights issues of concern regarding the potential presence of squirrel dreys and the loss of mature trees on the site. Reference is made to the squirrel survey which was submitted in support of the development proposal and which indicates the presence of a squirrel drey in the north west corner of the site. It is advised that a further squirrel survey should be undertaken immediately prior to any tree felling and in the event of dreys being present that Scottish Natural Heritage should be contacted regarding obtaining a licence to disturb. The Ecology Officer also advises that no felling should be undertaken during the bird breeding season and that measures should be introduced to enhance the site, in order to comply with the first aim of the National Park. Suggested measures include the provision of bat and swift boxes within the buildings and the provision of native planting throughout the site. On the subject of planting, reference is made to advice given during the course of pre-application discussions in which it was specified that compensatory planting would be required, although no details have been submitted with the current planning application.

REPRESENTATIONS

62. The planning application was advertised in the Strathspey and Badenoch Herald on 14th December 2011. Five representations have been received, all of which object to the development proposal, including a representation from a solicitor acting on behalf of six residents in the surrounding area. Issues raised in the letters of representation include :
- Lack of compliance with planning policy;
 - No material consideration to justify a departure from planning policy;
 - Excessive scale of development;
 - The proposal is out of keeping with the local vernacular of this part of Grantown on Spey;
 - Traffic safety and traffic congestion concerns;
 - Substandard nature of the proposed access arrangement and reference to the increased level of traffic and pattern of usage likely to occur;
 - The development site being an important corridor habitat for red squirrels and also being an important biodiversity site;
 - Lack of consultation in any 'real way' with local residents;
 - The listed status of the adjacent Gladstone House and the fact that the listing extends to part of the area at the Garth Hotel;
 - Concerns regarding the loss of trees;
 - Failure to preserve the special character and appearance of the Grantown on Spey Conservation Area; and
 - Impact on the privacy of surrounding properties.

APPRAISAL

63. There are a variety of factors to consider in assessing the development proposal. Considerations include the principle of development in this location; the level and nature of development proposed; the impact of the development on neighbouring properties and the wider area; natural heritage implications; cultural heritage implications, including consideration of the location of the site within the Grantown on Spey Conservation Area and consideration of the relationship of the site with Gladstone House, as a Listed Building; infrastructure issues; economic development implications; and compliance with planning policy.

Principle

64. The subject site is located on 'white land' within the settlement of Grantown on Spey and as such, residential development is a potentially acceptable use, and is compatible with existing land uses in the vicinity. The issues to consider are therefore site specific, focussing on the level of development, and the nature of the layout proposed and the lack of design detail in this application for Planning Permission in Principle.

Layout, Overdevelopment and Impact on Neighbouring Properties

65. The proposed site is sufficient in size to accommodate some level of residential development. The level of development identified on the site plan fails to acknowledge the constraints of the site. Constraints include the physical characteristics of the site such as the woodland area in the south west which forms a pleasant backdrop to the public park on Castle Road, the wide variation in ground levels throughout the site, the substandard access arrangement and the position of the site within the Conservation Area.
66. As an application for Planning in Principle, the level of information provided is limited, and is generally confined to a site layout plan and accompanying information on trees and other ecological matters. The plan shows a total of 20 units on the site (predominantly flats). The basic footprint of the structures are identified on the plan but are not supported by any accompanying information on the envisaged design concept, or details such as the number of storeys in any structure, the floor area of the proposed units or the number of bedrooms proposed. The site plan in itself is useful in understanding the relationship of the proposed new structures with existing properties, including the hotel and surrounding residential properties. The two blocks of flats proposed in the northern area of the site would be positioned extremely close to the northern site boundary, with a separation distance of approximately 3 metres. The boundary is demarcated in part by a substantial stone wall, which was most likely associated with the original curtilage of Gladstone House. The remainder of the boundary, which is contiguous to the grounds of a residential property known as Dalraddy, is demarcated by more recently erected timber fencing.
67. Despite the absence of any design detail it is reasonable to assume that the accommodation of 6 flats within each of the two blocks would result in multiple storey accommodation. In conjunction with the orientation of the structures and their close proximity to the northern boundary the layout would have the potential to result in overlooking and could have an adverse impact on the amenity of neighbouring properties.
68. In addition, there is also a need to consider the amenity of potential future residents of the development. The proximity of the proposed structures to the boundary wall is likely to have an adverse impact on ground floor accommodation, with the rear elevations being deprived of appropriate levels of natural light or requiring a design response which avoids the introduction of window or door openings in this elevation. The extent of open space available to serve the proposed blocks of flats in the northern area of the site is also extremely limited. The proposed location of the two blocks of flats is curtailed by the necessary access arrangements to the south and the site boundary to the north. All of these factors result in the extent of communal open space being confined to areas of incidental ground – strips of open ground to the east of each block and a slightly larger area (approximately 10 x 21 metres) in the north western corner. While it could be argued that other areas of the site could be available to residents of the 12 flats proposed in the northern area of the site, such areas would not be centrally located or easily accessible and would require residents to negotiate a relatively high density car parking area.

The combination of issues arising from the level of development proposed in this area of the site are all clear indications that the proposal represents a significant level of overdevelopment.



Fig. 10 : Extract from proposed site layout



Figs. 11 and 12 – existing boundary treatments on the northern boundary of the proposed site

69. In terms of the two proposed semi detached dwellings within the existing lawned area of the hotel grounds, the lack of design detail again presents difficulties in considering whether or not this area of the site is capable of accommodating this type of development. The physical space available suggests that two dwellings could potentially be accommodated in conjunction with the provision of adequate levels of private open space, on site car parking and access arrangements. The separation distance between the proposed semi detached blocks on the site and neighbouring properties on Mossie Road is acceptable and exceeds the accepted minimum standards. Despite this however, the full impact of the development on neighbouring properties cannot be established in the absence of design details. Ground levels are marginally higher in this area relative to lands to the northwest and west of the site. Consequently dwelling house designs with upper floor accommodation could potentially give rise to overlooking and adversely impact on the residential amenity of neighbouring properties.

Landscape and Natural Heritage Impacts

70. The proliferation of mature trees and the woodland qualities of the land in the southern area of the subject site are key features. This area makes an important contribution to the amenity and character of the place, as highlighted in the consultation response from the CNPA's Landscape Advisor. The site plan illustrates the proximity of the proposed new structures to the existing trees on the site, and it is evident that the development would necessitate the removal of large trees. The loss of tree cover would result in a significant change to the natural qualities and wooded character of this area of the settlement and would significantly alter the backdrop to the public park as viewed from Castle Road.
71. Given the changes in ground levels across the site, with the southern area being significantly lower lying, it may offer some opportunities to discreetly position new structures, subject to appropriate measures to mitigate any negative impacts. The effectiveness of measures could only be assessed as part of a comprehensive submission demonstrating an appropriate layout, density, detailed building design and comprehensive landscaping proposals. The need for a comprehensive submission is an expectation that applies to the development proposal across the entire site area.

Lack of Supporting Information

72. Earlier sections of this report set out the variety of complexities associated with the subject site, including the location within a Conservation Area. CNP Local Plan (2010) Policy 10 - Conservation Areas clearly highlights the importance of detail in assessing design matters, stating that "outline planning applications will not be considered appropriate for developments in conservation areas." The current application for Planning Permission in Principle (formerly referred to as Outline Planning) clearly contravenes Policy 10 of the Local Plan. In addition, the lack of a design statement to support the proposal is further evidence of the lack of compliance with Policy 16 – Design Standards for Development, which clearly sets out the requirement for a design statement. Reliance on the site plan as a means of justifying the proposal or demonstrating compliance with planning policy is entirely inadequate.
73. Due to the lack of information on whether or not any of the proposed residential units would be provided as affordable housing, it is not possible to conclude that the proposals would comply with CNP Local Plan requirements as expressed in Policy 19 – Contributions to Affordable Housing. The absence of information on this aspect also renders it difficult to establish whether or not the development would assist in delivering the strategic objectives of the Cairngorms National Park Plan such as securing greater access to affordable housing across the Park and increasing the accessibility of rented and owned housing to meet the needs of communities throughout the Park.

Access

74. The only area of the site which is contiguous to the public road is the access point onto Castle Road. The access is approximately 7.5 metres wide and due to the fact that it is corralled by the gable of The Garth Hotel to the south and the gable of Gladstone House to the north, there is no means available to improve the access provision at this point. In addition to serving the proposed new residential development, it would also continue to provide service access to the rear of The Garth Hotel and also provide vehicular access to the rear of Gladstone House. The advice from Highland Council's TEC Services, as detailed in paragraphs 48 – 50, is unambiguous. The difficulties associated with the access arrangements are explicitly listed and clear advice has been provided that it is not possible to recommend approval of the proposal in the interests of road safety and the free flow of traffic.

Economic Development impacts

75. The Garth Hotel and a limited area of ground to the rear and side of the building have been excluded from the development site. The majority of land on which the development is proposed is generally available at present as garden ground and car parking for hotel guests. The proposed layout would reduce the hotel garden ground to a marginal area on the southern side of the building and a small area to the rear. Given that the latter is located adjacent to an identified hotel 'service zone' it is likely that this area would provide limited amenity for guests. The proposal would also result in the removal of on site car parking provision for hotel guests and no details have been provided to explain where how the car parking requirements of hotel guests would be accommodated in the future.
76. The extent of car parking proposed on the development site would meet minimum standards required to serve the residential development (a minimum of 1.5 spaces per unit) but would not offer any spare capacity to accommodate hotel guests. The potential adverse impacts of resulting from the loss of garden ground and on site car parking provision is a point of concern which has been highlighted in the response from the CNPA's Economic Development section.

Impact on the setting of the Listed Building

77. The landownership plan provided with the application indicates that Gladstone House is within the same ownership as The Garth Hotel and the subject site. The applicant has however chosen to separate Gladstone House and a small area of ground at the rear of that property from the subject site. Details have been provided in paragraph 9 about separate applications pertaining to Gladstone House. While separate applications may have been made for practical reasons as they involve two very distinct elements of development (with one being a new residential development while the other essentially concerns the refurbishment of a Listed Building), it has nonetheless resulted in a situation where the site boundaries associated with the current residential development proposal encroach on the original curtilage of the Listed Building. The proposed development could therefore have a detrimental impact on the setting of the Listed Building.

Pre-application discussions

78. CNPA planning officials first engaged in pre-application discussions about the subject site in September 2010. The initial proposals put forward for discussion at that time involved a development of 30 residential units, as well as a possible hotel extension on the site. CNPA officials provided comment on the proposals.⁴ While accepting that the site presented potential opportunities to accommodate some level of development, advice was also provided on applicable planning policy, the importance of an appropriate design concept, potential access difficulties, the impact of development on the natural and cultural heritage interests, and its location within Grantown on Spey Conservation Area. Concern was specifically expressed about the excessive level of development. Further pre-application discussions took place following a reduction in the number of units to 26 units before the submission of the current application for 20 residential units. The advice from the CNPA throughout the process has continued to highlight the earlier issues and the failure of the proposal, even when reducing the number of units proposed, to adequately respond to the issues raised and advice given.

Conclusion

79. The location and extent of land available at the subject site renders it capable of accommodating some residential development. This basic principle has never been in dispute throughout the course of pre-applications discussions. It is accepted that national level planning policy through to Structure Plan and Local Plan policy all broadly support the provision of housing within settlements. It is however the scale of development in the current proposal that renders it unacceptable. Housing is recognised as having a major impact on the standard of the environment. The proposed level of development is excessive site is incapable of accommodating it without giving rise to significant adverse impacts on the Conservation Area, on the existing character and setting, on the amenity of neighbouring properties and potentially on the operation of The Garth Hotel. As such the proposal fails to comply with a wide range of CNP Local Plan policies including in particular Policy 10 – Conservation Areas and Policy 16 – Design Standards for Development. It also fails to demonstrate compliance with the requirements of the CNP Sustainable Design Guide.
80. The development proposal, and the basic nature of the details provided in this application for Planning Permission in Principle (rather than a comprehensive proposal for Planning Permission), all fail to provide a sufficient response to the unique sense of place and the character of the landscape. In this respect the development proposal fails to have regard to PAN 44 – Fitting New Housing Development into the Landscape. The absence of any information on design renders it impossible to conclude that the proposal would deliver a distinctive, safe and pleasant housing development and as such it cannot be considered compliant with PAN 67 - Housing Quality. The details provided fail to demonstrate that the proposal would reinforce and enhance the character of the settlement and consequently offend Structure Plan Policy L4 – Landscape

⁴ The pre-application advice included planning advice and also conveyed the views of CNPA internal advisors on landscape, ecology and economic development.

Character and CNP Local Plan Policy 6 - Landscape. The site layout displays a deficiency in providing an appropriate level of amenity space for prospective residents and access arrangements are also unacceptable. Based on all of the foregoing, the development proposal fails to comply with CNP Local Plan Policy 20 - Housing Development within Settlements.

IMPLICATIONS FOR THE AIMS OF THE NATIONAL PARK

Conserve and Enhance the Natural and Cultural Heritage of the Area

81. The proposed development would necessitate the felling of mature trees within the subject site. The works would erode the wooded character and natural heritage value of the area, and would also have the potential to endanger protected species and negatively impact on the biodiversity of the area. The development would therefore fail to conserve or enhance the natural heritage of the area.
82. The proposed site is located within the Grantown on Spey Conservation Area. The identified site also incorporates an area of land which was traditionally part of the curtilage of the Category C(s) Listed Building (Gladstone House). The proposed scale of development and the site layout is incompatible with the character of the Conservation Area and with the general pattern of development in the immediate vicinity. The proposal would fail to conserve or enhance the cultural heritage of the area and would also impact negatively on the historic setting of the Listed Building.

Promote Sustainable Use of Natural Resources

83. As an application for Planning Permission in Principle, the details accompanying the proposal are limited and do not provide any indication of how the development would contribute to the achievement of this aim.

Promote Understanding and Enjoyment of the Area

84. The proposal involves a significant level of development on a relatively confined site within the Grantown on Spey Conservation Area. In addition to the loss of the woodland character in this area arising from the felling of mature trees and the imposition of a significant amount of new structures, the proposal would also result in the loss of the existing car parking and garden grounds associated with the Garth Hotel.

Promote Sustainable Economic and Social Development of the Area

85. The proposed development would result in a reduction in the amenities associated with the Garth Hotel, including a loss of on site car parking and hotel garden ground. The overall impacts of the proposal could impact negatively on the amenity of the hotel and consequently its contribution to the economic development of the area.
86. The scale of development and the proposed layout is also likely to impact on the residential amenity of existing properties in the surrounding area and as such would fail to promote the sustainable social development of the area.

RECOMMENDATION

That Members of the Committee support a recommendation to REFUSE planning permission in principle for the erection of 18 flats and 2 no. semi-detached houses (20 units in total) on land at The Garth, 21-23 Castle Road, Grantown on Spey, for the following reasons :

1. The level of development proposed is excessive and represents an overdevelopment of the site. The development would fail to deliver an appropriate level of private open space to serve the level of residential units proposed, would result in an excessive dominance of car parking, access and hard surfacing on the site, and would result in the introduction of structures in positions on the site which would have the potential to impact on the privacy of existing properties in the vicinity and adversely impact the amenity of neighbouring properties. The development would disrupt the general pattern and density of development in the locality. The development fails to comply with the requirements of Policy 20 (Housing Development within settlements) of the CNP Local Plan which requires housing proposals to reinforce and enhance the character of the settlement and expects that development should not have an adverse impact on the features of natural or cultural heritage importance within the settlement.
2. Due to the position of some of the residential units identified on the indicative site plan, and the likelihood of upper floor accommodation within a number of the structures, the proposed development has the potential to adversely impact on existing properties to the north west and south west of the site. As such, the development is considered to have an adverse impact on the privacy and residential amenity of properties in the vicinity, represents overdevelopment of the site and fails to comply with Policy 16 (Design Standards for Development) of the Cairngorms National Park Local Plan 2010.
3. The development fails to comply with Highland Council Structure Plan Policy G2 (Design for Sustainability) which requires that developments demonstrate sensitive siting and high quality design in keeping with local character and historic and natural environments.
4. The access arrangements are substandard, lack appropriate pedestrian provision and would give rise to manoeuvres from the public road that would result in conflict. The substandard access arrangement would also hinder the ability of service vehicles to enter and leave the site in forward gear. The development would therefore endanger public safety and would not be in the interests of road safety and the free flow of traffic.
5. The development would result in the loss of the existing on site car parking facilities to serve The Garth Hotel. The loss of this facility, in conjunction with the likely increased in demand for car parking that would be generated by a residential development of the scale proposed has the potential to give rise to traffic congestion and adversely affect the public safety of road users in the vicinity.

6. The identified site boundaries encroach on land which is part of the original curtilage of Gladstone House as a Category C(s) Listed Building and proposed the erection of one of the flatted structures in close proximity to the rear of the Listed Building. The development would be detrimental to the setting of the Listed Building and fail to comply with the first aim of the Cairngorms National Park which includes conserving and enhancing the cultural heritage of the area.
7. An application for Planning Permission in Principle is unacceptable and lacks sufficient detail to address design issues which require consideration for a site in a Conservation Area. The proposal for Planning Permission in Principle contravenes Policy 10 – Conservation Areas of the CNP Local Plan (2010) which specifically states that “outline planning applications will not be considered appropriate for developments in Conservation Areas.”
8. The development would result in the loss of mature trees on the site. The development would give rise to adverse visual and landscape impacts due to the introduction of new build development and the associated loss of tree coverage. The development is contrary to Policy 6 – Landscape of the CNP Local Plan (2010) as it would not complement and enhance the landscape character of the Park or the setting of the proposed development. Consequently the development would also fail to accord with the first aim of the Cairngorms National Park as it would not conserve and enhance the natural heritage of the area.
9. The lack of supporting detail, such as a Design Statement, fails to demonstrate compliance with fundamental sustainable design principles as expressed in the Cairngorm National Park Sustainable Design Guide. It has not been demonstrated that the development would conserve or enhance the character of the National Park; use resources efficiently; minimise the environmental impact of the development; or enhance the viability of the community

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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.