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## CAIRNGORMS NATIONAL PARK AUTHORITY

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

**Prepared by:** ANDREW TAIT, PLANNING OFFICER  
(DEVELOPMENT CONTROL)

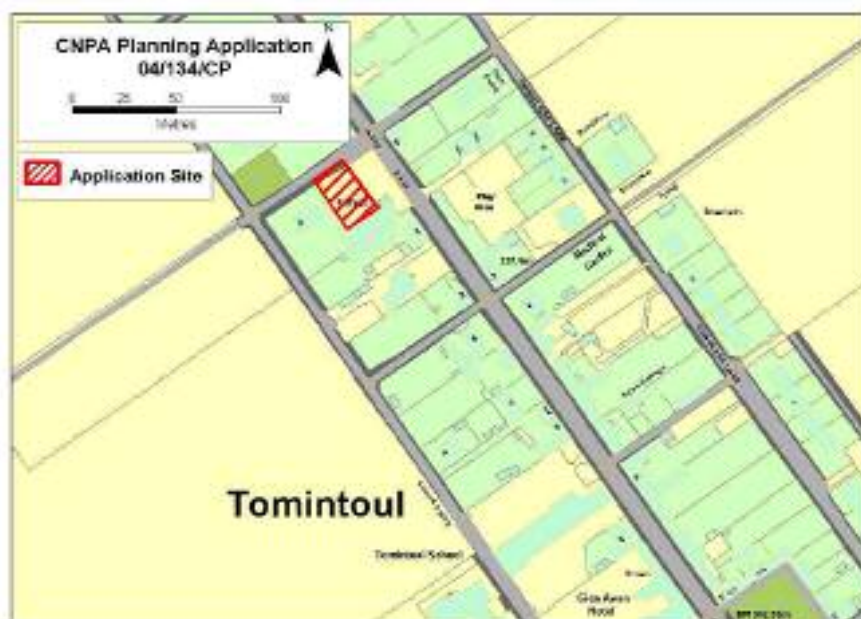
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**DEVELOPMENT PROPOSED:** ERECTION OF NEW DWELLINGHOUSE  
AT 57 MAIN STREET, TOMINTOUL

**REFERENCE:** 04/134/CP

**APPLICANT:** MR J MCHARDY, PER BRIAN TAYLOR,  
BRIDGEND COTTAGE, BRIDGE OF  
BROWN, TOMINTOUL

**DATE CALLED-IN:** 26 MARCH 2004



**Fig. 1 - Location Plan**

## SITE DESCRIPTION AND PROPOSAL

1. The application site is part of the current garage workshop premises that front on to Main Street in Tomintoul. The applicant is proposing to divide the existing feu and erect a new house on part of the site, with the house fronting onto a lane that connects Main Street with Coult's Drive (which runs parallel to Main Street on its south side). A relatively new house (granted detailed approval in 1989) is located between the proposed house site and Coult's Drive, and a slatted timber fence exists along the mutual boundary with that site. A small tree is located in the eastern corner of the application site.
2. The application states that 57 Main Street is a disused garage site, however the application plans indicate a workshop and forecourt area remaining on the Main Street frontage of 57 Main Street Tomintoul.
3. Access to the site will be taken from the lane, and the rear boundary of this application site consists of several walls of the garage workshop building itself. The application site boundary nearest Main Street is set back from the street frontage by approximately 11 metres, leaving a concrete forecourt area associated with the garage workshop business site. The garage business formerly had a petrol station service, but this has now been discontinued. The workshop building is partly a pitched roof construction with a flat roofed extension to the side and a nissen type extension to the rear. This rear extension of the garage workshop has a series of windows located on the proposed house site's rear boundary.

## DEVELOPMENT PLAN CONTEXT

4. In the **Moray Local Plan**, Policy L/H4 covers Infill and Brownfield Housing, and this policy indicates that approval will normally be granted for change of use or redevelopment of vacant property for residential use provided that the location can provide a satisfactory living environment. Policy L/H5, Sub-Division for House Plots requires new houses to be a suitable distance away from the nearest building to allow it to fit comfortably within the character of the area. There are guidance (minimum) figures for the size of plot, the building plot ratio, and the distance of main windows from boundaries for new houses. Policy L/IMP1, Development in Built-up Areas states that a proposal for development should not harm the general character of the surrounding area. Account needs to be taken of the main uses of land and buildings in the vicinity, the mix of such uses and the architectural quality of the area, to ensure that development proposals neither conflict with nor detract from the character, amenity and design of an area.
5. The site lies within the settlement of Tomintoul and in the Moray Local Plan 2000, there is no specific designation for this site. In the Local Plan there is a considerable strip of land along the western frontage of Coult's Drive identified for new housing development (R2 Backland Development Areas).

6. PAN56 Planning and Noise draws attention to the fact that activities that generate high levels of noise can be difficult to reconcile with noise sensitive land uses like housing. The juxtaposition of incompatible uses can cause problems for the occupiers of the old and the new developments. Planning authorities need to pay careful attention to noise issues in determining planning applications, and should try as a matter of good practice to keep a suitable distance between noise sensitive development and established businesses that generate noise.

## **CONSULTATIONS**

7. A number of consultations have been carried out and all of these are satisfactory apart from the need for the applicants to carry out Phase I and II contaminated land investigations. This is necessary as the Garage site has had underground fuel stores on this general site area, and Moray's Environmental Health Manager has requested this information be submitted. (Should significant contamination be identified, a remediation strategy will also require to be submitted detailing how Phases III and IV would be carried out.)

## **REPRESENTATIONS**

8. None received.

## **APPRAISAL**

9. The main aspects to assess for this application are firstly the appropriateness of sub-dividing this business site, and secondly the ability to develop the site for a single house that fits into the village character in terms of siting, design and infrastructure.
10. The subdivision of any site will mean that there is greater intensity of uses on the land, and less space around and between the different resulting properties. If the different properties are not similar land uses, then there is the potential for conflict. Where, as in this situation in Tomintoul, one part of the site has a garage workshop and the other (proposed) site is a residential property, there is an obvious clash of uses in terms of, for example, noise, fumes, and hours of operation. Garage workshops often involve operations such as panel beating, paint spraying, running generators and engines, and they sometimes operate long hours and at weekends. Also when a garage workshop business is downscaled in terms of its on-site storage, parking and circulation areas, there is often a tendency to overflow into neighbouring streets and lanes for parking of vehicles – customers, staff and visitors – and for vehicles to only to be able to reverse out onto the street. This would be detrimental to the amenity and safety of neighbouring property owners, largely residential, and for the character of the village. For a village-located business with a large rural hinterland there may be work carried out on a large range of vehicle types and

scales, domestic, agricultural and commercial, with the need for ample parking and manoeuvring space within the site.

11. The result therefore of such a subdivision can be the overdevelopment of the site. Subdivision of the garage site may leave the remaining business site with physical and environmental constraints that could significantly limit its future viability and use. The remaining L-shaped garage site is an extremely awkward shape for any future redevelopment, that would not appear piecemeal and out of character. Should the whole of the garage business be classified as disused, then the current proposal is clearly piecemeal, and the current garage site should be redeveloped as a whole – possibly with new buildings fronting directly onto Main Street in character with others on neighbouring sites.
12. It may be envisaged that the new house is to be occupied by the/a garage operator or owner – this has not been specified – in which case there is less likelihood of complaints from the initial occupants of the house about the operations or impacts of the business. However future occupants may not accept the same environmental impacts.
13. The existing house (approved in 1989) at the rear of the present commercial garage site has part of the garage workshop building forming part of its garden boundary. The proposed new house site would have 4 sections of walls of the garage workshop building as garden boundaries. From the submitted (outline) application plan the new house would be approximately 8.5 metres from the garage building, and 4.5 metres from the garage forecourt. The outline drawings indicate a site area and building footprint for the new house that fits the Local Plan policies in terms of minimum plot size and plot ratio, but there are no details to indicate the design of the building, or whether this footprint fits a particular house type.
14. In conclusion, whilst the physical parameters of a house footprint can be accommodated within the area of the application site currently specified, there are major constraints in terms of the overdevelopment of an existing business site, and the consequential impacts that will have on the reasonable living environment that a new residential property should have (Policies L/H4 and L/H5). The significant reduction in the external space associated with the garage workshop is a matter of concern, and it is not within the scope of this application to control the usage or operations on the garage site, to ensure that the scale of operations are not harmful to a wider area of the village in terms of overspill and traffic movements into and out of the forecourt area. New house sites have been identified in the Local Plan in the very near vicinity, which would provide more space and amenity, and would not overdevelop an important village business site.

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

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

15. This proposal is difficult to assess in these terms, as it is an outline application. However, the footprint of the proposal indicated is set back from the frontage when the historical pattern of development within Tomintoul tends to reinforce such frontages. The current footprint appears to be indicative only but in terms of benefiting the built cultural heritage of the settlement any proposal should help to reinforce the local street scene.

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

16. Not enough detailed information as yet, to be able to assess this.

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

17. Not applicable

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

18. A new house site within a settlement is the preferred option in terms of new residential development and sustainable economic and social development. However if a new house is located in such close proximity to an existing business site that it could curtail its operations (due to noise, fumes, hours of working etc), then there is an economic and social disbenefit to the local community if the business's viability is threatened, or the business is closed down.

## **RECOMMENDATION**

That Members of the Committee support a recommendation to:

### **Refuse Outline Planning Permission for a new dwellinghouse at 57 Main Street, Tomintoul, for the following reasons,**

- (i) The proposal to locate a new house in such close proximity to a vehicle workshop is considered to be detrimental to the reasonable living environment that a new residential unit can expect. The boundaries of the residential site consist of walls and some windows of the workshop, with potentially unacceptable noise, loss of privacy and other disturbance from the operations in and around the workshop building. The proposal is therefore contrary to Policies L/H4 and L/H5 of the Moray Local Plan and Pan 56 Planning and Noise.
- (ii) The proposal to subdivide an existing business site to develop a new house immediately is considered to be overdevelopment of the site, in that the significant loss of outdoor parking, storage and manoeuvring space within the

garage workshop site would be likely to lead to constraints on the operation of the business site and/or overspill from the site, all to the detriment of the amenity and character of other properties in the area, and to the viability of the garage business. The proposal is therefore contrary to Policies L/H4 and L/H5 of the Moray Local Plan.

*Andrew Tait*  
*18 June 2004*

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