
CAIRNGORMS NATIONAL PARK AUTHORITY

Title: REPORT ON CALLED-IN PLANNING APPLICATION

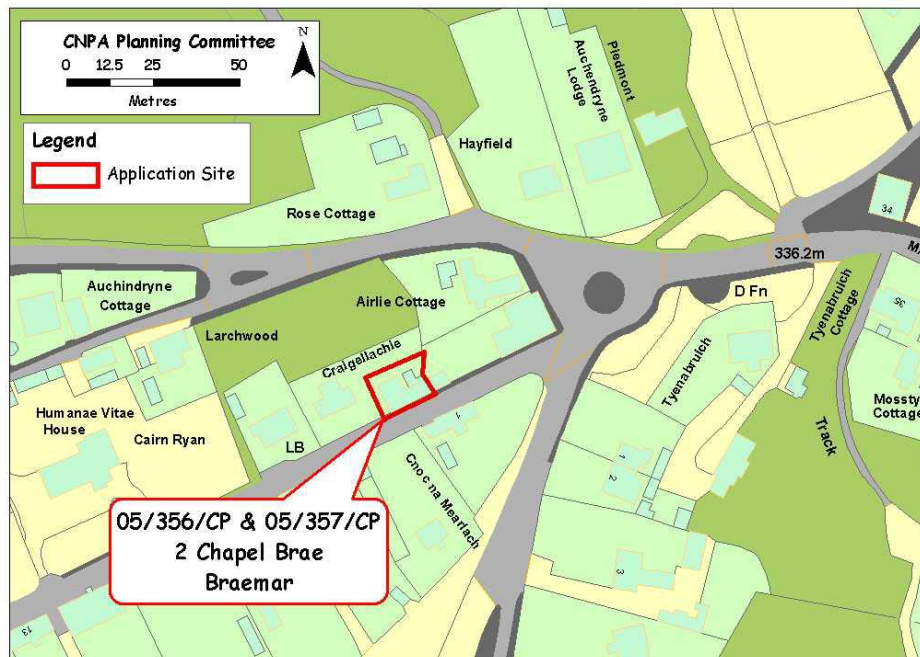
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DEVELOPMENT PROPOSED: FULL PLANNING PERMISSION AND CONSERVATION AREA CONSENT FOR DEMOLITION OF EXISTING SHOP & ERECTION OF DWELLINGHOUSE, 2 CHAPEL BRAE, BRAEMAR

REFERENCE: 05/356/CP & 05/357/CP

APPLICANT: MR. & MRS. BAXTER, 2 CHAPEL BRAE, BRAEMAR

DATE CALLED-IN: 12 AUGUST 2005



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Fig. 1 - Location Plan

SITE DESCRIPTION AND PROPOSAL

1. This site lies on the north side of Chapel Brae within the Braemar Conservation Area. On the site at present is a single storey building which sits on the heel of the road and narrow footpath. The main part of the building facing the road is harled with a pitched corrugated iron roof. Timber clad additions have been constructed to the rear of the building. The premises accommodated a newsagents shop and then for a period of time it was used as a gallery. The building has been vacant since approximately the middle of 2004. The area is generally residential in character with houses across the road to the south and up Chapel Brae to the west. Directly behind the existing building, at a higher level, is part of the garden ground of the traditional detached villa sited to the immediate west side. Adjoining the existing building to the east side is an outbuilding within the grounds of "Airlie House" and the "Taste" Restaurant. Aberdeenshire Council granted planning permission for the conversion and extension of this outbuilding to form ancillary residential accommodation in June 2005. Works have not started on this project yet.



Front



Rear

2. The proposal is to demolish the existing building and construct, in its place, a 3-bedroomed, one and a half storey dwellinghouse. The proposed house is to be built on the edge of the footpath/road but will be detached from the adjoining outbuilding on the east side. The applicants have purchased a strip of additional garden land to the rear from the adjoining house owners in order to create more amenity space. The house is traditional in character and appearance with two canted dormers and a symmetrical front elevation with central door. Finishing materials are slate, grey wet dash harling and white painted timber framed sash and case look-alike windows. Further to concerns about the proposed vehicular access to the site, the applicants have removed their proposals to form any vehicular access to or parking within the proposed curtilage. Parking would therefore be on Chapel Brae. Garden space is therefore provided to the west side of the house

and to the rear. A retaining wall with timber fence is proposed on the rear boundary.

3. The applicants have stated that it is their intention to replace this decaying property with a small low maintenance cottage which can be let out for holiday lets (a week at a time) for most of the year for the foreseeable future in order to make the new build pay for itself, with occasional mainly weekend usage by themselves. In the longer term, the applicants would consider retiring to this property and living there permanently but this would be at least 15 years away.
4. The application is accompanied by a structural survey report from a qualified structural engineer. This states that the building was constructed around 1900. It states that the floor requires to be removed and replaced (no under floor ventilation with severe undulations in level) and the external timber stud walls require extensive replacement of decaying areas and insertion of a damp proof course. In addition, the corrugate iron roof cladding is not fit for further service and requires removal and replacement and the existing retaining wall at the rear requires a membrane inserted to prevent ingress of moisture. The rainwater system also requires replacement. The report concludes that the building falls far short of current standards not only with respect to the structure, but also with regard to thermal insulation, daylighting and fire resistance. The cost of repair, and replacement of much of the structure and refurbishment to current standards could not be justified economically and the engineer suggest that it should be demolished and replaced with a suitable building.

DEVELOPMENT PLAN CONTEXT

5. **Aberdeen and Aberdeenshire Structure Plan 2001 (NEST), Policy 11 (General Housing Considerations)** states that housing developments should respect all relevant planning policies and, amongst other things; make a contribution to sustaining the community in which they are located through sensitive siting, good quality design and the use of appropriate densities; take account of the availability of infrastructure, services and facilities and; direct housing preferentially to brownfield sites within settlements. There is no limit to the contribution to the housing land supply from brownfield developments within settlements. **Policy 20 (Built Heritage and Archaeology)** states that the built heritage of the North East will be conserved and promoted as a valuable non-renewable resource. Local Plan policies should seek to protect and enhance conservation areas.
6. In the **Finalised Aberdeenshire Local Plan, Policy Env\17 (Conservation Areas)** states that conservation areas shall be protected against development, including change of use, that would have a detrimental effect on their special character or setting, by the refusal of planning permission or conservation area consent. New

development must be of the highest quality, and respect and enhance the architectural and visual qualities that give rise to their actual designation. **Policy Emp1 (Allocated and Existing Employment Land)** refers in the main to allocated employment land shown on settlement maps but also to existing sites. **This policy refers though to uses within Use Classes 4 (Business), 5 (General Industrial) and 6 (Storage and Distribution) of the Use Classes Order.** There shall be a presumption in favour of retaining existing sites (greenfield or brownfield) for industry and business use. Development for non-employment uses on employment land will be refused unless the non-employment use does not prejudice the strategic employment land requirements **OR** there is a constraint on the site whereby there is no reasonable prospect of it ever becoming marketable for employment development **OR** it is poorly located for employment purposes and an alternative land use would benefit the surrounding area and community. **Policy Gen\2 (The Layout, Siting & Design of New Development)** sets out criteria for the appropriate siting and design of all new developments. **Policy Gen\4 (Infill Development)** states that development on sites within a settlement boundary without any specific notation will be approved, in principle, if the nature of the development does not erode the character or amenity of the area through over or under-development. **Appendices 1 & 4** provide detailed guidance on matters relating design in general and in Conservation Areas.

7. **For information only, the CNPA Consultative Draft Local Plan Policy 7 (Conservation Areas),** states that all conservation areas in the National Park will be protected, through the refusal of planning permission, conservation area consent or listed building consent, against works that would have a detrimental effect on their special character. All new works must respect the character of the area, through appropriate siting, design, materials and scale. **Policy 31 (Proposals for Retail/Commercial)** advises that any proposal to change the use of a retail/commercial property to another use (eg housing) will be strongly resisted, unless continued use can be proven unviable. Once a property has been converted from retail/commercial use it is most likely lost forever; potential for retail/commerce use should not be reduced within our village centres. **Policy 38 (Proposals for Housing Within Defined Settlements)** states that proposals for new permanently occupied housing development will be favourably considered within existing settlements, where either the site is zoned for housing, or where the proposal is for a single house in an unzoned area. Either way, they should have no adverse impacts on existing residential amenity, natural or cultural heritage or other land/building uses. Infill development for single houses may be acceptable, if there is no significant loss of existing residential amenity, and the proposal maintains existing density and scale. An alternative clause which could be added to Policy 38, sets out a range of criteria which applicants for new houses in settlements must comply with. These include, residing in the area for at least 3 years, working or taking up work full-time in a permanent business in the Park, elderly or

disabled persons, who reside in the Park, requiring sheltered or more suitable housing, and persons having to leave tied accommodation within the National Park. In the **Braemar & Inverey Settlement Statement** under **Housing**, it is stated that Braemar has a relatively high proportion of second homes which contributes to a smaller supply for local needs, and also tends to inflate house prices beyond the reach of those employed in the area. Housing for local people and for workers on lower incomes is therefore important to ensure Braemar continues to have a vibrant community. Under **Business/Employment** it is stated that Braemar is an important centre in the Park and as such could generate additional business opportunities. Proposals to enhance and diversify the local economy will be supported in principle.

CONSULTATIONS

8. **Braemar Community Council** have stated that they have no concerns about the loss of this former shop as a commercial property. There are mixed feelings about the demolition of the building but on a vote the Council were marginally in favour of its removal, especially if the building was deemed to be unsafe. The Council are happy with the proposed house design but are unhappy about the proposal for no on-site parking. They do not feel that this is acceptable for a new property on such a narrow road. They have also advised that there is some resentment around the village by some who had an interest in the property and were apparently told by Aberdeenshire Council's Planning Service that the site was too small for a dwelling. If the development is allowed there may be some unjustified upset.

9. The **CNPA Economic and Social Development Group** has stated that the application is about the loss of retail space to domestic dwelling, so the main economic issue is whether it is in the local interest to see this happen. Braemar has a main street with a variety of retail and business premises, including a small supermarket, butcher, hotels, café, outdoor clothing, galleries, gift shops, etc. The Mews retail units were built some years ago and provide additional retail space which was not in existence when the current building was constructed. The unit, appears to have gone through a series of changes from newsagents to gallery to disuse. It also appears that there has been no realistic attempt to sell it as a going concern. It is stated that, this could point to problems regarding its location, which is off the main thoroughfare and in a residential street. "Taste" café is the nearest commercial unit, and although it is a popular, lively business it does not naturally direct people onto the proposed site but rather forms an "end" to the retail/commercial area. Braemar is considered to be in need of extra housing, but against this the new house could become a second or holiday home. Allowing the change of use of the site in this case may skew the market, meaning other retail/commercial units become unprofitable when compared to their change of use to high-value domestic dwellings. If the argument that the proposed site lies

off the main thoroughfare is used, then other retail units beyond the Mews could also fall into this category in the future. Any further loss may affect the sustainability of Braemar as a whole. Overall, the **CNPA E&SDG's** opinion is neutral. The loss of amenity as a disused retail unit in what is a residential area is not large considering the available units existing on the Main Street and The Mews.

10. **Aberdeenshire Council's Transportation and Infrastructure Service** initially stated, when the application proposed a new vehicular access, that the existing footway along the frontage of the property is only 900mm wide. This along with the vegetation/boundary fence to the west of the proposed access would restrict visibility to the detriment of road safety. They therefore recommended refusal. Following discussion and a revisal to remove the proposed vehicular access and have parking on-street, they removed this objection. They agreed that since there is generally on-street parking available within 30m of this proposed development, there was no need to provide parking within the site.

REPRESENTATIONS

11. The application was advertised as a "Proposal Affecting the Character or Setting of a Listed Building or Conservation Area". **No representations have been received.**

APPRAISAL

12. This proposal raises issues relating to the principle of losing a former shop/commercial premises to residential use in this part of Braemar, the appropriateness of the design for the Braemar Conservation Area, and the impact of the development on neighbouring properties, amenity space provision and parking.

Loss of Shop/Commercial Use and Proposed Residential Use

13. The loss of any commercial site within a settlement is of general concern in terms of the economic sustainability of the community, especially one of the size and nature of Braemar. In this respect it is also seen as having negative implications for the fourth aim of the National Park which is to promote the sustainable economic and social development of the area's communities. The consultative draft CNPA Local Plan emphasises that in order to fulfil the terms of the Park's fourth aim, it is necessary to resist, where possible, the change of use of retail/commercial properties within the Park's settlements. **However, it must be emphasised that this policy does not carry any material weight at this stage.** Current planning policies in the Aberdeenshire Development Plans do not deliver the same emphasis and therefore

there is not any strong material planning policy justification for resisting the loss of this former shop.

14. Nevertheless, it is worth investigating the wider context. It is understood that the commercial use of the premises ceased somewhere around the middle of 2004 after the occupier of the premises moved his gallery business to Blairgowrie. The former shop use ceased some time prior to then. The current applicant bought the site in November 2004 and tried to rent the premises locally but to no avail. However, there is no evidence that it was advertised anywhere other than in local shops.
15. While there does not seem to have been any significant attempts to market the premises as a commercial opportunity, there are several factors that are important to consider. As demonstrated by the structural engineers report, the building is in need of significant works in order to sustain it in the long term for any use, commercial or not. It is also located outwith the main commercial core of Braemar in a residential area. The applicants have stated that in discussion with one local shop owner, the shop owner and others had considered the viability of buying or renting the premises but due to its location, it was not seen as commercially sustainable. The CNPA Economic and Social Development Group have raised general concern about the loss of the site to commercial uses, but have stated that the commercial core of the village logically ends at the "Taste" café at the bottom of Chapel Brae and that the loss in itself is not large in economic terms, bearing in mind the existing commercial structure in the middle of Braemar. It is also the case that the Braemar Community Council do not object to the loss of the commercial premises.
16. Taking all of this into account, I conclude that there is no significant justification for resisting the removal of the commercial use of this site. I do not see it as acting as a significant precedent for the change of use of other shops or commercial premises, particularly for any within the centre of Braemar. There may have been more justification for retention, if the building had been located more centrally, had not been lying vacant for some time, and was in a better condition. In addition, I can find no strong policy reasons for maintaining resistance on this basis. While consideration can be given to the aims of the Park, without the back-up of linked CNPA Local Plan policy, this cannot carry a significant amount of weight.

17.

IMPLICATIONS FOR THE AIMS OF THE NATIONAL PARK

Conserve and Enhance the Natural and Cultural Heritage of the Area

Promote Sustainable Use of Natural Resources

Promote Understanding and Enjoyment of the Area

Promote Sustainable Economic and Social Development of the Area

RECOMMENDATION

That Members of the Committee support a recommendation to: