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## CAIRNGORMS NATIONAL PARK AUTHORITY

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

**Prepared by: MARY GRIER (PLANNING OFFICER, DEVELOPMENT MANAGEMENT)**

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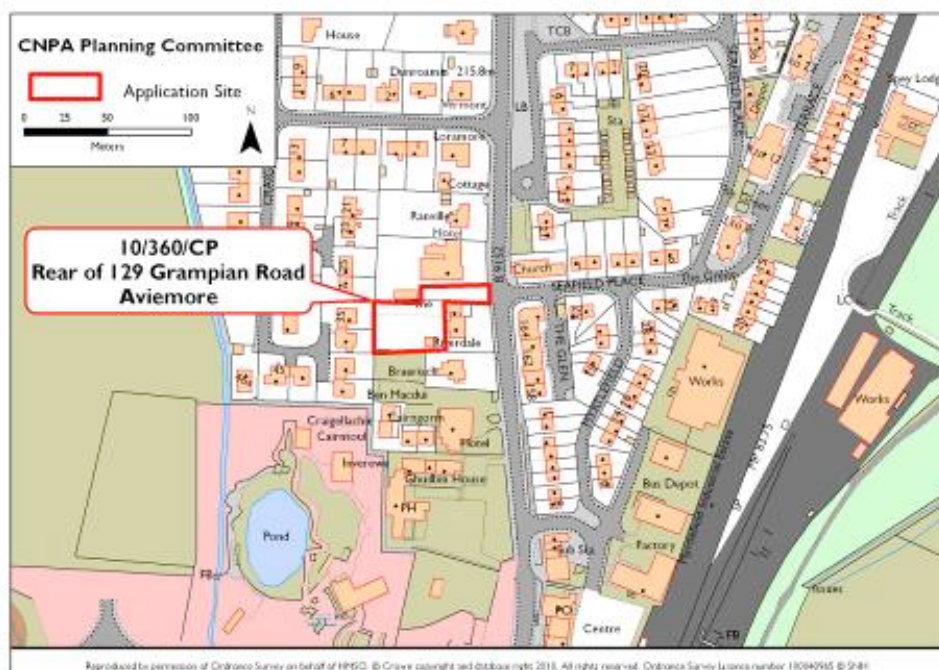
**DEVELOPMENT PROPOSED: RESIDENTIAL DEVELOPMENT; 2 NO. 4P COTTAGES (SEMI DETACHED) AND 1 NO 6P DETACHED HOUSE ON LAND TO THE REAR OF 129 GRAMPIAN ROAD, AVIEMORE.**

**REFERENCE: 10/360/CP**

**APPLICANT: MS. DOROTHY SLOAN, C/O HRI ARCHITECTS LLP, INVERNESS**

**DATE CALLED-IN: 29<sup>TH</sup> OCTOBER 2010**

**RECOMMENDATION : REFUSE**



**Fig. 1 - Location Plan**

## SITE DESCRIPTION AND PROPOSAL

1. Planning permission is sought in this application for the erection of three houses on garden ground to the rear of a property at 129 Grampian Road in Aviemore (which is known as the Shelter Stone). The identified site area is approximately 1,332 square metres and encompasses the former rear garden ground, which has been separated from the remainder of the original grounds by the erection of timber fencing. Part of the vehicular access off Grampian Road is also included within the site boundaries.<sup>1</sup> The Shelter Stone, which is the property at the front of the subject site, is a 1<sup>3</sup>/<sub>4</sub> storey traditional stone built dwelling, and is also a Category C(s) Listed Building.<sup>2</sup> The Shelter Stone premises is operated by the applicant as bed and breakfast / self catering accommodation. A single storey extension on the northern side of the building (known locally as the 'Shelter Stone' bothy) has had a variety of separate uses, the most recent of which has been an adult learning centre.<sup>3</sup>



**Fig. 2 : The Shelter Stone and bothy, with the proposed site located to the rear**

2. Shared access arrangements serve the Shelter Stone, the bothy, the property adjacent to the north (formerly the Alt na Craig Hotel, and now known as International Starters) and the proposed site. A small wooden fence has been erected approximately 16 metres in from the junction of the access with the public road, demarcating the access to the proposed site area from the car parking area serving International Starters.
3. The proposed site is substantially enclosed by timber fencing, of varying height and design, along the northern, western and eastern boundaries, with

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<sup>1</sup> 17 metres of the access drive from its junction with Grampian Road has not been included in the identified site boundaries and is denoted on the submitted drawings as being an 'existing common entrance.'

<sup>2</sup> The currently proposed site boundaries do not include The Shelter Stone or its associated car parking and front garden area.

<sup>3</sup> Learn Direct were the most recent occupants of the building.

wire fencing and vegetation on the southern boundary. There are also several mature trees in this area. Although the trees overhang the site and provide a significant level of screening, the majority are on neighbouring property. A flat roofed double garage structure is located in the south eastern corner of the site and this would be demolished to accommodate the proposed housing development.

4. In terms of neighbouring buildings, the land immediately to the south accommodates a Victorian villa<sup>4</sup> towards the front of the site. Planning permission was granted by Highland Council in 2006 in the rear garden area for the development of four holiday letting flats.<sup>5</sup> International Starters (hotel and restaurant facility) occupies the two storey building to the north of the site. A number of single storey semi detached residential properties are located in Craig-na-Gower Avenue to the rear of the proposed site. The private rear gardens of nos. 35 and 37, as well as a small portion of no. 27 adjoin the western boundary of the site, with the properties positioned approximately 11 metres from the boundary.

#### **Development Proposal**

5. A total of three dwelling houses are proposed in this current planning application, consisting of two semi detached 1 ½ storey properties and one detached 1 ½ storey dwelling. The pair of semi detached units are proposed to be located towards the rear of the site, oriented parallel to the properties in Craig-na-Gower Avenue. The semi detached units are 7 metres from the rear boundary of the subject site. Each of the dwelling units includes an open plan kitchen / dining / lounge area with a double height ceiling on the ground floor, as well as 2 bedrooms (one of which includes an en suite) and a shower room. A stairs leads to a large study area on the first floor, overlooking the living room void. The semi detached units also have a projecting pitched roof timber porche on the front elevation. One of the main features on the rear elevation is the double width patio door serving the living area. First floor window openings are proposed only on the front elevation and are in the form of three velux windows in each property. A wood burning stove is proposed in each of the semi detached properties, with the flue pipe being visible on the rear roof elevation. The semi detached properties have a ridge height of 6.5 metres.
6. The third dwelling proposed on the site is a standard detached 1 ½ storey design, with a ridge height of 7.3 metres. It is proposed in the southern area of the site, positioned on an east west access, parallel to the southern site boundary, with a distance of 6.1 metres between the rear of the property and the boundary. A centrally positioned pitched roof timber clad entrance porch is proposed on the front elevation. Pitched roof dormer windows with timber lining surrounds would serve the upper floor of the front elevation, while four velux windows are proposed in the rear roof. An external chimney breast is proposed on the western gable of the dwelling. The floor plan includes a large lounge / dining area on the ground floor, as

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<sup>4</sup> Braeriach House.

<sup>5</sup> Highland Council planning ref. no. 05/00229/FULBS refers; CNPA planning ref. no. 05/346/CP refers.

well as a kitchen, utility room, bathroom and bedroom. A staircase leads to the first floor in which two further bedrooms are proposed, with each served by its own shower room.

7. All three of the proposed dwellings would have a white wet dash harled wall finish, with blue / black slates used on the roofs. Doors, windows, fascias and soffits are all proposed to be stained timber. Fenestration is generally plain and minimalist in appearance.



Fig. 3 : Sub division of rear garden



Fig. 4 : Demarcated vehicular access to the proposed site.



Fig. 5 : Currently proposed semi detached dwelling houses

8. The site layout shows the three proposed properties served by a communal access and turning area, which is proposed to have a tarmacadam finish. Four communal car parking bays are shown adjacent to the northern boundary, to serve the two semi detached properties, while a further two car parking spaces are proposed adjacent to the eastern gable of the detached dwelling. All car parking bays would have a lockblock finish. Individual plot curtilages have been identified around each of the three dwelling units. A small patio area is proposed to the rear of each property, with the remainder of the garden grounds being formed by grass and 'soft landscaping.' The site layout plan also identifies the provision of new boundary fencing on the northern and western boundaries (bordering the properties in Craig-na-Gower Avenue), which would take the form of 2 metre high vertical slatted larch fencing.



Fig. 6 : Currently proposed detached dwelling house







**Fig. 8 : Proposed elevations 08/206/CP**



**Fig.9 : Proposed elevations 08/406/CP**

11. A second application was submitted and called in by the CNPA in December 2008 (CNPA planning ref. no. 08/406/CP refers), in which full planning permission was sought for the erection of 6 flats on the site, which were again to be accommodated in a two storey building, albeit of an amended design. An appeal was lodged with the Directorate for Planning and Environmental Appeals in March 2009 against the non determination of the planning application. The DPEA dismissed the appeal on May 8<sup>th</sup> 2009, with the Reporters decision raising similar concerns to those already outlined by the CNPA in the course of the earlier planning application on the site.
12. The third application (CNPA planning ref. no. 09/225/CP) was submitted in July 2009 and full planning permission was sought for four houses on the site, arranged in two semi detached blocks, essentially resulting in an L shape formation on the site, with the remainder of the area to the front of the units being identified for car parking and hard surfacing. The proposed properties were one and a half storey, and had a relatively traditional appearance, achieved through various amendments to the design detail during the course of the application, including the introduction of chimneys, the incorporation of astragalled windows, a natural stain on the timber cladding, and barge boards proposed to be painted to match those of the 'Shelter Stone.'



**Fig. 10 : Previously proposed design**

13. The planning application was refused by the CNPA Planning Committee at a meeting in February 2010, for three reasons. The first reason for refusal cited concerns regarding the number of units and their siting and the impact on the setting of the listed building (the 'Shelter Stone') and also referred to non compliance with a number of policies on Historic Buildings, Design for Sustainability, and Conservation and Promotion of the Highland Heritage, as well as non compliance with the first aim of the National Park in respect of conserving and enhancing the cultural heritage of the National Park. The second reason for refusal referred to the impact of the proposed buildings on the privacy and amenity of existing properties in the vicinity, due to the one and a half storey design and the proximity to the boundaries of the site. The final reason for refusal stated that the proposed level of development would set a precedent for inappropriate infilling of backland areas along this side of Grampian Road, resulting in the loss of visual links from the built up areas of Aviemore to its surrounding countryside landscape.

#### **Agent's submission**

14. In a supporting letter submitted by the agent, reference is made to the previous refusals of planning permission on the site, and subsequent pre-application discussions with the applicant. The agent suggests that the current revised proposal is intended to reflect advice. A number of points are highlighted : -
- The proposal is for "three small residential cottage type units";
  - The units are subservient to the height of the listed Shelterstone building;
  - "the disposition of the units on site ensure that the minimum acceptable distance between any unit and existing residential accommodation is complied with to avoid overlooking issues";
  - The two semi detached units backing into Craig na Gower Avenue are described as "single storey with no openings in the roof";<sup>7</sup>
  - The units are described as being of "traditional appearance and in keeping with their surroundings."

## **DEVELOPMENT PLAN CONTEXT**

### **National policy**

15. **Scottish Planning Policy<sup>8</sup> (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;

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<sup>7</sup> Para. 5 of this report describes the proposed accommodation arrangement, which includes an upper floor, with velux windows proposed in the front elevation.

<sup>8</sup> February 2010

- The system should .....allow 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.
16. **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.
17. 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.”
18. 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.
19. Economic development : Planning authorities are encouraged to respond to the diverse needs and locational requirements of different sectors and to take a flexible approach to ensure that changing circumstances can be accommodated. The benefits of high environmental quality are also recognised and planning authorities are therefore required to ensure that new development safeguards and enhances an area’s environmental quality and where relevant, also promote and support opportunities for environmental enhancement and regeneration.
20. 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.



21. 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.
22. Historic Environment and Listed Buildings : **SPP** describes the historic environment as a key part of Scotland's cultural heritage, which enhances national, regional and local distinctiveness. When determining planning applications, planning authorities are required to have special regard to the desirability of preserving the building or its setting and any feature of special architectural or historic interest which it possesses. "The layout, design, materials, scale, siting and use of any development which will affect a listed building or its setting should be appropriate to the character and appearance of the building and setting." **SPP** clearly states that there will be a presumption against works that would adversely affect a listed building or its setting.
23. **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."

### **Strategic Policies**

#### **Cairngorms National Park Plan (2007)**

24. 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.
25. 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.

26. 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

27. **Highland Council Structure Plan (2001)**  
**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.
28. The following provides a brief summary of the policies applicable to a development of this nature. 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.
30. **Policy G6 (Conservation and Promotion of the Highland Heritage)** seeks to conserve and promote all sites and areas of Highland identified as being of a high quality in terms of nature conservation, landscape and archaeological or built environment. **Paragraph 2.15.11 (Listed**

**Buildings and Conservation Areas)** states that, through Policies G2 and G6, the Structure Plan is concerned with safeguarding the overall quality and diversity of Highland's built heritage by preventing development which would have an adverse impact on Listed Buildings and Conservation Areas.

### Local Plan Policy

#### Cairngorms National Park Local Plan (2010)

31. The Cairngorms National Park Local Plan was formally adopted on 29<sup>th</sup> October 2010. The full text can be found at :  
<http://www.cairngorms.co.uk/parkauthority/publications/results.php?publicationID=265>
32. 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.
33. 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.
34. 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.
35. Policy 9 – Listed Buildings : There is a presumption in favour of development that preserves a listed building, or its setting, or any features of special architectural or historic interest which it possesses. The policy requires the layout, design, materials, scale, siting and use of the development to be appropriate to the character and appearance of the listed building and its setting.
36. Policy 11 – The Local and Wider Cultural Heritage of the Park : there will be a presumption against development that does not protect or conserve and enhance a site, feature, or use of land of local or wider or cultural historic

significance, or its setting. The policy is intended to ensure that the cultural heritage of the Park is explicitly considered in planning decisions.

37. Policy 16 – Design Standards for Development : The policy requires developments to comply with a variety of standards, including reflecting and reinforcing the traditional pattern and character of the surrounding area and reinforcing the local vernacular and local distinctiveness; using materials that complement the setting of the development; demonstrating the sustainable use of natural resources; and protecting the amenity enjoyed by neighbouring properties, with advice that all proposals should be designed to help create environments that can be enjoyed by everyone.
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. The Local Plan identifies Aviemore as a strategic settlement within the settlement hierarchy. It is identified as the main settlement within the National Park and is recognised as playing a strategic role in the wider region. 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.

43. **For information** : The CNP Local Plan is the subject of an appeal under Section 238 of the Town and Country Planning (Scotland) Act 1997 against the decision of the CNPA to adopt the CNP Local Plan 2010. The Appeal will be decided by the Court of Session and is a material consideration. Account has been taken of the Appeal in the assessment and the recommendation made in respect of this application.

#### **Supplementary Planning Guidance**

44. 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**

45. The guide highlights 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. All developments are expected to accord with the general thrust of the Sustainable Design Guide.
46. 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. The Sustainable Design Guide is realistic in recognising that new developments do not need to be copies of past styles in order to fit into the National Park. It does however advise that “standard off-the-shelf house designs” will increasingly erode the unique characteristics for which the Park is renowned.
47. Section 2.1(a) of the Sustainable Design Guide focuses on the subject of ‘Buildings and their settings’. It highlights the need to ensure that all new development makes a positive contribution to its location, with this being achieved through careful consideration of the location, scale, layout and design and how the development relates to its surroundings.
- #### **Developer Contributions (Draft)**
48. The draft 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.

**Historic Scotland's 'Managing Change in the Historic Environment' guidance notes**

49. Since the withdrawal of the 'Memorandum of Guidance on Listed Buildings and Conservation Areas 1998' Historic Scotland have gradually introduced a series of guidance notes as a replacement. One of the guidance notes focuses on the subject of 'Setting.' It advises that 'setting' often extends beyond the property boundary or 'curtilage' of an individual historic asset into a broader landscape context. Where development is likely to impact on a setting there is an obligation on the applicant to provide an objective written assessment in order to inform the decision making process. In light of the assessment, development proposals should seek to avoid or mitigate detrimental impacts on the setting of historic assets.
50. Para 4.11 advises that the impact of a proposed development on the setting of a historic asset can be a material consideration in determining a planning application.

**CONSULTATIONS**

51. Highland Council's **TEC Services** section considered the proposal in relation to roads and access. There is no objection to the proposal and a number of conditions are recommended to be attached in the event of the granting of planning permission. The recommended conditions relate to the following :-
- the access road to be designed and constructed to meet standards for a Minor Access as detailed in Highland Council's Road Guidelines for New Development;
  - the establishment of suitable maintenance and management agreements for the access road, communal car parking areas and communal hard or soft landscaped areas;
  - provision of sufficient parking and manoeuvring space;
  - the provision of bin storage / collection areas;
  - all drainage measures to accord with SUDS principles; and
  - the provision of street lighting to the satisfaction of the Council's Area Lighting Engineer.
52. The development proposal was also considered by Highland Council's **Contaminated Land** section and there is no comment to make on the proposal.
53. Highland Council's **Conservation Officer** considered the proposal and notes in the response that although the current application represents a reduction in the number of units proposed from four to three, this does not change the fundamental principle of this proposal in that it will result in the loss of the historic setting of the listed building. Reference is made to the listing description of The Shelter Stone, in which the building is described as

being a rare survival of a little altered villa in the centre of Aviemore. The Conservation Officer notes that this historic building type would traditionally have amenity space associated with it which would inevitably create the setting for the building. Consequently the Conservation Officer suggests that the current development proposal would result in the complete loss of the historically associated amenity space for the listed building and as such the development would impact on the special interest of the listed building.

54. The **Conservation Officer** describes the proposal as overdevelopment and states that the provision of three new dwellings within the historic garden ground of the listed building would result in a form of development that has little contextual relationship with the surroundings. The grain of the development is not considered to reflect the grain of the established development on the western side of Grampian Road. As such the proposal is considered likely to have a severe impact on the wider streetscape and townscape of this part of Aviemore. Concern is also expressed regarding the proposed designs which “appears to have resulted in a form of development which has no reference to the surrounding established built form.” The **Conservation Officer** concludes with the view that the “current application fails to protect and preserve the setting of the listed building” and it is recommended that the proposal should not be supported and that permission should be refused.
55. A footnote has been included in the Conservation Officer’s response suggesting the possibility that a reduced scale of development could have significantly less impact on the listed building. If the development proposal was reduced to two cottage units set away from the Listed Building, this may sufficiently reduce the loss of amenity space and could appropriately protect the setting of the Listed Building.
56. In a response from Highland Council’s **Forestry Officer** reference is made to the proximity of the development to trees in the neighbouring southern garden, although acknowledging that the granting of permission on that land for 4 holiday letting flats<sup>9</sup> would require the removal of the trees along the southern boundary of that site. In relation to the currently proposed site to the rear of the Shelter Stone, the **Forestry Officer** expresses some concern at the proposal to build cottage type 1b just 6 metres from an existing tree on adjacent lands to the immediate north of the proposed site. The consultation response from the **Forestry Officer** concludes that the proposal appears to be overdevelopment of the site and would afford very little greenspace to any of the three proposed buildings or the existing building.
57. **Aviemore and Vicinity Community Council** considered the application and advised that they do not wish to make any comment.

## REPRESENTATIONS

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<sup>9</sup> Planning permission was granted by Highland Council on 13<sup>th</sup> December 2006. HC planning ref. no. 05/00229/FULBS refers.

58. This planning application was advertised in the Strathspey and Badenoch Herald on 20<sup>th</sup> October 2010. Three letters of representation have been received in connection with the development proposal. All three letters are from residents of Craig-na-Gower Avenue and all object to the proposal. Copies of the letters of representation are attached in Appendix I. The following is a summary of the issues raised in the letters :
- Reference to the history of previous applications and refusal of planning permission on the subject site, and a comment that “nothing has changed since previous applications;”
  - Footprint of the development is inappropriate and unsuitable for this small Listed Building plot;
  - Reference to the current condition of the subject site, which is described as a “wilderness” which is “being used for dumping;”
  - Overdevelopment of the site;
  - Invasion of privacy due to close proximity of the proposed buildings and overlooking;
  - Granting of planning permission would “open the floodgates for others”;
  - Reference to red squirrels in the area;
  - Unsympathetic construction which would no blend in with the surroundings of a Listed Building; and
  - Creation of noise issues and loss of privacy.

## **APPRAISAL**

59. This proposal raises issues in relation to the principle of development of this nature in this location; the impact of the development on the setting of “Shelter Stone” which is a Listed Building; the impact of the level of development proposed on neighbouring properties, and the wider area; compliance with planning policy; and precedent.
60. It is accepted that the subject site is located on ‘white land’ within the settlement of Aviemore and as such residential development has the potential to be an acceptable use, and is compatible with existing land use in the vicinity. The issues to consider are therefore site specific, focussing on the level of development, and the nature of the design and layout proposed and its consequent impact on the setting of the Listed Building and also on neighbouring properties in the vicinity. As detailed in foregoing sections of this report, the current planning application is the fourth which has been submitted on the site since 2008. The design concept has altered significantly since the original proposal (which was for a two storey block of 8 flats) and also represents a reduction from the number of dwelling units proposed in the last application (a reduction from four to three). Notwithstanding the reduction in the number of units, the prospect of three dwelling houses on this compact backland site continues to represent an overdevelopment of the area.
61. In considering any development proposal in accordance with the policies of the recently adopted CNP Local Plan (Policy 18 (Developer Contributions) and

Policy 19 (Contributions to affordable housing)), it is necessary to calculate the level of developer contributions and / or contributions towards affordable housing provision that would be required in the event of the granting of planning permission. A financial sum would be required as a contribution to primary education, and either a further financial sum or the provision of one of the three housing units on the site as affordable housing would also be required.

### **Overdevelopment**

62. The site layout plan identifies the extent of private garden ground which would be assigned to each of the proposed three dwelling houses. With the exception of small areas of incidental open space located to the front of each of the properties, the main areas of private open space are relatively small pockets of ground to the side and rear of the proposed dwellings. Each of the semi detached dwellings are located approximately 7 metres from the rear boundary of the site and the combined extent of rear and side garden area is approximately 150 square metres (Type 1A) and 106 square metres (Type 1b). The detached dwelling would have a garden area of approximately 158 square metres. Its proposed siting is close to both the rear of the Shelter Stone (with there being just a 6 metres separation distance from the rear of that property) and to the front of the proposed semi detached cottage type 1a, which at the closest point is 3.8 metres from the gable of the proposed detached property. The proposed siting of the two units and their close proximity would result in the outlook from the front elevation of the semi detached cottage being obscured by the gable wall of the proposed detached dwelling. The limited separation distance and adverse impact on the outlook of the property, which could potentially give rise to other issues such as an inadequate lack of daylight for the semi detached unit, as well as adverse impacts on the general amenity of that property, all indicate that the number of dwellings proposed and their siting in this constrained site area constitutes overdevelopment.

### **Design**

63. Details have been provided in paragraphs 5 – 7 of this report regarding the design of the three proposed dwelling houses. Despite being described in the agents submission letter as single storey, the two semi detached dwellings each contain upper floor accommodation, and with a ridge height of 6.5 metres, they are the height of conventional one and a half storey structures. Little effort has been made in the overall height and proportions of the dwellings to minimise their footprint and impact, with all three proposed units occupying a somewhat bulky footprint on this small site.
64. Reference has been made in paragraph 12 to the positive design changes which were made in the course of the previous planning application on the site (CNPA planning ref. no. 10/360/CP), including the introduction of chimneys, the incorporation of astragalled windows and proposals to paint the barge boards to match those on the 'Shelter Stone.' While all of those details were alluded to as positive changes in the previous application, the current design appears to be a retrospective step, which has resulted in the loss of many of the more traditional elements of the previous design which were generally more sympathetic to the adjacent Listed Building.

65. Notwithstanding the fact that the currently proposed designs could be amended to reintroduce more appropriate design elements, the overall scale and form of the building designs remains a fundamental concern. At 1,332m<sup>2</sup> the site area is limited, and its capacity to satisfactorily accommodate the siting of three dwellings of the scale and form proposed is limited, particularly taking into account the need to minimise the impact on the setting of the Listed Building, of which the subject site originally constituted its garden ground. In the event of development being accommodated on the site in this backland location, there is a need for the design of any proposed dwelling units to be limited in scale and form, be of a character which complements and enhances the setting of the Listed Building, takes account of the differing ground levels between the proposed site and neighbouring lands and in doing so ensure that the impact on neighbouring properties is managed and minimised, and finally to ensure that the overall design concept does not dominate this backland site and detract from views towards the countryside beyond.

#### **Impact on neighbouring properties**

66. Efforts have been made in the currently proposed layout to provide increased private garden areas to serve each of the three proposed dwelling units. While the combination of side and rear garden areas complies with generally required minimum standards<sup>10</sup> the depth of rear gardens remains extremely limited, at just under 7 metres between the proposed semi detached units and the rear boundary which is shared with properties in Craig-na-Gower Avenue, and 6.1 metres between the rear of the proposed detached dwelling and the site boundary. Having regard to the position of the existing residential properties at 35 and 37 Craig-na-Gower Avenue, the proposed layout provides only the minimum 18 metre separation distance between opposing windows of the existing and proposed properties. In complying with only the absolute minimum standards in a situation where there is also the factor of changing ground levels (with the proposed site being higher than the garden ground of properties on Craig-na-Gower Avenue) it cannot be considered that the current proposal adequately safeguards the residential amenity of existing properties in the vicinity.

#### **Impact on the setting of the Listed Building**

67. The response from Highland Council's **Conservation Officer** highlights the significance of the 'Shelter Stone' as a Listed Building, being one of a small number in existence on Grampian Road in Aviemore. It is known that the proposed site area formed the original garden area of the Listed Building, until recent years when an unsympathetic boundary fence was erected close to the rear elevation of the 'Shelter Stone.' The **Conservation Officer's** comments unequivocally state that the current development proposal would result in the complete loss of this historically associated amenity space for the Listed Building and as such would impact on the special interest of the building. Having regard to this advice, there can be little doubt that the current proposal would therefore negatively impact on the Listed Building and as such could not be considered to accord with applicable planning policy such as Policy G6

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<sup>10</sup> A minimum of 100m<sup>2</sup> would generally be required to serve detached and semi detached properties.



(Conservation and Promotion of Highland Heritage) of the Highland Council Structure Plan, or Policy 9 (Listed Buildings) and Policy 11 (The Local and Wider Cultural Heritage of the Park) of the CNP Local Plan. In adversely affecting the setting of the Listed Building and failing to comply with planning policy, the currently proposed development cannot be considered to accord with the first aim of the National Park as it would not conserve or enhance the cultural heritage of the area.

#### **Pre-application discussions**

68. Reference has been made in a letter of submission from the agent to pre-application discussions which took place between the applicant and CNPA planning officials prior to the submission of this planning application. The submission letters appears to suggest that the current proposal is consistent with advice provided by planning officials in the course of those discussions.
69. The nature of discussions at that pre-application meeting focused on the reasons for the refusal of previous planning applications on the site and the various amendments that could be made to any future proposal in an effort to overcome the issues raised in the refusal reasons. In this regard advice was given on the minimum acceptable separation distances and private garden ground sizes that would be required, in order to protect the privacy and amenity of neighbouring properties and also to provide adequate amenity for any potential future residents of any development on the subject site. Design issues were discussed and the applicant was advised of the need for any future proposals on the site to take account in its design and layout of the need to protect the setting of the Listed Building. In particular it was advised that any new development proposed on the subject site needed to be subservient to The Shelter Stone. The issue of overdevelopment was raised consistently as being an on-going concern and CNPA officials did not endorse the siting of three dwelling units on the site. It was agreed at the conclusion of the meeting that the applicant would submit draft proposals to the CNPA planning team for further comment and advice prior to the submission of a formal planning application. However, no draft proposals were submitted and the current application was lodged with the Highland Council in October 2010.

#### **Conclusion**

70. It has been accepted in foregoing sections of this report that the proposed site is within the settlement of Aviemore and on land which has the potential in land use terms to accommodate residential development. In forming this conclusion regard has been had to the pattern of development in the vicinity, which in some instances has resulted in the granting of planning permissions in similar 'backland' locations. However, the factor which sets this site apart from others in which development has occurred or where there are extant permissions for development (for example neighbouring land immediately to the south) is that the proposed site area was the original garden ground associated with the Listed Building. Despite the applicants attempts to divide the curtilage by the erection of a boundary fence immediately to the rear of the Shelter Stone, development occurring in the former garden space of the property will inevitably have an impact on the original setting of the Listed Building. In the case of the current development proposal, the impact of three

dwelling units of the design, form, scale and layout proposed constitutes overdevelopment of the site and would detract from the setting of the 'Shelterstone' to an unacceptable extent. In addition little effort has been made in the design concept to achieve compatibility with the character of the Listed Building. In the event of development being considered on the proposed site, it is essential that it is subservient to the main structure on the original site area, and that it is designed to respect the characteristics of the 'Shelter Stone.'

71. The overall layout, form and scale of the current proposal constitutes overdevelopment of the site and fails to adequately protect the residential amenity of neighbouring properties in the vicinity. It would also set a precedent for overdevelopment on further backland sites in the vicinity. The development would also detrimentally impact on existing views from Grampian Road towards the countryside area to the west.

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

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

72. The development is considered to adversely impact on the setting and character of the cultural and built heritage of the "Shelter Stone" Category C(s) Listed Building and would not therefore contribute towards conserving and enhancing the cultural heritage of the area.

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

73. No details have been provided on the sourcing of materials for the proposed development. There has also been a failure to submit a Design Statement in support of the planning application and there is a consequent lack of detail on the sustainability credentials of the proposed development. It has not therefore been demonstrated that the proposal would promote the sustainable use of natural resources.

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

74. The proposed development does not make a positive contribution to this aim. The impact of the development on the setting of one of the few Listed Buildings on Grampian Road in Aviemore, as well as the visibility of the development in a position which interrupts views to the rear of the site into the countryside, could all be considered to detract from general public's enjoyment of the area.

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

75. The proposed development would introduce three additional houses into the settlement of Aviemore. No details have been provided of the intended market for the houses. As open market properties they could either meet the needs of those requiring to purchase a dwelling as their permanent residence, or they could equally be purchased as second homes.

## **RECOMMENDATION**

**That Members of the Committee support a recommendation to: REFUSE planning permission for the erection of three houses on land to the rear of 129 Grampian Road, Aviemore, for the following reasons**

1. Due to the proposed number of dwelling units, their scale and their siting, the development will have an adverse impact on the character and setting of the existing property known as “Shelter Stone”, which is a Category C(s) Listed Building. To permit the development, would be contrary to national, regional and local plan policy, as contained in Historic Scotland’s ‘Managing Change in the Historic Environment’ guidance notes, Policies G2 (Design for Sustainability) and G6 (Conservation and Promotion of the Highland Heritage) of the Highland Structure Plan 2001 and Policy 9 (Listed Buildings) and Policy 11 (The Local and Wider Cultural Heritage) of the Cairngorms National Park Local Plan 2010. In addition, the development fails to meet the objectives of the Cairngorms National Park Plan 2007 and the first aim of the Cairngorms National Park, which is to conserve and enhance the natural and cultural heritage of the area.
2. Due to the position of the proposed units on the site, the one and a half storey nature of the designs and the proximity to site boundaries, the proposed development has the potential to adversely impact on existing properties to the immediate west of the site. As such, the development is considered to have an adverse impact on the privacy and residential amenity of these adjacent properties, 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 level of development proposed would set a precedent for the inappropriate infilling of backland areas along this side of Grampian Road, which will disrupt the general pattern and density of development in the locality and would result in the loss of visual links, from the built-up areas of Aviemore to its surrounding countryside landscape. The development would be inconsistent 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.
4. 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. The detail provided also lacks essential supporting detail, such as a Design Statement, to demonstrate compliance with with fundamental sustainable design principles as expressed in of 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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**26 January 2011**

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