
CAIRNGORMS NATIONAL PARK AUTHORITY

Title: REPORT ON CALLED-IN PLANNING APPLICATION

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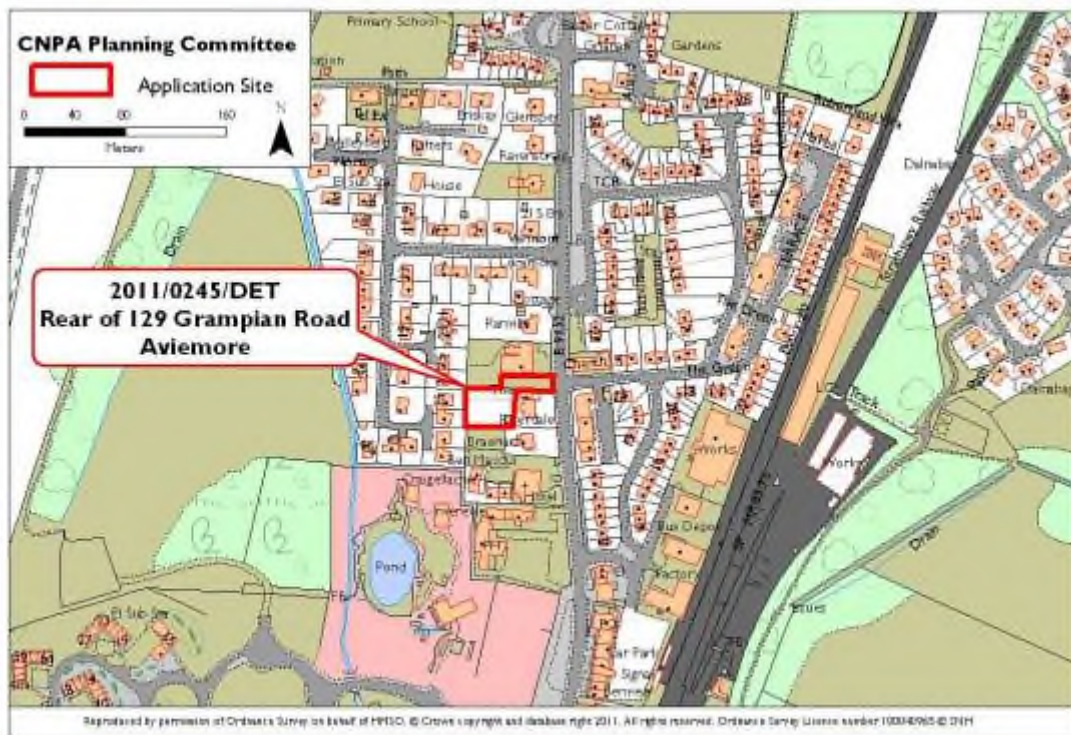
DEVELOPMENT PROPOSED: ERECTION OF 2 HOUSES ON LAND TO THE REAR OF 129 GRAMPIAN ROAD, AVIEMORE.

REFERENCE: 2011/0245/DET

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

DATE CALLED-IN: 5 AUGUST 2011

RECOMMENDATION: APPROVE WITH CONDITIONS



Grid reference: 289515 812954 (easting northing)

Fig. 1 - Location Plan

SITE DESCRIPTION AND PROPOSAL

1. Planning permission is sought in this application for the erection of two 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 1,317 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. The Shelter Stone, which is the property at the front of the subject site, is a 1³/₄ storey traditional stone built dwelling, and is also a Category C(s) Listed Building.¹ 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.²



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 wire fencing and vegetation on the southern boundary. There are also several mature trees in this area. Although the trees overhang the site and

¹ The currently proposed site boundaries do not include The Shelter Stone or its associated car parking and front garden area.

² Learn Direct were the most recent occupants of the building.

provide a significant level of screening, the majority are on neighbouring property.

4. In terms of neighbouring buildings, the land immediately to the south accommodates a Victorian villa³ towards the front of the site. Planning permission was granted by Highland Council in 2006 in its rear garden area for the development of four holiday letting flats⁴ although to date no development has been undertaken. 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 no.'s 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. Two dwelling houses are proposed in this current planning application, designed as a pair of semi detached 1 ½ storey properties. The dwellings are proposed towards the rear of the site, oriented parallel to the properties in Craig-na-Gower Avenue. Each dwelling has a ridge height of 6.5 metres. Accommodation in each dwelling unit would include an open plan kitchen / dining / lounge area, as well as a bedroom and shower room on the ground floor, while the upper floor would have two bedrooms and a further shower room. Each of the units has a projecting pitched roof timber porch on the front elevation. The main features on the rear elevation is the double width patio door serving the lounge / dining area. On the front elevation first floor window openings are in the form of pitched roof dormers, while openings in the rear roof space limited to two velux windows in each property. A wood burning stove is proposed in each property, with the associated chimney being a feature of each dwelling.

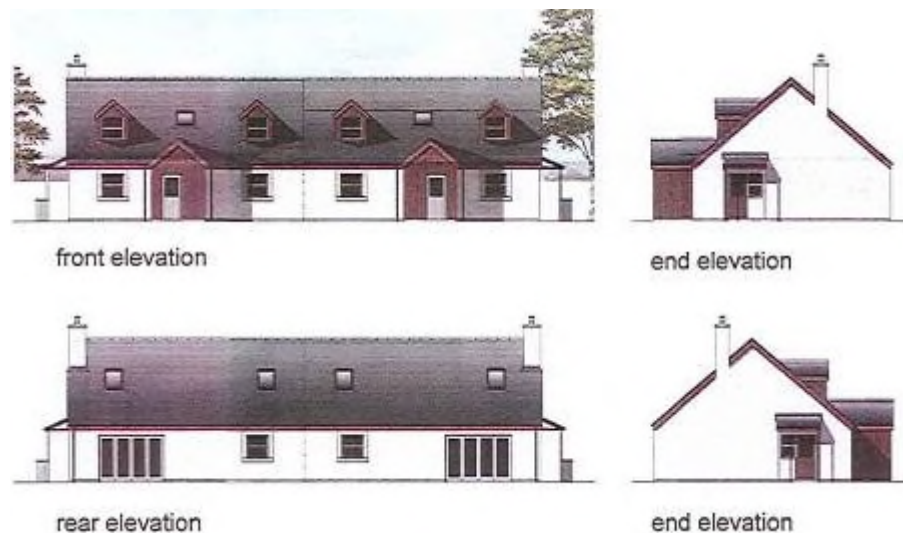


Fig. 2: Proposed elevations

³ Braeriach House.

⁴ Highland Council planning ref. no. 05/00229/FULBS refers; CNPA planning ref. no. 05/346/CP refers. Planning permission was granted on 13th December 2006.

- The dwellings would have a white wet dash harled wall finish, with a natural slate roof finish. Doors, windows, fascias and soffits are all proposed to be stained timber, and together with the various elements of timber cladding, would all be painted to match the Shelterstone.



Fig. 3: Demarcated vehicular access to the proposed site.

- Communal access and a shared vehicle turning area would serve the two proposed properties. Two car parking bays are proposed to serve each property, and each bay would have a lockblock finish. Individual plot curtilages have been identified around each of the 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 1.8 metre high vertical slatted larch fencing. A 1 metre high fence is proposed to the rear of The Shelterstone in place of the existing higher timber fence. An existing double garage is shown as being retained within the curtilage of The Shelterstone. New 1 metre high feature stone walling is proposed to define the extent and access to the new plots from the communal access area.



Fig. 4: Proposed site layout plan

- A site section has been submitted as part of the application documentation to illustrate the relationship between the original traditional villa at the front of the site i.e. the Shelter Stone, the proposed dwelling units in the former rear

garden ground, and the existing residential properties on Craig-na-Gower Avenue. It illustrates that there is a drop in ground levels between the proposed site and the garden grounds of the Craig-na-Gower properties, with the latter being positioned on lower ground.

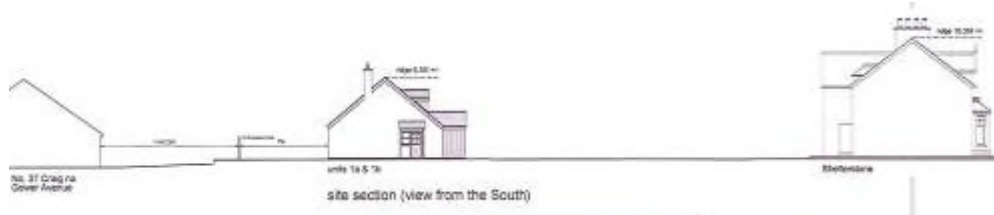


Fig. 5: site section

Site History

- Four planning applications were previously submitted on the same site in 2008, 2009 and 2010. All applications were called in by the Cairngorms National Park Authority. Full planning permission was sought in 08/206/CP for the erection of 8 no. flats, and formation of hard surface to the front of the 'Shelter Stone'. The flats were proposed to be accommodated in a two storey building in the rear garden area. The CNPA Planning Committee refused permission for the development⁵ for three reasons. The siting, scale, size, character and design of the building was deemed to have an adverse impact on the 'Shelter Stone', as a Category C(s) Listed Building. The second reason for refusal made reference to the overbearing effect, which would cause overlooking and potential overshadowing to the adjacent houses and gardens located to the immediate west of the site. The final reason for refusal stated that the development would set a precedent for the inappropriate backfilling of backland areas along this side of Grampian Road.



Fig. 6: Elevations (8 flats) 08/206/CP



Fig. 7: Elevations (6 flats) 08/406/CP

- 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

⁵ The application was determined at the meeting of 17th October 2008.

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 8th 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.

11. The third (CNPA ref. no. 09/225/CP) and fourth (CNPA ref. no. 10/360/CP) planning applications were submitted in July 2009 and October 2010 respectively. The two applications were similar in that the earlier proposals for a development of flats were replaced with proposals for dwelling houses. Full planning permission was sought for four houses on the site in 2009, arranged in two semi detached blocks, of one and a half storey properties in an L shape formation on the site. The planning application in 2010 sought permission for three dwelling houses, consisting of a pair of semi detached one and a half storey units and a larger detached property. Again, the proposed layout took the form of an L shape, with the semi detached units set towards the rear of the site, parallel to the rear boundary, while the detached unit was proposed at right angles to this, immediately to the rear of The Shelterstone.



Fig. 8: 4 dwelling layout (2009)

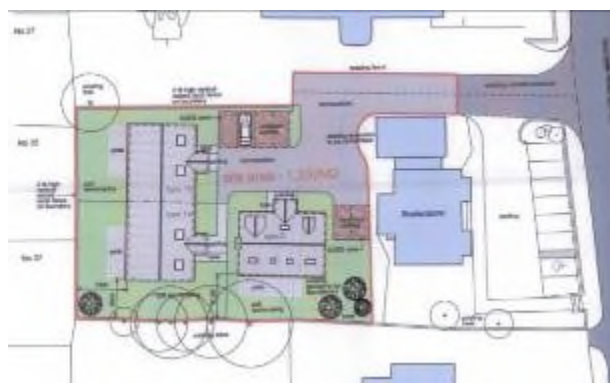


Fig. 9: 3 dwelling layout (2010)

12. Each of the planning applications in 2009 and 2010 were refused by the CNPA Planning Committee, in February 2010 and March 2011 respectively. Reasons for refusal included reference to the number of units and their siting

in the context of overdevelopment concerns, the impact of the development on the setting of The Shelterstone as a Category C(s) listed building and consequent failure to conserve and enhance the cultural heritage of the National Park; the adverse impact of the development on the privacy and residential amenity of adjacent properties; the level of development setting an inappropriate precedent for infilling of backland areas on Grampian Road and its failure to enhance the character of the settlement.

Agent's submission

13. In a supporting letter submitted by the agent, the current two unit proposal is described as a "re-design following refusal of an earlier application for 3 no. houses" and follow pre-application discussions with CNPA planners, with the application reflecting "the specific and general observations / comments and suggestions made." A number of points are highlighted in the associated Design Summary: -

- The units are described as 1.5 storey cottage type houses in semi-detached configuration;
- The units are proposed at "18 metres from adjoining properties at Craig na Gower Avenue, with a near identical ridge height to said properties";
- The units are designed in the form of traditional Highland cottages, with features including pitched roof dormer windows, timber clad pitched roof porches and traditional timber windows with sash and case configuration;
- the development would involve the demolition and removal of the existing timber extension to the rear of the Shelterstone;
- Other than a holly tree on the site which is proposed to be retained and protected, other mature trees affecting the site are on adjoining lands and the proposed development "falls well outwith the crown of all such trees." Nonetheless it is stated that the trees would be protected as necessary during construction.

DEVELOPMENT PLAN CONTEXT

National policy

14. **Scottish Planning Policy⁶ (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

⁶ February 2010

- 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.
15. **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.
 16. 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.”
 17. 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.
 18. 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.
 19. 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.
 20. 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.

21. 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.
22. **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."

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

23. 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.
24. 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.

Strategic Policies

Cairngorms National Park Plan (2007)

25. 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.

26. 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.
27. 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)

28. **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.

29. 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 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.”

30. **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.
31. **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)

32. 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>
33. 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.
34. 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.
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 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.
37. 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.
38. 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.
39. 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.
40. 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.
41. 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.

42. 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.
43. 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.

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 SPG

48. 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.

CONSULTATIONS

49. Highland Council's **TEC Services** section considered the proposal in relation to roads and access. There is no objection and a number of conditions are recommended for inclusion in the event of the granting of planning permission. Conditions require access and parking arrangements to accord with those shown on the drawing submitted with the application, the provision of adequate car parking and manoeuvring space, and the provision of a suitable refuse bin collection point to serve the new properties.
50. Highland Council's **Conservation Officer** considered the proposal. The response acknowledges that there has been a "significant change in the scale, mass and design of the proposal to meet the advice previously provided" and this change is described as positive and welcome. It is however suggested that further effort should be made to protecting the setting of the listed building. In respect of the garden ground to the rear of the Shelterstone it is noted that much of this would "effectively become a large car parking area bounded by a 1 metre high timber fence." Highland Council's **Conservation Officer** advises that "it is essential that the proposed development should incorporate boundary treatments, surface finishes and landscaping details which create a higher quality setting for both the listed building and the newly proposed dwellings."
51. The concluding advice from the **Conservation Officer** is that the application may be acceptable if a more high quality landscaping solution can be achieved, incorporating both hard and soft landscaping elements.
52. **Aviemore and Vicinity Community Council** considered the application and "have decided not to object."
53. The proposal has been considered by **Planning Gain** officials and it is recommended that developer contributions are provided towards affordable housing, primary education and secondary education.

REPRESENTATIONS

54. This planning application was advertised in the Strathspey and Badenoch Herald on 3rd August 2011. Four representations have been received in connection with the development proposal. All four submissions 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 :

- Concern regarding the height of the proposed properties and their potential impact on properties to the rear in Craig na Gower Avenue;
- Concern that more building is planned within Aviemore, despite its National Park designation;
- The new design is considered an improvement on the previously proposed higher density proposals;
- Concerns regarding overdevelopment;
- The suggestion that the development is an invasion of privacy and would directly overlook a property in Craig na Gower Avenue;
- Reference to the current condition of the proposed site;
- Backland development in this area has been considered unacceptable by the CNPA;
- Architectural design is incompatible with the Listed Building and neighbouring properties;
- Lack of landscape screening proposals to mitigate overlooking;
- the land bordering the site is described as a habitat for red squirrels;
- The “development is unnecessary and unwanted”; and
- Reference to the Shelterstone being used as a self catering / Bed and Breakfast establishment and speculation that the new buildings would be used for the same purpose.

APPRAISAL

55. 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; and compliance with planning policy.

Principle of development

56. 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 uses 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 impact on the setting of the Listed Building and also on neighbouring properties in the vicinity.

Amendments to address previous reasons for refusal of planning permission

57. As detailed in foregoing sections of this report, the current planning application is the fifth 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 further reduction from the number of dwelling units proposed in most recent application in 2010 (a reduction from three to two). The reduced number of units has delivered a number of improvements from the previous proposal. A greater degree of

separation has been achieved between the Listed Building and the proposed new structures – as proposed, at the closest point the buildings would be 23 metres apart. The reduction from the three previously proposed dwelling units to the current two units would result in the availability of enlarged areas of private open space to serve each of the new residential units. Private open space, including individual on site car parking provision totals an area of approximately 257 square metres to serve the southernmost house, while the second unit would have a slightly smaller area of approximately 231 square metres. The submitted site layout plan also includes proposals to erect a new 1 metre high fence to demarcate the rear boundary of The Shelterstone, replacing the existing higher timber fence which was erected some years ago in closer proximity to the rear of the Listed Building. The revised boundary position would be of benefit in retaining an enlarged area of private open space to serve the existing structure.



Fig. 10: Existing fence immediately to the rear of the Listed Building. The current proposal would result in a new fence being erected in a revised position in line with the gable end of the garage.

58. The availability of sufficient open space to serve the existing building and the new residential units, as well as sufficient on-site car parking and adequate access provision to accommodate various traffic manoeuvres has been adequately demonstrated in this current application. All of this collectively addresses concerns regarding potential overdevelopment which were expressed in the course of previous higher density developments on the site.
59. In terms of the impact of the proposed new development on the setting of the Listed Building, as already alluded to, the proposals for a new boundary fence in a revised position to the rear of the Shelterstone, together with the achievement of sufficient separation distance between the Listed Building and the new build elements, demonstrate an increased regard for the cultural heritage of the Listed Building and the need to protect its setting. However, the timber fencing which is proposed to demarcate this new boundary division is not necessarily sympathetic to the setting of the Listed Building, nor could it be considered to assist in enhancing the cultural heritage value of the existing structure. This is a point which is highlighted in the consultation response from Highland Council's **Conservation Architect**. As detailed in paragraph 50, while welcoming this application as a positive change from previous proposals on the site, it is nonetheless explicitly stated that "the application needs to go further in terms of protecting the setting of the listed building." The incorporation of boundary treatments, surface finishes and landscaping which

create a higher quality setting are specifically detailed as a means of achieving this. On the basis of this advice and also having regard to the need to ensure that the proposed development can be considered to accord with the first aim of the National Park, to conserve and enhance the cultural heritage of the area, it is recommended in the event of consideration being given to the granting of planning permission, that it be subject to a requirement for an alternative, higher quality and more appropriate boundary treatment on the eastern site boundary i.e. the boundary at the rear of the Shelterstone. For example, a natural stone wall, instead of the proposed timber fence, would complement the stone walls which are proposed at the entrance to each of the two individual plots. A more detailed landscaping plan is also required, and in addition to planting proposals this would be expected to include proposals for alternative hard surfaces finishes in partial replacement of the extensive tarmacadam currently proposed.

60. It is clear that the subject site was the original rear garden area of the Shelterstone. While any new development in this area will result in a reduction of the original curtilage of the Listed Building, subject to the relatively minor amendments detailed in the paragraph above, the current development proposal can be accommodated without significant adverse impact on the listed building. The layout, scale, siting and residential use of the new properties can be considered appropriate in the context of the character and appearance of the listed building and its setting and as such the development accords with Policy 9 (Listed Buildings) of the CNP Local Plan.
61. Reference was made in the refusals of previous development proposals on the site to the potential negative impact of the development on the residential amenity of existing properties, with the impact on the dwellings to the rear of the site in Craig na Gower Avenue being of particular concern. Some of the letters of representation which have been received in connection with the current planning application refer to continuing concerns in this regard. The points raised in those letters have been considered and the proposal has also been assessed in the context of the requirements of Policy 16 (Design Standards for Development) of the CNP Local Plan. One of the criteria of that policy is that development protects the amenity of neighbouring properties. Application documentation, including the site layout plan and site section demonstrate that a separation distance of 18 metres would be achieved between opposing rear windows of the existing and proposed properties. Although the Local Plan has moved away from the approach of prescriptive stipulations, an 18 metre separation distance is generally accepted as the minimum distance required between properties with opposing windows in order to protect the residential amenity. In addition, windows in the rear elevation of the proposed new properties are limited to two small velux windows in the rear roof space of the dwellings. The use of velux windows instead of larger traditional dormer windows is considered an appropriate solution in the rear elevation and is of some benefit in addressing overlooking concerns.
62. However, having regard to the siting of the existing properties in Craig na Gower Avenue on lower ground, consideration could be given to imposing

further safeguards against potential overlooking. Safeguards could include a requirement to reposition the proposed new dwelling units a distance of 9 metres from the rear boundary of the site (as opposed to the 7 metres currently proposed) and also to reposition the velux windows to a higher level in the rear roof space. These matters could be addressed through the use of appropriately worded conditions in the event of the granting of planning permission.

63. The suggestion of repositioning the proposed dwelling units 2 metres forward of their currently proposed position would result in a reduction in the separation distance between the new units and the rear of the listed building. In considering this, it is a case of striking a balance between the need to ensure the protection of the setting of the listed building, whilst also ensuring that the amenity of residential properties is protected. The impact on the setting of the listed building of repositioning the new dwellings 2 metres closer will be negligible while the increased separation distance of the new building from the existing properties in Craig na Gower Avenue would be of positive benefit to safeguarding the residential amenity of those properties.

Design

64. Throughout the course of previous applications on the subject site, the CNPA acting as Planning Authority has consistently advised that any new development in the original rear garden area should be subservient to the Shelterstone as the main structure on the site. With a ridge height of 6.5 metres, the two proposed semi detached units are the height of conventional one and a half storey structures. The proposed 9 metre gable width of the new buildings tends to create a somewhat bulky footprint and a narrower plan form could be of greater assistance in achieving buildings with scales and proportions that more closely resemble traditional cottages. Despite this aspect of the design, when taking into account other design features, including traditional timber clad entrance porches and the pitched roof dormers in the front elevations, as well as the other proposed materials (wet dash harl, natural slate, and timber windows, doors, fascias and soffits, all of which would be painted to match the distinctive colour woodwork on the Shelterstone), the overall design of the two semi detached dwellings is considered acceptable and is generally sympathetic to the adjacent Listed Building.

Other measures to conserve and enhance the setting of the Listed Building

65. The site boundaries identified in the current planning application only include the original rear garden area of the Shelterstone and the communal access which leads to the Grampian Road. The area immediately surrounding the Shelterstone, including the front garden area of the Listed Building is excluded from the planning application site, but is within the ownership of the applicant.⁷ However, given that much of the current application involves consideration of the impact of the new development on the setting of the Listed Building, it is necessary at this time to highlight unsympathetic and unauthorised

⁷ Land ownership has been demonstrated in the 'Ownership Plan' submitted with the planning application (dwg. no. 1/6617 14).

development which has occurred in recent years in the front garden of the Shelterstone.

66. In the course of a planning application for 8 flats in the rear garden area in 2008, a submission from Highland Council's Planning Team Leader confirmed that unauthorised development had been undertaken in the front garden area resulting in the loss of the traditional garden and its replacement with extensive hard standing to facilitate car parking. The CNPA Planning Report on that application (CNPA ref. no. 08/206/CP) described the works as unsympathetic to the character of the listed building and to the streetscape in general. In conjunction with a suggestion that car parking at the front of the building should be limited, with the possibility explored of creating parking opportunities to the rear, it was recommended *"that Members of the Committee, authorise, if necessary, the commencement of enforcement action, (along with Highland Council as appropriate), to reinstate the front of "Shelter Stone" to mainly garden area, and remove the unauthorised hardstanding areas."*
67. In considering the recommendation, the CNPA Planning Committee resolved that *"no enforcement action should take place, provided, the hardstanding areas are redesigned to be softened with some appropriate landscaping all to the satisfaction of the CNPA."* However no further discussion was undertaken with the CNPA to agree the measures required in the redesign and 'softening.' Having regard to the period of time which has elapsed since that resolution, the absence of improvements to the 'front garden' of the listed building, and the recognised importance of the need to ensure that development protects the setting of the listed building, the inclusion of a planning condition requiring the undertaking of enhancement works in the front garden area is considered an appropriate means of resolving this matter. Although outside the identified site boundaries, the use of a condition in this planning permission is technically appropriate as the land is within the ownership of the applicant. Securing improvements in this area would be of further benefit in enhancing the setting of the Listed Building and improving the streetscape in the immediate vicinity.

Conclusion

68. 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. The factor which sets this site apart from others in which development has been permitted is that the proposed site area was the original garden ground associated with the Listed Building. This is a point which has been consistently raised in the course of previous unsuccessful planning applications on the site and it is due to this that it is essential that any development permitted on the site is of a limited scale and of a design which protects the setting of the Listed Building. Having regard to the design, form, scale and layout of the two dwelling units currently proposed on the site, it is considered that the setting of the Listed Building can be adequately protected and that concerns raised in previous refusals of larger scale development proposals on the site have now been sufficiently addressed.

IMPLICATIONS FOR THE AIMS OF THE NATIONAL PARK

Conserve and Enhance the Natural and Cultural Heritage of the Area

69. Subject to minor amendments, including the introduction of higher quality boundary treatment and surface finishes to the rear of the Shelterstone, as well as enhanced landscaping, the proposed development has the potential to be accommodated on the site without adversely impacting on the setting and character of the cultural and built heritage of the “Shelter Stone” Category C(s) Listed Building. The development could therefore be considered to conserve the cultural heritage of the area.

Promote Sustainable Use of Natural Resources

70. No details have been provided on the sourcing of materials for the proposed development. The design includes some elements of timber cladding and there may be potential to source such materials locally. Each of the two proposed dwellings includes a chimney and the proposals indicate that woodburning stoves would be installed. Such measures would be of assistance in enhancing the sustainability credentials of the development.

Promote Understanding and Enjoyment of the Area

71. The current proposal represents a significant reduction in the level of development from that proposed in previous planning applications on the site. The limited extent of development now proposed, in conjunction with an acceptable design and site layout would not adversely impact on the setting of the adjacent Listed Building. The development proposal would not detract from the general public’s enjoyment of the area.

Promote Sustainable Economic and Social Development of the Area

72. The proposed development would introduce two additional houses into the settlement of Aviemore. 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: GRANT planning permission for the erection of two houses on land to the rear of 129 Grampian Road, Aviemore, subject to

- (a) **the completion of a Planning Obligation agreement to secure the payment of developer contributions towards affordable housing, primary education and secondary education OR the payment of the required developer contributions in advance of the release of the decision notice;**

AND

- (a) **subject to the following conditions :**

1. The development to which this permission relates must be begun within three years from the date of this permission.

Reason: to comply with Section 58 of the Town and Country (Planning) Scotland Act 1997 or as amended by the Planning etc. Scotland Act 2006.

2. Prior to the commencement of development, the following details shall be submitted for the written agreement of the Cairngorms National Park Authority acting as Planning Authority –
 - (a) An amended site layout plan to show the two dwelling units positioned 2 metres further east of the currently identified position (as shown on drawing no. I/6617 13 Rev A) to be sited a minimum distance of 9 metres from the rear (western) site boundary;
 - (b) Amended drawings to show the velux windows in the rear elevation of each of the dwelling units positioned 0.5 metres higher in the roof space than currently identified on drawing no. I/6617 12 Rev. A;
 - (c) Amended boundary treatment proposals instead of the proposed 1 metre high timber fence on the eastern site boundary to the rear of the Shelterstone. The boundary treatment shall be of a material, height and finish which is sympathetic to and enhances the setting and character of the Listed Building.

The development shall be undertaken in accordance with the agreed amendments thereafter.

Reason: to conserve and enhance the setting of the adjacent Category C(s) Listed Building and in the interests of protecting the residential amenity of properties in the vicinity.

3. Prior to any other works starting in connection with the proposed development the following works shall be completed and approved by the Cairngorms National Park Authority acting as Planning Authority, and in consultation with Highland Council as Roads Authority :
 - (i) The access and parking layout shall be in accordance with drawing ref. 'Site Plan and Location Plan' (dwg. no. I/6617/13A);
 - (ii) The design and construction of the access road shall meet the standards for a Minor Residential Street as detailed in Highland Council's Roads and Transport Guidelines for New Development (Consultation draft, November 2010);
 - (iii) Suitable management and maintenance arrangements shall be established in respect of the access road, communal car parking areas and communal hard or soft landscaping areas;
 - (iv) Parking and manoeuvring provision shall be sufficient to meet the needs of the development and shall comply with Highland Council's Roads and Transport Guidelines for New Development (Consultation draft, November 2010); and
 - (v) A suitable refuse bin collection point for the two new properties shall be provided close to the public road. There shall be sufficient external storage space for three standard 240 litre wheeled bins per household and the minimum area required is 2m x 1 m. The bin area shall be

hardstanding, with no steps between the storage area and the kerbside collection point.

- (vi) Drainage measures shall accord with SUDS principles and shall satisfy the respective requirements of Highland Council, Scottish Water and SEPA.

Reason: In the interests of avoiding traffic congestion and in the interests of the general amenity and public safety.

4. No water shall discharge onto the public road and the applicant shall be responsible for the provision of any measures necessary to prevent road water entering the site. Such measures shall be to the satisfaction of the Cairngorms National Park Authority acting as Planning Authority in consultation with Highland Council as Roads Authority.

Reason: In the interests of general amenity and public safety.

5. The properties shall be free from the effects of a 1 in 200 years flood event.

Reason: In the interests of general amenity and public safety.

6. All public services for the development, including electrical, cable television and telephone cables, shall be located underground throughout the site.

Reason: In the interests of minimising the visual impact of the development.

7. Prior to the commencement of development, a landscaping plan shall be submitted for the written approval of the Cairngorms National Park Authority acting as Planning Authority. The landscaping shall be implemented and maintained in accordance with the approved plan. The plan shall include
- (a) details of all planting including numbers, species (which shall be indigenous and appropriate to the setting) and heights (at the time of planting) of all trees, shrubs and hedges;
 - (b) details of all protective measures to ensure the protection of existing trees adjacent to the northern and southern boundaries of the site. All measures shall be put in place prior to the commencement of construction activities and shall be maintained for the duration of construction activities; and
 - (c) details of alternative hard surface finishes to minimise the extent of tarmacadam in the shared access and vehicle manoeuvring areas between the front elevation of the new dwellings and the eastern boundary of the identified site area;
 - (d) details of all boundary treatments serving each of the individual dwelling house plots. No boundary division shall be erected to the front of the properties (other than boundary divisions identified on dwg. no. 1/6617 13 rev A), unless otherwise agreed in writing with the Cairngorms National Park Authority acting as Planning Authority.

The landscaping scheme shall be completed during the planting season next following the completion of the development, or such other date as may be agreed in writing with the CNPA acting as Planning Authority.

The landscaped areas shall be maintained in perpetuity in accordance with the detailed maintenance schedule/table. Any trees or shrubs removed, or which in the opinion of the CNPA acting as Planning Authority, are dying, being severely damaged or becoming seriously diseased within five years of planting, shall be replaced by trees or shrubs of similar size and species to those originally required to be planted.

All boundary treatments identified on the 'Site Plan and Location Plan (dwg. no. I/6617 13 Rev. A) shall be completed prior to the first occupation of any of the dwelling houses.

Reason: In the interests of protecting the visual amenity of the area and in order to enhance the natural heritage of the area.

8. Prior to the commencement of development details proposals to secure an enhancement of the garden ground to the front of the Shelterstone shall be submitted for the written agreement of the Cairngorms National Park Authority acting as Planning Authority. All agreed works shall be undertaken and completed prior to the first occupation of any of the dwelling units approved through this permission.

Reason: in the interests of enhancing the setting of the Listed Building.

9. Prior to the commencement of above ground construction works, samples of window frames (which shall be timber), roofing and all external wall materials shall be submitted to and approved by the Cairngorms National Park Authority acting as Planning Authority. All agreed materials shall be utilised in the construction thereafter.

Reason: to ensure that the detailed finishing materials are appropriate for the building and its setting.

Advice notes:

- (a) Prior to any work of excavation or surfacing starting within 2 metres of the public road edge, a road opening permit shall be obtained from Highland Council as Roads Authority.
- (b) The enhancement works required in condition no. 8 of this permission shall include landscaping proposals and measures to reduce the extent of car parking and hard surfacing, where practical.

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4 October 2011

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.