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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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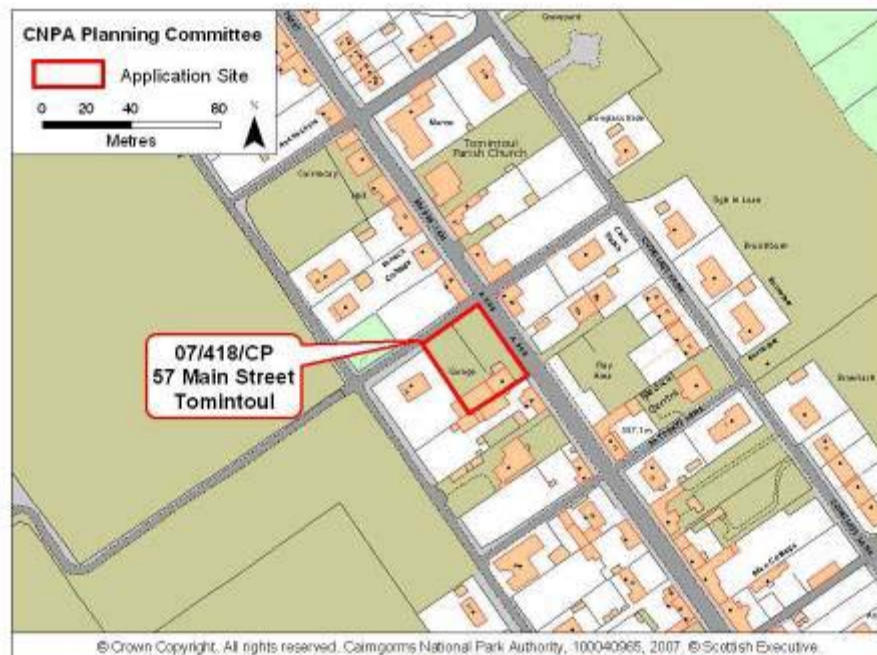
**DEVELOPMENT PROPOSED: FULL PLANNING PERMISSION TO  
ERECT EIGHT FLATS AND CAR  
PARKING AT 57 AND 58 MAIN STREET,  
TOMINTOUL.**

**REFERENCE: 07/418/CP**

**APPLICANT: DUBYE LTD., C/O WILLIAM LIPPE  
ARCHITECTS, 4 JAMES PLACE,  
INVERURIE, AB51 9UB.**

**DATE CALLED-IN: 2<sup>ND</sup> NOVEMBER 2007**

**RECOMMENDATION : APPROVE WITH CONDITIONS**



**Fig. 1 - Location Plan**

## SITE DESCRIPTION AND PROPOSAL

1. **Members will recall that this application was originally presented for determination at the meeting of 8 February 2008. A decision on the application was deferred in order to further investigate the possibility of securing an element of low cost home ownership within the proposed development of eight flats on Main Street in Tomintoul. The content of much of this report remains unaltered. For the avoidance of doubt all new information is included within the report in bold text.**
2. Full planning permission is sought in this application for the erection of eight flats and car parking on the site of a former garage and filling station at Main Street, Tomintoul. The site area extends to approximately 1,250 square metres (0.3 acres) and has frontage onto the public road on two sides – Main Street (A939) on the south eastern side and a minor public road (Fordmouth Lane) adjacent to the north western boundary, which links Main Street and Cults Drive. The garage and filling station use ceased at the site a number of years ago and much of the site has recently been cleared of the associated structures such as the petrol pumps, signage and a variety of sheds and workshops. Two structures currently remain in the southern area of the site, but would be demolished to facilitate the development. Security fencing exists at present around the perimeter of the site.
3. The site is surrounded by residential properties, in the form of conventional dwelling houses, as opposed to flats. Much of the surrounding housing stock dates from the late eighteenth and into the nineteenth century. The houses on lands immediately to the north east and south west of the site, as well as to the south east, on the opposite side of the Main Street, are stone built low level single storey and one and a half storey structures. A new single storey dwelling is currently in construction on Fordmouth Lane. Further along the Main Street, both to the north and south of the site, the style of residential properties varies. The majority of the housing stock is older and although predominantly lower level, it is interspersed with a number of one and three quarter and two storey properties. A number of new houses, mostly in the form of one and half store properties, set back from the established building line, have also recently been constructed on infill sites along the Main Street.



Figs. 2 and 3 : Proposed site as viewed from (a) opposite and (b) from the north

4. Eight flats are proposed within one block on the application site. The structure essentially includes three elements – a central section extending to one and three quarter storeys and having a ridge height of approximately 8.5 metres, and a lower level (ridge height of 7 metres), one and half storey wing extending at either side of the central element. The central section includes standard design, flat faced dormer features, partially recessed into the roof space, while more ornate piend dormer windows are proposed on the outer wings, reflecting the features of a number of the older one and half storey residences in the vicinity. A slate roof,<sup>1</sup> incorporating red ridge tiles, is proposed. Off white wet harling is proposed on the majority of the external walls, with smooth cement quoins also being incorporated for detailing on the front elevation. Windows, doors and fascias are proposed to be stained / painted white.



**Fig. 4 : Proposed front (street) elevation**

5. Four flats are proposed at ground floor level and the remaining four units are proposed on the upper floor. Each unit accommodates a kitchen, lounge, bathroom and two bedrooms. Floor areas vary between 62 square metres and 74 square metres. Direct own door access from ground floor level is proposed for each of the units. The four units on the ground floor would be accessed from individual doors in the front elevation, whilst the upper floor units would be accessed via individual doors in the rear of the property, each giving access to a private stairwell.
6. The structure would be positioned along the Main Street frontage of the site, immediately adjacent to the public footpath and adhering to the building line established by older properties either side. Vehicular access is proposed to the rear, off Fordmouth Lane, providing access to a car parking and communal open space area. A total of 13 car parking bays are identified (including one disabled parking bay) on the site layout plan. Much of the rear of the site would be given over to hard surfacing in the form of the car parking bays and the associated access and manoeuvring space. The parking bays would be formed using porous paviers. A small lawned area extending to approximately 200 square metres is located in the western corner of the site, with part of this area utilised for clothes drying, with the site plan including four drying apparatus. The site plan also includes a designated bin storage

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<sup>1</sup> A supporting statement refers to intentions to cover the roof in good quality second hand slates if available or alternatively new slates “of a suitable, local appearance.”

area close to the entrance to the car parking area. The overall area would be lit by bollard lighting.



Fig. 5 : Proposed site layout plan

#### **The Applicants Case**

7. The documentation submitted in connection with this planning application includes a 'Planning and Design Statement.' It includes justification of the design concept in the context of its setting. Reference is made to the domestic architecture of the Main Street in Tomintoul displaying a wide range of styles, dating from "the late eighteenth century, through the Victorian era to the very recent forms using uncharacteristic materials." The supporting statement asserts that "considerable care has been taken to design a simple building that fits in well with the generality of its surroundings without being either a too-obvious pastiche of all the older styles or a bland and characterless modern form." It is also stated that the development has been designed to minimise the impact on neighbouring residential properties. The benefits of the proposed development are listed and include the environmental improvements that the flats would bring to the area, the formation of a proper roadside footpath, and also a reconstructed road junction with cross corner visibility splays formed to current Council standards.
  
8. The 'Planning and Design Statement' makes reference to the proposed development in the context of Moray Council planning policy, in particular policies on development in built up areas, new building design and infill and brownfield housing. The Statement refers to the development neither conflicting or detracting from the character, amenity or design of the surrounding area. It also states that the design and layout has had regard to the scale of adjoining development "in a way that responds in an appropriate and sympathetic fashion to the locality." There are aspirations to utilise salvaged or recycled materials and where new materials or products are used it is intended that "sustainable materials from renewable resources will be sourced

as a first choice.” A stated design aim is also to “achieve a low impact building with as small an environmental footprint as can be achieved given the relative geographical remoteness of Tomintoul and the moderately harsh micro-climate experienced here.”



**Fig. 6 : Proposed development in the context of the existing streetscape.**



**Figs. 7,8 and 9 : existing properties to the south and north of the proposed site**

### **Responses to issues raised in the course of the CNPA assessment**

9. In the course of the original assessment of the application a number of issues of concern arose and were conveyed to the applicant / agent. Issues included the siting and design, level of development proposed and also the lack of affordable housing provision. The proposal was moderately revised to take into account the concerns raised. In terms of siting and design, the structure was originally proposed to be set back from the established building line, creating what was termed in the supporting statement as an area of ‘defensible space’ between the property and the public footpath. This was subsequently amended to position the building in accordance with the established building line of the streetscape. It was achieved by dropping the proposed floor levels so that they are now proposed to be level with the external ground level. The original proposal necessitated the use of ramped access to each of the ground floor properties in order to comply with access requirements. The repositioning of the building has also resulted in the creation of a slightly larger amenity area to the rear of the building. Also with reference to design concerns, specifically the overall scale and height of the proposed structure in relation to existing properties in the vicinity, the design was amended to reduce the ridge height of the highest central section.
10. In response to concerns regarding potential overdevelopment of the site, reference has been made to the viability of the proposal and particularly costs incurred in contamination tests and works. Consequently a case has been advanced that in the event of the development being reduced to a lower density the “sale price of the properties would need to be increased to make the project more viable” and in so doing would “reduce the number of local people that might be

able to afford the properties.” Also in relation to the level of development proposed on the site and CNPA concerns regarding the limited level of on site private open space provision, the response from the agents has made reference to Moray Council’s Local Plan policies “in which the provision of amenity space within a flatted development is not required.” Reference is also made to Tomintoul being located within the largest National Park in Great Britain and the applicant / agent envisaging residents using this benefit instead of requiring a large amenity area to the rear of the development.

#### **Affordable Housing Provision**

11. **On the subject of affordable housing provision the applicants representatives indicated in the course of the initial assessment that it was not intended that any of the housing would be sold to or looked after by a registered social landlord. Reference was also made to the Moray Council planning policy on affordable housing provision, and a case was also advanced that affordable housing needs are already being met in the area by the Langstane Housing Association developments elsewhere in the village. It is stated that the development of flats would be “a first for Tomintoul” targeting something not yet available in the area and the applicant envisaged that the proposed flats “would be sold to local first time buyers or local older people.” Further information was sought on this by the CNPA planning department in the course of the initial assessment of the application. The information supplied in response indicated that market research had been commissioned which demonstrated a demand for flatted properties amongst local people, in particular the young and elderly residents in the village. The potential affordability of the properties for the local market was further queried with the applicant. The response detailed the fact that a valuation report had been commissioned<sup>2</sup> which valued the proposed properties between £100,000 and £110,000.<sup>3</sup>**
  
12. **Further to the concerns raised by Members on the issue of affordable housing, specifically the provision of a small number of units<sup>4</sup> for low cost home ownership, at the meeting of 8 February 2008, the matter was again explored (please refer to copy of CNPA letter attached to the rear of the report dated 11 February 2008). A response was received from the applicants agent (please refer to letter from William Lippe Architects Ltd.), together with a copy of the CNPA letter of February 11<sup>th</sup> attached. The response does not directly address the specific request to include an element of affordable housing in the form of low cost home ownership, but makes it clear that the applicant wishes to have the application**

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<sup>2</sup> The valuation report was carried out by DM Hall Chartered Surveyors.

<sup>3</sup> The smaller two bedroom flats would be valued in the region of £100,000, the larger flats would be valued in the region of £105,000 and the largest flat with the en suite shower room would be valued in the region of £110,000.

<sup>4</sup> Two units were suggested as an acceptable number.

**determined on the basis of the information provided to date. Points previously raised on behalf of the applicant are reiterated, including the statement that the flats would be available to local first time buyers or local older people; that provision of social housing is already being met by Langstane Housing Association elsewhere in the village; and reference is also made to the Moray Local Plan policy on affordable housing “which does not operate below developments of ten residential units.”**

### **Site History**

13. This is the third planning application on the site in recent years. In 2004 outline planning permission was sought to divide the feu and erect a dwelling house. The application was called in by the Cairngorms National Park Authority (CNPA planning ref. no. 04/134/CP refers) as it was considered to be of general significance to the aims of the National Park. In particular the reason for call in made reference to the proposal raising issues in relation to amenity, contaminated land and conflict of uses and there was concern that permitting a house could impede the possibility of bringing the former garage use back into operation, which could potentially have negative social and economic development implications for the community. Further to an exploration of the issues associated with the proposal, permission was refused for three reasons. The first reason for refusal stated that the proposal to locate a new house in such close proximity to a vehicle workshop is considered detrimental to the reasonable living environment that a new residential unit can expect. Reference was made to the potentially unacceptable noise, loss of privacy and other disturbance from the operations in and around the adjacent workshop. The second reason for refusal stated that the subdivision of the feu to erect a dwelling house was an overdevelopment of the site as it would lead to a significant loss of outdoor parking, storage and manoeuvring space within the garage workshop site which could lead to constraints on the operation of the business site or lead to overspill from that site. The third and final reason for refusal referred to a failure to provide evidence that the site was free from contamination and therefore failed to demonstrate that the site would be suitable for the residential development proposed.
14. A second application for residential development was made on the site in 2005. Outline permission was sought to divide the feu and erect two dwelling houses (CNPA planning reference no. 05/492/CP refers). That application was not called in but was dealt with by Moray Council. The CNPA did however convey comments to Moray Council, referring to the prominent Main Street location of the proposed development and the need for development in this location to achieve an enhancement of streetscape. The CNPA suggested that clear guidance should be set by way of conditions in the event of planning permission being granted, in order to ensure that any dwelling units are located and designed to reflect the character of existing traditional properties in the vicinity, in

terms of scale, height, building line and choice of materials. The application was later withdrawn by the applicant.

## DEVELOPMENT PLAN CONTEXT

15. In the national context, **SPP 3 Planning for Housing** encourages the provision of well-located, high quality new housing, and suggests that good housing can support economic competitiveness, social justice and sustainable development. Para. 6 of the document stresses that housing is a key factor in defining the character of cities, towns and villages. **SPP 3** concedes that the design of new housing is not always given sufficient priority and urges that the environmental impact of housing be given much greater importance. Para. 14 discusses the Form of Development and highlights the fact that good layout is at the heart of making residential environments safe and welcoming, with pedestrian activity adding vitality and increasing the feeling of personal safety.
16. **SPP 3** also highlights the relevance of good landscape design, stressing that it can make a significant contribution to environmental quality, but cannot compensate for poor layout and design.
17. **PAN 65 – Planning and Open Space** describes open space as a valuable asset which is important for our quality of life. It concedes that the future growth of settlements will have implications for open space, but advises that this should not lead to a loss of amenity and should place a greater emphasis on the need for a “well-distributed, well-connected and accessible quality of open space.”
18. **PAN 67** deals with the subject of **Housing Quality** and recognises the fact that many people want to live in a place that has a distinct identity, “rather than one that could be anywhere.” **PAN 67** advises that all development has the potential to contribute to a sense of neighbourhood and also highlights the fact that “thoughtlessly chosen standard house types and inappropriate materials look disconcertingly out of place.” In a detailed section on layout, it also urges developers to think about the qualities and characteristics of places and not consider sites in isolation.
19. A detailed section on Landscape is also included in **PAN 67 Housing Quality**, which emphasises that the character and appearance of the land including its shape, form, ecology, natural features and the way they combine, is a key to designing houses that makes the most of its setting. It is advised that natural features should generally be conserved and emphasised, with additional new tree and shrub species complementing the area’s existing natural features. It also advocates the use of landscaping proposals to promote biodiversity.



**Moray Council Structure Plan**

20. The Moray Council Structure Plan contains an extensive section on Housing. One of the aims expressed in the Plan is to provide house building opportunities across Moray. The Structure Plan seeks to satisfy housing requirements, and to provide flexibility to cope with fluctuations in housing demand. The Structure Plan discusses the subject of 'New Housing in Built Up Areas' and has a stated aim of setting standards for new housing, as well as promoting 'brownfield' development. The Plan supports the development of infill or brownfield sites which meet sustainability objectives, but also advises that "there should be a clear intention to enhance the form and quality of the urban environment, with particular care required to avoid over-development or 'cramming'."
21. Policy S/H3 of the Structure Plan states that "new housing will generally be directed to the settlements. Housing fitting in to built up areas must be acceptable in terms of the impact on the infrastructure, open space and community facilities, as well as its impact on the surrounding built environment."
22. Another of the aims of the Structure Plan is to achieve sensitive development through the Development Control process. Policy S/IMP1 deals with 'Development Siting, Layout and Design' and states that "new development will require to be sensitively sited, designed and serviced. It should meet the following criteria –
  - (i) its scale, density and character is appropriate to the surrounding area;
  - (ii) it can be successfully integrated into the surrounding landscape;
  - (iii) its meets wider transportation and local site energy efficiency objectives;
  - (iv) adequate infrastructure is available or could be made available in conjunction with the development;
  - (v) consideration is given to the provision of infrastructure which meets the sustainable urban drainage principles using appropriate Sustainable Urban Drainage Systems;
  - (vi) adequate social and community facilities are available or could be provided in conjunction with the development;
  - (vii) it does not adversely affect nature, urban or historic conservation measures;
  - (viii) it seeks to manage flood related issues;
  - (ix) pollution is avoided, including pollution of ground water.

**Moray Council Local Plan (2000)**

23. The proposed site is within the identified settlement boundary of Tomintoul. The Local Plan includes a village statement on Tomintoul, which refers to it having its origins as a planned estate village. Objectives for the settlement include the promotion of Tomintoul as an

outdoor sports holiday location in both summer and winter and to retain the planned layout and improve the visual appearance.

24. The Local Plan includes a variety of policies in relation to developments within built up areas. **Policy L/H3** deals with 'Servicing and Layout of New Housing Developments' and includes policies on layout, drainage, landscaping, recreational space and community provision and energy consumption, although much of this relates to larger scale housing proposals. **Policy L/H4** on 'Infill and Brownfield Housing' is more directly applicable to this site. That policy advises that approval will normally be granted for the change of use or redevelopment of vacant property for residential use provided that the location can provide a satisfactory living environment.
25. Although the Plan encourages the provision of affordable housing, the requirement to provide such housing or make a development contribution towards its provision only becomes applicable on developments of 10 or more units. **Policy L/H7** provides details on this, stating that "the proportion of a site which the Council will expect to be used to satisfy local affordable housing needs will be commensurate with the site size and the specific extent and nature of the local needs for affordable housing."
26. The Implementation Section of the Local Plan includes **Policy L/IMP1** on Development in Built-UP Areas, where it is the policy in considering planning applications to ensure that proposals for development do not harm the character of the general surrounding area. Applications are expected to take account of the main uses of land and buildings in the vicinity and the mix of such uses and the architectural quality of the area. Development should neither conflict nor detract from the character, amenity and design of an area. It is expressly stated however that the policy is not intended to preclude appropriate new development and is not intended solely to maintain the status quo.
27. Guidelines are provided on Character, Amenity and Design. The character of an area is assessed by a number of factors including its main uses and the architectural style of the area. The amenity of the area is assessed in terms of both the people who will occupy the development site and the adjoining occupiers. The most important aspects of amenity which are considered worth protecting are –
  - Privacy – for both occupants and surrounding neighbours;
  - Traffic – the introduction of increased traffic movement and resulting noise can significantly detract from the amenities of the area;
  - General disturbance - protection is required from activities which create unreasonable levels of noise, smells and other discomforts including wheeled bin locations;
  - Sunlight / daylight – adequate levels of sunlight and daylight should be safeguarded for surrounding properties and afforded to new developments.

28. The design of new development is required to relate to the type of development in the immediate vicinity, as well as the wider context and setting. The Local Plan advises applicants to avoid design proposals which compromise the appearance of design characteristics of the surrounding area. The appropriateness of a design will be assessed by having regard to –
- The scale of adjoining development;
  - The materials, finishes and colours used in nearby developments;
  - Any features on or near the site worthy of reproduction, protection or enhancement; and
  - The principles of site sensitive design (pitched not flat roofs, vertical not horizontal windows etc.).
29. **Policy L/ IMP3** of the **Moray Local Plan** is about New Building Design. Standardised solutions to building design are not encouraged. Design solutions which seriously compromise the amenity and character of the area will not be permitted. In terms of materials, the Local Plan encourages the use of materials which are sustainable. The use of salvaged or recycled material is encouraged in most circumstances.
- Cairngorms National Park Plan (2007)**
30. The **Cairngorms National Park Plan** sets out the strategic objectives for the Park under three headings, all of which are of relevance to the development proposal – (i) conserving and enhancing the Park; (ii) living and working in the Park; and (iii) enjoying and understanding the Park. In relation to conserving and enhancing the Park the objectives set out in the Plan include maintaining and enhancing the distinctive landscapes across the Park and ensuring that development complements and enhances the landscape character of the Park. The Plan also requires that new development in settlements and in surrounding areas and the management of public spaces should complement and enhance the character, pattern and local identity of the built and historic environment. In elaborating on this particular objective it is advised that new development should enhance the local identity, quality of public space and surrounding environment and that high quality design should be a feature of all new developments.
31. Under the heading of Living and Working in the Park, there is a specific section on Housing. Objectives include increasing the accessibility of rented and owned housing to meet the needs of communities throughout the Park and ensuring that there is effective land and investment for market and affordable housing to meet the economic and social needs of communities throughout the Park.
32. In relation to Enjoying and Understanding the Park there is recognition that enjoyment of the park area is not only relevant to those people travelling to the Park, but is part of the everyday experience of those living in and around the area. The experience of residents and visitors alike should be of the highest quality. The Plan contains a number of

strategic objectives for outdoor access and recreation, which include encouraging people of all ages and abilities to enjoy and experience the outdoor environment.

## CONSULTATIONS

33. The proposal has been assessed by **Scottish Natural Heritage** and there is no objection to the proposal. SNH have assessed the natural heritage interests affected, in particular bats which are a European Protected Species. The response refers to photographs of the existing garage buildings which would be demolished to facilitate the current development proposal. The response notes that the photographs show limited views of the internal roof structures. An officer from Scottish Natural Heritage also carried out an inspection of the site. It is noted that the structure of the walls and roof of the buildings and their open aspect make it unlikely that they are used by roosting bats. SNH advice is that the demolition of the buildings is therefore unlikely to adversely affect European Protected Species. Although there is no objection to the proposal, SNH advise as a matter of good practice that the applicant ensures that he and any contractors remain vigilant for signs of bats during the proposed development works. In the event of any bats or signs of roosting bats being found, all work in the area must cease immediately and SNH should be contacted for further advice as to how to proceed.
34. The consultation response from **Scottish Water** is one of no objection, but it is nonetheless advised that any planning approval granted by a Planning Authority does not guarantee a connection to Scottish Water infrastructure until a satisfactory solution is identified. Scottish Water advise that at present there is insufficient capacity at the Blairnamarrow Water Treatment Works to serve the development. Similarly the Tomintoul Waste Water Treatment works also has insufficient capacity to serve the development at present.
35. **Moray Council Roads Department** consider the proposal to be acceptable. Reference is made in the consultation response to current parking standards requiring 1.5 parking spaces per flat (up to two bedrooms) and that the requirement for on site car parking provision is therefore met within the currently proposed site layout. It is also noted that access for the development onto Fordmouth Lane is approximately 25 metres from its junction with Main Street. The cross corner visibility, from Main Street to Fordmouth Lane is considered to be acceptable, as is the visibility at the junction of the proposed entrance and the public road. The proposal is considered to comply with Moray Council Local Plan policies **L/T4** and **L/T7** (Provision of Road Access and Parking Standards respectively). The consultation response recommends that a number of conditions are attached in the event of the granting of planning permission.

36. The **Environmental Health Manager** at Moray Council has assessed the proposal and has recommended that it should be approved unconditionally.
37. The **Contaminated Land** section of Moray Council engaged in a significant level of consultation with the applicant / agent in the course of this application in order to assess contamination issues. The final response from the Contaminated Land section recommends that two conditions are attached in the event of the granting of planning permission. The conditions require that all works required to remedy contamination at the site are fully implemented in accordance with the Remedial Strategy which was submitted in the course of the application and that no development works commence at the site until details have been submitted of the methodology for the supplementary investigation at the site and a full validation report is submitted for the approval of the Contaminated Land section. The second condition requires in the event of significant unsuspected contamination being found on the site that all work immediately cease until an appropriate investigation is carried out to determine the nature, extent and potential impacts of the contamination has been undertaken.
38. **Kirkmichael and Tomintoul Community Council Association** examined the proposal and has expressed a number of views on the development proposal. Views expressed about the development include it tidying up an “eyesore;” the need for private affordable housing and a query as to whether or not local people would be able to afford the units; a suggestion that two blocks of four maisonettes would have been preferable or alternatively two detached houses, although it is also commented that this option would be too expensive for local people; the need for the development to be viable and sustainable; and a final comment that Council or Housing Association development is not wanted in this area of Main Street.
39. The original response received from the **Economic and Social Development Group** of the Cairngorms National Park Authority, specifically addressed housing issues. The consultation response noted that the dwelling units are not proposed for affordable housing provision. Comment was also made on the fact that Moray Council’s affordable housing policy does not require the provision of affordable housing in a development of the scale proposed. The response concluded that Tomintoul would appear to have a sufficient supply of affordable housing in the event that Phase 2 of the development by Langstane Housing Association goes ahead this year.
40. **Following the deferral of the application in order to further explore the possibility of including an element of affordable housing (in the form of a low cost home ownership scheme), additional comments were received from the Housing Officer in the CNPA’s Economic and Social Development Group, who had undertaken some work with a representative of Langstane Housing Association.**

The Langstane Housing Association official confirmed that work is due to commence shortly on the second phase of the Housing Association scheme at the southern end of the village. That development will provide eight units in a mixture of flats and houses. Two of the units are being provided for low cost home ownership through the 'Homestake' arrangement. Based on their own experiences and also enquiries with Moray Council, Langstane Housing Association have concluded that this is an appropriate development mix. The Housing Association have however conceded that the assessment of the affordable housing need is to some extent 'a little anecdotal' and they would be "a little nervous about the additional units" that could potentially come about in this current application for affordable purposes. The comments from Langstane Housing Association indicate support for the principle of such a development but have indicated that "timing might play a significant role in the success or otherwise of an additional two units of affordable housing for sale."

41. The comments from the Housing Association also made reference to technical and administrative difficulties which they are experiencing in some areas. Amongst these is the fact that high valuations have put the properties beyond the means of those who are deemed eligible for housing and this is often further complicated by the cost of construction. In addition, in terms of design, Langstane Housing Association require that all properties are compliant with "Housing for Varying Needs." The Housing Association has not commented on whether the current development proposal which is the subject of this application comply with that requirement. The final comments from the Housing Association confirm a willingness to "assist in any role that it can in maintaining the viability of Tomintoul and similar communities as part of its ongoing commitment to sustainable rural and remote housing."

## REPRESENTATIONS

42. One representation has been received in respect of the development proposal. The letter was originally sent to the agents for this planning application and was forwarded from their offices. Geoff and Jenny Charlton of 69 Main Street, Tomintoul, state in their representation that the site "desperately needs to be developed" and as a very near neighbour, they find the plans to be in keeping with the area and acceptable for the size of the site. They express a wish that the application is looked upon favourably.

## APPRAISAL

43. **As Members will be aware the previous appraisal assessed the development proposal in the context of a broad range of issues, including planning policy, and the impact of the development on the Main Street in Tomintoul and site specific issues including siting and design, overall layout and the associated level of car parking and open space provision.**
44. In terms of planning policy, the development is on land which is within a settlement and is essentially a proposal on a brownfield site, which has been in a deteriorating condition in this prominent Main Street location since commercial activities on the site ceased. Since the applicants purchase of the site some months ago, some efforts have been made to tidy the area, but the land nonetheless retains the appearance at present of an unwelcome void in the residential streetscape. The Moray Council Structure Plan and Local Plan policies clearly support the development of 'brownfield' or 'infill' sites, with the intention of enhancing the form and quality of the urban environment. The principle of the proposed residential development is therefore generally acceptable and would undeniably enhance the quality of the built environment of this area of the Main Street.
45. Whilst accepting the principle of residential development on this site, it is also necessary to have regard to other elements of the **Structure Plan** policy on developing brownfield or infill sites, which as detailed in paragraph 19, advises that particular care is required in order to avoid over-development or 'cramming.' The development of eight flats is proposed on a relatively limited area of land, occupies a significant footprint and combined with the need to meet the required car parking standards, leaves only a limited area of the site available for use as private open space for potential residents of the development. I continue to have some concerns in this regard and as detailed to in earlier sections of this report I had explored the issue of reducing the density and scale of development, as well as increasing the provision of on site open space. Paragraphs 9 – 10 of this report refer to the applicant / agents response on this matter, where there was a reluctance to consider a reduction in the number of units, primarily on the basis of the viability of the project. Reference was also made to any reduction in the number of units being likely to give rise to increased costs to purchasers, which could place the properties beyond the level of affordability of interested purchasers from the local area. It is not an argument that I am entirely convinced of, and in any case given that all of the units would be open market properties, there can be little guarantee that they would exclusively benefit the local housing market. However, it is also necessary to recognise that the Moray Local Plan does not set any minimum requirements for private open space provision in flatted developments nor does it provide guidance on density standards. In addition, some minor amendments

have been made to slightly increase the level of private open space provision at the rear of the proposed structure.

46. A further point of concern is the overall scale of the building proposed and in particular the height of the central element. In the context of properties in the immediate vicinity, the central element of the proposed new structure is significantly higher, although some efforts were made to reduce the ridge height since its original submission. However, it is necessary to assess the suitability of the design in the overall context of the Main Street and as the streetscape drawings submitted demonstrate, the new building would not be of significantly greater height than other properties a short distance from the proposed site. It is also necessary to acknowledge that effort that has been made in some of the detailing, such as the piend dormers on the outer elements of the structure, which closely reflect the traditional features of many of the older properties in the vicinity. The inclusion of individual access doors to serve each of the proposed flats, with 4 of those doors being strategically located along the front elevation, is also a benefit, not only in terms of privacy for prospective residents, but also in terms of the impact on the streetscape. The front elevation creates the impression of a number of dwelling houses, as opposed to the structure being a block of flats. Further assimilation into the streetscape could also be achieved through the choice of materials. As already detailed there is a commitment to use salvaged roofing material and the structure would include white stained timber windows and doors, with a predominant wall finish of off white harling. Achieving an appropriately coloured harled finish will be a significant factor in integrating the development into the built fabric of the area. Having regard to the nature of finishes of existing properties in the area, many of which are stone faced or of a dark harled colour, it would be necessary to agree the colour by way of an assessment of samples on site, in the event of consideration being given to the granting of planning permission. In addition, having regard to the relative simplicity of the majority of finishes on existing properties, the proposed use of smooth cement quoins for detailing purposes is considered an unnecessary and somewhat inappropriate addition. This is however a relatively minor design detail which could be resolved by the inclusion of a condition in any grant of planning permission, requiring its omission.
47. **On the subject of affordable housing and specifically the provision of a small number of the units for low cost home ownership purposes, it is clear that the applicant does not wish to entertain this request and instead requires that the application is assessed and determined on the basis of the proposal as presented, for eight open market flats. The points most recently made by the applicants agent have been detailed in paragraph 12 of this report, the most pertinent of which I consider to be the fact that existing Moray Council Local Plan policy does not require the provision of affordable housing within developments of less than 10 units. In assessing this proposal it has been necessary for me**



to balance existing Local Plan policy with the general thrust of the Cairngorms National Park Plan, which places a strong emphasis on the need to ensure greater access to affordable and good quality housing to help create and maintain sustainable communities. The consultation response received from the CNPA's Housing Officer, as well as comments by Langstane Housing Association, all indicate that the identified need for affordable housing is currently being met in Tomintoul. There is no quantifiable evidence therefore to support the need for the provision of additional affordable housing, either social rented housing or low cost home ownership properties. In light of this and having regard to the existing Local Plan policy, I am of the view that the matter of affordable housing provision has been explored as far as possible and the proposal should now be determined on the basis of the proposal as it stands i.e. without an affordable housing element. To compel the applicant to provide two of the units for low cost home ownership (or any other form of regulated affordable housing) would be inconsistent with planning policy, nor is there any clear evidence to support the need for such housing provision at the present time. In light of this, it is my view that it would be difficult for the CNPA to sustain such an unjustified position in the event of an appeal.

48. In terms of the Strategic Objectives for Housing as expressed in the Cairngorms National Park Plan, the term 'affordable' is applicable in a far broader sense than formal affordable housing provision regulated through a Housing Association. As detailed earlier in this report the Park Plan refers to "the need to ensure greater access to affordable and good quality housing" and it is important to note that the Plan specifically states that "this includes both owner-occupied properties and those rented through social and private landlords." It is widely accepted that in addition to the quantified need for formal affordable housing provision throughout the Park that there is also a significant unquantified need for open market housing which would come within the affordability parameters of people living and working within the Park. In this respect the proposed development may have the potential to provide that type of opportunity for local people to enter the housing market. The applicant has indicated that he hopes to sell "to local first time buyers or local older people." Whilst it is hoped that this is the situation that would develop, I accept that such an outcome cannot be guaranteed.
49. On the basis of all of the foregoing, and having regard to the general principle being acceptable, it is my view that the proposed development would be more acceptable than the site remaining in its current, somewhat derelict state in this prominent Main Street location. In overall terms, the proposed development has the potential to strengthen the fabric of the streetscape and would also deliver a number of benefits such as the formation of a new footpath along this

section of the Main Street, as well as delivering environmental benefits through the decontamination of the site.

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

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

50. The proposed development site is not affected by any natural or cultural heritage designations other than its location within the Cairngorms National Park. The development is proposed to take place on a brownfield site, which has considerably degraded since the closure of the previous commercial activity on the site. The development is likely to represent an enhancement of this area of Tomintoul and would assist in strengthening the streetscape of the Main Street, thereby enhancing the cultural heritage of the area.

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

51. The details provided indicate where possible that efforts would be made to source salvaged or recycled materials, and where new materials or products are used they would be sustainable and from renewable resources.

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

52. The development which is proposed to occur on a brownfield site in a prominent position on the Main Street in Tomintoul would represent a significant visual enhancement of the area from its current state. The rejuvenation of this area would consequently increase the enjoyment of the area by the general public.

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

53. The proposal would provide purpose built flats in Tomintoul, which is an accommodation type not previously available in the village. In terms of size and location it has the potential to cater for some of the open market housing needs of some sectors of the local community. The development of residential units on this derelict brownfield site on the Main Street would contribute towards reinforcing the service centre of Tomintoul.

## **RECOMMENDATION**

That Members of the Committee support a recommendation to :

**Grant full permission to erect eight flats and car parking at 57 / 58 Main Street, Tomintoul subject to the following conditions –**

1. The development to which this permission relates must be begun within five years from the date of this permission.
2. Vertically sliding timber sash and case windows shall be used throughout the development. Detailed drawings and specifications shall be submitted for the written agreement of the Cairngorms National Park Authority, acting as Planning Authority, prior to the commencement of development.
3. Prior to the commencement of any wall rendering works, sample panels, approximately 1 metre square, of the wet harling shall be prepared on site for the inspection and further written approval of the CNPA acting as Planning Authority.
4. The corner quoins on the front elevation shall be omitted and revised drawings to reflect this shall be submitted for the written agreement of the Cairngorms National Park Authority, acting as Planning Authority, prior to the commencement of development. The ridge tiles shall be of a similar colour to the slates used on the roof. Red ridge tiles shall not be used.
5. Prior to the commencement of development comprehensive drainage measures according with SUDS principles shall be submitted for the agreement of the Cairngorms National Park Authority acting as Planning Authority, in consultation with Moray Council. The SUDS scheme shall be implemented and operational prior to the occupation of any dwelling within the development.
6. In respect of the proposals to remediate contamination on the site :
  - (a) all works required to remediate contamination on the site shall be fully implemented in accordance with the applicant's Remedial Strategy for Proposed Residential Development at 57 Main Street, Tomintoul, dated November 2007.
  - (b) No development shall commence until the following has been carried out :
    - (i) Full details of the methodology for the supplementary investigation of the site have been submitted to and approved in writing by the Cairngorms National Park Authority acting as Planning Authority, in consultation with The Moray Council Environmental Health (Contaminated Land) Section. Thereafter these works will be implemented in accordance with the agreed details.
    - (ii) Full details of the remediation methodology have been submitted to and approved in writing by the Cairngorms National Park Authority, acting as Planning Authority, in consultation with the Moray Council Environmental Health (Contaminated Land) Section. Thereafter these works shall be implemented in accordance with the agreed details.
    - (iii) Full details of the validation methodology have been submitted to and approved in writing by the Cairngorms National Park

Authority acting as Planning Authority, in consultation with the Moray Council Environmental Health (Contaminated Land) Section. Thereafter these works shall be implemented in accordance with the agreed details.

- (iv) A full validation report has been submitted to and approved in writing by the Cairngorms National Park Authority acting as Planning Authority, in consultation with the Moray Council Environmental Health (Contaminated Land) Section, which demonstrates that no pollutant linkages remain or are likely to occur.
7. In the event that significant unsuspected contamination is found, all work shall cease until an appropriate investigation to determine the nature, extent and potential impacts of the contamination has been undertaken and a remediation method statement agreed with the Cairngorms National Park Authority acting as Planning Authority, in consultation with the Moray Council Environmental Health (Contaminated Land) Section.
8. The following roads requirements shall be adhered to :
- (a) no boundary fences, hedges, walls or any obstruction whatsoever over 1.0 metres in height and fronting onto the public road shall be within 2.4 metres of the edge of the carriageway;
  - (b) the width of the vehicular access shall be 5.0 metres and have a maximum gradient of 1:20 measured for the first 5.0 metres from the edge of the public carriageway. Section of access over the public footpath / verge shall be to the Moray Council specification and surfaced in bitmac;
  - (c) No water shall be permitted to drain or loose material be carried onto the public footpath / carriageway;
  - (d) A turning area shall be provided within the curtilage of the site to enable vehicles to enter / exit in a forward gear;
  - (e) A visibility splay of 2.4 metres x 35 metres shall be provided at the access;
  - (f) The new footpath shown on the submitted drawings shall be constructed in accordance with the Moray Council specifications and completed prior to the first occupation of any of the proposed flats.
10. A suitable management and maintenance agreement shall be established in respect of any SUDS measures, hard and soft landscaped areas, roads, footpaths or cycle paths not intended or not suitable for adoption by a statutory authority.
11. All car parking areas, driveways and other hard standing areas shall have a durable, dust free, porous surface.
12. All public services for the development, including electrical, cable television and telephone cables, shall be located underground

throughout the site. All such work shall be carried out prior to road surfacing and junction boxes shall be provided by the developer.

13. Prior to the commencement of development, a detailed landscaping plan shall be submitted for the agreement of the Cairngorms National Park Authority, acting as Planning Authority. The landscaping plan for the entire site area shall include comprehensive details of all species (which should be of indigenous origin), planting location and numbers to be planted. All new landscaping shall be carried out in accordance with the approved details. The landscaping of all communal areas within the proposed development shall be completed within one year of the commencement of works. Any trees or shrubs that die or become seriously damaged or diseased within a period of five years from the time of planting shall be replaced with others of a similar size and species, suited to the climate of the area, within the next planting season.
14. All persons involved in development work at the site shall remain vigilant for signs of bats. In the event that any bats or signs of roosting bats are found, all work in that area must cease immediately and shall not proceed further until the advice of Scottish Natural Heritage has been sought. All further works shall only proceed in accordance with the stipulations of Scottish Natural Heritage.
15. Prior to the commencement of development a revised site layout plan shall be submitted to show the provision of individual clothes drying apparatus for each of the eight flats in the open space area to the rear of the structure. The revised site layout plan shall also include proposals for the provision of covered cycle storage areas and shall be accompanied by elevation drawings of the structure, for the written approval of the Cairngorms National Park Authority acting as Planning Authority.

**Advice notes :**

- (a) The applicant/developer is advised to contact Scottish Water, which whilst not objecting to the application, has highlighted that there may be water network and waste water network issues.
- (b) No building materials / scaffolding / builder's skip shall obstruct the public road (including footpath) without permission from the Moray Council Roads department.
- (c) The applicant shall ensure that their operations do not adversely affect any Public Utilities which should be contacted prior to the commencement of operations.
- (d) The applicant shall free and relieve the Roads Authority from any claims arising out of his operations on the road or extension to the road.

- (e) The Transportation Manager at Moray Council must always be contacted before any works commence. This includes any temporary access which should be agreed with the Transportation Manager prior to work on it commencing.

**Mary Grier**  
**28 February 2008**

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