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## CAIRNGORMS NATIONAL PARK AUTHORITY

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### **DEVELOPMENT PROPOSED:**

Demolition of existing shop and cafe and erection of 6 new housing units and associated car parking and cycle storage at Dow Store And The Osprey Cafe  
Deshar Road Boat Of Garten

**REFERENCE:** 2018/0173/PPP

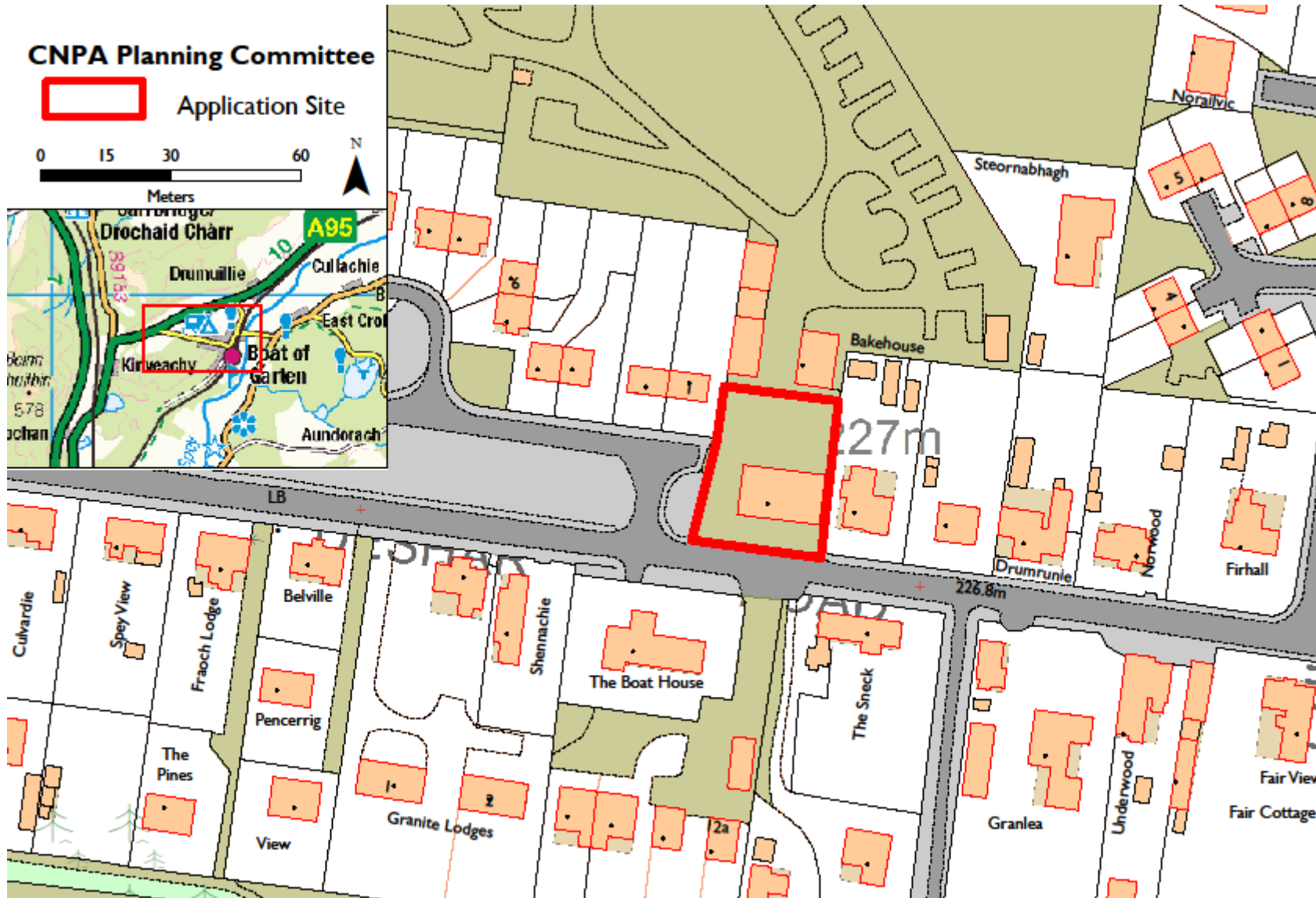
**APPLICANT:** Mr David Dow

**DATE CALLED-IN:** 4 May 2018

**RECOMMENDATION:** Approve subject to conditions

**CASE OFFICER:** Emma Wilson  
Planning Officer

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## **SITE DESCRIPTION, PROPOSAL AND HISTORY**

### **Site Description**

1. The proposed site lies within the settlement boundary for Boat of Garten on the north side of Deshar Road, a principle route from the west towards the village core. A location plan is attached in **Appendix I**.
2. The site is relatively flat and currently has a single storey building on it for general grocery, retail sales with a small café area. There is parking to the front and rear. There is no vegetation of any significance on site.
3. The site covers approximately 1100m<sup>2</sup> and is located directly in front of the Boat of Garten Holiday Park. The proposed site and Boat of Garten Holiday Park share an access.
4. The surrounding area is predominantly residential with a mix of single, one and a half and two storey dwellings.

### **Proposal**

5. The drawings and documents associated with this application are listed below and are available on the Cairngorms National Park Authority website unless noted otherwise:  
<http://www.eplanningcnpa.co.uk/online-applications/applicationDetails.do?activeTab=summary&keyVal=P8ELIUSI0CA00>

<b>Title</b>	<b>Drawing Number</b>	<b>Date on Plan*</b>	<b>Date Received</b>
Proposed Design and Justification Statement			15/05/2018
Location Plan	P481.18.01	April 18	15/05/2018
Existing Site Plan	P481.18.02	April 18	15/05/2018
Existing Block Plan	P481.18.03	April 18	15/05/2018
Proposed Site Plan	P481.18.04	April 18	15/05/2018

\*Where no specific day of month has been provided on the plan, the system defaults to the 1<sup>st</sup> of the month.

6. This application is for planning permission in principle and is to demolish the existing single storey building and to erect a residential block of six affordable units.
7. The proposed development will be no greater than the footprint of the existing building and will extend to 1¾ storeys. The existing parking area to the front of the existing shop will provide garden ground for the proposed development while the rear parking area shall provide 9 car parking spaces, a cycle shelter and landscaped communal grounds. An indicative site plan is attached in **Appendix I**.
8. The existing vehicular access to the east will be removed and the pavement extended in an easterly direction. The existing access to the west, which also provides access to the Boat of Garten Holiday Park will be retained.

9. The applicants have provided some details of the design, which will include traditional features and finishes.
10. Notwithstanding the details that have been submitted as part of this application, a condition will be attached should consent be granted requiring the submission of all details in relation to the proposals.

## History

11. There is no development history associated to the site.

## DEVELOPMENT PLAN CONTEXT

### Policies

<b>National Policy</b>	Scottish Planning Policy 2014	
<b>Strategic Policy</b>	Cairngorms National Park Partnership Plan 2017 - 2022	
<b>Local Plan Policy</b>	Cairngorms National Park Local Development Plan (2015) Those policies relevant to the assessment of this application are marked with a cross	
POLICY 1	NEW HOUSING DEVELOPMENT	<b>X</b>
POLICY 2	SUPPORTING ECONOMIC GROWTH	<b>X</b>
POLICY 3	SUSTAINABLE DESIGN	<b>X</b>
POLICY 4	NATURAL HERITAGE	<b>X</b>
POLICY 5	LANDSCAPE	<b>X</b>
POLICY 6	THE SITING AND DESIGN OF DIGITAL COMMUNICATIONS EQUIPMENT	
POLICY 7	RENEWABLE ENERGY	
POLICY 8	SPORT AND RECREATION	
POLICY 9	CULTURAL HERITAGE	
POLICY 10	RESOURCES	<b>X</b>
POLICY 11	DEVELOPER CONTRIBUTIONS	<b>X</b>

12. All new development proposals require to be assessed in relation to policies contained in the adopted Local Development Plan. The full wording of policies can be found at: <http://cairngorms.co.uk/uploads/documents/Park%20Authority/Planning/LDPI5.pdf>

### Planning Guidance

13. Supplementary guidance also forms part of the Local Development Plan and provides more details about how to comply with the policies. Guidance that is relevant to this application is marked with a cross.

Policy 1	New Housing Development Non-Statutory Guidance	<b>X</b>
Policy 2	Supporting Economic Growth Non-Statutory Guidance	<b>X</b>
Policy 3	Sustainable Design Non-Statutory Guidance	<b>X</b>
Policy 4	Natural Heritage Supplementary Guidance	<b>X</b>
Policy 5	Landscape Non-Statutory Guidance	<b>X</b>

Policy 7	Renewable Energy Supplementary Guidance	
Policy 8	Sport and Recreation Non-Statutory Guidance	
Policy 9	Cultural Heritage Non-Statutory Guidance	
Policy 10	Resources Non-Statutory Guidance	<b>X</b>
Policy 11	Developer Contributions Supplementary Guidance	<b>X</b>

## CONSULTATIONS

### A summary of the main issues raised by consultees now follows:

14. **SEPA** has stated that the scale and nature of the development falls below the threshold on which they provide site-specific advice.
15. **Scottish Water** state that they do not object to the proposed development and, at present, there is sufficient capacity at Aviemore Water Treatment Works and in Boat of Garten Waste Water Treatment Works although further investigations maybe required once a formal application has been made to them. Scottish Water have further identified that there is a combined sewer which runs through the site boundary and a surface water sewer which runs close to the south border of the site.
16. **SNH** state that their advice is restricted to the effects of the development on the issues within their remit, which in this case are Kinveachy Forest, Cairngorms SPA, Abernethy Forest SPA, Craigmore Wood SPA and Anagach Woods SPA. There are natural heritage interests of international importance close to the site, but these will not be adversely affected by the proposal.
17. **Highland Council Contaminated Land** holds no information to suggest that there have been any potentially contaminative uses of the site or any activities of concern and as such have no comment to make with regards to this application.
18. **Highland Council Flood Risk Management Team** has no objection to the proposed development however request that a drainage impact assessment (DIA), in accordance with The Highland Council's, Supplementary Guidance, be submitted at the next stage of planning. It is requested that this document contains calculations pertaining to a 1 in 200 year rainfall event and methods of managing this within the site boundary.
19. **Highland Council Transport Planning Team** has no objection in principle to the proposed development, however, lists a number of issues that will be required to be addressed with any future detailed application. These issues include access, car and cycle parking, waste and recycling and surface water drainage.
20. **CNPA Ecology Officer** notes that there is no vegetation currently on site and therefore the site could be significantly improved by a landscaping scheme which incorporates a SUD scheme which includes biodiversity and amenity benefits (e.g. planted swale or rain garden). They go on to state that there is a requirement for a Habitats Regulations Appraisal to be conducted with regards to the potential impact

of the development on the Capercaillie population in the immediate vicinity. A HRA has been undertaken and is attached in **Appendix 2**. The HRA concludes that the proposal will not adversely affect the integrity of any of the SPA sites.

21. A bat survey was undertaken of the existing building and confirmed no potential for bat roosts within it but the building also has potential for swift nests and as such a survey will have to be undertaken prior to demolition and appropriate mitigation measures identified to address any impacts.
22. **CNPA Landscape officer** states that there is potential for the proposed development to have an impact, however this can be addressed by appropriate mitigation measures. They also recommend that a detail application should include reference to the landscape priorities for Boat of Garten, elevation drawings of the new build and streetscene contextual visualisations and visual impact assessment, a landscape plan and sections with full specification and landscape maintenance and management plan.
23. **Boat of Garten and Vicinity Community Council** support the application for the reason that they understand the viability of the business has been potentially compromised with the opening of major national retailers in Aviemore. After discussions with the applicant, the Community Council understand that the proprietors of the business seek to make the proposed development affordable to local people and the Community Council state that they intend to enquire further about other opportunities that may be available to them. A copy of their comments is attached in **Appendix 4**.

## REPRESENTATIONS

24. There has been a total of 10 representations received, all of which object to the proposed development. These are attached in **Appendix 5**. The grounds of objection are summarised as follows:
  - a) The land is currently zoned for economic development, not residential development.
  - b) Overdevelopment of the Site.
  - c) Over supply of houses within immediate vicinity.
  - d) Loss of privacy.
  - e) Increase in noise.
  - f) Loss of viability of the village as a whole.
  - g) Community need for access to shops and retail.
  - h) Access to the Boat of Garten Holiday Park.

## APPRAISAL

### Principle

25. **Policy I: New Housing Development**, of the Cairngorms National Park Local Development Plan 2015 supports new housing within the identified settlement boundary, where they are on identified sites or where they reinforce and enhance the character of the settlement, maximising opportunities for infill, conversion small scale

development, use of derelict land or underused land or the redevelopment of land. The settlement boundaries indicate the extent to which a settlement can expand. All new housing development should be contained within these boundaries. The site sits well within the settlement boundary.

26. **Policy 1- part 4: Contributions towards affordable housing**, of the Cairngorms National Park Development Plan 2015 - seeks that all new residential development of 4 or more units provides for a minimum of 25% affordable housing provision. The proposed development is for 100% affordable housing and is thus well in excess of this requirement. The provision of affordable homes is also a key objective of the Cairngorms National Park Partnership Plan 2017-2022. The Plan highlights that it is currently difficult those who work within the National Park to access housing on the open market given that average incomes are relatively low and house prices are high. The applicants have not specified how they intend to deliver these affordable homes. It is therefore recommended that a condition is attached to any consent seeking the details of the mechanism for delivery to be submitted for subsequent approval.
27. **Policy 2: Supporting Economic Growth**, of the Cairngorms National Park Development Plan 2015 states that proposals for the alternative use of sites or buildings currently in or last used for, economic and employment purposes will only be supported where it has satisfactorily demonstrated that it is not practical for financial or other reasons to continue with the existing or last economic development or employment use. The applicants have submitted a statement detailing how their business is no longer economically viable in this location given new facilities that have recently opened both with the village and in Aviemore. The business has also been unsuccessfully marketed over a number of months. This statement is attached in **Appendix 3**. Given these circumstances, it is considered that the loss of this small retail unit and café will not significantly impact on the vitality and viability of the local community given the existing facilities within the settlement. It will provide affordable housing that will itself contribute to the long term sustainability of the local community.
28. The principle of the proposed development is therefore considered to be acceptable subject to a condition in respect of the delivery of these affordable units and compliance with other relevant Local Development Plan policies.

## Environmental Issues

29. **Policy 4: Natural Heritage**, of the Cairngorms National Park Development Plan 2015 seeks to restrict development that would have an adverse impact on protected species and where this cannot be avoided that appropriate mitigation measures are provided.
30. The application site lies within Boat of Garten in close proximity to the Boat of Garten Wood where breeding Capercaillie are present. The potential impact on adjacent Natura sites has been fully assessed under a Habitats Regulations Appraisal which was undertaken and is attached in **Appendix 2**. This concluded that potential disturbance arising from the proposed development will not have any measurable effect on Capercaillie in the area. This is because the number of proposed residents using this

development is modest in comparison to the resident population of the village. There is also no reason to conclude there will be a change to the current recreational pattern of path use, with new residents likely to follow the existing pattern of recreational use. There are other paths leading away from the woods which have no impact and there are existing paths which already have had mitigation from previous developments.

31. There is currently no vegetation on the site. The development provides the opportunity to introduce landscaping onto the site and a SUDs scheme which could incorporate biodiversity and amenity benefits. Any subsequent detailed application will have to include a Breeding Bird survey of the existing building which is to be demolished.
32. The proposed development is considered to comply with Policy 4 of the Local Development Plan subject to conditions requiring appropriate survey work to be undertaken and a suitable SUDs scheme.

### **Landscape Issues**

33. **Policy 5:** Landscape, of the Cairngorms National Park Local Development Plan 2015 presumes against development which does not conserve and enhance the landscape character and special qualities of the National Park and in particular the setting of the proposed developments.
34. Boat of Garten is a relatively small village characterised by low rise buildings with a street pattern of a simple staggered 'cross road' formation, distorted by the River Spey, with the majority of buildings facing the road on a commonly defined building line. The site lies on one of the principle routes into the village core on a prominent corner just beyond a large area of green open space.
35. The scale of the new building and its relationship with its context should also be given further consideration. There is the potential for it to be overly dominant within the streetscene, however this could be mitigated through appropriate architectural form and detail which address the corner site context. The orientation of the corner site and its placement within the wider linear form of the road makes the development of this site important in its potential contribution to the character of this part of the village.
36. Subject to appropriate conditions requiring full details of design, layout and finishes, the proposals are considered to comply with Policy 5: Landscape of the Local Development Plan.

### **Road Safety Issues**

37. **Policy 3:** Sustainable Design of the Cairngorms National Park 2015 states that all new development will include appropriate means of access, egress and space for off street parking.



38. Transport has raised no issues to the proposed development and is supportive of the proposal to remove one of the vehicular accesses and the reinstatement of the footway there. They recommend that full details of the proposed access (including the existing and proposed access rights and any maintenance implications), car and cycle parking arrangements (which will require to be in accordance with the Council's parking standards), waste and recycling and proposals for surface water treatment are part of any subsequent detailed application. It is recommended that a condition be attached to any consent requiring these details to be sought.
39. Subject to the appropriate conditions being attached, it is considered that the proposed development satisfies Policy 3.

### **Flooding and Surface Water Management**

40. **Policy 10:** Resources of the Cairngorms National Park Development Plan 2015 seeks to ensure that surface water is dealt with accordingly and that an appropriate SUDs is adopted. It also seeks to ensure that all new development is free from the significant risk of flooding.
41. The Flood Risk Management Team has no concerns regarding flood risk at this site and is satisfied with the approach outlined in the submission. They have no objections given it has been demonstrated that there is a feasible way to drain the site, however request that a condition requiring the submission of a Drainage Impact Assessment is submitted with any subsequent detailed application.
42. Subject to an appropriately worded condition being attached to any consent, it is considered that the proposed development will satisfy Policy 10.

### **Other Issues Raised in Consultations and Representations**

43. The site is not zoned for any particular land use, and therefore subject to compliance with local plan policy and any other material considerations, the proposed use is appropriate on this site.
44. In terms of concern regarding over provision of housing in the vicinity, Boat of Garten is a thriving community and is identified in the local plan as an intermediate settlement within the settlement hierarchy where development should be focussed. One of the local plan objectives is to ensure new housing can progress in a way that helps the community remain sustainable. The introduction of 6 affordable units will assist in achieving this.
45. Issues such as noise and privacy will be addressed at the subsequent detailed stage of the planning application.
46. The access to the exiting Boat of Garten Holiday Park will remain the same and will likely be subject to improvement to comply with Council's adoptable standards.

## CONCLUSION

47. The current business is unlikely to continue given the applicants have not been successful in marketing the business over many months. This proposal will provide an opportunity for the site to be developed for housing appropriate to the needs of the local community. The proposed housing development is considered to be acceptable in principle subject to conditions as detailed in the paragraphs above.

## RECOMMENDATION

**That Members of the Committee support a recommendation for the Demolition of existing shop and cafe and erection of 6 new housing units and associated car parking and cycle storage at Dow Store and The Osprey Café, Deshar Road, Boat Of Garten subject to the following conditions:**

*Those conditions listed below in bold text are suspensive conditions, which require to be discharged prior to implementation of the development.*

### Conditions

- I. **No development shall commence on site until the following details are submitted to and approved in writing by the Cairngorms National Park Authority, acting as Planning Authority; irrespective of the approved proposed site plan, the submission shall be in the form of a fully detailed layout and shall include detailed plans, sections and elevations of the building and all other structures.**

#### **Approval of matters:**

- a) **Design, siting and external appearance of buildings, open space and any other structures;**
- b) **Existing and finished ground levels in relation to Ordnance Datum;**
- c) **A detailed specification of all external materials – note: samples may be required;**
- d) **Detailed landscaping plan with full specification;**
- e) **Landscape maintenance and management plan;**
- f) **Affordable Housing Delivery Plan that demonstrates that a minimum of 25% of all residential units approved will be affordable housing.**
- g) **Boundary treatments including heights and materials;**
- h) **Access arrangements, including surface treatments;**
- i) **Design and siting of car and cycle parking;**
- j) **Drainage Impact Assessment;**
- k) **SUDS scheme and SUDS maintenance plan; and**
- l) **Waste management and recycling facilities;**

**The development shall be implemented in accordance with those approved details unless otherwise approved in writing by the Planning Authority and retained and maintained for the lifetime of the development hereby approved.**

**Reason:** To ensure the proposed development is in compliance with Policies 1, 2, 3, 4, 5, 10 and 11 of the Cairngorms National Park Local Development Plan 2015 of the Cairngorms National Park Local Development Plan 2015.

Planning Permission for the development has been granted in principle only and subsequent approval is required for these matters before the development described in this condition begins in accordance with the timescales and other requirements of Section 59 of the Town and Country Planning (Scotland) Act 1997 as outlined in Informative 1 of this permission.

2. **No development shall commence on site until a breeding bird survey of the existing building is undertaken and the results of this, along with any necessary mitigation proposals submitted to and approved in writing by the Cairngorms National Park Authority, acting as Planning Authority in consultation with SNH.**

**Reason:** To ensure the proposed development is in compliance with Policy 4 of the Cairngorms National Park Local Development Plan 2015.

Planning Permission for the development has been granted in principle only and subsequent approval is required for these matters before the development described in this condition begins in accordance with the timescales and other requirements of Section 59 of the Town and Country Planning (Scotland) Act 1997 as outlined in Informative 1 of this permission.

## **Informatives**

### **I. Timescales and Procedures for Applying for Requisite Approvals**

For the avoidance of doubt, conditions requiring requisite approval (applications for approval of matters specified in conditions) are all those referenced with Section 59 of the Act in the reason for the condition and must be made before whichever is the latest of the following:

- a) The expiration of 3 years from the date of the grant of the permission;
- b) The expiration of 6 months from the date on which an earlier application for the requisite approval was refused; and
- c) The expiration of 6 months from the date on which an appeal against such refusal was dismissed.

Only one application may be made by virtue of (b) and (c) above after the expiration of the 3 year period mentioned at (a) above.

An application for requisite approval may be made for different matters and different parts of the development at different times. Each application shall be in writing and must:

- a) Identify the planning permission to which it relates;

- b) Contain a description of the matter in respect of which the application is made
  - c) State the name and address of the applicant and, where an agent is acting on behalf of the applicant, the name and address of that agent; and
  - d) Be accompanied by plans and drawings describing the matter in respect of which the application is made and any fee required under the Fees Regulations.
2. **Lapsing of Permission:**
- a) If you fail to comply with the time periods set out in Section 59 of the Act as detailed in Informative 1 with regard to the submission of the requisite approvals then this permission will lapse.
  - b) If you have made submissions for requisite approvals within the timescales set out above under Section 59 of the Act, as detailed in Informative 1 and these have been approved by the Cairngorms National Park Authority then you must commence the development within 2 years of the date of the last requisite approval or this permission will lapse.
3. The person undertaking the development is required to give the Planning Authority prior written notification of the date on which it is intended to commence the development. Attached to this decision notice is a Notice of Initiation of Development for completion and submission. Submission of this information assists the Cairngorms National Park Authority Monitoring and Enforcement Officer in monitoring active work within the area to ensure compliance with the approved details and to identify and correct any potential problems, as they arise, rather than later when it may be more difficult and more costly to rectify. Failure to give notice would constitute a breach of planning control which may result in enforcement action being taken.
4. Following completion of the development, a notification of the completion shall, as soon as practicable, be given to the Planning Authority. Attached to this decision notice is a Notice of Completion of Development for completion and submission. Submission of this form will assist the Cairngorms National Park Authority Monitoring and Enforcement Officer in making a final inspection and checking compliance with the approved drawings and conditions. If the development hereby approved is to be carried out in phases, then a notice of completion should be submitted at the completion of each phase.

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.