

---

## CAIRNGORMS NATIONAL PARK AUTHORITY

---

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

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

---

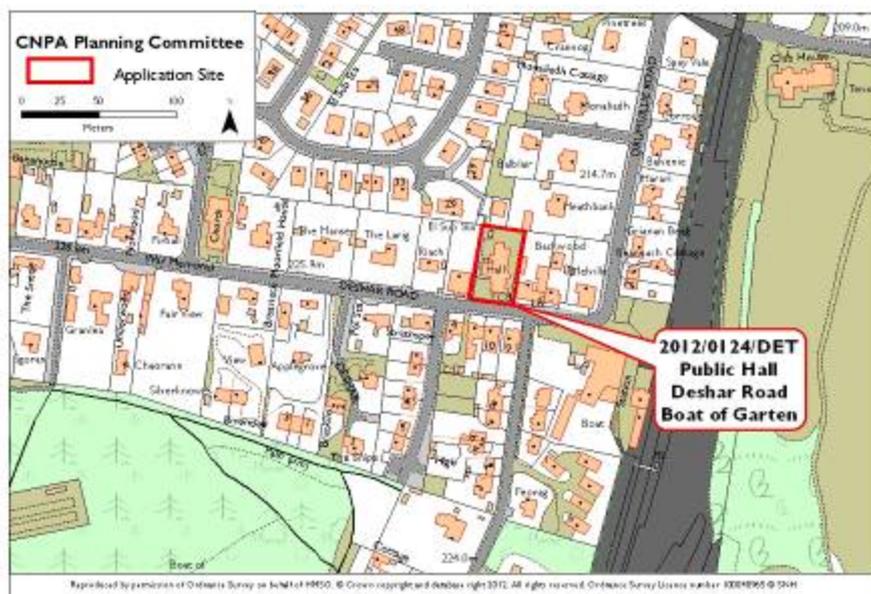
**DEVELOPMENT PROPOSED:** PLANNING PERMISSION FOR CHANGE OF USE OF HALL TO GALLERY / TEAROOM, AND TWO DWELLINGS AT THE BOAT OF GARTEN PUBLIC HALL, BOAT OF GARTEN

**REFERENCE:** 2012/0124/DET

**APPLICANT:** MR. & MRS. J GORDON AND MR. & MRS. S LUNN C/O MCLEOD BUILDING LTD.

**DATE CALLED-IN:** 27 APRIL 2012

**RECOMMENDATION :** APPROVE WITH CONDITIONS



Grid reference : 294253 818957

Fig. 1 - Location Plan

## SITE DESCRIPTION AND PROPOSAL

1. Planning permission is sought in this application for a change of use of the former Boat of Garten Village Hall to multiple uses. The proposed new uses include a gallery / tearoom and two residential units. The site extends to 0.12 hectares, with the former village hall structure occupying a significant proportion of that area. The site is in a central position within Boat of Garten, on Deshar Road, the main route through the village. It is surrounded by existing structures, including the village shop and post office and various residential properties on the eastern boundary, and residential properties to the north (rear), west and south (opposite). The existing village hall structure is oriented on a north / south axis, with the gable front being relatively close to the public footpath.<sup>1</sup> The small area of open space at the front is used to provide car parking. A public footpath runs along the western boundary of the site, connecting Deshar Road to the Birch Grove residential area to the north. The ground levels rise from the front to the rear of the site, with the rear area currently being laid to grass, and also including a small number of trees and a small detached brick built shed. A small area outside the north western corner of the site accommodates public toilets which are no longer in use. The details on the site plan indicate that the toilet block is due to be removed. The applicant is currently awaiting an agreement with the council in order to purchase this area of ground.



Fig. 2 : Existing front elevation



Fig. 3 : Existing western elevation,  
Viewed from the rear of the site

2. The proposed changes of use would occur entirely within the existing structure, through the undertaking of various internal and external works. No new built elements are proposed on the remainder of the site. Various works are proposed to provide increased numbers of car parking spaces and garden ground at the side and rear of the existing structure.
3. At the outset of this application, planning permission was sought for a change of use of the hall to accommodate a gallery / tearoom, two dwelling units and a holiday letting unit. The ground floor was proposed to accommodate the gallery / tearoom and one of the residential units, with a new upper floor being created to accommodate the remaining two units (residential and holiday letting). In addition to the internal works necessary to facilitate the various uses and units, the proposed external works included the introduction of a

---

<sup>1</sup> Approximately 6 metres from the front boundary.

proliferation of new dormer window openings in the roof space of the eastern and western elevations. A 'lean to' extension on the western elevation, which is displaying obvious signs of deterioration was also proposed for demolition. The site layout in the original proposal included the provision of total of 10 car parking spaces (6 of which would be located at the existing car parking area at the front of the building, with the remaining 4 being created towards the rear of the site and accessed by a new drive which would be developed between the eastern site boundary and the eastern elevation of the hall). The higher ground at the rear of the site was identified as a communal area to serve the two residential units and the holiday letting unit. In addition to this, an area to the west of the structure was identified as individual garden ground to serve each of the two residential units.



Dexham D...  
**Fig. 2 : Originally proposed site plan**



**Fig. 3 : Originally proposed western and eastern elevations, with the introduction of a series of new dormer windows in the roof space**





Fig. 5 : Amended western and eastern elevations

## DEVELOPMENT PLAN CONTEXT

### National policy

6. **Scottish Planning Policy<sup>2</sup> (SPP)** is the statement of the Scottish Government's policy on nationally important land use planning matters. It supersedes a variety of previous Scottish Planning Policy documents and National Planning Policy Guidance. Core Principles which the Scottish Government believe should underpin the modernised planning system are outlined at the outset of **SPP** and include:
  - The constraints and requirements that planning imposes should be necessary and proportionate;
  - The system should .....allow issues of contention and controversy to be identified and tackled quickly and smoothly; and
  - There should be a clear focus on quality of outcomes, with due attention given to the sustainable use of land, good design and the protection and enhancement of the built and natural environment.
7. **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.

---

<sup>2</sup> February 2010

8. 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.”
9. 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.
10. Economic development : Planning authorities are expected to respond to the diverse needs and locational requirements of different sectors and sizes of businesses. The planning system is encouraged to support economic development in all areas by supporting development that will provide new employment opportunities and enhance local competitiveness, and promote the integration of employment generation opportunities with supporting infrastructure and housing development.
11. Also in the context of economic development, planning authorities are expected to ensure that new development safeguards and enhances an area’s environmental quality and where possible also promotes and supports opportunities for environmental enhancement and regeneration. Authorities are also encouraged to adopt a proactive approach to encouraging the reuse of buildings and previously developed land.
12. Housing : The planning system is required to enable the development of well designed, energy efficient, good quality housing in sustainable locations. In a section entitled ‘Location and Design of New Development’ it is advised that new housing development should be integrated with public transport and active travel networks rather than encouraging dependence on the car.
13. 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.
14. **Scottish Planning Policy** concludes with a section entitled ‘Outcomes’ in which it is stated that the “planning system should be outcome focused, supporting the creation of high quality, accessible and sustainable places through new development, regeneration and the protection and enhancement of natural heritage and historic environmental assets.”

## Strategic Policies

### **Cairngorms National Park Partnership Plan 2012 - 2017**

15. The Cairngorms National Park Partnership Plan 2012 – 2017 is the management plan for the National Park for the next 5 years. It sets out the vision and overarching strategy for managing the Park and provides a strategic context for the Local Development Plan. Three long term outcomes have been identified to deliver the vision for the Park, to continue the direction set out in the first National Park Plan and to together deliver the four aims of the National Park. The outcomes are :
- A sustainable economy supporting thriving businesses and communities;
  - A special place for people and nature with natural and cultural heritage enhanced; and
  - People enjoying the park through outstanding visitor and learning experiences.
16. A number of policy priorities have been identified to help deliver each of the outcomes. Policies to support the creation of a sustainable economy are of particular relevance to the current development proposal. Policy 1.1 for example seeks to grow the economy of the Park through encouraging the growth of business sectors that draw on the special qualities of the Park and broadening the economic base of the Park into sectors such as creative industries. Policies to secure the outcome of ‘a special place for people and nature with natural and cultural heritage enhanced’ are also of relevance to the current proposal. Policy 2.8 seeks to enhance the design and sense of place in new development and existing settlements. The Plan sets out a number of means by which policy 2.8 can be achieved, including enabling new development which contributes positively to a sense of place; promoting a high standard of sustainable design, energy efficiency, sustainably sourced materials and construction in new development; and supporting the retention and enhancement of the local character.

## Structure Plan Policy

### **Highland Council Structure Plan (2001)**

17. **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.
18. The following provides a brief summary of the policies applicable to a development of this nature. Section 2.2 of the Plan focuses on the subject of housing. It recognises that the “availability of quality housing is fundamental to social and individual well being and to creating and maintaining balanced communities.” The Plan also states that adequate provision of housing is a pre-requisite. ‘Services and Facilities’ is discussed in Section 2.4 of the Plan and it is

noted that access to a good range of services and facilities is an important aspect of quality of life and that their existence also assists in supporting the local economy.

19. Section 2.14 of the Plan concentrates on the subject of landscape, stating that “no other attribute of Highland arguably defines more the intrinsic character and nature of the area than its landscape.” Similar to national policy guidance, there is a recognition that landscape is not a static feature and that the protection and enhancement of landscape and scenery must be positively addressed. **Policy L4 Landscape Character** states that “the Council will have regard to the desirability of maintaining and enhancing present landscape character in the consideration of development proposals.”
20. **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.

### **Local Plan Policy**

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

21. The Cairngorms National Park Local Plan was formally adopted on 29<sup>th</sup> October 2010. The full text can be found at :  
<http://www.cairngorms.co.uk/parkauthority/publications/results.php?publicationID=265>
22. 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.
23. 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.
24. 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.

25. Policy 16 – Design Standards for New Development : this is one of a number of policies which is intended to encourage developers to consider how they can best include the principles of sustainable development in their proposals, and consider the impact on the environment, economy and community. Policy 16 requires that all proposals are accompanied by a design statement which sets out how the requirements of the policy have been met. The design of all development is encouraged to :
- Reflect and reinforce the traditional pattern and character of the surrounding area and reinforce the local vernacular and local distinctiveness, whilst encouraging innovation in design and materials;
  - use materials and landscaping that will complement the setting of the development;
  - demonstrate sustainable use of resources;
  - reduce the need to travel;
  - protect the amenity enjoyed by neighbouring properties and that all proposals would be designed to help create environments that can be enjoyed by everyone; and
  - be in accordance with the design standards and palette of materials as set out in the Sustainable Design Guide.
26. Policy 18 – Developer contributions : developments which give rise to a need to increase or improve public services, facilities or infrastructure, or mitigate adverse effects, will normally require the developer to make a fair and reasonable contribution in cash or in kind towards the additional costs or requirements.
27. Policy 20 – Housing development within settlements : housing proposals within settlement areas will be favourably considered where the development :
- (a) Occurs within an allocated site identified within the proposals' map; 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 such proposals are expected to reinforce and enhance the character of the settlement, and accommodate appropriate amenity space, and parking and access arrangements, within the development site.
28. Policy 25 – Business development : proposals which support economic development will be considered favourably where the proposal is compatible with existing business uses in the area, supports or extends an existing business, or is located within an allocated site identified on the proposals' map.
29. Policy 27 – Conversion and reuse of existing traditional and vernacular buildings : development proposals for the conversion of such buildings will be permitted where they meet the following criteria –

- (a) The building is redundant for its original use, and it can be demonstrated that it is unlikely to have a commercial or economic future in its current form; and
  - (b) The proposal is designed to maintain the style and character of the original building in terms of form, scale, materials and detailing, where they contribute positively to the context and setting of the area.
30. The subject site is within the Boat of Garten settlement area, as identified in the settlement map in the Local Plan. Boat of Garten is an 'intermediate settlement' in the settlement hierarchy. The site does not have a specific land use allocation. It is part of the 'white land' where a variety of uses would be open to consideration, subject to being compatible with uses in the surrounding area.

#### **Supplementary Planning Guidance**

31. 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**

32. The guide highlights the fact that 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.
33. 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.

#### **Developer Contributions SPG**

34. 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**

35. **Highland Council TEC Services** : The initial response from TEC Services expressed concern that the originally proposed development and site layout failed to provide adequate car parking provision on the site (17 spaces required

and 10 proposed). Concern was expressed about road safety, particularly taking into account the existing road arrangement and the adjacent existing facilities “which create congestion on the public road.”

36. TEC Services was re-consulted upon receipt of the amended plans and continue to express a degree of concern in terms of road safety and the free flow of traffic given that the development is likely to intensify use of the public road. Reference is also made to it being in a general area where there is a high demand for available on street parking. Notwithstanding those comments, a number of conditions have been recommended in the event that planning permission is granted. Conditions include a requirement to provide and maintain visibility splays; the provision of a site access, internal road and parking areas which are fit for purpose and would allow vehicles to safely enter and leave the site independently in forward gear; drainage measures to be agreed in advance of construction; and surface specifications for the first 6 metres of the access road.
37. **Highland Council Forestry Service** : It is noted in the response that there are a number of mature Scots pine and a mature birch tree on the subject site. The intention to retain the pine tree is welcomed and it is advised that tree protection measures should be implemented during construction activity at the hall. Although the Forestry Officer considers that it would be preferable to retain the mature birch tree, it is acknowledged that this would not be feasible due to the level of car parking proposed.
38. Having considered the implications on the trees on the site, the Forestry Service raises no objection to the proposal, subject to a number of conditions being applied in the event of planning permission being granted. Conditions include a requirement for a Tree Protection Plan, a restriction on further lopping, topping, felling or damaging any trees on the site without the consent of the Planning Authority, and the submission and implementation of a landscape plan.
39. **Boat of Garten Community Council** : The response from the Community Council welcomes the proposal, and in particular welcomes the fact that the old façade is being retained. It is noted that the proposed combination of gallery / café and some residential accommodation is consistent with the sustainability needs of the village. Notwithstanding this, the response also raises a number of points for consideration, including :
- The need for a disabled parking space;
  - The implications for the village of the loss of public parking which has existed outside the hall for decades;
  - The need to ensure that the right of way from Deshar Road to Birch Grove is maintained;
  - The need to reposition the bus stop if vehicle access is allowed on the eastern side of the building;
  - Space on the eastern side of the building being narrow, with limited turning space to serve the proposed car parking spaces in that area and a significant drop in height; and
  - The need for storage bins for the café to be fully enclosed.

40. **Planning Gain** : The proposal has been considered by Planning Gain advisors and a developer contribution is required in respect of affordable housing.
41. **CNPA Economic Development** : Support is expressed for the proposal and it is noted that it will provide positive investment in the village and will re-use the building which is currently run down and could have a negative impact on the 'look and feel of the village' if allowed to deteriorate further. The proposed commercial elements of the development are considered to have the potential "to improve the visitor offering in the community and provide a boost to the local economy."
42. **CNPA Access** : The Access Officer notes that the existing path adjacent to the development is an important community link, as it provides access for walkers and cyclists from the residential area to the north to the shop and other community facilities. Concern was expressed in relation to the originally submitted site plan which showed a reduction in the width of the path. The Access Officer recommended that a corridor of at least 3 metres wide be retained along the western side of the site and within that a 2 metre sealed surfaced path be provided. The amended plans which have recently been submitted have been revised to reflect the requirements.

## REPRESENTATIONS

43. The planning application was advertised in the Strathspey and Badenoch Herald on 18<sup>th</sup> April 2012. Five representations have been received, of which two express support for the proposal and the remaining three raise some concerns. Copies of the representations are attached in the appendix at the rear of the report. The following is a summary of the issues raised :

### In support :

- The development relates directly to several aims of the Cairngorms National Park;
- The proposed gallery will entice visitors to the village and make use of all the facilities available;
- Plans to keep features of the old hall will ensure that the development fits with the local surroundings;
- The development would introduce two new dwellings "in a more attractive form than a massive development of houses";
- Support for the originally proposed holiday letting unit;
- Reference to the building being empty for a number of years and noting that if it remained empty much longer it could become an eyesore in the centre of the village;
- The gallery would provide an opportunity for local artists;
- Employment generation in the proposed café / gallery;
- A bike rack would encourage cyclists from the Sustrans route to stop and enjoy the facilities; and
- The proposed parking provision on the site is sufficient.

Points of concern :

- Overlooking concerns;
- Inadequacy of the proposed car parking provision and the potential impact on the adjacent shop and post office, with concern expressed that if customers cannot stop “they will inevitably go elsewhere”;
- Concerns regarding potential drainage implications if the area on the eastern side of the hall is tarmaced; and
- western side of the building has more general space and only overlooks a garden and holiday home, while the eastern side would overlook 3 homes and is proposed to accommodate access, entrances to the residential units, refuse bin storage and several windows.

## APPRAISAL

### Principle

44. The proposal is on land which is within the core area of the settlement of Boat of Garten. The structure has been vacant for a number of years since the new Community Hall opened further west in the village. As the former hall has lain vacant, it has taken on an increasingly deteriorating appearance. It is clear that the needs of the community, as previously fulfilled by this building, are now being accommodated in the new facility. It is therefore appropriate to consider alternative uses for the former hall.
45. As detailed in paragraph 30, the subject site does not have a specific land use allocation and being on white land a variety of uses are open to consideration. The site lies adjacent to a mix of existing residential properties and commercial facilities, with a shop and the village post office being located immediately to the east. As such, the combination of new uses proposed, being a similar mix of commercial and residential, are compatible with the surrounding area. The development of the proposed gallery and tearoom is consistent with national aspirations to support economic development, as expressed in Scottish Planning Policy and also complies with Policy 25 (Business Development) of the CNP Local Plan, which expresses favourable support for economic development in identified settlements, which would support the economic vitality and viability of the centre. The economic benefits of the proposal have also been alluded to in the response from the CNPA’s Economic Development Officer.
46. The second use proposed involves the provision of two residential units within the existing structure. Again, this is a use which is compatible with the surrounding area. It complies with CNP Local Plan Policy 20 (Housing development within settlements) which is favourably disposed to the provision of housing where it is compatible with existing and adjacent land uses. The policy also specifically mentions conversion projects as a means of delivering housing. The current proposal includes the identification of areas of private open space to serve each residential unit, as well as a communal area at the rear of the property, and includes car parking provision. As such it can be considered to accord with the other requirements of Policy 20, with the

provision of appropriate amenity space, and parking and access arrangements within the development site.

### **Design issues**

47. Details have been provided in paragraph 3 of the originally proposed design, which included significant alterations to the roofline, to introduce a range of pitched roof dormer window openings on the eastern and western elevation. The basic principle of introducing upper floor accommodation is considered acceptable and is a practical means of maximising space within the building. In accepting the principle of upper floor usage, there is a need to ensure that this has sufficient natural light provision, and in this context the creation of new window openings is inevitable. The original proposals were considered inappropriate for a number of reasons, including the fact that the numbers of pitched roof dormers would significantly alter the roofline and would potentially result in the building taking on an uncharacteristically domesticated appearance, which would be at odds with its origins and original form. The numbers of window openings, their size and positions also had the potential to give rise to a significant degree of overlooking of properties to the east and west of the site, with properties adjacent to the eastern boundary being particularly affected. Cairngorm Cottage for example is located immediately adjacent to the eastern boundary and is approximately 5.5 metres from the eastern elevation of the hall.<sup>3</sup>
48. The applicants responded to those concerns by making a number of revisions to the design concept, as detailed in paragraphs 4 and 5. The current proposal limits the use of pitched roof dormers to two – one on each side elevation and set towards the rear in a relatively inconspicuous position. Those windows would serve the lounge and kitchen area of the residential unit which is proposed on the upper floor. The proportions of the dormer window also reflect those of the existing windows at ground floor level. Additional natural light in the living / kitchen area of the unit is proposed to be provided by two velux sun tunnels,<sup>4</sup> positioned high in the eastern and western roofspace, either side of the dormer window. The remainder of the upper floor accommodation would be served by a series of velux windows.<sup>5</sup> The use of velux windows and sun tunnels is of benefit in retaining the overall form of the original roof line and will assist in conserving the original appearance of the building. The proximity of the former hall to the existing residential property to the east is a factor which must be addressed in the most practical way possible. The changes to the upper floor windows would significantly reduce the potential for overlooking. A further reduction or repositioning of the windows would not be a feasible solution as it could result in some of the rooms within the upper floor residential unit being without natural light and without a means of escape. The latter aspect would subsequently present difficulties in terms of compliance with Building Standards. In assessing all of

---

<sup>3</sup> At a projecting section of the hall, Cairngorm Cottage is just over 3 metres from the structure.

<sup>4</sup> 4 sun tunnels in total.

<sup>5</sup> Serving the remainder of the kitchen area, a bathroom and the two bedrooms in the residential unit, and also serving the additional gallery space which is proposed towards the front of the upper floor.

the issues, the current design solution is considered acceptable and represents a significant improvement on the originally presented proposal.

49. The works proposed to the remainder of the exterior of the building are also considered acceptable. A number of small extensions on the eastern and western elevations are proposed for demolition. Their demolition could be considered a positive step towards restoring the original character of the building, as the additions were somewhat unsympathetic to the original design and materials used. The current pitched roof entrance porch in the south eastern corner of the building would also be demolished and replaced with a new timber clad entrance porch. The use of timber lining on this porch and on the semi circular projecting extension on the eastern elevation provide a degree of continuity with the existing similar finish on the rear 'bothy' type extension of the building. The remainder of the external development work involves retaining the existing window openings, and retaining the existing stonework finish and the slate roof on the main part of the building, as well as the corrugated iron sheeting on the roof of the 'bothy' extension.

#### **Level of development**

50. In addition to concerns about the originally proposed design interventions, the issue of overdevelopment was also raised with the applicants. On an individual level, all of the originally proposed uses (gallery / tearoom, holiday letting unit and residential accommodation) were acceptable. However, the issue was whether or not the building and the overall site had the capacity to accommodate the multiple uses and the associated requirements for on-site car parking, access and open space. Concerns were raised by Highland Council's TEC Services at the outset about the deficiency in the proposed level of car parking on the site, and this was an issue which was also highlighted in a number of representations, as well as in the consultation response from Boat of Garten Community Council. The level of open space provision to serve the holiday letting and residential units was also relatively limited.
51. The solution which the applicants have now proposed involves the omission of the holiday letting unit, and the use of that space on the upper floor as an extension of the gallery instead. The opening hours of a commercial facility such as the gallery would be of far shorter duration than potential periods of occupation of the originally proposed accommodation unit in that area of the upper floor. In addition to the design changes which have already been discussed, the more limited use of that area of the upper floor is also beneficial in addressing the concerns of neighbours regarding potential overlooking and impacts on amenity. The omission of the unit has also reduced the extent of open space and car parking that would be required to serve the development.

#### **Conclusion**

52. In considering all of the foregoing factors, the currently proposed development is considered acceptable. The change of use and associated refurbishment of the building will safeguard the structure from further deterioration. The amendments to the design which have been made in the course of this application have been positive and will ensure that the building will retain its traditional appearance and its origins in the historical development of the

village would remain self evident. The combination of new uses can be accommodated within the structure and would be beneficial in the economic development of the village. The various amendments which have been made in the course of the application are considered to be a practical and acceptable means of addressing many of the concerns raised in representations.

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

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

53. The former village hall is a distinctive building on the main route through the village. The originally proposed design, including the introduction of a significant number of new openings in the roofspace, had the potential to detract from the character of the building. The revised proposals are more sympathetic and retain the original character and as such assist in conserving the cultural heritage value of the building.

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

54. The refurbishment of the building includes the retention and use of the existing materials.

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

55. The commercial uses proposed i.e. the gallery / tearoom, would have a significant degree of public use and as such would assist in achieving this aim.

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

56. The gallery / tearoom would generate employment opportunities and have the potential to attract increased numbers of visitors to the village. As such the development would be of benefit to the economic development of the area.
57. The provision of two residential units within the structure would add to the housing stock in Boat of Garten and as such can be considered to make a positive contribution to the social development of the area.

## RECOMMENDATION

That Members of the Committee support a recommendation **GRANT** planning permission for the change of use of the hall to a gallery / tearoom and two dwellings at Boat of Garten public hall, Deshar Road, Boat of Garten, subject to:

- (a) the completion of a **Section 75 Planning Obligation** to secure the payment of developer contributions towards affordable housing **OR** the payment of the required developer contributions in advance of the release of the decision notice;

### AND

- (b) 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 as amended by the Planning etc (Scotland) Act 2006.

2. All construction and site development work shall be undertaken as a single entity. No element of the development shall be sold, leased or otherwise disposed of separately until all such work has been completed. The 'studio' identified on dwg no. 1179/4/9102 (Sketch Plan, Sheet 1 of 4) shall be retained in connection with the gallery / tearoom and shall not be sold or leased independently of that facility.

**Reason:** in the interests of orderly development and to safeguard against a fragmented approach to development on the site.

3. The following roads related works shall be undertaken prior to the commencement of development work on any other aspect of the development (with the exception of required tree protection measures) :

- (a) Visibility splays shall be provided and maintained on each side of the access at its junction with the public road. These splays are the triangles of ground bounded by the first 2.4 metres along the centreline of the access (the x dimension) and the nearside edge of the public road (the y dimension) measured a minimum of 90 metres in each direction from the intersection of the access with the public road;
- (b) Within the visibility splays nothing shall obscure visibility between a driver's eye height of 0.85metres positioned at the x dimension and an object height of 0.85metre anywhere along the y dimension; and
- (c) Construction for at least the first 6metres measured from the rear of the public footway shall consist of a minimum of 40mm thick Close Graded Asphalt Concrete Surface Course on 60mm Dense Asphalt Concrete Binder Course on a minimum thickness of 350mm Type I sub base, all on a sound formation.

**Reason :** In the interests of traffic safety and the safety of the general public.

4. Prior to the commencement of development details of all drainage measures shall be submitted for the written agreement of the Cairngorms National Park Authority acting as Planning Authority, in consultation with Highland Council TEC Services. All drainage measures shall accord with SUDS principles and shall ensure that no water discharges onto the public road or adjacent properties. The developer shall be responsible for any measures necessary to prevent road water entering the site.

All agreed drainage measures shall be implemented in full thereafter.

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

5. Prior to the commencement of development, proposals for the repositioning of the existing bus stop adjacent to the south eastern corner of the site shall be submitted for the written agreement of the Cairngorms National Park Authority acting as Planning Authority, in consultation with Highland Council TEC Services. The repositioning of the bus stop shall thereafter be undertaken in accordance with the agreed measures.

**Reason :** In order to avoid conflicting vehicular movements and in the interests of public safety.

6. 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, in consultation with Highland Council Forestry Service :
  - (a) A Tree Protection Plan which shall include appropriate tree protection measures for every retained tree before and for the duration of the development, in accordance with BS:5837 (2012). All protective measures should be in place and available for inspection prior to the commencement of any other aspect of the development;
  - (b) A landscaping plan which shall include a scaled drawing showing the location of tree planting and a schedule which details the size, quantity, means of protection and species of trees and shrubs to be planted, along with a maintenance programme for five years. The landscape planting shall be implemented in the planting season following the completion of the development. Any trees or shrubs that die or become damaged or diseased within a period of five years from the time of planting shall be removed and replaced with other similar species within the next planting season;
  - (c) A plan demonstrating the precise location (including the precise boundary definition in the western area of the site and showing its relationship with the public path) and details of all boundary treatments proposed on the external site boundaries and at the internal garden divisions.

All agreed measures shall be implemented thereafter.

**Reason :** In the interests of conserving and enhancing the natural heritage of the area and in the interests of the general amenity of the area.

7. From the date of consent, no trees identified for retention shall be uprooted, lopped, topped, felled or damaged without the prior written consent of the Cairngorms National Park Authority acting as Planning Authority, in consultation with Highland Council Forestry Service.

**Reason :** In the interests of conserving the natural heritage of the area.

8. The site access and internal roads and parking areas shall be fit for purpose and its geometry such that the largest vehicle requiring access will be able to safely enter and leave the site independently in forward gear. Adequate parking, including disabled parking, and manoeuvring space to serve the proposed development shall be provided within the application site, to the satisfaction of the Cairngorms National Park Authority acting as Planning Authority in consultation with Highland Council TEC Services, such that on street parking of vehicles will be limited. Designated parking bays shall be provided, at a minimum size of 2.5m x 5m, and shall be clearly delineated by white thermo plastic road markings. All car parking and access arrangements shall be complete and available for use prior to the first occupation of any unit within the development.

**Reason :** In the interests of traffic safety and public safety and in order to minimise traffic congestion in the area.

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

**Reason :** in the interests of public safety.

10. All window frames and external doors shall be timber.

**Reason:** In the interests of sustainability and in order to match the fabric of the existing building.

11. 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.

12. No signage shall be erected on the exterior of the building or within the site without the prior written approval of the Cairngorms National Park Authority acting as Planning Authority, or the granting of any consent which may be necessary.

**Reason :** In the interests of orderly development and in order to protect the visual amenity of the area.

13. The existing public path through the western area of the site shall remain free from obstruction at all times, including during the course of development activity, and at all times thereafter unless otherwise agreed in writing by the Cairngorms National Park Authority. In the event that a temporary diversion is necessary in order to facilitate construction activities, the detail of this diversion and all signage measures shall be agreed in advance with the Cairngorms National Park Authority.

**Reason :** In order to ensure that access provision is maintained in the area and in the interests of the general amenity of the area.

**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 have been obtained from the Roads Authority.
- (b) The tree protection measures required in condition 6 (a) should be Heras type fencing, which should be fixed to the ground outwith the root protection area and crown spread of retained trees.

**Mary Grier**

[planning@cairngorms.co.uk](mailto:planning@cairngorms.co.uk)

**8 August 2012**

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.