
CAIRNGORMS NATIONAL PARK AUTHORITY

Title: REPORT ON CALLED-IN PLANNING APPLICATION

Prepared by: NEIL STEWART, PLANNING OFFICER
(DEVELOPMENT MANAGEMENT)

DEVELOPMENT PROPOSED: FULL PLANNING PERMISSION FOR ERECTION OF 8 NO. FLATS AND FORMATION OF HARD SURFACE TO FRONT, SHELTER STONE BOTHY, 129 GRAMPIAN ROAD, AVIEMORE

REFERENCE: 08/206/CP

APPLICANT: DOROTHY SLOAN, THE SHELTER STONE, 129 GRAMPIAN ROAD, AVIEMORE

DATE CALLED-IN: 30 MAY 2008

RECOMMENDATION: REFUSAL

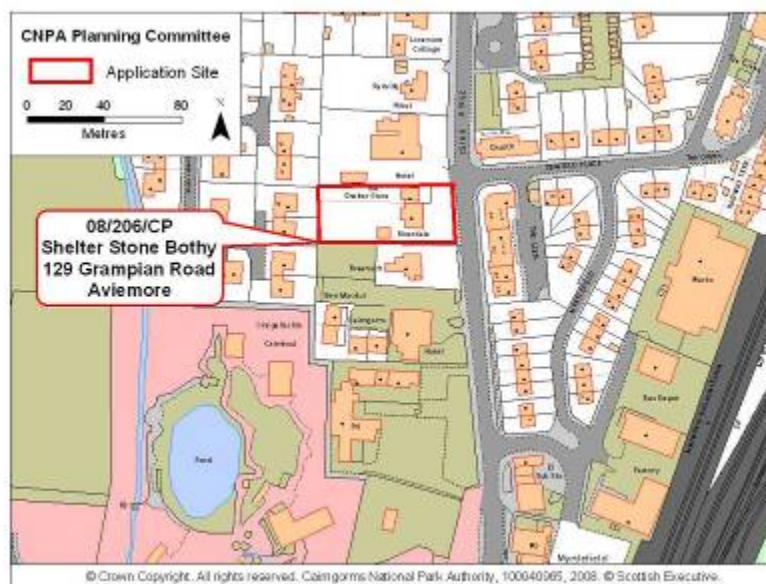


Fig. 1 - Location Plan
SITE DESCRIPTION AND PROPOSAL

1. This property is located on the west side of Grampian Road in Aviemore, to the north of the main commercial core of the settlement. The existing building, known as "Shelter Stone", is a Category C(s) Listed Building. It is 1¾ storeys in height and of traditional build with stone and slate finishes and a symmetrical front elevation with dormer and bay windows. On its north side and adjoining the existing building is a modern single storey addition ("Shelter Stone Bothy"), and to the rear is a flat roofed double garage. A sizeable garden area is situated to the rear. There is an open access on the north side that is shared with the adjacent Alt-na-Craig Hotel. There are some mature trees on the south rear boundary but these are located in the adjacent property. Over the rear boundary on the west side are semi-detached single storey properties in Craig-na-Gower Avenue. Nos. 35 and 37 have their private rear garden areas immediately adjacent to the garden area of "Shelter Stone".



Fig. 2. "Shelter Stone" viewed from Grampian Road

2. The proposal is to erect a 2 storey building, which will accommodate 8 no. 2 bedroom flats, in the rear garden area. Four of the flats will be retained for holiday letting purposes, the other four will be sold. The building is sited at right-angles to "Shelter Stone" with a north-south orientation. The building is

contemporary in design and character and has finishes of untreated timber cladding and white wet harl to the walls with a natural mill finish aluminium sheeting to the roof. Windows will be in aluminium frames and there are galvanised steel external access stairs and balconies to the upper floor flats. The roof pitch is shallow at 25 degrees and the total height to ridge is 8.8m. Externally, there is a communal garden and amenity area, and 8 no. car parking spaces finished in lockblock or gravel. The double garage will be demolished. Following discussions with Highland Council Roads, a revised access proposal involves an upgrade of the joint access. This will necessitate the removal of the modern "Shelter Stone Bothy" building adjoining the main house. Also shown here is the addition of 4 no. optional parking spaces.



Fig. 3. Proposed site – garden area to rear of "Shelter Stone"



Fig. 4. Rear of "Shelter Stone" viewed from proposed site

3. Part of the application includes the formation of a hardstanding parking area to the front of "Shelter Stone" adjacent to Grampian Road. This proposal is retrospective. An expanse of gravelled parking area has already been formed in this part of the site and the drawings indicate the provision of 6 no. spaces here.



Fig.5. Front of "Shelter Stone" – new parking area created

4. The main house of "Shelter Stone" offers self-catering visitor accommodation for up to 12 people. The adjoining "Shelter Stone Bothy" which is now to be removed, currently provides training room and meeting space facilities which are rented out. The applicant has advised that she has operated self-catering and B&B visitor accommodation services from "Shelter Stone" and elsewhere in Aviemore, for many years. The new building will help develop the business.



Fig. 6. Proposed Elevations of Flatted Block



Fig. 7. Revised Site Layout Plan

DEVELOPMENT PLAN CONTEXT

Cairngorms National Park Plan 2007

5. Strategic objectives for Landscape, Built and Historic Environment include; ensuring that development complements and enhances the landscape character of the Park; new development in settlements complementing and enhancing the character, pattern and local identity of the built and historic environment; and understanding and conserving the archaeological record, historic landscapes and historic built environment. Strategic objectives for Sustainable Use of Resources, includes, all management and development in the Park seeking to make the most sustainable use of natural resources, including water and energy. Strategic objectives for Sustainable Communities, includes making proactive provision to

focus settlement growth in the main settlements and plan for growth to meet community needs in other settlements. Strategic objectives for Housing, includes, increasing the accessibility of rented and owned housing to meet the needs of communities throughout the Park. Strategic objectives for Sustainable Tourism, includes, strengthening and maintaining the viability of the tourism industry in the Park and the contribution it makes to the local and regional economy.

Highland Structure Plan 2001

6. **Policy G2 (Design for Sustainability)** states that all developments will be assessed on the extent to which they, amongst other things; are accessible by public transport, cycling and walking, as well as by car; maximise energy efficiency in terms of location, layout and design; make use of brownfield sites, existing buildings and recycled materials; impact on cultural heritage; demonstrate sensitive siting and high quality design in keeping with local character and historic and natural environment and in making use of appropriate materials; and contribute to the economic and social development of the community. **Policy G6 (Conservation and Promotion of the Highland Heritage)** seeks to conserve and promote all sites and areas of Highland identified as being of a high quality in terms of nature conservation, landscape and archaeological or built environment. **Paragraph 2.15.11 (Listed Buildings and Conservation Areas)** states that, through Policies G2 and G6, the Structure Plan is concerned with safeguarding the overall quality and diversity of Highland's built heritage by preventing development which would have an adverse impact on Listed Buildings and Conservation Areas.

7. General **Housing** policy steers housing development towards existing and planned settlements, as opposed to countryside areas. **Policy H8 (Access Arrangements for New and Existing Development)** advises that development proposals, which involve new or improved access to serve more than 4 houses, shall be served by a road constructed to adoptable standards. **Policy T3 (Self Catering Tourist Accommodation)** states that permission for tourist accommodation proposals will be granted on the basis of the development not being used for permanent accommodation. This will be secured by means of an appropriate occupancy condition. The proposals though should not represent over-development of an area; or be located on land zoned for permanent housing.

Badenoch and Strathspey Local Plan 1997

8. The site lies within the Aviemore settlement envelope on land which is not allocated for any particular use or protected from any particular form of development ie. "white land". Generic policies are though applicable. **Policy 6.1.1. (Urban Design Strategy)** promotes improvements in the quality and design of Aviemore's built environment and its relationship with adjoining countryside in accordance with the principle of Gillespie's Urban Design Strategy. Conformity in detailed proposals, will be expected with the main design principles embodied in the strategy insofar as these relate to building grain and fabric, building hierarchy, scale and lines, open spaces and trees, views and streetscape. **Policy 6.5.1. (Amenity Woodland and Trees)** seeks to create a major landscape framework within and adjoining Aviemore to achieve extensive and robust improvements in the structure and amenity of the village, and better integration with the surrounding environment.

9. **Policy 2.2.9. (Tourism and Recreation)** states that these activities will continue to make a vital contribution to the economy. The priority is to ensure that broadening the range and quality of facilities and accommodation is balanced with protecting the areas exceptional scenic and heritage resources. **Policy 2.2.10. (Tourism)** encourages the development of tourist accommodation and facilities at suitable sites within or immediately adjoining communities. Development should be compatible with adjoining land uses, spare capacity in infrastructure and safeguards for local heritage and amenity. Proposals should either associate well with the prevailing pattern of building, or be well-absorbed visually by landform or trees. **Policy 2.5.13 (Historic Buildings)** presumes against development which would adversely affect the character or setting of all listed buildings.

Highland Council Development Plan Policy Guidelines 2003

10. This document sets out policy guidelines for **Affordable Housing**. This states that for developments of 10 or more residential units, an objective target of 25% should be for affordable purposes. Policy guidelines for **Design and Sustainable Construction** are also set out. This states that for private open space provision for flats there should be 40sqm for every 2 bedroom unit. It also states for privacy, the minimum acceptable distance between windows of habitable rooms that are directly facing each other is 18m. This distance may be reduced depending on angle or screening. In relation to daylighting, new development should not result in significant loss of daylight or overshadowing of any habitable or useable room within a neighbouring building.

CONSULTATIONS

11. **Scottish Water** do not object but advise that this does not guarantee a connection to their infrastructure. The existing water and waste water treatment works serving Aviemore both may have sufficient capacity to service the development. However, there may be issues in the networks.
12. The **Aviemore and Vicinity Community Council** feel that the proposal is contrary to the Local Plan. The two storey property is disappointing and unimaginative in design terms and has a "Travel Lodge" appearance. There is a lack of information on materials and drying facilities. Parking spaces may be adequate with the extra hard standing area to the front, and considering its central location and access to public transport. The building may only be partially viewed from the road.
13. **Highland Council's Archaeology Unit** have no objections and do not require an archaeological condition.
14. **The CNPA's Housing Policy Officer** confirms that the development falls outwith the 10 house Highland Council affordable housing threshold. From Highland Council's waiting list, 42% of the applicants on the total list for the area, state a preference for Aviemore. The highest demand is for one bedroom properties with a preference for two bedrooms. Aviemore is also the most pressured settlement for lets. Along with information from the Albyn Housing Society waiting list, it is clear that there is a high demand and need for affordable housing in Aviemore. If this development is acceptable in principle, it should be encouraged along the total affordable housing route in discussion with the Local Authority.

15. **Highland Council's Area Roads Manager** initially advised that, in line with pre-application advice, the proposals appeared to represent over-development of the site. In accordance with the Council Guidelines, for a development of this scale, the access road should be designed and constructed to an adoptable standard; furthermore, parking and manoeuvring space should be provided at a rate of 1.5 car parking spaces per unit. In view of this, he was unable to recommend approval of the application. He also suggested that before considering any new or revised proposals, the suitability of the access and parking arrangements for the existing "Shelter Stone" and "Shelter Stone Bothy" uses needed to be considered. On the revised plans, he now notes the applicant's comments in relation to parking provision. There is a high car dependency in the Aviemore area, and he remains concerned that the overall parking provision at the site may be inadequate. However, it is noted that 4 of the flats are intended for holiday use and that parking created to the front of "Shelter Stone" will be available for the new development. Council guidelines allow for a minimum of 1.25 spaces per flat in a town centre location. Therefore, provided it can be demonstrated that the indicated parking provision for the existing "Shelter Stone" uses will be sufficient to meet the needs within that development, the Area Roads Manager, recommends the attachment of conditions. These relate to the need for; a suitable management and maintenance agreement for the access road, and communal parking areas; the need for a registered agreement to ensure that 4 of the flats remain in single ownership and available for holiday letting purposes only; the provision of secure cycle storage, bin storage, drainage measures, and street lighting.

16. The **CNPA's Landscape Officer** raises some areas of concern. A mature sycamore tree close to the north west boundary of the site and which, as part of a group, is of value to the area, is threatened by the position of the proposed building. In addition, the proposed car parking for the flats to the rear is located close to the base of an existing line of mature conifers on the southern boundary. This may also impact on these trees which also carry some amenity value. The proposed building lies close to the boundary with the adjacent hotel grounds and will therefore have an impact. However, the immediate use of this adjacent area is car parking for the hotel. The building will block the view to the Craigellachie NNR and hillside from Grampian Road. At present, the NNR and hillside is seen quite clearly between the buildings and this helps reinforce the visual link between Aviemore and its surroundings. This is a particularly valuable characteristic of the village. However, the impact is reduced

because views will most likely be fleeting and seen in transit. The loss though is still considered to be significant and the proposal would contribute to the erosion of this valuable characteristic. To conclude, he suggests that a reduction in size and extent of the proposal, and moving it away from the boundary would allow any development to make a more positive contribution to the area. So, while there is no objection to the principle of this development, the proposal, as submitted, is unacceptable in landscape terms.

17. **Highland Council's Planning Team Leader** has confirmed that the hard surfacing to the front of "Shelter Stone" is unauthorised and was undertaken without planning permission which is required due to the listed status of the building. He considers the extent of hard surfacing here to be unsympathetic to the character of the building and the street scene in general. It does not maintain a reasonable balance of green space to hard surfaces. Whilst there may be limited scope for development in the rear garden of "Shelter Stone", it should be consistent with its role as the setting of a Listed Building. In particular, parking for "Shelter Stone" should be located at the rear, leaving all or most of the space between it and Grampian Road as soft landscaped amenity ground. Only after space is found for car parking should the scope for new development of the rear garden area be assessed.

18. **Highland Council's Conservation Architect** has stated that, according to the advice contained in the Memorandum of Guidance on Listed Buildings and Conservation Areas (National Policy Guidance), new development within the curtilage of a listed building should simply be refused outright unless it can be shown that such development can be sited discretely, without detriment to the setting of the Listed Building. Specifically, it advises that no building of similar or greater bulk should be erected close to the Listed Building. The current proposal comprises the erection of a 2 storey block, the footprint of which is three times that of the Listed Building and along with associated hardstanding for car parking, vehicular access and lockblock paving, occupies virtually the entire rear garden. There is a small area of soft landscaping in the south west corner of the site, however, no mention is made of the trees on the adjoining site which could be affected by the proposals. On a matter of principle, he advises that he has very grave concerns regarding the detrimental impact that the proposals will have on the setting of the Listed Building. He also has concerns regarding the appropriateness of the proposed materials for a new development within the curtilage of a Listed Building, where the indigenous materials are stone and slate. The nature of the development appears speculative and cannot be considered to be required as enabling development necessary to sustain or even rescue the main subject of the listing. The loss of the garden area to the front to hard standing for car parking is also unsympathetic to the setting of "Shelter Stone" and most unfortunate. Such provision should have been provided to the rear of the property which would allow the frontage to be reinstated.

REPRESENTATIONS

19. The application was advertised as "Development Affecting the Setting of a Listed Building" on 28 May 2008. The proposal has attracted 4 letters of representation. The concerns raised include:
- The proposal represents overdevelopment/overcrowding and is too large for the size of garden area – "Shelter Stone" will be left with no garden area to the front or rear.
 - Impact on privacy of neighbouring properties (house and garden areas).
 - Impact of noise from occupiers (holiday makers) would be disturbing as would smoke from potential BBQ area.
 - Impact on 2 storey building would block sun and daylight to neighbouring property.
 - Potential loss of trees may impact on red squirrels.
 - The design of the building is not in keeping.
 - To build accommodation in the garden of a Listed Building in a National Park seems inappropriate.
 - Development should be single storey.
20. The applicant's agent has provided a response. In summary:
- Privacy - proposals have been designed to minimise overlooking to the western side – high windows/some opaque glazing etc.
 - Noise – site is in a mixed domestic/commercial area – building will be constructed in accordance with standards for noise insulation – objections on external noise from occupiers are not sustainable.
 - Loss of daylight etc. – do not agree – restricted height and low pitch to roof therefore no appreciable loss of light to adjoining properties.
 - Red squirrels – adjacent trees are not part of the application site and will not be affected by the development.
 - Design – opinions subjective – this is a high quality contemporary approach, which has been carefully thought out, and uses natural materials.
21. In addition to the above, the applicant's agent has responded to concerns raised by me and the consultees.
22. All letters, including the response from the Community Council, are attached to the report.

APPRAISAL

23. This proposal raises issues in relation to the principle of development of this nature in this location; the impact of the development on the setting of "Shelter Stone" which is a Listed Building; the impact of the amount of development proposed on neighbouring properties, and the wider area; and precedent.

Principle of Development

24. The site is located on "white land" in the Badenoch and Strathspey Local Plan. This means that there is no presumption against development. The existing uses of the site relate to visitor accommodation and the provision of training and meeting facilities. The surrounding area is indeed a mix of domestic and commercial properties. I would therefore consider that the development of the applicant's existing business on this site, in the form of some further visitor accommodation, is not, in principle, inappropriate in terms of its nature or use. The provision of tourist accommodation is generally encouraged in settlements and elsewhere. Of course, it should be noted though that 50% of the proposed flats are for sale. This will introduce a different form of permanent residential development. Nevertheless, I do not see this as necessarily causing an unacceptable conflict in the nature of uses on the site. The removal of the "Shelter Stone Bothy" to allow the proposed access upgrade, will, I presume, remove the current provision of training and meeting facilities on the site, so the primary use will become residential, albeit a mix of permanent occupation and short term visitor.
25. However, the acceptability of the proposal lies in the assessment of other important considerations, relating to the details of the development itself.

Impact on Setting of Listed Building

26. "Shelter Stone" is a Category C(s) Listed Building. Any development within its curtilage should not therefore have an adverse or detrimental impact on the setting or character of the main building. The Memorandum of Guidance on Listed Buildings and Conservation Areas, which provides national policy guidance on such matters, states:

"While new development within the curtilage should often simply be refused outright, it can sometimes be achieved discretely without detriment to the main subject of listing."

"No building of similar or greater bulk should be erected close to the main subject of listing."

27. Highland Council's Conservation Architect has advised that he has grave concerns about the proposal and its impact on the setting and character of the Listed Building. These concerns are stated in paragraph 18 above. I agree with these concerns. The proposed building, due to its siting in close proximity to "Shelter Stone", and its size, scale, contemporary design and use of materials, is considered to be inappropriate for its location within the curtilage of a Listed Building. Any development to the rear of "Shelter Stone" should, as the Guidance implies, be subservient, in size, scale and design to the main building. The historic building should remain as the focus and while the proposed development is to the rear, it will be seen in the context of "Shelter Stone" from various positions in the surrounding area. The need for generally "engineered" solutions to car parking, lighting, and road access, in close proximity, to "Shelter Stone", in my opinion, exacerbates, the adverse impact on the setting.
28. Highland Council's Planning Team Leader for the area, has also raised concerns about the development, in particular in relation to the unauthorised formation of hardstanding parking areas to the front of the Listed Building. His concerns are stated in paragraph 17 above. Again, I agree with his concerns. The setting of the principle front elevation of "Shelter Stone" is important and the works carried out, have introduced a dominant hardstanding feature which detracts from the character and appearance of "Shelter Stone" when viewed from the public side. It is understood that prior to these works being carried out, the front area was a mix of mature garden and some gravel parking areas. The Gillespies Urban Design Strategy seeks to improve the character of streetscapes in Aviemore by "softening" the visual appearance. I would suggest that this element of the development fails to do this. Parking for the uses on the site, should be minimal to the front, with space preferably created to the rear. Only then would it be possible to assess how much, if any, development could be appropriately accommodated in the rear garden area.
29. Taking account of the above, I take the view that the proposal fails to comply with the objectives of National Policy on Listed Buildings, as contained in the Memorandum, and policies relating to the protection of built heritage contained in the Structure and Local Plans. In addition, in this respect, the development would not meet the objectives of the Park Plan or

the first aim of the Park in relation to conservation and enhancement of the cultural heritage of the area.

Impact of Development on Neighbouring Properties and the Area

30. You will note the concerns raised by occupants of adjacent houses in Craig-na-Gower Avenue to the rear. These relate to impacts on privacy, potential overshadowing, and general disturbance. In relation to the issue of potential noise disturbance from occupants of the proposed flats, I do not feel that this is a justifiable or sustainable reason for resisting the development. Noise or any other occasional disturbance created externally by occupants of residential properties, would not be a matter for planning. However, the issue of impact on privacy and general residential amenity of neighbouring properties, created by the proposed building, are relevant considerations.

31. In this respect, I have considerable concerns. In particular, but not exclusively, I consider the impact of the proposed building on the garden area and the house of No. 35 Craig-na-Gower Avenue to be considerable. No. 35 is a single storey property which is set at a slightly lower level, and directly to the west of the proposed flatted block. The flatted block is positioned within 3.5m of the mutual boundary and windows are approximately 14m from the windows on the rear elevation of No. 35 Craig-na-Gower Avenue. Highland Council's Policy Guidelines states that there should be a minimum of 18m between windows. Windows in the proposed development, serving habitable accommodation from the upper floor west elevation (bedroom and dining area), the balconies (6.5m from the boundary), and the entrance staircase (2m from the boundary) all do not meet this distance and will result, in my view, in an inappropriate level of potential overlooking and impact on privacy. It is also the case that the proposed balconies are positioned only 8m from the rear garden area of No. 37, Craig-na-Gower Avenue. In addition, the scale and height of the proposed building (8.8m in height), in such proximity to the mutual boundary with No. 35, will create, in my view, an overbearing and unacceptably imposing impact. Being located to the east side, it may also create overshadowing of the garden area, at certain times of the day.



Fig. 8. Private garden area of No. 35 Craig-na-Gower Avenue – proposed flatted block positioned 3.5m from mutual boundary.

32. The usual follow on from the above assessment is that the proposal would represent overdevelopment of the site. The revised access and parking layout does show the provision of 8 no. parking spaces, to the rear, with an additional 4 no. spaces potentially to the side of "Shelter Stone". While this appears to be acceptable in terms of numbers, as indicated before, the need for and the layout of the spaces, required to cater for both the existing and proposed uses and amount of development on the site, impacts on the setting of "Shelter Stone". In addition, there is the issue of amenity space. Highland Council's Policy Guidelines indicate that for flatted developments, a minimum of 40sqm of private open space should be provided, per residential unit. In this instance therefore the total amount of space should be approximately 320sqm. Including the balconies, decking areas and the communal amenity space indicated on the drawings, the total amount of amenity space approximately equates to this and the use of some of 50% of the units will be holiday. However, creating amenity space for a development is also important for providing a setting for a building so that it sits comfortably within its surroundings, especially where it is within the curtilage of a Listed Building. In this instance, I would argue that the building, because of its close proximity to the north and west boundaries, "borrows" space and its setting from adjoining properties. Taking all of these factors into account, I take the

view that the proposal does indeed, represent overdevelopment of the site.

33. Due to the scale and extent of the development, as stated by the CNPA's Landscape Officer, views towards the countryside between the buildings at this location, will be affected. While this concern would not be significant in its own right, it seems to me that, this is another symptom of the overdevelopment that the proposal represents. Gillespie's Urban Design Strategy does promote the importance of maintaining and reinforcing visual and physical landscape links between the built up areas of Aviemore and its surrounding countryside.

Precedent

34. It is of relevance to note that, on the south side of the proposed site, to the rear of the property known as "Braeriach", full planning permission has been granted by Highland Council, for the erection of a 4 no. flatted building (December 2006). This has not though been built. This proposed building is 1½ storey and will involve the removal of the trees on the south boundary of the "Shelter Stone" site. Due to the restricted nature of this adjacent site, the units are restricted to holiday use only. Some of the issues raised by the current development, are similar to those considered in the assessment of this adjacent development and being located in a "backland" position, similar to the current proposal, it could be argued that there is a precedent here.
35. However, I would argue that there are in fact differences. "Braeriach" is not a Listed Building and the development is of a more modest scale and height. Also, the site is served by an existing mutual access through the MacKenzies Hotel site where there is already "backland" development in the form of some courtyard style semi-detached houses. I would consider this approved development as "rounding off" this courtyard. Also, the character, density and pattern of development changes, from this point. Heading northwards, along Grampian Road, the general pattern of development on this side of the road, is of sizeable detached properties with open spaces/garden areas to the rear. My argument is that, introducing a new line of development to the rear of "Shelter Stone", particularly of this scale and type, would not fit with this established pattern and will act as an inappropriate precedent for other similar developments.

Conclusion

36. In concluding, I acknowledge and have considered the applicant's agent's written response to the concerns raised here. However, I do not find any arguments in the response which make me alter my position. No amendments have been tabled to try and overcome the issues and it is stated that they wish the application considered for determination. Highland Council's Conservation Architect has responded to the agent's statement. Quoting directly;

" I have no reason to amend my original observations.

Notwithstanding the lowly status of the listed building at category C(S), it is one of very few listed buildings in Aviemore and merits protection in itself and in regards to its setting. The planning authority has a duty to ensure this protection as afforded by the planning legislation.

The proposed development is not on an adjoining site. Clearly the new development is within the curtilage of the listed building and as such undoubtedly will have an impact on the setting of the listed building and more so adversely when it is considered that the new development and as a consequence of its overall scale is significantly greater than the subject of listing. The suggestion that the few other listed buildings in the vicinity have been adversely affected by development does not justify the proposals as submitted. Likewise, the fact that areas to the front of properties fronting the main road have been lost to hardstanding and car parking does not justify a similar treatment to the setting of a listed building.

I do not question that the proposed building has been "carefully designed in a contemporary manner" but its overall scale in the context of the listed building at Shelter Stone is considered to be inappropriate.

I would therefore simply reiterate the advice contained in the Memorandum of Guidance on listed buildings and conservation areas where development within the curtilage of a listed building should be simply refused outright unless it can be shown that the new development can be sited discretely without detriment to the main subject of listing. It cannot be said that a two storey building with a footprint three times that of and within ten metres of the main subject of listing can be considered to be discretely sited, regardless of its careful design."

37. My recommendation is one of refusal.

IMPLICATIONS FOR THE AIMS OF THE NATIONAL PARK

Conserve and Enhance the Natural and Cultural Heritage of the Area

38. The development is considered to adversely impact on the setting and character of the cultural and built heritage of the "Shelter Stone" Listed Building. It is therefore considered to have negative implications for this aim.

Promote Sustainable Use of Natural Resources

39. The development is promoted as maximising sustainability in its design principles and there is use of untreated timber and recyclable construction materials. This is generally positive in relation to this aim.

Promote Understanding and Enjoyment

40. The development has no implications for this aim.

Promote Sustainable Economic and Social Development

41. The development will help sustain and develop an existing business and, in part promote additional visitor accommodation. However, the development will have an impact on the amenity of neighbouring properties.

RECOMMENDATION

42. **That Members of the Committee agree a recommendation to:**

REFUSE Full Planning Permission for Erection of 8 no. Flats and Formation of Hard Surface to the Front, Shelter Stone Bothy, 129 Grampian Road, Aviemore, for the following reasons;

1. Due to the siting, scale, size, character and design of the proposed building, the development will have an unacceptably adverse impact on the character and setting of the existing property known as "Shelter Stone", which is a Category C(s) Listed Building. This detrimental impact will be exacerbated by the introduction of associated hardstanding car parking areas to the front, rear and side of the existing property, and by the formation of an upgraded access road to serve the new development. To permit the development, would be contrary to national, regional and local plan policy, as contained in the Memorandum of Guidance on Listed Buildings and Conservation Areas 1998, Policies G2 (Design for Sustainability), G6 (Conservation and Promotion of the Highland Heritage) and BC5 (Listed Buildings and Conservation Areas) of the Highland Structure Plan 2001, and Policy 2.5.13 (Historic Buildings) of the Badenoch and Strathspey Local Plan 1997. In addition, in this respect, the development fails to meet the objectives of the Cairngorms National Park Plan 2007 and the first aim of the Cairngorms National Park, which is to conserve and enhance the natural and cultural heritage of the area.

2. Due to its size, height, proximity to boundaries, and positioning of windows, external staircases and balconies, the proposed building will have an overbearing effect, and cause overlooking and potentially overshadowing, to the adjacent houses and gardens located to the immediate west of the site. As such, the development is considered to have an unacceptably adverse impact on the privacy and residential amenity of these adjacent properties, and is considered to represent overdevelopment of the site, due to its failure to comply with general guidelines set out in Highland Council Development Plan Policy Guidelines 2003.
3. The development will act as a precedent for the inappropriate infilling of backland areas along this side of Grampian Road, which will disrupt the general pattern and density of development in the locality and would result in the loss of visual links, from the built-up areas of Aviemore to its surrounding countryside landscape. In these respects, the proposal is considered to run contrary to the principles of Policy 6.1.1 (Urban Design Strategy) of the Badenoch and Strathspey Local Plan.
43. **That Members of the Committee, authorise, if necessary, the commencement of enforcement action, (along with Highland Council as appropriate), to reinstate the front of "Shelter Stone" to mainly garden area, and remove the unauthorised hardstanding areas.**

Neil Stewart

26 September 2008

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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.