
CAIRNGORMS NATIONAL PARK AUTHORITY

Title: REPORT ON CALLED-IN PLANNING APPLICATION

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DEVELOPMENT PROPOSED: FULL PLANNING PERMISSION FOR ERECTION OF 2 NO. DWELLINGHOUSES AND 6 NO. FLATS WITH ASSOCIATED ACCESS AND PARKING, ECCLEFECHAN BISTRO, CARRBRIDGE

REFERENCE: 04/553/CP

APPLICANT: AVIEMORE & HIGHLAND DEVELOPMENT LTD, MYRTLEFIELD HOUSE, GRAMPIAN ROAD, AVIEMORE, PH22 1RH

DATE CALLED-IN: 3 DECEMBER 2004

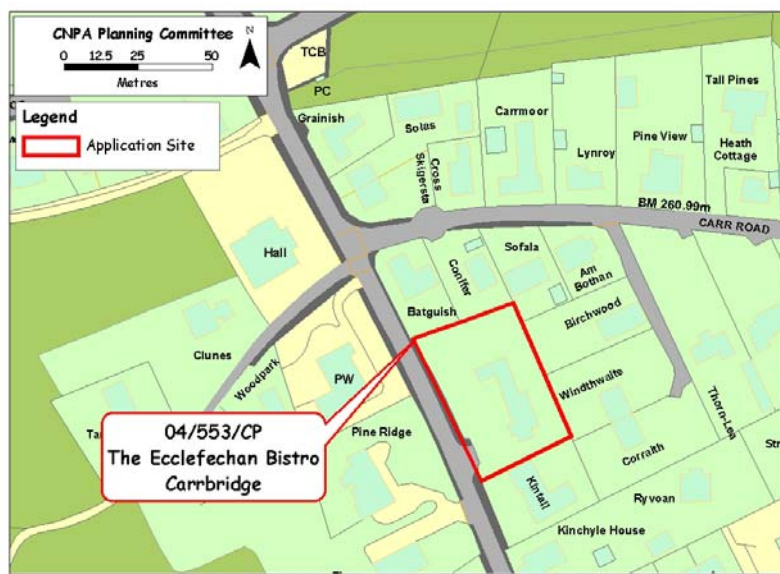


Fig. 1 - Location Plan

SITE DESCRIPTION AND PROPOSAL

1. This rectangular shaped site is located on the east side of the B9153 road where it passes through the centre of Carrbridge. On the site is the vacant building of the former “Ecclefechan Bistro” which ceased trading over a year ago. This building is essentially single storey with a mix of flat and pitched roofs. It sits in a central position with informal car parking to the front (west) side and amenity garden areas to the north and east sides. Access is taken directly off the B9153. The site is characterised by the existence of mature trees within and close to the boundaries. These trees comprise some large Scots Pine, Birch, Larch and Rowan. The site slopes down from the road before levelling out. The surrounding area is essentially residential with a mix of house types. To the immediate south boundary is a contemporary single storey bungalow known as “Kintail” which is set back slightly from the road. Across the road to the west is a sizeable traditional house (“Pine Ridge” which sits within a treed feu at a higher level and a Church. To the immediate north boundary is a traditional 2 storey property known as the “Cairdeas Guest House” (formerly “Batguish”) and a single storey bungalow called “Conifer”. To east side of the site are several single storey modern houses, known as “Sofala”, “Birchwood” and “Windthwaite”. These houses back onto the proposed site.



Southwards



Northwards

2. Following considerable concerns relating to tree loss, scale of development, impact on surrounding properties and the streetscape, and the provision of parking and amenity areas, the proposal has been formally revised twice. The original submission proposed the construction of 12 flats in two “L” shaped blocks close to the public road edge with a central access and car parking to the rear. The first revised proposal reduced the number of properties to 10 (6 flats and 4 semi detached houses) arranged in three buildings around a central access, parking areas, communal amenity areas and private garden spaces. The second formal revision is now the scheme which is being put forward for determination and is the subject of this report.

3. The proposal is now for 8 properties (two 2 bedroom villas, and six 2 bedroom flats) arranged in a terrace in a central position on the site. The central location allows for the retention of the stand of conifers along the roadside, the group of smaller trees in the north eastern corner, and the mature conifers in the grounds of the "Cairdeas Guest House" to the north side. Mature trees to the east boundary can also be retained but 5 mature trees (3 Scots Pine and 2 Birch) positioned in the central area of the site will be removed. The existing access will be closed off with a new access formed slightly further to the north. This will access parking areas for 12 cars. The two villas will have separate private gardens to the rear and the flats will have communal amenity areas, also to the rear. Due to the slope, the building now sits at a lower level to the road. The building is one and three quarter storeys in height with finishes of concrete roof tiles, drydash render and timber clad porches.
4. The applicants purchased the site as a potential private housing development opportunity. However, following discussion with Highland Council and Albyn Housing Society Ltd, agreement was reached to pursue a permission on the basis that the development was for **affordable housing**.
5. The site has been the subject of previous applications. In 1993, there was an outline application for the erection of a dwellinghouse on the northern part of the site adjacent to the bistro building. The application was refused by Highland Council on the grounds that it created a cramped form of development which would also require the felling of important trees, all to the detriment of the character of the area. An appeal was lodged but dismissed. This appeal decision supported the reasons for refusal entirely. In 1997, another attempt to gain a permission for a house on the northern part of the site was made. Again Highland Council refused the application on similar grounds to the previous application.

DEVELOPMENT PLAN CONTEXT

6. In the **Highland Council Structure Plan 2001, Policy G2 (Design for Sustainability)** requires developments to be assessed on the extent to which they, amongst other things, are accessible by public transport cycling and walking; maximise energy efficiency in terms of location, layout and design, including the utilisation of renewable sources of energy; make use of brownfield sites; impact on habitats, species, landscape scenery etc; demonstrate sensitive siting and high quality design; and contribute to the economic and social development of the community. General **housing policy** steers demand to appropriate locations within settlements. **Policies H4 & H5 (Affordable Housing)** support the general principle of providing affordable housing where there is a demonstrable need.

7. In the **Badenoch and Strathspey Local Plan 1997** the site lies within the settlement envelope of Carrbridge. The main requirements for Carrbridge include, amongst other things; maintaining a good distribution and choice of housing; protecting the character of established residential areas; and safeguarding natural assets and enhancing the village centre. The application site is covered by **Policy 5.1.4. (Infill)**. This policy states that, in the interests of safeguarding the character of established residential areas, there will be a presumption against the sub-division of existing plots where the development would involve; inappropriate scale, design or orientation; inadequate plot size or spacing between properties, breaching established building lines, felling significant trees, loss of privacy or amenity to neighbouring occupiers; or substandard access. **Policy 2.5.4. (Woodland and Trees)** seeks to protect existing trees and woodland areas including small groups of trees or individual granny pines, which are important landscape, wildlife and amenity features.

8. **For information purposes only**, in the **CNPA Consultative Draft Local Plan** the site is earmarked as a site with potential for residential development. In the settlement statement on **Housing** it is stated that future housing development should be focussed within the settlement. Housing of all tenures may be required but affordable housing for rent will be especially valuable to attract young families and encourage younger people to stay in the community area. **Policy 38 (Proposals for Housing Within Defined Settlements)** presumes in favour of permanently occupied housing development within existing settlements where they do not have adverse impacts on existing residential amenity, natural or cultural heritage or other land/building uses. For development of 4 or more houses there is a requirement for at least 25% affordable or in exceptional circumstances, a commuted payment or off-site provision may be accepted. New housing developments should enhance the structure and character of existing settlements and the layout and density should be a natural growth of the existing built structure. **Policy 37 (Proposals for Affordable Housing)** states that new proposals for affordable housing developments will be favourably considered within existing settlement boundaries where there is proximity to basic services, and in rural locations where there is a proven specific need.

CONSULTATIONS

9. **SEPA** require SUDS for the treatment of surface water run-off. Engineers working for the applicants have submitted details which propose that all surface water from impermeable surfaces be disposed to a soakaway trench. This trench will allow for full infiltration for a return period of 30 years. A high level overflow from the trench will also connect to a new manhole for precautionary measures. **SEPA** find this acceptable given the small scale of the development. They

request a condition be attached requiring the SUDS to be implemented and operational prior to the occupation of the development.

10. **Highland Council's Area Roads Manager** stated that the original layout did not comply with the Councils requirements for adoptable roads. They did however feel that a compromise layout could be considered subject to general compliance with the Council Guidelines and to the establishment of a suitable management and maintenance agreement. Following the submission of the first revision, again it was made clear that the layout did not meet adoptable standards and there were concerns about some of the geometry of the layout and parking arrangements. In relation to the current proposal, the **Area Roads Manager** has no difficulty with the roads and parking areas remaining private (subject to a management and maintenance agreement). Nor does he find the level of parking inadequate. However, he still finds the road layout unacceptable in that service vehicles will be unable to enter and leave the site in forward gear. It would seem much more practical for vehicular access to the site to be taken more or less at the location of the existing access where a short spur road could then be formed to the north side which combined with the access road would create an almost standard turning head arrangement. Some relaxation of the visibility splay requirement southwards may be possible. **(A further amendment to the plan will be required in this respect).**
11. The **CNPA's Economic and Social Development Group** advises that this development is about the balance of businesses and affordable houses in the Park, and the effect of the loss of a business in Carrbridge. The business was one of 2 restaurants that have closed in Carrbridge and although it is not a lifeline service, such as a post office, shop or village hall, this is of general concern. It is understood that the business closed not due to a lack of business but that the owners decided to move away. They had looked to sell the business as a going concern and that people were interested but could not get the funding. In relation to the housing proposal, discussions have taken place between the potential operators of the housing (Albyn Housing Society Ltd.) and the Community Council and that a need has been established for a mixed development of flats and houses of different sizes. In addition, the Highlands Small Communities Housing Trust survey for Carrbridge indicates there is interest in flats as well as houses.
12. The **Carrbridge Community Council** have not made any specific comment because the developer has been working with them to achieve a suitable mix of affordable properties on the site. However, they did feel that the original proposal was too crowded and they were concerned about the loss of trees.
13. **Highland Council's Forestry Officer** made comments on the original scheme which would have resulted in the significant loss of trees on the site. He said that planning policy for the area in the Local Plan

presumes against the subdivision of plots where development would involve the felling of significant trees. As demonstrated by the planning history of the site, the trees are recognised as having important amenity value to the village. They are prominent in the skyline especially when viewed from the south and they are a principle factor in the mature residential character of this part of Carrbridge. He felt that their loss would detract significantly from the existing residential amenity. The trees are, without exception, in fair condition and of reasonable form and can be expected to persist on the site for a number of decades. He therefore viewed the original proposals as over development, resulting in the significant loss of amenity through the felling of trees.

14. Further to on site discussions and the submissions of the revisions, **Highland Council's Forestry Officer** has made a revised response. He states that the development is still greater than the footprint of the existing "Bistro" building and therefore will result in the felling of some large Scots Pine and Birch in the centre of the site. He still views this loss as significant when viewed from the southern approaches. However, the revised layout now achieves the retention of an important stand of conifers on the roadside and has less of an impact on the stand of pines to the south east. Other trees in the north western corner and on the east boundary should also be retained. He suggests that details of replacement planting, including species and position should be required.

REPRESENTATIONS

15. As a result of the process of revisions to the proposals, neighbours have now been notified 3 times. **For ease all representations are attached to the report.**
16. In relation to the original proposal for 12 flats, 8 representations were received. The matters raised at that time include:
 - *Overdevelopment of the site;*
 - *Previous refusal for a house because of loss of trees;*
 - *Previous refusal nearby for development which was considered to be too large and too high;*
 - *On this prominent site, design has no environmental merit and is unsympathetic to the character of the area;*
 - *Loss of privacy;*
 - *Loss of restaurant business will have an adverse impact on tourism;*
 - *National Park should be looking to promote appropriate, innovative and sensitive planning and architectural solutions;*
 - *Impact on trees and habitats on and near to the site;*
 - *Development is too high, too large, too dense and too close to the road;*

- *Detrimental to road safety – creation of a dangerous access;*
 - *Flats are too small and there is no amenity space;*
 - *No demand for single person/low cost units in Carrbridge – units will turn out to be holiday homes; and*
 - *Internal cycle storage facilities required.*
17. In relation to the first revised proposal for 10 residential units, a further 3 representations were received. The matters raised at that time include;
- *Continued concern about the height of some of the buildings;*
 - *Previous enquiries about development on the north side of the existing building resulted in negative responses from planners;*
 - *Demand for low cost housing now disappeared because of a large residential development now approved, on appeal, elsewhere in Carrbridge;*
 - *Site is being allowed to deteriorate; and*
 - *Lack of parking provision.*
18. **No further letters of representation have been received in relation to the second revised proposal which is the current one for 8 units.**
19. In addition to the above, 3 letters **in support** have been received from Highland Council's Head of Housing Development, Communities Scotland, and Albyn Housing Society Ltd. **These are also attached to the report.** The points raised include;
- *Carrbridge is an area of high unmet housing demand where there is little turnover of affordable housing and where there can be a 10 year housing waiting list;*
 - *8 residential units is the minimum number of properties that are required to make the project economically viable;*
 - *Communities Scotland has set aside funding for this project in the current financial year and may have to remove it from the National Park area should the 8 units not proceed;*
 - *Confirmation that Albyn Housing Society Ltd. will provide the proposed residential units for low cost rent and that they will move quickly to erect the houses;*
 - *Current proposal for 8 mixed sized units reflects views of the Community Council who wished larger family sized accommodation; and*
 - *Confirmation that Albyn's charitable status means that there will be no right to buy and that the Society will retain a 20% equity share in perpetuity.*

APPRAISAL

20. The proposal raises issues that include, the principle of balancing the loss of a restaurant business with the need for affordable housing and the retention of mature trees, and the impact of the development in terms of scale, design, and character on this part of Carrbridge and neighbouring properties.
21. It is understood that the former owners of the "Ecclefechan Bistro" made moves to market the business as a going concern but that potential purchasers were unsuccessful in gaining funding. The loss of a successful business, such as this former restaurant, is unfortunate and would be generally considered as having negative implications for the economic development of the village. However, it is not an essential service and the wider context of what the site represents and what is now being proposed has to be considered.
22. The site lies within the settlement envelope and is now vacant. It therefore represents an "infill" opportunity on what is "brownfield" land. The surrounding area is essentially residential in character and it would seem logical that, to reduce the potential for the site to fall into a derelict state, and if a redevelopment of the land is to take place, residential would be an appropriate new land use. While the principle of private housing would not necessarily offend any planning policies, the loss of the commercial use to the village from a social and economic viewpoint, is somewhat off-set by the fact that the residential proposal is one for affordable housing development. Albyn Housing Society Ltd. have confirmed that they will be providing and managing the proposed housing, and Communities Scotland have confirmed that funding is in place. Highland Council and the CNPA Housing Officer have confirmed that there is a need for low cost rental properties in the area and that a mix of property sizes would be beneficial. From this, I conclude that the principle of providing a level of affordable housing on this site is appropriate in planning terms.
23. Having said this, accepting the principle of affordable housing on the site does not mean that other considerations are set aside. There has been considerable concern from people in the local area about a number of matters relating to loss of trees, scale and design of development, impact on the character of the area and neighbouring properties, and road safety. The extant policy designation for the site in the Badenoch and Strathspey Local Plan seeks to safeguard the character of established residential areas by ensuring that new development is not of an inappropriate scale or design, does not provide inadequate spacing between properties or a loss of privacy or amenity to neighbours, and does not result in the felling of significant trees. As such, if these requirements cannot be met, the development cannot be supported, even if it is for affordable housing.

24. In this respect, throughout the assessment process, I have concurred with many of the concerns raised by representees. In particular, I have had concerns about the matter of overdevelopment and the consequences of this for tree loss, impact on neighbours and the area, and amenity space and parking provision.
25. Both the original proposal and the first revised scheme would have led to the felling of most, if not all, of the mature trees on the site as well as posing threats to others outwith the boundaries. As stated by Highland Council's Forestry Officer, these trees are an important landscape feature in this location and their worth has been demonstrated by the refusals and appeal dismissal on these grounds, for a house on the site in the 1990s. Since that time, the trees have obviously matured further and they therefore should have been the starting point for designing the layout of a development on the site. The amount of development proposed in these original schemes necessitated the removal of the trees which consequently contributed to proposals which would have changed the character of the area. Coupled with this, the amount of development proposed on the site resulted in buildings being positioned close to boundaries and on the higher part of the site close to the road. This created impacts in terms of overlooking and over dominating of neighbouring properties, and unsympathetic dominance in the streetscape. In addition, in order to try and meet appropriate parking and amenity space standards, the layouts appeared contrived and in some instances did not properly function cohesively. As a result of these factors, the proposal would not have complied with the aims of the "infill" policy in the Local Plan nor with general good planning practices.
26. The scheme now proposed has taken these factors into account. By reducing the number of units proposed and using the need to retain the natural treed character of the site, the proposed development now overcomes the majority of the concerns raised. Taking account of the need for affordable housing and the viability of the project, it has been found inevitable that some trees would have to be removed. Five trees will be removed from the central part of the site. However, trees along part of the frontage and to the north in the grounds of the "Cairdeas Guest House" will remain as will mature trees to the rear boundary. With the building now being set back from the road and on the lower part of the site, the visual impact on the streetscape and on neighbouring properties is considerably reduced. The overall appearance is now of one new building sitting within an existing treed setting rather than two or three new buildings imposing themselves on their surroundings. In addition, the revisions allow for a workable layout in terms of parking, private garden and communal amenity space provision, and appropriate distances between proposed windows and neighbouring boundaries. It also allows for some meaningful replacement tree planting and landscaping and the creation of an access and road layout which the Area Roads manager is content to accept.

27. To conclude, this proposal has required taking a balanced approach to, arguably conflicting interests. It is acknowledged that there is a desire to promote affordable housing within the Park where there is a clear need. However, this must be balanced with ensuring that good planning principles are adhered to, when assessing the potential for developing sites. The process of revision that has been gone through in this instance has resulted in a proposal which does now, balance these competing interests, overcomes concerns raised by local people, and fits with the aspirations of planning policy and the aims of the Park. I can now recommend approval of the proposal.

IMPLICATIONS FOR THE AIMS OF THE NATIONAL PARK

Conserve and Enhance the Natural and Cultural Heritage of the Area

28. The proposal will result in the removal of several mature trees which contribute quite significantly to the natural and cultural heritage of this part of Carrbridge. However, the revisions to the proposal have resulted in the retention of other important trees within and just outwith the site. This will retain the overall treed character of the site and the surrounding area.

Promote Sustainable Use of Natural Resources

29. The contribution to this aim is limited. However, the redevelopment for residential uses, of a brownfield site within a settlement with some services and in a position close to public transport opportunities, will help reduce the need to use the private car.

Promote Understanding and Enjoyment of the Area

30. There are no implications for this aim.

Promote Sustainable Economic and Social Development of the Area

31. The loss of the restaurant business is negative in terms of the economic and tourist development of the Carrbridge area. However, a restaurant is not viewed as an essential service and the loss is somewhat off-set by the social and economic benefits which will accrue from the provision of much needed affordable housing.

RECOMMENDATION

32. **That Members of the Committee support a recommendation to:**

Grant Full Planning Permission for the Erection of 2 No. Dwellinghouses and 6 No. Flats, with Associated Access and Parking, Ecclefechan Bistro, Carrbridge, subject to the following conditions:-

1. The development to which this permission relates must be begun within five years from the date of this permission.
2. That unless otherwise agreed in writing with the CNPA acting as Planning Authority, the entire development hereby approved, shall comprise affordable housing units, as defined in the Highland Structure Plan 2001 and Planning Advice Note 74 (Affordable Housing), and shall be carried out in association with a Registered Social Landlord.
3. That unless otherwise agreed in writing with the CNPA acting as Planning Authority, from the date at which this planning permission is granted, no trees, other than the 5 trees identified for removal in the centre of the site, shall be felled, uprooted or damaged. Prior to the commencement of any development an accurate plan showing the position of all trees on the site, including those for removal and those for retention shall be submitted for the further written approval of the CNPA acting as Planning Authority.
4. That no development shall commence on this site until the trees marked for retention on the tree plan required by Condition No. 4 above, have been protected by chestnut paling fencing erected around the extremities of the crowns of these trees to the satisfaction of the CNPA acting as Planning Authority, and in accordance with BS5837, Trees in Relation to Construction.
5. Replacement tree planting, of a species and variety, height and number, in accordance with a scheme to be submitted to and approved by the CNPA acting as Planning Authority prior to the commencement of the development, shall be undertaken on the site, during the planting season next following the completion of the development.
6. That prior to the commencement of works on site, a detailed scheme for the continued long term maintenance of all external communal landscaped areas, by the developers of the site, shall be submitted for the further written approval of the CNPA acting as Planning Authority. The approved scheme of maintenance shall be implemented in perpetuity, on completion of the works, all to the satisfaction of the CNPA acting as Planning Authority.
7. That unless otherwise agreed in writing with the CNPA acting as Planning Authority in consultation with SEPA, the SUDS scheme hereby approved, shall be constructed, completed and be fully operational, prior to the occupation of the first residential unit.
8. That unless otherwise agreed in writing with the CNPA acting as Planning Authority, in consultation with Highland Council's Area Roads

Manager, prior to the occupation of the first residential unit, a minimum of 12 no. car parking spaces shall be provided and thereafter maintained on site, as shown on the approved drawings. The parking spaces shall be retained for use in association with the development hereby approved.

9. That prior to the commencement of works on site, exact details and specifications for all proposed external finishing materials (including roofing materials) shall be submitted for the further written approval of the CNPA acting as Planning Authority.
10. That prior to the commencement of works on site, exact details of all proposed timber fencing, including finishing colour/stain, shall be submitted for the further written approval of the CNPA acting as Planning Authority.
11. That unless otherwise agreed in writing with the CNPA acting as Planning Authority in consultation with Highland Councils Area Roads Manager, the access road and parking areas shall be constructed to a standard generally in compliance with Highland Council's Road Guidelines for New Developments. Full design details (including a revision to demonstrate how a service vehicle can enter and leave in forward gear) shall be submitted for the further written approval of the CNPA acting as Planning Authority in consultation with Highland Council's Area Roads Manager.
12. Notwithstanding the terms of Condition No. 11. above, the access and parking areas shall be the subject of a suitable private management and maintenance agreement which shall be submitted to and agreed by the CNPA acting as Planning Authority, in consultation with Highland Council's Area Roads Manager, prior to the commencement of works on site.
13. Unless otherwise agreed in writing with the CNPOA acting as Planning Authority, visibility of splays of not less than 3metres x 90metres shall be provided in both directions at the junction of the new access with the existing road prior to the commencement of the development and thereafter maintained free from any obstructions exceeding a height of 1 metre above the adjacent road channel level.
14. A footway of at least 1.8metres consistent width shall be retained along the roadside frontage of the development.
15. That prior to the occupation of the first residential unit, the refuse collection point and cycle storage structure, as shown on the approved site layout plan (Drawing No. 2897-P-050A), shall be provided on site. Prior to the commencement of works on site, detailed drawings of the proposed refuse collection point and cycle storage structure, shall be submitted for the further written approval of the CNPA acting as Planning Authority.

Neil Stewart
14 November 2005
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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.