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# CAIRNGORMS NATIONAL PARK AUTHORITY

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

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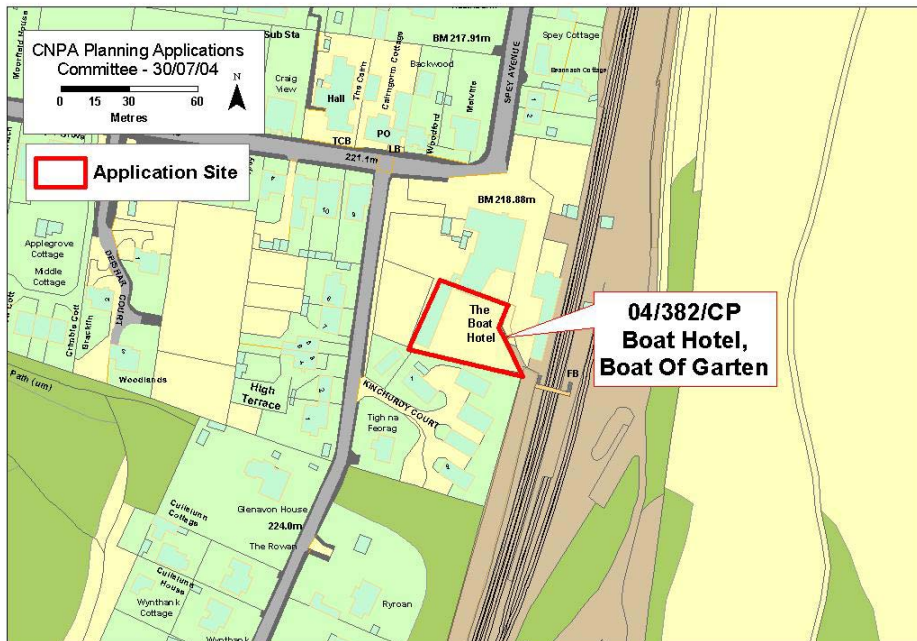
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**DEVELOPMENT PROPOSED: DEMOLITION OF BEDROOM WING AND ERECTION OF FOUR DWELLING UNITS TO BE USED FOR HOLIDAY ACCOMMODATION, BOAT HOTEL, BOAT OF GARTEN**

**REFERENCE: 04/382/CP**

**APPLICANT: MR & MRS I TATCHELL**

**DATE CALLED-IN: 30 July 2004**



**Fig. 1 - Location Plan**

## SITE DESCRIPTION AND PROPOSAL

1. The site for this development is to the rear of the Boat of Garten Hotel and is formed partly by the hotel gardens which contain several mature trees and an existing single storey extension which is used to accommodate staff and occasionally guests. **The Planning Committee will recall that this item was deferred at the Grantown meeting earlier this year to allow the Community Council to make representations. The application was subsequently fully heard at the following meeting in Ballater on 24 February. At that meeting the scheme was deferred to see if further revisions could be made to make it more compatible with neighbouring houses. Additions /changes to this report are printed in bold text.**
2. The rear garden boundary of the site is surrounded by housing on two sides (west and south) divided by a two metre high fence and bordered by the Strathspey Railway car park and line to the east, the north boundary of the site is formed by the rear elevation of the hotel itself (see layout plans at back of report).
3. The plan is to demolish the existing single storey extension which is currently 1.5 metres from the boundary of recently constructed houses to the west. This would be replaced by two one and a half storey structures with each one having two, two-bedroom holiday units. Living/kitchen facilities would be on the ground floor with the two bedrooms contained within the roofspace. Each block measures 13 by 13 metres and is approximately 8 metres in height to the ridge and 4.5 metres to the eaves. The existing single storey extension is 4.5 metres high to the ridge and 2.5 metres to the eaves. The units have been described as dwellings. However, it is clear that they are intended for self-catering holiday accommodation to help diversify the Hotel's business. The height of the new units would be 7 metres above the finished floor level of the existing extension.



**Fig 2 shows relationship between hotel extension to be demolished (centre) and new houses (right) to the west of the site.**

4. Concerns had been expressed to the applicant regarding the general impact of parts of the development upon neighbouring properties. As a result of this a revised position for the units had been negotiated joining the two pairs of units together in a staggered layout, which resolves some of the amenity concerns I had regarding the original layout. However, the amended scheme still resulted in continued concern in my mind regarding the relationship between Unit A on the new plan and a neighbour (marked neighbour 1 on layout plan at back of report) immediately to the west. A dormer window on the proposed rear elevation of unit A has been removed to avoid overlooking. **In response to concerns raised by the Planning Committee about impacts on neighbouring property units A and B have been drawn back a further 2 metres away from the boundary with neighbour 1 (see latest amended layout plan at back of report). This results in the centre of the rear elevation of that unit being 5 metres away from the boundary of neighbour 1 and approximately 9 metres away from the rear elevation of neighbour 1's house. For information it should be noted that the plot indicated as neighbour 2 on the latest amended layout plan is currently being redeveloped.**
5. External finish materials for the units include natural slate roofs with smooth render walls. All doors and window frames would be in timber and each unit would have a solid fuel stove.

## DEVELOPMENT PLAN CONTEXT

### National Policy

6. **Para 14 of Scottish Planning Policy Guidance Note 15 (Planning for Rural Development) (SPP15)** considers that tourism is of vital importance to the social, economic and environmental and cultural well being of rural Scotland. The guidance notes that Planning Authorities should support the development of the tourism and leisure industry with appropriate policies on the siting and design of new development.

### Highland Structure Plan Policy

7. **Policy G2 (Design for Sustainability) of the Highland Structure Plan** states that developments will be assessed on the extent to which they, amongst other things, impact on resources such as habitats, species, landscape, scenery and are in keeping with the local character and the historic and natural environment and their impact on individual and community residential amenity **Policy L4 (Landscape Character) of the Highland Structure Plan** indicates that the Council will have regard to the desirability of maintaining and enhancing present landscape character in the consideration of development proposals.

8. **Policy T2 (Tourism Developments)** states that the Council will support high quality tourism development proposals, particularly those which extend the tourism season, provide wet weather opportunities, spread economic benefits more widely, are accessible by means other than private vehicles and provide opportunities for the sustainable enjoyment and interpretation of the area's heritage.
9. **Policy T3 (Self Catering Tourist Accommodation)** states that permission for tourist accommodation proposals will be granted only on the basis of the development not being used for permanent residential accommodation. This will be secured by means of an appropriate occupancy condition.

#### **Badenoch and Strathspey Local Plan Policy**

10. **Policy 2.2.10 of the Badenoch and Strathspey Local Plan** considers that the council will encourage the development of tourist accommodation and facilities at suitable sites within or immediately adjoining communities. In the wider countryside priority will be given to the expansion of existing facilities.
11. The site is allocated on the proposals map of the **Badenoch and Strathspey Local Plan as Commerce and Tourism. Policy 5.7.1** of the written statement considers that potential exists for the extension of the Boat Hotel to provide a swimming pool and additional leisure facilities.

#### **Cairngorms National Park Draft Park Plan and Draft Local Plan**

12. **For information the recently published Draft Cairngorms National Park Plan: Priorities for Action 2007-2012** promotes 7 priorities for action one of which directly relates to making tourism and business sustainable. This priority recognises that the long term sustainability of the Park requires a vibrant tourism and business sector that underpins the economy, and at the same time contributes to conserving and enhancing the special qualities while not damaging them. Work within this priority area includes supporting strong business with high quality standards; managing the impacts of tourism and business; improving environmental performance; supporting entrepreneurship and business development. **Please note that this is not a land use development plan.**
13. **For information the Cairngorms National Park Local Plan (Draft for Consultation)** does not specifically allocate this site. However, page 66 of the Plan recognises that tourism and recreation are important to this community area, with some excellent hotels and other tourist accommodation which is used as a base to explore the surrounding countryside; further facilities for visitors should be developed, enhanced and maintained within the community. **Policy 30 Tourist Accommodation** section e) considers self catering proposals and

bunk houses and that planning conditions will be attached to any permission to restrict their use for tourism purposes, and not for permanent residential accommodation. Section d) of the policy notes that hotel proposals should not have an adverse impact on existing residential amenity.

## CONSULTATIONS

14. **Highland Council Planning** comments that from pre-application discussions with the applicant it was understood that the applicant wished the development to be described in the application as the erection of dwellings in order to allow the development to be financed with a mortgage. However, it is understood that the intention is to let the units as self catering holiday accommodation as a means of diversifying the hotels business. It is noted that although the proposals comply with building regulations the arrangement of the spaces inside the dwellings does not seem suitable for permanently habitable dwellings. The Jacuzzi on the terrace and the lack of a defined curtilage and the use of off-site parking are all features not associated with permanently occupied dwellings in Boat of Garten and also hint at a holiday use.
15. Off-site parking for the dwellings needs to be secured by a Section 75 Planning Agreement.
16. Some concern is raised regarding the siting of the blocks. Certainly a terrace of four units situated in line with the existing extension would maximise outlook and amenity for the new properties. However, that would be a matter of concern to householders in the two new houses to the west of the site which front onto Kinchurdy Road.
17. **Area Roads and Community Works Manager** recommends that 6 of the car parking spaces in the upper car park should be designated for use by the proposed 4 units. It is emphasised that the spaces would have to be reserved for the sole use of these units and that if ownership of the dwellings was not retained by the Hotel a registered Section 75 Agreement to confirm the position in respect of continued availability of parking would be required.

## REPRESENTATIONS

18. **Boat of Garten Community Council** wished to object to the earlier amended plans on the following basis:-
  - 1) There is very little alteration to the plan submitted to Highland Council ( Ref.04/00258/FULBS ) so our objection to that stands. The fact that the two blocks are now joined does not improve matters.

- 2) It is considered that the buildings are still too close to the boundary. While this allows much of the Hotel Garden to be retained, it is felt that it will affect the amenity of the neighbouring properties. It is noted that one dormer window has been removed from the amended plan.
  - 3) The height of the buildings also gives concern. There appears to be an unnecessary amount of height in the attic space. This seems to be the opportunity to lower the roof level without reducing the overall living space. Until these concerns are solved, the objection stands.
19. **Boat of Garten Community Council (see back of report) has provided comments on the latest amended plans as follows: The amendments shown appear to the Council to be minimal and do little to address the concerns already expressed in a letter dated 4 August 2005 and stated verbally at the planning committee meeting on 24 February 2006. The Council therefore continues to object to the development.**
20. A letter from the Strathspey Railway Company was received on the original scheme making general comments about the application and area. More detailed points are made that steam from locomotives may drift towards the dwellings and comment is also made regarding access rights on the station side of the hotel.
21. A number of individual letters from neighbours were submitted on the original scheme raising concerns regarding the height of the buildings, materials to be used and what the intended use of the units is, general concern is also raised that more disturbance would be caused to surrounding properties. Concern was also raised about parking, disabled access and landscaping being disrupted. The applicant's provided a reply to these points (Copies of all original representations have been reproduced at the back of the report).
22. The earlier revised proposal received one letter of objection from one of the new houses to the west of the site (Am Freagairt) which is attached at the back of the report. A further letter from the Railway Company reiterates earlier points made and draws attention to a tree within the site raising cause for concern. An additional letter of support has been received from the owner of 2 Kinchurdy Court and is attached at the back of the report.
23. **The very latest revisions have attracted two letters of objection which are the first two copied at the back of the report. Concern is still raised by a neighbour to the east at Am Freagairt, Kinchurdy Road who purchased the property (in 2005) to the west facing the units that they would have an adverse impact on outlook and that the number of units proposed is too great. Loss of views is also cited as a reason for objection. Concern is also raised by a neighbour to the south at 1 Kinchurdy Court that the**

development should be a similar distance from the southern boundary fence as it is from the eastern fence, the scheme is considered to be an over development of the site. Photographs supplied by the applicant at the last planning meeting are also attached at the back of the report.

## APPRAISAL

24. The key issues with regard to this application are the principle of the development in planning policy terms, the detailed design of the buildings and in particular their effect upon nearby neighbouring houses.
25. In policy terms, the site is within the village, allocated for commerce and tourism in the local plan and the text to the plan mentions the possibility of extending the hotel to incorporate a swimming pool. The plan dates from 1997 and no proposals since this time have come forward for a swimming pool. Given that this is the rear garden area of the hotel that is allocated for a tourism/commercial use what is being put forward can be considered to be appropriate in principle. All of the policies in the development plan context section of the report are supportive of the development of tourism businesses in principle and it must be recognised that the existing single storey extension on the site is part of the business, providing accommodation for staff and occasionally for guests. The plan to house staff should the proposal be permitted involves utilising the smaller bedrooms within the hotel itself. The application originally described the units as dwellings, which is partly why the application was called-in **(as it appeared not to accord with the policy designation for commerce/tourism in the local plan)**. The applicant wanted them to be described as such for mortgage purposes. However, it is clear from the siting of the buildings and the nature of the units and their layout that they are for tourist accommodation and this has been confirmed by the applicant. In principle, the application accords with the tourism policies of the Highland Structure Plan and Badenoch and Strathspey Local Plan. Parking has been identified in the hotel upper car park in line with the comments of the Area Roads Manager. **A planning condition should be adequate to ensure parking spaces are provided.**
26. In terms of design the hotel itself is largely a traditional granite building with an attractive frontage. The rear garden site for the proposal has a long single storey extension projecting back into the garden which is generally used for staff accommodation. The extension is of a contemporary design which does little to complement the traditional nature of the main hotel building and in terms of design and visual amenity the rear of the hotel would clearly benefit from its removal.

27. The four accommodation units proposed by the amended plan now resemble a staggered terrace. The footprint is partly on the site of the extension and partly on a lawned area. The buildings are sited so that no significant trees in the garden of the hotel would need to be removed. This results in the units being close to the boundary of the site. I had raised particular concern regarding this and several minor amendments have been made to the scheme during its long life with the buildings being set lower down and minor changes to the siting being made.
28. The front elevations of the building have French doors with timber dormers in a slate roof in positions that echo part of the existing rear elevation of the hotel. The materials are of a good quality with natural slate, timber windows and smooth render walls. The new buildings would compliment the rear of the hotel to a much greater extent than the existing extension. I have some reservations regarding the development being a little cramped given the positioning of the buildings on one part of the garden. However, given that they are partly on the footprint of the existing extension, and also that as a whole they would be screened from most public views by the hotel itself I have no particular objection to the proposal on design grounds. The Community Council raise concerns regarding the blocks being joined together and not separated. However, given that the buildings would not be clearly seen as a whole from any public view I have no particular concerns regarding this issue.
29. All applications must be assessed for their basic effects upon residential amenity in terms of overlooking, overshadowing and the basic impact that they have upon visual amenity for neighbours.
30. There are no specific policies in the Highland area regarding specified distances of buildings/windows in buildings from neighbouring boundaries, and the fact that the existing extension is approximately 1.5 metres from the western boundary of the site must also be taken into account and that the houses abutting this boundary are of relatively recent construction.
31. Initially, I had concerns regarding the impact of the scheme on neighbouring properties 3 and 4 as shown on the applicants original plan (**see layout plans at back of report**). These are two houses located to the south of the site. The corner of one of the proposed units was right on the boundary with this property and had a ground floor living room window facing onto the rear elevation of neighbour 4. In my view this arrangement would have clearly resulted in unacceptable levels of overlooking and be visually dominating to neighbour 4. The buildings were re-orientated and re-sited and the latest scheme has a gable section facing neighbour 4 and the building is sited so that the gable of unit D faces the gap between neighbours 3 and 4. The front elevation of units C and D looks onto the hotel garden. The rear elevation looks towards the rear elevation of



neighbour 1A on the plan, but the windows are 15 metres away from those of neighbour 1A. Because of this, I am content with the sitings of units C and D. **The latest rearranged layout which moves units A and B two metres back away from the western boundary shows that the windows on unit B are 12 metres from those of neighbour 1a.** I would still prefer a greater distance from the privacy point of view. However, it must be recognised that the existing single storey extension has windows looking onto this property at a distance of 1.5 metres from the boundary (6 metres window to window, although separated by a 2 metre high fence). I am therefore, of the view that the overall change in overlooking to neighbour 1a is a slight improvement on the current situation so am prepared to accept this part of the scheme. The rear elevation of neighbour 1a may lose some sunlight on winter mornings, but would gain sunlight earlier in the day than currently. I am of the view that there is little effective change here. The existing ridge height of the single storey extension is 4.5 metres above finished floor level. The new buildings are sunk partly into the ground to result in a total of 7 metres in height based on the floor level of the existing single storey wing. This results in a 2.5 metres increase in ridge height, but Unit B on the plan is set back between 7 and 9 metres away at an angle from the boundary with neighbour 1a. I consider that this relationship is acceptable and will again result in little change in light conditions from the current situation.

32. The above analysis indicates that Units B, C and D on the plan could prove to be acceptable. **My earlier report raised particular concerns about Unit A and its relationship with neighbour 1. The Planning Committee raised similar concerns and the latest plans are intended by the applicant's to address these concerns. The plans presented at the previous meeting showed centre of the rear elevation of Unit A within 3 metres of the boundary of neighbour 1.** Neighbour 1's boundary with the site is just 4 metres away from the house. This resulted in a total distance of just 7 metres between the rear face of neighbour 1's house and the centre of the rear elevation of Unit A. The upper floor window on Unit A is shown as removed, this helps in terms of overlooking and I would again recognise that with regard to ground floor windows overlooking can occur from the existing building and the ground floor windows can be effectively screened from the neighbour by a 2 metre high fence such as the one that currently exists. However, the rear elevation of neighbour 1's property would have been faced by a one and a half storey block which would dominate the outlook from the rear of that property considerably and in my view unacceptably.
33. **The latest drawings show a 5 metre gap between the unit and neighbours 1's boundary and approximately 9 metres between opposing windows.** Planning policy dictates that I must endeavour to make sure that buildings are sited appropriately to their neighbours as referenced by Policy G2 of the Highland Structure Plan "Design for Sustainability". **The applicant's have provided revised plans that**

improve the situation on what was previously presented to the Planning Committee. The building proposed despite its height now stands clearly further away from the neighbour's boundary than the existing building on the site. I would much prefer it if unit A was deleted from the plans. However, there is obvious concern from the applicant regarding the viability of the scheme. The difference between this latest layout and the previous is that units A and B have been drawn back 2 metres away from the west boundary. This is an improvement but from my recollection is the absolute minimum that the Planning Committee intimated would be required to perhaps make the scheme acceptable. In my view, this recommendation is now finely balanced, but I still err on the side of refusal. The tight constraints that are apparent between the neighbours boundary and the rear of the hotel the incremental changes that have been made to the siting of units A and B all clearly illustrate the difficulties of fitting the scale of development as proposed into the site area available. The applicant has provided an early photograph showing the neighbouring site before it was developed for the housing that now borders the site to the south and west. This shows that the hotel was there before the residential development surrounding and shows that account should be taken of the fact that the neighbours have moved to their houses in the full knowledge that there was a hotel use next door. While I have sympathy with these points and note that the houses have been built in very close proximity to the hotel's boundary the issues raised by the application can only be assessed from what is evident on the ground now.

34. Overall, as previously I think this is a good scheme in principle to diversify the business of the hotel and contributes in general terms to the aims of the Park. However, I am still of the view that just a bit too much development is being sought and that the amenity of the rear of the hotel is still being protected at the expense of the neighbouring houses. However, I would be prepared to recommend approval of three units in a terraced arrangement with unit B being drawn back in line with C and D. However, the applicant's consider that four 4 units are required to make the project viable.
35. **Should the planning committee wish to approve the application a range of planning conditions are suggested including a standard start of works condition, landscaping, tree protection measures retention/future maintenance of fencing, samples of roof slates. Consideration may also be given to tying the use of the units to the existing business and that they are used for the stated purpose as holiday accommodation as supported by policy T3. However, the siting and design of the buildings in relation to the hotel means that it is perhaps unlikely that they could be sensibly used as full time dwellings. The applicant's have requested that no condition is applied as this would jeopardise the financial viability of the project.**

## IMPLICATIONS FOR THE AIMS OF THE NATIONAL PARK

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

36. The proposed removal of the single storey extension would be of benefit to the built heritage and cultural value of the traditional hotel and I am of the view that the new buildings are of a significantly higher general design standard than those to be removed. The siting of the blocks ensures that no trees within the garden of the hotel would need to be removed.

### Promote Sustainable Use of Natural Resources

37. There is little information regarding the source of the materials for the development.

### Promote Understanding and Enjoyment of the Area

38. Additional accommodation in this area would in general terms promote the enjoyment of the Park. This may in turn lead to a greater understanding of the area on the part of visitors.

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

39. The proposal would help to further develop the tourism business at the hotel and provide higher quality accommodation. The accommodation would help to attract more visitors and help to further boost the economy of the area in terms of visitor spend and potentially employment. However, the proposal represents a level of development at the site that would prejudice neighbouring residential amenity.

## RECOMMENDATION

40. That Members of the Committee support a recommendation to: **REFUSE** Full Planning Permission for four dwellings to be used as holiday accommodation at the Boat Hotel, Boat of Garten for the following reason:
- I. The proposal represents an over development of the site that would be detrimental to neighbouring residential amenity in terms of overshadowing and visual domination and as such the proposal is contrary to Policy G2 Design for Sustainability of the Highland Structure Plan 2003 and to the principles of good planning between neighbouring developments.

## DETERMINATION BACKGROUND

1. This application has been before the Planning Committee previously on two occasions. However, the main reason as to the time taken to determine the proposal relates to the number of amendments to the scheme (many of which have resulted in re-consultation processes) that have been made incrementally over time to try and address the concerns of the objectors and Community Council.

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10 May 2006

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