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## CAIRNGORMS NATIONAL PARK AUTHORITY

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

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DEVELOPMENT MANAGEMENT)

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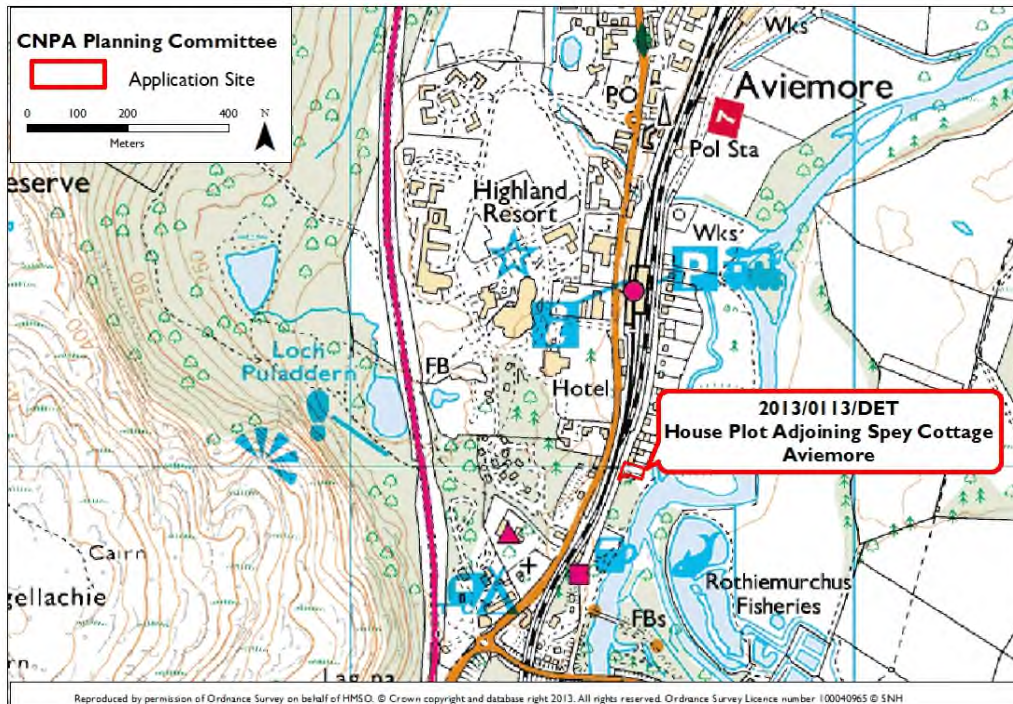
**DEVELOPMENT PROPOSED:** ERECTION OF HOUSE (REVISED APPLICATION REF: 12/4501/FUL (2012/0382/DET) AT HOUSE PLOT ADJOINING SPEY COTTAGE, AVIEMORE

**REFERENCE:** 2013/0113/DET

**APPLICANT:** MR & MRS FORRESTER

**DATE CALLED-IN:** 15 APRIL 2013

**RECOMMENDATION :** REFUSAL



Grid reference : 289559 811991

**Fig. 1 - Location Plan**

## SITE DESCRIPTION AND PROPOSAL

1. Full planning permission is sought for the erection of a new house with integral basement garage adjacent to Spey Cottage, Dalfaber Road, Aviemore. It is proposed to locate the house on land to the south of Spey Cottage, part of this land having previously been occupied by outbuildings associated with that property.
2. The site is located at the end of existing housing of mixed styles to the east of Dalfaber Road and bounded to the far east by the River Spey which lies at a lower level than the site. Part of the site forms part of a wooded area which runs along this east side of Dalfaber Road. The site slopes down from Dalfaber Road towards the Spey.
3. Access to the basement garaging is proposed by an access to be formed to the north of the new house, adjacent to Spey Cottage, with the proposed parking area taking access direct from Dalfaber Road. Surface water drainage is to be disposed of by on site soakaway, and connections to public water and sewerage are proposed. A copy of the proposed site layout is attached as **Figure 1** below

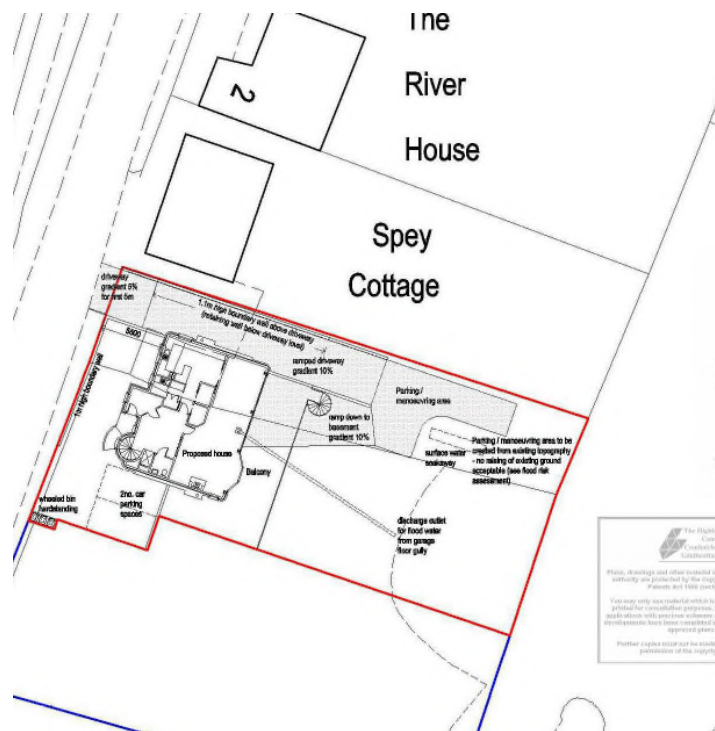


Fig. 1

4. The proposed house type is a split level one, two storey to front, three storey one, described in the applicants' agent's supporting design statement as of Rennie Mackintosh Design. This design statement is attached as **Appendix 1**. This statement also outlines why the agent considers the proposal to meet with policy. A copy of the proposed elevations is attached as Figure 2 below. Proposed finishes are slate roof, off white smooth wet harl walls and glass balustrade detailing.

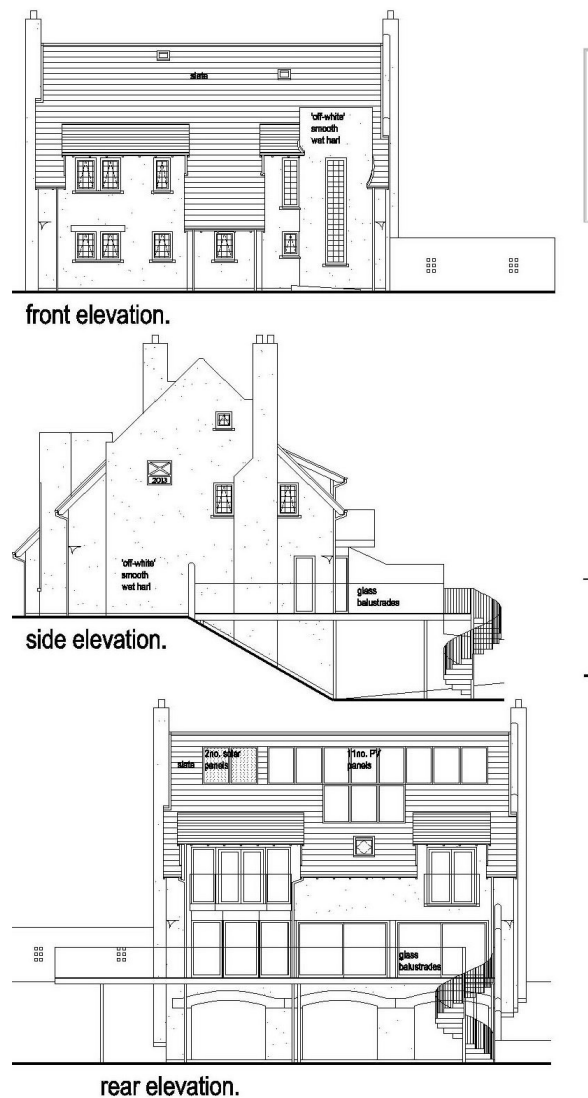


Fig. 2

5. Further supporting information has been provided by way of detailed tree survey information to show how the development will impact on existing trees with the applicants indicating their wish to undertake additional planting within the adjacent land to the south under their control.
6. The applicants and their agent have also submitted supporting statements outlining the reasons why they consider the site to be a suitable one for development and these are attached as **Appendices 2 (a) and (b)**. These statements cover why the applicants consider there is not a flooding issue with this site, which lies within an area identified as a flood risk area in SEPA's indicative maps and explains the mitigation measures proposed.
7. The statements also explain that all of the site previously lay within the settlement boundary of Aviemore as designated in previous Highland Council plans and explains why the applicants consider the proposal will improve amenity by tidying up a neglected piece of land. The need for the house in relation to family circumstances is also highlighted. The applicants agent has requested the opportunity to be **heard** at Committee.

8. A visual street scene plan has also been submitted to show how the new development will fit in with adjacent buildings and this is shown below in **Figure 3**. This street scene also seeks to show how the proposed development compares with a previously approved house on this site.



Fig. 3

9. In terms of planning history a planning application for a new house ( as noted in the elevations above) was approved by Highland Council in 2010 ( reference 07/00314/FULBS) This site lay wholly within the settlement boundary and this consent is still live. Figure 4 below shows the approved house style and location

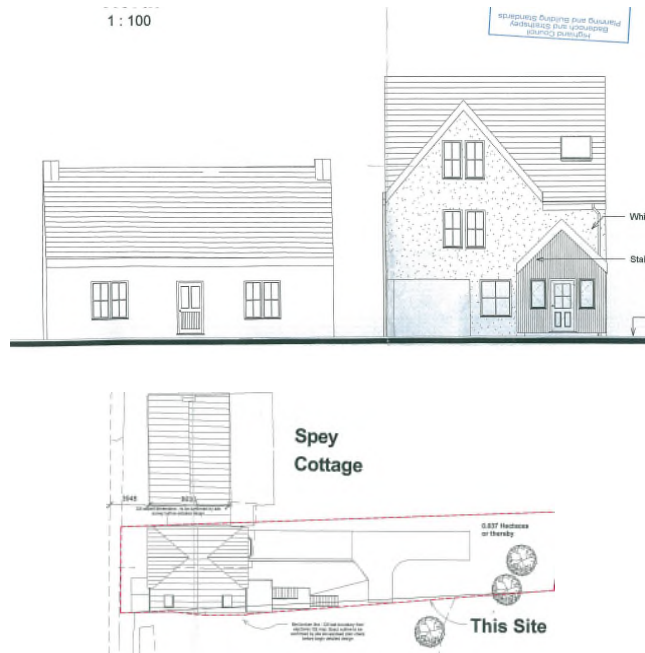


Fig. 4

10. The current applicants submitted an application for a new house on an enlarged site last year (Reference 2012/0382) which was called in by the CNPA due to it being partly outwith the settlement boundary, within a woodland area and an area identified for fluvial flooding. This application was withdrawn following concerns expressed by CNPA officers and to enable the applicants to submit a supporting case and consider amendments to the proposal.

## **DEVELOPMENT PLAN CONTEXT**

### **National Policy**

11. **Scottish Planning Policy (SPP)** is the statement of the Scottish Government's policy on nationally important land use planning matters. It sets out that planning authorities are encouraged to take a positive approach to development, recognising and responding to economic and financial conditions in considering proposals that would contribute to economic growth and has the basic aim "to achieve the right development in the right place."
12. As a replacement for a variety of previous planning policy documents the new Scottish Planning Policy includes 'subject policies'.

### **Strategic Policies**

#### **Cairngorms National Park Plan (2012)**

13. The Cairngorms National Park Plan sets out the vision and overarching strategy for managing the Park and provides focus and priorities at a time of limited financial resources. The Plan also provides a strategic context for the Local Development Plan and shows how the four aims of the National Park can be achieved together. It sets out the strategic direction and priorities for the Park.
- Three long term outcomes for the Park are set out as follows:
- A sustainable economy supporting thriving businesses and communities;
  - A special place for people and nature with natural and cultural heritage enhanced; and
  - People enjoying the park through outstanding visitor and learning experiences.
14. These outcomes address the interaction of the three main characteristics of the National Park these being that the Park is an internationally important area for nature conservation; a fragile rural economy, and an internationally known tourism destination. Recognising the relationship of these outcomes is at the heart of the National Park. A series of work programmes to help deliver the outcomes is set out in the Plan. Policy 2.8 seeks to enhance the design and sense of place in new development; ensure new development contributes positively to the sense of place, promoting a high standard of sustainable design, supporting the retention and enhancement of local character

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

15. The Cairngorms National Park Local Plan was formally adopted on 29<sup>th</sup> October 2010. The full text can be found at :  
<http://www.cairngorms.co.uk/parkauthority/publications/results.php?publicationID=265>
16. The Local Plan contains a range of policies and new development requires to be assessed in relation to all policies contained in the Plan. In this case the application site lies outwith the designated settlement boundary of Aviemore whereby the key policies are as follows :
17. Policy 16: Design Standards for new development applies which sets out the design standards to be met with new development and is supported by supplementary planning guidance in the form of the sustainable design guide.
18. Policy 22: Housing outside settlements sets out the circumstances where such housing will be supported. These can be summarised as follows:
  - If the house is required for a worker whose presence is essential on site
  - If the site is a “brownfield” one,
  - Finally if the site is for affordable housing in cases where there are no suitable sites available within settlements, where the development meets a demonstrable local need and the site does not detract from the landscape setting.
19. Policy 6 ; Landscape which sets out that there will be a presumption against development which does not conserve and enhance the landscape character of the National Park unless any significant adverse effects are outweighed by social or economic benefits of national importance and all adverse effects can be mitigated.
20. Policy 12 – Water Resources; which presumes against development which does not meet criteria set out in relation to flooding i.e. to free from significant risk of flooding, not to increase risk of flooding, not to add to the area of land requiring flood prevention measures, and not to affect the ability of the functional flood plain to store or move flood water. It is noted that in areas susceptible to flooding a developer funded flood risk assessment will be required.
21. Other policies relating to transport, waste management, developer contributions and water resources also apply in terms of servicing.

## Supplementary Planning Guidance

22. In addition to the adoption of the Cairngorms National Park Local Plan (2010) on 29th October 2010, a number of Supplementary Planning Guidance documents were also adopted. Key for the current proposal is the sustainable design guide which sets out guidance on design and siting.

## CONSULTATIONS

23. **Highland Council Roads Officers** have no objection to the proposals subject to various planning conditions being imposed.
24. **Scottish Environment Protection Agency (SEPA)** was consulted in view of the location of the site close to an area identified on their flood maps. SEPA have no objection to the application subject to conditions being imposed to ensure no loss of flood plain capacity, removal of permitted development rights, and an informative being attached to any consent to highlight to occupants that the ground floor level is at high risk of flooding. They highlight that they are not objecting in this case because there is an extant planning consent for a house on the site with the same number of bedrooms, whereby they do not consider that this current proposal will exacerbate the situation. They note that notwithstanding this advice they would expect the Highland Council to undertake their responsibilities as the Flood Prevention Authority. Accordingly Highland Council were consulted on the application.
25. **Highland Council's Flood Prevention Team** objects to the application on the grounds that insufficient information has been provided to address flood risk at the site. In medium-high flood risk areas they require a Flood Risk Assessment (FRA) to be provided. They note that the FRA which was provided with the 2007 application would require to be updated to take account of current guidance. They have set out the matters to be addressed. (They finally highlight that the Highland Council acting as Flood Prevention Authority have obligations and responsibilities towards management of flood risk which may differ from SEPA's requirements for addressing flood risk.) *The applicants have indicated that in the event of this application being supported they would provide a FRA as required.*
26. **Highland Council's Forestry Officer** has been consulted and raised initial concern regarding loss of trees on the site, noting that this site forms part of a large and visually significant area of woodland beside Dalfaber Road and the river Spey with other houses having greater separation from the river, with a good belt of woodland. The application site is "hemmed in by the road and river whereby loss of woodland would be more significant. Particular issues relating to tree loss and compensatory planting were outlined.
27. Following a site visit with the agent where further information was provided it is understood that these concerns have been alleviated in relation to the quality of trees to be removed and proposals for enhanced/replacement planting. Confirmation of this situation is awaited at the time of writing.



28. **Aviemore and Vicinity Community Council** advise they are happy with the proposal, noting that a building of this quality should improve this area of Aviemore.

## REPRESENTATIONS

29. The application has been advertised and no representations have been received.

## APPRAISAL

### Principle

30. As the site lies outwith the settlement boundary of Aviemore, Policy 22 on housing development outside settlements applies. In this case the application does not fit with any of the criteria where housing outside settlements can be supported as outlined in paragraph 18 earlier. It is appreciated that only part of the site lies outwith the boundary and as such if all other aspects of the application were acceptable a case could be made for “departing” from policy. Other aspects of the application are therefore now considered.

### Landscape issues

31. Aside from the principle of the development, Policy 22 requires that new development should not detract from the landscape setting. This is reinforced by Local Plan Policy 6 on Landscape which expressly presumes against development which does not enhance and complement the landscape character of the Park. In this case I do not consider that the policy requirements can be met. The new house and its associated curtilage will intrude into a wooded area which forms an important aspect of the setting of this part of Aviemore.
32. Whilst it may be the case, subject to the views of the Forestry Officer, that trees to be lost are in poor condition, the fact remains that the development will intrude beyond the built up ( or formerly built up) area here at Dalfaber Road into a green space which contributes to the landscape setting. The applicants’ assertion that the land is in a poor condition and subject to fly tipping, does not in my view justify building on the land particularly as the condition could be readily improved by taking appropriate action through the various authorities. Furthermore I do not consider the condition of the land to be unduly untidy, but rather it forms part of a wider woodland setting which contributes to the overall character of this part of the town.



## Design

33. Whilst the applicants' design ethos is understood, it is not considered that the scale, extent, detailing and style of the proposed house would sit well on this particular location, but rather would serve to emphasise the intrusion into the woodland area. It is appreciated that there are a variety of house styles evident along Dalfaber Road, however it is not considered that this particular house type will fit in well.
34. Although the front elevation has certain design merits, the rear and side elevations do not reflect general design principles of simplicity or reinforcement of the local vernacular as set out in Policy 16 on design standards for new development and supporting sustainable design guide. These elevations introduce different design details which add up to a variety of different components on the house, which again serve to adversely affect the objective of good quality design.

## Flooding

35. The site lies within an area identified as being susceptible to flooding and sufficient information has not been submitted to demonstrate that this risk can be satisfactorily addressed as outlined in the comments of the Flood Prevention Team.
36. Whilst this may potentially be capable of being addressed by submission of a revised Flood Risk Assessment it is fully appreciated that the applicants do not wish to spend money undertaking this work given that they are aware of the likely recommendation of refusal. They have however made it clear that if the Committee were minded to support the application then they would be willing to carry out such works. However at present this constitutes an additional reason for refusal.

## Other Issues

37. The site can be serviced and accessed and there are no particular amenity issues in relation to the adjoining house.

## CONCLUSION

38. In these overall circumstances this application is not considered to comply with Local Plan policies in relation to siting, landscape, design and flooding issues. The previous planning consent granted for a house here was contained entirely within the built up area, being an area which clearly appears as part of the original curtilage of Spey Cottage and related well to that property and the street scape. As such I consider this to represent the limit of development which would readily fulfil the requirements of policies.

39. Finally, the supporting comments made by the applicants and their agent are noted. However these are not considered to constitute material planning reasons to approve this application – this includes comments made in relation to designations in previous local plans.
40. Accordingly refusal of the application is recommended.

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

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

41. As a result of its siting and design the proposed development would not conserve or enhance the natural heritage of the area, but rather would result in a loss of green space and an adverse impact upon the landscape setting of this part of Aviemore. It would not therefore support this aim.

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

42. Dependent on materials to be used in the new build this aim could be partly supported. However the loss of trees and vegetation does not support this aim and in particular the potential to increase flood risk also fails to meet the aim.

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

43. Whilst the proposal does not in itself directly relate to this aim, new development which does not meet policy and guidance on design and landscape will detract from the enjoyment of the Park by adversely affecting its overall landscape character and quality

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

44. The proposal would provide for additional housing in the area which would support this aim. However such housing should be provided in a manner which complies with planning policies.

## **RECOMMENDATION**

**That Members of the Committee support a recommendation to REFUSE full planning permission for the Erection of house (revised application Ref: 12/4501/FUL (2012/0382/DET) | House at House Plot Adjoining Spey Cottage Dalfaber Road Aviemore for the following reasons:**

- I. The proposed development is contrary to Policy 22: Housing outwith Settlements (as contained in the Cairngorms National Park Local Plan (2010)) as the development does not meet any of the circumstances where development is supported and in addition would detract from the landscape setting as a result of its design and siting.

2. The proposed development is contrary to Policy 6: Landscape and Policy 16 : Design Standards (as contained in the Cairngorms National Park Local Plan (2010)) in that it would not complement or enhance the landscape character due the intrusion into the green, natural setting of Dalfaber Road which would adversely affect the landscape character of this part of Aviemore. In addition the proposed design does not reflect the character of the area or the requirements of policy due to the poor proportions, detailing and design which do not achieve a design solution acceptable for the National Park.
3. The proposed development is contrary to Policy 12 – Water Resources in that it has not been demonstrated that flood risk can be adequately addressed.

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11 June 2013

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.