
CAIRNGORMS NATIONAL PARK AUTHORITY

Title: REPORT ON CALLED-IN PLANNING APPLICATION

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(DEVELOPMENT MANAGEMENT)

DEVELOPMENT PROPOSED: DEMOLITION OF HOUSE; ERECTION OF REPLACEMENT HOUSE AND OUTBUILDING, BOXWOOD, STRAANRUIE, NETHY BRIDGE

REFERENCE: 07/187/CP

APPLICANTS: JOHN AND SUSAN SHEARER

DATE CALLED-IN: 18 MAY 2007

RECOMMENDATION; APPROVAL

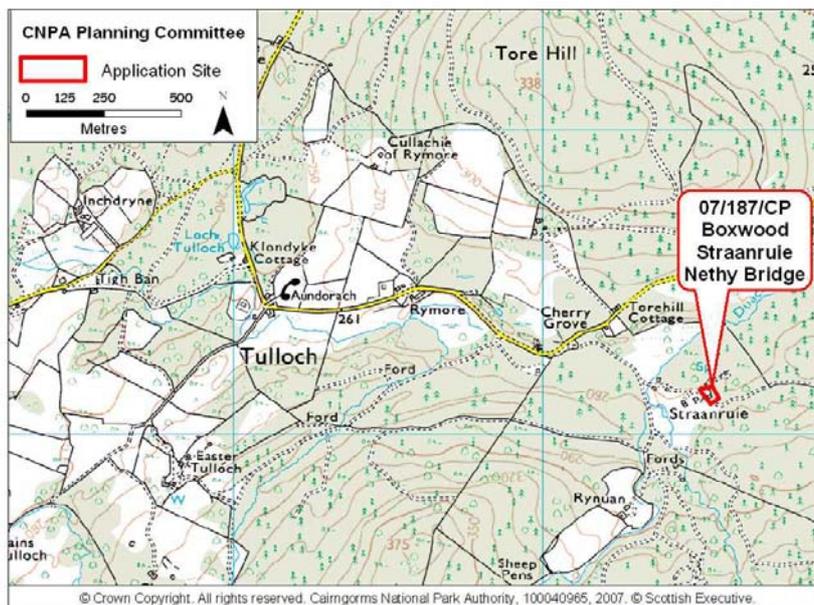


Fig. 1 - Location Plan

SITE DESCRIPTION AND PROPOSAL

1. The site is located in Abernethy Forest approximately 5 kilometres south of Nethy Bridge off the Tulloch loop road. (See fig 1). Straanruie itself represents a scattered group of buildings (mostly dwellings); some are of a traditional timber construction with some of a more modern appearance. Access to the site is by means of a rough track off the Tulloch loop road and passes by a former mill of stone construction (known as the byre) which recently received planning permission from the CNPA for its demolition and replacement with a single storey dwelling. The track crosses a burn by means of a timber bridge allowing access to several houses, one of which is Boxwood.
2. Boxwood is a traditional timber cottage which is characteristic of the area the finish is dark stained vertically boarded timber with a red tin roof (see fig 3). There is another house, immediately to the west of similar construction. There is a more modern house that has recently been subject to an extension to the east of the site. The rear of the plot blends into the surrounding forest.



Fig 2 Approach, site (right of photo)



Fig 3 Existing cottage



Fig 4 Existing Cottage



Fig 5 Existing Cottage side elevation

3. The site itself is not subject to any nature conservation, landscape or archaeological designations, although the site is immediately adjacent to the boundary of an area designated as ancient woodland. There are a number of nature conservation designations in the area the Abernethy National Nature Reserve is 500 metres to the east with both

Special Area of Conservation (SAC) and Special Protection Area (SPA) approximately 200 metres from the site.

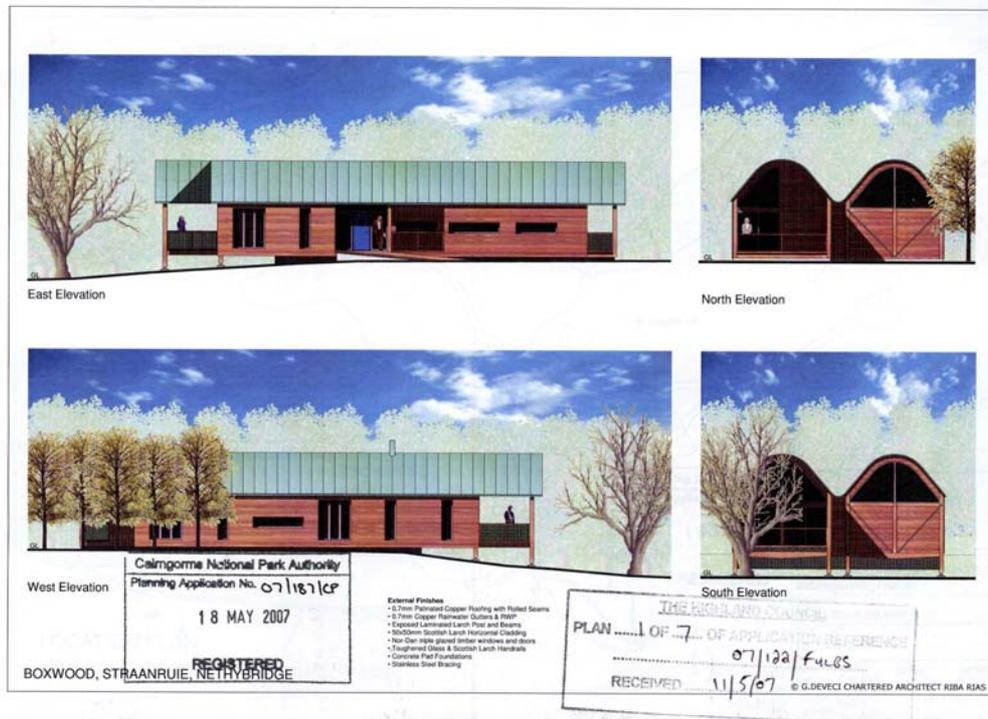


Fig 6 Proposed Elevations

- The application proposes to demolish the existing house and replace it with a contemporary house on the same plot that emphasises sustainability and energy efficiency. The house would be constructed from locally sourced larch. The basic form of the house comprises two narrow linear wings side by side along the longest axis of the plot (north to south). Advantage would be taken of the site gradient by placing part of the structure on ground based foundation with a terrace off the ground effectively on pads (see fig 6). One wing would contain 3 bedrooms with the other incorporating the living areas. The height of the roof does not exceed the ridge height of the existing building. An existing outhouse will be replaced by a new outbuilding of similar design to the house and will include solar panels. This outbuilding would also contain a wood chip boiler to provide heating for the house at one end with a workshop at the other, the outbuilding also incorporates garage space.
- The application is supplied with a surveyors report on the state of the existing cottage, a design statement, sustainability strategy and energy efficiency summary which are attached at the back of the report. A small number of trees would have to be removed to accommodate the proposal. However, these are conifer species, a large Scots pine and a lime tree would both be retained.

DEVELOPMENT PLAN CONTEXT

National Guidance

6. At national level, Scottish Planning Policy 3 (Planning for Housing) (February 2003) considers design in new housing developments to be an important issue when planning for housing development in both urban and rural areas. Planning Advice Note 44 (Fitting New Housing Development into the Landscape) (March 1994) states that “In seeking to protect and enhance the quality of the environment, developers should aim for a high standard of design and landscaping in new housing development.” Particular emphasis is given to the shape, layout and form of the development and its impact on the surrounding area; the choice of materials, with colours and textures that complement development in the locality; well designed schemes that respect both the local environment and the landscape setting.
7. Planning Advice Note 67 (Housing Quality) (February 2003) emphasises the essential role that the planning process can play in ensuring that the design of new housing reflects a full understanding of its context in terms of both its physical location and market conditions; the design of new housing reinforces local and Scottish identity; and new housing is integrated into the movement and settlement patterns of the wider area. It refers in the main to more urban housing developments but it nonetheless emphasises the importance of general issues such as landscape and visual impact, topography, building height, relationship with adjacent development, and views into and out of a site.
8. Planning Advice Note 72 is the most recent advice from central government on Housing in the Countryside, (February 2005) and on design it states “High quality design must be integral to new development and local area differences must be respected”. Furthermore it states “In some areas, such as National Parks, National Scenic Areas and Conservation Areas, there may be a case for more prescription and a preference for traditional design, but it is also important to encourage the best of contemporary designs. There is considerable scope for creative and innovative solutions whilst relating a new home to the established character of the area. The overall aim should be to ensure that new housing is carefully located, worthy of its setting, and is the result of an imaginative, responsive and sensitive design process.” In its concluding remarks, it states “Every settlement should have its own distinctive identity. This is determined in part by the local characteristics of the area's architectural style of individual buildings and the relationship of these buildings to each other.”

9. Paragraph 13 of NPPG 14 Natural Heritage recognises that the scale, siting and design of new development should take full account of the character of the landscape and the potential impact on the local environment. Particular care is needed in considering proposals for new development at the edge of settlements or in open countryside.

Highland Structure Plan 2001

10. **Policy H3** of the Structure Plan states that housing will generally be within existing and planned new settlements. New housing outwith this will not be permitted unless it can be demonstrated that it is required for the management of land and related family purposes. **Policy L4 Landscape Character**, states that the Council will in the consideration of development proposals have regard to the desirability of maintaining and enhancing present landscape character. **Policy G2 Design for Sustainability**, lists a number of criteria on which proposed developments will be assessed. These include service provision (water and sewerage, drainage, roads, schools, electricity); accessibility by public transport, cycling, walking and car; energy efficiency in terms of location, layout and design (including the utilisation of renewable energy sources) and impacts on resources such as habitats, species, landscape, cultural heritage and scenery.

Badenoch and Strathspey Local Plan (1997)

11. The Landward 'Housing in the Countryside' strategy identifies the land in question as a Restricted Countryside Area. Accordingly, section 2.1.2.3 of the Plan reconfirms the sentiments of the Structure Plan policy stating that a "strong presumption will be maintained against the development of houses" in such areas. Exceptions will only be made where a "house is essential for the management of land, related family and occupational reasons." It further stresses that adherence to the principles of good siting and design will be required.

Highland Council Development Plan Policy Guidelines (2003)

12. The Highland Council produced Development Plan Policy Guidelines dealing specifically with 'Housing in the Countryside' in 2006. The Cairngorms National Park Authority was not consulted on the guidelines. In view of the lack of involvement in the formulation of the guidelines and the imminence of the Local Plan for the Cairngorms National Park a decision was taken by the CNPA Planning Committee in January 2006 not to adopt the 2006 Guidelines. Accordingly the **Development Plan Policy Guidelines (2003)** remain applicable in the assessment of applications called in by the CNPA.
13. These guidelines consider that **open countryside** is **all** land outside the boundaries of defined settlements. New housing in the countryside

will be exceptional and will only be permitted, in accordance with national policy and approved structure plan policy where it is required for the management of land or related family purposes (retired farmers and their spouses); provided by a social housing provider; involves the conversion/re-use of a traditional building; **involves the replacement of an existing dwelling which does not meet the requirements for modern living and where the costs of upgrading are not justified on economic and environmental grounds (subject to the existing dwelling being demolished)**; or is part of a comprehensively planned new settlement.

Cairngorms National Park Plan (2007)

14. The Park Plan highlights the special qualities of the Cairngorms, stating that the “Cairngorms is widely recognised and valued as an outstanding environment which people enjoy in many different ways.” It recognises that there is a wide diversity of landscape, land-uses, management and community priorities across different parts of the Park. In a section entitled ‘Living and Working in the Park’ the subject of ‘housing’ is explored. The Strategic Objectives in relation to housing refer to the need to ensure greater access to affordable and good quality housing in order to help create and maintain sustainable communities. **A further strategic objective relates to improving the physical quality, energy efficiency and sustainable design in all tenures throughout the Park.**

15. In terms of ‘Conserving and Enhancing the Natural and Cultural Heritage’ the National Park Plan includes a number of objectives in relation to Landscape, Built and Historic Environments. Strategic Objectives include maintaining and enhancing the distinctive landscapes across the Park and ensuring that development complements and enhances the landscape character of the Park. Of particular relevance to the current proposal are the strategic objectives relating to landscape and the built environment which seek to ensure that development complements and enhances the landscape character of the Park; understands and conserves the archaeological record, historic landscapes and historic built environment. Strategic Objectives for woodland management include increasing the value of timber and other local forest products, strengthen supply chains and develop new markets.

CONSULTATIONS

16. **Scottish Natural Heritage (SNH)** has no objection to the proposal but recommends that a bat survey is carried out prior to the proposals determination. The location of the development lies close to, but outwith Abernethy Forest SSSI. The SSSI is a designated Special Protection Area (SPA) and forms a component of the Cairngorms Special Area of Conservation. SNH has provided detailed background advice on European Protected Species. A bat survey has been carried out and presented to SNH. Scottish Natural Heritage agree with the surveyors recommendations, which recommend in the event that bats are suspected in the existing dwelling during any future operations that SNH should be contacted for advice immediately. SNH in their response advise that the inclusion of this requirement in any planning recommendation is important, given that the proposed development, if permitted, may not take place immediately and bats could move into the dwelling in the intervening period.
17. **Highland Council Archaeology** has no objection to the proposal but notes that the building is depicted on the first edition Ordnance Survey map of c. 1870. It is recognised that the building has been altered, but still demolition should not be carried out without a visual record first being made. Because of this a photographic record condition is recommended prior to the commencement of any development at the site.
18. **Highland Council Area Roads** has some concerns about the development of additional dwellings in this area. However, it is noted that the development proposed here involves a replacement dwelling. Should members be minded to approve the application similar conditions to those attached to application 07/019/CP should be applied to this proposal.
19. **SEPA** has no comments to make on the proposal.
20. **CNPA Landscape Officer** considers that the landscape and visual impacts of the proposals are localised and the design is of good quality, supported by a well-reasoned design statement in architectural and sustainability terms.
21. The existing landscape is of exceptional quality and local distinctiveness, characterised by small scale traditional buildings set in locally hummocky topography, on the edge of a meadow in Caledonian Pine Forest. The overall impression is of a charming and historic woodland settlement.

22. There has been a degree of replacements and modifications to existing buildings. However whilst of contemporary style, these are of a small scale and set within hummocks and trees. On balance there remain enough of the traditional single storey pitched roof buildings, with visually distinctive red roofs and dark timber walls, to retain the impression of a well preserved local vernacular.
23. The proposals are a departure from this traditional architectural style, but represent an interesting contemporary architectural response to the Caledonian pine forest setting and have visual references in terms of materials to the timber and sheet metal roofing of the older building types.
24. Conditions should be applied to mitigate against the potential adverse impacts of the development on visual qualities, landscape character and trees.

REPRESENTATIONS

25. **Nethy Bridge and Vicinity Community Council** comments that while most Councillors have reservations about the design of the house the applicants cannot be denied the right to build on the site. Further, the applicants have gone to great lengths to ensure the building will be eco-friendly and will have very little impact on the environment. It should also be taken into consideration that the area already demonstrates a rather eclectic collection of homes.
26. One letter has been received from a resident at Tulloch. One concern relates to the bridge over the Duack Burn and that it is not suitable for carrying lorries loaded with building materials. A report from a structural engineer is attached. The writer hopes that a condition can be applied requiring the replacement of the bridge before any work is commenced and that the track to the site is reinstated following completion of works. While not objecting to the applicants plans the writer is saddened by their proposal to replace Boxwood with a very different structure.
27. A short letter has been received from the applicants pointing out that the writer of the above letter sold them land to help with the design and planning of the application being considered.
28. Copies of letters are attached at the back of the report.

APPRAISAL

29. There are a range of key issues with regard to the current planning application, including the principle of a replacement dwelling in policy terms, natural heritage considerations, the environmental impact of the building and the design proposed.
30. The key policy starting point is that the site is located in a restricted countryside area where there is a general presumption against new housing unless it is for land management (agricultural) purposes. However under Highland Council Policy Guidelines 2003 there is an acceptance of replacement houses, where they do not meet the requirements for modern living and where the costs of upgrading are not justified on economic or environmental grounds. Therefore, permission can be granted in a restricted policy area providing the replacement is justifiable.
31. The site currently consists of a timber, single storey cottage building with an outbuilding in similar style (see figs 3, 4 & 5) in wooded surroundings. While the policy does not specifically request it a letter from a surveyor accompanies the application which points out that the dampness has been located internally in several locations indicating that water penetration has occurred. Concern is raised that decay is present in the load bearing timber frame. Overall remedial repairs are required and even once the property had been repaired it would not be mortgageable. Materials do not meet the current insulation standards and have a limited lifespan. While the house is not in a poor state of repair as such it would appear that remedial works would be required in the near future. As noted, such works would not be mortgageable which consequently, questions the economics for retaining the building as such into the future. This justification in essence meets the policy.
32. There is no doubt that the existing dwelling exhibits a certain level of attractiveness in its simple traditional form, the building is not listed, not in a conservation area and has no statutory protection. Indeed, Highland Council Archaeologist raises no objection subject to a photographic record being made. In addition, the CNPA has also recently granted permission for the replacement of a traditional granite mill building with a single storey house nearby at Straanruie Byre.
33. The site is close to a number of designated sites as pointed out by the SNH response. However, the site works themselves purely involve the replacement of buildings within an existing garden curtilage. In the initial stages of the application SNH indicated the potential for bats to be at the site. A bat survey has since been carried out and no bats or signs of past use by bats were detected. However, as pointed out in the survey report, bats are "highly mobile and inquisitive and may move into new roosts at any time between the end of March and October" and in the event that this situation were to occur or even be suspected

to occur, it is imperative that all works would cease immediately and the specialist advice of Scottish Natural Heritage be sought prior to any works recommencing.

34. As well as the various issues in relation to the loss of the building this must also be balanced against the quality of what is being proposed. In this case, the house proposed is considered to be of a very high quality which responds to the topography and woodland context of the site. The existing house is set in the middle of the plot on higher ground and faces forwards towards the access track in a conventional manner. The house is positioned on higher ground towards the centre of the plot. The new house would be set out along the plot without any significant interference with existing ground levels. It achieves this because one section is effectively set on pads above the ground where it slopes down from the higher ground (See fig 6 East and West Elevations). The normal pattern of development in the area has more permanent anchorage to the ground. However, this would result in more excavations, changes to the topography of the plot and potentially result in more damage to trees, than the lightweight approach of the pads. Because of this, I am of the view that the building is well sited and assumes an optimum position to retain topography and existing trees around the site. The extensive use of timber in the building is considered entirely appropriate to its woodland setting.
35. The application has been submitted with a design statement which is attached at the back of the report. The real quality of the design comes through in terms of its sustainability. As noted by the statement the proposed design would be constructed from locally made larch timber post and beam structures. The basic form of the house is broken down into a living and sleeping section which minimises the overall height and bulk of the structure and ensures that the roof height does not exceed the ridge height of the existing house on the site. The external walls will be clad in Scottish larch and the roof finish will be in patinated copper. The materials will fade to blend into the surrounding woodland landscape. The key factor is that the building can be insulated to very high levels resulting in little need for heating under normal conditions. A wood pellet boiler will be included in the outbuilding to provide additional heat when needed. The outbuilding is designed to the same standards and material as the main house.
36. Concern has been raised about the bridge across the burn which is used to access the site and several other dwellings and that bringing materials across the bridge could cause damage to it. If this is the case then the applicants would clearly have to repair the bridge to access their own property. A condition could not be used because the bridge and track is not in the ownership of the applicants. This is essentially a civil matter between the applicants and the owners of the track and bridge. It is also worthy of note that a considerable extension has been constructed recently on one of the houses beyond the

footbridge. This has been carried out without the need for any works to the bridge.

37. Overall, this is considered to be a positive, high quality design scheme that accords with the aims of the Park. Consequently, approval is recommended subject to the conditions set out at the end of the report.

Conserve and Enhance the Natural and Cultural Heritage of the Area

38. The proposal is close to a range of sites that are designated for natural heritage interests. However, the works purely relate to the replacement of an existing house with a new one within the existing curtilage. There is no reason to suggest that this would have any material effect upon surrounding nature conservation interests. Bats have been an issue and the applicants have carried out a bat survey which shows that there are no bats or signs of past use by bats.
39. In cultural heritage terms the existing building will be lost but will be subject to a photographic record. However, more crucially it is being replaced by a very high quality building which will become part of the cultural heritage in itself.

Promote Sustainable Use of Natural Resources

40. The proposal scores highly in terms of this aim as it would replace a building that perhaps performs poorly in terms of energy use with one that predominantly relies upon glazing and high levels of insulation for heating. The only back up heating will be by means of a wood chip boiler. The building is also sited and founded in a way that will minimise ground excavations and retain key trees around the site.

Promote Understanding and Enjoyment

41. The proposal has little direct relevance to this aim and will not affect tracks through the forest in the vicinity of the site.

Promote Sustainable Economic and Social Development

42. The proposal is not an economic one but the high quality of the design does contribute towards promoting high levels of sustainable design quality in buildings throughout the Park and could prove to be a good positive example.

RECOMMENDATION

43. **That members of the Planning Committee support a recommendation to GRANT Full Planning Permission for the Erection of a Replacement House and Outbuilding at Boxwood, Straanruie, Nethy Bridge, 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. The development shall be landscaped and maintained in accordance with a scheme which shall be submitted to and approved by the CNPA acting as Planning Authority before development commences. The scheme shall include indications of all existing trees and landscaped areas on the land, and details of any to be retained, together with measures for their protection in the course of the development and shall indicate the siting, numbers, species and heights (at the time of planting) of all trees, shrubs and hedges to be planted and to the extent of any areas of earthmounding, and shall ensure:-
 - (a) Completion of the scheme during the planting season next following the completion of the development, or such other date as may be agreed in writing with the CNPA acting as Planning Authority.
 - (b) The maintenance of the landscaped areas in perpetuity in accordance with the detailed maintenance schedule/table. Any trees or shrubs removed, or which in the opinion of the CNPA acting as Planning Authority, are dying, being severely damaged or becoming seriously diseased within three years of planting, shall be replaced by trees or shrubs of similar size and species to those originally required to be planted.
 3. Exact details and specifications of all proposed external finishing materials (including roofing materials) shall be submitted for the further approval of the CNPA acting as Planning Authority before any work commences on site.
 4. From the date of this permission no trees shall be lopped topped or felled on the application site without the prior permission of the CNPA acting as Planning Authority. Prior to the commencement of the development hereby approved a tree protection plan shall be submitted to and approved in writing by the CNPA acting as planning authority. Protection fences

agreed in the plan shall be in place prior to any works taking place on the site.

5. Prior to the demolition a full internal and external photographic record of the house and outbuilding shall be taken, submitted to and approved by the CNPA acting as Planning Authority.
6. Adequate space shall be incorporated to allow two car parking spaces and adequate space for both vehicles to leave the site independently in forward gear.
7. Adequate visibility splays from the site onto the access road to be agreed between the applicants, Highland Council Area Roads Manager and the CNPA. The agreed details shall be implemented prior to the first occupation of the dwelling hereby approved.
8. In the event that there is any evidence in the future of the presence of bats at the site, before or during the carrying out of any works in connection with the development, all works shall cease immediately and shall not recommence until the advice of Scottish Natural Heritage has been sought and implemented in full.

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20 August 2007

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.

