
CAIRNGORMS NATIONAL PARK AUTHORITY

Title: REPORT ON CALLED-IN PLANNING APPLICATION

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

DEVELOPMENT PROPOSED: ERECTION OF DWELLINGHOUSE AND GARAGE, AT LAND AT CORNER OF A86 AND BALGOWAN ROAD, BALGOWAN, NEWTONMORE (APPROVAL OF RESERVED MATTERS) (AMENDED DESIGN)

REFERENCE: 05/320/CP

APPLICANT: MR & MRS J GROVER, GLENFAIRN, KINGUSSIE ROAD, NEWTONMORE, PH20 1AY

DATE CALLED-IN: 15 JULY 2005

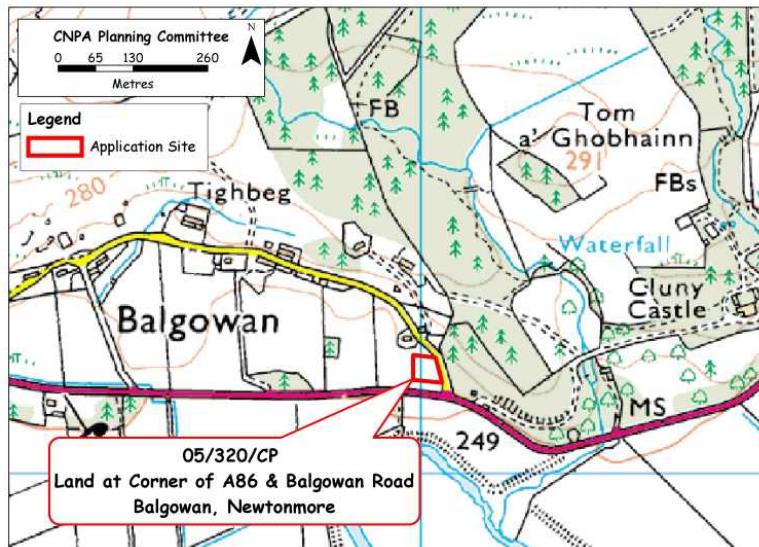


Fig. 1 - Location Plan

SITE DESCRIPTION AND PROPOSAL

1. The Committee will recall that at the Planning Committee of 17 June 2005 in Ballater, a decision to refuse, in line with recommendation, an application for a house and garage on this site was made. The reason for refusal related to the inappropriateness and incompatibility of the form, size, character and detailed design of the house, in relation to its surroundings. The design refused had been an amended proposal from that originally submitted. The current application proposes a further revised design for the house and garage. The Committee will also recall that Outline Planning Permission for a house on this site exists, following a successful appeal to the Scottish Executive in February 2004. This followed a refusal of outline planning permission by Highland Council's Area Committee, against a recommendation of approval by their officers. The current application still represents an Application for Approval of Reserved Matters.
2. The application site is situated at the easternmost junction of the A86 trunk road and the Balgowan Road, approximately 7km south west of Newtonmore. There is a crofting township at Balgowan, which consists of a mixture of traditional and more modern houses, and associated outbuildings and steadings, positioned along the Balgowan Road which forms a loop on the north side of the A86. The application site is within an agricultural field, which gently rises up from the A86 and is open to public view from the road and from longer distances across the Spey Valley from the south. The site has no existing natural features, although there is a treed hillock on the south side of the A86 to the south west of the site. The site (0.2HA) has been de-crofted. Immediately to the north side of the site lies "Cluny Croft" which is a traditionally styled one and a half storey house situated on a raised area. Also to the north is another one and a half storey house known as "Swallow Cottage". At a higher level above the road and to the north west is a newer, one and three quarter storey house, which although larger than others, is of an overall traditional appearance. The applicants have also constructed a new one and a half storey house (nearing completion) at a site to the north west on land adjacent to "Cluny Croft". This was granted by Highland Council in May 2004 (04/0181/FULBS) following two successive Outline approvals in 1999 and 2002 (99/0215/OUTBS & 02/0270/OUTBS).
3. The proposal is to erect the house with direct access off Balgowan Road, a short distance from its junction with the trunk road. The actual site boundaries are not the same as for the Outline Planning Permission, the site area having been reduced by almost one third and no longer bounding the A86. It is however, contained within the boundaries of the Outline Permission. The original house design submitted in December 2004 had a 26 metre frontage, facing down the slope towards the A86. It was variously one and a half, one and three quarters and two storeys in height, and there was a two storey turret on the front elevation. It accommodated 6 bedrooms (or 5 bedrooms and

a study), a lounge, dining room, kitchen and breakfast room, store and utility room. There was to be 7 bathrooms/en-suite facilities/WCs, with an attached double garage.

4. The revised design, submitted as an amendment in March 2005, which was the one considered and refused by the Committee, took the form of an “H” shape centrally located on the plot. It had five bedrooms (one doubling up as a study), with family room, lounge, dining room, kitchen/breakfast room, and utility area. There were also 4 en-suite bathrooms, two dressing rooms and one small toilet. The design was fully one and half storey and finishes were of slate, timber and white washed wet harling. There was also a separate pitched roof garage.
5. The current proposal is for a one and half storey house with dormer windows laid out in a “T” shaped footprint again located centrally within the plot. The entire frontage extends to 22m although this is broken up by a set back to the westwards wing. The accommodation comprises 4 bedrooms in the upper floor, each with en-suites. On the ground floor will be a lounge, dining room, study/bedroom5, family room, kitchen with breakfast room and utility area and another small toilet. A detached pitched roof garage is also still proposed. Finishes are to be slate, off-white wet harl, and natural stone to the porch. The garage utilises some vertical timber cladding. In addition, the applicants have advised that they are exploring the possibility of using an eco friendly source of heating with zero emissions.



Fig.1 - Proposed Elevations

6. In addition to the planning history on this site, there is one other application which requires to be mentioned. The applicants own land to the west and north west of the current site and following the original refusal of the Outline application on the current site by Highland Council, as well as lodging an appeal, the applicants submitted an Outline application for a house on a site immediately adjacent to the current one on the west side (03/0359/OUTBS). This application was “called-in” by the Cairngorms National Park Authority Planning Committee on 10 October 2003 (Our Ref:03/046/CP) but remains undetermined. The applicants advised that following the granting of the appeal on the current site, they would withdraw it from the planning register. Formal confirmation of this has never been received.

DEVELOPMENT PLAN CONTEXT

7. 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; and the visual impact of new developments as seen from major roads and rail routes.

8. **Planning Advice Note 67 (Housing Quality) (February 2003)** emphasises the essential role 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 does emphasise the importance of issues such as landscape and visual impact, topography, building height, relationship with adjacent development, and views into and out of a site. **Planning Advice Note 72** is the new 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”*. It also 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. **Highland Structure Plan (approved March 2001) Policy H3 (Housing in the Countryside)** states that housing will generally be within existing and planned new settlements. New housing in the open countryside 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 have

regard to the desirability of maintaining and enhancing present landscape character in the consideration of development proposals. **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; and energy efficiency in terms of location, layout and design (including the utilisation of renewable energy sources). This policy also states that proposed developments will be assessed on the extent to which they demonstrate sensitive siting and high quality design in keeping with local character and historic and natural environment and in making use of appropriate materials. Developments which are judged to be significantly detrimental in terms of such criteria shall not accord with the Structure Plan.

10. The site is within the boundary identified for Balgowan in the **Badenoch and Strathspey Local Plan**, under **Policy 2.1.2.2 (Fragile Countryside Areas)**. This policy encourages new housing in areas which are continuing to experience depopulation, or require further development to maintain their viability. It also says that there will be close attention to the principles of good siting and design. **Policy 2.1.2 (Design)** states that single houses outwith recognised settlements will require to be; properly located in harmony with the landscape; compatible in scale and character with local buildings, where appropriate; and designed and constructed to a high standard with particular emphasis on proportions, roof pitch, fenestration and selection of materials.

CONSULTATIONS

11. The consultation responses for the previous application remain relevant and although further consultations were carried out on the current proposal, the responses have reiterated previous comments.
12. **SEPA** have commented that the applicants need to demonstrate that the site conditions are suitable for septic tank and soakaway drainage, by submitting percolation tests and a location plan of the trial pit investigations. Confirmation that the system is designed in accordance with the Building Regulations is required and the location of the septic tank and soakaway will have to be at least 50m from any private wells and 10m from any watercourse, ditch or field drain.
13. **Highland Council's Principal Environmental Health Officer** has noted that the proposed water supply is from a borehole and that the proposed drainage arrangements are by a septic tank. He was initially concerned that the water supply could be at risk of contamination not only from the septic tank but also from those drainage systems which he suspects, serve the neighbouring properties of Cluny Croft and Swallow Cottage. He therefore asked that the applicant demonstrate

how this supply can be protected from such contamination. Since then, he has confirmed that a borehole has been dug on the site and sampling for the quality of the water resource is being currently checked out. He does not however object to the use of this borehole for water supply purposes provided that adequate treatment is installed. The distance from soakaways is deemed to be acceptable. He also previously advised that he was unable to comment on the matter of the impact of the development on the existing supply serving other households in the area. He advised that advice should be sought from a Hydrologist. A Hydrologists Report has been submitted which advises that *"In view of the low volumes of water abstracted from domestic boreholes, the new borehole is unlikely, in our opinion, to have a significant impact on the local aquifer. We do not expect the community spring, approximately 600m away to the north to be affected by the new abstraction because at this distance, in our experience, it is very rare for spring flows to be reduced by boreholes abstracting at such low volumes. It concludes, "we do not anticipate that the new borehole will have any significant impact on the existing water supplies in Balgowan."* In response **Highland Council's Environmental Health Officer** has confirmed that on the basis of the report, the supply would be adequate for the two properties it is to serve. However, he is unable to comment on how reliable the opinions of the report writers may be.

14. **Highland Council's Building Standards Co-ordinator** has advised that he has inspected trial pits at the site and that they were found to be ideal for soakaway purposes. He is content that the water borehole is located a sufficient distance from soakaways at the site.

REPRESENTATIONS

15. One letter of representation has been received and a copy is attached. The matters raised include:
 - *House looks more in keeping with houses in the locality but not sure whether or not it is smaller than the previous refused one.*
 - *Although the Hydrologists report provides some comfort, still some concerns about the findings and the impact of some of the development, in particular the existence of a pond.*
 - *Still some concerns about planting that has been carried out.*

APPRAISAL

16. As stated before, the principle of a house on this site has been set by the granting of the Appeal. However, the principle of the development was accepted by the site's location in a Fragile Countryside Area as defined in the Local Plan. While accepting new houses, this policy does though, also require new houses to be sited and designed appropriately. As such, planning conditions have been attached to the

planning consent following the Reporter's assessment of the proposal, the site, and taking into account the concerns expressed by Highland Council and the various representations submitted from the local community. It is significant that the Reporter in his conclusions says,

"In this scenic area, it would be particularly important for the design of the house (and the finish materials) to satisfy national and local guidance, but that would be capable of resolution in a reserved matter application. I am, however, a little concerned that the scale of house as described in a submission to the council might be over-large in relation to the others in the township. Nevertheless, you have accepted that a condition could be attached restricting the dwelling to the height and scale of the two nearest existing dwellings, and that would address that issue satisfactorily."

17. This said, it is important to emphasise that the Reporter **did not** impose a condition which specifically restricted the size of the house, in terms of scale or footprint. Only the height (one and a half storey), roof pitches (minimum 40 degrees), finishing materials (stone or grey, white or off-white wet harl and slate) and windows (vertical emphasis) were specified.
18. Like the previous application, the main issues to be examined therefore relate to how the applicants have sought to comply with the conditions and thrust of the Reporter's decision on the outline permission, particularly with regard to the issues of scale, siting, design, materials and setting. In addition, it is necessary to consider how far the design has progressed from its initial position back in December 2004.
19. In comparison to the previous refused house design, the proposal retains approximately the same number of rooms, and the frontage length is also the same. However, the footprint size has been reduced by approximately 55 square metres in total. The height, however, is higher by 1m but this is only for the main wing of the house. The proposed wings to the rear and sides are lower and help to reduce the overall scale and height. In relation to the outline conditions, I make the following assessments.
20. **Condition Nos. 2 and 6** of the Outline Permission refer to cross sections and floor levels. Cross sections have been submitted which show that a flat area will be formed by digging into the slope to accommodate the house, garage and driveways. However, the land to the edges of the site is now shown as being "sculpted" with slopes down towards the house. Floor levels are shown to be as low as is practically possible. While a design which took advantage of the slope, as encouraged by PAN72 (Housing in the Countryside), would have been a better overall design solution, in so far as they go, there are no breaches of the conditions in this respect.

21. **Condition No. 5** requires the house to be positioned towards the south eastern corner of the site. The reason for the condition is to ensure that the house has a satisfactory relationship with the existing houses to the north and reflects the characteristics of the settlement pattern of Balgowan. The applicant has demonstrated that there are constraints in considering the position of the house on the site. There is the existence of an electricity power line down the east side which presents health and safety problems during construction and thereafter. There are also conditions relating to visibility splays, and the positioning of the gate from the road, which dictate, the positioning of the house. It is also the case that, in line with the recommendation of the Crofters Commission when they agreed to de-croft the site, the area for the house and its curtilage is now reduced from that applied for in the outline. The effect being that the strip of land between the south boundary of the site and the A86, does not now form part of the application site. This strip of land does, however, allow for landscaping. Taking account of these factors, I remain satisfied that the positioning is as far to the south east as is practicable. I do not feel that its positioning has significant impacts on the nearby houses or the pattern of development along the Balgowan loop road.
22. **Condition No. 7** requires the developer to demonstrate, **prior to the commencement of works on site**, that the proposed private water supply for the development will be wholesome in terms of its bacteriological and clinical quality. The representation received continues to express concern about the provision of water. A borehole has been dug and tests on the quality of the supply have been carried out. It has been confirmed that subject to the installation of an ultra violet filter unit, the quality of the supply will be acceptable. Test pits for foul drainage have also been assessed and it has been confirmed that soakaways, are positioned far enough away from the proposed water source. Following the previous refusal and the concerns about the quantity of the proposed supply, a Hydrologists report has been submitted. This provides a judgement on the impact the development of this house and the other new house to the north west, will have on the water supply serving others in the area. The report concludes that a plentiful supply will be provided from the borehole and the Council's Environmental Health Officer has confirmed that the supply would be adequate for a daily supply for up to 28 people. The report also advises that due to the location of the other supply (600m to the north) there is unlikely to be any impact on existing resources. The Environmental Health Officer has stated that he cannot confirm or otherwise the conclusions made on the impact on other sources. However, it is important to recall the wording of the outline condition, which does not refer to quantity but only requires a **"wholesome supply in terms of bacteriological and clinical quality"** to be demonstrated. The reason for the condition was to **"ensure that the water supply would not be polluted by the foul sewage treatment arrangements or otherwise"**. The applicant has demonstrated this to the satisfaction of the Council and therefore the condition is satisfied.

In terms of the concerns about the impact on other supplies, the Hydrologists Report provides some comfort but under the terms of the outline permission, nothing further can be sought. The representation raises concerns about the possible existence of a "swimming pool" within the site. An indicative "garden pond" is shown but this forms part of the domestic landscaping treatment of the applicant's garden and as such would not require planning permission. The construction of a "swimming pool" would require permission and an assessment of this would take place at that time.

23. As stated in paragraph 17 above, **Condition No. 8** defines the parameters of the design of the house but does not specify scale or size. The reason for the condition is in the interests of visual amenity and in keeping with the locality. This said, in its text, the reporter's decision emphasises the need for a house of a scale and design that reflects that of surrounding houses, in particular the two houses to the north of the site. The proposed house remains sizeable in footprint and overall scale and will be larger than the two others immediately to the north. However, it is acknowledged that, once again, the applicant has significantly altered his design from the one previously refused and that being fully one and a half storey, with traditional steep roof pitches, windows of generally vertical proportions, and materials of slate, wet harl and natural stone, it does now comply with the condition no. 8 of the outline permission. I remain somewhat sceptical about the success of this size of house on this prominent site, in particular in relation to the two houses to the north. However, taking account of the conditions of the outline, I do find it difficult to provide a strong reason for continuing to resist the proposal on this singular point. The previous refused design was bigger in footprint size and did incorporate inappropriate features such as horizontal banks of windows and tall slender chimney stacks. Overall this previous design did not reflect the character of traditional forms nearby. The design features now proposed are generally traditional and are similar to others in countryside areas in this locality.
24. PANs 67 and 72 seek to ensure that the quality of house design is improved, and is appropriate to its context, particularly in sensitive countryside areas. This is a sensitive countryside location and I still would have preferred a smaller house design in terms of overall size and scale, but the applicant does not wish to compromise on the amount of accommodation he wishes. Nevertheless, I acknowledge the changes made in this instance, including the reduction in the footprint, particularly when you consider the original submission back in December 2004. I also consider that the development complies with the terms of the outline conditions. I therefore feel that a strong case for resisting the proposal cannot be made and that, on balance, support can now be given.

25. As a final point, one of the concerns of the representee relates to landscaping. It is the case that Highland Council have approved tree and shrub planting in the locality. This relates to the permission for the house to the north west but involves planting around the croft area owned by the applicant, including areas to the south, south-west and north of the current site. It would appear that planting may have been carried out in advance of a formal approval from Highland Council. Nevertheless, it has been subsequently approved. I feel that landscaping around this site, is essential and what has been approved goes some way to achieving a better setting for the proposed house. However, I feel that some additional planting would be advantageous and therefore I propose a condition requiring some more landscaping in accordance with further details to be submitted.

IMPLICATIONS FOR THE AIMS OF THE NATIONAL PARK

Conserve and Enhance the Natural and Cultural Heritage of the Area

26. A building of this size will not necessarily conserve or enhance the natural or cultural heritage of the Park in this area. However, there is not a uniformity in design styles in this “crofting township” area. The site is a prominent one but the proposal, although sizeable, does now provide a design of generally traditional appearance. It would be difficult to argue that the character and cultural identity of the “crofting township” here would be significantly affected purely on the grounds of a house which is larger than some others in the locality. Additional landscaping will help provide a setting.

Promote Sustainable Use of Natural Resources

27. The development includes the use of some timber (garage) and this is welcomed. The applicants are also investigating the possibilities of installing an “eco friendly” heating system.

Promote Understanding and Enjoyment of the Area

28. The design is more in keeping with traditional architectural styles and subject to landscaping I do not feel that it would have significant negative affects on visual amenity for visitors/tourists using the area and the adjacent trunk road.

Promote Sustainable Economic and Social Development of the Area

29. The principle of developing a house in this “Fragile Countryside Area” is positive in terms of stabilising population and social and economic development of this area.

RECOMMENDATION

30. **That Members of the Committee agree to:-**

Grant Approval of Reserved Matters, for the Erection of Dwellinghouse and Garage, at Land at Corner of A86 and Balgowan Road, Balgowan, Newtonmore, subject to the following conditions; (please note that, where appropriate, conditions on the outline permission remain enforceable against the development)

1. The development hereby approved shall be commenced prior to 23 September 2007.
2. This approval relates solely to the reserved matters referred to in the outline planning permission Highland Council reference number 03/243/OUTBS. Nothing contained in this proposal or this notice shall be deemed to affect or vary the conditions imposed on that outline planning permission.
3. That notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (Scotland) Order 1992, no house extension shall be formed, and no greenhouse, shed, garage (other than the one approved) or other structure shall be erected without the prior written consent of the Planning Authority.
4. That notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (Scotland) Order 1992, no fences or walling (other than those approved) shall be erected on the site without the prior written consent of the Planning Authority.
5. In addition to the landscaping already approved, the development shall be provided with additional landscaping which shall be implemented and maintained in accordance with a scheme which shall be submitted to and approved by the CNPA acting as Planning Authority within 2 months of the date of this consent. 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.

6. No development shall commence until detailed drawings and specifications of the proposed windows have been submitted for the further approval of the CNPA acting as Planning Authority. The windows shall be timber and shall closely resemble sash and case units, and the approved windows shall be installed to the satisfaction of the CNPA acting as Planning Authority.
7. Prior to the commencement of the wall rendering works, a sample panel, approximately 1 metre square, of the wet harling shall be prepared on site for the inspection and further written approval of the CNPA acting as Planning Authority.
8. Prior to the commencement of works on site, exact details of a suitable dark stained timber preservative for the finishing of all external timberwork, shall be submitted for the further written approval of the CNPA acting as Planning Authority.
9. Prior to the commencement works on site, exact details of the finishing materials for all external hard landscaping, including the drives, parking and turning areas, and footpaths shall be submitted for the further written approval of the CNPA acting as Planning Authority.
10. The garage hereby approved shall be used only for domestic purposes incidental to the enjoyment of the dwellinghouse.
11. Prior to the commencement of works on site, exact details of the proposed garage door material and colour shall be submitted for the further written approval of the CNPA acting as Planning Authority.

Neil Stewart

19 September 2005

planning@cairngorms.co.uk