
CAIRNGORMS NATIONAL PARK AUTHORITY

Title: REPORT ON CALLED-IN PLANNING APPLICATION

Prepared by: KATHERINE DONNACHIE (SENIOR PLANNING OFFICER, DEVELOPMENT MANAGEMENT)

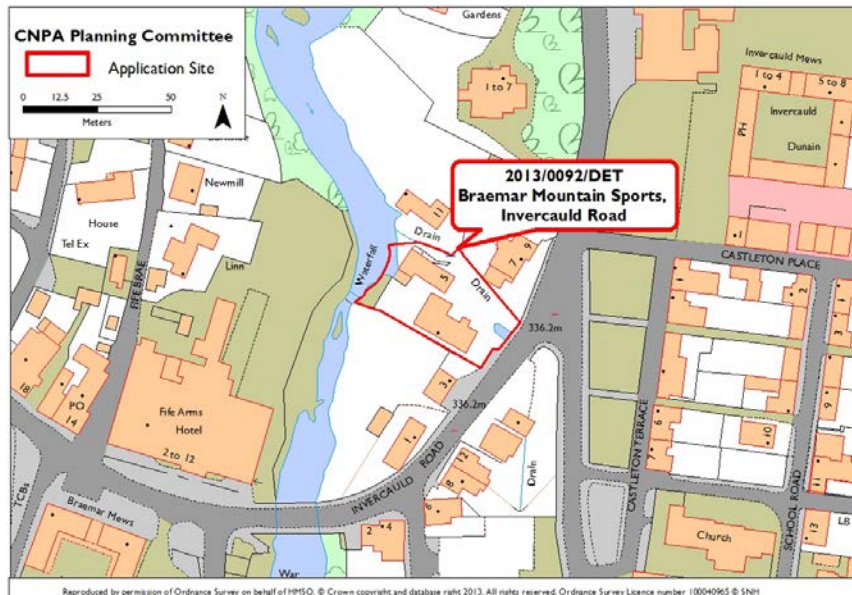
DEVELOPMENT PROPOSED: FULL PLANNING PERMISSION FOR ALTERATIONS AND EXTENSION TO SHOP AND FORMATION OF CAFE

REFERENCE: 2013/0092/DET

APPLICANT: BRAEMAR MOUNTAIN SPORTS LTD.

DATE CALLED-IN: 25 MARCH 2013

RECOMMENDATION : APPROVAL SUBJECT TO CONDITIONS



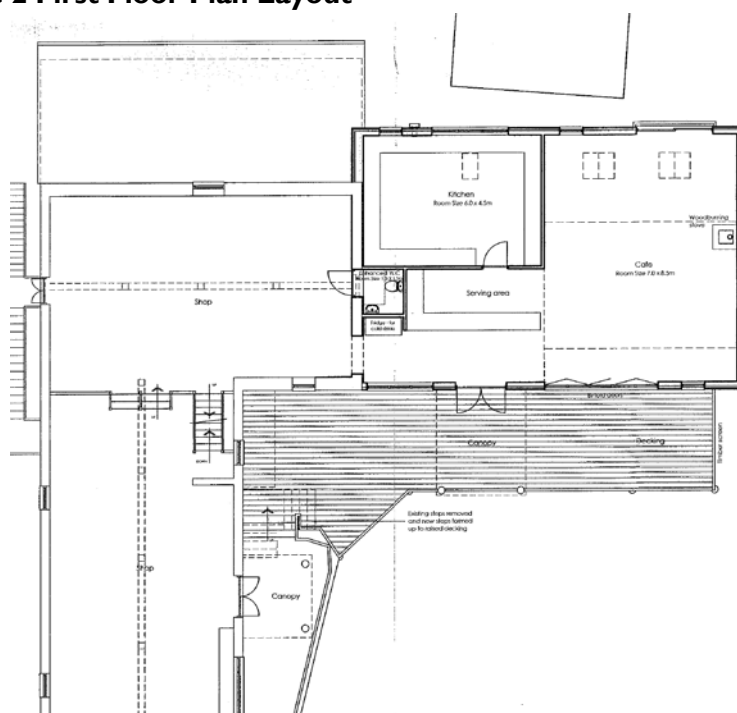
Grid reference : (E) 315151 (N) 791458

Fig. 1 - Location Plan

SITE DESCRIPTION AND PROPOSAL

1. Full planning permission is sought to extend an existing retail business in Braemar to provide additional storage space, bike hire space and cafe with outdoor decking area related to the cafe.
2. The proposed layout covers ground floor bike storage accessed from the existing ground floor ski hire storage at these premises. Above this, at first floor level, the proposed new cafe will link through from the existing shop to provide around 63 square metres of cafe space with serving area and kitchen. The layout enables shop customers to come directly through to the cafe and vice versa. The applicants operate a similar business at the Mountain Cafe in Aviemore, and have found this approach to be beneficial to both elements of the operation (i.e. shop and cafe) by increasing footfall through encouraging customers to use all the facilities on offer.
3. At second floor (attic) level a small amount of storage will be provided with the space above the cafe being open to create a more airy environment with veluxes on rear roof elevation. The cafe will open out into a decking area which again links the shop and cafe elements. This layout is shown in **Figure 2** below at first floor level and **Appendix I** contains the applicants supporting statement outlining the rationale and need for this particular design and style of development.

Figure 2 First Floor Plan Layout



4. The proposed extension is of pitched roof design and measures some 13 metres long by 9 metres wide. Total height to pitch of roof is just under 9.5 metres. As the site lies at a lower level than the road this is accommodated by running the ridge of the existing building through as shown in **Figure 3** below. The decking which runs along the front (south east) elevation will include a screen on the north east corner as shown in **Figure 4** below to try and

address privacy issues relating to the adjacent property at the Auld Bank House. Proposed finishes of the extension are slate roof, timber walls and timber windows/doors throughout.

Figure 2 - Proposed Elevations

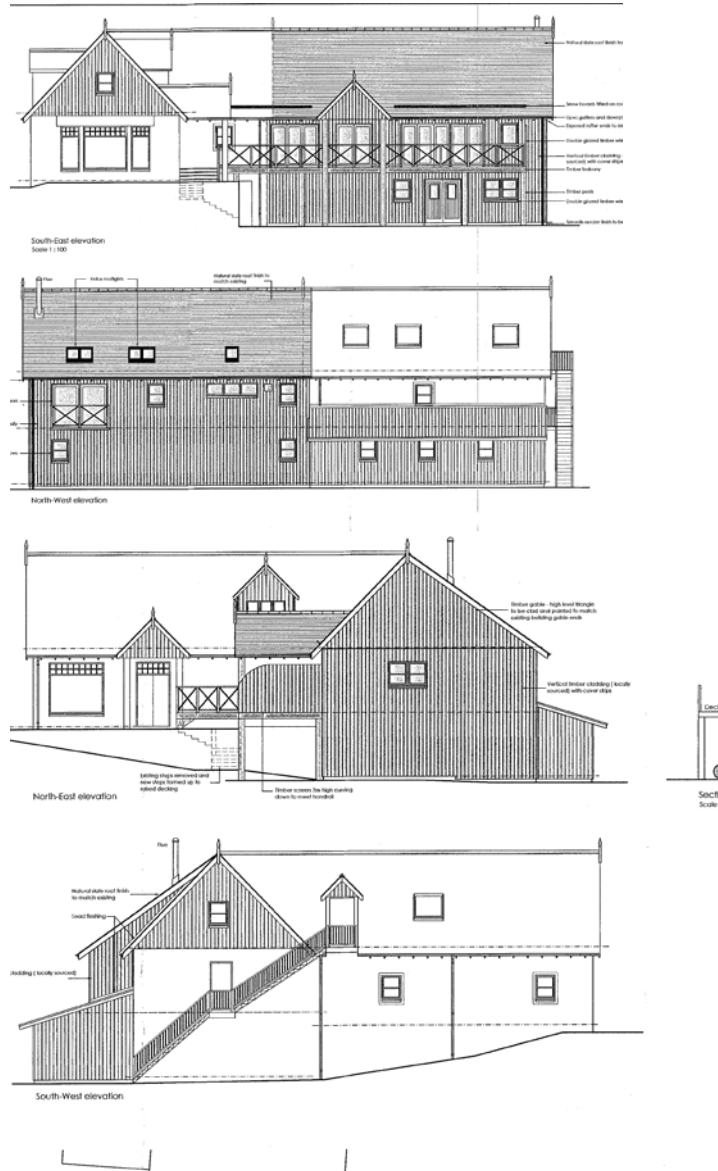
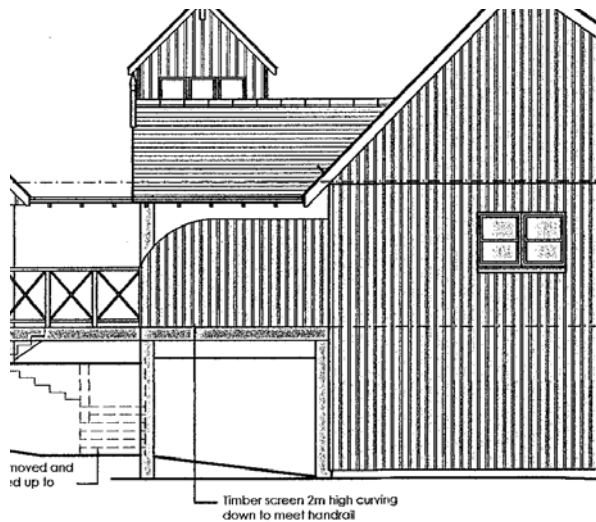


Figure 4 Detail of Decking Screen



5. A supporting design statement has been submitted which explains the need for the particular layout and why the agent considers this design fits into the Conservation Area. 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 5**.

6. **Figure 5 Proposed Street scene**

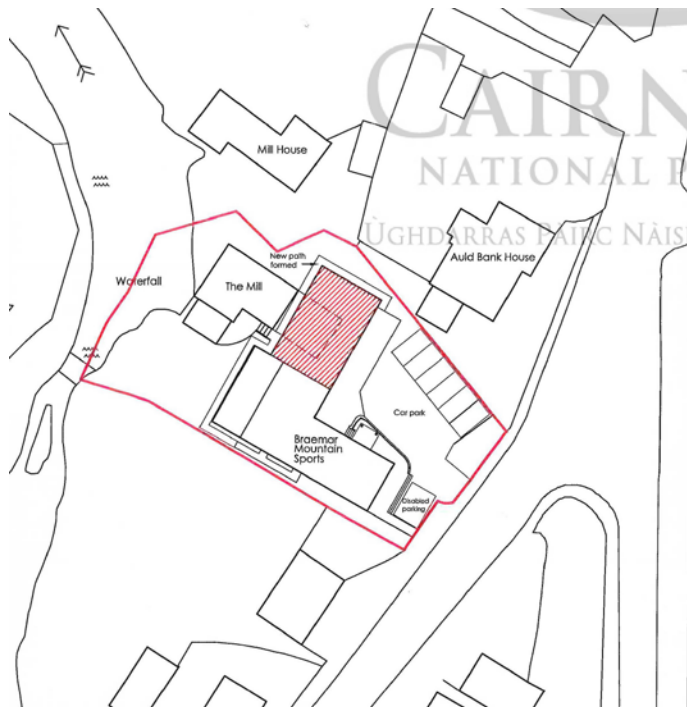




Photo montage - Rear view of Braemar mountain Sports

7. This site is an established business located in the centre of Braemar within the Conservation Area near the junction of Invercauld Road and Glenshee Road. It is located in an area of mixed character, with bistro to the north at the Auld Bank House (a Category C Listed Building), mill house to the rear (west) , retail premises to other (south) side and residential properties on the opposite side of the main road to the west at Castleton Terrace. **Figure 6** below shows the layout.

Figure 6 – Site Layout



8. The site is accessed off Invercauld road via an existing access point with existing tarmac car parking area in front of the proposed extension. To the rear (west) of the site is the Clunie Water, and on part of the site is a wooden and stone mill building part of which will require to be demolished to accommodate the new works.
9. An earlier application to demolish part of the mill and to erect a lean too roofed extension to the rear of the existing shop has been determined by Aberdeenshire Council. As bats were found within the mill building a further emergent bat survey is required and accordingly the applicants withdrew this part of the application to enable the Council to issue consent for the small rear extension to allow work to commence on this part (reference APP/2013/0372) A further application will be submitted to demolish part of the mill building once the bat survey is completed.
10. In addition an alternative application has recently been submitted to Aberdeenshire Council for a lesser scale scheme comprising part conversion of the mill building with glazed link to the existing shop in order to provide cafe accommodation with outlook over the river to the rear. This application is under consideration by Aberdeenshire Council and will be notified to CNPA in due course: Committee will be informed of the call in decision at the meeting following the assessment of significance for the aims of the Park. Although the applicants are actively considering this alternative proposal they wish a decision on the current application now.
11. Finally in relation to planning history, informal pre application advice was provided last year by officers of the CNPA and Aberdeenshire Council which was essentially supportive of the principle of extending the premises subject to the details of the design and layout being satisfactory.

DEVELOPMENT PLAN CONTEXT

National policy

12. **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."
13. As a replacement for a variety of previous planning policy documents the new Scottish Planning Policy includes 'subject policies'. The key ones in relation to the proposed development are policies relating to economic development which look to support small scale business development and growth, and noting the importance of tourism to the economy.

Strategic Policies

Cairngorms National Park Plan (2012)

14. 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.

15. 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

Local Plan Policy

Cairngorms National Park Local Plan (2010)

16. The Cairngorms National Park Local Plan was formally adopted on 29th October 2010. The full text can be found at :
<http://www.cairngorms.co.uk/parkauthority/publications/results.php?publicationID=265>
17. 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 key policies are as follows :
18. 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
19. Policy 10 – Conservation Areas which requires new development to preserve or enhance the character of the Conservation Area with appropriate design standards sought.
20. Policy 9 – Listed Buildings – this policy applies as the adjacent property at the Auld Bank House is a category X listed building of architectural and historic importance. Similarly to policy 10 it seeks to ensure that the design and finishes of new development is appropriate to the character and setting of the listed building,.

21. Policy 33 – Tourism Related Development which supports development which has a beneficial impact upon the local economy through enhancement of the range and quality of tourism attractions providing that the development will not have an adverse impact upon the landscape, built and historic environment nor upon biodiversity etc unless these impacts are outweighed by the benefits of the development.
22. Policy 26 Retail Development which supports retail development proposals which support the local economy and within village centres where the proposal adds to the vitality and viability of the village centre and has no adverse impact on neighbouring properties. Such development should consolidate the traditional build form.

Supplementary Planning Guidance

23. 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

24. **Aberdeenshire Council Roads Officers** have no objection to the proposals. They note that the existing and proposed uses at this site car would require provision of 25 spaces to accord with maximum parking standards. They have taken into account the availability of additional nearby on street and existing public car parking and consider the parking provision of 7 spaces to be sufficient providing one disabled space is included at the premises.
25. **Aberdeenshire Council Contaminated Land Officers** have no objection to the proposal but have asked that an information note be added to any consent issued to advise that , given the previous sawmill use of the site, if evidence of ground contamination is discovered during excavations on site then the Planning Authority should be notified and the nature and extent of contamination investigated.
26. **Aberdeenshire Council's Environmental Health Officers** have no objections subject to a condition being imposed to ensure that operation of plant , machinery or equipment does not exceed agreed levels.
27. **Aberdeenshire Council's Waste Management Team** has no objections and have raised no objection, providing information on the needs of their service in terms of waste collection.
28. **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, given its small scale whereby they would

normally seek to comment on such proposals. They advise that the views of the local flood prevention team are sought and if they consider that there are any significant effects on the storage capacity of the functional flood plain or local flooding problems then SEPA would be happy to comment further.

29. **Aberdeenshire Council's Flood Prevention Team** has been consulted following receipt of SEPA's comments and their comments are awaited at the time of writing.
30. **Braemar Community Council** has been consulted and have not responded to date.
31. **CNPA's Economic Development Manager** was consulted and considers that the development has the potential to have a positive benefit for tourism. It is noted that although a project which proposes to invest a significant amount of money into the local economy, create new employment and attract "new" visitors to the area would be welcome it is very difficult to give a precise steer on the impacts to the village and surrounding area without seeing further information (ideally a business plan with financial projections and a marketing strategy included). However given the applicants past record of delivering a high quality service it would be safe to assume that any significant investment will have been well planned and researched to ensure an adequate return on investment and therefore economic benefits to the wider area through an increase in visitors for retail and leisure purposes.
32. **Scottish Water and Scottish Natural Heritage** have both been consulted and have not responded to date. It is assumed they have no comments to make.

REPRESENTATIONS

33. The application has been advertised and 8 representations have been received from six separate households. These are attached as **Appendix 2**. There has been one request to be **heard** and the applicant has advised they will be available at the Committee meeting to answer any questions if this would be helpful
34. Key points raised by objectors are as follows:
 - Development is out of character and scale in Conservation Area
 - loss of privacy to adjacent listed building (Bank House) which will be overlooked – photographs to demonstrate the impact have been submitted,.
 - Loss of view from 7 Castleton Terrace - *it should be noted that individual view is not a material planning consideration.*
 - inadequate parking in this congested area where demand is high
 - sufficient provision for cafes etc in village
 - application is misleading as does not identify cafe provision in description - *Note: the description of the application as advertised and considered by the Planning Authority includes the cafe proposal.*
 - unsafe junction/access

- opening hours unclear
- overshadowing and overlooking of Clunie Mill
- noise and loss of amenity from users sitting out on balcony
- impacts upon communal drain – *again this is not considered to be a material planning consideration but rather a matter to be resolved between affected parties and Scottish Water.*

APPRAISAL

Principle

The principle of expanding an existing business within the centre of a village is, in general terms, supported by National and Local planning policies subject to siting design and servicing being satisfactory. In this particular case the site is located within an area of mixed uses within Braemar, served by existing services. In general terms this is considered to be a location which fits well with objectives on sustainability. The proposal also has potential to support the economy by providing additional choice for visitors and residents whilst also supporting the viability of the existing business. In socio-economic terms the principal of the proposal is therefore welcomed. It is not considered that increased competition for existing eating establishments is a sound planning reason to resist the application.

The details of the proposal are therefore the key planning issues in this case.

Siting and Impact upon Residential Amenity

As noted above the site is located in an area of mixed uses, which it fits well with. It is also located in a Conservation Area whereby design is a key consideration. Although the use fits in well in general terms it is important to consider the impact on immediately adjacent properties.

It is considered there is potential for overlooking of the Auld Bank House to the north from the decking area. This could however be addressed by provision of screening at that end of the balcony feature. With regard to overlooking of the Mill House to the rear, the residents have raised concern regarding the potential for overlooking from a patio door feature on the rear elevation of the cafe. On balance given the configuration of the existing buildings on site, and the distances involved I do not consider this represents a significant loss of amenity in this case. Also, taking into account that the use of the cafe is intermittent as opposed to a main living accommodation, this is not considered to constitute a reason for refusal

The final issue relating to amenity is that of potential noise and disturbance from the cafe use. It is noted that the Environmental Health Service have no adverse comments and the application forms indicate that normal opening hours are likely to be 9 to 6 which is considered to be entirely reasonable in a village centre.

Servicing

The site can be serviced and accessed to the satisfaction of the appropriate authorities with the Roads Service satisfied with the parking arrangements. The

concerns of the objectors regarding road safety are not shared by the Roads Service and it is worth noting again that this is a village location where traffic speeds will be low and where there are opportunities for parking in and around the site.

Design

The design of the proposed development is considered to fit in acceptably with the existing building in general terms with the proposed finishes fitting in well in the Conservation Area. As the site lies as a lower level than the public road the impact the of the development will be reduced and street scape sections have demonstrated that the development will sit acceptably in relation to adjoining properties

This is an area of mixed character and on balance the development is considered to represent a further evolution of the Conservation Area. However discussion has taken place with the applicant to consider some further changes to try and make a visual distinction in terms of scale between the existing building and the proposed extension by reducing its width it slightly, which will also move the decking feature slightly further away from the Auld Bank House. Amended plans to show this are expected before the date of the Committee.

Representations received

Points raised by objectors are considered to be covered in this report and do not constitute a material planning reason to resist this application.

Conclusion

The proposed development is considered overall to comply with local plan policies and will provide improved facilities for visitors and residents alike in a central, sustainable location in Braemar which is generally welcomed. The siting and design is considered acceptable subject to the amendments outlined earlier. Approval is therefore recommended subject to appropriate planning conditions.

IMPLICATIONS FOR THE AIMS OF THE NATIONAL PARK

Conserve and Enhance the Natural and Cultural Heritage of the Area

The site is considered to be a suitable one for development with the design and finishes considered to be satisfactory whereby the cultural heritage of the area is not diminished. There are no particular impacts upon natural heritage and overall it is considered that this aim is met.

Promote Sustainable Use of Natural Resources

Providing suitable materials and finishes are used for the development, as proposed, it should readily support this aim, particularly as it involves expanding an existing business as opposed to new build on a greenfield site.

Promote Understanding and Enjoyment of the Area

This proposal to provide additional facilities for visitors (and residents) within Braemar is welcomed and would readily help support this aim of the park by encouraging tourists to stop in the village.

Promote Sustainable Economic and Social Development of the Area

The development readily supports this aim by providing additional facilities for the public which will support the local economy, whilst also improving the future economic prospects of an existing well established local business. The local economy may also benefit from the construction of the development.

RECOMMENDATION

That Members of the Committee support a recommendation to GRANT FULL Planning permission for Alterations and Extension to Shop and Formation of Cafe subject to

- (a) **Submission of revised site plan to show the width of the extension reduced by a 0.3 – 0.5 metres with the roof pitch reduced accordingly, revised treatment of the north gable to reduce its visual bulk by way of finishes and/or high level glazing and extension of screen on balcony to the south east**
- (b) **Any requirements arising as a result of consultation with Highland Council Flood Prevention Unit being incorporated as planning conditions**
- (c) – **the following planning conditions**

- 1. The development to which this permission relates must be begun within 3 years from the date of this permission

Reason: To comply with Section 58 of the Town and Country (Scotland) Planning Act 1997 or as amended by the Planning etc. Scotland Act 2006

- 2. No work shall commence on site until details of the arrangements for the disposal of surface water from the development have been submitted to and approved by the Cairngorms National Park Authority acting as Planning Authority. These arrangements shall thereafter be implemented in accordance with the approved details before the development is brought into use

Reason –to ensure that satisfactory arrangements are made for surface water disposal on site in accordance with Local Plan Policies

- 3. Before works starts on the cladding of the development hereby approved details of the following shall be submitted to and approved by the Cairngorms National Park Authority acting as Planning Authority: (These details to include a coloured up drawing)

- Samples of the proposed timber wall finishes and details of the colour which shall reflect the requirement for careful use of colours to break up the elevations
- Details of colours, finishes and materials of all door and window frames and supporting structures for decking
- Details of the finishes, design and materials of the proposed balcony, decking and screen
- Details of materials and colours of downpipes and rainwater goods .

The development shall thereafter be implemented in accordance with the approved details.

Reason - in order to ensure the new development fits in well with the surrounding area, in accordance with Local Plan Policies

4. The parking area shown on the approved site plan shall be kept free for this use throughout the lifetime of this consent and before the development is brought into use one disabled parking space shall be marked out on site and kept available for this purpose throughout the lifetime of this consent.

Reason: to ensure that adequate parking is provided in accordance with Local Plan Policies

5. Before the development hereby approved is brought into operation details of the arrangements for the storage, segregation and collection of waste shall be submitted to and approved by the Cairngorms National Park Authority acting as Planning Authority in consultation with Aberdeenshire Council's Waste Management Service. The arrangements shall be implemented before the use is brought into operation

Reason: to ensure that adequate provision for waste management is made in accordance with Local Plan Policies

6. Noise levels from the operation of any plant, machinery or equipment at the site shall not exceed NR25 at any of the standard octave bands 31.5 Hz to 8 KHz when measured or calculated within any nearby living apartments.

Reason: to ensure there is no adverse impact upon residential amenity in accordance with planning policies.

INFORMATION NOTE

I- As this site has a history of potentially contaminative use , should any contamination of the ground be discovered during site excavations the Cairngorms National Park Authority acting as Planning Authority should be notified immediately. The extent and nature of contamination should be investigated and a suitable mitigation scheme agreed.

Katherine Donnachie
planning@cairngorms.co.uk

28 November 2012

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.