
CAIRNGORMS NATIONAL PARK AUTHORITY

Title: REPORT ON CALLED-IN PLANNING APPLICATION

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(DEVELOPMENT MANAGEMENT)

DEVELOPMENT PROPOSED: FULL PLANNING PERMISSION FOR DEMOLITION AND REPLACEMENT OF DWELLINGHOUSE, THE YARD, BOAT OF GARTEN

REFERENCE: 07/363/CP

APPLICANT: MR. JOHN ALLEN, C/O PAUL DEVLIN ARCHITECT, ALLT BEAG, DALRACHNEY, CARRBRIDGE

DATE CALLED-IN: 21 SEPTEMBER 2007

RECOMMENDATION: APPROVAL, SUBJECT TO CONDITIONS

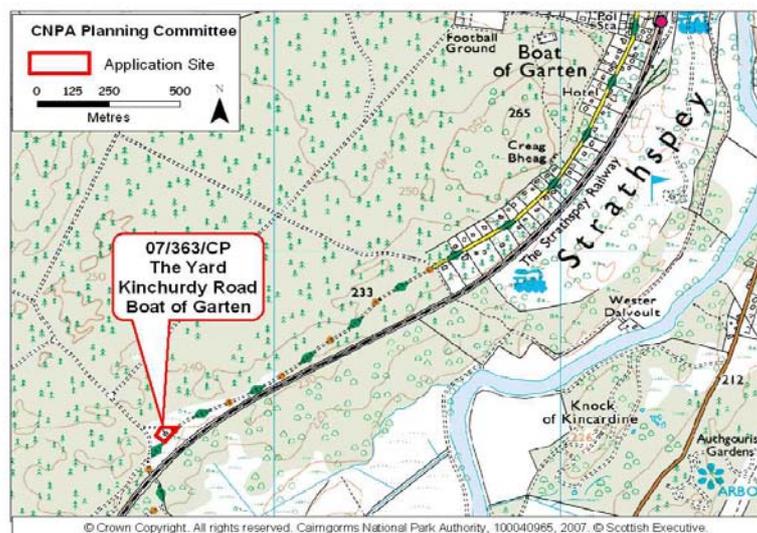


Fig. 1 - Location Plan

SITE DESCRIPTION AND PROPOSAL

1. This site is situated approximately 1km to the south west of Boat of Garten, in a countryside area but adjacent to the Strathspey Railway Line and the Speyside Way both of which lie to the south east side. Access to the site is by continuing beyond the end of Kinchurdy Road along a track. On site at present is a modest single storey house of traditional form which dates from around the 1930's. It has white washed harling, a corrugated iron roof and a mixture of window types. Some outbuildings on the site will be or have been removed. The property sits in a flat open area and enjoys an open aspect to the south east. Woodland encloses this open area to the west and north.



Figs. 2 & 3. Existing house to be replaced



Fig. 4. Rear of existing house to be replaced

2. Following negotiations with the applicant's agent, a revised proposal has been submitted from that originally considered at the call-in stage. The proposal is to demolish the existing house and the remaining outbuildings and construct a new replacement house of a more contemporary design. The new house is 2 storey and is to be built approximately on the solum of the existing house, although it will be angled more to the south. Accommodation comprises on the ground floor a utility/garage/storage space and two bedrooms, and on the upper floor the main bedroom and an open plan living/dining and kitchen space. Glazing areas and an upper floor decking area are designed to maximise the views to the south and south east. A steep slate grey corrugated metal roof, with angled gable ends is proposed. The walls will be finished in mainly timber cladding which is indicated as being stained in a mixture of dark blue and claret. The rear elevation will be a white wet harl. Solar panels are proposed.



Fig. 5. Existing house to be replaced – viewed from Speyside Way



Fig. 6 Site and floor plans of new house

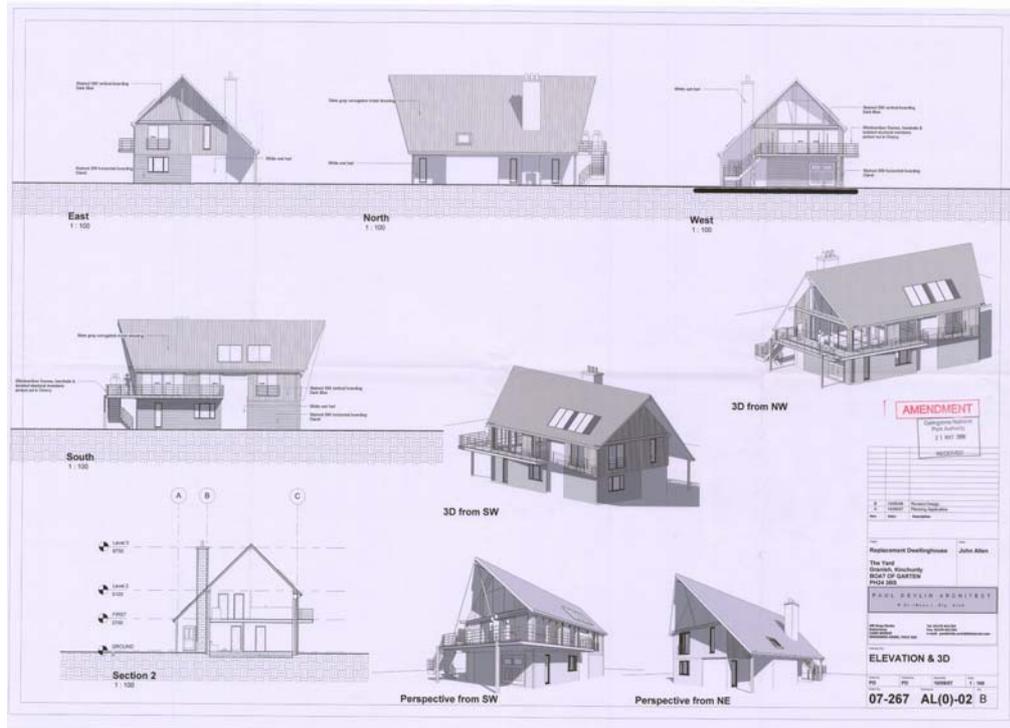


Fig. 7. New house elevations

DEVELOPMENT PLAN CONTEXT

National Planning Guidance

3. 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.
4. 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.

5. 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."

Cairngorms National Park Plan 2007

6. 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.
7. 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.

Highland Structure Plan 2001

8. **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.

Highland Council Development Plan Policy Guidelines (2003)

9. 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.

Badenoch and Strathspey Local Plan (1997)

10. 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. **Policy 2.1.2 Housing in the Countryside** 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.

CONSULTATIONS

11. **The Boat of Garten and Vicinity Community Council** has no objection to the proposal.
12. **Highland Council's Archaeological Service** has advised that the site and buildings are depicted on the second edition OS map of c.1900. Although the buildings have since been altered, a visual record should be made. They request that a condition is imposed requiring a photographic record to be made and submitted, prior to any demolition works.
13. **Highland Council's Contaminated Land Officer** has considered the applicant's submissions on previous uses at this site. There was some evidence of some small scale non-commercial vehicle maintenance operations by a previous occupier. However, the officer has confirmed that they have no further comments to make regarding the potential for contamination at the site.
14. **SNH** initially recommended that a bat survey was undertaken prior to the determination of the application. Since then SNH have confirmed that survey work undertaken showed no evidence of bats currently using the property and that there were no signs of past use. The building was assessed as having few access points and cracks and it was therefore concluded that there was a low probability of bats using the property for roosting. SNH do not therefore have an objection to the proposal. However, if bats are discovered during the course of work, operations should cease and appropriate advice from a licensed bat worker and SNH should be sought.
15. The **CNPA's Outdoor Access Team** has advised that the track to the front of the property forms part of the Speyside Way and

therefore they ask that plant and materials are not stored in such a way to obstruct the route. The track is outwith the privacy zone of the house and access rights will still apply. They also state that other tracks to the west and east of the site form parts of promoted path networks around Boat of Garten. Again, no obstructions during construction works should be permitted.

16. The **CNPA's Landscape Officer** initially advised on the original proposal. This advice states that the existing house is set within an opening on the edge of the plantation woodland. There are three mature trees within the garden including a sycamore and a cherry. Along with the remaining outbuildings, overall, it is an attractive group which forms a generally positive feature within its setting. It was possibly a cottage for either a forest or railway worker and the group has great integrity. He raises concerns in relation to the removal of a traditional built form – the cottage is representative of other such buildings in the Park and may have some local historical significance. Its demolition would mean an erosion of this potential cultural resource. Another concern is the introduction of an inappropriate building – it is considered to be of a style not typical for this area and is considerably larger and higher. Finally, although surrounded by woodland, the Speyside Way and Heritage Railway pass by the site. The new building will be seen by considerable numbers of viewers. Its isolated setting makes it a feature that will attract the eye. The principle of housing is acceptable but there is concern, in landscape terms, about removing this cottage and it is considered to be a loss of potential cultural heritage in the Park and contrary to the first aim of the Park. Modifying the structure is seen as a possible way of fulfilling the needs of the applicant and the demands of the setting. On the initial proposal, his conclusion is that the proposal offers nothing as an enhancement to either the landscape or the cultural heritage of the Park and should be recommended for refusal.
17. On submission of the revised design, the **CNPA's Landscape Officer** has stated that overall the style is broadly similar to the original but that there have been some improvements. The angled projection for the end of the roof is curious but it is presumed that this is for internal environmental reasons to control light and shade. The most significant objection to the building is the proposed wall colours which are strong, have no local context and will increase the visual impact. There is no justification offered for such a choice and so it is considered inappropriate for the location. There is acknowledgement that the existing building carries no specific designation but it is still of some value to the cultural heritage of the area and its removal

will be a loss. In conclusion, the CNPA's Landscape Officer states that the reasons for the loss of the building have been explained but there is still a loss to the cultural heritage of the area. The building should be recorded photographically. The colours should be changed. Trees on the site should be retained and a tree protection plan put in place. Additional landscaping should also be provided.

18. The **CNPA's Ecologist** suggests a bat survey and also advises on the legalities of the need to comply with the Wildlife and Countryside Act 1981 (as amended) with respect to bats and nesting birds. He also urges that steps are taken on site to create opportunities for wildlife such as roosting sites for vulnerable species – such as bat roosts and swift and house martin nest sites – and that these are incorporated into the design of the new building. In addition care should be taken to avoid the spread of invasive, non-native plant species during construction activities.

REPRESENTATIONS

19. No objections have been received from any third party.
20. The applicant's agent has submitted a letter and enclosures as supporting information and justification for the proposal and in response to some of the consultation responses. This is being treated as a representation and is attached for the Committee's consideration.

APPRAISAL

21. The starting point in the assessment of this proposal is whether it is acceptable in policy terms to replace the existing house. If this is found to be acceptable in principle then the assessment turns to the acceptability of the replacement house in relation to the sensitivity of the site, its design and its visual and landscape impact on the surroundings.

Principle of Replacement

22. While this site is located in a countryside area, the use of the site for residential purposes is long established. In planning policy terms, as detailed in Highland Council Policies and Guidelines, the principle of replacing an existing house, in a countryside area, is also established. However, where the proposal involves the removal of a building which may be of cultural or

architectural significance, it is important to establish the importance of it in these terms.

23. At my request, the applicant was asked to provide some justification for the loss of what is a house of traditional form. The applicant's architect has provided some information on the history of the site. It appears that the site in c1860 was part of a sawmill complex with a number of associated houses nearby. It was probably related to the logging of the ancient Caledonia Scots Pine forest in the area during the 19th century. However, due to its construction type, it is estimated that the current house on the site would have been built around the 1930's.
24. The applicant's architect has also stated that the present structure is in an un-mortgageable condition and is not fit for modern living. There are no proper foundations and no damp proof courses or membranes. Timbers are set directly into the ground and there is no proper ventilation or insulation. The external walls are built from railway sleepers and ad-hoc timber framing with harl, on a wire lath, with numerous gaps. The windows are part timber framed single glazed units and part upvc double glazed units. The roof is in corrugated iron which is well past it's usable lifespan and valley gutters and flashings all need repair. The applicant has only recently installed some loose fill, exposed, insulation in the roof space. Heating is by inefficient and wasteful aga supplied oil-fired radiators and an open fire. In general the building suffers from water ingress, dampness, wet rot, uncontrolled air leakage and a build up of odours from the preservative treatments to the railway sleepers. The applicant's agent states that to restore and repair to modern standards would require a complete re-build.
25. It appears that there is some cultural heritage value to the general area and to this house and from the outside, it appears to be a reasonable example of a traditional house in the countryside which is typical of many others within the Park. I can understand the CNPA Landscape Officer's view in this respect. However, the submitted report from the architect makes it quite clear that in constructional terms the house is of poor quality and it would not be economically viable, logical or even feasible, to retain and upgrade it. I therefore take the view that the principle of the demolition and replacement of this house is acceptable in planning policy terms.

Design and Impact of Proposed Replacement House

26. In accepting the principle, it would have been easy to insist that the new house should slavishly reflect the character, scale, design and appearance of the one that is being replaced. However, it was clear from the applicant's original submission that a more contemporary approach was being promoted. My view was that, if this was the applicant's approach, and if we were going to lose a traditional house, notwithstanding its constructional failings or the justification for its loss, in an area immediately adjacent to the Speyside Way and the Railway Line, it should be replaced by something which, in itself, could be considered as an exemplar of high quality but contemporary house design. It should also promote sustainability and energy efficiency, but also respected its surroundings. I felt that the original design proposal did not "go far enough" in this respect and encouragement was given to increasing the overall quality and sustainability attributes of the design.
27. In this respect, the architect has submitted a design and sustainability statement. It states that the existing house has 80sqm internal floorspace and the proposed house has 180sqm. Many more recent houses built in the area have a far greater internal floorspace than that. The applicant requires the inclusion of a sizeable area for the storage and maintenance of equipment for outdoor pursuits. The rationale behind the 2 storey proposal is that they wish to take advantage of the views to the south towards the northern Cairngorms. At ground level this is restricted by trees thus the proposal for living space on the upper floor. In addition, the orientation and height of the house allows for more solar gain and with the existence of the Speyside Way immediately adjacent, there is a desire to protect privacy. To replace the house with something of the scale and proportions of the existing and meet the applicant's requirements for accommodation to modern living standards and storage space, would mean an overlarge mainly single storey development sprawling over the site, with excessive volume and build fabric. In terms of sustainability, it is stated that the existing house is not on mains electricity and relies on un-silenced diesel generators. A new outbuilding recently constructed (under permitted development) has been designed to house the generators and reduce noise pollution but being off-mains, means that the production of local energy is central to the redevelopment proposals. In this respect, the proposal is to incorporate a combination of photovoltaics, solar water collectors, ground sourced heat pump, and wind generation, with considerable battery back up to limit the use of the generators. Heating will be distributed by underfloor water system and consideration is being given to use of waste heat air exchangers. The applicant

has also buried telegraph lines, installed a new septic tank and soakaway, and sunk a new water borehole.

28. Acknowledging the concerns of the CNPA's Landscape Officer, I accept that the proposed house, due to its greater scale and its contemporary appearance, will have a greater and changing impact on the surrounding area. However, I take the view that, the innovative, and high quality design and sustainability credentials of the proposal, carry significant weight in this instance. This type of approach is supported in national planning policies and the objectives of the National Park Plan. It is acknowledged that it is a reasonably sensitive site because of the existence of the adjacent Speyside Way and Railway Line. However, I consider that, in this instance, rather than using this as a reason to stifle design, the design of the new house should make a statement in itself, and, in an area used by the public, it should raise awareness of the quality of sustainability and design that it is achievable. The concern raised about the colours is acknowledged but it is suggested that can be covered by conditions requiring samples of materials and colours for further approval, prior to their installation. Conditions relating to tree retention and additional landscaping can also be imposed.
29. There are no concerns raised with the proposal in terms of access, drainage, contaminated land or impacts on species, habitats or natural heritage designations. My conclusion is that, on the basis of the amended design, this is a now supportable development which does not offend planning policy. As such, subject to conditions, it is recommended for approval.

Conserve and Enhance the Natural and Cultural Heritage of the Area

30. The site carries no natural or cultural heritage designations but there is some local cultural heritage significance to the area and the house. It is also accepted that the proposed replacement house design will have more of an impact on the landscape than the existing situation. However, I take the view that, because of the nature and quality of the design, this is not necessarily a negative implication for this aim.

Promote Sustainable Use of Natural Resources

31. It is proposed to incorporate a number of renewable and energy efficient measures in the design and the house has been designed and orientated to maximise solar gain. There is also extensive use of timber cladding.

Promote Understanding and Enjoyment

32. With the imposition of a condition to protect the adjacent public access routes during construction, the proposal will have no direct implications for this aim. The character and appearance of the site, adjacent to the routes will be changed but overall, I do not consider this to be a significantly negative change.

Promote Sustainable Economic and Social Development

33. Other than creating an improved quality of house on this site, the proposal has no significant implications for this aim.

RECOMMENDATION

34. **That the Committee support a recommendation to:**

Grant Full Planning Permission for the Demolition and Replacement of Dwellinghouse, The Yard, Boat of Garten, 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. That prior to the commencement of development on site, a photographic record shall be made of the existing house, its surroundings and any other features which are affected by the proposed development, all in accordance with the attached specification. This record shall thereafter be submitted to the CNPA acting as Planning Authority. No further site clearance work shall be undertaken until written confirmation that the record made has been lodged and is satisfactory, has been received from the CNPA acting as Planning Authority, following consultation with Highland Council's Head of Countryside Heritage and Natural Resources.
3. 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 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 accordance with a 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.
4. That unless otherwise agreed in writing with the CNPA acting as Planning Authority, from the date at which this planning permission is granted, no trees on the site, shall be removed. Trees on the site shall only be removed with the prior written approval of the CNPA acting as Planning Authority.
 5. That no development shall commence on this site until the existing trees on the site which are to be retained, have been protected to the satisfaction of the CNPA acting as Planning Authority, all in accordance with BS5837:2005, Trees in Relation to Construction.
 6. That prior to the commencement of works on site for each of the following external finishing materials, exact details and specifications (samples may be required) shall be submitted for the further written approval, of the CNPA acting as Planning Authority;
 - a. the proposed roofing material (including colour);
 - b. the proposed timber cladding (including colours);
 - c. the proposed window/door frames;
 - d. the proposed external decking/staircase and handrails;
and
 - e. the proposed site boundary enclosures;
 7. That, unless otherwise agreed in writing with the CNPA acting as Planning Authority, no materials, plant, excavated soil, or temporary buildings/structures associated with and during the construction of the development hereby approved, shall be located or stored outwith the curtilage of the development site. For the avoidance of doubt, the existing public access tracks adjacent to the site shall remain unobstructed at all times during the construction period.

8. That prior to the commencement of works on site, the final detailed scheme for the use of sustainable design and renewable energy efficiency technologies, shall be submitted for the further written approval of the CNPA acting as Planning Authority. Thereafter, the agreed scheme shall be implemented in the development and operation of the building.

ADVICE NOTE

The applicant is advised of the need to comply with the legal requirements of the Wildlife and Countryside Act 1981 (as amended) during construction. This is in relation, in particular, to the protection of bats and breeding birds.

In addition, in the interests of biodiversity and to enhance the natural heritage of the area, the applicant is encouraged to incorporate within the design details of the building, opportunities for wildlife and ecological enhancement, such as bat roosts and bird nests.

Neil Stewart

18 June 2008

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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.