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## CAIRNGORMS NATIONAL PARK AUTHORITY

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

**Prepared by: ROBERT GRANT, PLANNING OFFICER (DEVELOPMENT MANAGEMENT)**

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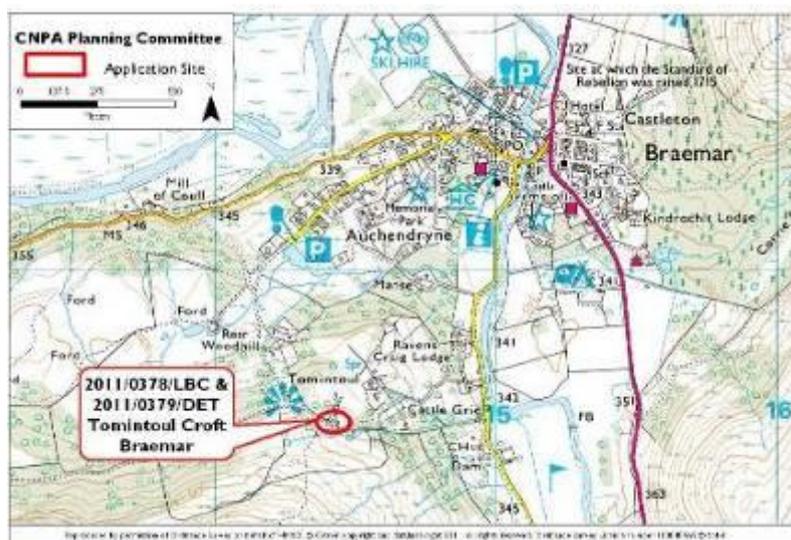
**DEVELOPMENT PROPOSED: LISTED BUILDING CONSENT FOR RESTORATION OF FORMER CROFT HOUSE WITH ANCILLARY STORAGE AND PLANNING PERMISSION FOR RE-POSITIONING OF NEW DWELLING AND ALTERATIONS TO EXTERNAL FINISHES AT TOMINTOUL CROFT, BRAEMAR**

**REFERENCE: 2011/378/LBC & 2011/379/DET**

**APPLICANT: MR & MRS CALUM INNES**

**DATE CALLED-IN: 25 NOVEMBER 2011**

**RECOMMENDATION: GRANT LISTED BUILDING CONSENT (2011/378/LBC) & PLANNING PERMISSION (2011/379/DET), BOTH SUBJECT TO CONDITIONS**



**Fig. 1 - Location Plan**

## SITE DESCRIPTION AND PROPOSAL

**Note: This report contains applications for both Listed Building Consent and Planning Permission respectively.**

1. The application site lies to the south west of Braemar, on the lower slopes of Morrone, adjacent to the Birkwood of Morrone Natural Nature Reserve (NNR) and comprises a rundown croft house called 'Tomintoul' and the remains of a steading. The site occupies an isolated and elevated position above the village, set against the backdrop of the hill, amongst a sweeping area of hummocky grassland, trees and scattered houses.
2. The existing croft house (see fig. 2) is typical of an early 19<sup>th</sup> century Scottish vernacular building, with drystone rubble walls, harling and a corrugated iron roof with heather thatch underneath. Its interior is recognised to be well preserved and largely unaltered with the original hanging 'lum,' box beds and other woodwork still in place.
3. The CNPA granted planning permission (11/024/CP) for the erection of a new dwellinghouse adjacent to the croft house in May 2011, which would allow the applicants to restore the building, while ensuring that they achieved their desired level of accommodation. Subsequently the croft house was given category A-Listed Building status in August 2011 (this denotes buildings of national or international importance). Historic Scotland notes that the croft is *'an exceptionally rare and important survival of the open hearth tradition of vernacular building in the North-East of Scotland. This simple 3-bay cottage is remarkable for its largely intact interior with traditional plan arrangement.'*



**Fig. 2 – Tomintoul Croft house**



**Fig. 3 & 4 – Tomintoul Croft House and steading remains respectively (arrow denotes new house location).**

4. Listed Building Consent (2011/0378/LBC) is sought to allow for the restoration of the Category A - Listed Tomintoul croft house and for the rehabilitation of the steading remains (see fig. 3 & 4) to form ancillary storage (which forms part of its setting). The proposed works – **SEE APPENDIX I**, would include retaining and renovating the existing heather thatch and corrugated sheet roof, making good and re-pointing of the external timber walls (with lime mortar) and rebuilding the existing lean-to porch. Internally, the timber linings, the hanging ‘lum’ and the stone flags would be renovated, while the inner roof and the newsprint wall coverings would be preserved in situ. Some modern interventions would be added including a kitchen, a bathroom and a multi-fuel stove (see fig 5).



**Fig. 5 – Floor plans showing internal layout**

5. Planning permission (2011/0379/DET) is also sought for re-positioning the new dwelling, further away from the croft house to allow for the retention and rehabilitation of the adjacent steading. This arises from discussions with Historic Scotland the CNPA about providing a more sensitive context to the building and a buffer between old and new built elements. The new house would now be 6.0 metres further west from the steading structure, in lieu of former proposals to place it partly on its foundations. A corrugated sheet roof would be added to the retained steading and a timber wall introduced to the existing open north elevation (see fig 6&7). A total of 3no. trees would require to be felled.



**Fig. 6 & 7 – Main (south) elevation and site layout showing re-positioned dwelling and retained steading with alterations**

6. The dwelling proposed was a four bedroomed, 1.5 storey detached dwelling, with exposed eaves and finished with timber linings, larch shingles and wooden windows and doors. Several alterations are proposed to the external finishes of the new dwelling (see fig. 8 & 9) including slate tiles in place of the timber shingles and smooth render in lieu of the main areas of timber linings.



**Fig. 8 - New elevations (changes: smooth render and slate)**



**Fig. 9 – Previously approved elevations showing house on steading site**

### **BACKGROUND**

7. The applicants bought Tomintoul croft house in 2007 with the benefit of detailed planning permission for alterations and an extension to provide a substantial dwellinghouse. Some limited restoration works have been undertaken to make the building wind and watertight.
8. The new dwellinghouse was granted to allow the applicants to conserve and restore the existing croft house without the need to implement the internal alterations and the extension which they have permission for. They are fully committed to undertaking the restoration work to the croft house while wishing to realise their required levels of accommodation. In general terms, the applicants stated that the erection of a new house would allow them to safeguard a building of ‘significant cultural heritage merit.’



**Fig. 10 – Some internal perspectives showing features**



Fig. 11 – Additional internal perspectives showing features

## DEVELOPMENT PLAN CONTEXT

9. Part 2, Section 25 of the Town and Country Planning (Scotland) Act 1997 as amended by the Planning etc (Scotland) Act 2006, requires that planning applications are determined in accordance with the Development Plan unless material considerations indicate otherwise. The Development Plan covering the application site comprises the Aberdeen & Aberdeenshire Structure Plan (NEST) 2001 and the Cairngorms National Park Local Plan 2010. The National Park Plan is also a material consideration.

### National policy

10. **Scottish Planning Policy 2010** is the statement of the Scottish Government's policy for the land use planning system, supporting the central purpose of increasing sustainable economic growth. All new development should respond to the specific local character of the location, fit into the landscape and seek to achieve high design and environmental standards.
11. As a replacement for a variety of previous planning policy documents the new **SPP** includes 'subject policies', of which many are applicable to the proposed development. Topics include the Historic Environment, Rural Development and Landscape and Natural Heritage. The following paragraphs provide a brief summary of the general thrust of each of the relevant subject policies.
12. *Historic Environment*: The SPP recognises that the historic environment is a key part of Scotland's cultural heritage. The layout, design, materials and scale of new development should be appropriate to the character and setting of a listed building or a conservation area.
13. *Listed Buildings*: Listed Buildings are buildings of special architectural or historic interest. Listing covers the whole of the building including its interior and any ancillary structures within its curtilage. Enabling development may be acceptable where it can be shown to be the only means of retaining a listed building. The new development should be designed to retain and enhance the special interest, character and setting of the listed building.

14. *Rural Development*: States that opportunity to build individually designed houses and to provide limited new housing along with converted rehabilitated buildings should be supported where possible. All new development should respond to the specific local character of the location, fit in the landscape and seek to achieve high design and environmental standards.
15. *Landscape and Natural Heritage*: Planning authorities are encouraged to take a broader approach to landscape and natural heritage than just conserving designated or protected areas and species. It is recognised in the SPP that the landscape in the countryside and in urban areas is constantly changing and the aim is to “facilitate positive change whilst maintaining and enhancing distinctive character.” As different landscapes have different capacities to accommodate new development, the siting and design of development should be informed by local landscape character.
16. **SPP** concludes with a section entitled ‘Outcomes’ in which it is stated that the “planning system should be outcome focused, supporting the creation of high quality, accessible and sustainable places through new development, regeneration and the protection and enhancement of natural heritage and historic environmental assets.” Planning authorities are required to be clear about the standard of development that is required. Quality of place not only refers to buildings, but also how the buildings work together as well as the relationships between buildings and spaces. Design is highlighted as an important consideration and planning permission may be refused solely on design grounds.<sup>1</sup> Finally it is stated that the planning system should be “judged by the extent to which it maintains and creates places where people want to live, work and spend time.”

## **Strategic Policy**

### **Cairngorms National Park Plan (2007)**

17. **The Strategic Objectives for Landscape, Built and Historic Environment include:** ensuring that development complements and enhances the landscape character of the Park; and new developments within settlements and surrounding areas complement and enhance the character, pattern and local identity of the built and historic environment.
18. A further strategic objective is to improve the quality, energy efficiency and sustainable design of housing in all tenures throughout the Park. It is expected that housing developments would be consistent with or enhance the special qualities of the Park through careful siting and design.

## **Structure Plan**

### **Aberdeen & Aberdeenshire Structure Plan (NEST) Structure Plan 2001**

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<sup>1</sup> Para. 256.

19. **Policy 11 General Housing Considerations** requires that developments are well sited and properly designed to fit their surroundings.
20. **Policy 12 House Building in the Countryside** allows for house building when it is associated with the rehabilitation of an existing house and the development is of the highest quality in terms of siting, scale, design and materials.

### **Local Plan Policy**

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

21. **Policy 1 Natura 2000 Sites** states that development likely to have a significant effect on a Natura 2000 site should be subject to an appropriate assessment.
22. **Policy 3 Other Important Natural and Earth Heritage Sites and Interests** states that development that would affect a site such as an NNR will only be permitted where the objectives of the area are not compromised.
23. **Policy 6 Landscape** states a presumption against any development that does not complement and enhance the landscape character of the Park.
24. **Policy 9 Listed Buildings** states a presumption in favour of retaining listed buildings and if at serious risk of collapse or decay, some enabling development may be permitted. (N.B. the croft house is not yet listed but Historic Scotland have intimated that this will take place in the event of the granting of planning permission)
25. **Policy 11 The Local and Wider Cultural Heritage of the Park** states that all development should protect, conserve and enhance the cultural heritage of the area.
26. **Policy 16 Design Standards for Development** requires that all development minimises the effects of climate change, reflects the local vernacular and uses materials and landscaping that compliments its setting.
27. **Policy 22 Housing Development outside Settlements** includes various criteria, pertinent to this application - development will be permitted where there is no suitable accommodation available including reuse and conversion of other buildings on site.
28. **Policy 27 Conversion and Reuse of existing traditional and vernacular buildings** allows for the sympathetic and sensitive reuse of buildings.

### Supplementary Planning Guidance

29. The **Sustainable Design Guide** requires development in the National Park to be well designed, sustainable and design for its location. It requires the design of all development to minimise the effect of the development on climate change; reflect and reinforce the local vernacular and local distinctiveness, whilst encouraging innovation in design and use of materials; and demonstrate sustainable use of resources. It requires a Sustainability Statement to be submitted.
30. **Conversion and Reuse of existing traditional and vernacular buildings SPG** allows for the sympathetic and innovative reuse of buildings including residential buildings that conserves and enhances them.

### CONSULTATIONS

31. **Historic Scotland** has informally intimated that they have no objections to the listed building proposal and support the opportunity to sympathetically restore the Tomintoul croft house. Suspensive conditions are suggested that would require a full specification of works, together with a detailed methodology statement to be submitted. In addition, they welcome the retention of the steading as the further separation of the old and new buildings would allow for the primacy of the A-Listed building to be better protected and its croft setting enhanced.
32. **Scottish Natural Heritage** has no objections and states that it is unlikely that the proposal will have a significant effect on any qualifying interests of Morrone Birkwood Special Area of Conservation either directly or indirectly. An Appropriate Assessment is therefore not required. Conditions are suggested requiring that a visual inspection of trees which will be affected by this proposal for signs of potential roosts is carried out and that the report is provided.
33. **Aberdeenshire Council Roads** has no objections and is content with the access track approved under a separate application but requires conditions for visibility splays.
34. **Aberdeenshire Council Archaeology Unit** has no objections and requires a record of the remains of the standing buildings prior to any development of the site.
35. **Braemar and Vicinity Community Council** has returned no comments.

### REPRESENTATIONS

36. The application for the new house was advertised in the Deeside Piper on 25 November 2011. No representations have been received.

## APPRAISAL

37. In determining this planning application regard has to be made to the development plan and the determination shall be made in accordance with the plan unless material considerations indicate otherwise. The pertinent policies within the development plan are highlighted in paragraphs 10 – 28 of this report. There are a number of issues to consider in assessing the proposal, including planning policy, the nature, scale and scope of the alterations to the listed building and the re-positioning of the associated new house previously granted planning permission by the CNPA.

### **Listed Building Restoration**

38. The CNPA has previously granted planning permission and shown its support for the restoration of the Tomintoul croft house and this was the over-riding justification for a new house adjacent to it for the applicants. The safeguarding and rejuvenation of this building of significant cultural heritage (both within the context of the National Park and nationally) was widely accepted and the opportunity to ensure its successful restoration encouraged by the CNPA Board at the May 2011 committee meeting. Following the listing of the building in August 2011, discussions between **Historic Scotland** and the applicant have taken place to ensure the sensitive and sympathetic restoration.
39. It should be fully recognised that the croft house is now Category A-listed, and proposals to restore the building will have to be highly detailed, specific and accurate. The applicant has submitted outline information showing the extent of the works envisaged. However it is important to stress that there would be a need for a full specification of works and an accurate methodology statement setting out the reinstatement and conservation proposals. At this stage much of this has not yet been fully prepared with further investigative works still to be undertaken.
40. **Historic Scotland** have yet to provide a formal consultation response to the application for listed building consent, however they have intimated provisionally that they have no objection to the proposals and that the level of information could be submitted as part of details within suspensive conditions in the event of listed building consent and planning permission being granted. They outline that there is a need for a full specification of works, internal and external, including repairs, together with a methodology for any temporary removal/reinstatement works.
41. It is considered that the scope of the works outlined is sufficient to allow the CNPA to recommend granting listed building consent, but subject to conditions requiring the submission of further details to the satisfaction of **Historic Scotland**.

### **Re-positioning and revisions to the proposed dwelling**

42. The principle of a dwelling on the site has been accepted in the previous application (11/024/CP). It was considered that the opportunity to restore the croft house and safeguard this rare and unique part of the cultural heritage of

the National Park resulted in the right conditions to allow enabling development to take place. Overall it was considered that the principle of enabling development in the form of a new dwellinghouse was acceptable in this case.

43. This application seeks only a re-positioning of the house and revision of the external materials. In terms of the siting of the new house, it is now proposed to be 6m away from the retained steading and a total of 15m away from the A-listed croft house. This allows for an increased buffer between old and new built elements. This increased separation was brought about by discussions with Historic Scotland about preserving the interesting steading and enhancing the setting of Tomintoul croft. It is considered that this is a positive revision and one that is sympathetic and sensitive to this significant and well-preserved building.
44. Looking at other matters, the original house was proposed to be finished with timber cladding and shingle roofing. In terms of the revised materials for the house, adding smooth harled render and slates would fit appropriately with the adjacent croft house (mirroring its painted stonework finish) and the steading. In terms of the visual appearance of the revised house finishes, it is considered to continue to be a high quality, sympathetic building, with appropriate materials and design, which reflects much of the traditional architectural heritage of the National Park. As previously suggested the proposed house would be a sensitive yet interesting building that would sit comfortably adjacent to the croft house. It is considered that the proposal accord with policy aims to encourage good house design in the countryside and policy 16 Design Standards.
45. The proposed building with its revisions would not be intrusive in the landscape, and would sit against the backdrop of Morrone. A scheme of landscaping around the site would also ensure the proposed building would relate well to its context, on the lower slopes of the hill within a grassland area. The proposed house is considered appropriate to the local landscape and would not to be detrimental to the National Scenic Area, the countryside or character of the area.
46. In terms of the setting of the croft house, it is considered that the new house, with its alterations to its material finishes, continues to be a high quality, sympathetic building, with appropriate materials and design.

#### **Conclusion**

47. Overall, it is considered that the proposed scheme of restoration to the croft house is acceptable, while the alterations to the proposed dwelling are also acceptable in planning policy terms.
48. The proposals also accords with the aims of the National Park, notably conserving and enhancing the natural and cultural heritage of the Park. They are considered to be positive, in that they would bring about significant cultural heritage benefits and preserve and restore a rare surviving example of a traditional Scots crofting cottage. It is recommended that Members resolve

to grant listed building consent and planning permission to allow for the satisfactory restoration of the Tomintoul croft house, the retention of the steading and alterations to the approved dwellinghouse respectively.

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

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

49. The preservation and restoration of the croft house is considered to bring about significant benefits to the cultural heritage of the National Park.

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

50. The applicant proposes the sustainable use of natural resources, and the Sustainable Design checklist confirms environmental aspects are key: energy efficiency and passive solar gain are maximised in the house design. Local timber would also feature heavily alongside some stone.

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

51. The restoration of the croft house would be a significant benefit to the cultural heritage of the area and the wider National Park. The visual appearance of the new house results in a strong connection between the local vernacular and modern house construction, which should also enhance the understanding and enjoyment of the area.

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

52. The proposal is generally positive in terms of this aim, in that it restores a building of exceptional cultural heritage to the area.

## **RECOMMENDATION**

**That Members of the Committee support a recommendation to GRANT Listed Building Consent for the restoration of former croft house with ancillary storage and Planning Permission for re-positioning of new dwelling and alterations to external finishes at Tomintoul Croft, Braemar, subject to the following:**

**A. Confirmation that Historic Scotland has no objection to this proposal, and:**

**B. The following conditions:**

**2011/0378/LBC – LISTED BUILDING CONSENT**

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 Planning (Scotland) Act 1997 or amended by the Planning etc (Scotland) Act 2006 and the Historic Environment (Amendment) (Scotland) Act 2011.

2. Prior to the commencement of any development hereby approved, a full specification of restoration works, both internal and external, including details of repairs, together with a methodology for any temporary removal/reinstatement works, such as the stone flags; conservation treatment for sensitive parts, such as stone hearth, hanging lum, box beds, attic newspaper wall covering; and window repairs; larger scale elevation and section drawings for significant new works, such as the new joinery, plumbing, insulation and heating, as well as the proposed kitchen and bathroom fit out shall be submitted and to and approved by the CNPA acting as planning authority in consultation with Historic Scotland.

**Reason:** In the interests of enabling the conservation of the character and integrity of an important building within the cultural heritage of the National Park.

3. No demolition or development shall take place prior to a photographic survey being undertaken by the developer and approved by the CNPA acting as planning authority. All elevations, both internal and external, together with the setting of the building, and any unusual feature/s, shall be photographed and clearly annotated on a plan. Photographs, which should be digital on CD, either jpegs or tiffs, shall be clearly marked with place name for identification, national grid reference and planning reference and deposited in the local Sites and Monuments Record.

**Reason:** to ensure a historic record of the building.

4. Prior to the commencement of any development relating to the listed building and the alterations to the retained steading hereby approved, details of the colour of any wall cladding, roofing and the windows and doors shall be agreed in writing with the Cairngorms National Park Authority acting as Planning Authority.

**Reason:** In the interests of the visual amenity of the area.

5. The development hereby approved 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 include a phasing programme for implementation 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 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.

**Reason:** To ensure the implementation of a satisfactory scheme of landscaping which will in due course improve the environmental quality of the development.

6. The developer shall secure the implementation of an archaeological watching brief, to be carried out by an archaeological organisation acceptable to the Aberdeenshire Council Archaeology Service on behalf of the CNPA acting as planning authority, during any groundbreaking and development work. The retained archaeological organisation shall be afforded access at all reasonable times and allowed to record and recover items of interest and finds. Terms of Reference for the watching brief will be supplied by the Aberdeenshire Council Archaeology Service.

The name of the archaeological organisation retained by the developer shall be given to the CNPA acting as planning authority and to the Aberdeenshire Council Archaeology Service in writing not less than 14 days before development commences.

**Reason:** to record items of archaeological interest and finds.

### **2011/0379/DET – PLANNING PERMISSION**

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 Planning (Scotland) Act 1997 or amended by the Planning etc (Scotland) Act 2006.

2. Prior to the commencement of any development relating to the dwellinghouse hereby approved, details, specifications and colour of any wall cladding, roofing and the windows and doors shall be agreed in writing with the Cairngorms National Park Authority acting as Planning Authority.

**Reason:** In the interests of the visual amenity of the area.

3. The development hereby approved 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 include a phasing programme for implementation 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 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.

**Reason:** To ensure the implementation of a satisfactory scheme of landscaping which will in due course improve the environmental quality of the development.

4. Prior to the commencement of the development, visibility splays of not less than 2.4 metres x 45.0 metres shall be provided in both directions at the junction of the new access with the existing road and thereafter maintained free from any obstructions exceeding a height of 1 metre above the adjacent road channel levels.

**Reason:** In the interests of road safety; to ensure the provision and maintenance of adequate visibility at junctions and accesses.

5. Prior to the commencement of any development relating to the dwellinghouse, a visual inspection survey of any trees suitable for bat roosts shall be undertaken by a suitably experienced bat surveyor. The outcome of the survey shall be submitted to the CNPA acting as Planning Authority. In the event that evidence of bats is found, work shall stop immediately. The survey results and where necessary any appropriate mitigation measures shall be submitted to and agreed in writing with the CNPA, acting as planning authority.

**Reason:** For the avoidance of doubt and in the interests of conserving the natural heritage of the area.

6. The developer shall secure the implementation of an archaeological watching brief, to be carried out by an archaeological organisation acceptable to the Aberdeenshire Council Archaeology Service on behalf of the CNPA acting as planning authority, during any groundbreaking and development work. The

retained archaeological organisation shall be afforded access at all reasonable times and allowed to record and recover items of interest and finds. Terms of Reference for the watching brief will be supplied by the Aberdeenshire Council Archaeology Service.

The name of the archaeological organisation retained by the developer shall be given to the CNPA acting as planning authority and to the Aberdeenshire Council Archaeology Service in writing not less than 14 days before development commences.

**Reason:** to record items of archaeological interest and finds.

**Robert Grant**  
**24 January 2012**  
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