
CAIRNGORMS NATIONAL PARK AUTHORITY

Title: REPORT ON CALLED-IN PLANNING APPLICATION

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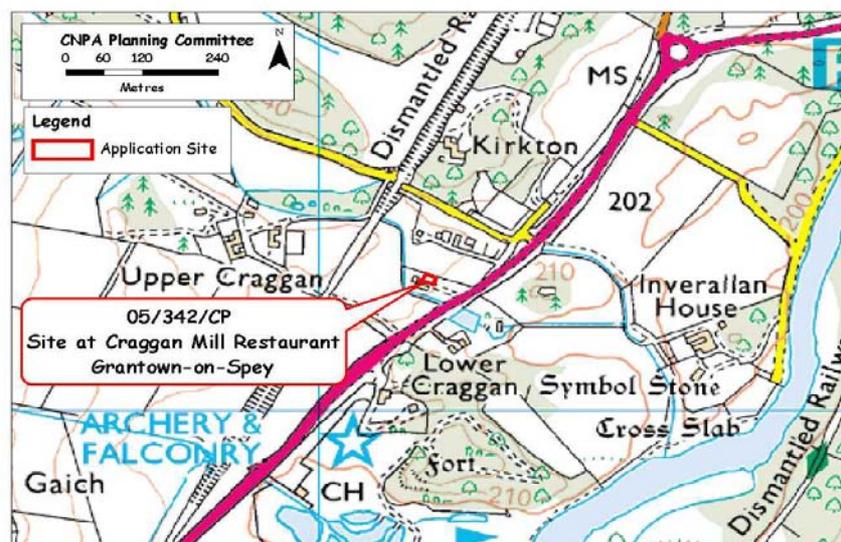
DEVELOPMENT PROPOSED: FULL PLANNING PERMISSION FOR ERECTION OF DWELLINGHOUSE TO REPLACE CARAVAN, CRAGGAN MILL RESTAURANT, GRANTOWN-ON-SPEY

REFERENCE: 05/342/CP

APPLICANT: GRAHAM HARVEY & SHEILA McCONACHIE, CRAGGAN MILL RESTAURANT AND LOUNGE, GRANTOWN-ON-SPEY

DATE CALLED-IN: 29 JULY 2005

RECOMMENDATION: APPROVAL, SUBJECT TO S75, AND CONDITIONS



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Fig.1. Location Plan

SITE DESCRIPTION AND PROPOSAL

1. The site of this application is located within the grounds of the existing established Craggan Mill Restaurant and Gallery. The property is positioned outwith the settlement boundaries of Grantown-on-Spey on its south-west side in a countryside location but immediately adjacent to the A95. On site at present is the converted mill which accommodates the restaurant and gallery, and is a traditional white harled building with tiled roof, originally dating from, as I understand it, the 18th century. It has an extension to the rear. Also to the rear is a single storey house (in separate ownership) which has been designed to complement the characteristics of the former mill. The site slopes in a west to east direction down to the trunk road. Car parking areas are located to the front and there are some garden areas on the south side of the site. There is direct and separate access from the A95. The site is surrounded by open agricultural land.



Fig. 2. Craggan Mill Restaurant, Existing House and Site of Proposed House on Site of Caravan

2. The applicants currently reside in a static caravan that is positioned within the grounds close to the north boundary. This caravan was granted temporary permission by Highland Council in 2004 (04/00345/FULBS). The temporary period was for 2 years and expired on 30 November 2006. As I understand it, Highland Council has sought a further application to extend this temporary period but no application has been received as yet.

3. The proposal is to erect a new permanent dwellinghouse for the owners of the restaurant. They purchased the business in 2004 but the previous owners decided to remain in the existing house to the rear. This meant that no house was available for the applicants, hence the need for the temporary accommodation. The proposed house is to be positioned on the north side of the restaurant (site of caravan) with access maintained to serve the existing house to the rear. A new combined septic tank and soakaway for the proposed and existing houses is proposed but the restaurant will continue to be served by its own private drainage treatment system.



Fig. 3. Craggan Mill Restaurant and Site of Proposed House on Site of Caravan

4. The original design for the proposed house was a timber log chalet type structure with slated roof which was positioned side on to the public road. Following detailed negotiations, an amended design has been submitted (neighbours renotified) which shows a 3 bedroom house, facing towards the public road, with pitched roof of 40 degrees (plain tiled to match the restaurant and existing house), and a wet dash wall harl with traditionally proportioned windows. There is a traditional timber clad porch to the front elevation and a false chimney. Some existing trees/bushes on the north boundary will require to be removed. However, some replacement tree planting to the front is proposed. Domestic garden space is to be formed to the front and rear. Two car parking spaces will be lost to allow for the proposed house.

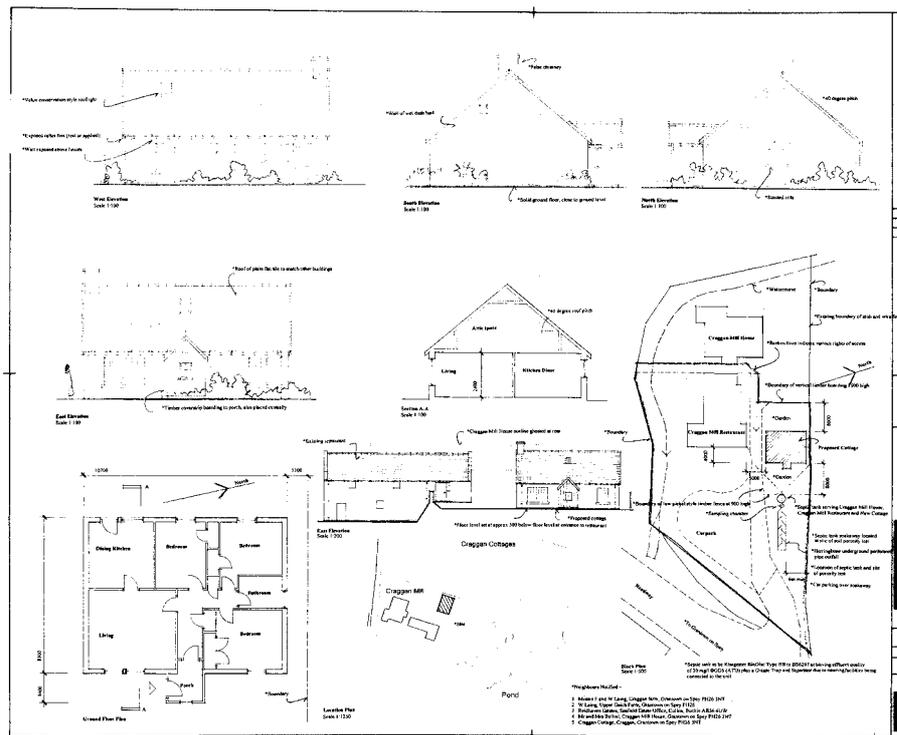


Fig. 4. Site Plan, Elevations, Floor Plan, and Site Section

DEVELOPMENT PLAN CONTEXT

National Guidance

5. **Scottish Planning Policy 3 Planning for Housing** notes that where possible, most housing requirements should be met within or adjacent to existing settlements. This prevents the sprawl and coalescence of settlements, makes efficient use of infrastructure and public services and helps to conserve natural heritage and rural amenity. The guidance goes on to note that in more remote areas, new housing outside of settlements may have a part to play in economic regeneration and environmental renewal.

Highland Structure Plan

6. **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 or where it supports communities experiencing difficulty in maintaining population and services. This policy points out that housing should be appropriate in location, scale, design and materials. **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; energy efficiency in terms of location, layout and design (including the utilisation of renewable energy sources); use of brownfield sites, existing buildings and recycled materials; demonstration of sensitive siting and high quality design; contribution to the economic and social development of the community; and the impact on resources such as habitats, species, landscape, scenery and freshwater systems.

Highland Council Development Plan Policy Guidelines 2003

7. 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

8. The Landward 'Housing in the Countryside' strategy of the **Badenoch and Strathspey Local Plan (1997)** identifies the proposed site as being within a Restricted Countryside Area. **Policy 2.1.2.3. (Restricted Countryside Area)** 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; designed and constructed to a high standard with particular emphasis on proportions, roof pitch, fenestration and selection of materials.

Cairngorms National Park Plan

9. In the **Cairngorms National Park Plan**, strategic objectives contained within the section on “Conserving and Enhancing the Natural and Cultural Heritage of the Park – Landscape, Built and Historic Environment”, include a need to ensure development complements and enhances the landscape character of the Park, and the character, pattern and local identity of the built and historic environment. Strategic objectives contained within the section on “Living and Working in the Park – Housing”, includes a need to improve the physical quality, energy efficiency and sustainable design of housing in all tenures throughout the Park; and a need to ensure there is effective land and investment for market and affordable housing to meet the economic and social needs of communities throughout the Park. In the section on “Enjoying and Understanding in the Park – Sustainable Tourism”, one of the strategic objectives is to strengthen and maintain the viability of the tourism industry in the Park and the contribution that it makes to the local and regional economy.

CONSULTATIONS

10. **Highland Council’s Area Roads Manager** has no comments on the proposal from an area roads perspective.
11. **Scottish Executive Trunk Road Network Management Division** does not advise against the granting of planning permission. No conditions are suggested.
12. **Highland Council’s Archaeology Unit** does not require any archaeological conditions.
13. **The CNPA’s Economic and Social Development Group** has stated that, like the majority of businesses in the National Park, Craggan Mill is a small business and mainly a family type operation and therefore living close by is considered vital. The restaurant provides a high quality eating experience, and is complimentary to the range of eating establishments within and around Grantown-on-Spey. In line with the Sustainable Tourism Strategy and Action Plan, the owners use fresh ingredients sourced locally wherever possible and in 2006, attended a CNPA/Visit Scotland seminar to apply for accreditation for the Green Tourism Business Scheme. The gallery below the restaurant promotes up and coming Scottish artists and locally produced items are also displayed for sale.
14. **SEPA** have been consulted several times. The original proposal involved combining the new house drainage with the existing restaurant drainage system. This was acceptable to **SEPA** provided the business and the house remained in the same ownership. If not, there was a potential operational and maintenance problem in the future. However,

it came to light that, due to the position of the proposed house, the existing septic tank for the existing house would need to be removed. It was proposed then to connect all three properties to the restaurant system. **SEPA** were unhappy with this situation and recommended that separate drainage systems be installed for each property in separate ownership. If this meant new soakaways they required test pits. Test pits were subsequently dug, and further discussions with **SEPA** took place which has resulted in an amended drainage proposal being submitted. This involves a new septic tank and soakaway serving the proposed and existing houses, with the restaurant continuing to use its own separate system. **SEPA** have now altered their position and have agreed, that in a planning context, provided minimum distances to watercourses, ditches, wells etc. are met, they have no further objections to a shared system.

15. No response has been received from the **Grantown-on Spey Community Council**.

REPRESENTATIONS

16. Following the submission of the amended proposals, one letter of representation has been received from the owners of the existing house on the site. The points raised include:
 - *Concern that the access to their property will become blocked during construction.*
 - *Refuse bins from the restaurant business should be kept within the applicant's property.*
 - *The drainage arrangements have been agreed and formal details of maintenance and servitude are being dealt with by their respective solicitors.*
17. The applicant's agent has replied confirming that the applicants will guarantee that rights of access will not be affected and that refuse bins will be secured in a separate area once the proposed house is constructed.
18. **Copies of both letters are attached. The applicant has confirmed that he wishes to address the Committee.**

APPRAISAL

19. The issues raised by this proposal include the principle and need for a house in this Restricted Countryside Area location, the siting and design of the house in its context, and infrastructure provision.

Principle and Need

20. The development of a second house on this site has come about because the previous owners of the business opted to remain in the existing house which they had built in order that they could operate the business. The applicants therefore sought temporary permission for a mobile home on site which is where they have resided for the last few years. The applicants are seeking a permanent solution to their accommodation problems. The original proposal for a timber log chalet raised some concern with me in relation to degree of permanence and design. Due to its nature and appearance, I did not feel that I could accept the proposed structure as a permanent solution. If acceptable, it could only have been on a temporary basis and as an "improvement" to the caravan. After considerable periods of negotiation, the amended submission is for a permanent dwellinghouse.
21. The site lies in an area designated as Restricted Countryside in the statutory Badenoch and Strathspey Local Plan. This provides a presumption against new houses, unless there is a land management or occupational need. This policy has been supplemented by Highland Council's Development Plan Guidelines which supports new houses in such areas, but only if they are related to the management of land/occupational needs.
22. Information on a need case as justification for the house was sought and subsequently received. The applicants have stated that the need for managerial accommodation has been clearly defined by the previous owners, who built a house within the grounds of the restaurant and operated the business from there for over 25 years. The result is that there is no other on site accommodation, even including staff rooms, rest areas, etc. The restaurant is now open all year round. The daily routine begins with receipt of deliveries at 7:30/8:00am. Deliveries arrive throughout the day and cannot be scheduled to a specific time due to suppliers timings, road conditions etc. The applicants state that by law, they must be present for all food deliveries in order that mandatory checks can be carried out. Kitchen staff begin to arrive at 10am with front of house staff starting at 11am. The applicants day often ends around midnight or later. Prior to opening to the public at 11am, they carry out mandatory food hygiene checks, food preparation, daily breadmaking, scheduled cleaning, stock checking and rotation and numerous other tasks associated with operating a food outlet which specialises in the sourcing, preparation and service of fresh local ingredients. Lunches are served from 11am – 2:30pm followed by resetting and cleaning front of house in preparation for evening service which begins at 5pm. Between 2:30pm and 5pm the applicants try and take a short break before evening service begins but this may only be half an hour which they state precludes them from being accommodated off-site. They have taken 25% of the restaurant area out of public use to provide a temporary office but this cannot be sustained financially long term.

23. In addition, the applicants have stated that the gallery and craft outlet is open all day and there are regular occasions when visitors and potential customers wish to view menus and book tables. This can be at any time during the day. The applicants state that if they were off site having a break, they may miss this restaurant business and lose sales from the gallery and craft outlet. They also continue serving food throughout the afternoon period in the form of teas, coffees and cakes etc. Evening preparation of the a la carte menu also takes place during the afternoon and staff return at 5pm with service until last reservation time of 9pm. They allow 2-2½ hours for dinner so they can still be serving desserts at 11pm or later. On busy evenings, diners often take advantage of the applicant's extended licensing hours and remain for post dinner drinks which can extend the front of house day to 1am. Once the evening food service is over, the kitchen is cleaned, tasks listed for the next day, and further mandatory food hygiene checks carried out. More often than not, this is the time when the applicants try and take their evening meal.
24. The applicants have also stated that they have increased local employment since they took over. Excluding themselves, they have 3 part-time and 2 full-time employees. There is also an Apprentice Chef and they hope to increase staff levels even further. They feel that security is an issue if they are not on site. Their insurers base their cover on the applicants being permanently on site which was one of the reasons that they chose the mobile home option as a stop-gap solution. If the applicants were to live off site, the business would become a lock-up operation and the applicants have stated that the resultant significant rise in insurance premiums and their effect on net profit levels would probably lead them to seriously reconsider their operations.
25. To conclude, the applicants state that they are often on-site for as much as 18 hours per day. The granting of permission for management accommodation would greatly enhance their ability to manage the operation of the business which is growing and in need of the close and constant attention which it deserves. They feel that residing in Grantown-on-Spey or elsewhere is not a viable option. If it had been practical to buy or rent accommodation nearby, they would have done so rather than continue to reside in a mobile home for so long.
26. **From the above, it is clear to me, that this is a successful and growing business and that the work requirements and hours for the applicants, and the location of the business, justify the need for a manager's house. It is certainly not unusual to have a manager's house related to this type of business in this type of location. It is perhaps unfortunate for the applicants that the existing house on site was not available to them but I am satisfied that a need case has been made and that in the interests of the economic and social development of the area, this proposal is**

acceptable in principle, provided the occupancy of the new house is restricted to someone working full-time in the adjacent Craggan Mill Restaurant/Gallery business. The applicants are agreeable to this and its implementation through a Section 75 Legal Agreement.

Siting and Design

27. With the applicants seeking a permanent permission for their accommodation problems, and because of the site's context, next to a historic building (not listed) and highly visible from one of the main tourist routes through the Park, I felt that it was important to achieve an appropriate siting and design solution. The amended proposal is a significant improvement on the original plan for a timber log type chalet. The opportunities for development on the site are limited by the existing house to the rear, the position of the former mill, the burn traversing the south boundary of the site, the need to retain car parking, and the need to retain the former mill building as the main component of the group of buildings. The house is now of traditional form and proportions and the materials will match those on the adjacent buildings (flat plain tiles and white wet harling). It will be seen from the trunk road and some existing tree cover on the north boundary will be removed. However, the scale and height of the house is sympathetic to its setting and replacement tree planting will be carried out. The house of course will not be isolated but seen within the context of a small cohesive group.
28. The owners of the existing house to the rear only have concerns about retaining access during construction and the positioning of refuse bins. The applicant has addressed these matters in his response and they do not relate directly to the provision of the new house.

Infrastructure Provision

29. The Trunk Roads Authority have no objections to the continued use of the existing access serving the site. Surface water will be disposed of via SUDS ie. soakaways on site. The issue of foul drainage has been a stumbling block but SEPA are now content that the new shared system is acceptable. There are therefore no planning reasons for resisting the proposal on this basis.

Conclusion

30. **I am satisfied that there is a justifiable need, in planning policy and operational terms, for the provision of a manager's house to help sustain and support this tourist and visitor based business. The design for a permanent house is now acceptable and infrastructural constraints have been overcome. The recommendation is one of approval, subject to a S75 legal agreement restricting occupancy of the house to someone working full-time in the Craggan Mill Restaurant Business.**

IMPLICATIONS FOR THE AIMS OF THE NATIONAL PARK

Conserve and Enhance the Natural and Cultural Heritage of the Area

31. The site carries no natural or cultural heritage designations. I consider though the former mill to be an important historical building. The proposed house design is now of a scale, appearance, and character which complements that of the existing building.

Promote Sustainable Use of Natural Resources

32. The provision of a house for the manager immediately adjacent to this business will prevent the need for travel to work journeys. Other than this, the application has no other implications for this aim.

Promote Understanding and Enjoyment of the Area

33. There are no implications for this aim.

Promote Sustainable Economic and Social Development of the Area

34. The provision of a house for the manager on site will help support the further development of this successful business. It will help sustain the economical development of the localised area and improve the social circumstances of the applicants.

RECOMMENDATION

35. **That Members of the Committee support a recommendation to:**

Grant Full Planning Permission for Erection of Dwellinghouse to Replace Caravan, Craggan Mill, Restaurant, Grantown-on-Spey, subject to:

- **The completion of a Section 75 Legal Agreement, restricting occupancy of the house to someone (and dependents) working full-time in the adjacent Craggan Mill Restaurant Business; and**
- **The following conditions:**
 1. The development to which this permission relates must be begun within five years from the date of this permission.
 2. The occupation of the dwelling hereby approved shall be limited to a person solely or mainly employed, in the adjacent Craggan Mill business, or a dependant of such a person residing with him or her, or a widow or widower of such a person.

3. Tree planting, in accordance with the approved plan (drawing no. B.622/002 Rev. A.) shall be planted during the planting season next following the completion of the development. Any trees 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 of similar size and species to those originally required to be planted.
4. For the avoidance of doubt, the windows of the proposed house hereby approved shall be timber framed and unless otherwise agree in writing with the CNPA, be coloured to match those on the adjacent former mill building.
5. That prior to the commencement of works on site, exact details and specifications (including colours) for the following external finishing materials, shall be submitted, for the further written approval of the CNPA acting as Planning Authority;
 - (a) Roof tiles
 - (b) Wet dash wall harling
 - (c) Timber cladding to the porch
6. Unless otherwise agreed in writing with the CNPA acting as Planning Authority, all timber fencing shall be painted or stained a dark colour, details of which shall be submitted for the further written approval.
7. Prior to the commencement of development, the developer shall submit full working details of the method of on-site disposal of surface water drainage. This shall be in accordance with the Sustainable Urban Drainage Systems Design Manual for Scotland and Northern Ireland, CIRIA C521 2000, to the satisfaction of the CNPA acting as Planning Authority in consultation with the Scottish Environment Protection Agency.

Determination Background

This application was called-in on 29 July 2005. In August 2005, the applicant's agent was contacted with a number of points which I considered required further information on need etc. In September 2005, the concerns about drainage arose and further details were sought in relation to this. The matters of need and design were further raised in November 2005. A response was received later in November 2005. The applicants detailed their justification for the house but no further detailed information on the drainage situation or the design of the proposed house was received. Several extensions of time were sought by us and agreed by the agent. Once the principle of what the applicant was wishing and agreement reached on the principle, further concerns were raised about the appropriateness of the design, on 15 March 2006. On 27 April 2006, a reminder letter was sent seeking clarification on how the applicant wished to proceed. Confirmation relating to some issues was received on 22 May 2006. Eventually a meeting

was held on site in July 2006 and matters of design, siting, drainage etc, further discussed. Also there was a need to renotify neighbours with revised proposals. Draft revisions were received for comment on 11 September 2006 and a response given on 14 September 2006. Further extensions of time were sought and agreement received from agent. On 30 January 2007, a formal re-submission, confirming re-notification of neighbours was made. SEPA were re-consulted on drainage in February 2007. Still further clarification on drainage was required during February. Final revised plans, indicating drainage, tree planting etc received on 20 March 2007.

Neil Stewart

Date 26 March 2007

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