

## CAIRNGORMS NATIONAL PARK AUTHORITY

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### **DEVELOPMENT PROPOSED:**

Conversion of redundant farm buildings to visitor facilities and commercial use, including alterations and extension of existing structures. Construction of new buildings for cafe, catering and events use, formation of vehicle parking areas at Balavil Mains Farmhouse, Kingussie, Highland, PH21 1LU

**REFERENCES:** 2016/0153/DET and 2016/0143/LBC

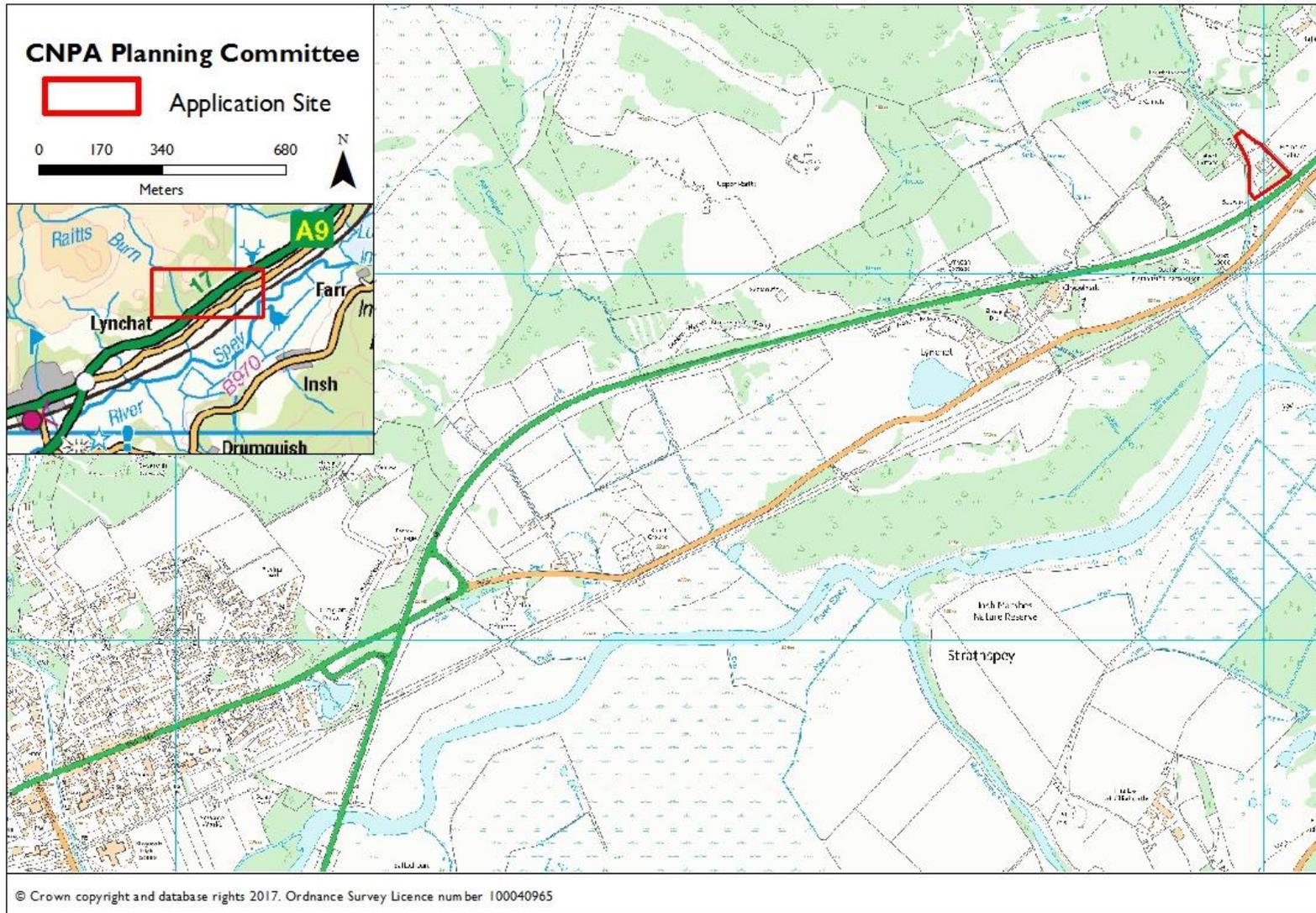
**APPLICANT:** Balavil Estate

**DATE CALLED-IN:** 18 May 2016

**RECOMMENDATION:** Approve subject to Conditions

**CASE OFFICER:** Katherine Donnachie, Planning Officer

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## SITE DESCRIPTION, PROPOSAL AND HISTORY

### Site Description

1. The site is located to the east of Kingussie and Lynchat directly to the north of the A9 Trunk Road, of which access is presently taken via an existing track which leads onto into the wider Balavil Estate. This track also leads westwards and then under the A9 back to Lynchat.
2. Mains of Balavil is a steading and farmhouse complex located within Balavil Estate. The steading is currently used for storage with the farmhouse understood to have been occupied in recent years. It is a category B listed building of architectural and historic interest comprising roughly U shaped stone and slate steading including stable block and bell tower. This building is attached at the western end to a two storey slate and harl with lime wash finish farmhouse, with pitched roof front porch and 1 ½ and single storey wings. There is also a cart shed building to the rear (north) of the complex, and a cobbled courtyard at the front (south) of the steadings. The buildings are in poor repair. Some ancillary buildings and walls are located in and around the curtilage including derelict mill building. The site is accessed by an existing track on its eastern perimeter which joins onto the A9 to the south. This track leads further northwards into the wider Balavil estate.
3. There is a band of trees between the site and the A9, with further trees lining the Raits Burn which runs alongside the western boundary of the site. To the north is grassland with some trees, and to the east farmland of the Balavil Estate. To the northwest is an existing property with walled garden which is part of the wider Balavil Estate.
4. The Raits Burn forms part of the River Spey Special Area of Conservation (SAC) designated for otter, Atlantic Salmon, sea lamprey and freshwater pearl mussel interests. SNH has advised that the sea lamprey interests are not known to be present this high up the River Spey SAC. Whilst not on Historic Environment Scotland's inventory of designed landscapes the site sits within the Balavil historic designed landscape as identified in a Cairngorms National Park Authority (CNPA) research project.

### Proposal

5. The drawings and documents associated with this application are listed below and are available on the Cairngorms National Park Authority website unless noted otherwise:

<http://www.eplanningcnpa.co.uk/online-applications/applicationDetails.do?activeTab=summary&keyVal=O7DRHNSI0BY00>

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**Planning Committee Agenda Item 5 26/01/2018**

<b>Title</b>	<b>Drawing Number</b>	<b>Date on Plan*</b>
Existing Location Plan	(EX-P) L1 –A3	29/04/16
South - East Elevations Existing	(EX-E)01-A3	29/04/16
North-West Elevations Existing	(EX-E)02-A3	29/04/16
South-West Elevations Existing	(EX-E)03-A3	29/04/16
North-West Elevations Existing	(EX-E)04-A3	29/04/16
Elevations Key	(E )00-A3	29/04/16
Survey	(EX-P)00	30/03/16
Existing features	(EX-M)00-03	24/10/16
Ground Floor Plan Architectural Details of Interest	(EX –P) 00-A3	29/04/16
Ground Floor Plan Existing	(EX-P)00-A3	29/04/16
Roof Plan/First Floor Plan Existing	(EX-P)02-A3	29/04/16
Ground Floor Plan Down-Taking	(DT-P) 00-A3	29/04/16
Roof Plan/First Floor Plan Down-Taking	(DT-P) 02-A3	29/04/16
Site Plan Proposed	(P) L2-A1 Rev D	14/1/17
Ground Floor Plan Proposed	(P) 00-A3 Rev A	16/08/17
Roof Plan/First Floor Plan Proposed	(P) 01-A1	29/04/16
Roof Plan/First Floor Plan proposed	(P) 02-A1	29/04/16
South-East Elevations Proposed	(E) 01-A3 Rev A	14/09/17
North-West Elevations Proposed	(E) 02-A3 Rev A	14/09/17
South-West Elevations Proposed	(E) 03-A3 Rev A	14/09/17
North-West Elevations Proposed	(E) 04-A3 Rev A	14/09/17
Windows/Doors Proposed	(E) 05 –A3	02/05/16
Landscape General Arrangement	6917 LD PLN 001 Rev G	05/12/17

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Mains of Balavil Farm – Pollution Control Measures to be incorporated within Construction Method Statement by Atmos Consulting Version 1.2		10/10/16
Arboricultural Impact Assessment/Method Statement Revision G		06/12/17
Tree Constraints Plan		29/09/16
Tree Protection Plan	Revision F	16/11/17
Tree Survey Schedule		
Ornithological Survey Report		05/10/16
Ornithological Protection Plan		05/10/16
Otter Survey Version 1.2		10/10/16
Otter Species Protection Plan		
Preliminary Bat Roost Assessment Version 1.2		07/07/16
Bat Activity Surveys Version 1.2		06/10/16
Bat Species Protection Plan Version 1.4		10/11/17
Landscape Proposals Design Statement Version 04		05/12/17
Flood Risk Assessment	20379	21/10/16
Original Topographic survey	20379 Plan A	01/09/17
Additional Co-ordinates and Water Levels	20379 Plan B	01/09/17
A9 Water Flow Route	20379 Plan C	01/09/17
Revised Flood Study Calculations		01/09/17
Drainage Impact Assessment and Design and Appendices	20379	01/09/17
Flood Risk Assessment Addendum Report	20379	26/10/17
Indicative Drainage Layout	20379- SK200 Rev B	12/01/17
Proposed Drainage Details	20379- SK201 Rev A	12/01/17
Planning Consultant Comments		
Design and Access Statement		
Justification and response to issues raised by Morris Steadman Associates		Jan 2017

Historic Designed Landscapes Project Site Research Report 03 Balavil		May 2013
Retail Statement	BALI	Sept 2016
Open Day feedback		11/09/16
Photographs of building		
Transport Statement	20379 Revision B	28/08/17
Drainage Strategy	20379	12/01/17
MSA response to consultees Rev A		
Design and Access Statement Sustainable Design – Policy 3 Revised		12/09/17
Phase I Site Investigation	1016-001	06/10/16

6. Two applications have been submitted for full planning permission and listed building consent for the conversion of existing traditional farm buildings and farmhouse to form visitor and commercial uses. This report covers both applications with individual recommendations at the end of the report for the two decision notices which will require to be issued.
  
7. The development comprises a number of elements as follows:
  - a) Alterations to and conversion of existing farmhouse to form estate interpretation and office facilities. Existing front porch and dormer features will be removed together with rear extension.
  - b) Alterations and conversion of steading buildings to form farm shop and estate shop facilities – total floorspace 286 square metres. This will involve an extension to the east of the existing steading complex to provide for an additional wing which will house farm shop provision. It is also proposed to create “pend” type openings in the main northern elevation of the steading building to facilitate pedestrian access through from the car parking area to the main complex.
  - c) A new building is proposed to the north of the existing complex measuring some 33 metres by 6 metres. This against an existing stone wall here, and will be of pitched roof design with timber walls. It will house café and visitor toilet facilities with provision for outdoor seating too for 16 tables. The floorspace of the café provision is noted as 210 square metres with a total of 18 tables shown.
  - d) Extension and renovation of existing dilapidated mill building in north west corner of site to provide for mill and events spaces of around 200 square metres. The existing building will be extended southwards and pitched roof provided. Again timber walls will be used for the new building works.
  - e) Demolition of some components of buildings and walls to north and east of site.

- f) Reuse and renovation of former cart shed in north east part of site to house staff facilities, storage and bike storage.
  - g) Formation of parking areas including bus spaces and disabled spaces to north of site with some disabled provision at the south end of the site beside the former farmhouse.
8. Plans of the proposals are attached as **Appendix I**.
  9. Proposed finishes of building works are natural slate roofs, cast aluminium rain water goods, wooden windows, and re-use of existing natural stone for existing and proposed works. It is proposed to use the existing vehicular access from the A9 trunk road- this access point will be upgraded with visibility splays provided and junction upgraded. Pedestrian/cycle access will be provided through the Balavil Estate from Lynchat under the A9.
  10. Foul drainage will be disposed of by means of private sewage treatment plant whilst surface water drainage will be dealt with by a system of roadside swales and attenuation. Connection to private water supply is proposed.
  11. As noted earlier the Raits Burn lies to the west of the site and the site lies within an area designated as a flood risk area on SEPA's maps. Accordingly a Flood Risk Assessment including topographical survey was submitted. The survey extended beyond the site upstream and downstream of the site and a hydraulic model produced. This work highlighted that the culvert under the A9 downstream of the site was a major constriction to flow and that compensatory flood storage, initially proposed by lowering the western banks of the burn within the site could help address this existing issue. This was updated following ongoing consultation with relevant consultees and a revised Flood Risk Assessment Addendum provided which sought to demonstrate that there would be no increased risk of flooding at or around the site with existing informal banking alongside the Raits Burn to be retained with no changes to ground levels.
  12. The majority of existing trees in and around the site will be retained with Tree Protection Plan provided and Arboricultural Impact Assessment/Method Statement. A landscape scheme has also been provided.
  13. Other key documents submitted in support of the application are:
  14. Retail Statement: outlining how the proposals impact upon and complement existing facilities in Newtonmore and Kingussie. This concludes that the development represents significant inward economic investment (£5,000,000 of initial investment) creating up to 15 new jobs, and providing a high quality tourist destination and quality visitor facility as part of a planned or impromptu stop along the A9. It also concludes that the proposals will provide a complimentary retail facility to existing provision in the area with no sequentially preferable sites available within any town centre that could accommodate the proposed development.

15. Transport Statement which includes information on how the site will be accessed by pedestrians and cyclists via an existing track from Lynchat through the Balavil estate to the site. This plan is included in **Appendix I**.
16. Pollution Control Measures Statement document setting out how the environmental interests in the area, including the Raits Burn as part of the River Spey SAC, will be protected. Proposals to employ an Environmental Clerk of Works (ECOW) are also referred to. Otter Survey and Species Protection Plan, Bat Survey and Species Protection Plan and Ornithology Plan have also been submitted.
17. The applicants' agents submitted a justification and response statement to issues raised by Historic Environment Scotland and the Highland Council Conservation Officer. This explains the rationale behind replacing windows which are not original, as well as the proposal to remove additions such as the front porch and rear additions to the farm house. Information on re-slating is also included.
18. A Phase I Investigation report and Design Statement were also provided together with a summary of the feedback from visitors to an open day held at Balavil Estate in September 2016 to explain the proposals to the public. This statement lists verbatim comments from visitors to the open day which are largely supportive of the proposals.

## History

19. There have been various planning applications in the wider Balavil Estate for works to existing houses, prior notification application for repairs to track north of application site and of Balavil House, (16/04569/PNO) replacement houses etc. but no recent history on the application site itself.

## DEVELOPMENT PLAN CONTEXT

### Policies

<b>National Policy</b>	Scottish Planning Policy 2014	
<b>Strategic Policy</b>	Cairngorms National Park Partnership Plan 2017 - 2022	
<b>Local Plan Policy</b>	Cairngorms National Park Local Development Plan (2015) Those policies relevant to the assessment of this application are marked with a cross	
POLICY 1	NEW HOUSING DEVELOPMENT	
POLICY 2	SUPPORTING ECONOMIC GROWTH	<b>X</b>
POLICY 3	SUSTAINABLE DESIGN	<b>X</b>
POLICY 4	NATURAL HERITAGE	<b>X</b>
POLICY 5	LANDSCAPE	<b>X</b>
POLICY 6	THE SITING AND DESIGN OF DIGITAL COMMUNICATIONS EQUIPMENT	
POLICY 7	RENEWABLE ENERGY	
POLICY 8	SPORT AND RECREATION	

POLICY 9	CULTURAL HERITAGE	<b>X</b>
POLICY 10	RESOURCES	<b>X</b>
POLICY 11	DEVELOPER CONTRIBUTIONS	

20. All new development proposals require to be assessed in relation to policies contained in the adopted Local Development Plan. The full wording of policies can be found at:

<http://cairngorms.co.uk/uploads/documents/Park%20Authority/Planning/LDPI5.pdf>

## Planning Guidance

21. Supplementary guidance also forms part of the Local Development Plan and provides more details about how to comply with the policies. Guidance that is relevant to this application is marked with a cross.

Policy 1	New Housing Development Non-Statutory Guidance	
Policy 2	Supporting Economic Growth Non-Statutory Guidance	<b>X</b>
Policy 3	Sustainable Design Non-Statutory Guidance	<b>X</b>
Policy 4	Natural Heritage Supplementary Guidance	<b>X</b>
Policy 5	Landscape Non-Statutory Guidance	<b>X</b>
Policy 7	Renewable Energy Supplementary Guidance	
Policy 8	Sport and Recreation Non-Statutory Guidance	
Policy 9	Cultural Heritage Non-Statutory Guidance	<b>X</b>
Policy 10	Resources Non-Statutory Guidance	<b>X</b>
Policy 11	Developer Contributions Supplementary Guidance	

## CONSULTATIONS

22. A summary of the main issues raised by consultees now follows:
23. **Scottish Natural Heritage (SNH)** was consulted on the initial submission in relation to impacts upon designated sites. They required further information including tree survey of the riparian corridor, Otter Survey and a Construction Method Statement to demonstrate that any impacts could be mitigated. SNH noted that this information was also required so that the CNPA, as competent authority, could determine whether the proposal would have a likely significant effect on the qualifying interests of the River Spey SAC.
24. In response to additional information provided they advised that the construction method statement addressed their points. They also advised that trees alongside the Raits Burn should be retained as much as possible and the mitigation set out in the Otter Species Protection Plan followed. Clarification was sought as to the retention of trees alongside the burn as this was mentioned as a mitigation measure in the Otter Species Protection Plan.
25. On receipt of further information in November 2017 SNH has confirmed that in their view the proposal is unlikely to have a significant effect on the qualifying

interests of the River Spey Special Area of Conservation (SAC) either directly or indirectly. They support the recommendations of the Otter plan and note that as far as possible riverside trees should be retained for shelter and screening for otter.

26. **The Scottish Environment Protection Agency (SEPA)** was consulted in relation to flood risk issues as the site lies within a functional flood plain. The agency initially raised an objection to this application due to a lack of information on] flood risk, including a need for topographical information and capacity information of existing bridges. There was ongoing discussion with SEPA and the applicants and additional material was submitted later in 2017 to address SEPA's points, including a Flood Risk Assessment Addendum.
27. SEPA explain that most of the site lies within the functional flood plain and has some risk of flooding, noting that it has not flooded in the past with the probability of flooding being at the lower end of the medium to high scale. This is partly influenced by the presence of informal embankments along the bank of the watercourse. Although the site may flood, depths are thought to be shallow and unlikely to flood the floor levels of the buildings internally. SEPA also understand that the proposed use is in the "less vulnerable" category of their Flood Risk and Land Use Vulnerability guidance and relates to existing buildings.
28. The agency has also explained the importance of ensuring that the development does not impact on flood risk to other receptors outwith the site. They originally had concerns in this regard as the original proposals involved lowering the banks on the opposite (west) side of the watercourse and strengthening/extending the embankments on the nearside (east) of the watercourse. These actions would have affected the mechanisms and behaviour of flooding at the site and could leave other receptors more vulnerable as well as having unintended geomorphological impacts on the channel, increasing risk of erosion and river bank breach elsewhere. (The revised submission no longer proposes to alter the banking.)
29. SEPA has now confirmed that their objection is removed providing conditions are imposed removing permitted development rights; that there are no alterations to raise, strengthen or lengthen/extend the existing informal flood embankments as this could increase the risk to other receptors; a detailed topographical survey is submitted showing existing ground levels for the entire site including embankments with no changes made to these levels. This information will ensure that the existing capacity of the functional flood plain is maintained and the flood regime in the vicinity of the site is not affected.
30. The Agency has also highlighted that there is an existing level of flood risk at the site which requires to be given careful consideration by the applicant and Planning Authority and if this level of risk is not considered to be acceptable to the applicant or other authorities for the use intended then the site should be avoided.
31. **Highland Council Flood Team** initially objected due to the lack of information on flooding and drainage highlighting that a Flood Risk Assessment

(FRA) would be required along with a Drainage Impact Assessment. Further discussion took place on the FRA requirements and in March 2017 the Team maintained their objection on the basis that the submitted Flood Risk Assessment required further work and that the components of any SUDS required to be located outwith the flood plain.

32. Following submission of further information later in 2017 the Team have withdrawn their objection. They have advised that although there are existing informal flood defences in place on site (which are not recognised as a formal flood prevention scheme) the site is considered to be at medium to high risk of flooding. Although the modelling carried out concludes that the site is protected by these informal embankments the potential for breach and overtopping remains. However as the proposal is for conversion of existing buildings to a new use with the same vulnerability classification they accept the proposals, it being noted that as much of the site is in agricultural use the proposal to renovate the buildings for commercial use would result in the site remaining in the “less vulnerable” category with no increased risk. If however a residential use was to be introduced this would change the situation.
33. The Team have highlighted that the applicant should be aware of the commercial risk associated with being located within a medium to high risk flood area and recommend that steps are taken during the renovation to ensure that the buildings have a high standard of flood resilience. To this end they recommend a condition requiring detailed flood modelling to be carried out to determine flood routing and water depths in the event of overtopping or breach of the informal embankments. This can then be used to determine the design of flood resilience measures, site layout and emergency evacuation routes.
34. The Team, similarly to SEPA, also require a condition to be imposed to ensure that there is no ground-raising within the site, including the informal embankments. They also recommend that there should be a 6 metre buffer between the watercourse and any new development.
35. The Team has also noted that due to the lower lying ground to the south and east of the buildings the site is unlikely to flood to any great depth, and that flooding is predicted to occur up-stream of the A9 culvert which would affect the low lying ground between the buildings and the A9. This would flow over the access road to the site but would only occur to shallow depths as the land on the opposite side is lower. Flooding is also predicted to occur on the opposite (west) bank of the Raits Burn. Based on the shallow flood depth on the access road and the fact that no flooding is predicted to affect the A9 the Team are satisfied that emergency access/egress would be achievable during a flood event.
36. The Team has also confirmed that the drainage strategy is acceptable with there being space within the site to locate the SUDS features accepting that in some cases these may be protected by the informal flood embankment. This acceptance is subject to a condition being attached requiring approval of the final detailed design which should also include provision for limiting discharge

for all storm events up to and including the 1 in 200 plus climate change storm, not 1 in 100 as outlined in the applicants' drainage impact assessment.

37. **Transport Scotland** has no objections subject to conditions being attached requiring that the junction onto the trunk road is constructed to the required standards with visibility splays measuring 4.5 metres by 215 metres in both directions provided and no connections made to the trunk road drainage. When re-consulted on revised information Transport Scotland has confirmed these comments remain unchanged. They have also advised that they are aware of the context of the application in relation to any future dualling of the A9 here.
38. **Highland Council Transport Planning Team** initially objected to the application on the basis that further information was required in relation to: the need for such a high level of car parking provision (143 spaces plus 5 coach parking bays); position of disabled parking spaces and details of dimensions of parking spaces/turning areas; assessment of adequacy of site in relation to servicing by public transport and cycling/walking routes; and drainage impact assessment.
39. Following provision of further information and a revised site plan reducing the parking provision the Team continued to seek information on dimensioned site plan with swept path analysis to demonstrate how coaches would reverse out of the spaces; clarification of service delivery arrangements; and the provision of cycle parking. Whilst accepting that the majority of users would be passing trade on the A9 from car users, concern was raised regarding the ability of employees and the local community at Lynchat and Kingussie to access the site by non- car means. The Team noted that there was a need to consider how to provide safe pedestrian access from the bus stop in Lynchat and also safe cycling access.
40. Further information by way of revised site layout and details of a pedestrian/cycle route through the Estate from Lynchat was provided. The Team sought clarification of the management strategy for the reversing of coaches, the widening of the access road from 4.8m to 5.5m, details of the signage strategy from Lynchat; information on the siting of waste /recycling containers together with seeking confirmation that the applicants could deliver the proposed pedestrian/cycle route to the necessary standards.
41. Following final submission of revised information in November 2017 the Team has confirmed that sufficient information has been provided to address their concerns. Whilst reiterating their initial view that the site does not meet the needs of pedestrians, cyclists or public transport users, the Team has confirmed that they do not object to the application providing conditions are attached to cover parking layout, and service delivery together with conditions to ensure that the pedestrian and cyclist route will be fit for purpose.
42. **Highland Council Contaminated Land Team** advise that as the previous use of the site was agricultural a condition be attached requiring an assessment

of potential contamination to be carried out in order to ensure the suitability of the ground for the proposed development.

43. **Highland Council Forestry Team** initially requested that a method statement be provided along with suitable measures for Tree Constraints and Protection Plan. Following submission of further information the Team advised that the proposals were generally satisfactory subject to conditions being applied relating to the use of protective barriers to protect trees during the construction, an updated Arboreal Impact Assessment and submission of detailed Landscape Plan and Maintenance Programme. On receipt of revised arboricultural/landscape information later in 2017 the Team has raised concerns regarding conflicting/unclear information on the landscape and arboricultural plans.
44. **Highland Council Environmental Health Team** has been consulted but has not provided a response to date.
45. **CNPA Landscape Officer** noted that the site sits within the Balavil designed landscape with the renovation considered to be generally in scale and character with the existing buildings. Concern was raised on the initial proposals in respect of the impact the car parking may have over the nature and ambience of the site and it was recommended that this be revised. The Officer also requested submission of an Arboricultural Impact Assessment, Landscape Plan, Construction Method Statement and lighting plan highlighting the need to retain key trees, woodland corridor and planting to conserve and enhance the parkland qualities of this landscape.
46. The parking layout was duly revised and further information provided over the course of 2017. Whilst the revised parking layout was considered acceptable the Officer advised that further trees would be required to soften the earth works associated to the development, along with details of lighting schedule and a proposed road side swale with inconsistencies noted with regards to the information about trees on a variety of drawings. The Officer also recommended that a new stretch of wall be built to wrap around the south eastern corner of the car park as opposed to fencing to enhance the “driveway” experience and deflect the viewer from rooftops of cars together with sections so show how planting and groundworks will fit into the landscape. The officer also highlighted the need for landscape plans and tree protection plans to tie up and be clear on trees to be protected, removed and planted.
47. **CNPA Ecology Team** initially identified a need to re-design the car park in order to retain broad leaf trees. Further information was required by way of Arboriculture Impact Assessment; Landscaping Plan; bat survey of existing buildings and any mature trees to be removed: otter survey of Raits Burn which forms part of the River Spey SAC; and Construction Method Statement to include measures to prevent sediment run off entering the burn and to cover timing of works to avoid the Atlantic salmon breeding season (October to May inclusive) This latter information was required to inform the undertaking of a Habitat Regulations Appraisal of the proposal in view of the potential for

impacts upon the qualifying interest of the SAC. The need for compensation for the loss of nesting features for house martins and swallows was also noted.

48. Further information was provided including bat surveys which concluded that that the farmhouse and steading contained 22 roost locations for common pipistrelle and brown long eared bats – all non-breeding roosts – located within the lofts and crevices/sarking areas. The Species Protection Plan provided details in a satisfactory manner, subject to further clarification of some points, how work will be carried out to avoid harm to bats with further survey work recommended in January/February to determine if any roosts are being used for hibernation which was welcomed.
49. The officers also sought confirmation that an existing Wych Elm could be retained – if not a bat survey of the tree would be required prior to felling.
50. Conditions were recommended with regards to an updated Landscape Plan; proposals to compensate for loss of bird nesting sites: pre-construction survey for breeding birds (osprey) and otter; revisions to Otter Species Protection Plan to ensure that construction does not begin until 1 hour after sunrise and ceases 1 hour before sunset; revised SUDS scheme to incorporate ecological benefits with advice to this end provided; and lighting plan to ensure the burn is not illuminated which could disturb otter.
51. Following receipt of further information later in 2017 the Officers noted continued discrepancies between the landscape plan and tree protection plan. Officers highlighted that it will be necessary to comply fully with the Otter Species Protection Plan with conditions regarding regular reports from the Ecological Clerk of Works required to demonstrate compliance. The revised Bat Species Protection Plan was welcomed as addressing points previously raised and conditions recommended regarding compliance. Conditions regarding lighting plan to be designed to minimise disturbance to bats and otter were also recommended. Clarification on proposals for wych elm (tree 197) required and conditions regarding breeding bird nesting provision and revised SUDS scheme still required.
52. Finally the Ecology Team undertook a Habitat Regulations Appraisal which concluded that, subject to the mitigation contained in the otter Species Protection Plan including a requirement that works be limited to daylight hours and not starting until one hour after sunrise and ceasing one hour before sunset, the development would not adversely affect the integrity of the designated sites. (This requirement has now been reflected in the Otter Species Protection Plan.) The designated sites are the River Spey and Insh Marshes Special Areas of Conservation and Insh Marshes Special Protection Area. This is attached as **Appendix 2**.
53. **CNPA Access Team** advise that there are no issues of significant concern in respect of public access or access.
54. **Kingussie Community Council** object to the application considering it to be contrary to the Cairngorms Local Development Plan as the site is not in

commercial use or zoned for commercial purposes. The Community Council also point out that access is shown via the A9 yet the proposed dualling will result in a reduction of access points in the future. They also note that when the A9 was built in 1975 there was a moratorium of building services adjacent to the road in order to ensure the continued prosperity of the settlements along the route and their services.

55. The Community Council note that LDP policy on supporting economic growth only supports retail development out of town where it supports the economic vitality and viability of the community. It is considered that the proposal would have a catastrophic impact on the viability and vitality of Kingussie with less visitors to the town with any jobs created being at the expense of existing jobs which already struggle to retain and recruit staff.
56. A second response from Kingussie Community council in respect of additional material provided advised that they were content that appropriate mitigation would be taken with regard to bats, otters and birds. Concern was however raised regarding the accuracy of the Retail Impact Statement, accuracy noting that the Rothiemurchus Estate Shop- which provides similar facilities to the proposed development - is not mentioned in the Statement. The Community Council also question the level of retail space in comparison to the high levels of car-parking to be provided which they consider raises concern regarding the true scale of proposed operations. The potential for the displacement of jobs, as opposed to creation of new jobs is noted, citing the butchery element of the proposal as a specific example, along with Ralia Café and Hairy Coo gift shop which is currently signposted as a rest area for motorists which has significant parking provision despite the Retail Statement noting that no existing unit has any ancillary parking provision.
57. The Community Council conclude that there are alternative sites within Kingussie that would put less of strain on existing businesses with existing sites identified in the “Our Community – A Way Forward” initiative dating from 2009.
58. The Community Council was re-consulted on revised plans submitted in November and has confirmed that they remain opposed to the development.
59. **Kincraig & Vicinity Community Council** advise that they have taken a neutral stance on the application, considering it to be an improvement on existing with potential to create local employment. However they noted that concerns were raised regarding access to the development and the possible negative effect on local businesses in Kingussie.
60. **Aviemore Community Council** was not formally consulted on the applications but provided comments objecting on the basis that is contrary to the policies of the Cairngorms Local Development Plan and that it will have a serious detrimental effect on the vitality and viability of the communities along the route of the A9. They highlight that there has been no building of services along the A9 trunk road since the 1970s and this has been successful in ensuring that the economies of local communities are not adversely affected.

They consider that there is no social or community requirement for the proposed development which approved will result in there being no incentive for travellers to leave the A9 to access local services. The adverse effect of this reduction in passing trade will far outweigh any positive effects of more employment.

61. They also highlight the lack of acknowledgement within the application of the dualling of the A9 with questions raised over road safety, specifically the southbound A9 traffic crossing the northbound carriageway or approaching the site from the old A9. Finally concern is raised over the large number of parking spaces included, suggesting possible expansion plans for the business.
62. **Carrbridge and Vicinity Community Council** was not formally consulted on the applications but submitted a holding objection on the grounds of adverse impact and displacement affecting the by-passed villages in Badenoch and Strathspey. No further detailed comments have been received from the Community Council to date.
63. A copy of all Community Council responses is attached as **Appendix 3**.
64. **Inclusive Cairngorms** only comment is to request that widths of doors are suitable for wheelchair users.
65. **Historic Environment Scotland (HES)** initially commented in relation to the Listed Building application to advise that they did not object to the proposals. They highlighted that there should be a presumption in favour of retaining existing features such as boundary wall and entrance porch. They also recommended that further information on re-slating proposals be provided to maximise re-use/salvaging and that any features of historic interest internally should be retained and reused where possible.
66. On receipt of further information they reiterated that they welcomed the proposals to address the ongoing decline of an interesting farm group and bring it back into full use. They did not consider the proposals to raise historic environment issues of national significance and therefore had no objections, highlighting that the application should be determined in accordance with local and national policy for listed buildings and associated guidance.
67. They noted that that they were unclear about the interest of the walls proposed for demolition on the north east side of the complex but would be happy to provide further advice if the Planning Authority required further assistance.
68. **The Highland Council Historic Environment and Planning Team** also commented on the Listed Building Application to advise that they were supportive of an ambitious scheme which largely faithfully restores the heritage buildings and develops sympathetic contemporary elements. They raised some design issues in relation to the original scheme, querying the need to remove the front porch; the need to retain original doors and windows unless replacement is fully justified; concern regarding the loss of the cart shed façade;

the need to retain the cobbled courtyard and the need to retain existing slated roofs or re-slate with salvaged slate.

69. Following a site meeting with the Conservation Officer clarification of the above points was provided by the applicants and the point regarding demolition of walls raised by HES fully discussed, with HES subsequently confirming satisfaction with the approach.
70. Revised plans to address points raised at this joint site meeting were also submitted. The Conservation Officer has now confirmed support for the proposals, noting that significant issues including retaining the inner gable and bay to the cart shed, as well as clarity on other openings and retention of historic fabric have now been satisfactorily addressed.
71. The Historic Environment Team also requested that a condition be attached to require the provision of a photographic record of the buildings for their records.

## REPRESENTATIONS

72. The applications have been advertised One representations has been received which is attached as **Appendix 4** The representation offers support for the development stating that Kingussie desperately needs this kind of development to attract tourists and that local businesses will benefit from it.

## APPRAISAL

73. The following is a joint report for Planning Application (2016/153/DET) and Listed Building Consent application (2016/0143/LBC).

### Principle

74. The principle of converting existing building stock to a new use is well established by Policy 3: Sustainable Design of the Cairngorms National Park Local Development Plan 2015 which under Policy 3.3 supports the reuse of redundant buildings where the conversion works maintain the style and character of the original building in terms of form, scale, materials and detailing. Similarly Policy 9: Cultural Heritage supports the conservation and enhancement of listed buildings. As such the principle of re-using this farmhouse and steadings in a productive way is greatly welcomed providing the design, servicing and layout of the proposals is considered satisfactory and this will be considered later in this report in more detail.
75. In terms of the principle of the development it is also necessary to consider the principle of this commercial development in relation to Policy 2: Supporting Economic Growth of the Cairngorms National Park Local Development Plan 2015. The development is a mixture of retail, café, play space, events, mill and office space. As such policy 2.1 Retail Development applies which supports retail development where it uses a sequential approach to site selection

focussing on town/village centre sites first, then sites within settlements, then out of settlement sites where the development supports economic vitality and viability of the community. The policy also outlines that developments should have no adverse impacts on neighbouring properties and no detrimental impact upon the vitality and viability of the settlement/centre. The policy allows for exceptions to this where there is a social or community need for the proposal.

76. In this case the applicants have detailed in their supporting retail statement the case for the development. They have explained why they consider it will not adversely affect the local communities of Kingussie and Newtonmore, but rather will complement them by providing an attraction to tourists along the busy A9 route, create of local employment as well as supporting local crafts and the Balavil Estate itself They have set out how there are no suitable sites within the communities of Kingussie or Newtonmore to accommodate the proposed development, and have sought to highlight that the development is a bespoke one, providing a new offering based on Balavil Estate.
77. Although there has been little response to the application by way of representations from the public, apart from one letter of support, the local community councils of Kingussie, Aviemore , Kinncraig and Carrbridge have all objected to the proposals raising concern that it will detract from the facilities provided by the local centres and displace both trade and workforce. The Community Councils have also highlighted that facilities alongside the A9 have been restricted since the 1970s.
78. Whilst the views of the Community Councils are appreciated and understood, on balance it is not considered that there is any evidence that a development of this scale - under 400 square metres of retail space as opposed to a larger scale supermarket type development - is likely to have a significant effect on the communities. Although there is inevitably a degree of competition between new uses and existing uses, there may also be opportunities for the development to complement communities through providing an outlet for local produce. Additionally there may opportunities for the communities to work with the developer to promote the attractions of their communities.
79. In this case an important material consideration is the considerable benefits arising from the re-use of a redundant building. Using a brownfield site in this way is considered to be beneficial overall particularly as it will secure the long term future of a category B listed building of architectural and historic importance. There will also be economic benefits arising from the works to the building in terms of initial investment which is estimated by the applicant to be around £5,000,000 together the associated employment opportunities, as well as the applicants' estimate of 15 new jobs created when the development becomes operational.
80. Also relevant in this case is Policy 3.2 Tourism and Leisure Development which offers support for developments which enhance tourism and leisure based business activities and attractions where they have no adverse impacts on the site or neighbouring area, make a positive contribution to the experience of visitors and adds to or extends the tourism season. The proposed development

has the potential to deliver on these objectives by providing a useful addition to the tourism offering in the National Park.

81. The supporting text to Policy 3 Supporting Economic Growth explains that this policy will be used to support appropriate economic development which ensures sustainable growth and supports our communities. It is intended to protect communities from inappropriate development and loss of existing facilities and help them keep vibrant and sustainable. It goes on to say that whilst it is expected that much development will be within existing settlements some will require a more rural setting and applicants will be asked for evidence to support specific locational requirements. It also explains that the policy supports appropriate development undertaken in harmony with the location and where it extends the tourist season and the availability of facilities to communities and is designed to the highest standards. The application is considered to support these objectives. Furthermore it not considered that there is a presumption as such against out of village/town commercial reuse of existing property as proposed here nor is there a specific policy presuming against development alongside the A9, with Transport Scotland no longer operating a presumption against new facilities along the A9.
82. Overall it is considered that there is a satisfactory case as to why the development may not adversely affect the vitality and viability of the local communities but instead may provide potential to enhance the wider offering of the area. As such the proposals in principle are considered to comply with Policy 3: Supporting Economic Growth. This is of course subject to full consideration of the detail of the siting, design, layout, servicing and environmental impacts of the proposals which will now be considered.

### **Access and Sustainable Travel Issues**

83. Policy 3: Sustainable Design of the Cairngorms National Park Local Development Plan 2015 sets out that new development should be designed to maintain and maximise all opportunities for responsible outdoor access including links into the existing path network and to promote sustainable transport methods including making provision for the storage of bicycles and reducing the overall need to travel.
84. The application site is located around 4 km from the nearest sizeable settlement at Kingussie. Whilst it is likely that much of the trade for the site will be from passing motorists it is also important to consider how the accessibility of the development to local communities and users/potential staff by non-car means. Initial proposals to access the site by cycling and walking via the B9152 Kingussie to Kincaig road was not considered to be satisfactory by the Highland Council Transport Planning Team in terms of the need to share the road with cars. Following discussion the applicants' alternative solution of using existing tracks through the estate from Lynchat to the application site is considered to provide a good solution. This would allow persons coming by bus to walk from the bus stop at Lynchat along the track to the site or for cyclists to use this route.

85. Any upgrades required to ensure a suitable surface/experience for users may be secure by planning condition in the event of the application being supported and overall this may secure an improvement in public access by making the Balavil Estate more readily accessible to the public as they make their way to the site through the very attractive grounds of the Estate. All land necessary to deliver this access route is under the control of the applicants as outlined in blue on the application submission.
86. In these circumstances it is considered that the proposed development, subject to appropriate planning conditions, complies with Policy 3: Sustainable Design in relation to sustainable travel issues.
87. With regard to the proposed vehicular access arrangements, the application seeks to use an existing access point onto the A9 which will require to be upgraded to meet the standards and requirements of Transport Scotland as this is a trunk road. An appropriate planning condition can be imposed to this regard and the details of the junction upgrade will require to be approved in consultation with Transport Scotland who has raised no objection to the proposed development.
88. It is fully appreciated that plans for the dualling of the A9 are ongoing and that to date these have sought to minimise and reduce direct accesses onto the A9. However at this point in time there are no proposals agreed for this stretch of the A9 and in the absence of an objection from Transport Scotland it is difficult in land use planning terms to resist the application on the basis of dualling proposals which have not been agreed. If the application is approved and subsequent dualling proposals by Transport Scotland call into question the access arrangements then it will be for Transport Scotland to fully consider this matter and if necessary consider alternative access arrangement. They were meantime well aware of the situation when commenting on this application.
89. On this basis, subject to appropriate planning conditions being imposed, the application is considered to comply with Policy 3: Sustainable Design in relation to its requirement for development to include an appropriate means of access.

### **Flooding Issues**

90. Policy 10: Resources of the Cairngorms National Park Local Development Plan 2015 seeks to ensure that all development is free from a significant risk of flooding, does not increase the risk of flooding elsewhere nor add to the area of land that requires flood prevention measures or affect the ability of the functional flood plain to store or move flood waters.
91. As the site lies within a flood risk area as identified on SEPA's map it was essential to fully consider the potential risks from flooding to both the site and other receptors in the area as required by policy. This matter has been the subject of ongoing discussion with our key technical advisors at SEPA and the Highland Council Flood Risk Management Team as outlined in the consultations section. Following submission of revised information it has been demonstrated

that the proposals will not increase flood risk elsewhere subject to no changes being made to the existing embankments alongside the Raits Burn nor any changes to ground levels on the site. This has been agreed in principle and appropriate planning conditions can now be imposed in the event of the application being supported to ensure that this is secured.

92. Whilst there is an existing risk of flooding at the site itself the vulnerability of the proposed use is classed as low, and access to the site should not be affected by flooding. In addition planning conditions can be imposed as suggested by the Flood Risk Management Team to secure a management plan for ensuring flood resilience in the event of any overtopping of the burn.
93. On this basis the application is considered to comply with policy subject appropriate planning conditions being imposed.

### **Environmental Impacts**

94. Policy 4: Natural Heritage s of the Cairngorms National Park Local Development Plan 2015 seeks to ensure that there is no adverse impact on the integrity of designated sites, nor upon protected species or biodiversity. Development.
95. The main likely environmental impacts from this development relate to the potential for discharges (for example silt) to the adjacent Raits Burn which forms part of the River Spey SAC. Also the potential for disturbance to the otter which use this burn and to bats which are roosting in the buildings and potentially in any trees to be removed/coppiced. In addition there is a need to ensure as many trees as possible are retained, particularly those along the burnside which provide habitat for otter and that any new landscape scheme ensures that biodiversity is promoted and supported.
96. Sufficient information has been provided to demonstrate that any impacts can be satisfactorily mitigated by both working practises and by measures outlined in the species protection plans including retention of burnside habitat and provision of compensatory features within the new development.
97. A Habitat Regulations Appraisal has also been undertaken which has demonstrated that there will be no adverse impact upon the integrity of the NATURA sites in the vicinity.
98. It is however essential to ensure that key mitigation measures are implemented and that there is supervision by suitably qualified persons throughout the construction process to ensure this is the case. Appropriate planning conditions can be attached to cover this in the event of the application being approved and on this basis the application is considered to comply with Policy 4.
99. Given the previous agricultural use of the site Policy 10: Resources of the Cairngorms National Park Local Development Plan 2015 is also relevant in respect of environmental impacts. This requires that assessment is carried out

in relation to any development affecting contaminated land with appropriate remedial actions taken as necessary depending on the outcome of investigation.

100. In this case a phase I investigation has now been undertaken and planning conditions can be imposed to cover the comments of the Highland Council Contaminated Land Team. On this basis the application is considered to comply with Policy 10.

### **Landscape and Amenity Impacts**

101. Policy 5: Landscape of the Cairngorms National Park Local Development Plan 2015 presumes against development which does not conserve and enhance the landscape character and special qualities of the National Park and in particular the setting of the proposed development. Furthermore, although the landscape at Balavil is not included in Historic Scotland's inventory of designed landscapes and gardens, it does form part of a research project by the CNPA which describes the qualities of various historic designed landscapes throughout the Park including Balavil, recognising the quality of this landscape here.
102. In this case the proposed renovations as well as the new build elements are considered to enhance the landscape by sympathetically renovating buildings which are important in the landscape. Furthermore the proposals offer the opportunity to enhance both the setting of the building and the wider landscape if a good quality landscape setting is achieved and maintained. This is readily achievable through retention of trees alongside the Raits Burn as well as woodland between the development and the A9 and other key trees on site complemented by additional tree planting and careful attention to the formation of the new car parking areas.
103. Landscape information submitted to date indicates that this can be achieved although further details/refinement is required to ensure all points of detail raised by consultees is reflected in the final detailed scheme. Also to ensure that there is complete clarity on trees to be removed for both landscape and ecological (bat) reasons. Planning conditions can be attached to this end.
104. Similarly it is important to ensure that hard landscaping and boundary enclosures are of a good standard in keeping with the quality of the landscape here and the listed buildings. Again this can be readily achieved and delivered through a detailed landscape scheme.
105. In these circumstances the proposed development is considered to comply with Policy 5: Landscape.
106. Finally in respect of residential amenity impacts in the immediate vicinity, it is considered that the development is sufficiently distant from any other properties so as to ensure ready compliance with the requirements of Policy 3: Sustainable Design of the Cairngorms National Park Local Development Plan 2015. This policy seeks to ensure that new development protects the amenity currently enjoyed by neighbours.

## Design and Cultural Heritage

107. Policy 9: Cultural Heritage of the Cairngorms National Park Local Development Plan 2015 seeks to ensure that development affecting listed building has no adverse effect on the structure or the setting, and conserves and enhances the structure and the contribution it makes to the cultural heritage of the National Park. The policy also requires the layout, design, scale, siting and use of the development to be appropriate to its character and setting. Policy 3: Sustainable Design similarly requires development to be sympathetically designed and sustainable.
108. The proposed development involves a sympathetic renovation of a category B Listed Building of architectural and historic importance which is falling into disrepair. This in itself is an inherently sustainable approach. The removal of components of the existing farmhouse, such as more recent dormers and rear extension, has been fully justified, as has the removal of the front porch. Similarly the alterations to the steading complex and renovations/extension to the former mill building are considered to be entirely in character. These new elements are of a simple design that complements rather than detracts or competes with the original buildings whilst the overall mixed use is in character with the complex here.
109. Historic Environment Scotland and the Highland Council Conservation Officer share this view, welcoming the development. The applicants have submitted design information which amongst other matters explains the approach to re-slating of roofs and replacement windows. The general approach is considered to be satisfactory. The final details can be refined and agreed by way of conditions which can be attached to the listed building consent in the event of the applications being supported. The setting of the building can be conserved and enhanced by the retention of existing trees and provision of new landscaping, together with care over hard landscaping and boundary treatments as outlined in the landscape section earlier.
110. In these circumstances the design of the proposals is considered to comply with Policy 9: Cultural Heritage and Policy 3: Sustainable Design.

## General Servicing Issues

111. Policy 3: Sustainable Design and Policy 10: Resources of the Cairngorms National Park Local Development Plan 2015 set out the need for new development to be satisfactorily serviced and without harm to resources or the environment.
112. In this case it is proposed to service the site by means of private water supply and a private drainage plant. Although these matters will also be controlled under building regulations, it is appropriate to secure approval of final details of the arrangements via planning conditions. Similarly there is sufficient space

within the site to make arrangements for waste management provision and this too may be conditioned in terms of the final detail.

- I 13. In relation to arrangements for the disposal of surface water the principle of the applicants' proposals are acceptable to the technical consultee (Flood Risk Management Team) subject to some further clarification of details. This will also offers an opportunity to try and integrate SUDS proposals with landscape proposals to improve biodiversity. Appropriate conditions can be imposed to this end.
- I 14. In these circumstances the application is considered to comply with Policies 3: Sustainable Design and 10: Resources.

### **Other Issues Raised in Consultations and Representations**

- I 15. Inclusive Cairngorms as a consultee has raised the issue of the importance of ensuring that the development is suitable for wheelchair users. The layout as proposed makes provision for both disabled access and level paths to the site. In addition this will also be fully considered at the building warrant stage in terms matters such of door widths. Consequently it is considered that this matter can be satisfactorily addressed.
- I 16. Kingussie Community Council also raised the issue of an alternative sites being identified by community plans elsewhere in the village for commercial development. As noted earlier in this report it is considered that the case for this brownfield development site has been satisfactorily demonstrated and this should not preclude other commercial proposals in the village coming forward in the future.
- I 17. All other matters raised by consultees have been fully addressed in this report.

### **CONCLUSION**

- I 18. The proposed development involves the change of use of underused agricultural buildings and associated farmhouse to a mixed use which will provide an addition to the tourism offering in the National Park. It will sensitively bring Listed Buildings of architectural and historic importance back into a productive use securing their long term viability and maintenance which is greatly welcomed. The additional new building works are of a good design complementing the existing listed buildings and a good landscape setting can be secured whereby the proposal will conserve and enhance the landscape and special qualities of the National Park. There are no adverse environmental impacts subject to appropriate mitigation being implemented and the site can be accessed and serviced to the satisfaction of the appropriate authorities.
- I 19. The development will also provide the opportunity to secure improved pedestrian and cycle access through the Balavil Estate to the development. Whilst appreciating the concerns of the Community Councils, as noted previously there is no evidence that the proposed development, which is

essentially a change of use and expansion of existing buildings, will have an adverse impact upon the viability of communities in the area. Appropriate planning conditions can be imposed to ensure that the mix of uses remains as proposed.

120. Sufficient information has now been submitted by the applicants to demonstrate that the development can proceed without harm to the environment or landscape subject to final details/refinement being agreed which will require a number of suspensive planning conditions to be attached.
121. In these overall circumstances the development is considered to comply with all relevant policies of the Cairngorms National Park Local Development Plan 2015 and the collective aims of the National Park. There are no other material considerations which would warrant the refusal of planning permission. Approval is therefore recommended subject to appropriate planning conditions

## RECOMMENDATION

**That Members of the Committee support a recommendation to grant FULL PLANNING PERMISSION AND LISTED BUILDING CONSENT for the Conversion of redundant farm buildings to visitor facilities and commercial use, including alterations and extension of existing structures, construction of new buildings for cafe, catering and events use, formation of vehicle parking area at Balavil Mains Farmhouse Kingussie Highland PH21 1LU subject to the following conditions**

Those conditions listed below in bold text are suspensive conditions, which require to be discharged prior to implementation of the development.

### Conditions relating to Full Planning permission reference 2016/0153/DET

- I. **No development shall commence until details of the access junction onto the A9 have been submitted to and approved in writing by the Cairngorms National Park Authority acting as Planning Authority in consultation with Transport Scotland. These details to reflect the following requirements:**
  - a) **Access junction to be constructed to standard described in the Department of Transport Advice Note TA 41/95 (Vehicular Access to All Purpose Trunk Roads) (as amended in Scotland) complying with Layout 5.**
  - b) **Provision and maintenance of visibility splays on each side of the access point. These splays are triangle of ground bounded on two sides by the first 4.5 metres of the centreline of the access driveway (the set-back dimensions) and the nearside trunk road carriageway measured 215 metres (the y dimension) in both directions from the intersection of the access with the trunk road. In a vertical plane, nothing shall obscure visibility measured from a driver's eye height of between 1.05 metres and 2 metres positioned at the set-back**

dimension to an object height of between 0.26 metres 1.05 metres anywhere along the y dimension.

c) **No drainage connections to the trunk road drainage system.**

**No development shall commence until the junction is completed in accordance with the approved plans and it shall be maintained thereafter in accordance with the approved plans throughout the lifetime of the development hereby approved.**

Reason: To ensure that the standard of access layout complies with the current standards, that the safety of traffic on the trunk road is not diminished, that drivers of vehicles leaving the site are enabled to see and be seen by vehicles on the trunk road carriageway and join the traffic stream safely, and to ensure that the efficiency of the existing drainage network is not affected all in accordance with Policy 3: Sustainable Design of the Cairngorms National Park Local Development Plan 2015.

- 2. No development shall commence until a detailed topographical survey showing the existing ground levels for the entire site, including the informal flood embankments, has been submitted to and approved in writing by the Cairngorms National Park Authority acting as Planning Authority in consultation with SEPA and the Highland Council Flood Risk Management Team.**

**Thereafter throughout the lifetime of the development there shall be no changes to the existing ground levels shown in the approved topographical survey and specifically there shall be no alterations made to raise (above existing levels) strengthen or lengthen/extend the existing informal flood embankments as shown on the approved topographical survey.**

Reason: To ensure that the existing capacity of the functional flood plain is maintained and that the flood regime in the vicinity of the site is not affected, in accordance with Policy 3: Sustainable Design and Policy 10: Resources of the Cairngorms National Park Local Development Plan 2015.

- 3. No development shall commence until detailed flood modelling has been submitted to and approved in writing by the Cairngorms National Park Authority acting as Planning Authority in consultation with the Highland Council Flood Risk Management Team to determine flood routing and water depths in the event of overtopping or breach of the informal flood embankments.**

**This modelling shall be used to determine the design of flood resilience measures, layout and emergency evacuation routes and these details shall be included in the submission of information. Thereafter any measures required shall be implemented in accordance with the approved details before any part of the development is brought into use and maintained and retained thereafter in accordance with the approved details.**

Reason: To ensure that any implications from flooding are fully considered in the design of the development in order to minimise any impact upon users in accordance with Policy 3: Sustainable Design and Policy 10: Resources of the Cairngorms National Park Local Development Plan 2015.

4. **No development shall commence until a site plan showing a 6 metres buffer zone from the Raits Burn to be kept free of new development has been submitted to and approved in writing by the Cairngorms National Park Authority acting as Planning Authority in consultation with the Highland Council Flood Risk Management Team.**

**Development, hereby approved, shall thereafter proceed in accordance with the approved plan.**

Reason: To ensure that any implications from flooding are fully considered during the construction of the development in accordance with Policy 3: Sustainable Design and Policy 10: Resources of the Cairngorms National Park Local Development Plan 2015.

5. **No development shall commence until a detailed design for the disposal of surface water and the associated elements of a SUDS scheme and details of the disposal of foul sewage has been submitted to and approved in writing by the Cairngorms National Park Authority acting as Planning Authority in consultation with the Highland Council Flood Risk Management Team. This scheme shall reflect the following requirements:**

- a) **The final drainage design to limit discharge for all storm events up to and including the 1 in 200 year plus climate change storm event together with associated calculations and confirmation that the discharge will be limited to pre development rates for all return periods.**
- b) **Provision of percolation test results at appropriate locations to demonstrate that appropriate site specific infiltration rates have been used in the design.**
- c) **Consideration of replacement of attenuation tank with SUDS basin and integration of SUDS components within courtyard area in formal bio-retention areas and proprietary tree SUDS.**
- d) **Details of the ongoing maintenance of the scheme.**

**The surface water drainage arrangements shall thereafter be implemented in accordance with the approved plans with certification from an appropriately qualified professional confirming compliance submitted to and approved in writing by the Cairngorms National Park Authority acting as Planning Authority in consultation with the Highland Council Flood Risk Management Team before any part of the development is brought into use. The scheme shall thereafter be maintained in accordance with the approved details throughout the lifetime of the development hereby approved.**

Reason: To ensure that satisfactory arrangements for the disposal of surface water and foul drainage are provided in accordance with Policy 3: Sustainable Design, Policy 4: Natural Heritage and Policy 10: Resources of the Cairngorms National Park Local Development Plan 2015.

- 6. No development shall commence until the detailed route assessment in relation to the proposed pedestrian and cyclist access to the site from Lynchat has been submitted to and approved in writing by the Cairngorms National Park Authority acting as Planning Authority in consultation with the Highland Council Transport Planning Team. This assessment will require to demonstrate that the route is fit and safe for purpose and which shall include the following information:**
- a) Written and photographic description of the route including widths and availability of verges.**
  - b) Location of uneven surfaces that may cause trip hazards and areas of ponding or flooding.**
  - c) Location of any gates or cattle grids.**
  - d) Approximate number and type of vehicles on existing tracks that will be shared by cyclists and pedestrians.**
  - e) Assessment of any road crossings.**
  - f) Assessment of any tunnel including height, width and lighting.**
  - g) Details of any improvements or repairs necessary.**
  - h) Signing strategy from Lynchat to the development.**
  - i) Details of future maintenance programme.**

**The route shall thereafter be implemented in accordance with the approved plans before any part of the development is brought into use and maintained thereafter in accordance with the approved scheme throughout the lifetime of the development hereby approved.**

Reason: To ensure that the development can be accessed by cyclists and pedestrians in order to promote sustainable transport methods in accordance with Policy 3: Sustainable Design of the Cairngorms National Park Local Development Plan 2015.

- 7. No development shall commence until evidence that the site is suitable for the proposed use in relation to an assessment of potential contamination has been submitted to and approved in writing by the Cairngorms National Park Authority acting as Planning Authority in consultation with the Highland Council Contaminated Land Team. This assessment shall be consistent with the approach to land contamination contained in Scottish Government Planning Advice Note 33 and the British Standard BS 10175:2011 + A1:2013 Investigation of Potentially Contaminated Sites. If any contamination is found a remedial strategy shall also be submitted to and approved in writing by the Cairngorms National Park Authority acting as Planning Authority in consultation with the Highland Council**

**Contaminated Land Team and implemented before any development commences.**

Reason: To ensure that the site is suitable for the intended use and that there are no adverse impacts upon human health or the environment in accordance with Policy 10: Resources of the Cairngorms National Park Local Development Plan 2015.

- 8. No development shall commence until the following landscape and arboricultural information has been submitted to and approved in writing by the Cairngorms National Park Authority acting as Planning Authority in consultation with the Highland Council Forestry Team:**
- a) Detailed landscape scheme showing all trees to be retained and trees/shrubs to be planted. Full details of species, number, location, sizes and planting distances to be provided. Hard landscaping to be included covering surfacing, boundary enclosures, finishes of the courtyard and former garden areas, reflecting the requirement to retain/re-use existing cobbles in the courtyard area. The scheme to reflect the provision of a natural stone wall to wrap round the south east corner of the car park and for rondels of trees to be provided. North-south sections through the car park to show bunding and ground works to be included.**
  - b) Maintenance schedule and long term objective based management plan for all landscape areas.**
  - c) Revised Arboricultural Impact Assessment including details of supervision by a suitably qualified arboriculturalist when working in the vicinity of root protection areas. The submission to reflect the need for paths over root protection areas to be constructed using a cellular containment system and for any track widening, swales and SUDS/drainage provision to ensure no damage to tree roots..**
  - d) Revised Tree Protection Plan clearly detailing all trees to be removed and those to be retained and measures for their protection. This shall reflect the requirement to retain existing riparian planting alongside the Raits Burn as far as practicable with coppicing to be considered where trees may affect existing buildings. Any resultant requirements for bat surveys of trees to be removed or coppiced to be detailed and undertaken for example tree number 197.**
  - e) Trees to be retained shall include the wych elm in the south west of the site.**

**All information on the plans required by points (a), (c) and (d) shall be consistent and shall also be consistent with the surface water drainage proposals.**

**The development shall be implemented in accordance with the approved details before any part of the development is brought into use with the exception of the new planting which shall be implemented in the first planting season following any part of the**

**development being brought into use. All landscaping shall be maintained thereafter in accordance with the approved details throughout the lifetime of the development hereby approved.**

**No part of the development shall be brought into use until certificates of compliance with the Arboricultural Impact Assessment requirements have been submitted to and approved in writing by the Cairngorms National Park Authority acting as Planning Authority in consultation with the Highland Council Transport Planning Team.**

Reason: To ensure that trees are adequately protected, a suitable landscape setting established and that the development conserves and enhances the landscape character and special qualities of the National Park in accordance with Policy 5: Landscape of the Cairngorms National Park Local Development Plan 2015.

- 9. No development shall commence until all retained trees are protected against construction damage in accordance with the details approved under the terms of condition 8 and using protective barriers in accordance with BS5837:2012 Trees in Relation to Design, Demolition & Construction. Barriers are to remain in place throughout the construction period and must not be moved or removed without the prior written approval of the Planning Authority.**

Reason: To ensure the protection of retained trees throughout the construction period and so ensure that the development conserves and enhances the landscape character and special qualities of the National Park in accordance with Policy 5: Landscape of the Cairngorms National Park Local Development Plan 2015.

- 10. No development shall commence until a Lighting Plan has been submitted to and approved in writing by the Cairngorms National Park Authority acting as Planning Authority. This plan shall detail all lighting proposed including position and intensity reflecting the need to minimise light spillage and to avoid illuminating the woodland corridor of the Raits Burn. The Plan shall include a night time visualisation (taken from the A9 heading south) and shall reflect the requirement for the design to be informed by the bat worker to ensure that the location of bat roosts/foraging areas is fully considered in the design.**

**All lighting shall thereafter be implemented and maintained in accordance with the approved details.**

Reason: To ensure that lighting at the site conserves and enhances the landscape character and special qualities of the National Park and does not adversely affect European Protected Species in the area in accordance with Policy 4: Natural Resources and Policy 5: Landscape of the Cairngorms National Park Local Development Plan 2015.

- 11. No development shall commence until details of the arrangements for the siting and collection of waste and recycling containers have been submitted to and approved in writing by the Cairngorms National Park Authority acting as Planning Authority in consultation with the Highland Council Transport Planning Team.**

**This provision shall thereafter be made in accordance with the approved plans before any part of the development is brought into use and maintained thereafter in accordance with the approved scheme throughout the lifetime of the development hereby approved.**

Reason: To ensure that satisfactory arrangements are made for the collection, storage and recycling of waste in accordance with Policy 3: Sustainable Design of the Cairngorms National Park Local Development Plan 2015.

- 12. No development shall commence until pre construction surveys for otter, ospreys and a winter survey for bats as outlined in the approved Bat Species Protection Plan Section 5.1.2 have been submitted to and approved in writing by the Cairngorms National Park Authority acting as Planning Authority.**

**Any mitigation identified in the surveys to be implemented in accordance with the approved details and timing.**

Reason: To ensure that the development does not adversely affect wildlife interests and European Protected Species in the area in accordance with Policy 4: Natural Resources of National Park Local Development Plan 2015.

- 13. No development shall commence until details and plans of the proposals for compensatory bird nesting sites for swallow, mistle thrush, house martin and tawny owl have been submitted to and approved in writing by the Cairngorms National Park Authority acting as Planning Authority. These details shall be based upon the approved Ornithological Protection Plan.**

**The provision shall be provided in accordance with the approved details and the provisions of the approved Ornithological Protection Plan (with regard to timing and pre construction checks) before any part of the development is brought into use and retained thereafter throughout the lifetime of the development hereby approved.**

Reason: To mitigate any impacts upon affect birdlife in the area in accordance with Policy 4: Natural Resources of National Park Local Development Plan 2015.

- 14. No development shall commence until a photographic record of the all buildings and/or other features affected by the development/work has been submitted to and approved in writing by the Cairngorms National Park Authority acting as Planning Authority in consultation with the Highland Council Historic Environment Team. This record**

shall be undertaken in accordance with the attached specification from the Highland Council Historic Environment Team.

Thereafter within 6 months of completion of the development hereby approved Following the completion of development, a photographic record shall be made of all changes, alterations and completed works undertaken to the building or structure, in accordance with the attached specification and submitted to and approved in writing by the Cairngorms National Park Authority acting as Planning Authority in consultation with the Highland Council Historic Environment Team.

Reason: In order to record the archaeological and historic interest of the site in accordance with Policy 9: Cultural Heritage of the National Park Local Development Plan 2015.

15. **No development shall commence until a details of the proposed water supply including its location have been submitted to and approved in writing by the Cairngorms National Park Authority acting as Planning Authority in consultation with the Highland Council Environmental Health Team. The development shall not be brought into use until the water supply has been provided in accordance with the approved details.**

Reason: To ensure that a satisfactory water supply is provided in in accordance with Policy 10: Resources of the National Park Local Development Plan 2015.

16. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (Scotland) Order 1992 and the Town and Country Planning Use Classes (Scotland) Order 1997 (or any order amending these)
- a) any alterations or extensions to the development hereby approved or any ground works including the formation of parking areas, bunding and erection of walls or other means of enclosures shall require the express consent of the Planning Authority.
  - b) the floor spaces of the proposed uses as identified on the approved plans for each of the respective individual uses of this mixed use development shall not be materially altered or increased unless approved in writing with the Planning Authority.

Reason: To ensure that there is no increase in flood risk to other receptors in the area through changes to ground levels, construction of informal defences or other development structures and to ensure that the proposal has no detrimental impact upon the vitality and viability of other settlements in accordance with Policy 2: Supporting Economic Growth and Policy 3: Sustainable Design and Policy 10: Resources of the Cairngorms National Park Local Development Plan 2015.

17. No part of the development shall be brought into use until the cycle parking, car parking, delivery and turning arrangements have been formed in accordance with

the approved plans, and retained thereafter in accordance with the approved plans throughout the lifetime of the development hereby approved.

Reason: In the interests of road and pedestrian safety to ensure that there is satisfactory parking and turning provision made on site in accordance with Policy 3: Sustainable Design of the Cairngorms National Park Local Development Plan 2015.

18. All mitigation set out the approved Bat Species Protection Plan, including timing of works and further surveys, shall be implemented in accordance the details contained in the Plan. Reports by a suitably qualified bat worker shall be submitted to and approved in writing by the Cairngorms National Park Authority acting as Planning Authority at each stage of the development as set out in sections 5.1 and 5.2 of the approved Species Protection Plan.

Any compensatory features to be retained throughout the lifetime of the development hereby approved. Monitoring of the bat roosts and installed compensatory features shall be undertaken for two years post construction. At the end of this monitoring period a report shall be submitted to and approved in writing by the Cairngorms National Park Authority acting as Planning Authority detailing the results of monitoring and a timetable for the implementation of any remediation works required. Any remediation will require to be completed in accordance with the approved details and timetable.

Reason: To ensure that the development does not adversely affect European Protected Species in the area in accordance with Policy 4: Natural Resources of the Cairngorms National Park Local Development Plan 2015.

19. All mitigation set out the approved Otter Species Protection Plan, including timing of works, shall be implemented in accordance the details contained in the Plan. Weekly reports detailing compliance and any further mitigation required to be provided by the retained Environmental Clerk of Works shall be submitted to and approved in writing by the Cairngorms National Park Authority acting as Planning Authority during the construction phase adjacent to the watercourse and at a regular frequency to be agreed with the Planning Authority during other construction.

Reason: To ensure that the development does not adversely affect European Protected Species in the area in accordance with Policy 4: Natural Resources of the Cairngorms National Park Local Development Plan 2015.

20. All construction work shall be carried out in accordance with the approved pollution prevention plan including fencing of the site before development starts and timing of works.

Reason: To ensure that the development does not adversely affect the environment or designated sites in the area in accordance with Policy 4: Natural Resources the Cairngorms National Park Local Development Plan 2015.

## Informatives

1. The development hereby approved must commence within 3 years of the date of this decision notice. If development has not commenced within this period then this planning permission will lapse.
2. The person undertaking the development should note that coaches should only reverse into and out of coach parking bays when a banksman is in attendance to assist with reversing movements to ensure that there are no conflicts between coaches and cyclists/pedestrians.
3. The person undertaking the development should note that authorisation from SEPA will be required for the private drainage arrangements and you should contact the Agency in this regard. Similarly private water supply abstraction will require SEPA authorisation.
4. The person undertaking the development should note the comments of SEPA dated 2 June 2017 and formulate a flood plan for the site as the Raits Burn has a relatively small catchment and responds quickly to heavy localised rainfall events with no flood warning provided for the site nor likely to be in the future. (Condition 3 refers).
5. The person undertaking the development should note that the granting of planning consent does not carry with it the right to carry out works within the trunk round boundary and that permission must be granted by Transport Scotland Trunk Road and Bus Operations. Trunk road modification works shall comply with the Design Manual for Roads and Bridges and the Specification for Highway Works published by HMSO. The developer shall issue a certificate to that effect, signed by the design organisation. Trunk road modifications shall be designed and constructed to arrangements that comply with the Disability Discrimination Act: Good Practice Guide for Roads published by Transport Scotland. The developer shall provide written confirmation of this, signed by the design organisation. The road works which are required as a result of condition 1 will require a Road Safety Audit as specified by the Design Manual for Roads and Bridges. Any trunk road works will necessitate a Minute of Agreement with the Trunk Roads Authority prior to commencement. Any additional works required to mitigate the impact on the trunk road will necessitate a Legal Agreement with the Trunk Roads Authority prior to commencement.
6. The person undertaking the development is required to give the Planning Authority prior written notification of the date on which it is intended to commence the development. Attached to this decision notice is a Notice of Initiation of Development for completion and submission. Submission of this information assists the Cairngorms National Park Authority Monitoring and Enforcement Officer in monitoring active work within the area to ensure compliance with the approved details and to identify and correct any potential problems, as they arise, rather than later when it may be more difficult and more costly to rectify. Failure to give notice would constitute a breach of planning control which may result in enforcement action being taken.

7. Following completion of the development, a notification of the completion shall, as soon as practicable, be given to the Planning Authority. Attached to this decision notice is a Notice of Completion of Development for completion and submission. Submission of this form will assist the Cairngorms National Park Authority Monitoring and Enforcement Officer in making a final inspection and checking compliance with the approved drawings and conditions. If the development hereby approved is to be carried out in phases, then a notice of completion should be submitted at the completion of each phase.

**Conditions relating to Listed Building Consent Reference 2016/0143/LBC**

1. **No development shall commence until the following information has been submitted to and approved in writing by the Cairngorms National Park Authority acting as Planning Authority in consultation with the Highland Council Historic Environment Team:**
  - a) **Condition survey of existing slate roofing.**
  - b) **Details of proposals for re-slatting which shall reflect the requirement to salvage and re-use as much existing traditional scots slate as possible and for any new slate to match existing as closely as possible in terms of sizing, thickness and colour. Samples to be approved on site.**
  - c) **Condition survey of existing internal historic features such as fireplaces and stalls and details of the proposals to retain and re-use existing internal features where possible.**
  - d) **Condition survey of existing windows and doors and details of the proposals for their repair and re-use.**
  - e) **Details of all new windows and doors by way of detailed drawings including sections.**
  - f) **Samples of all materials to be used in the development.**

**The development shall thereafter proceed in accordance with the approved details.**

Reason: To ensure that the development conserves and enhances the listed building of architectural and historic interest and enhances its character and the contribution it makes to cultural heritage in accordance with Policy 9: Cultural Heritage the Cairngorms National Park Local Development Plan 2015.

2. **No development shall commence until a photographic record of the all buildings and/or other features affected by the development/work has been submitted to and approved in writing by the Cairngorms National Park Authority acting as Planning Authority in consultation with the Highland Council Historic Environment Team. This record shall be undertaken in accordance with the attached specification from the Highland Council Historic Environment Team.**

**Thereafter within 6 months of completion of the development hereby approved Following the completion of development, a photographic**

**record shall be made of all changes, alterations and completed works undertaken to the building or structure, in accordance with the attached specification and submitted to and approved in writing by the Cairngorms National Park Authority acting as Planning Authority in consultation with the Highland Council Historic Environment Team.**

Reason: In order to record the archaeological and historic interest of the site and the listed building in accordance with Policy 9: Cultural Heritage of the National Park Local Development Plan 2015.

3. The development shall be completed in accordance with the approved plans and design and conservation statements.

Reason: To ensure that the development conserves and enhances the listed building of architectural and historic interest and enhances its character and the contribution it makes to cultural heritage in accordance with Policy 9: Cultural Heritage the Cairngorms National Park Local Development Plan 2015.

### **Informatives**

- I The development hereby approved must commence within three years of the date of this decision notice. If it has not commenced within this period, then this listed building consent shall lapse.

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.