
CAIRNGORMS NATIONAL PARK AUTHORITY

Title: REPORT ON CALLED-IN PLANNING APPLICATION

Prepared by: FIONA MURPHY (PLANNING OFFICER, DEVELOPMENT MANAGEMENT)

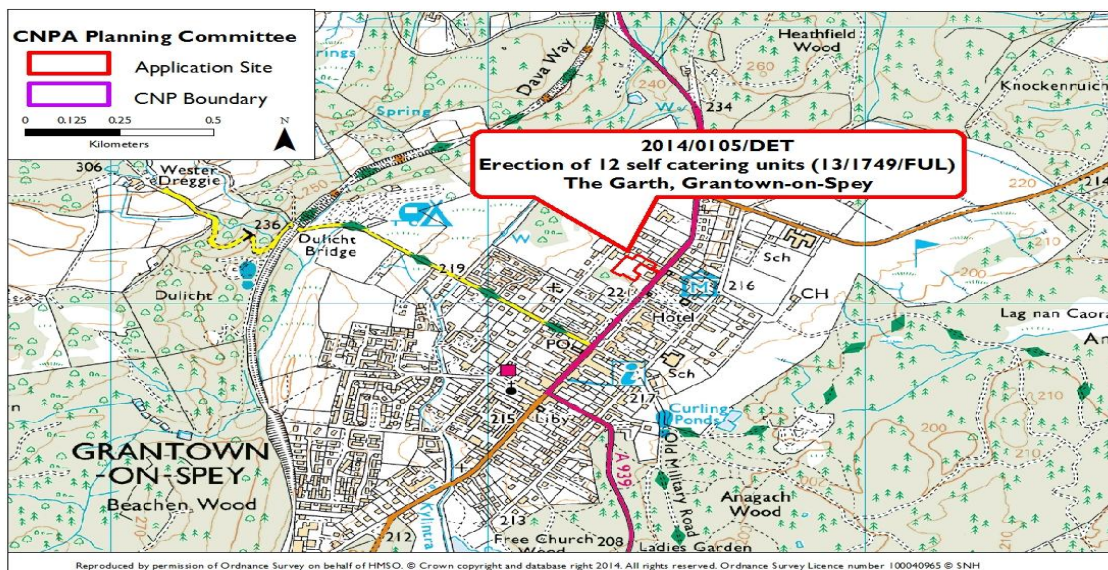
DEVELOPMENT PROPOSED: ERECTION OF 12 SELF CATERING UNITS (AMENDED PROPOSAL REF 13/1749/FUL) AT THE GARTH, 21-23 CASTLE ROAD, GRANTOWN ON SPEY

REFERENCE: 2014/0105/DET

APPLICANT: WKW PARTNERSHIP,
CAIRNGORM HOTEL, 77
GRAMPIAN ROAD, AVIEMORE

DATE CALLED-IN: 07.04.14

RECOMMENDATION : APPROVE SUBJECT TO CONDITIONS AND PAYMENT OF A PLANNING GAIN CONTRIBUTION



Grid reference : (E/303430, N/828104)

Fig. 1 - Location Plan

SITE DESCRIPTION AND PROPOSAL

1. Planning permission is sought for the erection of 12 self-catering units on land associated with the Garth Hotel on Castle Road in Granttown on Spey. The site area extends to 0.53 hectares (1.3 acres) with access via the existing lane from Castle Road which also serves the hotel. An application for Conservation Consent to demolish a garage on the site is also under consideration (Application No 2014/0121/CON).
2. The site is located within the Granttown on Spey Conservation Area. The site boundary excludes Gladstone House (17 and 19 Castle Road) and a part of its original curtilage. This property is a derelict listed building Category C and is in the same ownership as the current application site and the Garth Hotel. The site to the rear of Gladstone House is flat, with no features of note. It includes a large pile of stone from previously approved demolition works at the rear of Gladstone House. At the same time as the current application was submitted, a pair of applications was also submitted for the renovation and extension of Gladstone House (Application Nos 2014/0110/LBC and 2014/0111/DET).





3. The remainder of the proposed development site comprises part of the access/parking area for the hotel, including a garage, and the lawned garden area for the hotel, together with the mature trees which surround it. The lower part of the hotel gardens, which is wooded and more wild in appearance, is included in the application site but is to be retained for that purpose. The gardens have a significant number of semi-mature to mature trees which comprise a mixture of native and non native broadleaves and conifers.
4. With the exception of the hotel and the Police Station, this part of Grantown is predominantly residential, with original two and two-and-a-half storey mostly terraced stone buildings with slate roofs in Castle Road and The Square, and modern one and one-and-a-half storey detached properties between Castle Road and Mossie Road to the rear.

Site history

5. The grounds of The Garth Hotel and the adjacent Gladstone House have been the subject of a number of planning applications in the past. Highland Regional Council granted consent in the 1990's for works to Gladstone House and outline planning permission for the erection of five houses and formation of plots for three houses.
6. CNPA planning officials first engaged in pre-application discussions about the subject site in September 2010. The initial proposals put forward for discussion at that time involved a development of 30 residential units, as well as a possible hotel extension on the site. Further pre-application discussions took place following a reduction in the number of units to 26 units before the submission of the applications in 2011 for permission in principle for 20 residential units (Application No 2011/0403/PPP). At the same time, Gladstone House was also the subject of applications for planning permission and listed building consent for alterations and extensions to form 2 semi detached dwelling houses (Application Nos 2011/0401/DET and 2011/0402/LBC). These applications were all withdrawn by the applicant, following concerns about the nature and scale of the applications.
7. In 2013, Application No 2013/0156/DET for the proposed development of 4 no affordable housing flats, 2 no duplex flats, 8 no self catering units and 2 semi-detached houses was submitted. A number of issues were identified



PERSPECTIVE LOOKING NORTH



PERSPECTIVE LOOKING EAST



PERSPECTIVE LOOKING SOUTH



PERSPECTIVE LOOKING WEST

11. The existing vehicular access which serves the rear car park and grounds of the hotel will be shared to provide vehicular access to serve the development. This will also provide pedestrian access, although an alternative footpath route is also proposed through the wooded area to the existing footpath through the public open space adjoining The Square to the south-west of the Hotel. A total of 17 spaces are proposed for the development.

Design and Access Statement

12. The following are extracts from the Design Statement:-
13. *The proposal, a mixture of building typologies share a common aesthetic and scale, they have been designed following the massing of the Garth Hotel and surrounding terrace housing. They are designed with a contemporary approach and palette of materials to meet the current demand for modern, high-end accommodation. The proposal while consisting of two distinct types: the terrace row and double block reflects the proportions of the Gath Hotel itself, using a similar cross-sectional width while ranging in height from one-and-a-half to two storeys. The addition of modern single storey timber extensions are used to create a visual separation from the existing buildings and create a commonality across the proposed scheme alongside the similar proposed extension to Gladstone House.*
14. *The design of the development has taken into consideration the local vernacular and reflects certain elements of the Garth Hotel. Whilst the proposed scheme makes references to these it does so in a modern approach more suited to the building methods and materials of today. The massing, size and scale of the proposal is seen to be more suited to the site and the surrounding building context. It reflects the proportions of the surrounding street front terrace in its width, height and roof pitch. This massing is maintained across the scheme and presents a unified aesthetic from Castle Road to the back of the site. Both of the proposed*

building forms, the double block and the terraced row consists of this same proportions with this and a select palette of materials helps to achieves a consistency throughout the overall scheme.

15. *The new development will adopt the local vernacular models of traditional Scottish buildings, with particular reference to the Garth Hotel itself, transformed through the introduction of elements of new materials and detailing. A limited palette of materials will compliment these simple architectural forms. It is these details which will set the development apart along with the high-end finish which will help market these properties as desirable holiday lets'.*



LOOKING WEST TOWARDS BLOCK OF 7 SC UNITS



LOOKING NORTH TOWARDS BLOCK OF 7 SC UNITS



LOOKING EAST TOWARDS BLOCK OF 7 SC UNITS



LOOKING SOUTH TOWARDS BLOCK OF 7 SC UNITS



LOOKING WEST TOWARDS ROW OF 5 SC UNITS



LOOKING NORTH TOWARDS ROW OF 5 SC UNITS



LOOKING EAST TOWARDS ROW OF 5 SC UNITS



LOOKING SOUTH TOWARDS ROW OF 5 SC UNITS

16. In terms of sustainability, the Design and Access Statement includes the following:-
'All materials as far as practically possible will be sourced locally. All use of external timber cladding to be (FSC certified) Scottish Larch. It is proposed to have a low impact environmental strategy across the site with the proposed dwellings using renewable energy sources. It is proposed at present to use Air Source Heat Pump systems which will reduce the need for non-renewable energy consumption on the site. The scheme will also consider the potential of other environmentally sustainable mechanisms such as solar PV and rainwater harvesting.'

Arboricultural Impact Assessment

17. The Arboricultural Impact Assessment aims to:-
- Identify conflicts arising from the proposed development.
 - Give an indication of which trees will need to be removed to accommodate the development.
 - Highlight methods for protecting trees identified for retention.
 - Provide an accurate record of significant trees surrounding the development.
 - Give details of the arrangements for replanting
18. A total of 114 trees within and immediately adjacent to the curtilage of the Garth Hotel grounds were surveyed. The trees were split into five categories:-
- A** = Trees to be retained – high category (green spots on the plans)
 - B** = Trees where retention is desirable – moderate category (blue spots on the plans)
 - C** = Trees which could be retained – low category (grey spots on the plans)
 - R** = Trees which should be removed – fell category (red spots on the plans)
 - U** = Trees which would normally be removed in the interests of sound arboricultural practice
19. A total of thirty five trees were identified for removal because they fall within the footprint of the development. These comprised three Category 'A' trees, thirteen Category 'B' trees, eight Category 'C' trees and eleven Category 'U' trees. A further seven trees, outside of the construction zone, have also been identified as category U and should be removed. The Category A trees are a Norway Spruce (19m tall), a Grey Poplar (20m tall) and a Sycamore (18m tall).
20. The trees proposed to be removed are principally all the trees to the rear of Gladstone House and most of the trees to the rear of The Garth Hotel, excluding a large group of trees immediately behind the hotel, which are outwith the application boundary. Most of the trees in the lower part of the site are unaffected by the development proposals.

21. To protect against the indirect loss of trees during development, the report requires the creation of a Construction Exclusion Zone (CEZ) by erecting protective fencing. The position of protective fencing is dictated by the minimum Root Protection Area (RPA) required for each tree identified for retention, represented by grey circles on the Arboricultural Constraints Plan.

Arboricultural Method Statement

22. An Arboricultural Method Statement accompanies the planning application, with the aim of ensuring good practice in the protection of trees during the proposed development.

Bat Report

23. The application is accompanied by a Bat Report, which concluded as follows in relation to the current application:-

- All trees proposed for removal were assessed from the ground. Trees identified with some, or unknown, bat roost potential were aerially inspected. No bat roosts were present in any of the trees at the time of survey. Fir tree No. 434 was found to have features with definite potential to support some bats. If this tree is felled it is recommended that 3 bat boxes be erected in a suitable nearby tree to compensate for lost roost potential.
- It is also recommended that if the 41 trees are removed tree and shrub planting be included to compensate for lost bat foraging and commuting potential.

Business Plan

24. The following paragraphs are extracts from the Business Plan:-

1. *The Business Plan refers to 5 hotels in Grantown having closed in the last decade. The Garth Hotel was purchased by WKW (Partnership) LTD in 1999 and has gradually improved on all fronts, including occupancy, food and drink sales. The Garth Hotel stands in 2.75 acres of ground and has 18 bedrooms, maintained to a high standard. However there is a need to ensure the future of the hotel by investing in the existing building to ensure that the standard of accommodation remains at a high level. Due to increasing overheads and running costs for the Hotel it is not viable to invest any further in Gladstone House in its current state. Gladstone House will be financed through the profit from the self catering development. Our primary aim is to prevent the closure of the Garth Hotel by utilising the assets we have to hand, namely, the development land, the staff and the expertise in running the Cairngorm Hotel, probably the most successful hotel in Aviemore.*
2. *We have recognised and identified the lack of self catering accommodation within the Grantown on Spey area and expect the development to be very well received by both the customers and the other businesses within the*

village and surrounding areas in the National Park as this development would bring more tourism to the area.

3. *The development will not only increase the profitability of the hotel and create jobs but underpin some of the existing jobs in the hotel. The development will create a minimum of 4 new jobs within the hotel in food and beverage and maintenance departments. It will enable the business to increase margins by 3 or 4% increasing sales by some £90,000 or 15%. The company will improve customer satisfaction by continuing to develop staff through in-house and external training. Additional benefits of this development will also be the knock-on effect to Grantown on Spey, not only with additional visitors and jobs but scope for the development of short breaks in Golf, Fishing, Walking, Skiing and Shooting for the hotel.*
4. *The self catering units will be advertised as a business opportunity also for potential investors to purchase a self catering unit for holiday lets which would be managed by the Garth Hotel. The Garth Hotel Management would charge the investors an annual service charge for property and ground maintenance fees. This opportunity for investors will not only provide additional revenue for the Garth Hotel with maintenance fees/food/drink sales but it will also allow the owners to recover part of the £1.7million required to make this development a reality. Investors would have the opportunity to have a higher return from their self catering investment with the Garth Hotel managing bookings and maintenance, removing the burden on the investor and ensuring quality control for the Garth Hotel’.*

DEVELOPMENT PLAN CONTEXT

National policy

25. **Scottish Planning Policy¹ (SPP)** is the statement of the Scottish Government’s policy on nationally important land use planning matters. It supersedes a variety of previous Scottish Planning Policy documents and National Planning Policy Guidance. Core Principles which the Scottish Government believe should underpin the modernised planning system are outlined at the outset of **SPP** and include:
 - The constraints and requirements that planning imposes should be necessary and proportionate;
 - The system shouldallow issues of contention and controversy to be identified and tackled quickly and smoothly; and
 - There should be a clear focus on quality of outcomes, with due attention given to the sustainable use of land, good design and the protection and enhancement of the built and natural environment.
26. **SPP** emphasises the key part that development management plays in the planning system, highlighting that it should “operate in support of the Government’s central purpose of increasing sustainable economic growth.”

Para. 33 focuses on the topic of Sustainable Economic Growth and advises that increasing sustainable economic growth is the overarching purpose of the Scottish Government. It is advised that “the planning system should proactively support development that will contribute to sustainable economic growth and to high quality sustainable places.” Planning authorities are encouraged to take a positive approach to development, recognising and responding to economic and financial conditions in considering proposals that would contribute to economic growth.

27. Under the general heading of Sustainable Development, it is stated that the fundamental principle is that development integrates economic, social and environmental objectives, and that the “aim is to achieve the right development in the right place.”
28. As a replacement for a variety of previous planning policy documents the new **Scottish Planning Policy** includes ‘subject policies’, of which many are applicable to the proposed development. Topics include economic development, rural development, historic environment and landscape and natural heritage.

Scottish Historic Environment Policy (SHEP) December 2011

29. The Scottish Historic Environment Policy (SHEP) sets out Scottish Ministers’ policies, providing direction for Historic Scotland and a policy framework that informs the work of a wide range of public sector organisations. It states that the remains of the past can act as a powerful catalyst and a stimulus to high quality new design and development, leading to successful regeneration and community-building. The Ministers believe that the historic environment should be valued as an asset, rather than thought of as a barrier to development. This reinforces the identity of communities, and can add value, provided that value is recognised at the outset and it becomes an integral part of any development or regeneration project.
30. The SHEP states that the protection of the historic environment is not about preventing change. Ministers believe that change in this dynamic environment should be managed intelligently and with understanding, to achieve the best outcome for the historic environment and for the people of Scotland. Such decisions often have to recognise economic realities.

Strategic Policies

Cairngorms National Park Partnership Plan (2012 - 2017)

31. The Partnership Plan sets out the vision and overarching strategy for managing the Park and provides a strategic context for the Local Development Plan. Three long term outcomes have been identified to deliver the vision for the Park and development proposals would be expected to accord with those :
 - A sustainable economy supporting thriving businesses and communities;

- A special place for people and nature with natural and cultural heritage enhanced; and
- People enjoying the park through outstanding visitor and learning experiences.

The CNP Partnership Plan can be viewed on the Cairngorms National Park Authority website at <http://cairngorms.co.uk/park-authority/about-us/publications/?publicationID=299>

Local Plan Policy

Cairngorms National Park Local Plan (2010)

32. The Cairngorms National Park Local Plan was formally adopted on 29th October 2010. The full text can be found at :
<http://www.cairngorms.co.uk/parkauthority/publications/results.php?publicationID=265>
33. The Local Plan contains a range of policies dealing with particular interests or types of development. These provide detailed guidance on the best places for development and the best ways to develop. The policies follow the three key themes of the Park Plan to provide a detailed policy framework for planning decisions:
- Chapter 3 - Conserving and Enhancing the Park;
 - Chapter 4 - Living and Working in the Park;
 - Chapter 5 - Enjoying and Understanding the Park.
34. Policies are not cross referenced and applicants are expected to ensure that proposals comply with all policies that are relevant. The site-specific proposals of the Local Plan are provided on a settlement by settlement basis in Chapter 6. These proposals, when combined with other policies, are intended to meet the sustainable development needs of the Park for the Local Plan's lifetime. The following paragraphs list a range of policies that are appropriate to consider in the assessment of the current development proposal.
35. *Policy 4 – Protected Species* : Development which would have an adverse effect on any European Protected Species will not be permitted unless a specified set of circumstances apply.
- (a) There are public health, public safety or other imperative reasons of overriding public interest, including those of a social or economic nature; and
 - (b) There are no satisfactory alternative solutions; and
 - (c) The development will not be detrimental to the maintenance of the population of the species concerned at a favourable conservation status in their natural range.
36. *Policy 5 – Biodiversity* : Development that would have an adverse effect on habitats or species identified in the Cairngorms Local Biodiversity Action Plan, or by Scottish Ministers through the Scottish Biodiversity List, including any cumulative impact, will only be considered where :

- (a) The developer can demonstrate that the need and justification for the development outweighs the local, national or international contribution of the area of habitat or population of species; and
- (b) Significant harm or disturbance to the ecological functions, continuity and integrity of the habitats or species populations is unavoided, or minimised where harm is unavoidable.
37. Policy 6 – Landscape : there will be a presumption against any development that does not complement and enhance the landscape character of the Park, and in particular the setting of the proposed development. Exceptions will only be made where any significant adverse effects on the landscape are clearly outweighed by social or economic benefits of national importance and all of the adverse effects on the setting of the proposed development have been minimised and mitigated through appropriate siting, layout, scale, design and construction.
38. Policy 9 – Listed Buildings: There will be a presumption in favour of development that preserves a listed building, or its setting, or any features of special architectural or historic interest which it possesses. The layout, design, materials, scale, siting and use of any development will be appropriate to the character and appearance of the listed building and its setting. Where a listed building is in serious risk of collapse or irrevocable decay, enabling development may be considered where all alternative means of funding or enabling have been exhausted and the proposal will secure the preservation of the building. Any such development will be the minimum required to secure the buildings restoration.
39. Policy 10 – Conservation Areas : Development within a conservation area or affecting its setting, will preserve or enhance its character. Policy 10 requires that the design, materials, scale, layout and siting of any development will be appropriate to the character and appearance of the conservation area and its setting. The supporting text includes reference to the protection given to trees in conservation areas in the legislation and advises that the removal of such trees will only be considered appropriate in exceptional circumstances. This is based on an assessment of the contribution that the tree makes to the character of the conservation area.
40. Policy 16 – Design Standards for New Development : this is one of a number of policies which is intended to encourage developers to consider how they can best include the principles of sustainable development in their proposals, and consider the impact on the environment, economy and community. Policy 16 requires that all proposals are accompanied by a design statement which sets out how the requirements of the policy have been met. The design of all development is encouraged to :
- Reflect and reinforce the traditional pattern and character of the surrounding area and reinforce the local vernacular and local distinctiveness, whilst encouraging innovation in design and materials;
 - use materials and landscaping that will complement the setting of the development;

- demonstrate sustainable use of resources;
 - protect the amenity enjoyed by neighbouring properties and all proposals will be designed to help create environments that can be enjoyed by everyone; and
 - be in accordance with the design standards and palette of materials as set out in the Sustainable Design Guide.
41. Policy 18 – Developer Contributions : Development which gives rise to a need to increase or improve public services, facilities or infrastructure, or mitigate adverse effects, will require the developer to make a fair and reasonable contribution in case or kind towards the additional costs or requirements.
42. Policy 25 – Business Development : Proposals which support economic development will be considered favourably where the proposal is compatible with existing business uses in the area, supports or extends an existing business, is located within an allocated site identified on the proposals' maps, or where the following criteria are met:
- A. In identified settlements 1) is located within an existing settlement boundary; and 2) supports the economic vitality and viability of that centre.
43. Policy 33 – Tourism-Related Development : This policy supports the development of accommodation which will have a beneficial impact on the local economy, provided that it does not have an adverse impact on the landscape and the built and historic environment. The supporting text includes a reference that most tourism developments will normally be expected to be sited within or adjacent to existing settlements where there is existing infrastructure capacity. The policy requires that applications are accompanied by supporting information to illustrate the need for the development and the impact it will have on the economy of both the local and wider area.
44. Policy 36 - Other Open Space Provision : Developments which improve or add to current levels of public and amenity space, and include specific details on improving and maintaining current provision to develop open space networks will be supported. There is a presumption against development that would result in a loss of existing provision, particularly where the affected site has been identified within the Local Plan proposals maps or Open Space Strategy. The loss of such open space will only be supported where: a) an open space audit demonstrates the development will not result in a deficit of open space provision to serve the affected community, and that no alternative site is available; or b) compensatory provision is made elsewhere within the community area of at least equal size and quality, or c) a commuted sum is made towards future provision of an appropriate alternative.
45. Grantown on Spey is identified as a strategic settlement within the settlement hierarchy in the CNP Local Plan. The subject site is within the settlement boundary and is neither designated specifically for development nor specifically excluded from development, provided the relevant policy criteria are met.

Supplementary Planning Guidance

46. In addition to the adoption of the Cairngorms National Park Local Plan (2010) on 29th October 2010, a number of Supplementary Planning Guidance documents were also adopted, including the Sustainable Design Guide, Developer Contributions and Natural Heritage, all of which are relevant to the current application.

Sustainable Design Guide

47. The guide highlights the fact that the unique nature and special quality of the Cairngorms National Park and the consequent desire to conserve and enhance this distinctive character. The guidance has at its core the traditional approach to design which aims to deliver buildings which provide a resource efficient, comfortable and flexible living environment. The **Sustainable Design Guide** requires the submission of a Sustainable Design Statement with planning applications. It is intended that applicants would use the Sustainable Design Statement to demonstrate how standards set out in the Sustainable Design Checklist will be achieved.
48. One of the key sustainable design principles referred to in the document is that “future development in the Park should be sensitively located, reflect existing development pattern and setting, and respect the natural and cultural heritage of the Park.” Developments are also required to reflect traditional materials and workmanship, and take on board innovation, contemporary design and the emergence of modern methods of construction.

CONSULTATIONS

49. **The Highland Council’s Forestry Officer** Following further clarification of various details with the agent, The Highland Council’s Forestry Officer has no objections to the application provided conditions are attached preventing other work to trees unless approved, requiring protection of retained trees, and requiring suitably qualified arboricultural and landscape consultants. The latter point has been addressed in Advice Notes as it is not a suitable planning condition.
50. **The CNPA Landscape Adviser** observes that trees within settlements are very important for amenity and health as well as contributing to the character of the place. The trees to the south and west of the Garth punctuate the skyline in distant views as well as contributing to the amenity of the town and the ambience of the hotel. Removing large trees and inserting substantial built development in to the area behind the Garth Hotel will run the risk of weakening the contribution of this area to the wider townscape, the Conservation Area and the general amenity of Grantown’s main street. The introduction of a substantial cluster of new built

development into the planned settlement runs the risk of visually disrupting the built character which is fairly consistent within this part of the settlement.

51. The Landscape Adviser is of the view that the proposed layout of buildings on the site and the plans for the retention and management of trees and new planting, offer some reassurance that there is scope for a development of this nature on the site without significant adverse effects on the landscape character, streetscape and local amenity of Grantown in the medium to long term. However, securing this outcome is absolutely dependent upon the successful retention of trees in a healthy and undamaged state and the establishment and ongoing management of new planting. Subject to the advice of THC arboricultural officer on the detail of the AMS, the Landscape Adviser is content that the other aspects of the application can be conditioned such that the application meets Local Plan Policy 6 Landscape
52. **The CNPA Natural Heritage Officer** notes that there will be a loss of 35 trees and ground level habitat, these trees contain potential bat roosting habitat, and that there will be a loss of deadwood habitat and associated biodiversity. The officer comments that standing deadwood and fungi must be retained in order to conserve its ecological value; requires an additional survey to check for the presence of bats before the trees are removed, and requires the addition of bat and swift boxes. A pre-construction survey for squirrel dreys is required. Overall, the Officer considers that the development would have a minor impact on ecology but has the potential to be addressed by appropriate mitigation measures.
53. **The Highland Council's Historic Environment Team** comments that this application is an amended version of previous applications for this site and is now of a design, scale and mass which is likely to be acceptable for the setting of the listed building and the character and appearance of the Grantown-on-Spey Conservation Area. However, the Team notes that the proposal will have a significant impact and will remove the existing garden and amenity ground associated with the listed building. The Team's advice in relation to the 5 units within the curtilage of the listed building has always been that they would only be acceptable if they were enabling development to facilitate the repair and re-use of the listed building. Therefore, it is requested that the phasing of the collective proposals is such that the listed building is repaired and converted prior to the development of the 5 self catering units within its curtilage in order to protect the interest of the listed building for the future. The Team also asks that details of all materials are approved in writing including ground surface finishes and the boundaries of the listed building prior to the development being implemented.
54. **Planning Gain** – a small contribution is requested towards environmental and access improvements.
55. **CNPA Economic Development Manager** advises that it is considered that there will be 3 inherent, and not insignificant, benefits to the economy;
 - I. Benefits to local contractors during the construction phase of the development. This benefit tends to be short to mid-term.

2. Benefits to the economic viability of the hotel business and wider tourism sector through improved bed offering for visitors.
 3. Benefits to local businesses through an increase in demand for goods and services due to an increase in visitor numbers and therefore an increase in spend in the local economy.
56. **Grantown-on-Spey Community Council** are still concerned at what they perceive to be the sub-standard access and poor parking provision, but they are prepared to leave this to CNPA to resolve.
57. **The Highland Council TECS Services** – the initial comments were that the Service had no objection in principle to the development now proposed but sought further information in respect of the following.
- Details of appropriate measures to improve the safety and operation of the junction with the A939 public road and highlight the shared use nature of the access road.
 - Swept path analysis to demonstrate the suitability of the internal road layout for larger service and emergency vehicles.
 - Confirmation of the arrangements for the collection of waste and recycling materials.
 - Details of lighting provision, which should be to the satisfaction of the planning authority in consultation with the Council's Area Lighting Engineer.
 - Details of drainage measures and confirmation that these will satisfy the respective requirements of Scottish Water, SEPA and Highland Council.
 - Details of how roads, paths and parking areas will be managed and maintained.
 - In general the proposals should comply with the requirements of the Council's 'Roads and Transport Guidelines for New Developments' document.
 - It is recommended that prior to any works commencing a Method Statement (MS) shall be submitted for the approval of the planning authority in consultation with the roads authority.
58. As a result, the following has since been agreed:-
- A street lighting layout has been prepared by THC lighting section and meets the Council's requirements in relation to outdoor lighting.
59. **The Highland Council Environmental Health** – no response.

REPRESENTATIONS

60. The planning application was advertised in the Strathspey and Badenoch Herald on 3 April 2014. Seven representations have been received, all of which object to the development proposal. Issues raised include :
- Failure to take into account objections to previous schemes
 - Proposed height is still excessive.
 - Thought fully restoring Gladstone House was a pre-condition before new buildings could be erected

- Site access is a problem – narrow with poor visibility
- Protected red squirrels
- Out of keeping with local vernacular, which is a Conservation Area
- Height of 2 storey block will tower over existing housing, depriving surrounding neighbours from amenity, light and privacy. 3 metres from Netherby.
- Five block building will dominate Dalraddy due to rise of ground and be out of keeping with surrounding. Closer to boundary than previously.
- Loss of trees will affect wildlife and biodiversity
- Density of the proposed buildings

61. Copies of the representations are attached to this report as Appendix I.

APPRAISAL

62. Planning legislation requires that an application is determined in accordance with the Development Plan policies, unless there are material considerations which would indicate otherwise.
63. There are a variety of factors to consider in assessing the development proposal. The initial consideration is the principle of the proposed development. In the event that this is acceptable, the issues to consider are site specific, focussing on the impact on the natural and built environment, the relationship of the development to the Conservation Area and the Listed Building, the form, massing and design of the development and the suitability of the supporting infrastructure, impact on amenity of adjoining properties and the role of tourist development.

Principle

64. The site lies within the settlement boundary and is neither specifically allocated for development nor is development specifically excluded. Development of the site may therefore be considered if it meets with the requirements of those policies that relate to the site. In terms simply of land use, the use of the grounds of the hotel for tourist accommodation is compatible with the use of the hotel itself and with surrounding uses. The principle of the proposed development is therefore considered acceptable.

Site Layout, Landscape, Natural and Built Heritage

65. The site layout has been influenced by the relationship with the trees. To ensure that the level of development is sufficient to support the Hotel and the refurbishment of the adjacent listed building, the applicant proposes the removal of a number of trees. The Tree Survey information has been considered by The Highland Council's Tree Officer, who does not object to

the proposals but is concerned to ensure that the remaining trees on the site are safeguarded.

66. The CNPA Landscape Adviser has considered the proposals in their wider context and does not object.
67. The CNPA Natural Heritage Officer does not object to the proposals. The applicant has agreed to undertake a further Bat Survey and to the provision of bat and swift boxes on the site.

Design

68. The proposed site is sufficient in size to accommodate some level of residential development. This has been confined to two areas – the flat area to the rear of Gladstone House and the area of grass and trees to the rear of the Garth Hotel.
69. The level of proposed development has been significantly reduced from the previous proposals. The block to the rear of Gladstone House has been reduced from two storeys to one-and-a-half and the number of units reduced. The configuration of the buildings at the rear of The Garth has changed, with a single ‘L’ shaped building replacing the pair of buildings proposed in that location previously.
70. The development is in keeping with the scale of the Hotel and Gladstone House, which are the traditional buildings in the area. The Highland Council Heritage Team does not object to the scale of the proposed development.
71. The development has been designed to take into account various points in the Sustainable Design Guide. It is considered that the development:-
 - reflects and reinforces the traditional pattern and character of the surrounding area and reinforces the local vernacular and local distinctiveness, whilst using innovation in design and materials;
 - uses materials and landscaping that will complement the setting of the development;
 - demonstrates sustainable use of resources;
 - is in accordance with the design standards and palette of materials as set out in the Sustainable Design Guide.

Tourism Development and Employment

72. The proposed development will enhance the availability of tourist accommodation in Grantown. It will help secure the future of the existing hotel both by providing an additional income stream through the lettings and by providing more customers for the hotel itself. The development will support the existing jobs in the hotel and create new ones. The CNPA Economic Development Manager considers that the provision of good quality self-catering units in the Grantown-on-Spey area will impact on the local

economy through increasing the accommodation mix in the village which will widen the visitor demographic and add to ongoing sustainability.

Amenity

73. The development block to the rear of Gladstone House has been limited to one-and-a-half storeys, to minimise any impact on the residential property known as 'Dalraddy'. It has also been pulled away from the end of the site closest to that building. It is therefore considered that the impact is minimal.
74. The development block to the rear of The Garth is two storeys in height, which helps reduce the impact on the trees. The block has been designed to ensure that there are no upper floor windows on the elevations overlooking the neighbouring properties, known as 'The Bothy' and 'Netherton'. This has helped reduce the impact of the development.

Access

75. The Highland Council's TEC Services have been closely involved in the revision of plans for the site and are now content that the potential impact on the access has been addressed so far as possible and any adverse impacts on road safety have been considered. The reduction in numbers from earlier schemes is key in this regard.

Impact on the setting of the Listed Building

76. Whilst the proposed development will have an impact on the setting of the listed building, The Highland Council's Historic Environment Team has advised that the design, scale and massing is likely to be acceptable for the setting of the listed building and the character and appearance of the Grantown-on-Spey Conservation Area.

Enabling development

77. The application includes development within the curtilage of a derelict listed building, which is owned by the same company. Separate applications are under consideration for the renovation of the listed building. The Business Plan advises that the renovation of the derelict listed building, Gladstone House, will be financed through the profit from the self catering development.
78. The Highland Council's Historic Environment Team has noted that the proposed development will have a significant impact and will remove the existing garden and amenity ground associated with the listed building. The Team has therefore re-iterated its advice that the 5 units within the curtilage of the listed building would only be acceptable if they were enabling development to facilitate the repair and re-use of the listed building.
79. The priority is to ensure the retention and renovation of the listed building and both Historic Scotland policies and Policy 9 (Listed Buildings) of the

CNPA Local Plan permit enabling development to be considered to secure this. In this particular case, the listed building has been on the Buildings at Risk Register since 1997. In this circumstance, it would be appropriate to consider whether permitting development within the grounds of the listed building would secure the refurbishment of the building itself.

80. It is important however to ensure that there is an appropriate sequence of events, whereby the situation cannot arise that the enabling development is completed but the works to the listed building do not go ahead. This would serve to significantly increase the chances of losing the listed building in the future. Planning conditions are therefore proposed to seek to address this issue.

Conclusion

81. The location and extent of land available at the subject site renders it capable of accommodating some development. At all levels, planning policy broadly supports the provision of holiday accommodation development within settlements.
82. The design and proposed level of development is considered acceptable, as it contributes positively to the character of the Conservation Area, and does not give rise to significant adverse impacts on the amenity of neighbouring properties. Crucially, it would also support the operation of The Garth Hotel and nearby businesses, retaining local employment and attracting further visitors to the Park.
83. The development proposal provides a sufficient response to the sense of place and the character of the local landscape. The details demonstrate that the proposal would reinforce and enhance the character of the settlement. The access arrangements are acceptable.
84. It is therefore considered that the proposed development is in compliance with the Development Plan policies and that there are no material considerations that would indicate that planning permission should not be granted.

IMPLICATIONS FOR THE AIMS OF THE NATIONAL PARK

Conserve and Enhance the Natural and Cultural Heritage of the Area

85. The proposed development will have an impact on the mature trees within the subject site but this will be mitigated by the new planting to upgrade and improve the remaining open space area. In the longer term, the development will help to conserve and enhance the natural heritage of the area.
86. The proposed site is located within the Grantown on Spey Conservation Area. The identified site also incorporates an area of land which was traditionally part of the curtilage of the Category C(s) Listed Building (Gladstone House). The proposed scale of development and the site layout

is compatible with the character of the Conservation Area and with the general pattern of development in the immediate vicinity. The proposal would help to secure the conservation and enhancement of the cultural heritage of the area and would help secure the restoration of the listed building.

Promote Sustainable Use of Natural Resources

87. The Design and Access Statement has indicated that materials will be sourced locally wherever possible, the properties will use renewable energy sources such as Air Source Heat Pumps and consideration will be given to solar PV and rainwater harvesting.

Promote Understanding and Enjoyment of the Area

88. The proposed accommodation will be available to tourists and will therefore present an opportunity to promote understanding and enjoyment of the area. It will also bring more visitors to the area, enabling a wider audience to appreciate the special characteristics of the National Park.

Promote Sustainable Economic and Social Development of the Area

89. The proposed development will help secure the future of the Garth Hotel, sustaining jobs in tourism. In the short to mid terms, there will be benefits to local contractors during the construction phase of the development. In addition there will be benefits to local businesses through an increase in demand for goods and services from visitors.

RECOMMENDATION

That Members of the Committee support a recommendation to grant planning permission for the erection of 12 self-catering units (amended proposal ref I3/I749/FUL) at The Garth, 21-23 Castle Road, Grantown on Spey, subject to payment of a planning gain contribution and the following conditions :

- I. No development shall commence on the 5 unit block without the written authority of the Cairngorms National Park Authority as Planning Authority, in consultation with The Highland Council's Historic Environment Team. This will be issued upon the receipt of proof that:-
 - i. listed building consent has been granted for the renovation of Gladstone House;
 - ii. planning permission has been granted for the renovation of Gladstone House;
 - iii. any suspensive conditions relating to the planning permission and the listed building consent for Gladstone House have been discharged;
 - iv. a building warrant for all works to Gladstone House has been obtained;

- v. the applicant has demonstrated that the drawings for the listed building consent, planning permission and building warrant for Gladstone House relate to identical proposals; and
- vi. building contracts are in place for the complete restoration/renovation of Gladstone House.

Reason: As this element of the development lies within the curtilage of Gladstone House, a derelict category C listed building, and is being approved as enabling development to secure the renovation of the listed building.

2. None of the units within the 5 unit block shall be occupied until the renovation of Gladstone House is completed, unless otherwise agreed in writing with the Cairngorms National Park Authority acting as Planning Authority.

Reason: As this element of the development lies within the curtilage of Gladstone House, a derelict category C listed building, and is being approved as enabling development to secure the renovation of the listed building.

3. No development shall commence until a Phasing Plan indicating the sequence of construction and landscaping works has been approved in writing by the Cairngorms National Park Authority acting as Planning Authority.

Reason: To ensure that the works take place in an appropriate order, in the interests of safeguarding the character and appearance of the conservation area.

4. No development shall commence until details, colours and specifications (samples or manufacturers catalogues may be required) of the following materials for the buildings have been approved by the Cairngorms National Park Authority acting as Planning Authority:

- a) Natural slate roof;
- b) White wet dash render;
- c) Scottish larch vertical cladding (natural finish);
- d) Scottish larch vertical cladding (black painted finish); and
- e) Natural stone (base course).

Reason: To ensure that the quality and colours of the materials are appropriate for this sensitive location in the interests of safeguarding the character and appearance of the conservation area.

5. No development shall commence until detailed designs, colours and specifications (samples or manufacturers catalogues may be required) of the following materials for the external areas have been approved by the Cairngorms National Park Authority acting as Planning Authority, in conjunction with The Highland Council as roads authority:

- a) Access road and parking areas;

- b) Boundaries with adjoining properties and Gladstone House;
- c) Internal walls and fences;
- d) Footpaths; and
- e) External Lights.

Reason: To ensure that the type, quality and colours of the materials are appropriate for this sensitive location in the interests of safeguarding the character and appearance of the conservation area.

6. No development shall commence until details of the design treatment of the underbuild on the southern elevation of the larger block, including possible planting, have been approved in writing by the Cairngorms National Park Authority acting as Planning Authority.

Reason: To ensure that this element of the development is appropriate for this sensitive location in the interests of safeguarding the character and appearance of the conservation area.

7. No development shall commence until a Pre-Construction Survey for red squirrel dreys has been undertaken by a suitably qualified ecologist and approved by the Cairngorms National Park Authority acting as planning authority. This must be carried out no more than 3 weeks prior to the commencement of felling on site.

Reason: As the red squirrel and its places of rest are protected under the under the Wildlife and Countryside Act 1981 (as amended).

8. No development shall commence until a detailed drawing of the proposals to form the new pedestrian footpath access through the wall to the gardens to the south-west of the Garth Hotel has been approved in writing by the Cairngorms National Park Authority acting as Planning Authority. Once approved, this footpath and stone wall entranceway shall be constructed prior to the occupation of the first unit on site.

Reason: As this information has not been provided with the application and the proposals will have an impact on the adjoining public garden area.

9. No development shall commence until details of the arrangements for the storage, segregation and collection of waste have been approved by the Cairngorms National Park Authority acting as Planning Authority in consultation with The Highland Council's Waste Operations Manager. The arrangements shall be implemented before the use is brought into operation.

Reason: To ensure that the arrangements are suitable, in the interests of sustainable development and safeguarding the amenity of residents and visitors in the vicinity of the development.

10. No development shall commence until details of proposals for use of renewable energy throughout the units, including air source heat pumps, biomass heating and solar panels have been approved in writing by the Cairngorms National Park Authority acting as Planning Authority, in conjunction with The Highland Council's Environmental Health Service.

Reason: To ensure that the siting and design of the renewable energy proposals is appropriate in visual terms and does not adversely affect the amenity of local residents.

11. No development shall commence until details of the arrangements for the disposal of surface water from the development have been submitted to and approved by the Cairngorms National Park Authority acting as Planning Authority. Drainage arrangements shall accord with SUDS principles and shall satisfy the respective requirements of Highland Council, Scottish Water and SEPA. The arrangements shall thereafter be implemented in accordance with the approved details before the development is brought into use

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

12. No development shall commence until a Method Statement (MS) has been approved in writing by the Cairngorms National Park Authority acting as Planning Authority in conjunction with The Highland Council as roads authority. The MS shall detail how access and parking arrangements for both construction related and hotel related pedestrian and vehicular traffic will be safely accommodated during the course of the works.

Reason: In the interests of road and pedestrian safety.

13. No development shall commence until a Scheme of Lighting has been approved in writing by the Cairngorms National Park Authority acting as Planning Authority in conjunction with The Highland Council's Road Service.

Reason: To ensure that the level of lighting is appropriate in this location in the interests of public safety and safeguarding the character and amenity of the conservation area.

14. The accommodation shall not be occupied as permanent residential accommodation and shall be used for holiday letting purposes in conjunction with the Garth Hotel only (ie no use by a tenant, lessee, owner or occupier as their principal dwelling house, with no single period of occupation exceeding two months). The site operators shall maintain an up to date register of the names and addresses of all guests and their main addresses and shall make this information available at all times to the Cairngorms National Park Authority acting as planning

authority. The register shall be set up prior to the first occupancy of the development.

Reason: To ensure that the accommodation is not used as a person's main or sole residence and is for holiday use only as the application has been assessed on this basis in relation to the Local Plan policies.

15. With effect from the date of this permission, no trees are to be cut down, uprooted, topped, lopped (including roots) or wilfully damaged in any way, without the prior written permission of the planning authority.

Reason: To ensure the protection of retained trees during construction and thereafter, in the interests of safeguarding the character and appearance of the conservation area.

16. Prior to any site excavation or ground works, all retained trees are to be protected against construction damage using protective barriers located beyond the Root Protection Area (in accordance with BS5837:2012 Trees in Relation to Design, Demolition & Construction) and as per Arboricultural Method Statement (AMS Revised 18 May 2014). 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, in the interests of safeguarding the character and appearance of the conservation area.

17. All external areas, including the landscaping, gardens, footpaths, roads and lighting shall be maintained in good condition at all times.

Reason: To ensure that the development is maintained in good condition, in the interests of safeguarding the character and appearance of the conservation area.

18. No unit shall be occupied until the approved access and parking arrangements are in place.

Reason: To ensure that this element of the development is completed timeously, in the interests of road and pedestrian safety.

19. The landscaping shall be carried out in accordance with the approved Landscape Specification Rev B All during the first growing season following the completion of the block of seven units.

Reason: To ensure that this element of the development is completed timeously, in the interests of safeguarding the character and appearance of the conservation area.

20. All works on site shall be carried out strictly in accordance with the approved Arboricultural Method Statement (AMS).

Reason: To ensure that the existing trees are retained and safeguarded in the interests of maintaining the character and appearance of the conservation area.

21. The stone from demolished buildings currently stored on the site, together with the stone from the demolished garage, shall be incorporated into the development.

Reason: In the interests of sustainable development and to contribute to maintaining the character and appearance of the conservation area.

22. The development shall incorporate a minimum of three bat boxes and three swift boxes, which shall be provided prior to the occupation of any of the self-catering units.

Reason: To enhance the biodiversity of the site by providing nesting habitat for swifts and to compensate for the loss of bat roosting habitat.

23. All footpaths within the landscaped area shall be finished in a low or no fines material.

Reason: To ensure that the materials used are permeable in the interests of safeguarding the trees.

Advice Notes

- 1 In accordance with section 58(1) of the Town and Country Planning (Scotland) Act 1997 (as amended), this permission lapses on the expiration of a period of 3 years beginning with the date on which this permission is granted unless the development to which this permission relates is begun before that expiration.
- 2 The Applicant should note that no demolition should take place until separate Conservation Consent has been obtained for the demolition of the existing garage.
- 3 It is recommended that all construction works (including deliveries of materials) shall take place within the hours of 0800 to 1800 Mondays to Fridays and 0900 to 1300 on Saturdays, there shall be no work or deliveries of materials on Sundays and Public Holidays.
- 4 A suitably qualified Arboricultural consultant must be employed at the applicant's expense to ensure that the Tree Protection Plan and Arboricultural Method Statement (AMS Revised 18 May 2014) are implemented to the agreed standard. The Arboricultural consultant is

to provide a scheme of supervision containing details of induction; personnel awareness of arboricultural matters; phasing of operations; identification of individual responsibilities and key personnel; timing of site visiting; record keeping and procedures for dealing with variations and incidents. Certificates of compliance for each phase are to be submitted for approval.

Reason: To ensure the protection of retained trees throughout the construction period.

- 5 A suitably qualified landscape consultant must be employed at the applicant's expense to ensure that the Landscape Plan (723/DD/GH/01 Rev B) is implemented to the standard set out in the Landscape Specification.
Reason: In the interests of amenity
- 6 The Highland Council's supplementary planning guidance on flood risk and drainage, is available via the following link,
http://www.highland.gov.uk/NR/rdonlyres/655C795E-28FF-4D27-A4D0-509B0FB91963/0/FloodingSupplementaryGuidance_NEW.pdf
- 7 In general the proposals should comply with the requirements of the The Highland Council's Roads and Transport Guidelines for New Developments document,
(<http://www.highland.gov.uk/NR/rdonlyres/D51A3135-F832-4C47-8094-385486600D7C/0/THCRTGNDFINALMAY2013.pdf>)
- 8 If an active squirrel drey is found, Scottish Natural Heritage should be consulted, as a licence will be required to remove the tree. A licence is also required for any works within 30 m of an active drey.

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24 May 2014

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