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## CAIRNGORMS NATIONAL PARK AUTHORITY

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

**Prepared by:** ANDREW TAIT, PLANNING OFFICER  
(DEVELOPMENT CONTROL)

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**DEVELOPMENT PROPOSED:** ERECTION OF TWO FLATTED HOLIDAY LETTING UNITS, AT THE OLD MINISTER'S HOUSE, ROTHIEMURCHUS, AVIEMORE.

**REFERENCE:** 04/498/CP

**APPLICANT:** MR & MRS P STRETTON, PER PAUL DEVLIN, ARCHITECT, ALLT BEAG, DALRACHNEY, CARRBRIDGE, PH23 3AX

**DATE CALLED-IN:** 27<sup>TH</sup> OCTOBER, 2004



**Fig. 1 - Location Plan**

## SITE DESCRIPTION AND PROPOSAL

1. The application is for outline planning permission for a new building incorporating 2 holiday letting units in the grounds of the Old Ministers House at the crossroads of the Aviemore to Loch Morlich road and the B970 road from Feshiebridge, at Inverdrue. The existing house, the Old Minister's House, is currently operated as a guesthouse. The House site is well treed with a mixture of mature and maturing trees around the site, providing an attractive setting for the house and surrounding garden.
2. Access from the site is taken across a pavement onto the B970, and a minimum of 8 car parking spaces are proposed. A car park exists across the B970 road adjacent to the Inverdrue Visitor Centre, and the Ski Shop is on the next site to the east. The River Druie is adjacent to the north-east boundary of the site. Surface water will drain to soakaways, and the foul drainage will be to the public sewer.



**Fig. 2 Old Minister's House, area to be developed on right hand side of photograph**

3. Indicative plans have been submitted showing the erection of a detached building at the eastern end of the site. The building is shown to be 2 storeys in height, and to have a 2 bedroomed apartment on the ground floor, and a 2 bedroomed apartment above accessed by an external staircase. Each apartment has a kitchen and bathroom and is a self-catering unit. The new building is located slightly closer to the main B970 road frontage of the site than the existing Old Minister's House, and close to some mature trees.

4. A letter attached at the back of this report sets down the reasoning behind the proposal. It is noted that the existing business is doing well and provides high quality accommodation. The intention of the proposal is to provide more accommodation and in particular to provide more accommodation for less able visitors. The house has planning consent for a small conservatory extension on the east side of the building.

## DEVELOPMENT PLAN CONTEXT

5. **Policy L4 Landscape Character**, states that the Council will have regard to the desirability of maintaining and enhancing present landscape character in the consideration of development proposals. **Policy G2 Design for Sustainability** lists a number of criteria on which proposed developments will be assessed. These include service provision (water and sewerage, drainage, roads, schools electricity); accessibility by public transport, cycling, walking and car; energy efficiency in terms of location, layout and design (including the utilisation of renewable energy sources). **Policy T2 Tourist Developments** considers that the council will support high quality tourism development proposals, particularly those which extend the tourist season.
6. The application site lies within an area identified in the **Badenoch and Strathspey Local Plan area 9.1 Environment (Safeguarding)**. In this area it is stated that “the Council will safeguard the character and identity of Inverdrue and Coylumbridge, including woodlands, open spaces, footpaths and land liable to flooding or erosion by river action. Residential or tourist-related development of remaining gap sites will be encouraged consistent with the above considerations and services. Further infill along the ski road frontage will be resisted.” The Local Plan objectives for the Inverdrue-Coylumbridge community are to restrict future development to what can be successfully absorbed in landscape terms, and to protect and enhance roadside amenity.

## CONSULTATIONS

7. **Highland Council’s Roads Manager** advises that there should be visibility splays of 120 metres in both directions along the B970. There are other comments on the location of any gates and the provision of an additional 3 parking spaces and manoeuvring space.
8. **Highland Council Forestry Officer** has raised concern that the indicative plan supplied shows a building that is too close to the large beech tree at the front of the plot and that this proximity would lead to damage to the roots of that tree.

9. **SEPA** have no objections to the drainage arrangements, but advise on the disposal of any wastes from the site following the start of any development.

## REPRESENTATIONS

10. The **Rothiemurchus and Glenmore Community Association** has stated that the Old Minister's House is a very attractive granite built house placed in a very prominent position in Rothiemurchus. The building of a chalet within the grounds of the house may severely detract from the house, depending on the type of materials used to build it, the design of it and the positioning too. The Association has also expressed concern about what arrangements there are for parking since the guesthouse currently attracts a substantial amount of parking; also there are concerns at another application for a conservatory extension at the House.
11. Because of these concerns the **Community Association** requested plans and these were sent on to the Association. No further comment has been received
12. A company which runs a chalet business nearby objects to the development, and is concerned at the future survival of current self catering businesses in the face of 'people building cabins or chalets in their back garden or grounds'. This objector is also concerned at the prominent location of the development and whether it would 'complement' the attractive Old Minister's House within its well maintained site.

## APPRAISAL

13. The main issues to be assessed for the proposed development include the Development Plan policies for the site, the character of the existing site, and in particular potential impacts upon trees.
14. The site is within the Cairngorms National Scenic Area and the Badenoch and Strathspey Local Plan seeks to safeguard the site, tending to resist further infill along the ski road frontage. This was my starting point for the assessment of the proposal and I pointed out to the agent that the proposal appeared contrary to this policy in principle. However, if one adopts a strictest interpretation of this policy, then no development at all would be allowed along the ski road frontage. The agent was of the opinion that the policy did not count because the development was located within the grounds of his existing property. I am of the view that the policy seeks to restrict physical infill of sites irrelevant of whether they are part of an existing curtilage.

15. As noted above a basic reading of the policy restricts any development along the road frontage of the Glenmore Road. I am of the view that while this is a valid, bare description of the policy, the intention of the policy is not so restrictive and this is understood to be the view of the authors of this policy. My interpretation of the policy is that it seeks to restrict infill where such infill would be detrimental to the character of the frontage. In essence, this approach allows development that would not harm the character of the Glenmore Road frontage.
16. The Old Ministers House is not a listed building, but it is an attractive, traditional building set on a prominent site at the junction of the Glenmore Road with the B970 to Glen Feshie. Part of this attraction is the mature treed nature of the grounds of the house that forms an essential part of the character of the road frontage in this location. A key question therefore is whether a building, in principle, can be accommodated on the site without detriment to the treed character of the site, if it can then in my view the proposal does not contravene the policy for the Glenmore Road frontage. However, if the trees cannot be retained then the proposal would be detrimental to the character of this part of the ski road frontage. With regard to this the Forestry Officer for Highland Council has been consulted and raised concern that the indicative plan shows the footprint of the building too close where it would be likely to result in damage to the roots of a large beech tree at the front of the site. A revised indicative plan has been submitted which shows the same footprint facing the Glenmore Road.
17. To resolve the situation regarding trees an independent arboriculturalist was employed by Highland Council Forestry Officers to provide an independent and detailed analysis of the site. A report has been provided which considers that the trees are of important amenity value at this site and should be retained. However, a thorough analysis shows that they can be retained if foundations are implemented in a pile and beam or pile and raft foundation design and tree protection zones are implemented in accordance with the recommendations of the report supplied. The applicants are also of the view that they would wish to retain the trees, as they are an important element in the attraction of the site as a place to stay for tourists.
18. The northern boundary of the site backs onto the River Druie SAC. However, the building would be some 25 metres away and separated from the River by trees. There is therefore, no reason to suppose that the river would be affected by the proposal. However, a method statement for construction is recommended in condition 2 to make sure that there would be no pollution to the river.
19. There is also a question regarding the design of any building at the site, an indicative sketch shows how a building could be designed for the site using essentially the same design forms and materials as the existing house. This matter would be considered in detail with any reserved matters application. However, a condition is proposed to

inform the applicants that any detailed application would need to adopt a sympathetic approach in line with the indicative sketch details shown. The sketch also shows that the ridge line can be set well below that of the Minister House showing that any new building would be subservient in scale and form to the main house.

20. Some concern has been raised by an objector regarding supply and demand of such facilities and the potential effects of such proposals on their chalet business. However, competition in the private business market is not a material consideration in the determination of planning applications, unless an over-concentration of such facilities is causing some sort of amenity or environmental problem.
21. In summary the proposal is positive and meets the social and economic development and promoting enjoyment aims of Park. I did have concern with regard to the effects of the proposal upon natural heritage in terms of the trees at the front of the site. Providing any future development is carried out in accordance with the tree report then the trees should be unaffected. The proposal offers an addition to a high quality tourism business while ensuring the protection of natural heritage, hence my recommendation of approval.

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

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

22. The Old Minister's House is a building of significant character, in a prominent location, adjacent to a busy tourist route and tourist facilities. The House is located within a spacious setting with its own gardens, and surrounded by maturing trees, which provide an attractive setting for the house and important landscape features for the locality. If the trees could not be retained then the proposal would be detrimental to this aim. However, if they can be retained a building could be acceptable in principle provided that it was carefully designed with the appropriate materials. Great lengths have been taken to ensure that the proposal is compatible with the trees and a combination of conditions and the consideration of a reserved matters application will ensure that any building to be constructed on the site will accord with the character of the Old Minister's House.

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

23. The proposal involves the strengthening of an existing high quality business at the site, which will also help to foster the use of other tourist and interpretation facilities in the area. Issues regarding the sourcing of materials will become more apparent with any reserved matters application. However, it is important that they match the character of the Old Minister's House. The site is located on a public transport route.

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

24. The proposal may well promote the understanding and enjoyment of the area by the creation of additional tourist accommodation. The accommodation may also specifically help the less able with regard to enjoyment of the area and its facilities.

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

25. The development will add to the visitor accommodation in the local community and emphasising and increasing the use of the existing tourist facilities in Aviemore, Inverdrue and Glen More as a whole.

### **RECOMMENDATION**

26. That Members of the Committee support a recommendation to:  
**GRANT OUTLINE PLANNING PERMISSION** for the erection of 2 flatted units for holiday lets at the Old Ministers House, Rothiemerchus, Aviemore, subject to the following conditions:
  1. A formal planning application and detailed plans indicating all matters relating to the siting, design and external appearance of all buildings, means of access thereto, means of enclosure and landscaping proposals shall be submitted for the prior approval of the Planning Authority within 3 years of the date of this consent and the development must be commenced within 5 years of the date of this permission or within 2 years from the date of final approval of all the foregoing Reserved Matters.
  2. The development shall be of a traditional, architecturally sympathetic design in respect of the building form, detail and finishing materials to the Old Minister's House. Any reserved matters application shall be submitted with a full construction method statement, foundations shall be designed in a manner to avoid root damage to adjacent trees and full details of where any excavated materials would be stored/disposed of shall be indicated.
  3. That from the date at which this planning permission is granted, no trees on the site shall be felled, lopped, topped, uprooted or damaged without the prior written approval of the Cairngorms National Park Authority acting as Planning Authority.
  4. That no development shall commence on this site until trees marked for retention on the approved plans, have been protected by chestnut paling fencing erected around the extremities of the crowns of these trees to the satisfaction of the Planning Authority in consultation with Highland Council Forestry Officers, and in accordance with the arboricultural report submitted with this application and in accordance with BS5837, Trees in Relation to Construction.

5. The proposed building shall only be used as holiday accommodation ancillary to and in connection with the business at the site and shall not be sold separately or be used by a tenant, lessee, owner or occupier as their only or principal dwellinghouse. No single period of occupation shall exceed two months. Occupation shall be restricted to use by persons requiring to stay in the area for recreational or vocational purposes.
6. Additional dedicated parking space for at least 3 vehicles shall be provided within the curtilage of the property such that all vehicles may enter and leave the site independently in forward gear.
7. The existing dropped kerb footway crossing shall be reconstructed to the satisfaction of Highland Council Area Roads Manager prior to the first occupation of the holiday accommodation hereby approved.
8. A scheme of visibility splays to the satisfaction of the Cairngorms National Park Authority in consultation with the Area Roads Manager shall be submitted to and approved in writing by the Cairngorms National Park Authority acting as Planning Authority. The approved splays shall be established prior to the first occupation of the holiday accommodation.

#### **ADVICE NOTES**

1. You are advised that prior to any work of excavation or surfacing starting within 2 metres of the public road edge a road opening permit shall be obtained from the Roads Authority.
2. Your attention is drawn to the attached response from SEPA.

#### **DETERMINATION BACKGROUND**

The main reason that the application has taken time is due to interpretation of the policy regarding the Glenmore Road frontage and gaining information on this. In addition it has taken time to thoroughly assess issues regarding trees on the site, which has included the commissioning of an independent arboriculturalist.

Andrew Tait

30 September 2005

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