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## CAIRNGORMS NATIONAL PARK AUTHORITY

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

**Prepared by: MARY GRIER, PLANNING OFFICER  
(DEVELOPMENT MANAGEMENT)**

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**DEVELOPMENT PROPOSED: OUTLINE PLANNING PERMISSION FOR THE REDEVELOPMENT OF THE SITE TO PROVIDE CRAFT SHOP, TEA ROOM, MUSEUM, TOILETS, TOURIST INFORMATION AND SELF CATERING COTTAGES AT THE FORMER LAGGAN HOTEL AND FILLING STATION, KINLOCH LAGGAN.**

**REFERENCE: 07/212/CP**

**APPLICANT: ARDVERIKIE ESTATE C/O NJM ARCHITECT / BILL BRYCE, NO. 3 WEST TIRINDISH, SPEAN BRIDGE.**

**DATE CALLED-IN: 1<sup>ST</sup> JUNE 2007**



**Fig. 1 - Location Plan**

## SITE DESCRIPTION AND PROPOSAL

1. Full permission is sought in this application for a multi functional tourist facility, comprising of a craft shop, tea room, museum, toilets, tourist information and self catering cottages. The subject site is located on Ardverikie Estate in Kinlochlaggan, immediately adjacent to the western boundary of the Cairngorms National Park. The proposal is essentially a redevelopment of this former commercial premises, which in the past accommodated a hotel and a filling station.
2. The identified site area is bounded to the south by the A86 trunk road, while the eastern boundary is partially demarcated by a small burn, and the northern and western boundaries are formed by rising wooded banks. The site is opposite Loch Laggan and overlooks the loch and its sandy beach and the pinewoods beyond. There are a number of structures on site at present. The stone clad canopied former filling station building is located in a prominent position, adjacent to the public road, and the three disused fuel pumps still remain in the forecourt area. The former hotel building is located in the western area of the site, set close to the steeply rising wooded bank to its rear. The structure is uninhabited at present. It comprises of a one and three quarter storey element, which is part of the original building on the site dating from the nineteenth century, and also a later single storey flat roof extension which runs in an elongated form from north to south on the site. The front elevation of the single storey extension incorporates stone facing and extensive glazing. Two older structures are located immediately to the north of the extension. The first of those is oriented perpendicular to the extension. It has the general appearance and proportions of a traditional single storey cottage and is of random stone construction under a pitched slate roof. Two doors in the rear elevation of this structure provide direct access into the 1960's hotel extension. The second of the older structures is smaller scale, projecting at an angle to the rear of the other structure. It is also constructed of random stonework, with slates on the hipped roof. The structure is described on the survey drawings as an outbuilding and it does not have any linkages through to the remainder of the structure.



**Fig. 2 : Proposed redevelopment site, with former hotel and filling station buildings evident.**

3. In addition to the buildings which exist in the core area of the site, a bridge leads across the burn to a more secluded area, where a large agricultural type building exists, surrounded on three sides by dense vegetation. Access to the identified site area currently exists in the southern corner of the site from where an internal access road / track leads past the main structures on the site and over the bridge to the more secluded northern area of the site. The internal road / track, which is overgrown and showing little signs of recent use, leads past the main structures on the site and over the bridge towards the more secluded northern area of the site. The internal road then continues in a south easterly direction outwith the current site boundaries, to emerge at a junction with the A86 trunk road. Access from this area is not however part of the application site nor are the proposals contingent upon its use.



Fig. 3 : Original building and extensions



Fig. 4 : Traditional buildings



Fig. 5 : Agricultural shed



Fig. 6 : access track through the site

4. Supporting information accompanying the application includes a brief history of the former commercial nature of the site. The original building on the site dated from the 1800's when it was constructed as an Inn and staging post.<sup>1</sup> The structure included a three storey section which burnt down in the early 1960's. Efforts were made to rebuild the commercial facility, although following a different design approach, which included the development of the single storey flat roof element that remains today. It is understood that the stone walls of the original three storey building remained at ground floor level and were incorporated into the new design. The extended building was then operated as a bar, restaurant and shop until 1975. Between 1975 and the late 1980's the main structure was utilised as a factors house,

<sup>1</sup> A date stone on the wall of the structure refers to its construction in 1830.

estate office and post office. The original building continued in residential use until the relatively recent past.<sup>2</sup> The flat roof single storey extension ceased to be used earlier than that and is described in supporting documentation as being 'run down and disused.'

5. In addition to the various uses associated with the main structure on the site, a number of timber holiday chalets were also constructed in the early 1960's and according to supporting information remained in use for approximately five years. No evidence of the chalets remain on the site now. The other use on the site was the previously mentioned filling station which was also built in the early 1960's and remained in operation until the late 1980's.
6. Although an application for outline planning permission, the application details includes a considerable level of detail, including an indicative site layout plan and indicative elevation drawings and floor plans for the proposed development. The indicative plans show proposals for the retention of the original one and three quarter storey element of the existing main structure and the construction of a new extension, in place of the flat roof structure dating from the 1960's. The proposed new extended section is depicted on the indicative front elevations as creating a streetscape scene, with the extension appearing as two terraced single storey pitched roof cottages (with one section having a corrugated iron roof, while the second would have a slate roof finish). Despite externally creating the impression of different properties, internally a large open place space would be created linking into the original part of the building. A third element of this streetscape approach is the creation of a link between the new build element and the existing older stone structures at the northern end of the main structure. This linking section is also single storey but of a lower ridge height, to achieve compatibility with the ridge line of the old cottage which it is proposed to adjoin. A small (40 square metre) detached property is proposed at the opposite end of the site i.e. close to the southern site boundary, adjacent to the original building.
7. As detailed in the description of the proposed development, a variety of uses are proposed on the site. In addition to the details shown on the indicative floor plans, supporting documentation elaborates on the specific uses proposed.
  - Area A (the detached new building in the southern area of the site) – "a new building that could be used as an Interpretation Centre providing information on the surrounding area."<sup>3</sup>

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<sup>2</sup> A fire damaged the original part of the building in 2005, although it was refurbished.

<sup>3</sup> The originally submitted documentation referred to the building potentially being used "to house information on the Cairngorms National Park and be a focal point for the entrance to the Park from the west." The CNPA's Visitor Service and Recreation Group raised some concerns about this, querying in particular the long term viability / sustainability of a new building dedicated solely to this purpose. The description was subsequently amended to refer to an Interpretation Centre, which could potentially have a wider remit than the original proposal.



- Area B – “ground floor of original section of building which could be used as a shop.”
- Area C – “upper floor of original section of building which could be utilised as Managers accommodation, in the form of a bedroom, bathroom, office and open plan kitchen, dining, lounge with access either through the shop or a separate external access could be formed to the rear.”
- Area D – “by stripping the flat roofed extension away and adding to the remaining stone walls from the original three storey building, a new pitched roof with cathedral ceiling and a dramatic space would be created that could house a Café / Restaurant / Function Room. The roof could be extended to the front of the building forming a covered open terrace.”
- Area E (ground floor extension proposed to the rear of Area D) – “ a new building that could house a kitchen, this space would have a direct external access for servicing and deliveries.”
- Area F (ground floor extension also to the rear of Area D) – “a new building that could house the toilets, this space would have direct access from the restaurant and direct external access to allow customers the use of the toilet facilities without having to go through the restaurant.”
- Area G (link between new extension and existing older buildings) – “this new area would link the existing buildings together and could be the main entrance to the facilities, two large arched doorways creating an open covered space providing access to the restaurants, toilets and the Museum of Ardverikie.”
- Area H (former cottage and outbuilding) – “these two existing buildings could be linked and refurbished to form the Museum of Ardverikie providing an insight into the history of the estate, past and present. It could incorporate memorabilia and information of the television programmes and movies filmed on the estate over the years or these two buildings could be linked and converted into a one bedroomed self catering unit with a bedroom in the rear building, a bathroom in the link and an open plan kitchen, dining, lounge in the front building.”
- Area J – “this is the site of a large storage shed that could be removed and replaced with two detached self catering cottages.”
- Area K – “this is the site of the former filling station and would form the access into the site and car park.”

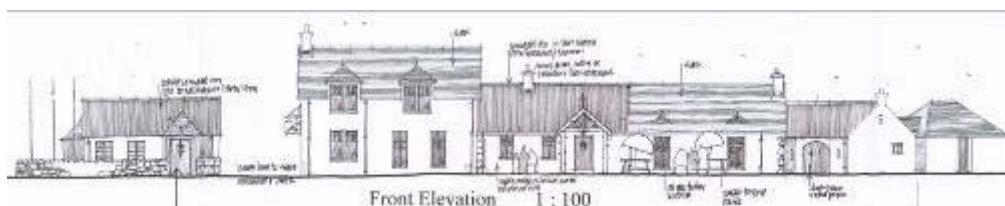


Fig. 6 : Proposed front elevation of redevelopment proposal

8. As detailed above, Area K, in which car parking facilities are proposed,<sup>4</sup> covers the area of land including the former filling station site and the land to the rear of that, which has the appearance of having served as a former garden area associated with the hotel. The site layout plan identifies the proposed new access off the A86 trunk road which is in a relatively central position along the identified site frontage.
9. The final aspect of the development proposal is for two detached holiday cottages, shown on the indicative site layout plan to be positioned on the northern side of the burn. The agricultural shed and also an existing concrete base would be removed from that area. Indicative elevation drawings and floor plans have been submitted for the holiday cottages, showing a single storey structure, which would accommodate two bedrooms, bathroom, small galley kitchen and a dining / living room.

## DEVELOPMENT PLAN CONTEXT

### Highland Structure Plan 2001

10. **Section 2.7** of the Highland Structure Plan discusses the economy and tourism in particular, noting that tourism is a vital element of the Highland economy. The identity of the Highlands includes “its built heritage, rich wildlife, scenic beauty, history and culture” which are described as the foundations on which tourism and recreation activities are based. The Structure Plan strategy aims to build on the Highland identity and to “take a proactive approach to the wise use of the natural environment as a primary resource” for tourism.
11. The Structure Plan notes that tourism makes major demands on infrastructure and facilities and also notes that there is scope for improvement in the quality and level of provision. **Policy T2 on Tourism Development** confirms Highland Council’s support for high quality tourism development proposals, particularly those which extend the season, provide wet weather opportunities, spread economic benefits more widely and provide opportunities for the sustainable enjoyment and interpretation of the area’s heritage.
12. On the specific topic of tourist accommodation, section 2.7.8 refers to a growth trend in recent years in the self-catering sector. In anticipation of further applications for chalet and other self contained accommodation, the Structure Plan advises that they must be designed for minimal impact on services, road infrastructure and the environment. **Policy T3 on Self catering tourist accommodation** expressly states that permission will only be granted for tourist accommodation proposals on the basis that the development will not be used for permanent residential accommodation.

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<sup>4</sup> The detailed car parking arrangement would be submitted as part of an application for approval of reserved matters in the event of the proposal progressing to that stage.

13. The **Highland Structure Plan** includes a detailed section on the environment and topics such as nature conservation and landscape are discussed in this section. Para. 2.13.1 notes that the abundance of natural habitats and species is a key element of Highland's identity and constitutes one of the region's main strengths. The **Structure Plan** details the hierarchy of protection of nature conservation interests, but also notes that such interests are not confined only to designated sites. **Policy N1 on Nature Conservation** requires new developments to minimise their impact on the nature conservation resource and enhance it wherever possible.
14. **Section 2.14** of the Plan discusses Landscape where it is declared that "no other attribute of Highland defines more the intrinsic character and nature of the area than its landscape." The Plan notes that associated with such landscapes are the communities that live in harmony with them and the wildlife that is adapted to their conditions. It advises that the protection and enhancement of landscape and scenery must be positively addressed. **Policy L4 on 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."
15. **Badenoch and Strathspey Local Plan (1997)**  
The **Badenoch and Strathspey Local Plan (1997)** includes a detailed section on the landward area, where it is noted that there has been some loss of agricultural land to various uses as farms have diversified and communities expanded. Diversification away from traditional farming methods has led to changes towards specialist farming, conservation and tourism. The main planning considerations detailed for the landward area include "the protection of the area's exceptional scenic, nature conservation, wildlife and landscape resources and heritage," encouraging diversification compatible with maintaining traditional ways of life, and the promotion of tourism and countryside recreational pursuits.
16. Section 2.2.9 of the Local Plan discusses Tourism and Recreation, noting that such activities will continue to make a vital contribution to the economy, but also emphasising that the priority is to ensure that "broadening the range and quality of facilities and accommodation is balanced with protecting the areas exceptional scenic and heritage resources." The plan suggests that within communities and on their edges that tourist accommodation, recreation and leisure facilities of a scale appropriate to the community concerned will be promoted.
17. Section 2.2.10 of the Plan entitled **Tourism** states that the "Council will encourage the development of tourist accommodation and facilities at suitable sites within or immediately adjoining communities." The Plan however advises that development potential in some parts of the countryside is limited by amenity and servicing factors. It also requires

that development should be compatible with adjoining land uses, spare capacity in infrastructure and safeguards for local heritage and amenity. Section 2.2.10 also requires that tourism proposals should “either associate well with the prevailing pattern of building, or be well absorbed visually by landform and trees.

18. The landscape conservation policy of the **Badenoch and Strathspey Local Plan** is detailed in section 2.5.10, where it is the policy to conserve areas of landscape importance including waterside land, open areas and scenic views. It is also advised that development proposals will be considered carefully in respect of their impacts on conservation and the environment.

**Cairngorms National Park Plan (2007)**

19. The Cairngorms National Park Plan has a number of strategic objectives that provide a long term framework for managing the National Park and working towards a 25 year vision. The strategic objectives are set out under three broad headings – (i) conserving and enhancing the park; (ii) living and working in the park; and (iii) enjoying and understanding the park.
20. In terms of conserving and enhancing the park, the specific objectives are intended to ensure the management of the natural and cultural heritage of the Park whilst recognising the interdependence between the special qualities and the important links to the socio-economic viability of land management, businesses and communities. The Park Plan includes a strategic objective for Landscape, Built and Historic Environment, which has a number of aspects including maintaining and enhancing the distinctive landscapes across the park and ensuring that development complements and enhances the landscape character of the park.
21. Under the heading of ‘Enjoying and Understanding the Park’ the Park Plan alludes to the fact that the Cairngorms National Park is known for its outstanding environment and outdoor recreation opportunities and that this in turn requires “a sustainable approach to developing tourism, an excellent quality provision of outdoor access and recreation opportunities and a significantly enhanced awareness and understanding of the National Park, its special qualities and management needs.” The Plan also emphasises that enjoyment of the area is not only relevant to those people travelling to the Park, but is also part of the everyday experience of those living in and around the area. There are a number of strategic objectives which are of relevance in relation to ‘Sustainable Tourism.’ Objectives include improving and maintaining the quality of the experience in the Park for all visitors, communities and those working within the tourism industry; developing and maintaining a wide range of opportunities for visitors to experience and enjoy the special qualities, distinctiveness and natural and cultural heritage of the Park; and also to encourage an optimum flow and spread of visitors across the Park and minimise social and



environmental impact including traffic generated by visitors and conflicts between different forms of recreation.

## CONSULTATIONS

22. Given that the access arrangement to serve the proposed development would result in the formation of a new access onto the A86 trunk road, **Transport Scotland, Trunk Roads Network Management Division**, were consulted. The final response recommends that a number of conditions are attached in the event of the granting of planning permission. Conditions include the provision and maintenance of visibility splays on each side of the new access; the construction of the junction with the Trunk Road in accordance with the Department of Transport Advice Note TA 41/95<sup>5</sup>; the closure of existing accesses; and the provision and maintenance of a fence type approved by the Planning Authority, along the boundary of the site with the trunk road. The consultation response also advises of the need to inform the applicant that any planning consent does not carry with it the right to carry out works within the trunk road boundary.<sup>6</sup>
23. **Scottish Natural Heritage** has appraised the proposal from the perspective of European Interests affected. In this context **SNH** highlighted the possibility that the disused hotel or filling station may provide important resting sites and / or breeding sites for a number of bat species (which are a European Protected Species). **SNH** recommended that a survey of bats be undertaken prior to determining whether or not planning permission should be granted. The applicants / agents expressed concern about this on two counts. Firstly, the recommended time for carrying out bat surveys is not until after March 1 and this would result in delays in determining the planning application, which they wish to avoid. Secondly, it was considered that the requirement to undertake a bat survey at the stage of seeking outline permission was unwarranted, with the applicant / agent making the case that despite the application documentation including indicative drawings to illustrate potential development on the site, the proposals were not definitive and in the event of an application for approval of reserved matters subsequently being submitted may not even involve utilising the two older structures that the bats are most likely to inhabit. The applicants and their agent accept the likelihood of bats being present in those buildings and accept the need to carry out a bat survey. However, it is their view that it is not necessary to undertake a bat survey until the stage of a more detailed planning application. In the event of the principle of development on this site being accepted and outline permission being granted, they are willing to carry out the survey in conjunction with an application for approval of reserved

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<sup>5</sup> Vehicular Access to All-Purpose Trunk Roads.

<sup>6</sup> The applicants are required to consult with Transport Scotland Trunk Roads Management Division on the terms and conditions, that require to be agreed to enable works within the trunk road boundary to be approved.

matters, prior to any work being undertaken on the buildings and then abide by any associated conditions of work emanating from the findings.

24. The case was put forward to **Scottish Natural Heritage** and the most recent consultation response re-states the position, referring to the fact that **SNH** is “obliged to inform developers about protected species, including European Protected Species (EPS), which may be affected by certain proposals” and consequently recommending that a “survey of bats be undertaken at the earliest opportunity, in the this case after the 1 March, prior to determining whether planning permission should be given.” Notwithstanding this view, at the conclusion of the consultation response it is stated that “SNH has no objection to the application, but has recommendations regarding EPS.”
25. **SEPA** initially objected to the foul drainage aspect of the proposal, primarily due to a lack of sufficient information.<sup>7</sup> Further to the receipt of the required information a revised consultation response was issued by **SEPA** confirming that there is no objection to the development proposal. The foul drainage proposals<sup>8</sup> are considered acceptable, subject to standard minimum distances being achieved.<sup>9</sup>
26. The final consultation response from **SEPA** also included some comments on car parking provision at the site and requested in the event of a detailed application being made that the applicant clarify whether any engineering works would be proposed for the river bank and that details of all such works would be provided for assessment purposes.
27. The proposal has also been assessed by the **Area Roads and Community Works** division of Highland Council. The consultation response refers only to matters within the proposed site, as the junction of the access road onto the Trunk Road has already been commented upon by another agency. The **Area Roads and Community Works** division recommend that a number of conditions be included in the event of consideration being given to the granting of planning permission. It is recommended that “parking and manoeuvring space commensurate with the scale and nature of development proposed shall be provided to ensure that all parking can be accommodated

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<sup>7</sup> A civil engineering statement was submitted as part of the application documentation. The initial consultation request to SEPA was instigated prior to the CNPA calling in this application for determination and although it is normal procedure to forward all related engineering documents to SEPA for consideration, it appears that this may not have occurred in this instance, thus leading to SEPA’s initial request for further information. The Civil Engineering Statement was subsequently made available to SEPA and a revised consultation response was issued.

<sup>8</sup> Foul drainage is proposed to be disposed of by means of a treatment plant discharging to a soakaway trench.

<sup>9</sup> In order to protect surface water a minimum distance of 10 metres from soakaway to watercourse (including ditches and field drains), and 50 metres from soakaway to well or abstraction. In the interests of groundwater protection a minimum distance of 1 metre from the bottom of the distribution pipes of soakaways to the seasonally highest water table is required.

within the site.” Other conditions include a requirement that drainage measures accord with SUDS principles, that the development shall be free from the adverse effects of a 1 in 200 years flood event, that street lighting shall be provided to the satisfaction of the Council’s Area Lighting Engineer and that refuse bin collection points are established at suitable locations on the site.

28. The **Contaminated Land section** of Highland Council have examined the proposal and the response refers to the historic use of part of the site as a petrol station, “which may have resulted in land contamination.” The **Contaminated Land section** have recommended, in the event of consideration being given to the granting of planning permission, that a condition is attached requiring that a scheme to deal with potential contamination on the site is prepared prior to the commencement of development and implemented in full thereafter.<sup>10</sup> The assessment should be consistent with the approach to land contamination contained within the new contaminated land regime as reflected in PAN 33 and with the British Standard for investigation of potentially contaminated sites.
29. Highland Council’s **Environmental Health Officer** initially requested further information on the water supply (including details such as the flow rate, an assessment of the sufficiency of the supply, details of measures taken to protect the source from contamination, details of the proposed distribution system and a requirement for a statement confirming that the supply would be installed in accordance with current water byelaws). However, further to discussion with the applicant / agent a revised report was received from the **Environmental Health Officer** advising that the details contained within the Civil Engineering Statement were “sufficient with regards to water supply for the purposes of outline planning permission.” The remainder of the information (as detailed above) would only be required at the stage of a more detailed application.
30. The proposal has been examined by the CNPA’s **Visitor Services and Recreation Group**. It is noted in the opening comments of the consultation response that the subject site is adjacent to the western boundary of the Cairngorms National Park, at a point where an estimated 934 vehicles enter the National Park daily (representing approximately 3% of all vehicles entering the Park). The focus of the **VSRG** response is primarily on the tourist information / promotion of the National Park aspect of the proposal. **VSRG** are broadly supportive of proposals to provide high quality information about the National Park and reference is made to the fact that the CNPA have worked with several private enterprises to promote and distribute visitor information

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<sup>10</sup> The Contaminated Land section have advised that the scheme should include 1. an assessment of the nature, extent and type of contamination on site; 2. a remedial strategy (if required) to treat / remove contamination to ensure that the site is fit for the use proposed; and 3. a validation report by a competent person who will validate and verify the completion of the works to a satisfactory standard.

about the National Park.<sup>11</sup> It is recognised that the provision of information about the National Park as the western entrance is likely to be a useful service to visitors. However, the **VSRG** consultation response expresses some concern about the long term viability / sustainability of a new building solely for information and interpretation purposes. **VSRG** view it as “challenging to see how a separate building for information alone would be sustained” and suggest that the proposals are revised to integrate the information and interpretation aspect with another facility.<sup>12</sup>

31. **VSRG** have also commented that the current site at which a permanent National Park entry point granite marker is intended to be positioned is at the Forestry Commission Scotland car park at Falls of Pattack, which is approximately 3 miles east of the application site. The site was selected following local consultation and on the basis of the ability to link Park wide interpretation and quality local walks directly with an entry experience. Comment is also made about the fact that the existing temporary metal entry sign has been located at the Pattack site for the past two and a half years, without adverse comment. However in light of the current proposal **VSRG** commented that locating a permanent market at Pattack may now cause some potential visitor confusion about the entrance to the National Park.
32. A detailed consultation response has been received from the CNPA’s **Natural Heritage Group** addressing ecological and landscape issues. The ecology response discusses the site characteristics, noting that it has been the subject of much human activity and is dominated by the built environment. Much of the remainder of the site consists of overgrown garden space, with a rocky, fast flowing burn running through it. Habitat quality is considered to be limited due to previous human influence on the site. Many of the species appear to be old garden plants. The ecology response also notes that trees on and around the site are mixed in terms of species. The bank behind the main building for example mainly supports native broadleaves such as birch, while the woodland immediately east of the site is composed of native broadleaves with some exotic conifers.
33. Concern has been expressed about the presence of Rhododendron, potentially of the invasive *ponticum* variety, in an area immediately to the south of the original building. This type of invasive, non-native species is considered to be damaging to native biodiversity. It is noted that a new building is proposed in the location at which the Rhododendron is currently present and it is assumed likely that much of this vegetation would be cleared in the event of construction occurring. The response from **NHG** stresses that care should be taken

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<sup>11</sup> Enterprises involved in this are expected to meet quality and environmental standards required to use the National Park brand.

<sup>12</sup> The applicants were made aware of the concerns of the Visitor Services and Recreation Group and amended the proposal in response to this, to suggest that the small new building could be utilised as a more general interpretative centre, and not specific to the National Park.

that all specimens (if confirmed to be the *ponticum* variety) are completely and sensitively cleared from the site, to ensure that there is no risk of contaminating land either on or off site with the discarded material.

34. Detailed comment has also been made on the subject of breeding birds, with NHG noting that there are several structures on the site which are likely to have nesting opportunities for several bird species. Reference is made to the fact that the nests and eggs of birds are protected during the breeding season by the general provisions applying to breeding birds in Part 1 of the Wildlife and Countryside Act 1981 (as amended). Accordingly, NHG advise that any development of the buildings would have to be carried out in a manner that complies with the legal requirements. Legal compliance could be achieved by phasing works to avoid any parts of the building occupied by breeding birds. Where this is not possible a license would have to be sought from the Scottish Government to permit disturbance.
35. The concluding sections of the ecological response focus on the potential to enhance the ecological value of the subject site, having regard to the fact that the first aim of the National Park is to enhance, as well as conserve, the natural heritage. Suggestions for enhancement include ensuring that any new landscaping only uses local origin, native tree species.<sup>13</sup> It is also recommended that good quality nesting and roosting opportunities are provided for vulnerable Cairngorms species, for example through the incorporation of bat roosts and swift nests sites into the design of any new buildings on the site.
36. Landscape advice has also been provided by the CNPA's Natural Heritage Group. The response notes that on both the eastern and western approaches the existing hotel building (either its gable end or façade) naturally draws the eye and is a local landmark. A general comment offered in the consultation response is that the proposals are appropriate in scale and character in relation to the landscape and visual sensitivities of the site. The proposals are considered to have the potential to enhance the local landscape and become an attractive feature in a good setting. Despite the support for the proposals in landscape terms, a number of issues have been raised in the consultation response and a number of modifications were recommended in order to address the concerns, including a requirement for a tree survey to be undertaken, the submission of a detailed landscaping plan and also where possible in designing the car parking area, the avoidance of alterations to the natural profile of the river bank.

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<sup>13</sup> Aspen is listed as a species which would be beneficial for biodiversity. Alder, willows and birches are also listed as species to enhance the habitat value of the riparian zone.

## REPRESENTATIONS

37. No representations have been received in respect of the development proposal.

## APPRAISAL

38. This application is for a commercial development on a brownfield site in a picturesque rural location as the south westerly tip of the Cairngorms National Park. Although some distance from the nearest settlement at Laggan, this particular location has historically had a commercial use dating as far back as the nineteenth century, as detailed in earlier sections of this report. The mixture of business uses at the site has been abandoned in recent years and the area has taken on a neglected and abandoned appearance. This application is essentially to re-establish the principle of a commercial development on the site, consisting of a combination of visitor service oriented aspects, including a craft shop, tea room, museum, toilets and tourist information, as well as a small number of self catering cottages. Notwithstanding the accepted historic commercial use of the site, the development proposal generally accords with planning policy. As alluded to in paragraphs 10 – 12 of this report the Highland Council Structure Plan places emphasis on tourism as a vital element of the Highland economy and **Policy T2** in particular supports high quality tourism development proposals which spread economic benefits widely and provide opportunities for the sustainable enjoyment and interpretation of the area's heritage.
39. Local Plan policy also recognises the importance of tourism and whilst encouraging the broadening of the range and quality of facilities and accommodation, it nonetheless requires this to be balanced with protecting the areas exceptional scenic and heritage resources. I consider that the proposed development fulfils all of those requirements. Although much of the drawings and detail submitted are for indicative purposes only within this application for outline permission, they provide evidence of a clear intention to create a high quality, multi function, visitor oriented development, including the creation of opportunities to interpret and celebrate the unique qualities of the area, from the micro level of the history and film and television connections of Ardverikie Estate on which it is located, through to a broader interpretation of the National Park and the Highland region.
40. The limited scale of the buildings proposed is also an indication of the potential to balance a new commercial development with the areas exceptional scenic resources. The site occupies a prominent position on the A86 trunk road, and the indicative drawings show modestly scaled structures, where there has been a conscious effort in the design process to respect the scale and orientation of the original Inn building on the site, as well as incorporating it and other original structures into the new design. The indicative design concept



suggested in this application would create an aesthetically acceptable development reminiscent of a cluster of traditional rural properties. In adhering to the footprint of the original building, the development would assimilate into the natural surrounding, being nestled amongst the extensive vegetation which surrounds much of the subject site. The three detached new build elements shown on the indicative drawings have also been designed to a scale and character which would accord with the main structure and in the instance of the two proposed self catering cottages, their location is one of relative seclusion and visual unobtrusiveness.

41. In terms of the impact of the development on the natural heritage of the area, it has been conceded in the consultation response from the CNPA's **Natural Heritage Group** that the site has been the subject of much human activity and is dominated by the built environment. On the basis of the ecological comments advanced I do not consider that the proposed re-development of the site would have a negative impact. Instead it has the potential to bring about positive enhancement through, for example, the clearance of invasive, non-native Rhododendron species, and also the carrying out of new landscaping using local origin, native tree species. The potential also exists to achieve other improvements, for example by way of a condition on any planning permission granted requiring that any designs coming forward at a more detailed application stage would make provision for nesting and roosting opportunities by incorporating bat roosts and swift nest sites into any new building.
42. With regard to European Protected Species (EPS) as detailed in paragraphs 23 and 24 of this report **Scottish Natural Heritage** have recommended that a bat survey be carried out prior to determining whether or not planning permission should be granted. However, this is simply a recommendation and it should be noted that the formal position of **SNH** is one of no objection to the development. In light of the overall **SNH** view, and the fact that this is an application for outline permission only and would not therefore permit any development to commence at the site until the determination of an application for approval of reserved matters, it is my view that it is acceptable to deal with this issue of bats by way of the inclusion of condition, requiring the carrying out of the required survey at an appropriate time and requiring its submission in conjunction with a subsequent detailed application. It is accepted that there is a high probability of bats inhabiting some of the existing structures on the site. However, the presence of such species does not tend to preclude development being carried out as long as it is in accordance with stipulated requirements.
43. In conclusion, the proposed development has the potential to regenerate this decaying site, which is in a prominent position at the western entrance to the Cairngorms National Park. In addition to potential economic benefits, such as employment creation, increased visitor numbers and consequent increases in visitor spend in the area,

the development would also provide opportunities to enhance the natural heritage of the area, would improve the visual amenity of the immediate area, as well as offering an opportunity to interpret the cultural heritage.

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

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

44. The application site is not on land carrying any designations other than it being within the Cairngorms National Park. The land has been the subject of much human activity over the years and although its remaining natural heritage qualities are limited, a sensitive redevelopment of the site could provide some opportunities for enhancement.

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

45. As this is an application for outline planning permission and all details provided are indicative only at this stage, it is not possible to assess whether or not the development would promote the sustainable use of natural resources.

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

46. The redevelopment of this site would provide a new visitor facility, together with the physical rehabilitation of this disused site which is prominently located at the south western entrance to the National Park. The development would therefore have the potential to provide an increased opportunity for the general public to understand and enjoy the area.

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

47. The proposal by its nature and location has the potential to facilitate increased economic activity in the area, through encouraging increased visitor numbers, as well as providing employment opportunities. The proposal is therefore considered to be of benefit to the socio-economic development of the community and the wider area.

## RECOMMENDATION

That Members of the Committee support a recommendation to : **grant outline planning permission for the redevelopment of the site to provide craft shop, tea room, museum, toilets, tourist information and self catering cottages at Kinlochlaggan, 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 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. An application for approval of reserved matters shall be accompanied by a comprehensive bat survey.
3. The private foul drainage system shall be designed to ensure the protection of surface waters and groundwater, by ensuring that all minimum distances as set out by SEPA are adhered to.
4. An application for approval of reserved matters shall include details of all engineering works at the river bank within the site.
5. Prior to the commencement of development, a scheme to deal with potential contamination on the site shall be submitted to and agreed in writing with the Cairngorms National Park Authority acting as Planning Authority, in conjunction with the Contaminated Land section of Highland Council, and the approved scheme shall be implemented in full thereafter.

The scheme, which may be undertaken on a phased or progressive basis, shall contain details of proposals to deal with potential contamination and shall include : -

- (a) an assessment of the nature, extent and type of contamination on site, identification of pollutant linkages and assessment of risk. The scope and method of this assessment shall be agreed in advance with the Cairngorms National Park Authority acting as Planning Authority, in consultation with Highland Council's Contaminated Land Unit and shall be undertaken in accordance with PAN 33 (2000) and BS10175:2001;
- (b) A Remedial Strategy (if required) to treat / remove contamination to ensure that the site is fit for the use(s) proposed. This shall include a method statement, programme of works, proposed verification plan and proposals for the ongoing monitoring of the condition of the site;
- (c) A Validation Report (should remedial action be required) by a competent person who will validate and verify the completion of works to a satisfactory standard as agreed with the Cairngorms

National Park Authority acting as Planning Authority, in consultation with Highland Council's Contaminated Land Unit.

Written confirmation from the Cairngorms National Park Authority acting as Planning Authority, in consultation with Highland Council's Contaminated Land Unit, that the approved scheme has been satisfactorily implemented and completed, and that if appropriate, monitoring measures are satisfactorily in place, shall be required by the developer before any development hereby approved commences on site.

6. The development shall be undertaken in accordance with the legal provisions of the Wildlife and Countryside Act 1981 (as amended), with respect to breeding birds that may be using built structures or trees and shrubs on the site.
7. Detailed drawings submitted as part of an application for approval of reserved matters shall include proposals for the provision of bat roosts and swift nest sites.
8. All existing *rhododendruon ponticum* on the site shall be effectively and sensitively removed and shall be carefully disposed of to avoid the risk of contaminating land either on or off site with the discarded material.
9. The visibility splays shall be provided and maintained on each side of the new access to the satisfaction of the Cairngorms National Park Authority acting as Planning Authority, in consultation with Highland Council's Area Roads and Community Works Division. These splays are the triangles of ground bounded on 2 sides by the first 4.5 metres of the centreline of the access driveway (the set back dimension) and the nearside trunk road carriageway measured 120 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 the driver's eye height of between 1.05 metres and 2.00 metres positioned at the set back dimension to an object height of between 0.26 metres and 1.05 metres anywhere along the y dimension.
10. The proposed access shall join the trunk road at a new junction which shall be constructed by the applicant / developer to a standard as 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 3. The junction shall be constructed and existing accesses closed in accordance with details that shall be submitted and approved by the Cairngorms National Park Authority acting as Planning Authority, in consultation with Highland Council's Area Roads and Community Works Division, before any part of the development is commenced.

11. A fence of a type approved by the Cairngorms National Park Authority acting as Planning Authority, in consultation with Highland Council's Area Roads and Community Works Division, shall be provided and maintained by the developer or subsequent owner of the land along the boundary of the site with the trunk road.
12. Prior to any other works starting in connection with the proposed development, the works listed in the following paragraphs shall be completed and approved by the Cairngorms National Park Authority acting as Planning Authority, in consultation with Highland Council's Area Roads and Community Works Division –
  - (a) the road layout shall be designed and constructed to a generally adoptable standard satisfying the requirements for a General Access Road as detailed in Highland Council's Road Guidelines for New Developments;
  - (b) Parking and manoeuvring space commensurate with the scale and nature of the development proposed shall be provided to ensure that all parking can be accommodated within the site;
  - (c) Drainage measures shall accord with SUDS principles and shall satisfy the respective requirements of Highland Council, Scottish Water and SEPA;
  - (d) The development shall be free from the adverse effects of a 1 in 200 years flood event;
  - (e) Street lighting within the site shall be provided, as required to the satisfaction of the Cairngorms National Park Authority acting as Planning Authority, in consultation with Highland Council's Lighting Engineer;
  - (f) Suitable refuse bin collection points shall be established at suitable locations, to the satisfaction of the Cairngorms National Park Authority acting as Planning Authority;
  - (g) No water from the development shall discharge on to the existing public road.
13. An application for approval of reserved matters shall include details to verify the sufficiency of the water supply, as well as evidence that the water supply is wholesome (by reference to the Private Water Supply (Scotland) Regulations, 2006) or is capable of being treated to a wholesome standard.

The report on the sufficiency of the water supply shall provide details of:

- The flow rate;
- An assessment of the sufficiency of the supply for the proposed use;
- Full details of measures taken to protect the source from contamination, giving particular regard to potential contamination from septic tanks serving this and neighbouring properties;
- The proposed distribution system (including storage provision); and

- A statement to the effect that the supply will be installed in accordance with current water byelaws.
14. An application for approval of reserved matters shall be accompanied by a detailed landscaping plan and a maintenance plan for the proposed site, which shall include :
- (i) details of all existing trees and shrubs on the site, identifying those for felling / clearance and those for retention. In particular efforts should be made to retain the existing beech tree close to the filling station building;
  - (ii) details of all tree protection measures;
  - (iii) proposals for the planting of local origin, native tree species (including details of the siting, numbers, species and heights (at the time of planting) of all trees, shrubs and hedges);
  - (iv) details of all other types of new boundary treatments proposed; and
  - (v) details of all surface treatments.

The landscaping and maintenance programme shall be implemented and maintained in accordance with the approved plan. The plan shall to be planted and shall ensure:-

- (a) Completion of the scheme during the planting season next following the completion of the development, or such other date as may be agreed in writing with the Planning Authority;
- (b) The maintenance of the landscaped areas in perpetuity in accordance with the detailed maintenance schedule/table. Any trees or shrubs removed, or which in the opinion of the Planning Authority, are dying, being severely damaged or becoming seriously diseased within three years of planting, shall be replaced by trees or shrubs of similar size and species to those originally required to be planted.

**Advice notes :**

1. Given the commercial nature of the development and its remote location, the internal road and parking areas will not be considered for adoption and will therefore require to be the subject of a suitable management and maintenance agreement.
2. Part 1 of the Wildlife and Countryside Act 1981 (as amended) states that "Subject to the provisions of this Part, if any person intentionally –
  - (a) kills, injures or takes any wild bird;
  - (b) takes, damages or destroys the nest of any wild bird while that nest is in use or being built; or
  - (c) takes or destroys an egg of any wild bird,He shall be guilty of an offence."

Having regard to the provisions of the Wildlife and Countryside Act 1981 (as amended), any development of the buildings would have to be carried out in a manner that complies with these legal requirements. It would not be illegal to remove nests prior to them being used by birds for



breeding. Legal compliance may be achieved by phasing works to avoid any parts of the building occupied by breeding birds, or in the event that this is not possible, a licence should be sought from the Scottish Government to permit disturbance.

3. Further to the requirements of condition no. 15 of this permission, aspen is a species which is very beneficial for biodiversity. The habitat of the riparian zone could also be enhanced by planting with broadleaved tree species, such as alder, willows, birch and aspen. Local origin aspen stock is available from the Highland Aspen Group, tel. no. 01540 661962.
4. Detailed information on the required dimensions of swift nest sites, the range of design options, and photographic examples of where nests have been incorporated into buildings, can be found on the Concern for Swifts project website at [www.concernforswifts.com/Opportunities.asp](http://www.concernforswifts.com/Opportunities.asp).
5. This permission does not entitle the carrying out of any works on the site. It is imperative to be aware that any works which will affect European Protected Species (in this case bats) or their shelter / breeding places, whether or not they are present in these refuges, requires a license from the licensing authority (in this case likely to be the Scottish Government).

Please note that it is illegal to deliberately or recklessly capture, injure or kill a European protected species of wild animal or to damage or destroy the breeding sites or resting places of such animals.

**Mary Grier**  
**30 January 2008**

[planning@cairngorms.co.uk](mailto:planning@cairngorms.co.uk)

**Determination background** : The application was called in by the Cairngorms National Park Authority at the Planning Committee meeting of 1<sup>st</sup> June 2007. Some consultation requests had already been initiated prior to the call in, while the remainder were initiated by the CNPA further to the receipt of the file. Transport Scotland, as the Trunk Roads Authority, initially objected to the development recommending that permission be refused. The agent provided information indicating that Transport Scotland officials had previously visited the site, were aware of traffic counts that had been carried out and verbally indicated that the development would be acceptable. CNPA officials contacted Transport Scotland on several occasions over the following months to ascertain if this was the case and to request a revised consultation response reflecting the position. The revised response was finally received in late October 2007.

Given the uncertainty over Transport Scotland's position up to that point, and the importance of that recommendation in the context of the overall assessment of the proposal, it was not considered prudent to require the applicant / agents to provide further information on other aspects of the development until the final consultation response from Transport Scotland has been received. A letter requesting further information on a number of issues was forwarded to the agents on November 1<sup>st</sup> and a meeting was also held at their request to discuss the issues on November 27<sup>th</sup> 2007. With the exception of the bat survey, the required information was submitted to the CNPA planning section on 10<sup>th</sup> January 2008.

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.