
CAIRNGORMS NATIONAL PARK AUTHORITY

Title: REPORT ON CALLED-IN PLANNING APPLICATION

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

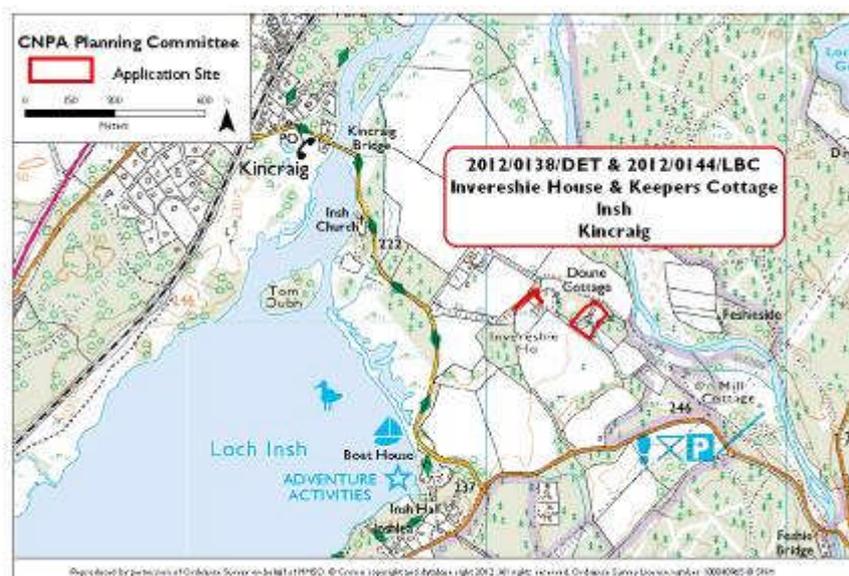
DEVELOPMENT PROPOSED: 2012/0138/DET - REPLACE THREE EXISTING HOLIDAY COTTAGES, EXTEND EXISTING KEEPER'S COTTAGE, COVERT DERELICT FORMER KENNELS TO HOLIDAY COTTAGE AND ALTER AND UPGRADE DRIVE TO SERVE ESTATE

2012/0144/LBC - EXTEND KEEPER'S COTTAGE AND REPLACE PORCH ROOF, CONVERT AND EXTEND DERELICT FORMER KENNELS TO FORM COTTAGE AT INVERESHIE, KINCRAIG, INSH

APPLICANT: MR AND MRS ALAN AND KATHERINE MARSHALL, C/O GRAY MARSHALL AND ASSOCIATES

DATE CALLED-IN: 11 MAY 2012

RECOMMENDATION : APPROVE WITH CONDITIONS



Grid reference : 284336 805029

Fig. 1 - Location Plan

SITE DESCRIPTION AND PROPOSAL

1. The applications which are the subject of this report are on land at Invereshie Estate, near Kincaig. Planning permission is sought in 2012/0138/DET on land which is approximately 120 metres to the east of Invereshie House, for the replacement of three existing holiday cottages on land which is and also to extend the existing Keeper's Cottage (another holiday cottage) on the site and to convert the derelict former kennels to a holiday cottage. Planning permission is also sought in the same application to 'alter and upgrade' a drive, in order to serve the Estate. The area in which the drive is proposed is a short distance from the north western side of Invereshie House. Listed building consent¹ is sought in the associated application (2012/0144/LBC) for the extension to Keeper's Cottage and the replacement of the porch roof, as well as the proposed works to the former kennels to form a holiday cottage. Given the interlinked nature of the two applications, it is considered appropriate to prepare a single report to consider both.

Planning permission – 2012/0138/DET

2. A number of holiday cottages exist at present on the land which is the subject of the proposal for new and altered holiday accommodations. The site is accessed from the public road via the driveway to Invereshie House. Upon passing by the front and eastern (side) elevation of the main house, the access leads south eastwards towards the group of existing holiday units. The buildings on the site are surrounded by areas of mown lawn interspersed with groups of trees. The western, eastern and northern sides of the site are enclosed to varying degrees by woodland, while there are open views from the south west of the site over the adjacent Estate owned small private golf course.



Fig. 2 : Mallard cottage



Fig. 3 : Teal cottage



Fig. 4 : Pheasant cottage (left) and Keeper's cottage

¹ Invereshie House is a Category B listed building.

3. The four habitable structures on the site have a history of usage as self catering holiday letting units. Three of the existing units are proposed to be replaced with new cottages. The existing Teal and Mallard Cottages are located in the south eastern area of the site, and are screened from the approaching access track by a woodland belt of mixed larch and Scots pine. Two of the new replacement units are proposed in this area. One is proposed on the site of the Mallard Cottage, and on a larger footprint. Teal Cottage, which is located in close proximity to Mallard would be demolished and a replacement unit is proposed in an alternative position, further to the south west on the site. The two new units would have individual accesses, with Mallard Cottage being served by the existing access track and a new section of driveway proposed to serve the replacement Teal Cottage, directly off existing gravel track which runs parallel to the perimeter of the golf course. The third new unit is proposed to replace Pheasant Cottage. The existing cottage is located adjacent to Keeper’s Cottage and sits immediately to the west of the main access to the site. In the interests of providing privacy for the users of both the existing Keeper’s Cottage and the proposed new Pheasant Cottage, the latter is proposed to be sited further south of the existing structure.²



Fig. 5 : Proposed Mallard, Teal and Pheasant cottages

4. Although the three new units are each unique in size and layout, they all share a similar design concept. All are one and half storey structures, with external finishes of vertical timber cladding, external granite chimneys, large areas of glazing, and corrugated steel sheeting on the roof. The roof form on each of the units is generally simple, with window openings predominantly being in the form of velux windows, with traditional pitched roof dormers being limited to one in each structure. Table I provides a summary of the accommodations.

Cottage	Size	Bedrooms
Mallard	120 sq metres (approx)	3 (1 at ground floor level)
Teal	104 sq. metres (approx)	2
Pheasant	116.5 sq. metres (approx)	3 (1 at ground floor level)

Table I : New holiday cottages

5. Within the proposed development, Keeper’s Cottage would be retained for continued use as a holiday accommodation unit, and the permission is sought in this application to erect an extension. Keeper’s Cottage is a traditional single storey stone built cottage, and includes a stone outbuilding to the rear which is linked to the main area of the cottage by a more recent kitchen extension. The proposed new extension is a pitched roof extension on the northern elevation. It would be stepped back marginally from the front elevation of the main cottage. The extension includes large areas of glazing and proposed external finishes include vertical timber cladding and a natural slate roof finish

² The existing Pheasant Cottage would be demolished.

to match the existing. The new extension would provide a large living room to serve Keeper's Cottage.



Fig. 6 : Keeper's Cottage extension (front and side elevation)

- The final element of the holiday accommodation aspects of the proposal relates to the former kennel structure,³ which is located on the opposite side of a grassed area from Keeper's Cottage. The single storey structure is proposed to be converted to form a fifth holiday cottage on the site. The existing form of the building is rectangular, with a projecting extension at the rear. The majority of the new accommodation would be located within the existing footprint of the building and would include an entrance hall and store, kitchen / dining area, bathroom and one bedroom. Existing openings would generally be used for new windows. An extension is also proposed at the front of the building, to accommodate a living area. It is similar in design concept to the extension proposed at Keepers Cottage, including large glazed area, larch timber cladding and a natural slate roof finish. The roof on the original structure is also proposed to be replaced, with the intention being to strip the existing slates and re-use.



Fig. 7 : Former kennels

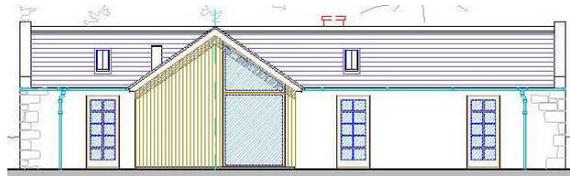


Fig. 8 : Proposed conversion and new extension

- The works to the driveway, which are also proposed in the current planning application, are in an area some distance from the holiday cottage site. The formal description of the proposal refers to altering and upgrading the drive and information submitted in support of the application refers to it being "part of an existing informal track which leads from the top of the main drive to the top of an existing farm track" i.e. to the north west and the north of the main house at Invereshie. Some work on the track commenced prior to the submission of a planning application. The CNPA's Monitoring and Enforcement Officer met with the applicants about this matter in March 2012 and it was agreed that planning permission was required for the works. All work on the track ceased and the current planning application was subsequently submitted.

³ Documentation submitted in the course of a previous planning application on the site of the holiday cottages referred to this structure as the former stables. Information submitted by the current applicants suggests that this was incorrect and that the structure was formerly used as kennels.

8. Whilst the application documentation refers to the area having been an informal track, the works proposed will essentially create a new formalised section of access track, which would extend over a length of approximately 166 metres. The 'new' track would diverge from the existing driveway to Invereshie House, at an elevated point at which the house comes into view on approach. Instead of the current situation in which all traffic to the holiday cottages, the Estate golf course and other part of the landholding must pass immediately adjacent to the front and side (eastern) elevation of Invereshie House, the new section of track would instead allow that traffic to divert around the house to the west and north, at an increased separation distance.
9. The track would be approximately 2.8 metres wide. Minimal excavation is proposed at the beginning of the track due to the "previous bottoming" existing along part of the route, and also in recognition of the need to avoid damaging the roots of adjacent trees. A 1.5 metre grass verge is also proposed to be created adjacent to the western side of the new track. The creation of the grass verge is intended to fulfil a number of functions, including serving as a pedestrian refuge, providing access for maintenance and to screen the track from view from the low lying areas in the west. In addition, part of the track would be sunken slightly (300mm) in order to "drop the track out of sight from the main house and garden." A new hedge is also proposed to form a screen boundary between the track and the western garden grounds of Invereshie House. The new track would merge with the existing track at the north western corner of the Estate golf course. The top surface of the track would be a dry bound Macadam.⁴



Fig. 9 : Divergence of access routes



Fig. 10 : Proposed new route

Listed Building Consent – 2012/0144/LBC

10. Invereshie House is a Category B⁵ listed building and the current application for Listed Building Consent has been submitted in relation to the works proposed at Keeper's Cottage and the former kennel building, on the basis that they are within the curtilage of the main house. The detail of the proposed works to each of the two existing structures have already been provided in paragraphs 5 and 6 of this report.

⁴ Similar to the surface finish on part of the existing access drive to Invereshie Estate.

⁵ Listed in October 1981.

Site history

11. A planning application was submitted by the former owners of Invereshie Estate in 2007 on the land on the holiday cottage site. Planning permission was initially sought for the demolition of the existing holiday homes and the erection of 6 holiday homes (CNPA planning ref. no. 07/316/CP refers). Negotiations took place with the CNPA over an extensive time period in order to address a variety of concerns in relation to siting, design, the potential loss of the more traditional buildings on the site and the impact on natural heritage features. Following significant amendments to the proposal, the CNPA granted planning permission in July 2009 for a development which included the retention of Keeper's Cottage, and the erection of six new holiday letting units. The new structures were designed as three individual units, and the remaining three units arranged in a U shape courtyard, to reflect a traditional steading. A condition was also included in the planning permission stipulating that the development would only be used as short term tourist accommodation and retained and operated as a single entity.

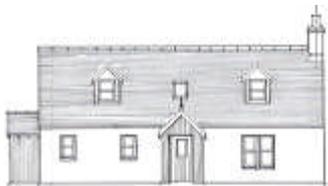


Fig. 11 : Approved single unit

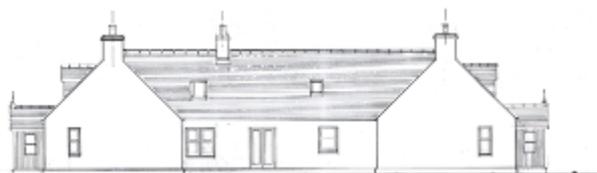


Fig. 12 : Approved 3 unit 'courtyard'

Background and justification for the current proposal

12. In a detailed submission from the applicants, details have been provided of the reasons for seeking a new planning permission rather than developing the previously consented proposals on the site, the overall aim of the current development proposal and the design concept. The applicants intend to “take a more low key approach to the development of the holiday cottages.” They consider that the previous consented development constituted over development, that there were difficulties with the internal layouts which would make them difficult to market, that the courtyard group was ‘unfortunate’ and lacked privacy and would be out of keeping with the dispersed nature of the Estate, and that the design of the individual houses uses “a pastiche of highland cottage architecture.”
13. The currently proposed units are described in the submission as being designed “to provide high quality accommodation with good sized living areas with large areas of glazing oriented to capitalise on the views and for maximum solar gain.” The cottages have also been designed to be as sustainable as possible with high levels of insulation, passive solar gain and making use of wood burning stoves.
14. The design of the new cottages is described as contemporary and the materials of a black corrugated metal roof, timber windows and larch boarding are mentioned. Reference is also made in the submission to the pitched roofs giving a massing similar to Keeper's Cottage. The new cottages are positioned to sit within their natural surroundings and have a low impact, with little change being required to the established landscaping and all existing trees on the site to be retained.

15. The work on the holiday cottage site is intended to be carried out in three phases
- Phase 1 – replacing Teal cottage, with work anticipated to commence in September 2012 and ready for the 2013 main letting season;
 - Phase 2 - replacing Pheasant and Mallard, with work to commence after September 2013 (after the main letting season);
 - Phase 3 – upgrading and extending Keeper’s Cottage and converting the kennel building to form a one bedroom cottage.

DEVELOPMENT PLAN CONTEXT

National policy

16. **Scottish Planning Policy⁶ (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.
17. **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.
18. 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.”

⁶ February 2010

19. 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, and landscape and natural heritage. The following paragraphs provide a brief summary of the general thrust of each of the subject policies.
20. Economic development : Planning authorities are required to respond to the diverse needs and locational requirements of different sectors and sizes of businesses. The planning system is expected to support development which will provide new employment opportunities. SPP also recognises, in paragraph 48, that high environmental quality can be an important component in attracting investment into an area which in turn can provide important economic opportunities. Consequently planning authorities are therefore required to ensure that new development safeguards and enhances an area's environmental quality, and should also promote and support opportunities for environmental enhancement and regeneration.
21. Rural Development : SPP notes that the planning system has a significant role to play in supporting sustainable economic growth in rural areas. The aim however is "not to see small settlements lose their identity" but "to maintain and improve the viability of communities and to support rural businesses." All new development is expected to respond to the specific local character of the location and fit in the landscape. High design and environmental standards are also expected to be achieved, particularly in relation to energy efficiency.
22. Landscape and natural heritage : The Scottish Planning Policy document recognises the value and importance of Scotland's landscape and natural heritage. It is accepted that landscape is constantly changing and the aim is to facilitate positive change whilst maintaining and enhancing distinctive character. As different landscapes have different capacities to accommodate new development, the siting and design of development should be informed by landscape character. There is also an acknowledgement that the protection of the landscape and natural heritage may sometimes impose constraints on development, but the potential for conflict can be minimised and the potential for enhancement maximised through careful siting and design.
23. Historic Environment and Listed Buildings : **SPP** describes the historic environment as a key part of Scotland's cultural heritage, which enhances national, regional and local distinctiveness. When determining planning applications, planning authorities are required to have special regard to the desirability of preserving the building or its setting and any feature of special architectural or historic interest which it possesses. "The layout, design, materials, scale, siting and use of any development which will affect a listed building or its setting should be appropriate to the character and appearance of the building and setting." **SPP** clearly states that there will be a presumption against works that would adversely affect a listed building or its setting.

24. **Scottish Planning Policy** concludes with a section entitled 'Outcomes' in which it is stated that the "planning system should be outcome focused, supporting the creation of high quality, accessible and sustainable places through new development, regeneration and the protection and enhancement of natural heritage and historic environmental assets."

Strategic Policies

Cairngorms National Park Partnership Plan 2012 - 2017

25. The Cairngorms National Park Partnership Plan 2012 – 2017 is the management plan for the National Park for the next 5 years. It 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, to continue the direction set out in the first National Park Plan and to together deliver the four aims of the National Park. The outcomes are :
- 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.
26. A number of policy priorities have been identified to help deliver each of the outcomes. Policies to support the creation of a sustainable economy are of particular relevance to the current development proposal. Policy 1.1 for example seeks to grow the economy of the Park through encouraging the growth of business sectors that draw on the special qualities of the Park and broadening the economic base of the Park into sectors such as creative industries. Policies to secure the outcome of 'a special place for people and nature with natural and cultural heritage enhanced' are also of relevance to the current proposal. Policy 2.8 seeks to enhance the design and sense of place in new development and existing settlements. The Plan sets out a number of means by which policy 2.8 can be achieved, including enabling new development which contributes positively to a sense of place; promoting a high standard of sustainable design, energy efficiency, sustainably sourced materials and construction in new development; and supporting the retention and enhancement of the local character.

Structure Plan Policy

Highland Council Structure Plan (2001)

27. **Highland Council Structure Plan** is founded on the principles of sustainable development, which are expressed as –
- Supporting the viability of communities;
 - Developing a prosperous and vibrant local economy; and
 - Safeguarding and enhancing the natural and built environment.
- A variety of detailed policies emanate from the principles.

28. The following provides a brief summary of the policies applicable to a development of this nature. **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.
29. 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.
30. 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.
31. **Policy NI – Nature Conservation** advises that new developments should seek to minimise their impact on the nature conservation resource and enhance it wherever possible. The Plan refers to the socio-economic benefits of the nature conservation resource and advises that it should be optimised by a high level and standard of interpretation and understanding wherever possible.
32. The Structure Plan also includes a section on biodiversity, defining it as “natural richness and diversity of nature – the range of habitats and species and the uniqueness of each and every organism.” Biodiversity is not the same as natural heritage, but is one of the key functional components. As a key part of the natural heritage of an area it is important to protect, and where possible enhance biodiversity and to monitor any change.
33. Section 2.4 of the Plan concentrates on the subject of landscape, stating that “no other attribute of Highland arguably defines more the intrinsic character and nature of the area than its landscape.” Similar to national policy guidance, there is a recognition that landscape is not a static feature and that the protection and enhancement of landscape and scenery must be positively addressed. **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.”

34. **Policy G2 (Design for Sustainability)** states that developments will be assessed on the extent to which they, amongst other things make use of brownfield sites, existing buildings and recycled materials; are accessible by public transport, cycling and walking as well as car; are compatible with service provision; demonstrate sensitive siting and high quality design in keeping with local character and historic and natural environments; and contribute to the economic and social development of the community.
35. **Policy G6 (Conservation and Promotion of the Highland Heritage)** seeks to conserve and promote all sites and areas of Highland identified as being of a high quality in terms of nature conservation, landscape and archaeological or built environment. **Paragraph 2.15.11 (Listed Buildings and Conservation Areas)** states that, through Policies G2 and G6, the Structure Plan is concerned with safeguarding the overall quality and diversity of Highland's built heritage by preventing development which would have an adverse impact on Listed Buildings and Conservation Areas.

Local Plan Policy

Cairngorms National Park Local Plan (2010)

36. 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>
37. 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.
38. 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.
39. 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.

40. Policy 11 – The Local and Wider Cultural Heritage of the Park : the policy preumes against development that does not protect or conserve and enhance a site, feature, or use of land of local or wider or cultural historic significance, or its setting. The background to the policy refers to the definition of ‘cultural heritage’ as ascribed in the National Parks (Scotland) Act 2000 which includes “structures and other remains resulting from human activity of all periods, language, traditions, ways of life and the historic, artistic and literary association of people, places and landscapes.”
41. 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; and
 - be in accordance with the design standards and palette of materials as set out in the Sustainable Design Guide.
42. Policy 18 – Developer contributions : development which gives rise to the need to increase or improve public services, facilities or infrastructure, or mitigate adverse effects, will normally require the developer to make a fair and reasonable contribution towards the additional costs or requirements.
43. 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 and supports or extends an existing business. Part C of the policy sets out the criteria for ‘Other business opportunities’ and where business development would be considered favourably if it
- (a) Supports the vitality and viability of a farm, croft or other business in a rural location; or
 - (b) Is complementary to that current rural business activity; or
 - (c) Promotes diversification within that business; or
 - (d) Creates new small scale development which supports the local economy.

44. *Policy 33 – Tourism related development* : the policy supports tourism related development which has a beneficial impact on the local economy through enhancement of the range and quality of tourism attractions and related infrastructure, provided that they do not have adverse impacts on the landscape, built and historic environment, or the biodiversity, or the geodiversity, or the culture and traditions of the Cairngorms National Park.

Supplementary Planning Guidance

45. 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.

Sustainable Design Guide

46. 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.
47. 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.

Natural Heritage SPG

48. The guidance sets out how the natural heritage of the National Park will be taken into account when considering development proposals. The following is an extract from the Natural Heritage Supplementary Planning Guidance which sets out the six key principles used to assess planning applications in relation to natural heritage.
- Principle 1 – development should result in no net loss of natural heritage interest of the Cairngorms National Park;
 - Principle 2 – in any situation where loss of, or damage to, natural heritage interest is unavoidable then the loss of damage will always be minimised as far as possible;
 - Principle 3 – if the loss or damage to the natural heritage is unavoidable then it will be fully mitigated on the development site;
 - Principle 4 – if full mitigation is not possible on site then it should be completed with a combination of on-site mitigation and off site compensation;
 - Principle 5 - where full mitigation or compensation measures are not possible, financial compensation will be required. This will be used to benefit natural heritage within the National Park;

- Principle 6 - Calculation of compensation will take into account the quality of outcomes over time.

CONSULTATIONS

Planning Permission – 2012/0138/DET

49. **Kincraig and Vicinity Community Council** : Some concern was raised in the response from the Community Council in relation to the existing public Right of Way which runs through the subject site and its potential diversion along the north eastern boundary. It is also suggested that the future maintenance of the path is a matter which should be addressed.

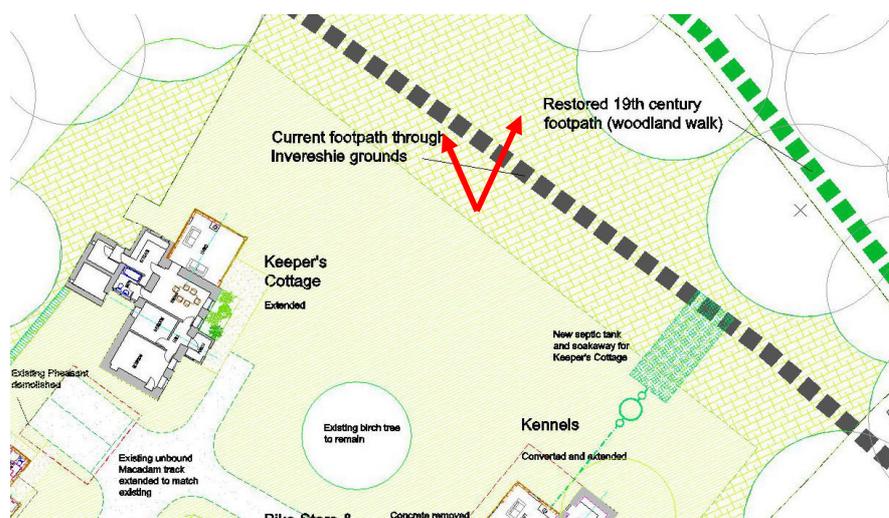


Fig. 13 – Extract from plan referring to two paths

50. *Applicant response* : The applicants provided a response to the Community Council, clarifying that the right of way is not part of the planning application and that there are no proposals to alter the right of way. The applicant suggests that the Community Council may have misinterpreted notes on the site plan which refer to the “restored 19th century footpath” and the “current footpath through Invereshie grounds.” The notes were included on the plan in order to identify the two routes, both of which exist.
51. The submission from the applicants’ stress that they are “very happy to have the right of way through the grounds” and that they are committed to retaining the right of way.
52. **Highland Council Forestry Service** : The Forestry Officer has advised that the proposal for the redevelopment of the holiday cottages would not generally have a detrimental impact on trees. A number of points are raised in relation to the proposed site layout, including the fact that the proposed bike store, recycling and log shed are currently shown within the root protection area of existing trees and the consequent need to keep such structures at least 5 metres from the stems of existing trees, and that the new route to the ‘kennel’ conversion and the Teal cottage redevelopment should also be kept at a suitable distance from the stems of existing trees. The proposed landscaping

is generally welcomed, although it is suggested that some low growing trees should be incorporated into the design in order to aid visual separation.

53. The response from the Forestry Officer also provides comment on the proposed new access route, noting that the excavations which have already been undertaken have damaged roots of adjacent trees. It is suggested that the removal of two mature Scots pine trees will be necessary as they are just 2 metres and 3 metres from the proposed new route. It is suggested that the positioning of the route has not taken into consideration the scale and significance of Scots pine edge trees.
54. Notwithstanding the comments in relation to the access track, there is no objection to the proposal, subject to a number of conditions being included in the event of planning permission being granted. Conditions include a requirement to install tree protection measures for the duration of the project around all trees to be retained, a prohibition on further tree uprooting, lopping, topping and felling from the date of the consent, and the submission of a landscaping plan.
55. **Planning Gain**: The proposal has been considered by Planning Gain officials and it is advised that no developer contributions will be sought. This is based on the fact that the development involves the replacement of existing holiday cottages, with extension works at Keepers Cottage and only the kennel building being converted to create one additional unit. The actual change of scale is small and described as being below the threshold on which developer contributions would be sought.
56. **CNPA Economic Development** : It is noted in the consultation response that self catering accommodation is an increasingly popular option for visitors to the area. The availability of good quality accommodation is identified in the Sustainable Tourism Strategy as a weakness in the National Park. While the proposal is considered unlikely to have a great impact on the visitor offering in terms of the numbers of units available, it is noted that the units have the potential to provide good quality visitor accommodation.
57. **CNPA Access** : The access implications of the development proposal were considered and in particular to the impact of the development on an existing Right of Way (HB43) in the vicinity was assessed. The Access Officer notes that it is a popular route used by cyclists and walkers and by residents in the area. It is noted that the proposed new soakaway and septic tank to serve the kennel conversion extends over the line of the existing path. In this context it is suggested that there may be some disruption to the Right of Way during construction activity. The Access Officer accepts that the Right of Way will be retained in the development and this is welcomed. In order to address the matter of potential disruption it is recommended that measures are taken to divert the public onto the existing restored path until the soakaway has been installed.

58. **CNPA Landscape** : The Landscape Officer notes that the remnants of the Invereshie House designed landscape, specimen trees, avenues and driveways contribute significantly to the character and distinctiveness of the immediate area. It is also noted that the proposed site is within the Cairngorms National Scenic Area. The proposed site is noted as being enclosed in nature and in this context the main landscape issues to consider are the nature of the built form in relation to the high quality setting, the location and design of the driveway in respect of the designed landscape, and the design and nature of the proposed hard landscaping and planting in relation to the holiday cottage development and the drive.
59. The proportions of the new holiday cottages are larger than the structures that they will replace. However, the location of the new buildings together with the introduction of some additional planting will limit any awkward scale comparisons. The proposed drive is also considered to be of a form, scale and in a location which is appropriate to the setting of the house.
60. The proposal is not considered to be any significant risk to the special landscape qualities of the National Park or the National Scenic Area. It is recommended that a landscaping plan (including specification and on-going management) is provided for the holiday cottage development, and that this should include details of surfacing, planting and proposals for the protection and management of existing trees on the site during and after construction.
61. **CNPA Ecology** : The main issues raised by the Ecology Officer in assessing the proposal pertain to nesting birds and bats. The former kennel building is noted as offering suitable nesting opportunities for several bird species, while the other buildings may support cavity nesting species under the eaves. In order to address this issue it is recommended that no demolition or construction activity would be undertaken during the recognised bird breeding season.⁷
62. In terms of bats, the former kennel building is considered to have the most potential to support roosting bats, given its slated roof, numerous crevices in the stonework, and the proximity of both mature trees and the River Feshie. As bats are European Protected Species (EPS), and in accordance with CNP Local Plan Policy 4, development should not have an adverse impact on an EPS. The Ecology Officer advises that a bat survey would be required in order to establish whether or not there would be an effect, and in the event that buildings are found to harbour a bat roost, advice should be sought from Scottish Natural Heritage.
63. It is also recommended in the event of planning permission being granted that positive opportunities for nesting birds and roosting bats should be incorporated into the development.

⁷ Between March and August inclusive.

64. *Applicant response:* The applicants have advised that they have previously engaged the services of a bat surveyor at Invereshie House. The surveyor is temporarily unavailable to carry out a survey on the structures on the holiday cottage site. As such the bat survey cannot be provided at this stage, but the applicants are willing to provide it as soon as the bat surveyor undertakes the work.

Listed Building Consent – 2012/0144/LBC

65. **Highland Council Conservation Architect** : There is no objection to the proposal and there are no further comments or recommendations to make.

REPRESENTATIONS

66. Both the planning application and the application for Listed Building Consent were advertised in the Strathspey and Badenoch Herald on 2nd May and 10th May 2012 respectively. No representations have been received in respect of either of the applications.

APPRAISAL

67. The main issues to consider in this planning application are the principle of the development, and the more detailed aspects of the proposals, such as layout and design, as well as the overall implications of the setting of the listed building.

Principle

68. In terms of the development of holiday cottages on the site, the principle of development of this nature has long been established, with the four existing properties having been used for holiday letting purposes for many years. In addition, as detailed in paragraph 11, the CNPA also granted planning permission for a redevelopment of holiday cottages on the site. The continued use of the site to provide holiday accommodation is therefore considered acceptable. The current applicants took ownership of Invereshie Estate in 2011. In information submitted in support of their proposal, it has been confirmed that they are aware of a restriction imposed in the previous permission for the holiday cottages, with the restriction requiring that the holiday cottage development was retained in single ownership for short term holiday accommodation purposes. It is considered appropriate, in the interests of ensuring that the currently proposed development continue to provide tourist accommodation and contributes to the economic development of the area that such a restriction would also be applied to the current proposal in the event that planning permission is granted.

69. The second element of the proposal – the access track, is also considered acceptable in principle. It is disappointing that work has commenced on part of this prior to consent being sought and paragraph 52 provides a summary of the concern raised by Highland Council's Forestry Section in this regard, due to the damage that has been caused to trees in the vicinity. However, it should be acknowledged that work ceased and permission was sought when the requirement for consent was brought to the attention of the applicants.
70. In considering the extent of the access proposed and its location relative to Invereshie House, the development is generally acceptable. Part of the track follows a former route along the north western periphery of the garden ground and a reinstatement of this is logical. The route would also provide a practical solution which would enable visitors to the holiday cottage development, the existing private golf course and other areas of Invereshie Estate, to proceed to their destination without negotiating the current route immediately past the front entrance of Invereshie House and along a relatively narrow route adjacent to the eastern side of the house. This could be of assistance in enhancing the immediate curtilage of the listed building and could provide the opportunity to restore the surroundings of the house appropriately. Notwithstanding the damage that has already occurred to the trees, the development of the remainder of the route is unlikely to give rise to further adverse impacts. Careful consideration has been given to the levels of the track as well as works such as the verge reinstatement, in order to ensure that its visual impact is minimised. The introduction of this element of 'hard landscape' would not compete with its surroundings, but has the potential to blend in relatively inconspicuously.

Design

71. Turning to the issues of design and layout in respect of the proposals on the holiday cottage site, the applicants have provided a significant level of supporting information to explain the rationale for the proposal and to outline their views on why the current design approach represents a better solution on the site than the previous consent.
72. The cottages which are proposed for demolition raise no concerns in terms of their loss and the impact on the cultural heritage of the area. The existing Mallard and Teal Cottages are particularly unsympathetic to their surroundings and are clearly substandard. The proposal to replace those units, as well as Pheasant Cottage, with significantly higher quality sustainable buildings is welcomed. The currently proposed concept seeks to introduce three new buildings which contrast significantly with the traditional Keeper's Cottage and the derelict former kennel building on the site. Although the external materials and features (timber cladding, slate and corrugated steel sheeting, and extensive glazing) would contribute to the creation of a contemporary appearance, it is recognised that general proportions of the one and a half storey structures are traditional and this technique will assist in creating a degree of coherence with the existing structures that are to be retained. Further coherency between the old and the new would be achieved through the extensions which are proposed to Keepers Cottage and the kennel conversion. The overall approach to the re-development of the site and the

design concept proposed can be considered to accord with Policy 6 – Landscape and Policy 16 – Design Standards for Development of the CNP Local Plan (2010).

Natural heritage issues

73. The overall layout is sympathetic to the setting of the site and the existing natural features. It would allow for the retention of existing mature trees and other vegetation and limits the extent of hard surfacing, thereby retaining an appropriate rural atmosphere. The holiday cottage site is a relatively distinct entity within Invereshie Estate and the proposals are not considered to give rise to any adverse impact on the setting of the listed building. They would in fact have the potential to significantly enhance the present situation on the holiday cottage site.
74. As detailed in paragraph 62 and 63, some of the buildings on the site are of a nature which could accommodate bats and further detail, in the form of a bat survey, is required in order to definitively establish that the proposal would not have an adverse impact on bats as a European Protected Species. Due to the nature of construction of the properties proposed for demolition, which are predominantly pre-fabricated structures, it is unlikely that they would accommodate bats. The structure which requires the most investigation is the former kennel building and even in the event that the presence of bats is detected, this would not jeopardise the project. The potential exists, through a licensing mechanism overseen by Scottish Natural Heritage, to facilitate the undertaking of works in an agreed and appropriate manner which would ensure the protection of EPS. In the interests of progressing this application and providing a degree of certainty for the applicants on the outcome, it is recommended that the Planning Committee proceed to determine the application, and agree to withhold the issuing of a decision notice, until the required bat survey has been provided and considered.

Conclusion

75. The overall proposal, including the re-development of the holiday cottage site and the access track works, are acceptable. The proposal accords with planning policy, it would contribute towards the achievement of the aims of the National Park, and it would not have an adverse impact on the listed building. The applications for planning permission and Listed Building Consent are therefore considered acceptable.

IMPLICATIONS FOR THE AIMS OF THE NATIONAL PARK

Conserve and Enhance the Natural and Cultural Heritage of the Area

76. The development proposals represent a significant improvement on the quality and aesthetics of the existing Mallard, Teal and Pheasant holiday cottages. The new buildings, together with the conversion of the former kennel building and the extension to Keepers Cottage would cumulatively enhance the general landscape setting in the immediate vicinity, as well as the setting of the nearby Invereshie House as a Category B Listed Building. The proposed site layout

ensures that existing trees and other vegetation on the site would be retained, which is of benefit in conserving the natural heritage of the area.

77. The retention and extension of Keeper's Cottage and the conversion of the former kennel building, both of which are traditional structures on the site, would assist in conserving the cultural heritage of the area. In addition, the proposed access track would be discreetly located on the periphery of the garden grounds of Invereshie House and would not detract from the setting and cultural heritage value of the listed building.

Promote Sustainable Use of Natural Resources

78. The new holiday cottages, as well as the proposed extensions at Keepers Cottage and the former kennel building, propose the extensive use of timber as one of the main finishes. In addition to using sustainable materials, the development would include a range of measures intended to enhance the sustainability credentials of the development, including being highly insulated, being designed to take account of solar gain, and incorporating wood burning stoves.

Promote Understanding and Enjoyment of the Area

79. The general principle of providing improved holiday accommodation at the site would assist users of the facility in enjoying the area. While the development would be unlikely to assist in promoting the understanding and enjoyment of the area by the wider general public, it would also not detract from this. The existing frequently used Right of Way in the vicinity of the site would be retained and would continue to be available for use by the public in the future.

Promote Sustainable Economic and Social Development of the Area

80. The improvement of the existing tourist accommodation facilities would be likely to attract increased visitor numbers and would therefore be of benefit to the economic development of the area.

RECOMMENDATION

CNPA Planning Ref. No. 12/0138/DET

That Members of the Committee

Support a recommendation to GRANT planning permission to replace three existing holiday cottages, extend existing Keeper's Cottage, convert the derelict former kennels to a holiday cottage and alter and upgrade the drive to serve the estate at Invereshie House, Kinncraig, Kingussie, subject to

- (a) Receipt of a bat survey to demonstrate that the proposal would not adversely affect European Protected Species; and**

(b) Subject to the following conditions :

1. The development to which this permission relates must be commenced within three years from the date of this permission.

Reason : To comply with Section 58 of the Town and Country Planning (Scotland) Act 1997.

2. The three replacement holiday cottages, Keeper's Cottage and the kennel conversion shall only be used as short term tourist accommodation. The holiday cottage development shall be retained and operated as a single commercial entity. The holiday cottages 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 in any calendar year unless otherwise agreed in writing by the Cairngorms National Park Authority acting as planning authority. Occupation shall be restricted to use by persons requiring to stay in the area for recreational purposes.

Reason : To ensure that in accordance with the social and economic development aim of the Cairngorms National Park that the units are used for commercial purposes in connection the operation of tourist facility.

3. No demolition / construction activity shall be undertaken during the recognised bird breeding period between March and August (inclusive), unless otherwise agreed in writing with the CNPA acting as Planning Authority. In the event that work is required to be undertaken during the period from March to August, a nesting bird survey shall be undertaken immediately prior to any work. If nesting birds are recorded the works shall stop until the birds have ceased nesting or a license had been obtained from the Scottish Government to permit disturbance.

Reason : In order to protect nesting birds and in the interests of conserving and enhancing the natural heritage of the area.

4. Prior to any other works starting in connection with the proposed development the following works shall be completed and approved by the Cairngorms National Park Authority acting as Planning Authority, in consultation with the Roads Authority –

- (a) The existing access arrangement shall be generally formalised at its junction with the public road. Construction for the full width of the access shall consist of a minimum of 40mm thick Close Graded Wearing Course on 60mm Dense Basecourse on 350mm Type 1 sub base, all on a sound formation, for at least the first 6 metres measured from the nearside edge of the public road;
- (b) Visibility splays shall be provided and maintained on each side of the access. These splays are the triangles of ground bounded by the first 3.0 metres along the centreline of the access road (the x dimension) and the nearside edge of the main road (the y dimension) measured at least 120 metres in each direction from the intersection of the access road with the main road;

- (c) Within the visibility splays nothing shall obscure visibility between a driver's eye height of 1.0 metres positioned at the x dimension and an object height of 1.0 metre anywhere along the y dimension.

Reason : in the interests of traffic safety.

5. Prior to the commencement of the development elevation drawings shall be submitted for the written agreement of the Cairngorms National Park Authority acting as Planning Authority to show the incorporation of bat roosting and bird nesting opportunities in the proposed designs. A minimum of one bat box shall be incorporated into the design of each of the holiday cottages (including the new structures, Keepers Cottage and the kennel conversion).

Reason : in the interests of enhancing the natural heritage aspects of the area.

6. Existing pedestrian access in the vicinity of the site shall remain unobstructed during the course of construction, unless a temporary diversion is agreed in writing with the Cairngorms National Park Authority. Existing pedestrian access shall be retained and maintained in perpetuity following the completion of works.

Reason : in the interests of general amenity and in order to ensure that access provision is maintained in the area and that the development assists in promoting recreational enjoyment opportunities in the area.

7. No trees shall be uprooted, lopped, topped, felled or damaged without the prior written consent of the Cairngorms National Park Authority, acting as Planning Authority, in conjunction with Highland Council's Forestry Section.

Reason : in the interests of conserving and enhancing the natural heritage of the area and to ensure the retention of important landscape features.

8. Prior to the commencement of development, the following details shall be submitted for the agreement of the Cairngorms National Park Authority acting as Planning Authority :
- (a) Elevation plans for the bike shed and log store;
 - (b) An amended site plan to show the bike shed and log store relocated to at least 5 metres from the stems of all existing trees; and
 - (c) An amended site plan to show the new access route to the kennel building and the new route to Teal cottage repositioned to ensure that they are at least 5 metres from the stems of existing trees.

The development shall thereafter be undertaken in accordance with the agreed details.

Reason : In the interests of clarity and in order to conserve existing vegetation in the vicinity.

9. Prior to the commencement of development the following details shall be submitted for the written agreement of the Cairngorms National Park Authority acting as Planning Authority, in consultation with Highland Council Forestry Service :
- (a) A Tree Protection Plan which shall include appropriate tree protection measures for every retained tree before and for the duration of the development, in accordance with BS:5837 (2012). All protective measures should be in place and available for inspection prior to the commencement of any other aspect of the development;
 - (b) A plan to identify all trees for retention on the holiday cottage site and in the vicinity of the access track;
 - (c) a comprehensive landscaping plan specifying the quantity, position, size, species and protection measures (tree shelters, stakes and ties) of all trees / shrubs to be planted. A maintenance programme shall also be submitted in conjunction with the landscaping plan. The landscaping of all areas within each phase of the proposed development shall be carried out in accordance with the agreed plan and shall be completed within one year of the commencement of works within that phase. Any trees or shrubs that die or become seriously damaged or diseased within a period of five years from the time of planting shall be replaced with others of a similar size and species, suited to the climate of the area, within the next planting season.

Reason : in the interests of visual amenity and to ensure a satisfactory standard of local environmental quality.

10. All public services for the development, including electrical, cable television and telephone cables, shall be located underground throughout the site. All such work shall be carried out prior to road surfacing and junction boxes shall be provided by the developer.

Reason : in the interests of visual amenity.

11. Pre and post construction photographic records shall be submitted to the Cairngorms National Park Authority acting as Planning Authority. Prior to the commencement of development a photographic record shall be compiled and submitted to the Cairngorms National Park Authority of all existing structures on the site which are to be demolished, or where any form of alteration work is to be carried out. The post photographic record shall be submitted to the Cairngorms National Park Authority prior to the first occupation of any of the new holiday units. The pre and post photographic records shall include views of all elevations, as well as interior views of each of the units.

Reason : in order to encapsulate development progress on the site.

Advice note:

- (a) 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.
- (b) Care should be taken to avoid the spread of invasive, non-native species to the site arising from quarrying activities, restoration plans etc.. In the event of any such species arriving at the site as a result of quarrying activities, it is recommended that they are removed as soon as possible and disposed of appropriately.
- (c) The tree protection measures required in condition 9 (a) should be Heras type fencing, which should be fixed to the ground outwith the root protection area and crown spread of retained trees.
- (d) All drainage proposals should take account of the potential impact of trees and their root system.
- (e) Low growing trees should be incorporated into the landscaping plan required at condition 9(c).

Listed Building Consent (12/0144/LBC)

That Members of the Committee

Support a recommendation to GRANT Listed Building Consent to extend existing Keeper's Cottage and replace porch roof, and convert the derelict former kennels to a holiday cottage at Invereshie House, Kincaig, Kingussie, subject to

(a) Receipt of a bat survey to demonstrate that the proposal would not adversely affect European Protected Species; and

(b) Subject to the following conditions :

- 1. The development to which this permission relates must be commenced within three years from the date of this permission.

Reason : To comply with Section 58 of the Town and Country Planning (Scotland) Act 1997.

- 2. No demolition / construction activity shall be undertaken during the recognised bird breeding period between March and August (inclusive), unless otherwise agreed in writing with the CNPA acting as Planning Authority. In the event that work is required to be undertaken during the period from March to August, a nesting bird survey shall be undertaken immediately prior to any work. If nesting birds are recorded the works shall stop until the birds

have ceased nesting or a license had been obtained from the Scottish Government to permit disturbance.

Reason : In order to protect nesting birds and in the interests of conserving and enhancing the natural heritage of the area.

3. All public services for the development, including electrical, cable television and telephone cables, shall be located underground throughout the site. All such work shall be carried out prior to road surfacing and junction boxes shall be provided by the developer.

Reason : in the interests of visual amenity.

4. Pre and post construction photographic records shall be submitted to the Cairngorms National Park Authority acting as Planning Authority. Prior to the commencement of development a photographic record shall be compiled and submitted to the Cairngorms National Park Authority of all existing structures on the site which are to be demolished, or where any form of alteration work is to be carried out. The post photographic record shall be submitted to the Cairngorms National Park Authority prior to the first occupation of any of the new holiday units. The pre and post photographic records shall include views of all elevations, as well as interior views of each of the units.

Reason : in order to encapsulate development progress on the site.

Mary Grier

planning@cairngorms.co.uk

8 August 2012

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.