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## CAIRNGORMS NATIONAL PARK AUTHORITY

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

**Prepared by: FIONA OLDROYD  
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DEVELOPMENT MANAGEMENT)**

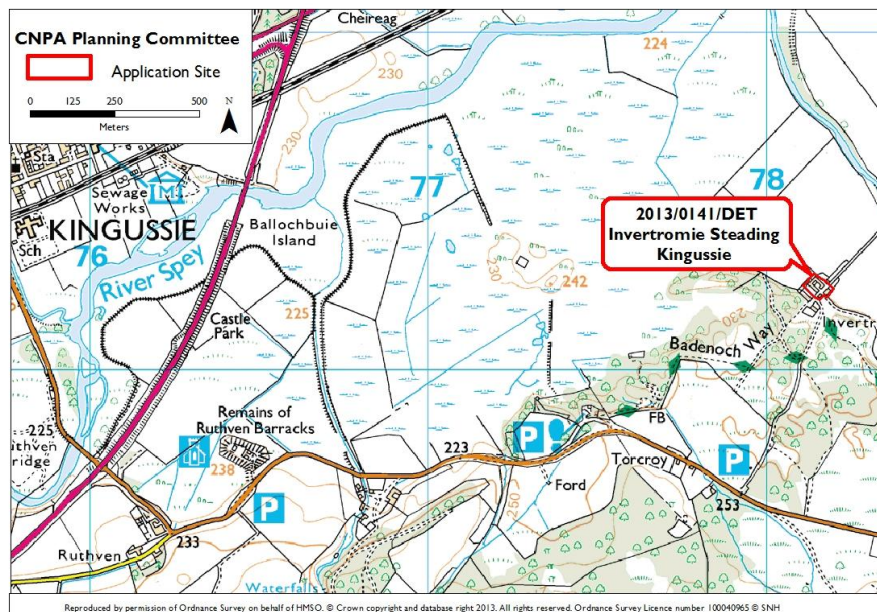
**DEVELOPMENT PROPOSED: PLANNING APPLICATION UNDER SECTION 42 TO VARY CONDITION NUMBER 1 OF PLANNING PERMISSION 09/258/FULBS (CNPA 09/355/CP) TO EXTEND PERIOD OF APPROVAL BY 3 YEARS AT INVERTROMIE STEADING, KINGUSSIE**

**REFERENCE: 2013/0141/DET**

**APPLICANT: BRIAN O'DONNELL, C/O DAVIDSON BAXTER PARTNERSHIP LTD., KIRKCALDY.**

**DATE CALLED-IN: 6 May 2013**

**RECOMMENDATION: APPROVE WITH CONDITIONS**



Grid reference: 278150 E 800251 N

**Fig. 1 - Location Plan**

## SITE DESCRIPTION AND PROPOSAL

1. The application site is located approximately 2km to the east of Kingussie. The site is approximately 3,750m<sup>2</sup> (0.92 hectares) and comprises an existing steading complex and adjacent timber bothy. Planning permission (09/355/CP) was granted in April 2010 for 'Conversion of steadings to 5 houses; demolition of cottage and erection of replacement cottage at Invertromie Steading, Kingussie.'
2. This current application now seeks to vary condition number 1 of the original planning permission to extend the time period for starting by 3 years. Condition 1 stated '*The development to which this permission relates must be begun within three years from the date of this permission*'. (This time period lapsed on 30<sup>th</sup> April 2013.)
3. The applicant has applied to vary the condition relating to the time within development can commence, due to the current financial climate.
4. The application is made in respect of Section 42 of the Town and Country Planning (Scotland) Act 1997, as amended which is a mechanism that allows for the submission of a planning application for the development of land without complying with, or varying, conditions applied to a previous planning permission. Section 42 of the Act stipulates that in this type of application "the planning authority shall consider only the question of the conditions subject to which planning permission should be granted". Therefore in the context of this application, the only matter which is required to be considered is the appropriateness and acceptability of varying condition 1 to extend the period within which development can commence.
5. The site currently comprises of a 0.64km access track which leads from the B970 to the steading and cottage. In addition, the track leads to Invertromie farmhouse and surrounding agricultural land. The site comprises of a steading complex, dilapidated timber bothy, uninhabited cottage and storage shed.
6. The approved plans include a steading conversion, replacement of a cottage, conversion of a storage shed for parking, shared and private open space shown in Fig. 2. Water supplies would be from a new private borehole with a new sewage treatment plant to serve the development. Works to the existing track will be undertaken to improve the condition and visibility with five passing places approved.



8. The 6<sup>th</sup> Unit is proposed on the south eastern side of the access track and would replace an existing uninhabited single storey cottage. The existing cottage consists of wall rendering applied to a timber frame with a metal corrugated roof shown in Figure 5.



Figure 5. Existing Cottage

9. The approved plans for the replacement cottage comprise a three bedroom, traditional one and a half storey dwelling with a pitched roof timber porch. Heritage style velux roof windows will serve the front and rear elevations. The porch, dormer windows and lounge will be clad in larch with the remainder of the finish of pale ivory render. The roof will be clad with zinc sheeting.

### Planning History

10. There is a fairly lengthy planning history for this site as outlined below. Highland Council granted outline planning permission on the site in January 2004 for the 'development of 7 dwellings and garages by adaption of the existing buildings' (Highland Council Ref: 03/00176/OUTBS). This was subject to an extension of time limit for consent until March 2008.
11. An application was submitted to Highland Council in June 2008 for the 'development of 7 houses and garages by adaption of existing steadings and buildings'. This was called in by the CNPA and subsequently withdrawn in January 2009 given the requirement for further information (08/214/CP). Information required included a bat survey, a plan of parking facilities, survey drawings and details of the proposed use of the buildings.
12. As noted in paragraph 1, full planning permission was granted by the CNPA Planning Committee for the conversion of steadings to 5 houses and the demolition and erection of a replacement cottage in April 2010. This application was considered to comply with policies at the time. The application raised no objections from consultees with appropriate conditions applied, including the provision of a Bat Mitigation Plan as required by SNH; information relating to flood risk as required by SEPA and upgrading of access tracks and refuse collection. Information has been provided in relation to the discharge of these conditions to date including the Contamination report and Bat Mitigation Plan. The original conditions are attached as Appendix 1.

## DEVELOPMENT PLAN CONTEXT

### National policy

13. **Scottish Planning Policy (SPP)** is the statement of the Scottish Government's policy on nationally important land use planning matters. SPP emphasises the core principles of the planning system, highlighting the key role of development management to 'operate in support of the Government's central purpose of increasing sustainable economic growth'.
14. **SPP** includes broad 'subject policies' which may apply to the proposed development including Landscape and Natural Heritage, Economic Development and Rural Development. Of particular relevance to this application, paragraph 45 states that 'authorities should...take a flexible approach to ensure that changing circumstances can be accommodated and new economic opportunities realised.'
15. **SPP** 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**

16. The Cairngorms National Park Partnership Plan 2012-2017 sets out the vision and overarching strategy for managing the park at a time of limited financial resources. The Plan provides the strategic context for the Local Development Plan and shows how the four aims of the National Park can be achieved together, benefitting people and place.
17. The long-term outcomes of the Park Partnership Plan address the interaction of three characteristics of the Park as an internationally important area for nature conservation, a fragile rural economy and an internationally known tourism destination. The interdependence and successful delivery of these outcomes is at the heart of the National Park.

### Local Plan Policy

#### **Cairngorms National Park Local Plan (2010)**

18. The Badenoch and Strathspey Local Plan (1997) was in effect at the time the original planning application was granted for the conversion of a steading and the replacement of a cottage in April 2010. This plan has been superseded by the Cairngorms National Park Local Plan (2010). The full text can be found at : <http://www.cairngorms.co.uk/parkauthority/publications/results.php?publicationID=265> All policies of the Plan apply to new development and the following paragraphs refer to the key policies which are now applicable to the site.

19. 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. Proposed development that does not complement and enhance the landscape character of the Park and the setting of the proposed development will be permitted only where:
- a. any significant adverse effects on the landscape character of the Park are clearly outweighed by social or economic benefits of national importance; and
  - b. all adverse effects on the setting of the proposed development have been minimised and mitigated through appropriate siting, layout, scale, design and construction to the satisfaction of the planning authority.
20. Policy 16 – Design Standards for Development: Design of all development will seek, where appropriate, to:
- a. Minimise the effect of the development on climate change;
  - b. 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 use of materials;
  - c. Use materials and landscaping that will complement the setting of the development
  - d. Demonstrate sustainable use of resources (including the minimisation of energy, waste and water usage) throughout construction, within the future maintenance arrangements, and for any decommissioning which may be necessary;
  - e. Enable the storage, segregation and collection of recyclable materials and make provision for compositing;
  - f. Reduce the need to travel;
  - g. Protect the amenity enjoyed by neighbouring properties and all proposals will be designed to help create environments that can be enjoyed by everyone;
  - h. Be in accord with the design standards and palette of materials as set out in the Sustainable Design Guide and any other Supplementary Planning Guidance produced relating to design for new developments.  
All proposals must be accompanied by a design statement which sets out how the requirements of the policy have been met.
21. Policy 23 – Replacement Houses: There will be a presumption against the replacement of an existing house with a new house unless:
- a. The existing house is demonstrated to be structurally unsound or incapable of rehabilitation;
  - b. The existing house is not a listed building;
  - c. The new house is located to incorporate the footprint of the original house, unless an alternative adjacent site would minimise any negative environmental, social or economic effects of the development;
  - d. The existing house has been vacant for at least ten years.



22. Policy 27 – Conversion and Reuse of Existing Traditional and Vernacular Buildings: Development proposals for the conversion of existing traditional and vernacular buildings will be permitted where the following criteria are met:
- a. The building is redundant for its original use, and it can be demonstrated that it is unlikely to have a commercial or economic future in its current form; and
  - b. The proposal is designed to maintain the style and character of the original building in terms of form, scale, materials and detailing, where they contribute positively to the context and setting of the area.

#### **Supplementary Planning Guidance**

23. 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**

24. The Sustainable Design Guide highlights the need to conserve and enhance the distinctive character and the innate special qualities of the Park. The Guide promotes a sustainable design approach using four key sustainable design principles:

1. Conserving and enhancing the character of the Cairngorms National Park;
2. Using resources efficiently;
3. Minimising the environmental impact of development; and
4. Enhancing the viability of the Cairngorms National Park communities.

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’ whilst welcoming ‘innovation in both design and use of material...in keeping with its setting in the National Park’.

#### **Conversion and Reuse of Existing Traditional and Vernacular Buildings**

25. This supplementary guidance provides additional information relating to Policy 27 of the Local Plan (2010) and is to be read in conjunction with the Sustainable Design Guide. General principles of design are provided to encourage sympathetic conversion of existing buildings through conservation and enhancement of existing style and character.

### **CONSULTATIONS**

26. **Kingussie Community Council** have no objection to the application.

### **REPRESENTATIONS**

27. The application was advertised in the Strathspey and Badenoch Herald on 09 May 2013. No representations have been received.

## **APPRAISAL**

28. In determination of this planning application regard is to be had to the development plan and the determination shall be made in accordance with the plan unless material considerations indicate otherwise. Crucially, as this is an application made under Section 42 of the Town and Country Planning (Scotland) Act 1997, as amended, the matter on which the Planning Committee are being asked to decide is very specific, concerning only the time limit stipulated in condition no. 1 of the original planning permission in order to extend the period of time within which development can commence.
29. The principle of the development has been accepted through the granting of planning permission by the CNPA in April 2010. Various matters were explored throughout the previous planning application including flood risk, natural heritage and contaminated land, resulting in various conditions being applied to the original planning permission.
30. The principle of the development was determined in relation to the policies of the Highland Council Development Plan Policy, specifically the Badenoch and Strathspey Local Plan (1997). The principle of the proposal now requires to be determined in relation to the Cairngorms National Park Local Plan (2010). It is considered to be in compliance with the key policies including Policy 6- Landscape; Policy 16- Design Standard for Development; Policy 23- Replacement Houses and Policy 27- Conversion and Reuse of Existing Traditional and Vernacular Buildings.
31. There are several changes in policy arising from the adoption of the Cairngorms National Park Local Plan (2010). Policy 16 in particular introduces a greater emphasis on sustainable design. The design approved in the original application is considered acceptable in current policy terms through the use and incorporation of existing materials suited to the characteristics of the area.
32. The current Local Plan also requires Contributions to Affordable Housing (Policy 19) for developments of three or more dwellings. Given that under Condition 1 of the original application (09/355/CP) development could have begun, on balance it is considered appropriate that affordable housing contributions are not applied in this case.
33. The proposal does not raise any implications in terms of the extant planning permission with the principle of development still in accordance with current planning policy. In addition, given the current financial climate alluded to in the application, it is considered reasonable that permission be granted to alter condition no. 1 for a further three years in line with National policy to support appropriate development.



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

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

34. The conversion of an existing steading, in a sensitive manner in respect of the original character of the building, would make a positive contribution towards conserving and enhancing the natural and cultural heritage of the Park.
35. All aspects of the development are within the footprint of the existing, disused structures. The physical impact of the proposal would not encroach into any undeveloped areas.

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

36. The majority of the development would occur through alteration of the existing steading structure and the general rehabilitation of a formally disused building can generally be viewed as sustainable. The requirement for new material is minimised through the use of existing structures.

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

37. The access arrangements ensure that improvement works would not impede existing paths in the vicinity. The development would not detract from the general public's understanding and enjoyment of the area.

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

38. The development of 6 dwellings on the site would help support the economic and social development of the area. The provision of 6 dwellings of various types and sizes could encourage a broad demographic mix of inhabitants resulting in positive social development of the area.

## **RECOMMENDATION**

**That Members of the Committee support a recommendation to vary condition no. 1 of CNPA planning ref. no. 2013/0141/DET to extend the time period of condition no. 1 of the existing permission (CNPA ref. no. 09/355/CP) subject to the following condition:**

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

**Reason:** To comply with Section 59 of the Town and Country Planning (Scotland) Act 1997 as amended by the Planning etc. (Scotland) Act 2006.

## INFORMATION NOTE

Please note that this approval relates solely to the variation of condition I of CNPA planning ref. No. 09/355/CP, and permits an extension of the period of time by a further period of 3 years from the date of this permission. Nothing contained in this shall be deemed to affect or vary the conditions imposed on the extant planning permission 09/355/CP.

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**04 June 2013**

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