

CAIRNGORMS NATIONAL PARK AUTHORITY

DEVELOPMENT PROPOSED:

Retrospective change of use of land for siting 3 mobile holiday letting units with composting toilets; erection of bothy for holiday lettings including compost toilet and solar pv; change of use of hen house to distillery, shop and bar for guest use. Demolition of garage and erection of former station building containing toilet and distillery extension at Inshriach House, Aviemore, Highland, PH22 1QP

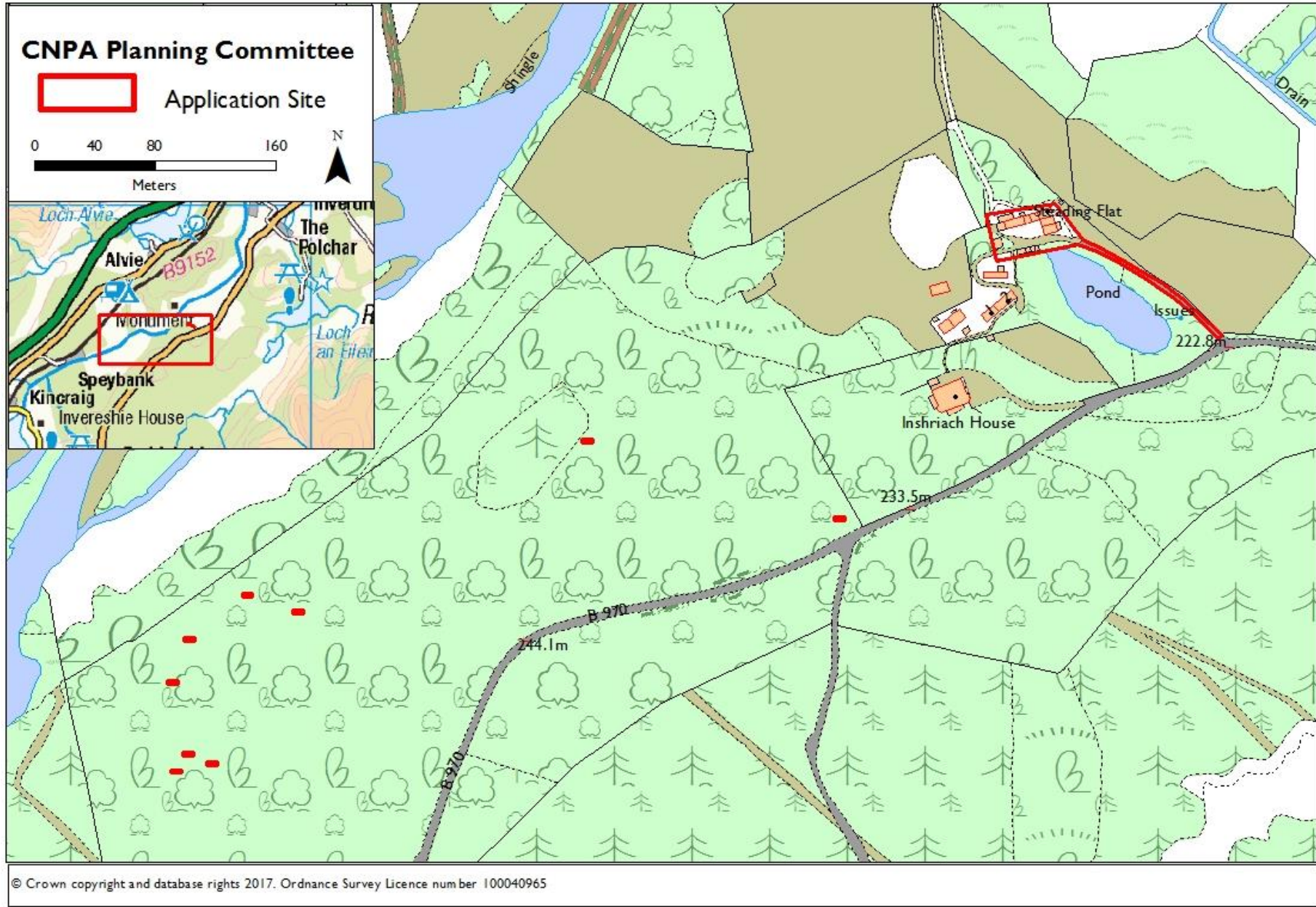
REFERENCE: 2016/0128/DET

APPLICANT: Walter Micklethwait

DATE CALLED-IN: 27 April 2016

RECOMMENDATION: Approve

CASE OFFICER: Matthew Taylor, Planning Officer



SITE DESCRIPTION, PROPOSAL AND HISTORY

Site Description

1. The proposals are located within the Inshriach Estate. The estate comprises 200 acres of mixed woodland and grazing, containing an Edwardian country house, traditional steading buildings, outhouses and cottages. The estate boundary is defined by the River Spey to the North and is located approximately 5 miles South South West of Aviemore with access via the B970 which forms the Southern boundary to the estate.
2. The estate use is well established, and is serviced by existing road access from the B970; the site is provided with mains electricity; private water supply; and has wastewater facilities in the form of existing private septic tanks.
3. The wider area is characterised by mixed woodland, agricultural and forestry uses, with some dwellinghouses located along the roadside. Nearby and North East of the site is located the Inshriach Nursery and tearoom.
4. This landscape character area is richly diverse and characterised by wetlands, extensive broadleaved and native pine woodlands, policy woodlands, and birch and juniper scrub. The areas of near natural vegetation, distinctive wildlife and lack of development give parts of the area, including Inshriach, a strong sense of seclusion. The house, gardens and associated cottages and farm buildings sit down below the B970, and can be seen in glimpsed views from the road. The farm steading buildings, viewed across the pond and framed by trees, forms a particularly attractive composition.

Proposal

5. The drawings and documents associated with this application are listed below and are available on the Cairngorms National Park Authority website unless noted otherwise:

<http://www.eplanningcnpa.co.uk/online-applications/applicationDetails.do?activeTab=summary&keyVal=O6AB9JSI0CA00>

Title	Drawing Number	Date on Plan*	Date Received
Design Statement		20/02/16	02/05/16
Water Drainage Parking Plan	IE002/DS006	20/02/16	02/05/16
Location Plan	IE002/LP001	20/02/16	02/05/16
Location Plan	IE002/LP002	20/02/16	02/05/16
Location Plan	IE002/LP003	20/02/16	02/05/16
Site Boundaries	IE002/LP004	20/02/16	02/05/16
Existing Parking	IE002/LP006	20/02/16	02/05/16
Waste and Recycling	IE002/LP007	20/02/16	02/05/16
Water and Drainage	IE002/LP008	200/2/16	02/05/16

Septic Tanks	IE002/LP008	20/02/16	02/05/16
Containers Barn Location	IE003/C001	20/02/16	02/05/16
Containers Barn Plan	IE003/C002	20/02/16	02/05/16
Containers Section and Elevation	IE003/C004	20/02/16	02/05/16
Elevations Dalnaspidal Station	IE003/DA002	20/02/16	02/05/16
Plans Dalnaspidal Station	IE003/DA003	20/02/16	02/05/16
Hen House Retrospective	IE003/HH002	20/02/16	02/05/16
Existing Distillery Shop Bar	IE003/HH003	20/02/16	02/05/16
Existing Steading Elevations Rood and Sections	IE003/SC002	20/02/16	02/05/16
Proposed Steading Elevations Roof and Sections	IE003/SC004	20/02/16	02/05/16
Proposed Steading Conversion Plans	IE003/SC005	20/02/16	02/05/16
Bothy Location and Plan	IE004/BP002	20/02/16	02/05/16
Bothy Elevations	IE004/BP003	20/02/16	02/05/16
Bothy Sections	IE004/BP004	20/02/16	02/05/16
Bothy Compost Toilets	IE004/BP006	20/02/16	02/05/16
Shepherds Hut Plans and Elevations	IE004/SH002	20/02/16	02/05/16
Compost Toilets	IE004/SH003	20/02/16	02/05/16
Yurt Plans and Elevations	IE004/YU002	20/02/16	02/05/16
Bat Report (2014)		2014	02/05/16
Roads Plan	IE002/LP005	20/02/16	02/05/16
Containers Shelter Elevation	IE003/C003	20/02/16	02/05/16
Existing Steading Conversion Plans	IE003/SC003	20/02/16	02/05/16
Existing Beermoth	IE004/BS001	20/02/16	02/05/16
Construction Management Statement			22/11/16

*Where no specific day of month has been provided on the plan, the system defaults to the 1st of the month.

6. The submitted planning application details a number of components. Some of which seek retrospective planning permission, and some of which seek full planning permission in advance of development. The individual components are more fully detailed below and some of the above plans are included within **Appendix 1**.

7. The applicant states that the proposals are intended to diversify the operation of the estate. The supporting information outlines the current business use of the site explaining that the rental of the main Inshriach house for holiday let and functions is an important source of revenue, and that the traditional agricultural income, wayleaves, management grants and fishing permit form only a small part of the estate turnover. The applicant considers the diversification of the estate and submitted proposals are increasingly important to provide for the viability of the estate. Supporting information is attached as **Appendix 2**.

Proposal: Retrospective Components

8. Four bespoke lightweight holiday units are located within fields and woodland to the South West of the estate grounds and are remote from the main steading buildings. The units are accessed along the existing field tracks. A converted chicken shed is also completed and located within the main steading group opposite the traditional masonry agricultural buildings. These units/buildings and uses are established and so retrospective planning permission is sought.
9. The tourist accommodation comprises:
 - a) Yurt accommodation for two. This was built at Inshriach over a number of yurt building courses and has a separate composting toilet;
 - b) Beermoth accommodation for two. This is a converted 1950s fire service lorry with separate composting toilet;
 - c) The Bothy accommodation for two. This is a small off-grid modernist cabin in the woods with separate composting toilet and solar panels and was built with funding from the Royal Scottish Academy
 - d) Shepherds Hut accommodation for two. This is a newly built mobile hut with separate composting toilet.
10. The Bothy project is used as an artist residency for half of the year and as a holiday let for the other half. All rentals are managed by the 'Sawday's Canopy and Stars' website. Each unit is designed to accommodate two guests, and therefore have a maximum guest capacity of 8 persons at 100% occupancy. The units are dispersed within the estate as shown on the site plans within **Appendix I** and will be shown during the slide presentation at Planning Committee.
11. The converted chicken shed is located within the main agricultural steading group. It comprises a simple four-bay timber construction and has been improved with flooring, roof sheets, timber, windows, and electricity supply. The first alternative use of the chicken shed was to provide shelter during a festival then it gained a floor, bar for occasional guest use (under temporary licence), and a small shop selling estate products to guests. Late in 2014, the estate went into business with Crossbill Gin and installed a small table top 'still' in which they could process juniper and rosehips for gin. At the time of the reporting the applicant stated that 'Crossbill Gin' is no longer in partnership with the estate. However for the purposes of this planning application the 'use' of the building for small scale gin distilling will still be considered.

Proposal: New Components

12. The submitted application also details proposals for development of the steading complex at the centre of the estate.
13. The proposals originally included:

- a) Replacement of a dilapidated open timber garage/shed with the reclaimed Dalnaspidal Railway Station building for additional guest/workers toilets and distillery space;
 - b) Conversion of part of the traditional early 19th Century steading building to residential use for workers and guests.
 - c) Construction of an agricultural style timber building to house steel containers for estate equipment adjacent to the B970.
14. However, the applicant has withdrawn (b) and (c), as detailed in the History section of this report. The remaining component, the Dalnaspidal Station building was gifted to the estate by the Strathspey Steam Railway after it fell out of use in 1994 and its condition began to deteriorate. The building was originally constructed in 1863 and moved to Aviemore for use as a ticket office by the Strathspey Steam Railway in 1977. The building would be reconfigured to fit the site but the main elevations would retain the original windows, doors, roof shape etc which are to be reinstated. The rear of the building would be redesigned so that the main room opens onto a hidden deck which would not be visible from principle views within the courtyard.

History

15. The Inshriach Estate is a long established traditional estate with an agricultural function but which has been subject to economic diversification. As noted above, some components of the diversification are already in use on the estate. These retrospective components were brought to the attention of the Planning Authority and a planning application was secured. In addition to the retrospective components the applicant has detailed further works forming proposals to improve the facilities on the estate and this is also considered under the current planning application.
16. With regard to the use of the estate land for events and festivals, provided the land is not within the curtilage of a building and that such uses are for no more than 28 days in any calendar year, this falls outside of the scope of 'planning' would not require formal planning permission. Such occasional use of land benefits from deemed planning permission. However, such events require temporary and occasional licences from the Licensing Authority which in this case is the Highland Council. They would control matters such as waste and alcohol sales etc.
17. A component (noted in paragraph 13(b) of this report) that was detailed as part of the planning application at the time of submission has subsequently been withdrawn by the applicant. This related to a conversion of the steading building into residential use and which required an up to date Bat Survey and Species Protection Plan. Unfortunately this was not provided for consideration. As such the CNPA would not have been able to approve this component. For information, the traditional steading building is open loft space to the first floor, with stables, tack room and open garage to the ground floor. The conversion would have provided two bedrooms, open plan living room/kitchen and bathroom to the main first floor, with a further bedroom to be accommodated

in a timber extension to the rear. The ground floor would provide a large open plan dining/kitchen with separate laundry and open cycle store. There is a change in levels of the site with the rear of the building being beneath ground level to the first floor.

18. A further component (noted in paragraph 13(c) of this report) detailed as part of the planning application at the time of submission has also been withdrawn. The proposal involved the construction of a pitched roof timber building to house two steel containers for general storage. The site of the building was located adjacent to the B970, outside of, and to the South-Western edge of the Inshriach House garden boundary. This component is also withdrawn by the applicant as its delivery was problematic due to difficulties in retaining mature 'Avenue' Beech trees and potential impact upon trees and habitat within the site to provide access and circulation space.

DEVELOPMENT PLAN CONTEXT

Policies

National Policy	Scottish Planning Policy 2014	
Strategic Policy	Cairngorms National Park Partnership Plan 2012 - 2017	
Local Plan Policy	Cairngorms National Park Local Development Plan (2015) Those policies relevant to the assessment of this application are marked with a cross	
POLICY 1	NEW HOUSING DEVELOPMENT	
POLICY 2	SUPPORTING ECONOMIC GROWTH	X
POLICY 3	SUSTAINABLE DESIGN	X
POLICY 4	NATURAL HERITAGE	X
POLICY 5	LANDSCAPE	X
POLICY 6	THE SITING AND DESIGN OF DIGITAL COMMUNICATIONS EQUIPMENT	
POLICY 7	RENEWABLE ENERGY	X
POLICY 8	SPORT AND RECREATION	
POLICY 9	CULTURAL HERITAGE	X
POLICY 10	RESOURCES	X
POLICY 11	DEVELOPER CONTRIBUTIONS	

19. All new development proposals require to be assessed in relation to policies contained in the adopted Local Development Plan. The full wording of policies can be found at:

<http://cairngorms.co.uk/uploads/documents/Park%20Authority/Planning/LDPI5.pdf>

Planning Guidance

20. Supplementary guidance also forms part of the Local Development Plan and provides more details about how to comply with the policies. Guidance that is relevant to this application is marked with a cross.

Policy 1	New Housing Development Non-Statutory Guidance	
Policy 2	Supporting Economic Growth Non-Statutory Guidance	X
Policy 3	Sustainable Design Non-Statutory Guidance	X
Policy 4	Natural Heritage Supplementary Guidance	X
Policy 5	Landscape Non-Statutory Guidance	X
Policy 7	Renewable Energy Supplementary Guidance	X
Policy 8	Sport and Recreation Non-Statutory Guidance	
Policy 9	Cultural Heritage Non-Statutory Guidance	X
Policy 10	Resources Non-Statutory Guidance	X
Policy 11	Developer Contributions Supplementary Guidance	

CONSULTATIONS

21. A summary of the main issues raised by consultees now follows:
22. **SEPA** objected to the proposals following the initial consultation with a request that further information be provided. This was in order to determine whether the proposals impacted upon their interests. Further details were required of the distillery function, source of water and quantities, and details of surface water and foul drainage requirements.
23. Additional information was provided by the applicant and SEPA withdrew their objection. Only small quantities of water from the existing supplies are used as a coolant in the distilling process and to prevent the botanicals from drying out. Whilst acceptable to SEPA they require this to be registered under the Controlled Activities Regulations (CAR). SEPA do not object to the water usage which relates to small volumes. SEPA request that a condition be applied to ensure up to date SUDS standards to be applied on future works. For example the applicant states that courtyard levels will be re-graded to prevent pooling. SUDS currently discharge to a reed bed located adjacent to the steading group. SEPA also request that a condition be applied to ensure that the existing toilets connected to the septic tanks are not used during events unless the foul drainage system is upgraded. The applicant states that all domestic toilets are locked during events with portable systems used by guests.
24. **SNH** advise that the development is outwith the River Spey SSSI and SAC which are both designated for Atlantic salmon, freshwater pearl mussels, otter and sea lamprey. There is no connectivity via any watercourses to the designated sites. It is unlikely there will be any effect either directly or indirectly on any of the qualifying features; therefore an appropriate assessment is not required. SNH have no further comments to make on this application.

25. **Highland Council Transport Planning** objected to the proposals initially. In respect of development to the main steading area and principle access:
- a) the development will increase the number of vehicles using the site access, therefore the access layout should be upgraded to an SDB 2 service bay in accordance with Council Guidelines for small development;
 - b) some visibility improvements to the main access are required, this would involve the removal of two small trees;
 - c) a waste management plan for business waste removal should be provided.
 - d) secure cycle storage should be provided for staff and visitor cycles (4 spaces). The parking provision is acceptable if the cycle space is provided. It is recommended that at least 1 disabled space is provided.
26. Further information was provided by the applicant. The applicant has agreed to upgrade the access and the Highland Council ask that this is done by an accredited contractor with Public Liability Insurance prior to any further development on the site. A completed private checklist has been provided and the visibility splays are provided and are acceptable.
27. Highland Council Transport Planning withdrew their objection subject to service bay access layout and visibility splays being secured by condition.
28. In respect of the separate access from the B970 to the container store, the access layout should be suitably sized to allow for off road parking and access to and from the site in a forward gear. In the interests of road safety this should be demonstrated by the applicant through plan. Surfacing should be a minimum of 6 metres from the carriageway. No access checklist or visibility drawing is provided. Whilst this is a 60mph road, HC accept an assessed speed of 40mph, therefore a visibility play of 2.4m x 60m is required. HC have no objection subject to the access and visibility standard being confirmed.
29. **Highland Council Contaminated Land** (relating to the steading conversion and station building) advise that there is an indication that the site has had a previous agricultural use. Therefore, a condition securing an assessment of potential contamination should be applied. In the event that contamination is found, details of a remedial strategy to demonstrate that the site is fit for the uses proposed should be submitted for approval. Any remedial strategy shall be implemented before development.
30. **Highland Council Historic Environment** advises that the buildings are of local historic interest, they should be subject to detailed photographic recording in advance of impacts. A condition to secure this is recommended.
31. **Highland Council Forestry** consider that the proposal to have no impact on trees or is of such a small scale that the impact on woodland would be negligible. No objection to the application.
32. **CNPA Ecology Officer** advises that there will be no impact from existing or planned development on the River Spey SAC. The steading contains a bat roost, further survey is required to assess the status of the bat roost and a species

protection plan which details mitigation for the retention of the roost is required. It is likely a licence from SNH would be required. In respect of the proposed container store a tree and bat survey would be required as it is not clear whether mature trees would be lost. It is also not clear whether the avenue of large mature Beech trees would be affected by the container store access and junction visibility splays. This should be confirmed by the applicant.

33. In summary, there are no adverse ecological impacts from the existing off-grid structures; the hen house distillery and bar has no adverse ecological impact; a bat survey and mitigation is required for the steading conversion to residential use; junction improvements to the site may require the removal of two young birch, a check for birds should be undertaken (April-September) prior to their removal and the trees should be compensated with 3:1 planting within the site; a tree and bat survey over the proposed container store site and access should be completed and it should be confirmed whether mature trees would be required to be removed.
34. **CNPA Landscape Officer** advises that the existing developments are contained within the buildings, policies and pastures of the home farm. The developments are small scale and low-key and reflect the landscape character and special landscape qualities of the location. It is clear that the intention is for the proposed developments do likewise. However, to ensure that the small scale intimate detail of this location is retained a brief Construction Method Statement should be conditioned to any consent. Subject to construction management there would be no impact upon the landscape character and special landscape qualities of the area arising from the proposed developments. However, the loss of mature beech trees to provide visibility to the proposed container store should be avoided. The existing developments have no impact upon the landscape character and special landscape qualities of the area.
35. **Kincraig and Vicinity Community Council** took a neutral stance but are disappointed that the some of the works were completed with no planning permissions in place. Their response is attached as **Appendix 3**.
36. **Inclusive Cairngorms** raises concern regarding the proposals that are open to the public. This would not apply to some of the proposals. Key concern would be ensuring disabled access to the facilities which are inviting the public to use them e.g. presumably the shop and bar and possibly the railway station and having associated facilities such as a disabled toilet, car parking and paths which provide access to them.

REPRESENTATIONS

37. There are no representations to report.

APPRAISAL

38. The principle of the proposed development is assessed against the Cairngorms National Park Local Development Plan Policies. The Development Plan includes

policies, as briefly outlined below, that are designed to support economic growth when there are no adverse environmental impacts. Therefore, acceptability of the proposal is subject to the applicant satisfactorily demonstrating that there would be no unacceptable environmental impacts arising from the proposed works or having occurred as a result of the existing works.

39. In respect of the tourism, bar, and distillery proposals, Policy 2: Supporting Economic Growth considers whether they make a positive contribution to the experience of visitors, and add to or extend the core tourist season. Furthermore the new or proposed uses must be compatible with the existing estate use.
40. Policy 3: Sustainable Design seeks to ensure that the effects of the development are minimised and appropriately serviced whilst also complementing the distinctive character and identity of the Cairngorms National Park natural and built heritage.
41. In respect of ecology Policy 4: Natural Heritage requires that all developments must avoid any detrimental adverse effect on habitats or species, including designated sites at all levels and species of international, regional or local importance.
42. There will be a presumption against any development that does not conserve and enhance the landscape character and special qualities of the Cairngorms National Park and in particular the setting of the development. This is defined under Policy 5: Landscape.
43. Whilst a relatively minor component, the proposal contains off grid accommodation including the small scale use of solar pv, therefore the proposal is assessed against Policy 7: Renewable Energy, which considers renewable energy proposals favourably provided they are appropriate to the site.
44. The proposal is located within a traditional rural estate setting containing a number of attractive vernacular buildings. As such the proposal is assessed against Policy 9: Cultural Heritage to ensure that the proposals protect or conserve and enhance the features.
45. Finally, Policy 10: Resources seeks to control development which may have an impact relating to contaminated land and impact upon water resources and also seeks to ensure minimisation of waste from development.
46. The application is submitted as part retrospective but with the station building being subject to prior approval. The applicant seeks retrospective approval for the tourist accommodation and hen house building components in order to regularise the development which is currently unauthorised. Although retrospective, Planning Authorities are only able to consider the planning application upon its merits and cannot take into account that prior approval was not sought.

47. The assessment will look at each of the components of the planning application individually and then consider the collective impact arising from the combined developments, and whether this is compatible with the existing estate land use.

Tourist Accommodation - Yurt, Beermoth, Bothy and Shepherds Hut (retrospective)

48. The proposal includes detail of a four lightweight buildings/structures utilised as holiday accommodation with one also used as short term artist's residency. These are each provided with composting toilets which are locally relocated (a few metres) every 1-2 years with the former site being planted with a tree to take up the additional nutrients. With the exception of the Bothy they are not mains serviced with either power or water. However, the bothy is provided energy from solar panels which are small scale and out of public view. Guests to the holiday accommodation are able to use the bathroom facilities at the steadings and would be able to access the new bathrooms to the 'Station Building'. Whilst this provision is some distance from the holiday units it avoids the need for more substantial service buildings within the less developed part of the estate and provides for the experience of seclusion for the guests.
49. None of the accommodation is constructed with permanent or conventional foundation. The yurt and bothy are placed on timber or concrete cylindrical posts which are fully removable. The Beermoth and Shepherds Hut are wheeled structures/vehicles and are fully moveable. The composting toilets are small scale 'shed like' timber buildings and are lightweight and moveable. It is considered that the applicant has provided innovative, low impact and relatively affordable solutions in providing holiday accommodation without compromising the rural estate character.
50. The accommodation is fairly widely dispersed within the 200-acre estate grounds, but is generally located remotely from, and to the west of the main steading grouping. The units are not visible from general public view and are located to avoid any overlooking or privacy between the units.
51. The accommodation is considered low key and lightweight, and is capable of easy removal from the site with the potential for the ground and site to be fully restored to its pre-development condition. The siting of the accommodation and composting toilets are quite narrowly defined on plan and so the regular relocation of the toilet sheds must be local to the existing position.
52. The accommodation has a maximum person capacity of 8 with 100% occupancy. However, there are expected to be periods, particularly off-season, where occupancy is below capacity. Therefore, it is considered that the 200-acre estate has sufficient capacity to accommodate four, two-person holiday units without any detriment to the environmental or landscape quality of this part of the National Park.

Chicken Shed Conversion - Distillery/Bar/Shop (retrospective)

53. The distillery/bar/shop building was recently successful in securing the overall title in the channel 4 Series 'Shed of the Year'. The conversion of the simple 4 bay structure was completed with great care to retain its historic character and utilised reclaimed/recycled materials were possible.
54. In design terms, whilst accommodating the alternative use, the building retains the overall scale and historic character that was expressed prior to conversion. As with the proposed Dalnaspidal station building, the conversion exhibits an appearance of age that is often difficult to achieve by conversion or refurbishment thereby allowing the building to appear as contemporary with the main masonry steading buildings.
55. In terms of use, the site inspection and discussions with the applicant have confirmed that the bar and shop is not open for general public use, and is merely to service guests and visitors to the estate and tourist accommodation, and for the occasional event or function. Indeed, the applicant would not wish for the building to be for 'open public' access. It is noted that immediately following the wide publicity surrounding the 'shed of the year title' the applicant had to manage the public's expectations and turn away a number of curious visitors.
56. The distilling component is of a very small scale and entails adding local botanicals to neutral grain spirit and leaving it 10 days before distilling off. A low volume of water is used to cool only and is not subject to contamination from the distilling process.
57. The scale and proposed use of the converted hen house is such that it is considered to be subservient to the main use of the estate and forms part of the wider estate diversification. A condition is proposed to ensure that the building is for ancillary use to the tourist accommodation, guests, and occasional events.

Dalnaspidal Station Building

58. The proposal would entail the taking down of an open timber store/garage building located within the main steading building group. This is currently used as a general store. The building is of a simple design and construction and is unremarkable in appearance.
59. In place of the timber store the applicant would like to erect a modest timber building. This would be the former Dalnaspidal Station building that was latterly used as a ticket office by the Strathspey Steam Railway in Aviemore and was gifted to the applicant following the building becoming redundant and its condition deteriorating. The applicant intends to refurbish and alter the building for re-use. The building would accommodate a bathroom/WC, and shower room/WC for guests and workers to the estate, with an additional room to provide extra space for distilling.

60. The proposed building is of vernacular interest and would appear as contemporary with the steading group. The character and appearance of the building is seen as complimentary to the steading and would provide an immediate impression of age that is both welcome and consistent with the surrounding buildings.
61. The use of the building for bathroom/shower/toilet to guests and workers of the estate, and to provide extra space for the commercial venture of gin distilling is of a low intensity and considered ancillary to the wider function of the Inshriach Estate. It is noted that the facilities are not to be utilised by the general public or guests during larger events as it is not demonstrated that the current septic tank would have capacity for a more intensive use. The applicant has confirmed this arrangement.
62. A simple construction method statement would demonstrate that there would be no impact upon the pond/reed bed to the rear of the site and could be conditioned to any permission.

Access/Servicing

63. The site is serviced with mains electricity and private water supply. SEPA do not object to the volumes of water used and the part it plays in the small-scale distilling process but advise that a CAR licence will be required. The holiday accommodation is off-grid and not connected to mains or private supply. Rainwater harvesting is used at the bothy, and heating to all units is via wood burning stove with fuel provided by the estate.
64. Foul waste from the steading bathrooms/kitchen is discharged to existing private septic tank with outfall to reed beds, these are licenced by SEPA and are suitable for the existing and proposed use at the steading but may not have capacity for wider use during festivals or events and so on those occasions alternative facilities should be provided. The applicant has confirmed acceptance of this arrangement.
65. The majority of the development was proposed for existing buildings through conversion, and so any existing SUDS arrangement would be deemed adequate. However, the new Dalnaspidal Station Building would require SUDS to be upgraded as it is of a larger scale than that building it replaces. The applicant also states that the courtyard within the steading group requires some levelling to prevent water pooling and agrees to provide SUDS to current standards when the improvements are made.
66. Under Policy 5: Sustainable Design, all developments must include an appropriate means of access and egress and space for off street parking. Vehicular access to the site is via an established private junction with the B970. The Transport Planning department at Highland Council ask that the junction be upgraded prior to any further development. It is noted that the applicant has withdrawn the residential conversion component from the main steading site, along with the container store separately accessed from the B970. Those components are considered the most significant in terms of intensification of use

of the access. Therefore, the only remaining development to be commenced that utilises the existing access is for the erection of the station building containing two bathrooms and a distillery space. This use is not considered sufficiently intensive to impose junction improvement standards at this time, as it would be ancillary to the low key provision of 8 person capacity holiday units. However, visibility has been provided to the standard asked by Transport Planning following the removal of two trees and so junction visibility is improved and will be confirmed by planning condition. Any subsequent application for the creation of a new dwelling through conversion may require full junction improvements.

67. Internal estate access to the holiday accommodation is via dirt track through the estate and guests are transported by Landover. There is no proposal to upgrade the private internal tracks within the estate.
68. The site waste is currently serviced by Highland Council and Private/business Waste collection with a low volume of distillery waste botanicals composted and general recycling undertaken.
69. Adequate space for parking is available within the site and there is sufficient covered space to the steading building for secure cycle storage.
70. There is sufficient space for disabled parking within the steading courtyard. However, surfaces are uneven and unconsolidated. The holiday accommodation is not suitable for disabled access and is very compact and/or adapted from vehicles. The units are raised from the ground, compact, and accessed via steep open wooden stairs with small timber composting toilets accessed via narrow pathways across scrubland or wooded ground. The accommodation is marketed with full detail online and does not provide for disabled use. Nevertheless details of the new bathroom facilities and courtyard levelling should be submitted to demonstrate that access is improved.

CONCLUSION

71. The modified proposals, having excluded the residential conversion of the steading building and container store, are well suited to the rural estate character and wider use of the site. The diversification of the estate to provide holiday accommodation and improved facilities for workers and occasional function/events is considered compatible with the site and wider land use. There are no significant detrimental impacts arising from the development, and with suitable controlling conditions to ensure that the developments and their use remain subservient to the main use of the estate as agricultural holding, the proposals are acceptable in planning terms. The development complies with the relevant provisions and intent of the Cairngorms National Park Local Development Plan 2015 and no other material considerations warrant the setting aside of adopted policy.

RECOMMENDATION

That Members of the Committee support a recommendation to approve the retrospective change of use of land for siting 3 mobile holiday letting units with composting toilets; erection of bothy for holiday lettings including compost toilet and solar pv, change of use of hen house to distillery, shop and bar for guest use. Demolition of garage and erection of former station building containing toilet and distillery extension at Inshriach House Aviemore Highland PH22 IQP subject to the following conditions:

Those conditions listed below in bold text are suspensive conditions, which require to be discharged prior to implementation of the development.

Conditions

1. Notwithstanding the approved plans and detail, and for the avoidance of doubt, planning permission **IS NOT** granted for the erection of the '**Container Shelter**' as detailed on the submitted plans stamped received by the Cairngorms National Park Authority on 02 May 2016.

Reason: These aspects have been formally removed by the applicant from the proposed development. It is not demonstrated that the container shelter, access standards and use of the site can be accommodated without the loss of mature trees within and around the site which would be to the detriment of the landscape character and special qualities of the area. Furthermore a tree and bat survey is required to determine whether bats are present on site, and the extent of tree loss required. Therefore this aspect of the proposal would not currently comply with Policy 4: Natural Heritage and Policy 5: Landscape of the Cairngorms National Park Local Development Plan 2015.

2. Notwithstanding the approved plans and detail, and for the avoidance of doubt, planning permission **IS NOT** granted for the '**Steading Conversion**' being the residential conversion of the stead building as detailed on the submitted plans received by the Cairngorms National Park Authority on 02 May 2016.

Reason: These aspects have been formally removed by the applicant from the proposed development. The stead building accommodates at least one 'Bat Roost' and the planning submission did not contain an up to date 'Bat Survey and Species Protection Plan'. Therefore it is not demonstrated that the proposed development would have no negative impact on bats which are a European Protected Species. This aspect would not currently comply with Policy 4: Natural Heritage of the Cairngorms National Park Local Development Plan 2015.

3. Notwithstanding the details on the approved plans and for the avoidance of doubt, the 'Hen House/Inshriach Distillery' building and 'Dalnaspidal Railway' building shall not be open for 'general public' use. Access to the buildings shall be restricted for use by residents, workers, and guests of the Inshriach Estate and

holiday accommodation therein, or for occasional guests to events, functions or festivals.

Reason: To control the intensification of use of the site so that the developments are subservient and ancillary to the wider use of the Inshriach Estate in accordance with the relevant provisions and intent of the Cairngorms National Park Local Development Plan 2015. Any further intensification of use and general public access would require re-assessment and may require access improvements and/or formal permission for the change of use of the land.

- 4. No development of the 'Dalnaspidal Railway Building' shall commence until a completed Highland Council Questionnaire 'Redevelopment of Agricultural Buildings and Farm Steadings' is submitted to the CNPA as Planning Authority for consultation with Highland Council and written authority to commence is given. In the event that contamination is found, the development shall only proceed in accordance with a remediation strategy that must first be submitted to and approved in writing by the Cairngorms National Park Authority as Planning Authority.**

The assessment shall be consistent with the approach to land contamination contained in Planning Advice Note 33 and the British Standards BS 10175:2011+A1:2013 Investigation of Potentially Contaminated Sites – Code of Practice.

Reason: As the development site is located within an agricultural steading there is potential for the land to be contaminated. If contamination is found then remedial action must be taken in order to comply with Policy 10: Resources of the Cairngorms National Park Local Development Plan 2015.

- 5. No development of the 'Dalnaspidal Railway Building' shall proceed until a detailed Construction Method Statement (CMS) specific to the 'Dalnaspidal Railway Building' site construction has been submitted to and approved in writing by the Cairngorms National Park Authority as Planning Authority. Thereafter the development shall proceed in accordance with the approved CMS.**

Reason: To demonstrate that the soils, vegetation and hard surfaces are carefully restored and reinstated around the building to ensure there is no adverse impact on the landscape character and special qualities of the steading grouping and to avoid any sedimentation or pollution to the nearby pond and reed bed, all in accordance with Policy 3: Sustainable Design; 4: Natural Heritage; Policy 5: Landscape of the Cairngorms National Park Local Development Plan 2015.

- 6. No development of the 'Dalnaspidal Railway Building' shall proceed until plans demonstrating that a Surface Water Drainage System design for the building and courtyard is to be provided as part of the construction and maintained during the lifetime of the development.**

The design of the SUDs shall be in accordance with CIRIA SUDS Manual C75. Thereafter the development shall proceed in accordance with the approved SUDS details.

Reason: To ensure that a suitable standard of SUDS is provided on the site. In accordance with Policy 10: Resources of the Cairngorms National Park Local Development Plan 2015.

7. **No development of the 'Dalnaspidal Railway Building' shall commence until:**
 - (a) **The provision of a right hand visibility splay of 2.4 x 40m and a left hand visibility splay of 2.4 x 60m at the junction of the access to the steading with the B970 and shown on a scaled plan.**
 - (b) **Details of the removal of 2 trees to provide the visibility and details of the location and a schedule for compensatory planting of 6 trees are submitted to and approved in writing by the Cairngorms National Park Authority, as Planning Authority, and then implemented in accordance with those approved details.**

Thereafter the provision of the visibility splays shall be maintained during the lifetime of the development and the compensatory planting maintained.

Reason: To ensure adequate visibility at the junction of the site access with the public road in the interests of road safety. In accordance with Policy 3: Sustainable Design of the Cairngorms National Park Local Development Plan 2015.

8. **No development or work (including site clearance) shall commence until a photographic record has been made of the buildings, structures and/or other features affected by the development/work, in accordance with the specification provided by the Highland Council dated 13 May 2016 (and available for viewing on the Cairngorms National Park website) and the photographic record has been submitted to, and approved in writing by the Cairngorms National Park as Planning Authority.**

Reason: In order to protect the archaeological and historic interest of the site in accordance with Policy 9: Cultural Heritage of the Cairngorms National Park Local Development Plan 2015.

9. Following the completion of development, a photographic record shall be made of all changes, alterations and completed works undertaken to the buildings, structures and/or other features, in accordance with the specification provided by the Highland Council dated 13 May 2016 (and available for viewing on the Cairngorms National Park website). The record will be submitted to and approved in writing by the Cairngorms National Park as Planning Authority.

Reason: In order to ensure that the planning authority maintain an accurate historical record of the site in accordance with Policy 9: Cultural Heritage of the Cairngorms National Park Local Development Plan 2015.

10. **No development of the ‘Dalnaspidal Railway Building’ shall commence until details of a single defined disabled parking bay, level access from the parking bay to the ‘Dalnaspidal Station’ building, and details of ramp or level access into a disabled bathroom within the station building, is submitted to and approved in writing by the Cairngorms National Park Authority as Planning Authority. Thereafter the disabled access and facility shall be provided and maintained for the lifetime of the development unless otherwise agreed in writing by the Cairngorms National Park Authority.**

Reason: To ensure that a disabled access is available to the welfare facilities within the main steading courtyard for guests and/or residents in accordance with Policy 3: Sustainable Design of the Cairngorms National Park Local Development Plan 2015.

Informatives

- 1 The development hereby approved must commence within 3 years of the date of this decision notice. If development has not commenced within this period then this planning permission will lapse.
- 2 The person undertaking the development is required to give the Planning Authority prior written notification of the date on which it is intended to commence the development. Attached to this decision notice is a Notice of Initiation of Development for completion and submission. Submission of this information assists the Cairngorms National Park Authority Monitoring and Enforcement Officer in monitoring active work with the area to ensure compliance with the approved details and to identify and correct any potential problems, as they arise, rather than later when it may be more difficult and more costly to rectify. Failure to give notice would constitute a breach of planning control which may result in enforcement action being taken.
- 3 Notification of Completion of Development. Following completion of the development, a notification of the completion shall, as soon as practicable, be given to the Planning Authority. Attached to this decision notice is a Notice of Completion of Development for completion and submission. Submission of this form will assist the Cairngorms National Park Authority Monitoring and Enforcement Officer in making a final inspection and checking compliance with the approved drawings and conditions. If the development hereby approved is to be carried out in phases, then a notice of completion should be submitted at the completion of each phase.
- 4 The cooling water discharge requires to be registered with SEPA under the Controlled Activities Regulations. Details of regulatory requirements and

good practice advice can be found on the regulations section of SEPA's website. If you are unable to find the advice you need for a specific regulatory matter, please contact a member of the operations team in your local SEPA office at: 28 Perimeter Road, Pinefield, Elgin IV30 6AF Tel: 01343 547663

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.