
CAIRNGORMS NATIONAL PARK AUTHORITY

Title: REPORT ON CALLED-IN PLANNING APPLICATION

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

DEVELOPMENT PROPOSED: PERMISSION FOR THE CONVERSION OF A STEADING TO 5 HOUSES; DEMOLITION OF A COTTAGE AND ERECTION OF A REPLACEMENT COTTAGE AT INVERTROMIE STEADING, KINGUSSIE.

REFERENCE: 09/355/CP

APPLICANT: BRIAN O'DONNELL,
IRONHORSE DEVELOPMENTS LTD., C/O DAVIDSON DESIGN PARTNERSHIP LTD.,
KIRKCALDY.

DATE CALLED-IN: 13 NOVEMBER 2009

RECOMMENDATION: APPROVE, WITH CONDITIONS

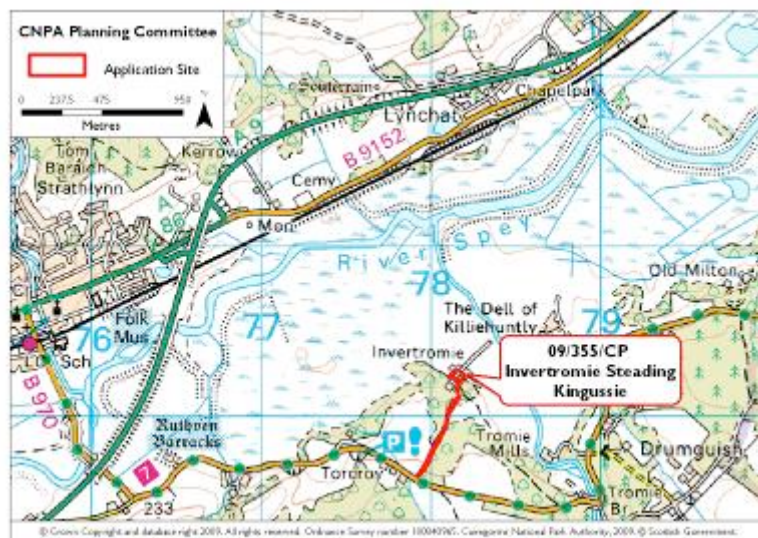


Fig. 1 - Location Plan

SITE DESCRIPTION AND PROPOSAL

1. Planning permission is sought in this application for the conversion of a steading complex at Invertromie, approximately 2 kilometres to the east of Kingussie. It is proposed to convert the steadings to five dwelling houses, and also to demolish a detached cottage and erect a new cottage in its place. The site area is approximately 3,750m² (0.92 acres). The 0.64 km access track which leads from the B970 public road to the steading is also included within the identified site boundaries. In addition to serving the steading complex and the adjacent cottage, the track also provides access to Invertromie farmhouse and surrounding agricultural lands. The farmhouse, which is a one and three quarter storey detached dwelling, is located a short distance to the south of the proposed site, on the opposite side of the access track.
2. The existing stone steading on the site is a U shape, which varies from being primarily single storey and one and a half storey on the western and eastern wings to double height in the northern section. The U shape buildings form the perimeter of a concrete yard, with the remaining southern side of the yard also being partially enclosed by a single storey shed which is attached to the eastern wing of the steading. The majority of the natural slate roof on the steading is intact, while the attached shed is differentiated from the main steading by its red corrugated iron roof. The site also accommodates a number of other structures at present, including a dilapidated timber bothy which lies immediately adjacent to the eastern site boundary, an open storage / implement shed (of stone construction under a red corrugated iron roof) and also an uninhabited single storey cottage.



Fig. 2 Steading complex



Fig. 3 : Timber bothy

Steading conversion

3. A number of subdivisions already exist within the U shaped steading and it is generally proposed to work within those divisions in order to create the five proposed dwelling units. The majority of openings in the steading are currently located on the inner walls i.e. overlooking the central yard area, with the perimeter walls only having limited openings. The proposed design respects the original openings on the inner elevations, with each unit displaying a unique design treatment, with differing window and door proportions which allow the utilisation of the openings in their original state. For example, the courtyard elevation of unit no. 3 in the northern section of the steading has been designed to have three sets of French doors, as well as a double width floor to ceiling window, in order to adhere to the 4 large



Fig. 6 : existing south west elevation (external view)



Fig. 7 : proposed south west elevation (external)

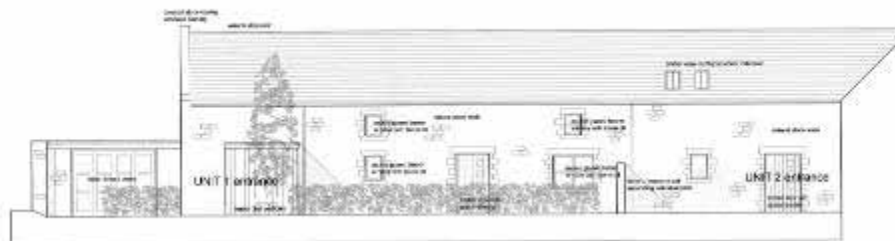


Fig. 8 : proposed south west elevation (as viewed from courtyard)

5. Unit no. 2 would occupy the remainder of the western section and extend into the northern section of the steading, accommodating living and dining areas as well as one bedroom at ground floor level, with two bedrooms and an open study / gallery area on the first floor. Unit no. 3 is proposed to occupy the central part of the northern section of the building in an arrangement which includes one bedroom and all living accommodation at ground floor level, with the latter accommodation having the benefit of the aforementioned sets of double doors opening into the courtyard area. The remaining three bedrooms, as well as bathroom facilities are to be accommodated on the first floor. Unit no. 4 occupies the corner position on the north eastern area of the building and has a relatively traditional arrangement of living accommodation on the ground floor, with two bedrooms on the upper floor. The final unit is proposed at the southern end of the eastern wing of the steading. Accommodation is proposed at ground floor level only. It is the smallest of the proposed units and includes an open plan kitchen / living / dining room, as well as a utility room, and three bedrooms and a bathroom. A former cattle shed which is positioned on the north east elevation would be restored and subdivided to provide bin storage for each of the dwellings in the converted steading.
6. Double glazed timber windows and doors are proposed throughout the development.

Replacement Cottage

7. The sixth and final unit in the proposed development is a replacement dwelling house. It is proposed on the south eastern side of the access track and would replace an existing uninhabited single storey cottage. The finishes on the existing property consist of wall rendering which has been applied directly to a timber frame, and the roof covering consists of metal corrugated sheeting. The new structure has been described as a 'replacement cottage.' It has been designed as a traditional one and a half storey dwelling, with a pitched roof timber porch accommodating the centrally positioned entrance on the front elevation. Traditional pitched roof dormer windows are also proposed on the front elevation. Heritage style velux roof windows would also serve the front and rear elevations. Larch panelling is also proposed as the finish on the projecting extension to the side of the dwelling, in which a double height lounge would be accommodated. In addition to the lounge, other ground floor accommodation includes an open plan kitchen and dining area, utility and master bedroom with en suite facilities. Two en suite bedrooms are proposed on the upper floor. In addition to the larch timber panelling, the remainder of the exterior walls are proposed to be finished with a smooth render, and painted pale ivory. The chimney breast would be natural stone, and the roof is proposed to be clad with zinc sheeting.
8. The boundaries of the plot associated with the replacement dwelling would be defined by the retention of an existing post and wire fence on the rear and side, while an existing rubble stone wall along part of the front boundary would also be retained. A single car garage is proposed to the south west of the dwelling.



Fig. 9 : Existing uninhabited cottage



Fig. 10 : Proposed replacement dwelling house

Open space and car parking provision

9. The five dwellings within the steading complex would have the benefit of a combination of public shared open space and private garden areas. The internal courtyard area would provide communal open space. The landscaping plan submitted in support of the proposal details that the existing concrete slab in this area would be removed and replaced with a combination of paved and grassed areas. Various hedging and feature trees² would be planted around the courtyard and low level rubble stone walls would also be constructed to demarcate individual patios to serve each of the five units.
10. Private garden areas are proposed to the rear (perimeter) of the steading units. The garden areas vary in size and all consist of a combination of a paved area immediately outside each of the units, and the remainder of the garden set in grass. There are also proposals to provide feature trees in each of the gardens. The side boundaries of each of the garden areas would be demarcated by a rubble stone privacy wall which would extend approximately 5 metres from the rear of the dwellings, while the remainder of the boundary would be a timber fence. The rear boundary of each of the gardens would be formed by the creation of a berm.³ The provision of the berm around the perimeter of the site is a necessary measure in the interests of flood protection.



Fig. 11 : Existing tractor store which is proposed for conversion into 5 covered car parking bays

11. In addition to the parking provision already detailed to serve the replacement dwelling house, areas of communal car parking would be created to serve the dwellings in the steading conversion. 4 car parking spaces are proposed close to the south western wing of the steading complex and 2 further spaces are proposed adjacent to the north eastern wing of the complex. In addition, the existing tractor shed which is located to the right of the entrance to the main site area, is proposed to be retained and converted into a car parking bay which would provide 5 covered car spaces. In addition to bin storage provision within the converted cattle shed on the site, a refuse collection

² Beech and broom are proposed for hedging purposes, and individual silver birch, rowan and oak trees are also proposed.

³ The berm in the north western area of the site would be created by the erection of a rubble stone wall, approximately 500 – 600 metres high, to act as a retaining wall on the perimeter of the site. The grassed area within the private gardens would be raised as it approaches the stone wall. The rising grassed area would have an approximate gradient of 1 in 3. The berm around the remainder of the site would be feathered into the natural raised topography of the existing ground.

area has also been demarcated close to the junction of the existing access track with the public road.

Structural Reports

12. Structural reports on the condition of the steading and also the cottage which is proposed for demolition have been submitted in support of the planning application. In terms of the steading complex the report indicates that it is suited to the proposed use as domestic dwellings, subject to a range of improvement and restoration works being undertaken. The recommended works include replacing all timber elements, including roof structure, floor joists and lintels and beams; repointing stonework with traditional lime based mortar; and localised rebuilding of cracked stonework. The report pertaining to the cottage refers to a variety of problems, including an undulating ground floor which indicates rotten flooring and joists; the extent of damp indicating ineffective roof coverings and external finishes; and the likelihood of the roof, wall and floor elements all being affected by damp and associated rot. The report concludes that the timber elements of the building are not salvageable and it is recommended that it be demolished and re-built to a modern standard of construction.
13. Survey drawings and a photographic record of the existing steading complex and detached cottage have also been submitted as supporting information.

Access arrangements



Fig.12 : Existing access track

14. Access to the main site area is via an existing access track which extends approximately 630 metres from the public road to the steading complex. The access track also serves Invertromie Farmhouse and continues past the steading complex in a north easterly direction, towards other lands. Various improvement works are proposed at the junction of the access track with the public road, including the existing stone boundary wall head being reduced in level in order to achieve the required visibility. Proposed works on the access track would result in it being restored and reinstated by laying and compacting a wearing course of locally sourced aggregate to ensure that all rutted and broken down sections are made good. Provision would be made close to the junction for a refuse bin collection point. Five passing places are

also proposed to be created along the route. Existing walls and fences in the vicinity would be unaffected by the provision of passing places, as they would all be developed within the natural width of the existing terrain. The positions of the proposed passing places was agreed on site between the applicant and the RSPB (landowners), with the RSPB requiring that the passing places were strategically positioned to ensure that any impact on the surrounding environment is minimal and also to ensure that current rights of access and pedestrian footways are maintained. A core path, known as the Badenoch Way, crosses the access track and it is proposed that traffic calming measures would be put in place along the track on the approach towards the crossing point.

15. Access within the main site area includes provision for parking and manoeuvring space for any larger service vehicles which may require to access the site.

Servicing

16. It is proposed to install a sewage treatment plant⁴ to serve the overall development. The treatment plant would be installed adjacent to the eastern site boundary in an area of communal open space. Water supply would be from a new private borehole.

Site History

17. Highland Council granted outline planning permission on the site in January 2004 (Highland Council planning ref. no. 03/00176/OUTBS refers)⁵ for the 'development of 7 dwellings and garages by adaption of existing buildings.' Highland Council also agreed to a written request in January 2008 to extend the time limit on that planning consent until 23rd March 2008.
18. A further application seeking outline permission for the development of 7 dwellings and garages on the site was submitted in June 2008 and was called in by the CNPA. Various issues arose which required further investigation and supporting information. The applicants⁶ decided at that time not to pursue the proposal and withdrew the application.

DEVELOPMENT PLAN CONTEXT

National policy

19. In the national context, **Scottish Planning Policy**⁷ is the statement of the Scottish Government's policy on nationally important land use planning matters. **Scottish Planning Policy** supersedes previous Scottish Planning Policy documents and National Planning Policy Guidance. Under the heading of Core Principles, a number of broad principles which the Scottish

⁴ A Klargester Biodisc 'BE' sewage treatment plant is proposed.

⁵ The application was submitted to Highland Council in May 2003, prior to the establishment of the Cairngorms National Park.

⁶ RSPB Scotland – owners of the property.

⁷ February 2010

Government believe should underpin the modernised planning system are outlined 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.

20. Para. 33 of **Scottish Planning Policy** 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.
21. 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.” Paragraph 38 provides guidance when deciding on the location of new development. Decisions on location should for example reduce the need to travel and prioritise sustainable travel and transport opportunities; take account of the capacity of existing infrastructure; and promote rural development and regeneration.
22. In a section on Housing paragraph 66 states that “the Scottish Government is committed to increasing the supply of new homes” and advises that the planning system should contribute to raising the rate of new housebuilding. The planning system is required to enable the development of well designed, energy efficient, good quality housing in sustainable locations. In a subsection entitled ‘Location and Design of New Development’ it is stated that the redevelopment of urban and rural brownfield sites is preferred to development on greenfield sites.
23. Paragraphs 92 – 96 discuss the subject of Rural Development, noting that the planning system has a significant role to play in supporting sustainable economic growth in rural areas. It is advised in paragraph 94 that “opportunities to replace rundown housing and steadings, and to provide limited new housing along with converted rehabilitated buildings, should be supported where the new development is designed to fit in the landscape setting and will result in a cohesive grouping.” It is also stated that modernisation and steadying conversions should not be constrained within the original footprint or height limit unless there are compelling design and conservation reasons for doing so.

24. **Scottish Planning Policy** includes a detailed section on Landscape and Natural Heritage. Improving the natural environment and the sustainable use and enjoyment of it is one of the Government's national outcomes. Planning authorities are required to support opportunities for enjoyment and understanding of the natural heritage. It is noted in para. 127 that "landscape in both the countryside and urban areas is constantly changing and the aim is to facilitate positive change whilst maintaining and enhancing distinctive character."

Structure Plan Policy

25. **Policy H3** of the Highland Council Structure Plan (2001) states that housing will generally be within existing and planned new settlements. New housing outwith this will not be permitted unless it can be demonstrated that it is required for the management of land and related family purposes. **Policy L4 Landscape Character**, states that the Council will in the consideration of development proposals have regard to the desirability of maintaining and enhancing present landscape character. **Policy G2 Design for Sustainability**, lists a number of criteria on which proposed developments will be assessed. These include service provision (water and sewerage, drainage, roads, schools, electricity); accessibility by public transport, cycling, walking and car; energy efficiency in terms of location, layout and design (including the utilisation of renewable energy sources) and impacts on resources such as habitats, species, landscape, cultural heritage and scenery.

Local Plan Policy

26. In the Badenoch and Strathspey Local Plan (1997) the Landward 'Housing in the Countryside' strategy identifies the land in question as a Restricted Countryside Area. Accordingly, section 2.1.2.3 of the Plan reconfirms the sentiments of the Structure Plan policy stating that a "strong presumption will be maintained against the development of houses" in such areas. Exceptions will only be made where a "house is essential for the management of land, related family and occupational reasons." It further stresses that adherence to the principles of good siting and design will be required.
27. **Policy 2.2.1(b)** (Agricultural Diversification) states that the conversion of redundant buildings for small scale business and residential purposes will be supported, subject to adequate access and compatibility with neighbouring uses and amenity.

Highland Council Development Plan Policy Guidelines (2003)

28. The Development Plan Policy Guidelines describes 'open countryside' as all land outside the boundaries of defined existing settlements. The guidelines advise that new housing within the open countryside will be exceptional and will only be permitted in accordance with national guidance and the approved Structure Plan policy, and in a number of specified circumstances, including :
- Where a house is required for the management of land;
 - Where a house is required for family purposes related to land management;
 - the conversion / reuse of traditional buildings where the building is substantially complete, including walls to wall heads level; and

- the replacement of an existing dwelling which does not meet the requirements for modern living and where the costs of upgrading are not justified on economic or environmental grounds (subject to the existing dwelling being demolished).

Cairngorms National Park Plan (2007)

29. The Cairngorms National Park Plan sets out the vision for the park for the next 25 years. The plan sets out the strategic aims that provide the long term framework for managing the National Park and working towards the 25 year vision. Under the heading of 'conserving and enhancing the special qualities' strategic objectives for landscape, built and historic environment include maintaining and enhancing the distinctive landscapes across the Park, ensuring that development complements and enhances the landscape character of the Park, and ensuring that new development in settlements and surrounding areas and the management of public spaces complements and enhances the character, pattern and local identity of the built and historic environment.
30. Under the heading of 'Living and Working in the Park' the Plan advises that sustainable development means that the resources and special qualities of the national park are used and enjoyed by current generations in such a way that future generations can continue to use and enjoy them. Section 5.2.3 of the Park Plan acknowledges that tourism is one of the primary forms of employment in the Park, although many jobs in this and other sectors are highly seasonal and with little long term security. Strategic objectives for economy and employment include creating conditions that are conducive to business growth and investment that are consistent with the special qualities of the Park and its strategic location and the promotion of green business opportunities. Section 5.3 of the Plan concerns 'enjoying and understanding the park' noting that the Cairngorms National Park is known for its outstanding environment and outdoor recreation opportunities and advises that the vision for the Park seeks to "go further and develop a world class destination which plays a significant part in the regional and national tourism economy." Strategic objectives for sustainable tourism include : -
- raising awareness of the Park as a premier, year round, rural tourism destination;
 - recognising its outstanding natural heritage and its National Park status;
 - improving and maintaining the quality of the experience of the Park for all visitors, communities and those working in the tourism industry;
 - maintaining a high quality environment by encouraging sound environmental management by all those involved in tourism in the Park;
 - developing a wide range of opportunities for visitors to experience and enjoy the special qualities distinctiveness and natural and cultural heritage of the Park; and
 - encouraging an optimum flow and spread of visitors across the Park and minimising the social and environmental impact including traffic generated by visitors and conflicts between different forms of recreation.

CONSULTATIONS

31. **Scottish Natural Heritage (SNH)** state at the outset of the consultation response that the assessment has followed the role that is set out for **SNH** in the SNH / CNPA Casework Agreement, and under this agreement, within the National Park, **SNH** only advises on any implications for Natura sites, Sites of Special Scientific Interest, National Nature Reserves and European Protected Species. Therefore in the context of this proposal, comment is provided by **SNH** on the possible impacts of the proposals on European Protected Species – in this instance, bats, and comment was also made on the possible impacts of the associated proposals to upgrade the track which lies within the Insh Marshes National Nature Reserve.
32. Reference was made in the initial consultation response to the bat survey submitted with the application, which indicated that a brown long eared bat roost is located in the structure described as ‘the attached shed.’ As signs of bats have been recorded in the ‘attached shed’ any work undertaken by way of refurbishment, which may disturb the bat roost, must be undertaken under license from the Scottish Government. Detailed mitigation to ensure the protection of bats and to include the accommodation of the roosting bats in the future, should be agreed within any forthcoming license. Further to consideration of the Bat Mitigation Plan which was recently submitted in support of the proposal, **SNH** confirm its acceptability, noting that it provides sufficient detail and recommending that its implementation should be attached to any planning permission that might be forthcoming.
33. In terms of the works proposed to the existing access track, **SNH** initially requested further information regarding the work specifications, as well as seeking reassurances regarding the restoration and reinstatement of the track sides through the National Nature Reserve. Further to the receipt of the required information **SNH** note that the details of the specification to upgrade the access track have been clarified and in some cases amended to mitigate concerns over the possible impact of the proposed development on visitors to the National Nature Reserve. The information provided satisfactorily addresses the issues which may compromise the visitor experience to the NNR.
34. **SEPA** initially objected⁸ to the proposed conversion of the steading on the grounds that it may place buildings and persons at flood risk contrary to the provisions of *Scottish Planning Policy 7: Planning and Flooding (SPP7)*. **SEPA** also objected the proposed replacement of the cottage on the grounds of insufficient information in relation to flood risk. Additional information was required in respect of proposed finished floor levels and compensatory flood storage details. On the basis of the additional information that was subsequently provided **SEPA** indicated in a response on 17 December 2009 that the objection on the grounds of flood risk was being removed, subject to a number of stipulated conditions. The required conditions include a stipulation that finished floor levels should be no lower than a level of 226.3mAOD, and also prior to the first occupation of the building that the applicant confirm that the compensatory flood storage works required to be

⁸ In a response dated 18 November 2009.

undertaken have been carried out in accordance with a drawings submitted to and agreed by **SEPA** (Terrenus Drawing No. 1176-031-004 Rev A).

35. Having regard to the cultural heritage of the area and the traditional nature of the steading which is proposed for conversion, **Historic Scotland** was consulted on the application. As part of the consultation request the CNPA queried whether or not the buildings were worthy of consideration for listing. **Historic Scotland** confirmed that there are no comments to make on the proposal and have advised that the Planning Authority should proceed to determine the application without any further reference to **Historic Scotland**.
36. Highland Council **TEC Services** considered the proposal and the response from the roads engineer recommends that a number of conditions are attached in the event of the granting of planning permission. Conditions include requirements to upgrade the existing access track, including works at its junction with the public road; the undertaking of localised repairs along the remaining length of the existing access; the provision of passing places at intervals along the track; the provision of appropriate external lighting within the development; the provision of a suitable refuse bin collection point within 25 metres of the public road; and the achievement and maintenance of visibility splays at the junction of the access track and the public road.
37. The response from **TEC Services** also highlighted that the use of pre-cast concrete kerbs would provide a better detail at the interface of the bituminous bellmouth construction and the non bound access construction.
38. The **Environmental Health** section of Highland Council considered the proposed water supply, which is to be provided by means of a borehole on the site of the proposed works. The initial response from the Environmental Health section sought further information in the form of evidence to show that the proposed supply would be adequate for the proposals.⁹ The applicant was also required to satisfy the **Environmental Health** section that water from the proposed supply would be wholesome or is capable of being treated to a wholesome standard. Further to the receipt of information, the **Environmental Health** section has confirmed that there is no objection to the proposal.
39. Highland Council's **Contaminated Land** section note in the consultation response that the site has a former use as an agricultural building, with a former sheep dip also being present, which may have resulted in land contamination. A condition has been recommended for inclusion in the event of the granting of planning permission, which would require the

⁹ Evidence may take the form of a report from a suitably qualified professional, which would include details of the source, flow rate, an assessment of the sufficiency of the supply for the proposed development and existing uses, the proposed distribution system, and a statement to the effect that the supply would be installed in accordance with current water byelaws.

submission of a scheme to deal with any potential contamination on the site prior to the commencement of development.¹⁰

40. In the first of two detailed consultation responses received from **Kingussie and Vicinity Community Council** support in principle was expressed for the proposal “as the proposed conversion appears to be of high quality, and will re-instate what are currently defunct buildings to give them a useful purpose.” However some concern was expressed regarding potential overdevelopment in accommodating six dwellings on the site and the increased level of vehicular traffic likely to be generated, passing through a National Nature Reserve. Queries were also raised regarding the provision of alternative habitats for bats species that may be disturbed; a requirement for additional information regarding the proposed treatment of wastewater – concern was also expressed regarding the possible effects of drainage from the proposed dwelling houses into Insh Marshes and into the River Spey; queries were raised regarding potential flood risk at this location; and also what type of heating system was proposed for the development. In relation to the latter query the response highlighted that the Community Council are keen to see sustainable development wherever possible.
41. Following the applicants submission of further information to the CNPA, the **Community Council** again assessed the details and in their response in March 2010 confirmed acceptance of the details contained in the Bat Mitigation Plan, the measures to mitigate flood risk, the details of materials to be used for the surface of the access road, and the details of the proposed waste water treatment system. The only continuing concern is in relation to the type of heating proposed and the potential fuel storage implications.
42. The CNPA’s **Visitor Services and Recreation Group (VSRG)** considered the proposal from the point of view of access and has no objection. The response notes that the access track leading to the steading is crossed by a core path (the Badenoch Way) and in the future the Speyside Way extension. There is a need to ensure that crossing points are not restricted at any time in the course of construction. In addition, it is also suggested that some form of traffic calming measures and warning signs to the public be implemented along the access track in light of the fact that the potential development of 6 houses would lead to increased traffic on the track.
43. A detailed response has been received from the CNPA’s **Heritage and Land Management Group (HLM)**. There is no objection from a landscape perspective and it is considered that there is the potential for this to be a high quality development that contributes positively to the natural and cultural heritage of the national park. The initial response from **HLM** highlighted the need to minimise the risk of ancillary aspects of the development undermining the integrity of the whole. The built forms (scale, siting and design, fenestration, finish and roofing) of the proposed steading conversion and the replacement cottage are considered appropriate to the

¹⁰ The applicant is aware of this requirement and his agent has confirmed that his client is willing to progress with all measures required in the event of the granting of planning permission.

setting. The key landscape issues are associated with the ancillary elements of the development, which cumulatively affect the unity and integrity of the proposal, the quality of the overall development and its integration with the landscape setting.

44. Various mitigation measures were suggested in connection with the proposed improvements to the access tracks¹¹ and comment was also offered on the landscaping plan which has been submitted. The mitigation measures were incorporated into revised access and landscaping proposals which were recently submitted. **HLM** considered the amended details and have confirmed that there is no objection to the development.

REPRESENTATIONS

45. The application was advertised in the Strathspey and Badenoch Herald on November 11th 2009. Three letters of representation have been received in connection with the application. Jim Hall from Newtonmore objects to the development proposal due to concerns that the "consequent increase in use of this site will result in an adverse impact on the flora and fauna on the Insh Marshes National Nature Reserve, which is a Ramsar Convention Site, a Special Protection Area and a SSSI."
46. Mrs. C Marshall of Invertromie Farmhouse, Kingussie also objects to the proposal for a number of reasons, including impact on the local environment, impact on existing access, and concern regarding the impact of the proposed development on Rights of Way. The representee also puts forward a number of requirements, including the Right of Access to the Tromie River by way of the existing track remaining open at all times; that the Developer would take responsibility for the upkeep of the track to the main road; that the author's gateway is never obstructed; and that the author is kept informed at all times of details involving sewage and road access.
47. An e-mail has also been received from the RSPB¹² in which reference is made to a meeting which took place on the proposed site between the developer and his architect and representatives of RSPB. It has been confirmed in the e-mail that the RSPB have no objection on the basis that the changes to the plans,¹³ as discussed at the site meeting, are the plans that will be used to assess the planning application.

¹¹ Suggested mitigation measures include positioning passing places to avoid having to retain the style of dyke with through-stones and cope; apply wearing course of coarse locally sourced aggregate; altering the dyke alignment; and repairing the dyke where it has fallen down.

¹² Current owners and vendors of the proposed site.

¹³ Changes to the plans involved relocating the proposed passing places on the access track leading to the site, to ensure that they are located in position which would not affect any of the existing vehicular and pedestrian access points, as well as existing boundary conditions.

48. **CNPA response to letters of representation.** It is recognised that the proposed site is partially on land which forms part of the Insh Marshes National Nature Reserve. As outlined in paragraphs 31 - 33 **Scottish Natural Heritage** has considered the potential implications of the development on the NNR and requested some amendments to the improvement works and lay-by provision on the access track in order to minimise the impact. **SNH** consider that the amended proposals are acceptable and that the development would not have any adverse impact on the NNR. The development site is not within the River Spey / Insh Marshes SAC, SPA or SSSI.
49. Access concerns have also been raised in one of the letters of representation. The proposals to upgrade the access track, including the provision of passing places and improved visibility at its junction with the public road, have been considered by the **TEC Services** section of Highland Council and are acceptable. As the upgraded track would continue to be utilised to provide access to Invertromie Farmhouse and other lands in the vicinity, the proposed improvement works would be of benefit to all users. The proposed site layout and access arrangements would also allow for the continuation of access through the site to other lands. The improvement works on the access track have also been designed to ensure that they would not impede the Badenoch Way core path which crosses the track.

APPRAISAL

50. There are a number of issues to consider, including the principle of conversion of a traditional farm steading, the principle of a replacement dwelling house, design issues, access and general servicing, and the implications of the development proposal in the context of the aims of the Cairngorms National Park. Planning policy, at both national and local level, is generally supportive of the re-use of old steading buildings. The steading complex has not been in active use for agricultural purposes for some time. Without repair or rehabilitation it has the potential to further deteriorate. In addition, the principle of conversion of the steading has previously been accepted through the granting of outline planning permission in 2004.
51. The creation of five units within the steading is a reduction on the number granted outline planning permission by Highland Council, which was for 7 dwellings. The reduction in the number of units proposed has facilitated a layout which respects and largely adheres to the existing divisions within the steading. It also allows for a higher proportion of private garden space and shared communal open space per dwelling, as well as facilitating a reduction in the level of car parking required. Overall, the steading structure is extensive and has sufficient capacity to comfortably absorb the five proposed dwelling units.

52. As referred to in earlier sections of the report efforts have been made in the design approach to utilise existing openings. In instances where this has not been possible or practical, such as on the north western perimeter elevation, it has been necessary to introduce several new openings. Despite this however, the new openings are of similar proportions to the existing large openings on the north western courtyard elevation, and the interventions do not detract from the overall form and traditional nature of the stone building. The overall design approach is consistent with the advice contained in Scottish Planning Policy, as discussed in paragraph 23 of this report. It has been designed to fit in the landscape setting and the introduction of design features which have been necessary to modernise the building do not detract from the cultural heritage value of the structure.
53. Evidence has been provided to verify that the existing detached cottage within the site is in a poor structural condition and the nature of its construction does not render it capable of refurbishment. Planning policy generally accepts the principle of replacement dwellings and in this instance adequate supporting information has been provided to justify the demolition of the original cottage and its replacement with a new dwelling. The new structure is relatively traditional in design, and the choice of external materials has the potential to contrast with, but yet compliment the traditional stone steading.
54. The improvements works which are proposed on the access track leading to the main area of the site would also benefit other users of the track. The proposed works are sympathetic to the rural setting and although bringing about improvement, the finished result would not be an over-engineered approach.
55. Finally, another key issue to consider in the assessment of this application is in relation to flooding and the fact that a small area in the north of the proposed site lies within the SEPA 1: 200 year flood risk zone. It is an issue which has been comprehensively considered by **SEPA** and acceptance of the proposed flood prevention measures i.e. the construction of a berm has been confirmed. **SEPA** has no objection to the proposal.

IMPLICATIONS FOR THE AIMS OF THE NATIONAL PARK

Conserve and Enhance the Natural and Cultural Heritage of the Area

56. The conversion of the currently disused steading, in a sensitive manner which respects the original character of such a substantial structure, would make a positive contribution towards conserving and enhancing the cultural heritage of the area.
57. In addition, investigations have been undertaken and a bat mitigation plan submitted to ensure that bats, as a European Protected Species are suitably protected on the site.

Promote Sustainable Use of Natural Resources

58. The majority of the development would occur within the existing steading structure and the rehabilitation of a formerly disused building of this nature can generally be regarded as sustainable. It minimises the extent of new materials which would be required for the development.

Promote Understanding and Enjoyment of the Area

59. The proposed development of a total of 6 houses is within a coherent site area, and would be developed either entirely within the existing building footprint, or in the case of the proposed replacement dwelling, on the site of the existing property. The physical impact of the development would not therefore encroach into any undeveloped areas, nor would it introduce new structures into such an area.
60. The access arrangements have been amended to ensure that improvements 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

61. The development does not include any affordable housing provision. However, having regard to the variety of house types and sizes it could potentially encourage a broad demographic mix of inhabitants. It could therefore be viewed as having positive implications for the social development of the area.

RECOMMENDATION

That Members of the Committee support a recommendation to **Grant Full Planning Permission for the conversion of a steading to 5 houses; demolition of a cottage and erection of a replacement cottage at Invertromie Steading, subject to the following conditions : -**

1. 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.

2. Prior to the commencement of development, a scheme to deal with potential contamination on site shall be submitted and agreed in writing with the Cairngorms National Park Authority acting as Planning Authority, in conjunction with Highland Council's Contaminated Land section. The scheme shall include :
 - (a) The nature, extent and type of contamination on site and identification of pollutant linkages and assessment of risk (i.e. a land contamination investigation and risk assessment), the scope and method of which shall be submitted and agreed in writing with the CNPA acting as Planning Authority, in conjunction with Highland

Council's Contaminated Land section, and undertaken in accordance with PAN33 (2000) and BS10175:2001;

- (b) The measures required to treat / remove contamination (remedial strategy) including a method statement, programme of works, and proposed verification plan to ensure that the site is fit for the uses proposed;
- (c) Measures to deal with contamination during construction works;
- (d) In the event that remedial action is required, a validation report that will validate and verify the completion of the agreed decontamination measures; and
- (e) In the event that monitoring is required, monitoring statements shall be submitted at agreed intervals for such period as is considered appropriate by the CNPA acting as Planning Authority.

Prior to the commencement of development, written confirmation that the scheme has been implemented, completed, and if required, monitoring measures are in place, all to the satisfaction of the Cairngorms National Park Authority acting as Planning Authority, shall be required.

Reason: To ensure that adequate remediation is carried out on potentially contaminated lands prior to the commencement of development.

- 3. Prior to the commencement of development samples of external finishing materials for wall and roof finishes, windows and doors shall be submitted to and approved in writing by the CNPA acting as Planning Authority and thereafter incorporated into the design and conversion of the steadings.

Reason: To ensure an appropriate finish on all structures.

- 4. Finished floor levels should be no lower than a level of 226.3m AOD (N). Prior to the commencement of development a contoured site plan, accompanied by details of all proposed finished floor levels shall be submitted for the written agreement of the Cairngorms National Park Authority acting as Planning Authority to demonstrate this. Thereafter the development shall be undertaken in accordance with the agreed specifications.

Reason: To mitigate against the risk of potential flooding at the site.

- 5. Prior to the first occupation of any building within the development confirmation shall be submitted in writing to the Cairngorms National Park Authority acting as Planning Authority, that the compensatory flood storage works required to be undertaken have been carried out in accordance with Terrenus Drawing No. 1176-031-004 Rev A. The area required for such works must be retained for the purpose of compensatory flood storage only, and must not be amended, altered or used for any other purpose whatsoever, unless prior approval has been

received in writing from the Cairngorms National Park Authority, acting as Planning Authority.

Reason : To mitigate against the risk of potential flooding at the site.

6. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (Scotland) Order 1992, no dwelling extension shall be formed, and no greenhouse, shed or garage erected without the prior written consent of the CNPA acting as Planning Authority.

Reason: In order to give separate consideration to these matters in respect of the design and the space standards of the dwellings, in the interests of the amenity of the area and the character of the development.

7. All drainage works shall be fully operational prior to the first occupation of any dwelling unit within the development.

Reason: In the interests of orderly development and in the interests of the public health and general amenity of residents of the dwelling units.

8. Prior to any works commencing in connection with the development, the works listed in the following paragraphs shall be completed and approved by the Cairngorms National Park Authority acting as Planning Authority, in consultation with the Roads Authority: -

- (a) The existing access shall be upgraded to the satisfaction of the Roads Authority. At its junction with the public road, design and construction shall generally be in accordance with the submitted details, with the exception of the following :
- Edge radii shall be a minimum of 6 metres instead of the 4.5 metres indicated;
 - Edge kerbs shall not be required at the interface with the public road carriageway. The access construction shall be keyed into the carriageway construction;
 - Pre cast concrete kerbs, 125mm x 150mm, laid flush shall be installed across the access instead of 50mm x 150mm edge kerbs.
- (b) Localised repairs with well bound and compacted graded crushed rock material shall be carried out along the remaining length of the existing access;
- (c) Passing places, in accordance with the details shown on the Road Access Plan - drawing no. PA RA-01 rev A, and Proposed Access Road Arrangements – drawing no. 01, shall be provided between the public road and the application site. Successive passing places shall be intervisible;
- (d) A refuse bin collection point shall be provided close to the junction of the access track with the public road, as shown on drawing no. PA RA-01 rev B;

- (e) Visibility splays shall be provided and maintained on each side of the access road at its junction with the public road. 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 public road (the y dimension) measured at least 150 metres in each direction from the intersection of the access road with the public road;
- (f) Within the visibility splays nothing shall obscure visibility between 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.

- 9. Prior to the commencement of development details of warning signage (including sign type, content and locations) to be positioned at points where the Badenoch Way crosses the access track, shall be submitted for the written agreement of the Cairngorms National Park Authority acting as Planning Authority. The signage shall thereafter be erected and maintained in place in accordance with the agreed specifications.

Reason: In the interests of ensuring that adequate warning is provided in the vicinity of the crossing place and in the interests of the general safety of users of the area.

- 10. A suitable management and maintenance agreement shall be established in respect of the access road and all communal roads, paths, parking areas and hard or soft landscaped areas that are not adopted by Highland Council. Details of and evidence of the maintenance agreement shall be submitted for the written agreement of the Cairngorms National Park Authority acting as Planning Authority prior to the commencement of development.

Reason: To ensure the long term management and maintenance of any elements within the development that are not to be adopted by a statutory body.

- 11. No water from the access road shall shed onto the public road and the developer shall be responsible for any measures necessary to prevent public road water shedding onto the access road.

Reason: In the interests of traffic safety and in the interests of public safety.

- 12. Street lighting shall be provided, as required, to the satisfaction of Highland Council's Area Lighting Manager.

Reason: In the interests of public safety.

13. Parking and manoeuvring space for the development shall be provided in accordance with the details shown on the amended 'Site Plan as Proposed' (dwg. no. PA SP-02 rev B) and 'Landscape Design as Proposed' (dwg. no. PA LD-01), and shall include manoeuvring space for a larger service vehicle within the main area of the application site.

Reason: In the interests of traffic safety and to avoid traffic congestion.

14. The mitigation measures contained in the Bat Mitigation Plan (Bat Mitigation Plan – Invertromie Steading and Cottage, February 2010) shall be implemented in full.

Reason: In order to protect Bats as a European Protected Species and in the interests of conserving and enhancing the natural heritage of the area.

15. The development shall not impinge at any time either during the course of construction or upon completion, on existing access provision in the area, including through the site and on the existing Badenoch Way.

Reason: In order to protect existing access provision in the area.

16. All public services for the development, including electrical, cable television and telephone cables, shall be located underground throughout the site. All such services shall avoid all trees and tree root systems. 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 the visual amenity of the area.

17. All new landscaping shall be carried out in accordance with the details shown on the landscaping plan ('Landscape Design as Proposed' dwg. no. PA LD-01) and the site layout plan ('Site Plan as Proposed', dwg. no. PA SP-02 revB). The landscaping shall be completed within one year of the commencement of works. 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 enhance the natural heritage value of the area.

Advice Note:

- (a) A road opening permit shall be required for all works within or alongside the public road.

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