
CAIRNGORMS NATIONAL PARK AUTHORITY

DEVELOPMENT PROPOSED:

Conversion of building into 3No flats and erection of 2No cottage flats at Badenoch House, 11 High Street, Kingussie, PH21 1HS.

REFERENCE: 2021/0229/DET

APPLICANT: Highland Council

DATE CALLED-IN: 12/07/2021

RECOMMENDATION: Approve subject to Conditions.

CASE OFFICER: Alan Atkins, Planning Officer

SITE DESCRIPTION, PROPOSAL AND HISTORY

Site Description

1. The application site is Badenoch House and its rear curtilage which is an existing property located on the north side of Kingussie High Street. The site covers an area of approximately 0.1 hectares. The 19th century building was originally a bank, however, was more recently a shared occupancy dwelling. It is now currently vacant and is owned by the Highland Council. The rear ground currently comprises of grass, shrubs and a few mature trees with a gravel parking area beyond.

Proposal

2. 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=OO9NSXSI0CH00>

Title	Drawing Number	Date on Plan*	Date Received
PLANS			
Plan – location plan	2110-001	February 2021	12/06/21
Plan – site plan	2110-104	November 2020	12/06/21
Plan – site plan as proposed.	2110-105 Rev B	July 2021	12/06/21
Plan – existing building – floor plans (as existing)	2110-100 Rev A	April 2021	12/06/21
Plan – existing building – elevations (as proposed)	2110-101 Rev A	July 2021	12/06/21
Plan – existing building – elevations (as existing)	2110-102	April 2021	12/06/21
Plan – existing building – floor plans (as proposed)	2110-103 Rev B	April 2021	12/06/21
Plan – new build block – plans and elevations.	2110-107 Rev A	31/05/21	12/06/21
Plan – new build block 3D views	2110-108 Rev A	31/05/21	12/06/21
Plan – landmark historical map 1901			23/07/21
Plan – landmark historical map 1970 -1971			23/07/21
Plan – site plan	2110 – 105 Rev C	July 21	6/08/21
Plan – tree constraints plan	1234 - TCP	9/03/21	12/07/21
Plan – survey of site, sheet 1 of 2	1052801		12/07/21
Plan – survey of site, sheet 2 of 2	1052802		12/07/21
SUPPORTING INFORMATION			
Tree Schedule	1234	9 th March 2021	12/06/21
Tree Survey	1234	9 th March 2021	12/06/21
Agent response to road’s comments	LRH/JB/2110 30 AUG 2021		30/08/21

Title	Drawing Number	Date on Plan*	Date Received
Bat Survey Report	ENVR1263 SEPT 2021		13/09/21

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

3. This application seeks planning permission for the conversion of an existing building into 3 flats, and the erection of 2 cottage flats in the rear garden. The development will involve internal modifications to the existing building and the demolition of an existing rear extension. All units are proposed to be affordable dwellings. The housing accommodation schedule is as follows:

Number of Units	Accommodation Type	Number of Bedrooms	Type of Affordable Housing
3	flat	1	Social rent
2	flat	2	Social rent

4. The existing building will be re-configured internally to provide three new flats. There will be no change to the front elevation of the property apart from a new front door which will maintain the character of the existing entrance. An existing rear extension will be demolished to allow the erection of the new block of two flats. The design incorporates contemporary elements, whilst referencing the traditional proportions of dwellings within Kingussie. The external finish of the new block comprises a simple palette of smooth, white rendered elevations with elements of zinc cladding under a zinc roof and aluminium fenestration. The new block will have a drying area, bike shed, bin storage area, and new walls and paths.
5. Regarding drainage, the new block is to be connected to the public sewer which serves the area. There will be a waste water connection to the Kingussie Waste Water Treatment Works. All parking areas within the scheme are to be constructed from permeable surfacing which will discharge into the existing drainage system.
6. Vehicular access is proposed off Mill Road, to the north east of the site. Regarding parking arrangements, a total of 8 parking spaces are proposed within the site to serve the dwellings, with spaces sited within an area of new hard standing to the rear of the new block. Demolition of the extension also creates a more direct access for wheelchair users to both the proposed development and to the rear of the adjoining building.
7. The application is supported by the following information:
- a) **Ecological Surveys:** comprising of a Protected Species Scoping Survey and Preliminary Bat Roost Assessment.
 - b) **Tree Survey and Tree Schedule:** comprising of the scope of works, methodology, and a summary of tree details and tree categorization, and recommendations.
8. During the progression of the application, and in response to the comments from consultees, revisions were made to the original scheme with adjustments to the proposed road and footway network, including the visibility splays and path widths.

9. Plans of the proposal are included within **Appendix I**.

History

10. There is no relevant site history.

DEVELOPMENT PLAN CONTEXT

Policies

National Policy	Scottish Planning Policy 2014	
Strategic Policy	Cairngorms National Park Partnership Plan 2017 - 2022	
Local Plan Policy	Cairngorms National Park Local Development Plan (2021) Those policies relevant to the assessment of this application are marked with a cross	
POLICY 1	NEW HOUSING DEVELOPMENT	X
POLICY 2	SUPPORTING ECONOMIC GROWTH	
POLICY 3	DESIGN AND PLACEMAKING	X
POLICY 4	NATURAL HERITAGE	X
POLICY 5	LANDSCAPE	X
POLICY 6	THE SITING AND DESIGN OF DIGITAL COMMUNICATIONS EQUIPMENT	
POLICY 7	RENEWABLE ENERGY	
POLICY 8	OPEN SPACE, SPORT AND RECREATION	
POLICY 9	CULTURAL HERITAGE	
POLICY 10	RESOURCES	X
POLICY 11	DEVELOPER CONTRIBUTIONS	X

11. 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:

<https://cairngorms.co.uk/wp-content/uploads/2021/03/CNPA-LDP-2021-web.pdf>

Planning Guidance

12. 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 (2015)	X
Policy 2	Supporting Economic Growth Non-Statutory Guidance	
Policy 3	Sustainable Design Non-Statutory Guidance (2015)	X
Policy 4	Natural Heritage Supplementary Guidance	X
Policy 5	Landscape Non-Statutory Guidance	X
Policy 7	Renewable Energy Supplementary Guidance	

Policy 8	Open Space, Sport and Recreation Non-Statutory Guidance	
Policy 9	Cultural Heritage Non-Statutory Guidance	
Policy 10	Resources Non-Statutory Guidance	X
Policy 11	Developer Contributions Supplementary	X

CONSULTATIONS

Summary of the Main Issues Raised by Consultees

13. **Scottish Water** has no objection to the proposal but advises that a Pre-Development Enquiry Form must be submitted to Scottish Water to confirm whether a connection can be made to the fresh water supply and public sewer.
14. **Transport Scotland** does not object to the granting of planning permission.
15. **Highland Council Transport Planning Team** originally had a holding objection requiring amendments to the scheme in relation to access, visibility splays, and disabled parking provision, cycle facility provision and road safety issues. Following the submission of revised information, the Transport Planning Team have confirmed the removal of their holding objection subject to an informative requiring the submission and approval of an application for a Road Opening Permit.
16. **Highland Council Flood Risk Management Team** state that the site will not be at risk of flooding during a 1 in 200 year plus climate change flood event and therefore, has no objection to the application.
17. **Highland Council Contaminated Land Officer** has no objections to the proposed development.
18. **Highland Council Forestry Officer** has not submitted a response.
19. **Highland Council Corporate Address Gazetteer** refers the applicant to the street naming and numbering process on THC website and encourages them to submit a request following the grant of planning permission.
20. **CNPA Landscape Officer** has to date not submitted a response.
21. **CNPA Ecology Officer** confirms that following additional bat roost surveys demonstrating no evidence of bat roosts, the proposed works can proceed without a licence. General mitigation to ensure external lighting does not affect bats can be covered by a suitably worded planning condition.
22. They recommend that the loss of the 2 large mature trees should be mitigated by the planting of two large growing species and some smaller, flowering or fruit bearing trees that will provide flowers for pollinating insects and berries for birds.
23. **Kingussie Community Council**, which is currently in abeyance has provided no comments on the proposal.

REPRESENTATIONS

24. Seven representations of objection have been received including one from the Badenoch and Strathspey Disabled Access Panel. A copy of their responses can be found in **Appendix 2**. Within the representations, the respondents raise concerns regarding the following:
- a) The proposed development will result in a total loss of garden area and the removal of valuable trees.
 - b) The proposal will result in a loss of light for neighbouring properties.
 - c) As a result of the proposed development bats and birds will lose their habitats.
 - d) The proposal will result in the over – development of the site.
 - e) Access for vehicles is inadequate and unsafe for pedestrians.
 - f) Access for the disabled and wheelchair users had not been originally considered.
 - g) The new building is intrusive.
 - h) As one and two bedroom developments are not suitable for families, this is not an appropriate development and will not benefit the community.
 - i) The proposed new building is not in – keeping with the character of the town.
 - j) There is a distinct lack of green space proposed for the residents of the new block of flats.

APPRAISAL

25. The main planning considerations are considered to be: the principle of development; layout, amenity and design; the impact upon the landscape; environmental impacts; servicing and access and developer contributions.

Principle of Development

26. **Policy I:** New Housing Development of the Cairngorms National Park Local Development Plan 2021 states that in general housing development should maximise opportunities for infill, conversion, small-scale development, and the redevelopment or reuse of derelict and underused land. **Policy I.1:** Housing Delivery in Settlements provides support for new housing development where it is located within an identified settlement boundary subject to that development: meeting the requirements for the settlement, and reinforcing and enhancing the character of the settlement. The settlement objectives for Kingussie as outlined within the 2021 Local Development Plan, include the following objectives:
- a) Support the delivery of housing to meet local needs, particularly affordable housing.
 - b) Ensure Kingussie's built heritage is conserved and enhanced.
27. The development will provide 5 affordable dwellings in a central location within the defined settlement boundary of Kingussie, making use of an existing building for conversion into flats and the erection of an additional block of flats within its rear garden area. In accordance with **Policy I.4:** Designing for affordability and specialist

needs, which seeks a mix of dwelling types and sizes to ensure a balanced housing stock with an emphasis on smaller dwellings, the site will provide 1 and 2 bedroom units which will all be affordable homes. The units will all comply with building standards requirements for access and the ground floor plant of the new block provides relatively easy wheelchair access from the parking area. However, other affordable housing sites in Kingussie provide better opportunities for affordable housing providers to create or adapt properties for tenants with specialist needs. The proposals also accord with **Policy 1.5: Affordable housing** which seeks the provision of affordable housing within development schemes of at least 25% of the development. In this case the proposal will provide 100% affordable housing, which is welcomed.

28. **Policy 1.8:** Conversions states that the conversion of existing traditional and vernacular buildings to housing will be supported where: a) it is demonstrated that the building is capable of the proposed conversion works; and b) it maintains the style and character of the original building in terms of form, scale, materials and detailing, where they contribute positively to the context and setting of the area. In this instance, the development will retain the original building which can easily accommodate the scale of the proposed development. It will also involve minor alterations to the front elevation of the building, but these will not have any impact on the character of the building. The principle of introducing housing on this site through the conversion of the existing building and the erection of a new block is considered to be acceptable in terms of **Policy 1: New Housing Development of the Cairngorms National Park Local Development Plan 2021** subject to compliance with other relevant Local Development Plan policies.

Landscape Impacts, Layout, Amenity and Design

29. **Policy 5:** Landscape of the Cairngorms National Park Local Development Plan 2021 presumes against development which does not conserve and enhance the landscape character and special qualities of the National Park and in particular the setting of the proposed development.
30. **Policy 1: New Housing Development and Policy 3: Design and Placemaking of the Cairngorms National Park Local Development Plan 2021** seek to reinforce and enhance the character of the existing settlement and encourage new development to be sympathetic to the traditional pattern and character of the area, whilst encouraging innovative design and finishes.
31. Kingussie is a traditional Scottish town, its high street characterised by a mix of buildings of varying architectural style and scale. As previously stated external works to the existing traditional villa will be minimal and therefore will not adversely affect its original character. The proposed flatted block adopts a modern approach whilst utilising traditional proportions and scale, which is evident within the local architectural vernacular. The proposed conversion and the introduction of the additional block to the rear, given its size, scale and positioning will not have an adverse impact on the either its immediate context or indeed that of the wider townscape setting of Kingussie.
32. In terms of residential amenity **Policy 3: Design and Placemaking of the Cairngorms National Park Local Development Plan 2021** seeks to ensure that new development

protects amenity currently enjoyed by neighbouring occupants and affords sufficient private amenity ground and off street parking. The proposed dwellings are located such that there will be a sufficient level of privacy between them and the existing houses that lie adjacent to the site. The proposal has been sympathetically designed to ensure that no windows of the proposed dwellings would give rise to any overlooking, and the layout allows living room and bedroom windows to avoid this. Each property is proposed with its own individual, car parking space. There are four trees within the boundary of the site, two of which are to be removed. An amended site plan has been submitted showing proposed tree and shrub planting that should contribute positively to the local landscape and residents' amenity. There is sufficient areas of amenity grass proposed for a development of this size without compromising the amenity of the existing property. Taking this into account, the proposal is considered to accord with the amenity requirements of Policy 3.

33. Regarding design, **Policy 3: Design and Placemaking of the Cairngorms National Park Local Development Plan 2021** seeks to ensure that all new development delivers high standards of design and contributes to the sense of place. It should minimise the effect of climate change and make use of sustainable resources. The proposed new block is of a contemporary, functional design, incorporating traditional proportions and scales in reference to its context. It will be finished in a simple pallet of external materials which are in keeping and will complement the existing buildings and roofscape of the area. The site is considered to have capacity for the number of dwellings proposed and therefore, the density is considered acceptable to the site size.
34. The proposal is considered to comply with **Policy 5: Landscape, Policy 1: Housing and Policy 3: Design and Placemaking of the Cairngorms National Park Local Development Plan 2021**.

Environmental Issues

35. **Policy 4: Natural Heritage of the Cairngorms National Park Local Development Plan 2021** seeks to ensure that there is no adverse impact upon designated areas, protected species or biodiversity and where this cannot be avoided that appropriate mitigation measures are provided.
36. Given the site is an existing property and its rear curtilage the CNPA Ecology Officer confirms that there are limited ecological issues. Regarding designated sites, the proposal is not considered to have connectivity with the River Spey SAC and a Habitats Regulations Appraisal is, therefore not required on this occasion.
37. However, the existing building and mature trees located to the rear of the site have the potential as bat roosts, as identified in the submitted Tree Survey. As a result of a Preliminary Bat Roost Survey, further bat surveys have been carried out. Given that these surveys did not record any evidence of roosting bats in the existing property or its curtilage, there are no mitigation measures required in terms of bat conservation. Therefore, the proposed works can proceed without a licence although general mitigation must be implemented as suggested in terms of installing bat sensitive lighting. This can be covered by a suitably worded planning condition.

38. In terms of tree loss, the updated landscape plan shows additional trees and suggested species which are appropriate for this locality. There is a preference for an all native species approach to planting, however, given this is a private garden area, and that the proposed cherry and apple species will provide flowers for pollinators and fruit for birds, the proposed planting will still benefit wildlife and is acceptable.
39. The proposal is considered to comply with **Policy 4: Natural Heritage of the Cairngorms National Park Local Development Plan 2021**.
40. Regarding other environmental matters, it is confirmed that the site is not at risk of flooding from any source nor will it impact on any neighbouring residential properties in terms of flooding. The Highland Council Flood Team and Contaminated Land Officer have no objections to the scheme. The proposal is therefore considered to comply with **Policy 10: Resources of the Cairngorms National Park Local Development Plan 2021**.

Servicing, Access and Parking

41. **Policy 3: Design and Placemaking and Policy 10: Resources of the Cairngorms National Park Local Development Plan 2021** sets out the need for new development to be satisfactorily serviced and without harm to resources or the environment.
42. Regarding water connections, the proposal would be connected to the mains water in the area. Scottish Water has no objections but require the applicant to submit a formal application to them following the granting of any permission to review capacity.
43. Turning to foul water measures, it is proposed that the site is connected into the Scottish Water mains sewer and the Kingussie Waste Water Treatment Works. For surface water run - off arising from the site, it is proposed that it will be accommodated by the existing drainage system. The Highland Council Flood Risk Management Team has no objection to the scheme and no specific comments on the proposed drainage measures. On this basis the surface water and foul water drainage measures are considered to be acceptable and in accordance with **Policy 3: Design and Placemaking and Policy 10: Resources of the Cairngorms National Park Local Development Plan 2021**.
44. **Policy 3: Design and Placemaking of the Cairngorms National Park Local Development Plan 2021** states that all new development must include an appropriate means of access, egress and space for off street parking. The development will be satisfactorily accessed from Mill Road to the north. A pedestrian access link is proposed to be constructed through the site joining the existing footpath to the north. Following revisions to the scheme in relation to vehicular manoeuvrability within the site, visibility splays and pedestrian access links, the Highland Council Transport Planning Team confirm they have no longer object to the proposed development. There are eight off street vehicular parking spaces, one of which will be an accessible parking space, provided to serve the scheme. It is considered that the application satisfies the requirements of **Policy 3: Design and Placemaking of the Cairngorms National Park Local Development Plan 2021**.

Developer Contributions

45. **Policy 11:** Developer Obligations of the Cairngorms National Park Local Development Plan 2021 states that where development creates a need to increase or improve public services, facilities or infrastructure, or mitigate adverse effects, the developer will be required to make a fair and reasonable contribution in cash or in kind towards additional costs or requirements. There is capacity at both the catchment Primary and Secondary schools to accommodate this development and as such no mitigation is necessary. The proposal is considered to accord with Policy 11: Developer Obligations.

Other Issues Raised in Consultations and Representations

46. All matters raised by consultees and third parties have been addressed above. No comments have been received from the Community Council on this occasion.

CONCLUSION

47. The redevelopment of the former bank building will bring this site back into use. The introduction of housing will fulfil a local need which will benefit the local community, through the provision of 5 affordable dwellings. The development is sympathetically designed and will enhance the existing layout and character of the village. Any remaining points of detail that have not been sufficiently addressed will be resolved through the imposition of suitable conditions. Subject to these recommended conditions, the proposed development is considered to comply with the policies contained within the adopted Cairngorms National Park Local Development Plan 2021 and approval is therefore recommended.

RECOMMENDATION

That Members of the Committee support a recommendation to Approve Conversion of building into 3No flats and erection of 2No cottage flats at Badenoch House, 11 High Street Kingussie, PH21 1HS, the redevelopment of Badenoch House, and its curtilage, 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. **No development shall commence on site until the tree protection measures have been installed on site in accordance with the approve tree constraints plan and maintained in accordance with those details for the duration of construction.**

Reason: To ensure that trees adjacent to the site, which contribute to the landscape character and biodiversity of the area are appropriately protected during construction works in accordance with Policy 4: Natural Heritage and Policy 5: Landscape of the Cairngorms National Park Local Development Plan 2021.

2. **No development shall commence on site until details and the specification of the external materials (samples may be required) have been submitted to and approved in writing by the Cairngorms National Park Authority acting as Planning Authority.**

Reason: To ensure that the new development conserves and enhances the landscape character of Kingussie and is sympathetic to the character of the area in accordance with Policy 3: Sustainable Design and Policy 5: Landscape of the Cairngorms National Park Local Development Plan 2015.

3. No residential unit shall be occupied until all parking, paths, turning and access arrangements, including visibility splays, bin and cycle storage provision have been fully implemented in accordance with the approved site plan.

Reason: To ensure that suitable parking, bicycle storage and waste management provision is made for residents in accordance with Policy 3: Sustainable Design of the Cairngorms National Park Local Development Plan 2015.

4. No lighting shall be installed on site until details (position, type and intensity) have been submitted to and approved in writing by the Cairngorms National Park Authority acting as Planning Authority. The lighting shall be installed and operated in strict accordance with the approved plans.

Reason: To ensure that the development does not adversely affect European Protected Species including Pipistrelle bats in accordance with Policy 4:

Natural Heritage of the Cairngorms National Park Local Development Plan 2021.

5. No residential unit shall be occupied until it is connected to a public water supply and a public drainage supply.

Reason: To ensure that all residential units are adequately served by public services in accordance with Policy 10: Resources of the Cairngorms National Park Local Development Plan 2021.

6. Unless otherwise agreed in writing with the Cairngorms National Park Authority acting as Planning Authority, the residential units as indicated on the approved plans, shall be retained in perpetuity as five units of affordable housing accommodation.

Reason: To ensure that provision is made for affordable housing in accordance with Policy provision of the Local Development Plan and that the tenure remains as considered in this application in accordance with Policy 1: Housing Development and Policy 3: Design and Placemaking of the Cairngorms National Park Local Development Plan 2021.

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 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 within 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. Following completion of the development, a notification of 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 applicants should submit a formal connection application to Scottish Water following the granting of planning permission for review of the availability of capacity.
5. Construction work (including the loading/unloading of delivery vehicles, plant or other machinery) should not take place out with the hours of 0800 hours to 1900 hours Mondays to Fridays, 0800 hours to 1300 hours on Saturdays or at any time or Bank Holidays to minimise disturbance to residents in the area.
6. Planning consent does not carry with it the right to carry out works within the public road boundary. The applicant will be required to apply for a **Minor Works Permit**, often referred to as a Road Opening Permit from the Highland Councils Local Community Services Office, as the Roads Authority under Section 56 of the Roads (Scotland) Act 1984 prior to any work commencing on or adjacent to the public road network. All Minor Works Permit application enquires should be made via the Council's website at the following link www.highland.gov.uk or by contacting General Enquires tel. no. 01349 886606. **Please note that no work should commence until official permission from the Council has been received.**

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.