
CAIRNGORMS NATIONAL PARK AUTHORITY

Title: REPORT ON CALLED-IN PLANNING APPLICATION

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DEVELOPMENT PROPOSED: FULL PERMISSION FOR THE CONVERSION OF A DERELICT WATER MILL TO A 4 BEDROOM DWELLING HOUSE AND 2 SELF CONTAINED HOLIDAY LETS AT URLAMORE STEADING, TOMINTOUL.

REFERENCE: 05/440/CP

APPLICANT: MR. ANDREW JAMES NASH, URLAMORE, TOMINTOUL, MORAY, AB37 9HD.

DATE CALLED-IN: 21ST OCTOBER 2005

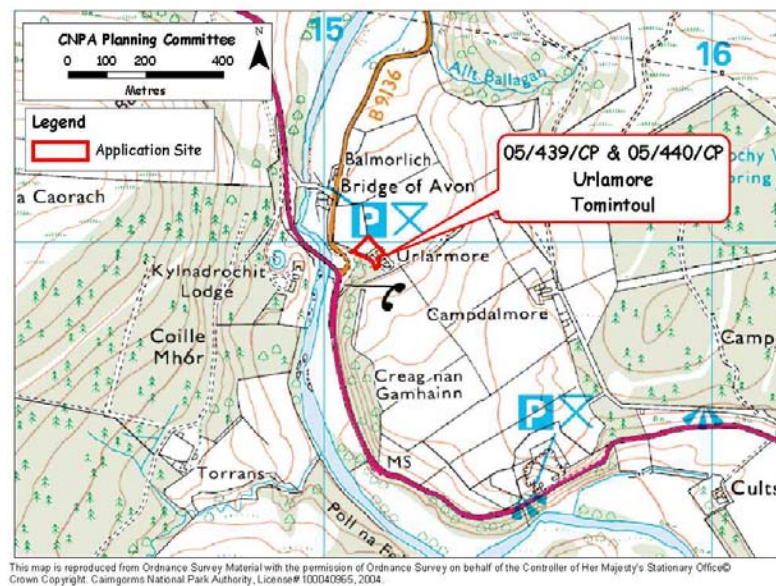


Fig. 1 - Location Plan

SITE DESCRIPTION AND PROPOSAL

1. Full planning permission is sought in this application for the conversion of a derelict water mill into three residential units in the form of a four bedroom dwelling house (the 'main house'), and two properties for holiday letting purposes, with each having two bedrooms. The existing structure is located at Urlamore, approximately 2 kilometres northwest of Tomintoul. The subject site and the existing structure occupy a prominent and elevated position, set above the B9136 (Bridge of Avon to Glenlivet road) and the river Avon. The subject site is clearly visible from the A939, particularly on the downhill approach towards the Bridge of Avon. Access to the site is gained from an existing single carriage private road¹ off the B9136, with a relatively steep gradient. The road serves the derelict water mill and an existing adjacent two storey farmhouse and tapers off to a grassed access track in the vicinity of the entrance to the respective properties.



Fig. 2 : Existing watermill structure, as viewed from approaching access.



Fig. 3 : Existing farmhouse adjacent to subject site.



Fig. 4 : rear elevation of water mill



Fig. 5 : Access between structures

2. The structure proposed for conversion is essentially a traditional stone steading under a slate roof, which apparently functioned as a water mill in the distant past. Background information submitted by the applicant in the course of this application indicates that the mill was built around the beginning of the 19th century and was used as a flour mill, with a water wheel operated from an underground stream that surfaced nearby and was channelled by an earth dam to the water wheel. The

¹ The access road to the site is denoted on maps as being an Old Military Road.

stream no longer exists and the mill is not believed to have operated for most of the 20th century. The footprint of the original steading formed a T shape with the rear (southern) section extending close to the existing dwelling house. The north western elevation of the existing structure has predominantly solid walls, with minimal openings. The majority of openings and the main access points are contained in the south eastern elevation of the structure. It appears that some years ago a portion of the rear section was demolished in order to divide the original structure. The small disjointed section is currently used as an outbuilding associated with the existing dwelling house and does not form part of the current application site. The intermediate space created as a result of the separation of the two elements of the steading now forms part of the vehicular access arrangements leading around the structure towards the proposed garden area. It also leads towards the location of a temporary residential 'cabin' for which the applicants are also seeking planning permission under a separate application (CNPA planning ref. no. 05/439/CP refers).

3. The ground levels on the site are highest towards the rear of the existing structure i.e. close to the south / south eastern boundary of the subject site, as well as adjacent to the eastern site boundary. The majority of open space provision associated with the development is located towards the front of the structure, and there is a significant change in ground levels in this area of the site, generally descending from east to west. A contoured site plan submitted in the course of the application indicates a fall of 3.20 metres in that area. The area to the front of the structure is currently comprised of rough grassland, similar to surrounding lands in this elevated rural location, although activity at the site has resulted in this grassed area taking on a trampled appearance and mounds of excavated earth are also in evidence in the northern corner of the site.
4. Due to the change in ground levels on the site the existing structure has varying roof heights and floor levels, with one element which has a single storey appearance, extending to a ridge height of approximately 6 metres, whilst the double height section has an average ridge height of approximately 7.5 metres. The proposed conversion involves the creation of accommodation on two levels throughout the structure. The main dwelling house, which the applicants plan to inhabit, is proposed to occupy the south / south western element of the structure i.e. the area of the structure extending to 7.5 metres. At ground floor level (referred to as 'upper ground floor' on floor plan drawings), the main entrance to the unit is proposed in the section of the building that projects to the rear of the main part of the structure. Accommodation on this level includes a study, bathroom and three bedrooms and stairs leading down to the 'lower ground floor.' The lower ground floor area of the main house is proposed to accommodate an open plan living / kitchen / dining area, utility room and a fourth bedroom. Two access points are proposed to serve the ground floor area - one single width door accommodated in the south eastern elevation, and a large glazed

panel entrance in the north western elevation, providing direct access to the garden area. The latter entrance is proposed to be concealed behind an artificial water wheel on the north western elevation.

5. The wheel is intended for aesthetic effect only, attempting to reflect the origins of the structure as a water mill. It will not function as a water wheel and the above ground area of it is all that will be constructed. It is proposed to be positioned in a manner that allows for the creation of a short walkway in the void between the wheel and the wall of the structure, to allow access to the glazed doors leading into the kitchen / dining area of the main house. The applicant makes reference in his submission to investigating existing water wheels in the area and has noted in all cases that the timber used was European Larch. In keeping with the traditions of the area, he is proposing to use European Larch, treated with oil for preservation purposes and also to assist it in taking on a weathered appearance.
6. The north eastern area of the structure is intended to accommodate two self catering units. The main access to each of the two units is at ground floor level in the south eastern elevation. Large floor to ceiling height windows are also proposed in that elevation to serve the ground floor area of each of the units. The windows are sized to generally replicate the original openings in this area of the structure. The ground floor accommodates a bathroom and open plan kitchen, dining and lounge area with stairs leading to the first floor, where two bedrooms are proposed. A second entrance to each of the units is proposed in the north western elevation, to provide access directly from the dining area to the garden. The applicant has set out his intentions that the holiday letting units would be “high end use for the quality market.”
7. The window and door openings proposed in most of the structure are generally in accordance with the position of original openings. The enlargement of some window openings has however been necessary in order to facilitate accommodation provision on two levels, provide adequate natural light and conform with Building Regulations. Significant alterations have been made to the design of the proposed conversion since the initial submission of the planning application. The original proposal involved radical alterations to the form of the actual structure, including proposals to incorporate a number of pitched roof dormers in the north western elevation, the raising of eaves height at various locations and the use of various windows types and sizes, randomly positioned. Following an initial assessment, concerns were raised by the CNPA’s planning department regarding the inappropriate nature of the alterations proposed and the potential to destroy the character and cultural heritage value of the property. In response to the concerns raised and advice given by the CNPA, the applicants redesigned the proposal, aware of the need to maintain the existing appearance of the structure as an example of a traditional steading and minimise interference with the physical integrity of the structure.

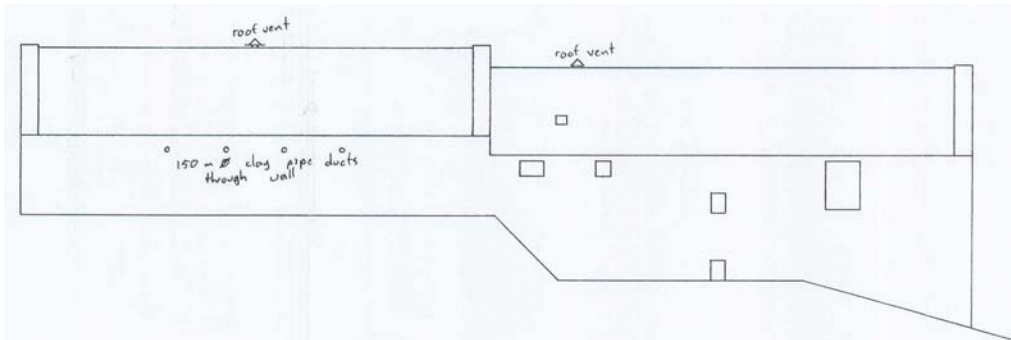


Fig. 6 : Survey drawing – north west elevation as existing

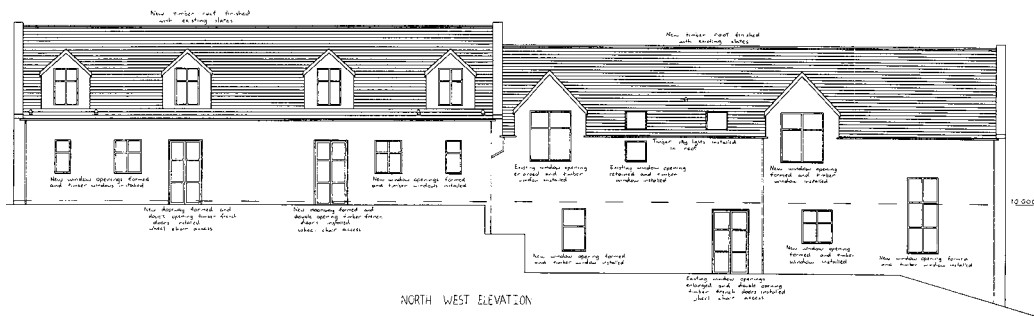


Fig. 7 : North west elevation as originally proposed

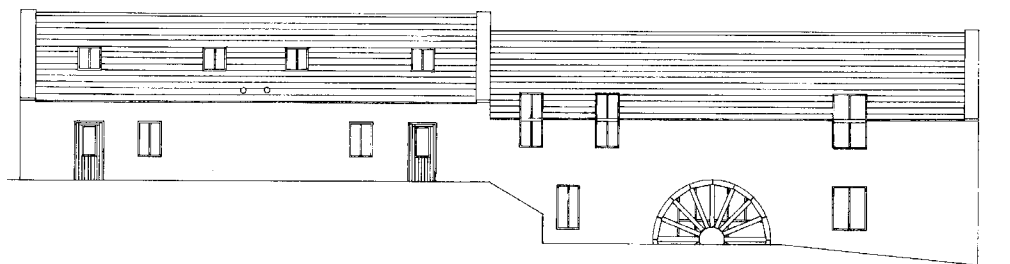


Fig. 8 : North west elevation as currently proposed

8. New window openings in the overall structure have generally been designed to have a vertical emphasis. Doors have been designed to have vertical timber lining and incorporate a glazed section in the centre. Velux windows are proposed in the roof space to serve most of the upper floor accommodation, and two small discreetly located 'sun pipes' are also proposed on the roof of the north western elevation in order to provide a source of light in the bathrooms in each of the holiday letting units.
9. Gravel surfacing is proposed in the area to the rear of the south western elevation in order to make provision for parking and turning areas to facilitate potential guests of the holiday letting units as well as the residents of the main house. A layout submitted for this area of the site identifies the provision of 2 car parking spaces to the south of the main house to serve that unit, and the provision of 4 car parking spaces

immediately adjacent to the entrances of the holiday letting units. A paved path, comprising of slate reclaimed from the mill floor, is proposed to be formed around part of the perimeter of the structure. A post and wire fence forms the north eastern and north western boundaries of the site. A landscaping plan has been submitted in support of the proposal and the provision of trees and shrubs to form screen planting is indicated adjacent to the existing site boundaries. The landscaping plan suggests the planting of a mixture of silver birch, rowan, caledonian scots pine, juniper and aspen along some of the boundaries. An extensive area of planting is proposed on the western slope of the site, as the ground falls towards the access road. Indigenous trees species interspersed amongst heather, roses and ornamental grasses are proposed in the area. The plan also includes proposals to create earth mounds adjacent to the western boundary of the site, with mounds extending to heights of between 500mm and 1.5 metres. The 1.5 metre high mound in the northern corner of the site is proposed to be covered by "native trees, rocks and ground covering plants designed to give protection from cold northerly winds and also to create screening of temporary dwelling and other hard landscaping features." The hard landscaping features in question include the creation of a path leading to a hot tub, and also a retaining wall constructed of natural stone, which is necessary to create a barrier between the changing ground levels of the upper and lower levels of the garden. The creation of a water feature is also proposed as well as the provision of a fire pit.

10. There is a history of permission on the site for the conversion of the steading to residential use. Planning permission was granted by Moray Council in 1999 for the conversion of the property to a single dwelling house (Moray Co. planning ref. no. 99/00433 refers). Planning permission was granted for the conversion of the steading to a four bedroom dwelling house, over two levels, also including a large garage and workshop in the area of the structure in which the holiday letting units are proposed in this current application. The current applicant purchased the property during the summer of 2005, by which time some development work had already been undertaken by the previous owners. According to information submitted by the current applicant the works already carried out at the site included the provision of electricity and water supplies, the clearing of substantial quantities of rubbish from within the actual structure, the digging out of old cobble stone flooring from part of the building, the establishment of a workshop within part of the building, the erection of new walling at the entrance to the site and the clearing of top soil down to the hard core base and the storing of this top soil on the perimeter of the site.
11. The applicant has advised that the gable end of the proposed 'holiday let' section of the structure has recently fallen in and work has been undertaken to stabilise this area of the structure. In a recent meeting Mr. Nash expressed his desire to gain consent to proceed with the

development as quickly as possible in order to secure the building from further damage in potential adverse weather conditions.



Fig. 8 : north eastern gable of structure (photographed 16/2/06)

- 12.** The applicant has given some thought to the potential use of the site at present and in the future by various forms of wildlife. The potential use of the structure by bats was raised as a particular point of concern by the CNPA in a letter issued to the applicant in November 2005. Some investigation has been carried out on behalf of the applicant, although a conclusive bat survey has not been undertaken, and it is not feasible to carry out the survey until the appropriate season, which is summer time when bats emerge from hibernation. Details have been submitted from the applicant's landscaper (Mr. Ian Brodie of Auchgourish Gardens and Arboretum) who apparently is knowledgeable on local wildlife matters, stating that "there was no evidence of any use of any part of the buildings by any species of Bat." A letter was also submitted from Ms. Evelyn Grant, the original owner of the steading, who resides in the adjacent dwelling house, testifying that there are "no bats or owls at Urlamore" and that she had been resident there for the past 37 years. The applicants have indicated that they would be willing to create a 'bat cave' in the proposed holiday let part of the building, proposing a "small, dark and warm cavity at the apex of the roof with a small round entrance of no more than 20mm in diameter at the south east facing gable end wall" in order to provide a home for bats "regardless of whether there actually are any at the moment or not."
- 13.** The applicant's landscaper has also apparently examined the structure to ascertain whether there is evidence of owls or swallows using the structure. Mr. Brodie (landscaper) has stated in a written submission that he had a "fairly thorough hunt" around both sections of the building at the time of his first meeting with the applicant last Autumn, and noted that there was evidence that a small colony of swallows had used one section of the building. Mr. Brodie refers to swallows and owls having a poor relationship and in light of this suggests that co-habiting owls would be unlikely. With regard to the presence of swallows, the applicant intends to take action prior to the return of the swallows for the summer season, to remove existing nests under the roof of the structure and also remove roof boards to prevent swallows nesting

there again upon return. The applicant has indicated a willingness, if required, to make provision for returning swallows through either (a) creating an overhanging roof on the gable end of the holiday letting unit² or (b) build boxes for swallows to nest at a location in the garden.

14. The water supply to serve the development is proposed to be taken from a natural spring, detailed in the application form as already being on site. Drainage is proposed to a septic tank and underground soakaway.
15. The applicant and his wife have submitted documentation in support of their application, setting the development proposal in the context of the four aims of the National Park. With regard to the conservation and enhancement of the natural and cultural heritage of the area, the applicants refer to their intention to “keep the building as original as possible in terms of style and materials” and to restore the water wheel. They have also referred to their on-going efforts to research the history of the old mill, in the hope that this would form part of an exhibit in the holiday letting units. On the issue of promoting the sustainable use of the natural resources of the area, the applicant and his wife refer to their commitment to conserving the environment for future generations, and also because they believe that it “will attract higher spending ‘green’ tourists.” In an effort to minimise mainstream electricity consumption it is proposed to install a geo-thermal heat pump.
16. In terms of the promotion of the understanding and enjoyment of the special qualities of this area of the Park, the applicants acknowledge that it is in their own best interest to promote the National Park. They express a desire to deliver a high quality and long term sustainable tourism product and state that their target market will be mainly ‘green’ tourists such as walkers, mountain bikers and bird and wildlife watchers. Finally the applicants have outlined their views on the means by which they could assist in promoting the sustainable economic and social development of the area’s communities. Reference is made to the building work benefiting several local specialists and tradesmen, and once the business is established the applicants predict that tourists staying at the facility would “eat locally, use local activities and participate in local events.”

DEVELOPMENT PLAN CONTEXT

17. **Planning Advice Note 72 : Housing in the Countryside** sets out its purpose to create more opportunities for good quality rural housing which respects Scottish landscapes and building traditions. **PAN 72** identifies the conversion or rehabilitation of rural buildings as an example of one of the main opportunities to accommodate housing in

² This suggestion was also put forward in the course of a meeting with the CNPA to discuss the proposal and the applicant was advised that altering the roof line of the structure would not be considered appropriate as it would alter the traditional character of the building.

the countryside. It details the benefits of this type of activity including bringing a building back to life whilst also providing an opportunity to sensitively conserve the built heritage. **PAN 72** provides advice on factors such as scale, materials and design.

18. **PAN 67** discusses **Housing Quality** and although a lot of the guidance contained therein is directed towards larger scale developments than the current proposal, many aspects of it can be applied to all house building activity. **PAN 67** notes that the planning process should seek to ensure that development is planned and designed so that it contributes to achieving the goals of social justice, economic competitiveness and environmental quality. The creation of a sense of identity and place is encouraged as well as creating a sense of what is distinctive about the locality and the region. To achieve this, there are five essential components to be taken into account – layout, landscape, scale and mix, details and materials, and maintenance. In terms of landscape **PAN 67** highlights the contribution of landscape design to environmental quality, particularly where it begins to mature. It advises however that landscape design cannot compensate for poor layout and design and that developers should consider landscape as a part of the design and layout from the outset of the development process. With reference to details and materials, **PAN 67** warns that the quality of development can be spoilt by poor attention to detail and advises that “important aspects include building styles, the detailed design of features such as doors, windows and porches, and the texture, colour, pattern, durability and ease of maintenance of materials.”
19. **Scottish Planning Policy 15: Planning for Rural Development** highlights the position of Scotland’s rural areas as a unique resource with significant long term potential as places to live and work and forecasts that “future lifestyle changes and technological development may well increase the demand for living and working in rural areas.” Economic development in Scotland’s rural areas is discussed in paragraphs 12 and 13, where it is noted that that the economic structure has changed rapidly in recent years. **SPP15** advocates planning authorities supporting a wide range of economic activity in rural areas and seeking environmental enhancement through development at every opportunity. Para. 14 identifies tourism as being of “vital importance to the social, economic, environmental and cultural well being of economic Scotland.” It notes that the quality of the finished product is crucial and advises that planning authorities carefully weigh the economic benefits with the environmental and social impact.
20. **Moray Development Plan – Structure Plan**
The Moray Structure Plan recognises the importance of tourism to the economy of Moray and also regards it as an area with growth potential. However, it advises “as with other forms of economic development a balance must be struck between encouraging growth and safeguarding

the environment.” **Policy S/ED8: Tourism Proposals** confirms general support for proposals which contribute to Moray’s role and image as a tourist area, and states that there will be a presumption in favour of proposals which expand or enhance existing visitor facilities. All proposals are however expected to be compatible with policies to safeguard and enhance the built and natural environment and achieve high standards of siting and design.

21. Chapter Two of the Structure Plan deals with the Environment and policies on Landscape and the Built Heritage are of particular relevance in this particular application. The subject site is within a designated Area of Great Landscape Value and the Structure Plan advises that any development proposals within such areas will be required to incorporate best principles of siting and design. **Policy S/Env 3 : Scenic Designations** asserts that “areas of scenic quality will be protected from inappropriate development.” In terms of the Built Heritage, **Policy S/Env5** states that the “Council will seek to conserve and promote Moray’s built heritage as a valuable, but finite resource and shall encourage enhancement, active use and access to building heritage wherever possible.”

22. On the subject of housing, the **Moray Structure Plan** operates a presumption in favour of housing in the countryside in rural areas in the south and east (**Policy S/H4**) in a number of circumstances, including situations that involve the re-use, replacement or rehabilitation of existing buildings. The **Structure Plan** also contains Development Control policies applicable to a proposal of this nature. **Policy L/IMP2 : Development in Rural Areas** requires that proposals are compatible in terms of character, amenity and design and integrate sensitively into the environment.

Moray Development Plan – Local Plan

23. The Local Plan highlights the need to have a sufficient range of tourist accommodation and facilities in order to ensure that visitors can be attracted and retained within the area. **Policy L/ED16 : Tourist Facilities and Accommodation** indicates that proposals for holiday accommodation (for example hotels, guesthouses, chalets/lodges), will be supported in principle, given their function as part of the tourism infrastructure. **Policy L/ED16** also requires that proposals in countryside locations demonstrate the landscaping measures that will be taken to assist with the integration of the site into its rural setting, as well as providing for on site amenity. The policy also requires that developments built as holiday accommodation should be retained for that purpose and not permitted to become permanent residences.

24. In terms of landscape issues, **Policy L/ENV 7** of the Local Plan requires that development proposals within Areas of Great Landscape Value will only be permitted where they incorporate high standards of siting and design and where they will not have a significant adverse

effect on the landscape character of the area. Within such areas detailed proposals covering site layout, landscaping, boundary treatment, building design and material finishes are required with any planning application. On the subject of the Built Heritage, the Local Plan contains a section on Vernacular Buildings³ and **Policy L/ENV16 : Local Buildings (not protected by statute)** states that the Council will generally seek the retention and reuse of vernacular buildings in preference to their demolition and redevelopment.

25. **Policy L/HC2 : Re-Use of Derelict Sites and Existing Buildings** also provides detailed policies which are compatible with the policies applicable to Local Buildings. The policy states that the “Council will presume to approve applications for residential development involving the re-use of existing buildings, including existing dwellings, farm steadings, mills etc. where the renovation of the original building is sensitively designed and is to form the core of the new development.”
26. The Local Plan includes an extensive policy section on Development Control, providing guidelines on character, amenity and design, with the latter tending to include policy on new building design only.
27. **For information purposes only (paragraphs 27 – 31):** The subject site is located within General Policy Area 2 as identified and defined in the **Cairngorms National Park Consultation Draft Local Plan**. Within such areas it is the policy that development will only be permitted “where it is demonstrated that there is no alternative and that the aims of the National Park or objectives of designation and the overall integrity of the areas, features or interests will not be compromised; or any significant adverse effects on the special qualities of the National Park or qualities for which the area, feature or interest has been designated or identified, or amenity or public health are clearly outweighed by social or economic benefits of national importance and are mitigated to provide features or interests of equal importance to those that are lost.”
28. **Section 3** of the Consultation Draft Local Plan discusses a number of topic policies, of which many are relevant to the type of development proposed. In terms of Protected Nature Conservation Sites and Biodiversity, **Policy 2 : Protected Species** states that proposals for developments that would have an adverse impact on any European Protected Species will not be permitted unless there are public health or public safety or other imperative reasons of overriding public interest, and there is no satisfactory alternative, and the development would not be detrimental to the maintenance of the population of species concerned. Section 3.5 of the draft Plan stresses the importance of considering the value of habitats and species in all planning decisions and ensuring that appropriate measures to

³ The Moray Local Plan defines Vernacular Buildings as “those which epitomise local character but are offered no statutory protection.”

conserve and enhance biodiversity are implemented through the planning process.

29. **Policy 3 : Biodiversity** states that proposals that will enhance or restore existing habitats and that will not have any other adverse effects, will be considered favourably. **Policy 3** also advises that the developer should be required to undertake a survey of the area's natural environment where there is evidence or likelihood to suggest that a habitat or species may be present on or adjacent to a site and could be adversely affected by the development.
30. **Policy 29** of the consultation draft National Park Local Plan discusses **Tourism Development** stating that proposals for new or enhanced tourist related facilities will be favourably considered where they enhance the range and quality of visitor attractions and facilities on offer. **Policy 30** specifically discusses **Tourist Accommodation** and in relation to self catering facilities advises that "redundant or derelict buildings can often be utilised for a variety of self catering purposes" and that planning conditions will be attached to any permission to restrict their use for tourism purposes, and not for permanent residential accommodation.
31. **Policy 40** of the **Cairngorms National Park Consultation Draft Local Plan** refers to housing and in particular the **Conversion of Existing non-Residential Buildings**, stating that conversions / extensions / alterations / replacements will be permitted if certain criteria are met. Criteria includes the proposal being redundant from its original use and that it is designed to maintain the style and character of the original building in terms of form, scale, materials and detailing. It is also advised that such "buildings should be surveyed for 'their loss of habitat through development' i.e. there may be bat roosts which must be replaced in some way."

CONSULTATIONS

32. A number of departments within Moray Council were consulted on this application. The **Transportation department** have examined the proposal and recommend that a condition be attached in the event of the granting of planning permission, requiring that a minimum of five private car parking spaces be provided to serve the overall development (distributed between three spaces serving the main dwelling house and one space to serve each of the holiday letting units).
33. Moray Council's **Environmental Health Manager** and also the **Environmental Protection Manager** have responded recommending that the application should be approved unconditionally.
34. The **Contaminated Land Officer** initially lodged 'holding comments' and required the provision of a site history in respect of the use of the

water mill. Upon receipt of the required information a revised response was received from the Contaminated Land Officer noting that due to the past agricultural use of the site, “there is always a potential for contamination to have arisen, for example, farm tips, chemical storage or animal burial sites.” Accordingly the response recommends that a condition be attached in the event of the granting of planning permission. The recommended condition requires in the event of any significant unsuspected contamination being found that all work shall cease until an appropriate investigation to determine the nature, extent and potential impacts of the contamination has been undertaken and a remediation method statement has been agreed.

35. Although the development is proposed to be served by a private water supply and septic tank, Moray Council initiated consultations with **Scottish Water**, and a response was received indicating that there was no objection to the proposed development. The response also advised that any septic tank should be sited in such a manner as to allow easy access for emptying by tanker.
36. **SEPA** examined the proposal and have no objection subject to ground conditions being suitable and the domestic sewage system being designed in accordance with the Domestic Technical Handbook.⁴ The consultation response from SEPA noted that the proposed septic tank and soakaway is intended to serve three units, and also highlighted potential issues in connection with “the maintenance and problem resolution of the shared foul drainage system should the units be in separate ownership which may result in environmental pollution.” In order to safeguard against this SEPA suggest that either separate foul drainage systems are installed for each unit or alternatively a planning agreement is signed to ensure that the units remain in single ownership with a shared foul drainage system.
37. The CNPA’s **Economic and Social Development Group** has commented on the tourist accommodation aspect of the proposal. The response sets out the current accommodation provision levels in the area, detailing the existence of 8 businesses in the Glenlivet / Tomintoul area which collectively provide a total of 14 self catering accommodation properties. ESDG state that an additional two properties are unlikely to have a negative impact on existing businesses and should in fact serve to compliment the existing provision and strengthen the overall economic tourism base of this area of the Park.
38. With reference to the standard of accommodation, which **ESDG** concede is more relevant to the potential finished product rather than the planning application, the consultation response mentions the aspirations of the Sustainable Tourism Strategy which is seeking “to

⁴ The Domestic Technical Handbook sets out guidance on how proposals may meet the Building Standards set out in the Building (Scotland) Regulations 2004.

improve and maintain quality standards and encourage sound environmental management practices in all types of tourism accommodation to ensure all visitors enjoy a high quality experience in the National Park.” In light of this ESDG express their desire to ensure that the applicant is aware of the standards.

39. A response from the CNPA’s **Natural Heritage Group** was received following a site visit. It is noted in the report that the structure is in a state of disrepair and is quite exposed to the elements due to open or missing rooflights, windows and external doors, and also the fact that the north eastern gable has recently collapsed. Bats and birds are the main natural heritage issues at the site. In relation to bats, the **NHG** report highlights the fact that all species of bats are accorded special protection as European Protected Species under the Conservation (Natural Habitats &c.) Regulations 2004. Reference is also made to the fact that it is illegal to deliberately kill, injure, disturb or capture bats or to damage or destroy the breeding sites or resting places of a bat. The requirement to obtain a license from the licensing authority (Scottish Executive) where it is proposed to carry out works that will affect an EPS is also highlighted. The **NHG** response notes that the stonework in the structure provides many crevices and gaps which could permit access to roosting bats, either as a winter hibernation roost or a summer maternity roost. Bats hibernating in winter require roosts where the temperature remains relatively constant and not too low and given the structure’s exposure to the elements, particularly in the north eastern section, **NHG** consider it unlikely, though not impossible, that the steading has favourable conditions for hibernating bats.
40. **NHG** note that the conditions required for summer maternity roosts are less exacting and accordingly there is a possibility that the structure may be used as a maternity roost during the summer months. Given the legal situation regarding EPS and the possibility of bat use of the site **NHG** strongly recommend in the event of the granting of planning permission that a condition is attached requiring that a roosting bat survey of the structure is carried out by a qualified bat surveyor prior to the commencement of work. Surveying in advance would provide the applicants with certainty that they are not at risk of committing an offence, and would allow the work programme to be planned in a way that takes proper account of any bats from the outset, including the receipt of a license if necessary and the undertaking of any required mitigating measures.
41. The **NHG** response makes reference to suggestions put forward by the applicant to create a bat cavity in the roof space, but notes that it is not possible to indicate the type of artificial roost that could be provided in the absence of knowledge of the bat species that might be present. The report cites the example of brown long-eared bats, which require a relatively large capacity in which to fly around and providing roosting opportunities would be difficult given that so much of the structure is

intended for domestic use. **NHG** also advise that whilst the suggestions to provide long term security for bats after development is welcomed, "it does not permit the applicants to circumvent the legal protection provisions for any bats currently in residence."

42. On the subject of birds the **NHG** response notes that there were several old swallow nests on rafters in both sections of the building and highlights the fact that the nests and eggs of swallows are protected during the breeding season by the general provisions applying to breeding birds in Part 1 of the Wildlife and Countryside Act 1981. Accordingly any development at Urlamore Steading "would have to be carried out in a manner that complies with all legal requirements." **NHG** note that it would not be illegal to remove swallow nests prior to them being used by birds for breeding, although it is also advised that a suitable site may be re-occupied quickly. Legal compliance may be achieved by phasing works to avoid any parts of the building occupied by breeding swallows, and in the event that this is not possible it would be necessary to obtain a license from the Scottish Executive to permit disturbance. In addition further nest building in the interior of the structure during renovation works could be discouraged by blocking off potential entry points for swallows, such as doorways, windows and skylights.
43. The **Natural Heritage Group** welcome the applicants' desire to mitigate the loss of any nesting opportunities by offering to provide bird boxes or to alter the design of the building in an effort to create nesting conditions for swallows. However, extending the roof over the wall to create substantial eaves would be unlikely to provide suitable nesting conditions for swallows and such an alteration would not therefore offer any mitigating benefit. It is also noted that no sign of owls using the steading were found during the site visit. Finally, **NHG** recommend that any planning consent refers specifically to the need to comply with the legal provisions of the Wildlife and Countryside Act 1981 (as amended) with respect to swallows and any other breeding birds that may be using the site.

REPRESENTATIONS

44. No representations have been received in respect of the proposed development.

APPRAISAL

45. There are a number of issues to consider in the assessment of the proposed development, including the acceptability of a development of this nature, its compliance with planning policy and its implications for the aims of the National Park and in particular the first aim.

46. The principle of the conversion of the traditional steading / watermill structure to residential use had already been accepted by the granting of planning permission by Moray Council in 1999 for the conversion of the structure to form a single unit dwelling house. This current application continues to propose the use of the structure for residential purposes, although incorporating a greater number of units within the same footprint and introducing a commercial element through the proposed use of two of the units for holiday letting purposes. As detailed in earlier sections of this report the provision of tourist accommodation facilities is supported by existing Structure Plan and Local Plan policy. The proposal is also in accordance with national planning advice and guidance, which supports the principle of converting or rehabilitating rural properties as a means of providing accommodation in the countryside.
47. Due to the configuration of the site access arrangements and car parking provision are relatively confined. However, in this regard I note that the proposed layout of the gravelled area to the south of the structure fulfils the requirements set down by Moray Council's Transportation section regarding car parking provision to serve each of the three units. Despite the fact that the creation of three residential units on the site would generate a significant increase in traffic levels to and from the site relative to the traffic likely to have been associated with the original permission to convert the structure to a single dwelling unit, no reference has been made in the Transportation report to the actual access to the site from the public road in terms of somewhat restricted sight distances available at the junction of the private access road with the B9136, the gradient of the access road or the relatively constrained access onto the site. It is therefore necessary to assume that the access arrangements are acceptable to the Transportation section of Moray Council.



Fig. 9 : junction of the access road with the B9136

48. Following on from the acceptance of the principle of the development, it is necessary to assess the extent of alterations proposed to the original structure in order to facilitate the conversion project. In this regard, as detailed in previous sections of this report, the applicant has made considerable revisions to his original design concept. Excessive encroachment into the roof space through the introduction of pitched dormer roofs, raising of eaves levels etc. has all been altered, with the

result being infinitely more acceptable, offering greater potential to maintain the traditional character and original appearance of the structure, which derives its origins from industrial activity rather than residential. The number of window and door openings have been minimised and designed to be positioned and sized in accordance with original openings wherever possible.

49. Significant changes have also occurred in terms of the landscaping proposed in the course of this application, with an initial landscaping submission showing proposals for the creation of large areas of manicured lawn and cultivated flowerbeds over much of the prominent site area. Such treatment of the area was considered wholly inappropriate, resulting in the loss of the existing rural grassland appearance and introducing instead a garden layout more appropriate to a suburban setting. The amended landscaping proposals, whilst still including some rose beds and man made features such as the hot tub, fire pit and waterfall, display a far greater awareness of the rural setting and its visual sensitivity. Para. 9 of this report details proposals for the planting of many indigenous species, particularly around the boundaries of the site. Whilst the landscaping concept set out is generally acceptable, the proposals submitted to date are not sufficiently detailed and in the event of the granting of planning permission I recommend that a detailed landscape plan and planting schedule (including details of species numbers, height / girth at the time of planting) is provided for the agreement of the CNPA, acting as Planning Authority. I also have some concerns regarding the proposed use of earth mounds and whilst some modification to the natural form of the land may be acceptable and may in fact allow for a more interesting planting scheme over varying levels, it is my view that the extensive earth mound in the northern corner of the site, which is proposed to extend to 1.5 metres is excessive and alien to the landscape. It is my understanding that the applicants' main motivation in proposing a mound of this scale derives from an attempt to screen the prominent location in which a temporary accommodation 'cabin' was proposed (CNPA ref. no. 05/439/CP refers), rather than a landscaping measure intended to benefit the principle development on the site i.e. the steading. The extent of earth mounding proposed is an issue which I consider could be easily addressed through an appropriate condition in the event of the granting of planning permission.
50. As detailed in para. 36 of this report, SEPA raised some concern regarding potential future difficulties in maintaining foul drainage arrangements in the event of the three proposed units being given over to individual ownership. It is my understanding that the applicant and his wife intend to retain ownership of the overall development and operate it as owner occupiers. In addition to their commitments given in this regard, I feel that it is appropriate and in accordance with existing planning policy (Policy L/ED16) to suggest that a condition be imposed requiring the retention of the holiday accommodation element

for that purpose in perpetuity, and in conjunction with this requiring that the overall development be retained in single ownership.

51. The proposed development is considered acceptable and would, by reason of its partial proposed use as tourist accommodation, be likely to make a positive contribution towards the economic development of this area of the National Park. The applicant is also to be commended for taking on board the significance of the aims of the National Park, and particularly the first aim. As detailed earlier in this report efforts have been made in the design process to respect the cultural heritage value of the structure. At the applicants own suggestion an imitation waterwheel has been incorporated in the north western elevation, in an effort to replicate the original appearance and working origins of the steading / mill building.

52. The applicant has also put forward various suggestions regarding the means by which the natural heritage value of the site can be conserved or enhanced, for example offering to introduce 'swallow boxes.' A bat survey was requested in the course of the application, in order to establish whether or not bats were present in the structure. Despite some inspections being done in recent weeks by a number of people, including the applicants' landscape advisor, as well as officials from Scottish Natural Heritage and the CNPA's Natural Heritage Group, it cannot be determined conclusively at this time of year whether or not bats are present in the structure. Where there are concerns about the potential of a building to contain bats, it is normal procedure to carry out the required survey prior to a decision being made on a planning application, with the decision then being taken with full knowledge of any mitigating measures required. However, in this particular case, where one entire gable end of the structure has recently collapsed and where the building is clearly in need of urgent remedial works being taken to safeguard it from further deterioration, a delay in determining the application pending the carrying out of a bat survey (with the optimum time being June) could jeopardise the stability of the structure and lead to further deterioration. Informal advice received from the SNH official who recently visited the site, and also as detailed in the report from the CNPA's Natural Heritage Group, indicated that although the possibility could not be entirely discounted, it was unlikely that the proposed holiday letting section of the building, which includes the collapsed wall, contains bats as the open nature of it would not generally be conducive to bat roosts. The view of the officials who visited the site is that the enclosed, dark and warmer area of the proposed 'main house' is a more likely environment in which bats may roost. It is likely therefore that a survey may result in a conclusion that the 'holiday letting units' are unaffected by bats. In the event that the applicant secures permission with a suspensive condition regarding the carrying out of the bat survey, it would then be possible for him to commence work immediately following the assessment of the bat survey on that section of the structure and in so doing safeguard it from further deterioration. Whilst breaking from the normal practices with

regard to the carrying out of bat surveys prior to the granting of planning permission, a determination on this application at the present time appears to offer the best opportunity to safeguard the fabric of the building, particularly the rapidly deteriorating section, whilst still allowing for adequate protective measures to be implemented in the event of the presence of bats being detected in the most likely environment, which is considered to be in the 'main house'. The existing physical division of the two elements of the structure, as well as the method by which the applicants proposes to develop it (the establishment and operation of the holiday letting units, followed later by the development of the 'main house') further lends itself to this approach. It should also be noted, as detailed in previous sections of this report, that permission was previously granted for the conversion of the building to residential use. Some work was carried out in connection with that permission and the presence of bats does not appear to have been raised as an issue.

IMPLICATIONS FOR THE AIMS OF THE NATIONAL PARK

Conserve and Enhance the Natural and Cultural Heritage of the Area

- 53.** There are no natural heritage designations on the site. The potential presence of bats within the structure needs to be established prior to the commencement of any development, and where necessary mitigatory measures taken to ensure that the European Protected Species are not harmed.
- 54.** In terms of cultural heritage, the alterations to the development in the course of this application have resulted in a design that represents an effort to conserve the traditional character of the structure and the proposal therefore contributes to the conservation of the cultural heritage of the area.

Promote Sustainable Use of Natural Resources

- 55.** The development proposal largely involves utilising existing materials in the structure and also using materials taken from the structure (e.g. slate floor paving) to create hard landscape features.

Promote Understanding and Enjoyment of the Area

- 56.** The overall development is unlikely to make any significant contribution to the promotion of the understanding and enjoyment of the area by the general public. However, it is possible in the operation of the holiday letting units that some opportunity exists for the operators to assist visitors in understanding the area and enhancing their enjoyment of it.

Promote Sustainable Economic and Social Development of the Area

57. The development includes the provision of two holiday letting units which would compliment the existing provision of self catering accommodation in the Glenlivet / Tomintoul area of the National Park, and could potentially strengthen the overall economic tourism base of this area of the Park.

RECOMMENDATION

That Members of the Committee support a recommendation to :

Grant full permission for the conversion of a derelict water mill to a 4 bedroom dwelling house and 2 self contained holiday lets at Urlamore Steading, Tomintoul, subject to the conditions detailed hereunder -

1. The development to which this permission relates must be begun within five years from the date of this permission.
2. The overall development shall be retained in single ownership. The two holiday letting units in the north eastern section of the structure shall be retained for holiday accommodation provision only and no change of this use shall take place without the prior permission of the relevant Planning Authority.
3. A minimum of five car parking spaces shall be provided within the site, located to the south of the steading in accordance with the layout shown on Appendix C : Vehicle Access and parking spaces, submitted to the CNPA acting as Planning Authority on 19th January 2006.
4. The development shall be landscaped and maintained in accordance with a scheme which shall be submitted to and approved by the CNPA acting as Planning Authority before development commences. The scheme shall include indications of all existing trees and landscaped areas on the land, and shall indicate the siting, numbers, species and heights (at the time of planting) of all trees, shrubs and hedges to be planted and to the extent of any areas of earthmounding and any mounds proposed shall have a maximum height of 0.75 metres, and shall ensure:-
 - a. Completion of the scheme during the planting season next following the completion of the development, or such other date as may be agreed in writing with the CNPA acting as Planning Authority.
 - b. The maintenance of the landscaped areas in perpetuity in accordance with the detailed maintenance schedule/table. Any trees or shrubs removed, or which in the opinion of the CNPA acting as Planning Authority, are dying, being severely damaged or becoming seriously diseased within five years of planting,

shall be replaced by trees or shrubs of similar size and species to those originally required to be planted.

5. In the event that significant unsuspected contamination is found on the site, all work shall cease until an appropriate investigation to determine the nature, extent and potential impacts of the contamination has been undertaken and a remediation method statement has been agreed with the CNPA acting as Planning Authority, in consultation with the Contaminated Land unit of Moray Council.
6. Prior to the commencement of development a roosting bat survey of the structure shall be carried out by a qualified bat surveyor and shall be submitted for the written approval of the CNPA acting as Planning Authority, in consultation with Scottish Natural Heritage. In the event of the presence of bats being determined, the work shall only proceed under licence from the Scottish Executive and in accordance with an agreed programme of work and mitigating measures.
7. Prior to the commencement of works on site, exact details and specifications (samples may be required) for the following finishing materials shall be submitted for the further written approval of the CNPA acting as Planning Authority;
 - the timber framed windows and doors;
 - the water wheel;
 - the parking / turning areas within the curtilage of the structure;
 - the retaining walls in the garden area.
8. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (Scotland) Order 1992, no house extension shall be formed, and no greenhouse, shed, garage or other structure shall be erected without the prior written consent of the Planning Authority.
9. Prior to the commencement of works on site, exact details of a suitable dark stained timber preservative for the finishing of all external timberwork, shall be submitted for the further written approval of the CNPA acting as Planning Authority.

Advice note :

- All work undertaken shall comply with the legal provisions of the Wildlife and Countryside Act 1981 (as amended) with respect to swallows and any other breeding birds that may be using the site.

Determination background :

The application was 'called in' by the Planning Committee of the Cairngorms National Park Authority at its meeting of 21st October 2005. Consultations were undertaken with relevant external sources as well as CNPA groups. The CNPA planning department issued a request for further information on the proposal was issued on 29th November 2005 and a response to some of the issues raised was submitted on 19th January 2006. Many issues were unsatisfactorily addressed and a further request for information was issued on 14th February 2006. The applicant attended a meeting at the CNPA offices on 9th March 2006, and the final information was submitted on 17th March 2006.

Mary Grier
Planning Officer, Development Control

31st March 2006

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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.