
CAIRNGORMS NATIONAL PARK AUTHORITY

Title: REPORT ON CALLED-IN PLANNING APPLICATION

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DEVELOPMENT PROPOSED: FULL PLANNING PERMISSION FOR EXTENSION AND ALTERATIONS TO EXISTING VISITOR CENTRE, BURN O VAT VISITOR CENTRE, DINNET, ABOYNE

REFERENCE: 06/099/CP

APPLICANT: SCOTTISH NATURAL HERITAGE, 12 HOPE TERRACE, EDINBURGH

DATE CALLED-IN: 7 APRIL 2006

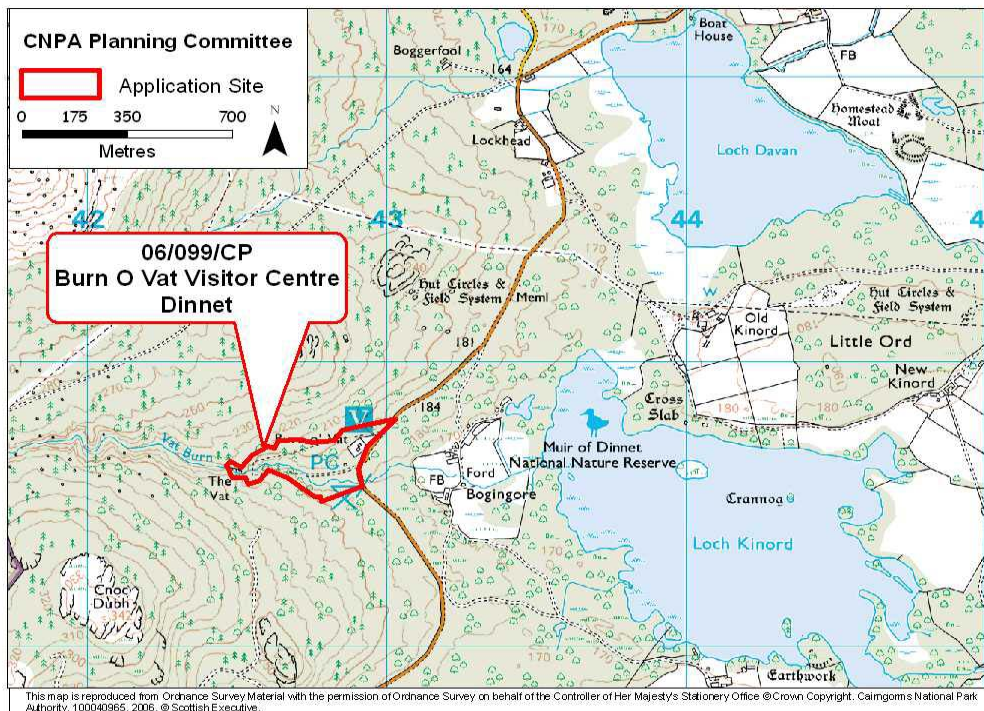


Fig. 1 - Location Plan

SITE DESCRIPTION AND PROPOSAL

1. This site is located to the west of Loch Kinord which is situated to the north west of Dinnet. The site is accessed from the B9119 which runs from Cambus O' May on the A93 in a northwards direction and links to the A97 between Dinnet and Logie Coldstone (Fig. 1).
2. The site is operated by Scottish Natural Heritage as the base for the Muir of Dinnet National Nature Reserve. There is a modest sized traditional single storey building (stone and slate) located amongst a treed setting with an access and car park adjacent on the east side. The building at present accommodates a small visitor display area with ancillary office, kitchen and toilet facilities. A separate public toilet building is located further to the south west. The ground levels are flat at the site but rise behind to the north and north west. Footpaths leave the site to provide access into the Reserve and up to the Burn O' Vat. (Photographs are at Figs. 2. & 3.)



Fig. 2. Existing Site and Visitor Centre from the B9119

3. The proposal is to construct an extension to the existing building and carry out other alterations to the site. The extension is to accommodate workshop and garaging for SNH operational vehicles and provide improved office facilities for SNH staff to enable them to effectively manage the Reserve and open the visitor centre. In addition, there is a proposal to create an ancillary residential unit within the extension in order to provide affordable local accommodation for seasonal staff close to the Reserve. The extension extends to the rear of the existing building and creates an operational and access

courtyard area which will be gated. The garage/workshop element of the extension is higher than the existing single storey building. Following some amendments, the materials are to be stone to match, slate for the roof, and painted timber cladding. Windows and doors are to be timber. In addition, some external landscaping works will be carried out, with the creation of a public seating area with a new sheltered visitor information board. The existing car park surface is also to be replaced with well compacted hardcore and a layer of local quarry dust.



Fig. 3. Existing Visitor Centre Building from the B9119

DEVELOPMENT PLAN CONTEXT

4. In the **Aberdeen and Aberdeenshire Structure Plan 2001-2016 (NEST)**, **Policy 6 (Tourism)** advises that tourism and related developments shall be encouraged where they are compatible with policies to safeguard and enhance the built and natural environment. **Policy 12 (House Building in the Countryside Beyond the Green Belt)** states that there is a presumption against house building in such areas except the rehabilitation or extension of an existing house; replacement on the same site of a largely intact house; a new house essential to the efficient operation of an enterprise which is itself appropriate to the countryside; and in the interests of local needs, economic development and services, conversion of an existing non-residential vernacular building or within the Rural Housing Market Area, a new single house within an existing cohesive group of at least 5 houses. **Policy 19 (Wildlife, Landscape and Land Resources)** provides that development that would have an adverse effect on a Natura 2000 site will only be permitted where there is no alternative

solution and there are imperative reasons of an over-riding public interest. For National designations, development that would have an adverse effect will only be permitted where the objectives of the designation and the overall integrity of the area will not be compromised. **Policy 21 (Design)** seeks to improve the general standard of design. Local Authorities shall promote (amongst other things); environmentally friendly layouts; energy efficient designs; thermally efficient buildings; habitat enhancement; and use of sustainable materials.

5. In the **Aberdeenshire Local Plan 2006, Policy Env\1 (International Nature Conservation Sites)** states that development likely to have a significant impact on a site designated under the habitats or birds directives and not directly connected with or necessary to conservation management, must be the subject of an appropriate assessment. It will only be permitted where the assessment indicates that it will not adversely affect the integrity of the site; there are no alternative solutions; and there are imperative reasons of over-riding public interest, including those of a social or economic nature. **Policy Env\2 (National Nature Conservation Sites)** advises that development that would have an adverse effect on a SSSI or NNR will be refused unless the developer proves any significant adverse effects on the quality for which the area has been designated are clearly outweighed by social and economic benefits of national importance; the objectives of the designation and overall integrity of the area will not be compromised; and there is no alternative solution. **Policy Env\5B (Areas of Landscape Significance)** states that development within an Area of Landscape Significance will not be permitted where its scale, location or design will detract from the quality or character of the landscape either in part or as a whole. In all cases, the highest standards of design, in terms of location, scale, siting, aesthetics and landscaping will be required. **Policy Env\22 (Public Access)** states that development that would have an adverse affect on any existing or potential public access will be refused unless it retains existing or potential public access while maintaining or enhancing its amenity value; or it makes acceptable alternative access provision.
6. **Policy Hou\4 (New Housing in the Countryside)** permits a new house if it is for a full time worker in an enterprise which is itself appropriate to the countryside; the presence of that worker on site is essential to the efficient operation of the enterprise; there is no suitable alternative residential accommodation available; and the proposed house is within the immediate vicinity of the worker's place of employment; or where it is the conversion of a non-residential vernacular building. **Policy Emp\9 (Tourist Facilities)** states that new or improved tourist facilities and accommodation will be approved, subject to meeting certain criteria. **Policy Inf\4A (Foul Drainage Standards)** requires private foul drainage proposals to be provided without negative impacts on amenity, public health, and the environment. **Policy Gen\1 (Sustainability Principles)** advises that

developments will be assessed against sustainability indicators that relate to the local environment, community and economy. **Policy Gen\2 (The Layout, Siting and Design of New Development)** puts forward criteria for new development including, its scale, massing, height and density being appropriate, whilst displaying a high standard of design, materials, textures and colours that are sensitive to the surroundings.

7. **For information purposes only, the Draft Cairngorms National Park Plan for the Future: Priorities of Action 2007-2012** sets out 7 priorities. These include (amongst others) conserving and enhancing the Park's biodiversity and landscapes, making housing affordable and sustainable, making tourism and businesses sustainable, and developing awareness and understanding of the Park.

8. **Again for information purposes only, in the Consultative Draft Cairngorms National Park Local Plan**, the site lies in a **General Policy 2 area**. In such an area, development will only be permitted where it is demonstrated that there is no alternative and the aims of the National Park or the 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 the designation are clearly outweighed by social or economic benefits of national importance and are mitigated against. **General Policy 5 (Sustainable Development)** advises that all proposals for new development within the National Park shall be assessed in relation to their compliance with a set of stated sustainable development principles, including the design being of the highest quality, maximising energy efficiency measures, and using materials from sustainable sources, as well as local sources. **Topic Policy 1 (Natura 2000 and Ramsar Sites)** states that any development likely to have a significant effect on such a site must be subject to an appropriate assessment. **Topic Policy 4 (Landscape)** does not permit development that is likely to have an adverse impact on the special landscape qualities of the National Park. **Topic Policy 12 (Foul Water Drainage)** permits private infrastructure where it is demonstrated that there will be no adverse impacts on public health, other users, the wider environment and is agreed with SEPA. **Topic Policy 29 (Tourism Development)** supports the principle of new or enhanced tourist related facilities.

9. **Topic Policy 39 (Proposals for Housing Outwith Defined Settlements)** states that outwith established settlement boundaries proposals for new houses will be favourably considered where the proposal complies with at least one of three criteria. These are; the applicant has lived and/or worked in the area for at least 3 years, and is currently un-/inadequately housed; the proposal can be justified as essential to house worker(s) for long term economic activity which is specific to that locality, with a full reasoned case why housing elsewhere is not suitable – occupancy conditions will be required; or the proposal is for a new house which will be linked by a section 75

agreement to the active management of a crofting/agricultural unit or other land-based industry based in the specific locality. In each case, the application must be for a single house for permanent occupation and must either join an existing group of at least three houses; or be sited to complement the existing pattern and character of development.

CONSULTATIONS

10. **Aberdeenshire Council's Transportation and Infrastructure Service** have no objection. They state that the required visibility standards at the access are currently met and that there are no impacts on the parking provision at the site.
11. **Scottish Water** advise that on the basis of the information provided, the applicant proposes to limit and possibly reduce overall water consumption on the site. They therefore have no objection.
12. **SEPA** advise that if there is any increase in foul water drainage discharge from the site or proposals for a new system, trial pit investigations and percolation tests require to be carried out. Further information was received which stated that a new system, including a mini sewage treatment unit, was to be employed. Test pits have been dug and a report from a suitably qualified person has been submitted which confirms that the ground is suitable for a soakaway.
13. **Aberdeenshire Council's Environment Planning Officer** has confirmed that she finds the proposal acceptable, subject to conditions being imposed requiring tree retention and protection during construction. She also advised that the views of SNH as a consultee be sought regarding impact on designated sites.
14. **SNH as consultee**, advise that there are important natural heritage interests that could be affected by the development. In relation to the River Dee SAC, the site lies within the catchment area. The development will not result in additional sediment or phosphate loading in the catchment because of the high level of sewage treatment proposed. Volumes of water usage at the site are proposed to be reduced by up to 10% and otter are not likely to be affected because of the distance from the actual watercourse. In relation to the Muir of Dinnet SAC, the site lies close by. The development will not have a significant effect on the *clear-water lakes or lochs with aquatic vegetation and poor to moderate nutrient levels* feature because the development will include high levels of sewerage treatment and no increase in use of abstracted water. Otter will not be affected because of the distance from Loch Kinord. In relation to the Muir of Dinnet SPA (qualifies because of important populations of greenlag geese roosting), the development will take place during daylight hours when the geese feed on arable land at a distance from the site.

15. In relation to European Protected Species, a bat survey was carried out by **SNH** in May 2006. The roofspace of the existing building is used by a small number of bats. It is proposed that the development will be constructed between September and March, outwith the breeding season. Bat entrances and exits should be maintained during construction and the new building should incorporate new bat roosts, such as bat bricks or internal bat roost spaces. In addition, the site identified for the proposed visitor centre extension does not contain any of the Muir of Dinnet SSSI features. In relation to red squirrels, dreys are evident in the area but at a distance of approximately 33m. The development does not require the felling of trees and no dreys will therefore be directly affected. There will be increased noise during construction and on completion, a slight increase from noise generated by vehicles coming and going from the site. However, squirrels have a number of dreys in an area which they use concurrently so would be able to move further away if necessary. The work is programmed to start at the end of the breeding season which is January to September and therefore it is unlikely that dependent young would be affected.
16. In relation to landscape, **SNH as a consultee**, advise that the proposed extension is larger than the original building and there will be a considerable change in the character of the present visitor centre and its setting. They appreciate that efforts have been made to try and integrate the extension with the existing building. Nevertheless, they feel that it will tend to dominate the existing cottage and perhaps due to the fenestration and some materials it has a relatively complex appearance. However, they conclude that the development will have a small negative effect on the local landscape resulting from its scale and relationship to the existing building and therefore they do not object in principle, but they do suggest that improvements could be made. Finally, in relation to access and recreation, they state that the area is used for formal and informal recreation focussed around the existing visitor centre and local footpaths. The extension will enable summer staffing of the visitor centre and provide opportunities for increased formal and informal access to the area through activities such as guided walks and interpretation programmes.
17. To conclude, **SNH as consultee**, advise that, as described above, the development is not likely to significantly affect any natural heritage interest. They therefore do not object.
18. The **CNPA Natural Heritage Group** have provided detailed comments in relation to impact of design on trees, landscape, character of the area and the existing building, and footpaths. Some slight concern has been raised about certain aspects of the design in terms of some of the finishing materials of the extension, and the arrangement of the courtyard entrance area. In addition, they wish to ensure that trees are protected during construction, including the need for hand digging of new footpaths. It is stated that the effect of the proposal on the building itself will be quite significant but that at present it might not appear to

the casual view that it is a visitor centre at all. With the proposal added though, it is felt that its visitor centre function will be much more obvious. This is viewed as a good thing and will contribute positively to the overall nature of the site by clearly relating the building to its function and improving site legibility. To summarise, the **NHG** consider that the building would be a fine addition to the nature reserve and the Park as a whole. It is sensitively designed and with the necessary care taken during construction will not damage the woodland setting. The overall impact is seen as beneficial with a quality building designed sensitively on sustainable grounds. It will make the visitor centre fit the site better by being in proportion with the car park as well as the space it sits within.

19. The **CNPA Visitor Services and Recreation Group** states that the Muir of Dinnet and Burn O'Vat both feature in Section 4.4.2. (Natural Attractions) in the State of the Park Report as places that afford easy access for the visitor to see some of the special qualities of the National Park. In this case, the features are the fluvioglacial landforms and native woodlands. Ranger bases at Glen Tanar and Loch Muick provide information on natural features and habitats in their locality but these are significantly different from those at Dinnet. Additional information at Dinnet compliments this provision. SNH are currently undertaking a stakeholder consultation exercise to develop management plans looking at benefits to people of the newly redesignated NNR at Dinnet and this is welcomed. As well as the chance to inform people about the special qualities of the area there is an opportunity to positively influence visitor behaviour through clear messages about responsible access. As an early point of contact with the visitor, the building has the potential to make a lasting impression. In this context the use of natural materials and traditional construction is welcomed. The use of renewable energy also sends out clear messages about sustainable use of resources. In summary, Burn O'Vat is a prime site for interpreting the special qualities of the National Park. The stories are consistent with the National Park Framework for Interpretation and have considerable potential to promote understanding and enjoyment of the special qualities. **VSRG** are supportive of any sympathetic extension to the Burn O' Vat Centre that improves the experience for visitors.

REPRESENTATIONS

20. No representations have been received.

APPRAISAL

21. The issues requiring consideration in the determination of this application are the principle of the development (including the creation of a residential unit) in terms of planning policy and the aims of the

Park, the design impact of the development on the character and setting of the existing building and immediate surroundings, and the impact on natural heritage interests and existing public access in the area.

Principle

22. The proposal essentially constitutes a tourism related development where the principle objective is to improve awareness and understanding of the natural heritage of the NNR. The aim is to endeavour to change attitudes towards the use of the NNR and the natural heritage in the wider countryside. Planning policy and the aims of the Park are positive in terms of this objective and I see no conflict in this regard.
23. In order to facilitate this objective though, SNH wish to improve the overall management of the NNR. In this regard, they are seeking to have staff facilities and accommodation on site. Staff presence will enable the effective management of the Reserve, including the opening of the visitor centre and the provision of advice to visitors. In addition, in order to carry out management work efficiently on the Reserve, it is important that necessary tools and equipment are close at hand and securely stored. This also includes vehicles such as a fire tender, landrover and trailer. Since the visitor centre is not within any settlement, the vehicles and equipment require to be locked away at night.
24. SNH have advised that over the last 10 years or so, their experience at Dinnet is that it is extremely difficult to recruit and retain seasonal workers given the relative shortage of seasonal rented accommodation and the high cost of renting over the spring and summer seasons. In addition, they advise that the location is isolated and that having a 24 hour staff presence provides additional security. For similar reasons, SNH advise that they provide similar accommodation for their seasonal staff at Forvie and St. Cyrus NNRs elsewhere in Aberdeenshire.
25. The provision of improved visitor services at the site, as evidenced by the CNPA internal consultation responses, is very much welcomed. The need for a residential unit on site is also understood but this needs to be considered in terms of established countryside policy which presumes against housing in principle unless a need is demonstrated. I am convinced that the presence of staff on site is necessary from an operational point of view and with a view to improving and maintaining visitor services. It will also overcome the problem of recruiting seasonal staff. The occupier of the unit, (which is one bedroomed), will primarily be seasonal (April to October) but some occupation may take place outwith these months for occasional research or operational purposes.

26. **My view is that the nature of occupation of the residential unit is clearly ancillary to the main use of the building.** In this respect, physically, the accommodation is located within the new building and has connecting doors to both the office and visitor areas, and the workshop/garaging spaces. In my mind, it would not be possible or logical to sell or even lease the accommodation to someone not involved in the SNH operations at the site. I therefore do not feel that the creation of this ancillary residential unit in this instance represents the formation of a new separate house in the countryside. It does not set a precedent in this respect, and a Section 75 legal agreement restricting occupancy, in my mind, is not therefore required. **Nevertheless, the imposition of a planning condition ensuring that the unit is used for ancillary purposes to the main visitor centre operations only, is appropriate, and SNH are agreeable to this.**
27. **In terms of the principle of the proposal, I feel it is positive in terms of the aims of the Park and there are no planning policy contraventions.**

Design Impact on Character and Setting of Existing Building and Area

28. The applicant's agents have provided information on the design concept for the new building. This was in response to some initial concerns about the scale and height of the extension in relation to the existing building. The scale and height has evolved from the functional need for secure covered vehicle parking and general storage. Efforts have been made to reduce the overall height by reducing floor to ceiling heights and having solid ground floor construction rather than suspended floors. There was a desire to link the existing building with the new building from an operational point of view, rather than separate the two, but there were other advantages in this approach, namely, minimisation of footprint, less use of construction material, less impact on the setting of the area and trees, and desire to have the new build "set back" from the existing.
29. In this respect, I accept the reasoning for the proposed design. The applicants have agreed to use some timber cladding as opposed to wet harl, which I feel acknowledges the natural setting and promotes the use of natural resources. I feel that the character of the area and the existing building will change as a result of the new building, but I do not feel that this change is unacceptable in its context and its purpose. Indeed, the building will be of high quality, and I agree with the comments made by the CNPA Natural Heritage Group's Landscape Officer that it will be beneficial in terms of promoting and enhancing visually, the use of the site as an important visitor facility.
30. In addition, it should be noted that SNH are proposing the use of sustainable technologies within the building. A submitted report advises that options are being assessed for the use of solar energy,

geothermal heating, recycling of grey water, and water saving technologies.

Impact on Natural Heritage and Public Access

31. SNH as a consultee (assessment carried out by an officer from another area), have made a thorough assessment of the proposal and its potential impact on nearby natural heritage features. There are a number of international and national designations in the vicinity and evidence of protected species. However, the conclusions made (covered in detail in paragraphs 13 – 16) are that there will be no significant impacts and that no appropriate assessment is required. Nevertheless, it is necessary to impose conditions relating to bat protection, timing of works, tree protection (no trees are to be felled), hand digging of footpaths etc.
32. There are popular and well used footpaths which start and finish at the locality. There are some proposals to alter the position of some at the site but the works are insignificant and clearly the nature of the proposal is to promote further public access in a managed way in the area.

Conclusion

33. I am content that there is a justification for this proposal and that there are significant benefits in terms of the aims of the Park. There are no unacceptable impacts on natural and cultural heritage in the area and the proposal does not offend any planning policies either in principle or in detail.

IMPLICATIONS FOR THE AIMS OF THE NATIONAL PARK

Conserve and Enhance the Natural and Cultural Heritage of the Area

34. The proposal will not have any significant direct impacts on the natural and cultural heritage of the area. The use of the new building will though allow for more effective management of the NNR and its surroundings. This is viewed as positive in terms of this aim.

Promote Sustainable Use of Natural Resources

35. The applicants have submitted a report which outlines the potential for use of sustainable design technologies for improving energy efficiency, utilising renewable energy sources and minimising and reducing water consumption. In addition the applicants have agreed to use timber cladding on some parts of the new building.

Promote Understanding and Enjoyment of the Area

36. The presence of SNH staff on site and the improvement of visitor services at the locality is positive in terms of promoting the understanding and enjoyment of the special qualities of this important location.

Promote Sustainable Economic and Social Development of the Area

37. The consolidation and improvement of visitor services and the more effective management of the NNR has the potential to promote visitor numbers visiting and experiencing the special qualities of the area. This will contribute to the local tourism economy of the area. In addition, the provision of an ancillary residential unit will provide affordable accommodation for a seasonal worker based within this part of the National Park.

RECOMMENDATION

38. **That Members of the Committee support a recommendation to:**

Grant Full Planning Permission for Extension and Alterations to Existing Visitor Centre, at Burn O' Vat Visitor Centre, Dinnet, subject to the following conditions:

1. The development to which this permission relates must be begun within five years from the date of this permission.
2. The residential unit hereby approved shall be used solely for ancillary work purposes allied to the on-going operation and management of the Burn O' Vat Visitor Centre and the Muir of Dinnet National Nature Reserve, and it shall not be disposed of or leased out separately.
3. That unless otherwise agreed in writing with the CNPA acting as Planning Authority, construction of the new extension hereby approved, shall not involve breaking into the roof structure of the existing building, during the bat breeding season (March to September).
4. That unless otherwise agreed in writing with the CNPA acting as Planning Authority, during all construction works to the existing building, existing bat entrances and exits shall be maintained.
5. The development shall be landscaped and maintained in accordance with a scheme which shall be submitted to and approved in writing 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 details of any to be retained, together with measures for their protection in the course of the development 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 shall ensure:-

- i. 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.
 - ii. 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 three years of planting, shall be replaced by trees or shrubs of similar size and species to those originally required to be planted.
6. That from the date at which this planning permission is granted, no trees on the site shall be uprooted or damaged. Trees on the site shall only be felled, lopped or topped with the prior written approval of the CNPA acting as Planning Authority.
7. That no development shall commence on this site until trees marked for retention on the approved plans, have been protected around the extremities of the crowns of these trees to the satisfaction of the CNPA acting as Planning Authority, and in accordance with BS5837:2005, Trees in Relation to Construction.
8. That unless otherwise agreed in writing with the CNPA acting as Planning Authority, all new footpath works and works to reinstate existing footpaths at the site shall be hand dug.
9. That prior to the commencement of any works on site, the following information shall be submitted for the further written approval of the CNPA acting as Planning Authority;
- i. Exact details and specifications for all new windows and doors (including garage doors) and the finished colour/stain.
 - ii. Exact details and specifications for the proposed timber cladding and its finished colour/stain.
 - iii. Exact details and specifications for the location, design and finishing materials for all new gates, fences and walls.

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3 August 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.