

AGENDA ITEM 7

2008 COMMITTEE REPORT

APPENDIX I

CAIRNGORMS NATIONAL PARK AUTHORITY

Title: REPORT ON CALLED-IN PLANNING APPLICATIONS

**Prepared by: NEIL STEWART, PLANNING OFFICER
(DEVELOPMENT MANAGEMENT)**

DEVELOPMENT PROPOSED: Full Planning Permisssion for Change of Use from Existing Tearoom (Class 3) to Bed & Breakfast (Class 7) & Full Planning Permission for Erection of Dwellinghouse, both at Tomidhu, Crathie, Ballater

REFERENCE: 07/097/CP & 08/131/CP

APPLICANT: Mr A Skakles, Copper Beech, Crathie, Ballater

DATE CALLED-IN: 23 March 2007 & 18 April 2008

RECOMMENDATION: 07/097/CP – Grant, Subject to Conditions
08/131/CP – Grant, Subject to S.75 Agreement & Conditions



Fig. 1 - Location Plan

SITE DESCRIPTION AND PROPOSAL

1. This site is located on the north side of the A93 on the eastern edge of Crathie. It is accessed by a track which passes an existing traditional house facing the public road (outwith the site), and continues through the site into Crathie Wood. On site at present is a stone and slate built "L" shaped former steading building which has been converted into a tearoom and shop. While the works for this conversion project have been almost completed, the tearoom and shop use has never been commenced. To the south west side is a treed hillock which partially screens the property from the public road and to the west side lies a cluster of houses.



Fig. 2. Site viewed from A93 – former steading and house site to rear

2. This report relates to two planning applications by the same applicant. The applicant currently resides at a house, known as Copper Beech, which lies adjacent to the site on the west side. This house though is in the ownership of his son, and it is on the market – indeed, at the time of writing it is under offer. This first application is to convert the tearoom building into a B&B establishment, containing 5 bedrooms with dining room, kitchen and reception area. Three of the bedrooms will be suitable for disabled guests. The works are mainly internal, with the only external changes being the formation of some additional doors and some rooflights.



Fig. 3. Site viewed from north – former steading – proposed house site to replace garage

3. The second proposal, is for the erection of a new 3 bedroom house for the applicant and his youngest son. It is being promoted on the basis of a need case for the operation of the proposed B&B and it is to be located immediately to the north side of the tearoom building. The house is to be finished in slate and wet harling with timber framed windows to match those already installed in the tearoom. An access from the track is to serve both properties with car parking areas created between the two buildings. Indicative tree planting is shown around the site boundaries. It should be noted that additional information, clarification and modifications on both proposals were requested early in the determination processes but information was only recently received.



Fig. 3. Proposed house site (applicant's existing house to rear)



Fig. 4. Site Plan and House Elevations

Background/History

4. The planning permission for the tearoom and associated shop use was granted by Aberdeenshire Council in June 2000. In 2003, the applicant and his wife applied for permission to erect a new house, adjacent to the former steading on its west side, on the basis of need in relation to the operation of the tearoom business. There was also a personal justification. This related to the applicant's wife who was suffering from ill-health and was confined to a wheelchair. The new house was designed to be more compatible for her needs than their existing house at Copper Beech. This application was called-in by the CNPA and eventually approved by Planning Committee in 2005. The approval was the subject of a S75 agreement, which restricted occupancy of the house to someone working full time in the adjacent tearoom and shop business. This agreement was completed and signed by the applicant and the decision finally issued in March 2006. Unfortunately, the applicant's wife passed away, and this house has never been built.



Figs. 5. & 6 Other House Elevations and B&B Elevations



DEVELOPMENT PLAN CONTEXT

Cairngorms National Park Plan 2007

5. Strategic objectives for **Landscape, Built and Historic Environment** include, ensuring development complements and enhances the landscape character of the Park, and new development complementing and enhancing the character, pattern and local identity of the built and historic environment. Strategic objectives for **Housing** include improving the physical quality, energy efficiency and sustainable design of housing in all tenures throughout the Park. Strategic objectives for **Sustainable Tourism** include strengthening and maintaining the viability of the tourism industry in the Park and the contribution it makes to the regional and local economy.

Aberdeen and Aberdeenshire Structure Plan 2001-2016 (NEST)

6. **Policy 12 (House Building in the Countryside Beyond the Green Belt)** states that there will be a presumption against new houses in such areas except for a new house which is essential to the efficient operation of an enterprise which is itself appropriate to the countryside. **Policy 6 (Tourism)** tourism and related developments shall be encouraged where they are compatible with policies to safeguard and enhance the built and natural environment. **Policy 19 (Wildlife, Landscape and Land Resources)** states that development which would have an adverse effect on national designations such as a SSSI (Site of Special Scientific Interest) and an NSA (National Scenic Area) will only be permitted where the overall integrity of the area will not be compromised or any significant adverse effects are clearly outweighed by social and economic benefits of national importance.

Aberdeenshire Local Plan 2006

7. **Policy Env\2 (National Nature Conservation Sites)** and **Policy Env\5A (National Scenic Areas)** advise that development that would have an adverse effect on a SSSI or an NSA will be refused, unless the adverse effects are outweighed by social and economic benefits of national importance; the objectives of the designation and the overall integrity of the area will not be compromised; and there is no alternative site for the development. In an NSA the highest standards of design, in terms of location, scale, siting, aesthetics and landscape will be required. **Policy Hou\4 (New Housing in the Countryside etc.)** requires justification for new houses in the countryside in relation to the essential efficient operation of an enterprise which is itself appropriate to the countryside. **Policy Emp\9 (Tourist Facilities and Accommodation)** states that subject to meeting locational and design criteria, new tourist facilities and accommodation will be approved. Other relevant policies include **Policy Inf\4A (Foul Drainage Standards)**, **Policy Gen\1 (Sustainability Principles)**, **Policy Gen\2 (The Layout, Siting & Design of New Development)**, and **Policy Gen\3 (Developer Contributions)**.

CONSULTATIONS

Bed and Breakfast Application – 07/097/CP

8. **Ballater & Crathie Community Council** – they had previous objections to the tearoom use at the former steading in relation to traffic issues (buses). A B&B establishment would not generate

the same amount or type of traffic. They are content with the proposals.

9. **CNPA Sustainable Tourism Officer** – the tourism database shows relatively little visitor accommodation in the Crathie area. The proposed B&B would add to the visitor offering in the area. By contrast there are catering facilities nearby at Balmoral (in season) and the Royal Lochnagar Distillery. The loss of the potential tearoom is not a concern.
10. **Aberdeenshire Council's Senior Business Development Executive** – notes that the change to a B&B could have some positive impact in tourism terms. The Council's economic development strategy recognises the importance of recreational tourism to the North East economy. Growth targets will be achieved by developing existing businesses and from new entrants as in this case. The Royal Deeside area has been identified as a priority area for tourism development by Scottish Enterprise Grampian and the Council. A successful tourism sector will help expand the local economy, support direct and indirect employment opportunities and reduce reliance on other sectors.
11. **Aberdeenshire Council's Transportation and Infrastructure Service** – require 2.4m by 215m visibility splays and 6 no. parking spaces. The splays have been formed (from the previous tearoom permission) and the number of parking spaces indicated (7 in total) is adequate.

House Application – 08/131/CP

12. **Ballater & Crathie Community Council** – give their full approval.
13. **CNPA Economic Development Officer** – being part of plans for supporting the establishment of a B&B operation at the site, this development is generally welcomed.
14. **CNPA Outdoor Access Officer** – site is in proximity to Core Path UDE27 proposed in the Draft Core Paths Plan. This route follows a farm track which connects from the A93 at Tomidhu to Crathie Church without using the main road. However, the track lies outwith the development site and the plan shows a row of tree planting that will separate the development from the track, thereby creating a defined curtilage. Access along the track should be protected during construction.

15. **Aberdeenshire Council Archaeologist** – site is in proximity to a recorded souterrain. A watching brief during construction works is required.
16. **Aberdeenshire Council's Transportation and Infrastructure Service** - require 2.4m by 215m visibility splays and 2 no. parking spaces. The splays have been formed (from the previous tearoom permission) and the number of parking spaces indicated is adequate.
17. **Aberdeenshire Council's Planning Gain Co-ordinator** – in line with standard policy on financial contributions for single houses, a financial contribution towards affordable housing, education and percent for art is requested.
18. **CNPA Landscape Officer** – two issues that should be further considered. The existing buildings are of stone construction. The proposed wall finish would contrast with this. Stone should be considered for elements of the house closest to the adjacent track. Landscaping on the boundaries should consist of rural type hedging supplemented by native tree species.
19. **SNH** – site lies on the boundary of the Crathie Wood SSSI but they have no objection, subject to conditions that there is no encroachment of development activities, including vehicle or construction material storage or dumping, beyond the development site boundary, in the SSSI.

REPRESENTATIONS

Bed & Breakfast Application – 07/097/CP

20. Four letters in support of the B&B proposal have been submitted. These advocate the addition of B&B accommodation to Crathie and the Deeside area in general, the benefits that will accrue for visitors to the National Park, the development being promoted as disabled accommodation, and the credentials of the applicant in the provision of tourism facilities.
21. A fifth letter does not object to the change of use to the B&B establishment but queries the position regarding the links between the previous house permission and the new proposal.

House Application – 08/131/CP

22. One letter has been submitted which promotes the need for the B&B, but also supports the provision of and the need for a new house associated with the B&B business.
23. Copies of all letters are attached.

APPRAISAL

24. The starting point in the assessment of these proposals is the B&B development in the former steading. Planning permission exists for the conversion of this building to a tearoom and associated shop and the majority of the physical works to implement this permission have been carried out. However, because of the circumstances of the applicant in the intervening period, these approved uses have not been commenced. The proposal to revert now to a different use, in the form of a 5 bedroom B&B establishment must be judged on its own merits.
25. Planning policy supports the provision of tourist accommodation in principle. The responses from the CNPA's Sustainable Tourism and Economic Development Officers, and Aberdeenshire Council's Senior Business Development Executive, point to the need for this type of accommodation in the Deeside area, to help augment the current supply of accommodation and help the local economy. Crathie, although not a defined settlement, is a cluster of houses and community facilities which is well located on Deeside to access tourist facilities and features such as Balmoral, the Royal Lochnagar Distillery, the River Dee, Ballater and Braemar. The site is on the main A93 route and it is also close to connecting routes to Strathdon, Tomintoul and Strathspey. I would therefore consider the introduction of a B&B use at this site to be in compliance with the terms of ALP Policy Emp\9 (Tourist Facilities and Accommodation). It also can be considered to meet the strategic objectives of the Park Plan in relation to tourism, and the aims of the Park in this respect.
26. The physical changes to the building are minimal and the character of the original steading is retained. The new use will not generate the same levels of traffic that the tearoom and shop use may have created and in this respect, I consider that the proposed use is more compatible, in nature and scale, with the rural location and the site constraints. Adequate parking and drainage arrangements can be accommodated on the site.

27. Having established that the B&B use is acceptable, what are the “knock-on” effects of this on the extant permission for the house issued by the CNPA in 2006? This house can of course still be built. However, on the presumption that the B&B use will be implemented (and there are clear indications now that this will be the case), due to the restrictions on the occupancy of this previous house (related to the tearoom use) it could not be occupied. To do so would breach the terms of the current S75 agreement. If the applicant wished to pursue the occupation of the house, he would need to seek a formal discharge or variation of the terms of the S75 agreement in relation to occupancy, to the effect that it would be related to the new B&B use. That would raise the question of whether there was still a justification, on the basis of need, for the house.
28. Nevertheless, due to the sad loss of his wife (and his mother who also resided with him), the applicant’s circumstances have changed. There is no longer a need to have a house of the size and design previously approved (need for full wheel chair access etc.). The applicant now wishes to erect a smaller three bedroomed house in a different part of the site, which will overlook the access and entrance areas of the proposed B&B. The previous house will therefore no longer be built, but, if the new house is found to be acceptable, there will still be a need to revoke this previous house permission.
29. The final assessment therefore is whether there is still a justified need for a house on the site, in relation to the efficient operation of the proposed B&B use. The applicant currently resides adjacent to the site at Copper Beech. It could be argued that the case therefore for a new house, without the personal circumstances and needs that were associated with the previous house proposal, would seem to be reduced. However, as stated in paragraph 3 above, I have legal confirmation that Copper Beech does not belong to the applicant but to one of his sons. The house is currently on the market. Indeed, I have checked with the selling agents, and the property is under offer, with a settlement date envisaged for sometime soon. Copper Beech will therefore no longer be able to be used as an argument for resisting a further new house because it will not be in the ownership of the applicant’s family. Taking account of this, the question is therefore - is any house required for the efficient operation of the proposed B&B?
30. The applicant has provided some supporting information. He will attend to virtually all the work associated with the running of the B&B, although it is envisaged that one part-time person may be

required for 2-3 hours per day to assist with breakfast. The close proximity of the house to the proposed B&B is to ensure security and control. It is envisaged that there will be long hours, with early breakfasts to tie in with flights for example, and guests booking in during the evening or later. It is the case that B&B operations normally encompass owner accommodation either within the building or at least in close proximity. This is due to the need to be on site, almost 24 hours a day, to deal with emergency situations, be on hand for people arriving unannounced, early preparation of breakfasts, cleaning and preparation of rooms etc. I therefore consider that there is a justification, in relation to the efficient operation of the proposed B&B, for the applicant to reside on site, provided that the occupancy of the new house, is restricted by S75 agreement, to someone working in the B&B establishment. To this end, there will also be a need to condition that occupation of the new house does not take place until the B&B is in operation. In addition, the S75 agreement will also require to revoke the previous house permission (03/061/CP). The applicant has agreed to all of these legal requirements.

31. The proposed house design has been modified from its first submission and now represents a modest building of a fairly simple appearance. The overall scale and appearance, with the finishing materials of slate and traditional wet harl, and conservation type rooflights, is one which I find acceptable in its context. It will be tucked behind the former steading building when viewed from the A93 and it will sit comfortably in relation to its surroundings and its position within the National Scenic Area. Additional landscaping is proposed and can be conditioned.

Conclusion

32. The development proposals are found to comply with planning policies contained in the Aberdeenshire development plans for the area. While the previous proposals for a tearoom, shop and sizeable house, were acceptable, I would consider that the new proposals are now of a more appropriate scale and nature, in relation to the site's rural context. It is hoped that by supporting the developments, the site can finally be redeveloped and its "unfinished" appearance finally removed.

IMPLICATIONS FOR THE AIMS OF THE PARK

Conserve and Enhance the Natural and Cultural Heritage of the Area

33. The site lies within an NSA and adjacent to SSSI. However, the integrity of the NSA will not be affected by the development and provided conditions are imposed relating to construction operations and material storage there will be no affects on the SSSI. A watching brief is required to mitigate against any adverse impacts on the souterrain which lies to the south side of the site.

Promote Sustainable Use of Natural Resources

34. There are no significant implications for this aim.

Promote Understanding and Enjoyment

35. The access track adjacent to the site is a proposed Core Path. However, provided construction activities are confined to the site, there will be no impacts on the use of this track by the public.

Promote Sustainable Economic and Social Development

36. The creation of this B&B operation will help augment the existing supply of tourist accommodation in the area and as a consequence will help sustain the local economy.

RECOMMENDATION

37. **That Members agree to:-**
- a. **Grant Full Planning Permission for Change of Use of Existing Tearoom (Class 3) to Bed and Breakfast (Class 7), Tomidhu, Crathie (07/097/CP), 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. That no storage and/or dumping of construction materials or debris, or parking of construction vehicles, shall be permitted outwith the defined site boundaries, at any time.
 - 3. That prior to the commencement of the use of the Bed and Breakfast business hereby approved, the parking areas, as shown on the approved site plan drawing, shall be completed and available for use.

4. That prior to the commencement of the use of the Bed and Breakfast business hereby approved, full working details of the proposed foul drainage proposals (as approved for Building Warrant), shall be submitted for the further written approval of the CNPA acting as Planning Authority.
 5. 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 within 2 months of the date of this planning permission. The scheme shall indicate the siting, numbers, species and heights (at the time of planting) of all trees, shrubs and hedges to be planted 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 three years of planting, shall be replaced by trees or shrubs of similar size and species to those originally required to be planted.
 6. The landscaping and maintenance scheme required by condition no. 5 above, shall include a full scheme for the reinstatement and landscaping of the areas of excavation that have been carried out to the south west side of the former steading (but excluding the area of parking in this location).
- b. Grant Full Planning Permission for Erection of Dwellinghouse, Tomidhu, Crathie (08/131/CP), subject to:-**
- **completion of a S75 Legal Agreement; restricting occupancy of the house to someone working full-time in the adjacent B&B business; preventing the disposal of the house separately from the B&B business; and revoking the previous house planning permission reference number 03/061/CP;**
 - **submission of the required developer contributions prior to the issue of permission; and**

- **the following conditions,**

1. The development to which this permission relates must be begun within five years from the date of this permission.
2. That prior to the occupancy of the dwellinghouse hereby approved, the works for the formation of the adjacent Bed and Breakfast business (approved under planning application ref: 07/097/CP), shall be complete and the Bed and Breakfast use shall have commenced.
3. That no storage and/or dumping of construction materials or debris, or parking of construction vehicles, shall be permitted outwith the defined site boundaries, at any time.
4. That prior to the occupation of the dwellinghouse hereby approved, the parking areas, as shown on the approved site plan drawing, shall be completed and available for use.
5. That prior to the occupation of the dwellinghouse hereby approved, full working details of the proposed foul drainage proposals (as approved for Building Warrant), shall be submitted for the further written approval of the CNPA acting as Planning Authority.
6. That prior to the commencement of works for the installation or construction of the following external finishing materials, details and specifications (samples may be required) shall be submitted for the further written approval of the CNPA acting as Planning Authority:-
 - a. the roofing slate;
 - b. the wet harl; and
 - c. the timber framed windows.
7. 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 within 2 months of the date of this planning permission. The scheme shall indicate the siting, numbers, species and heights (at the time of planting) of all trees, shrubs and hedges to be planted 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 three years of planting, shall be replaced by trees or shrubs of similar size and species to those originally required to be planted.
8. That the developer shall secure the implementation of an archaeological watching brief, to be carried out by an archaeological organisation acceptable to Aberdeenshire Council's Archaeology Service, on behalf of the CNPA acting as Planning Authority, during the ground-breaking and development work for the dwellinghouse hereby approved. The retained archaeological organisation shall be afforded access at all reasonable times and allowed to record and recover items of interest and finds. The name of the archaeological organisation retained by the developer shall be given to the CNPA acting as Planning Authority and Aberdeenshire Council's Archaeology Service in writing not less than 14 days before development commences.

Neil Stewart

25 March 2009

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