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## CAIRNGORMS NATIONAL PARK AUTHORITY

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**Title: REPORT ON CALLED-IN PLANNING APPLICATION**

**Prepared by: KATHERINE DONNACHIE  
(PLANNING OFFICER,  
DEVELOPMENT MANAGEMENT)**

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**DEVELOPMENT PROPOSED:** Conversion and Extension of Building to form Farm Shop with Cafe Facility and Formation of Car Park and Change of Use of Land to Class 4 (Business) at Cambus O' May Cheese Company Ltd Deeside Creamers Cambus O'May Ballater

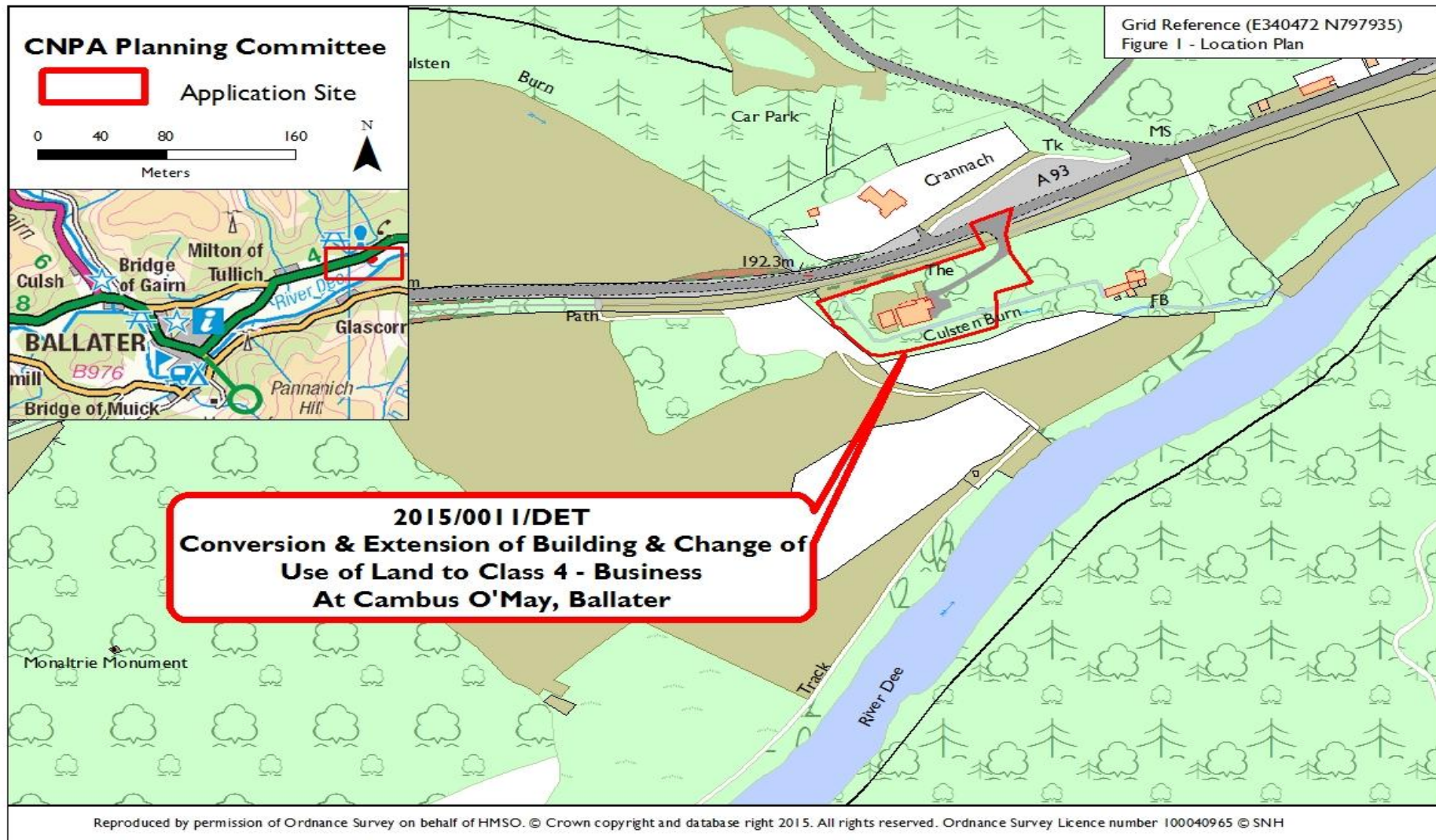
**REFERENCE:** 2015/0011/DET

**REASON FOR CALL IN :** The proposal is to add 102 sq m of cafe/shop floorspace to the existing smokehouse building, together with a timber deck, and to provide a further 15 parking spaces, which requires the previous site boundary to be extended into the woodland area. This is deemed to be a Type I application - an application that is directly related to an application that has previously been determined by the CNPA

**APPLICANT:** Alexander Reid

**DATE CALLED-IN:** 26 January 2015

**RECOMMENDATION:** APPROVAL SUBJECT TO CONDITIONS



## **SITE DESCRIPTION AND PROPOSAL**

### **Plans and Documents**

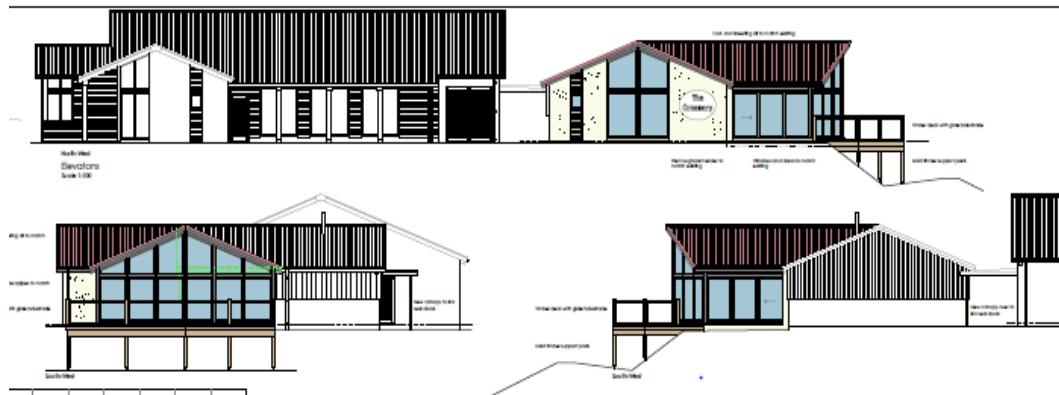
1. The drawings and documents associated with this application are listed below and are available on the Cairngorms National Park Authority website unless noted otherwise:

<http://www.eplanningcnpa.co.uk/online-applications/applicationDetails.do?activeTab=documents&keyVal=NBHYHOSI0BX00>

<b>Title</b>	<b>Drawing Number</b>	<b>Date on Plan</b>	<b>Date Received</b>
Survey Drawing	2013-115/501	January 2015	26 Jan 2015
Floor Plan and Elevations	2013-115/PO1	January 2015	26 Jan 2015
Site and Location Plan	2013-115/PO2	January 2015	26 Jan 2015
Landscaping Layout by Astell Associates	CCC-1408-CP	10 August 2014	
Flood Risk Assessment by Mountain Environments	MNV/RC/0309/1127	June 2009	
Flood Risk Assessment Update by Enviro Centre		March 2015	
Otter Survey by Astell Associates	UECB-1503-OS	25 March 2015	
Environmental Appraisal for Proposed Car Park by Astell Associates	CCM-1410-EIS	17 November 2015	
Landscaping Layout by Astell Associates	CCC-1503-CP	24 March 2015	
Bat Survey by Astell Associates	CCM-1503-BS	25 March 2015	

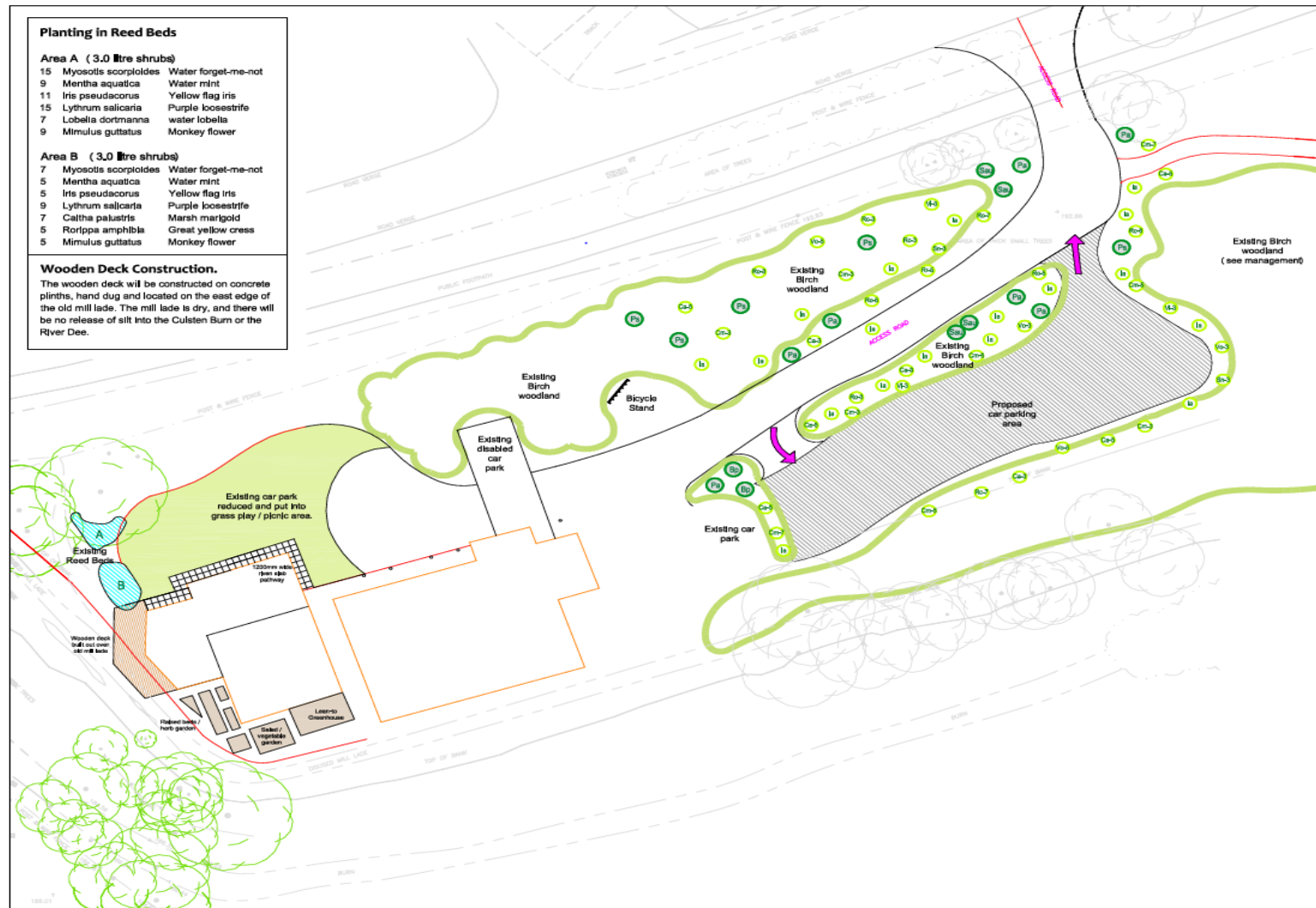
2. This application seeks full planning permission to extend an existing cheese factory business to provide a cafe and retail accommodation at Cambus of Mey to the east of Ballater. The application site currently comprises an established cheese factory building and separate store and smoke room building, set in a wooded location to the south of the Deeside Way Core Path and to the north of the River Dee as shown in **Figure 1**. The additional accommodation is achieved through conversion of existing store accommodation to kitchen and retail area, with a new coffee shop extension and decking area to the north-west.
3. The existing store building will be extended north westwards by way of a pitched roof single storey L shaped extension, with increased glazing as

shown in **Figure 2**. Proposed finishes are wet harled walls, corrugated roof sheeting and timber detailing, all to match existing with timber deck area on timber supports.



**Figure 2 – Proposed Elevations**

4. This extension will be located between the existing building and the Culsten Burn which leads round the back of the buildings to join the River Dee. The former mill lade lies between the burn and the buildings at a lower level than the buildings, and advantage will be taken of the sloping land to provide a viewing area set on stilts thus avoiding excavation/ground works.
5. A car parking area for 15 cars is proposed within a partly treed area to the east of the existing building with disabled parking space provided close to the building complex where there is also parking and servicing provision. The originally approved application site will be extended to accommodate this – the applicant controls further land around this extended site. Part of this land was formerly occupied by a reed bed system for the site until a new system was provided. This comprises reed bed /SUDS drainage ponds to the north east of the buildings. New cycle rack provision is proposed. Existing vehicular access onto the A93 Aberdeen to Ballater road will be used, with no changes proposed. The layout is shown in **Figure 3** which also illustrates landscape areas to be managed, with additional planting proposed.



**New Shop & Restaurant & Associated Car Parking**  
**Cheese Works at Cambus o' May**

**Project:** Landscaping layout at At Cambus o' May Cheese Factory

**Client:** Mr A Reid

**Date:** 26th March 2015

**Drawn:** COCC-1503-CP

**CAD File:**

**Scale:** 1:250 @A2

**Client:**

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 www.coccon.co.uk

Figure 3 - Proposed Site Layout

6. The following supporting information was submitted with the application:
- a) Supporting Statement from applicant outlining the rationale behind the expansion. This also explains the product which will be offered and how the applicants consider it will complement the existing cafe business at Crannoch to the north, using artisan bread products from that business to complement the applicants' cheese product. It is envisaged that 3 to 5 local staff will be employed, envisaged on a seasonal basis. A copy of the supporting statement is attached as **Appendix I**.
  - b) Updated Flood Risk Assessment, which updates the previously submitted 2009 study to take account of the implications of the new extension. This concludes that the extension is not predicted to be at risk of flooding including allowance for climate change.
  - c) Environmental Appraisal which comprised an environmental walkover survey and considered ecological and landscape impacts. This concluded that there was no evidence of protected species and no important habitats.
  - d) Extended Otter Survey which found evidence of otter spraints in the area, but no couch/holt/den. The survey also highlighting from comparison to earlier surveys that there was no evidence that otter activity had been affected by the approved development to date. It was concluded that there would be no affects on otter in the area as a result of construction or operation of the development.
  - e) Bat Survey in relation to the conversion works to the store building. This concluded there was no evidence of roosting bats.
  - f) Landscape Plan to show management of, and additional planting within, areas of existing birch surrounding the site.

## RELEVANT PLANNING HISTORY

7. A planning application was considered by the Cairngorms National Park Authority (CNPA) Planning Committee in July 2009 for a cheese making dairy and following resolution of developer contributions SEPA concerns regarding flood risk consent was granted in 2010. The development has subsequently been built (Reference 08/378/CP). On land to the east an application for a new house incorporating an original sawmill structure here was also considered by the CNPA Planning Committee in June 2010 (Reference 08/359/CP) with approval granted in 2011. This has not yet been implemented.

## DEVELOPMENT PLAN CONTEXT

### National Policy

8. **Scottish Planning Policy** (SPP, revised 2014) sets out national planning policies that reflect Scottish Ministers priorities for the operation of the planning system and for the development and use of land. Under planning law, planning applications must be determined according to the development plan unless material considerations indicate otherwise. The content of SPP is a

material consideration in planning decisions that carries significant weight. The SPP promotes consistency in the application of policy across Scotland whilst allowing sufficient flexibility to reflect local circumstances.

9. The SPP sits alongside four other Scottish Government planning policy documents:
  - a) The **National Planning Framework** (NPF) which provides the statutory framework for Scotland's long term spatial development. The NPF sets out the Scottish Government's spatial development policies for the next 20 to 30 years;
  - b) **Creating Places**, the policy statement on architecture and place, containing the Scottish Government's policies and guidance on the importance of architecture and design;
  - c) **Designing Streets**, a policy statement putting street design at the centre of placemaking. It contains policies and guidance on the design of new or existing streets and their construction, adoption and maintenance; and
  - d) **Circulars**, which contain policy on the implementation of legislation or procedures.
10. Scottish Planning Policy seeks to support business and employment and to facilitate sustainable economic growth.

### **Strategic Policy**

#### **Cairngorms National Park Partnership Plan (2012-2017)**

11. The Cairngorms National Park Plan sets out the vision and overarching strategy for managing the Park and provides focus and priorities at a time of limited financial resources. The Plan also provides a strategic context for the Local Development Plan and shows how the four aims of the National Park can be achieved together. It sets out the strategic direction and priorities for the Park.
12. Three long term outcomes for the Park are set out as follows:
  - 1) A sustainable economy supporting thriving businesses and communities;
  - 2) A special place for people and nature with natural and cultural heritage enhanced; and
  - 3) People enjoying the park through outstanding visitor and learning experiences.

These outcomes address the interaction of the three main characteristics of the National Park these being that the Park is an internationally important area for nature conservation; a fragile rural economy, and an internationally known tourism destination. Recognising the relationship of these outcomes is at the heart of the National Park. A series of work programmes to help deliver the outcomes is set out in the Plan.

Also relevant in this case is Policy 1.1 which seeks to grow the economy of the Park by strengthening the existing business sector as well as supporting business diversification and start ups

### **Local Plan Policy**

#### **Cairngorms National Park Local Development Plan (2015)**

13. All new development proposals require to be assessed in relation to policies contained in the adopted Local Development Plan. The full wording of policies can be found at: <http://cairngorms.co.uk/park-authority/planning/local-development-plan>. Key policies relevant to the proposed development are summarised below:
14. *Policy 2: Supporting Economic Growth Policy 2.3* seeks to support economic development, and to support proposals which support or extend the economy or which enhance the range and quality of economic opportunities or facilities, providing it is compatible/complementary with existing business activity in the area and supports the vitality and viability of the local economy and the broader economy of the Park.
15. *Natural Heritage Policies 4.5 and 4.6* seek to ensure that all development furthers the conservation of biodiversity through its maintenance and enhancement. *Policy 4.1* seeks to ensure that development which is likely to have a significant effect on a Natura 2000 site demonstrates that there will be no adverse effect on the integrity of the site.
16. *Policy 5: Landscape* states that there will be a presumption against any development that does not conserve and enhance the landscape character and special qualities of the Cairngorms National Park, and that any adverse effects are minimised and mitigated through appropriate siting, landscaping and design.
17. *Policy 3: Sustainable Design* sets out that all new development should be sympathetic to the character of the area and use materials and landscaping that will complement the setting of the development as well as promoting sustainable transport methods.
18. *Resources Policies 10.1 and 10.2* seek to ensure that surface water is appropriately treated and that development is free from risk of flooding

### **Supplementary Planning Guidance**

19. Current supplementary guidance on sustainable design, natural heritage and landscape sets out issues to be considered and these are largely reflected in the Supplementary Guidance recently approved by the Planning Committee which will be passed onto Scottish Ministers with a view to future adoption.



## CONSULTATIONS

20. **Scottish Natural Heritage (SNH)** was consulted and has not provided any formal comments to date. They have advised verbally that it is unlikely that they will have any comments and that the development is not likely to have any significant effects on the River Dee Special Area of Conservation.
21. **Scottish Environmental Protection Agency (SEPA)** was consulted on the updated Flood Risk Assessment and their comments are awaited at the time of writing.
22. **Aberdeenshire Flood Prevention Team** initially noted the proximity of the site to a 1 in 200 year event fluvial floodplain and highlighted that a Flood Risk Assessment is required in order to demonstrate that the site is above the functional flood plain (defined as 1 in 200 year event plus climate change) The submitted Flood Risk Assessment did not cover the proposed extension and this required to be updated and considered. On receipt of the updated Assessment the Team advise that they have no objections to the proposal with the updated information addressing their points satisfactorily.
23. **Aberdeenshire Roads Service** has no objections highlighting that 12 spaces are required for the development and that the overall car parking provision of 22 spaces is satisfactory and that two spaces should be reserved for disabled badge holders. They also highlight that due to the proximity to the Deeside Way and the likelihood of visitors arriving by bicycle, cycle stands should be provided close to the main entrance. They have recommended a number of planning conditions relating to provision of visibility splay and parking prior to occupancy of the development. They have also confirmed that the visibility splays sought with the original development have been provided and the planning condition recommended is to ensure the continued provision of these splays.
24. **Aberdeenshire Environmental Health Service** has no objections.
25. **Inclusive Cairngorms** has been consulted and comment it should be ensured that the extension and wider site, including parking, is fully accessible to people with disabilities.
26. **CNPA Ecology Officer** noted that the site lies some 46 metres north of the River Dee Special Area of Conservation (SAC), designated for Atlantic salmon, otter and fresh water pearl mussel with the Culsten Burn adjacent to the site forming part of the SAC. Accordingly, SNH should be consulted as to any Habitat Regulations Appraisal requirements. In addition the originally submitted otter survey required to be extended to ensure areas within 200 metres of the River Dee are surveyed for otter. A revised otter survey was duly submitted and the Officer has concluded there is unlikely to be disturbance to otters foraging and commuting providing construction only takes place during daylight hours. It is also recommended that any lighting at the operational stage does not illuminate habitat adjacent to the site to avoid unnecessary disturbance to nocturnal animals.

27. The Officer also noted that young birch will be lost to accommodate car parking, but the ecological impact of this is low with scope to enhance the remaining areas and compensate with additional planting provision including planting around the margins of the SUDS ponds.
28. Finally the Officer noted that the building proposed for conversion has low potential for roosting bats but this should also be checked. A bat survey was duly submitted which demonstrated that there were no signs of roosting bats.
29. In these circumstances the Officer has no objections to the proposed development subject to appropriate planning conditions to ensure no disturbance to otters.
30. **CNPA Landscape Advisor** considers that the proposed extension is in character with the existing building, and will integrate well with the wooded location provided the footings of the timber uprights are non intrusive and burnside tree cover is retained. Provision of the new car park will result in loss of an area of regenerating birch and this area will be visible from the A93 road and the Deeside Way especially in winter. The proposed planting scheme will help to reduce this impact but it is recommended that additional planting (of mixture of native species) be provided, partly outwith the red line application site, in order to provide more rapid screening and the landscape enhancement sought by policy. On this basis the Officer considers that any landscape impacts can be satisfactorily mitigated.
31. Following consideration of these comments the applicant's agent provided a revised landscape scheme to illustrate enhanced landscaping provision and the Landscape Advisor confirms that this is largely acceptable subject to some minor amendments regarding species to remove non native species from the proposals.
32. **CNPA Economic Development Officer** has highlighted the growing significance of artisan food and drink products in Scotland and the contribution this could make to the Scottish economy. In relation to the Cairngorms National Park, the Strategy and Action Plan for Sustainable Tourism has an action to make more of Cairngorms produce, stating that using more local food in tourism enterprises and for direct sales to visitors can strongly contribute to a distinctive experience as well as boosting the retention of income locally. The application site is the only commercial cheese maker in the National Park.
33. The current application may improve the food offering for visitors and residents and attract additional visitors to the area, providing a unique experience as well initial job creation with the construction then with the estimated 3-5 additional staff employed and trained to run the cafe.

34. Although a business plan has not been provided, the past record of delivery indicates that any investment will be well planned and the Officer concludes that the proposed development has the potential to have a positive economic impact on the economy of the National Park.
35. **Ballater Community Council** has been consulted and their comments are awaited at the time of writing.

## REPRESENTATIONS

36. The application was advertised and one objection has been received from the operator of the Riverside Cottage Cafe (previously known as the Crannoch Cafe) which lies to the north of the public road. This is attached as **Appendix 2**. The objector outlines that the existing Riverside Cafe uses artisan produce from the Crannoch Bakery which is the cafe's unique selling point. The cafe is very successful and it is planned to expand the business.
37. The main basis of objection to the proposed development is as follows:
1. Increased traffic to the development will create road safety hazard as the access is unsuitable for this level of traffic due to limited visibility and conflicts with the Deeside Way which crosses the access road to the application site.
  2. Proposed development does not offer sufficient diversity from existing businesses to build sustainability of both businesses and thus does not comply with the aims of the Cairngorms National Park Plan in relation to supporting the growth of tourism based business and sustainable tourism.

## APPRAISAL

### Principle

38. Local Development Plan Policy 2.3 on Economic Development provides general support for this type of proposal which seeks to extend an existing business in the National Park. This support is subject to meeting other relevant local planning policies and to ensuring that the proposed development is compatible and complementary with existing business activity in the area and supports the vitality and viability of the local economy and the broader economy of the Park.
39. In this regard the proposed development will enable the diversification of the existing successful cheese making operations at the site by providing retail/cafe facilities which should help retain visitors as well as encourage more visitors. It will also help support other local businesses that may provide products for the cafe, in addition to the job creation envisaged.

40. The impact on the nearby cafe at Riverside Cafe has been raised by the objector to the application. There is no particular land use planning reason to resist the application on the grounds of potential competition and it is considered that the provision of two good quality cafes in close proximity may be beneficial to visitors to the area and to the economy of both the immediate and wider area. In addition the site is well located for visitors whether coming by car, bus or foot/bicycle due to its proximity to the Deeside Way, A93 Aberdeen to Ballater road with a bus stop located on the opposite side of this road. Finally, as noted by the Economic Development Officer, the food industry is an important part of the economy of the National Park.
41. Accordingly the proposed development is considered to comply with the principles of Local Development Plan policies on economic development as well as Scottish Planning Policy which seeks to facilitate sustainable economic growth. In relation to the detail of the application the following key issues of Design and Layout, Access and Servicing and Environmental Impacts are now considered.

#### **Design and Layout**

42. The design of the proposed extension relates well to the existing building which fits in well to its wooded setting at present. The extension has been designed to take account of this setting with additional parking designed to similarly fit in. Following discussion, additional landscaping is now proposed which will enhance the setting of the development. Therefore it is considered that the development complies with Policies 3 and 5 on Design and Landscape subject to appropriate planning conditions regarding implementation of landscaping.

#### **Access and Servicing**

43. The proposed development utilises existing servicing arrangements to the satisfaction of the appropriate consultees, principally the Roads Service, who have confirmed that the access arrangements are satisfactory subject to appropriate conditions being attached to ensure provision of parking areas as proposed, disabled parking spaces and cycle racks.
44. Whilst the objector has raised concern regarding the safety of the site access, the visibility from this access point is good and meets with Roads Service requirements. The site access already crosses the Deeside way where barriers were put in place at the time of the original development and this system appears to operate well with no conflicts. In these circumstances the development is considered to be acceptable in road safety terms.

## **Environmental Impacts**

45. As noted earlier, further information has been submitted to demonstrate that there will be no adverse impact upon European Protected Species. Additional planting is proposed to mitigate for the loss of the regenerating birch woodland. Whilst SNH have not formally responded at the time of writing it is considered that there should not be any adverse effects in these circumstances upon the interests of the nearby River Dee SAC and that the development complies with Local Development Plan Policy 4 on Natural Heritage.
46. The final potential environmental impact from this development relates to flooding given the site's location close to a fluvial flood plain. However sufficient information has now been provided to demonstrate to the satisfaction of the Flood Prevention Authority (Aberdeenshire Council) that there will not be any adverse flooding issues as a result of the new development as required by Local Development Plan Policy 11 on Resources. An update will be provided at Committee as to SEPA's views.

## **CONCLUSION**

47. In these overall circumstances this development is considered to comply fully with Local Development Plan policy with no material considerations in this case to indicate why the application should not be approved. The development is generally welcomed in economic terms and is of a good standard of design, well located in the landscape and is now providing additional landscape and biodiversity provision. Approval is therefore recommended subject to planning conditions.

## **IMPLICATIONS FOR THE AIMS OF THE NATIONAL PARK**

### **Conserve and Enhance the Natural and Cultural Heritage of the Area**

48. The proposed development readily supports this aim by providing areas of mitigation landscaping/management to compensate for the loss of young birch trees and to also enhance the setting.

### **Promote Sustainable Use of Natural Resources**

49. The development has been designed to minimise the environmental impact and includes the use of sustainable materials such as wood in the design. Also the conversion and extension of an existing building is inherently more sustainable than a new build project.

### **Promote Understanding and Enjoyment of the Area**

50. The proposed development has potential to support this aim by attracting visitors to the area and increasing their enjoyment by providing an additional visitor resource. It is also well located to the Deeside Way thereby providing

potential for users to further enjoy the area by continuing their journey along this route. As a result of the design, siting and landscaping of the new development there will be loss of enjoyment in terms of views for existing users of this route.

**Promote Sustainable Economic and Social Development of the Area**

51. The proposed development readily supports this aim by diversifying a well established local business and supporting an important sector of the National Park economy – food and drink. In addition it will create jobs during both the construction and operational stages.

**RECOMMENDATION**

**That Members of the Committee support a recommendation to GRANT Full Planning Permission for the Conversion and extension of building to form farm shop with cafe facility and formation of car park and Change of use of land to Class 4 (Business) at Cambus O' May Cheese Company Ltd Deeside Creamers Cambus O'May Ballater subject to the following conditions:**

1. No development shall commence until details of the formation, surfacing and drainage of the proposed car parking area have been submitted to and approved in writing by the Cairngorms National Park Authority acting as Planning Authority. The development shall thereafter not be brought into use until the car parking layout has been implemented in strict accordance with the approved layout plan with provision made for two spaces to be reserved for disabled badge holders. The parking area shall thereafter be retained for this use in association with the development hereby approved.

Reason: To ensure that the development is satisfactorily serviced in accordance with Local Development Plan Policy 3 on Sustainable Design.

2. No development shall commence until details of the proposed cycle stands (including design, location and provision for 4 stands) have been submitted to and approved in writing by the Cairngorms National Park Authority acting as Planning Authority. The development shall thereafter not be brought into use until the cycle stands have been implemented in strict accordance with the approved details. The cycle parking shall thereafter be retained for use in association with the development hereby approved.

Reason: To ensure that the development is satisfactorily serviced, in accordance with Local Development Plan Policy 3 on Sustainable Design.

3. The landscaping proposals shall be implemented in accordance with the Landscaping Layout by Astell Associates 24 March 2015 drawing number CCC-1503-CP (and subject to the exclusion of non native species *Crateagus* and *Viburnum Lanata*) in the first planting season following the development hereby approved being brought into use. The landscaping shall be retained and maintained thereafter in strict accordance with the approved scheme.

Reason: To ensure the development fits in to the area and complies with Local Development Plan Policies 3, 4 and 5 on Sustainable Design, Natural Heritage and Landscape.

4. The development shall be constructed in strict accordance with the approved plans, finishes and sections.

Reason: To ensure the development fits in to the area and complies with Local Development Plan Policies 3 and 5 on Sustainable Design and Landscape.

5. Visibility splays measuring 2.4 metres by 215 metres on either side of the existing junction onto the A93 road shall be maintained free from all permanent obstructions above adjacent carriageway level throughout the lifetime of the development hereby approved.

Reason: To ensure that the development is satisfactorily and safely accessed in accordance with Local Development Plan Policy 3 on Sustainable Design.

6. At both construction and operational stage any external lighting shall be installed to ensure it does not illuminate habitats surrounding the site. As such, any external lighting should be permanently directed away from woodland and watercourses surrounding the site and downwards lit.

Reason: To ensure the development does not disturb protected species in the area in accordance with Local Development Plan Policies 4 on Natural Heritage

7. All construction works shall take place during daylight hours.

Reason: To ensure the development does not disturb protected species in the area in accordance with Local Development Plan Policies 4 on Natural Heritage

**Informatives:**

1. In accordance with section 58 of the Town and Country Planning (Scotland) Act 1997 (as amended), this permission lapses on the expiration of 3 years beginning from the date of this permission, unless the development to which this permission relates is begun before that expiration.
2. Construction work (including the loading/unloading of delivery vehicles, plant or other machinery) should not take place outwith the hours of 0800 hours to 1900 hours Mondays to Fridays, 0800 hours to 1300 hours on Saturdays or at any time on Sundays or Bank Holidays in order to minimise disturbance to residents in the area.
3. With regard to the landscape proposals the developer should be made aware that larger species will require a greater maintenance commitment over the during the first year or two of establishment –please refer to comments on Cairngorms National Park Authority Landscape Advisor

**Officer Name: Katherine Donnachie**

[planning@cairngorms.co.uk](mailto:planning@cairngorms.co.uk)

**Date: 29 April 2014**

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.