
CAIRNGORMS NATIONAL PARK AUTHORITY

Title: REPORT ON CALLED-IN PLANNING APPLICATION

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DEVELOPMENT PROPOSED: ERECTION OF AN ESTATE DWELLINGHOUSE AND PROPOSED NEW BRIDGE AT BLUE MILL, GLENKINDIE ESTATE, GLENKINDIE (FULL PLANNING PERMISSION)

REFERENCE: 09/263/CP

APPLICANT: FROGMORE (SCOTLAND) LTD, PER BARTON WILLMORE

DATE CALLED-IN: 21 AUGUST 2009

RECOMMENDATION: GRANT SUBJECT TO CONDITIONS AND SECTION 75 LEGAL AGREEMENT

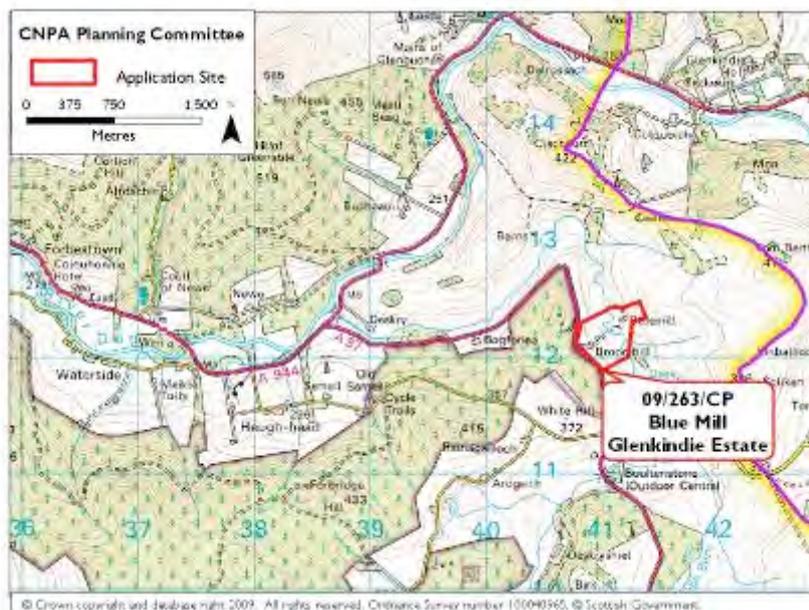


Fig. 1 - Location Plan

SITE DESCRIPTION

1. The application site is located on the lower slopes of Tom Beith hill, within the Glenkindie Estate in Strathdon. It comprises a derelict steading and farmhouse known as the 'Blue Mill' sitting within an area of sweeping rough pasture, with moorland and a small stand of trees to the north and the Deskry Water to the south. The larger site area extends to some 23.7 hectares.
2. An existing unmade farm track taken from the A97 Strathdon to Dinnet road crosses the Deskry Water via a ford before reaching the Bluemill. The existing buildings, dating from the mid to late 18th century are in poor condition with no roofs and significant deterioration of the upper reaches of the walls. Some evidence remains of the historic use of the steading including a water wheel pit and mill pond. A structural survey suggests that the steading walls are in sound condition.



Fig. 2 – Bluemill, showing wider context from west

SITE HISTORY

3. An application for outline planning permission (05/205/CP) for the 'Erection of Replacement Dwellinghouse, Formation of Garage and Store in Outbuilding, Reinstatement of Road and Replacement Bridge' was withdrawn by the applicants in June 2005. The CNPA had voiced concerns over the lack of sufficient land management information to demonstrate a need for a house in an area of countryside, the intrusive and unsuitable indicative design and insufficient visibility at the junction of the access track with the A97.



Fig. 3 & 4 - Other vantage points showing the Bluemill

THE PROPOSAL

4. Full planning permission is sought to erect an Estate dwellinghouse on the site of the Bluemill, in part using the existing steading. The existing stonework would be conserved and used to form the lower ground floor to the new dwellinghouse, while the existing 1.5 storey farmhouse would be removed and the materials reused.
5. The new dwellinghouse would provide accommodation for one of the Glenkindie Estate Directors (see later section on justification) to 'facilitate the proper and effective management of the southern part of the Estate.' In addition it would also be made available for sporting, shooting and corporate clients.



Fig. 5 & 6 – Structural condition of steading and farmhouse

6. The proposed dwelling would be of a contemporary design and appearance - finished with granite, oak and larch and a natural slate pitched roof. It would be sited partly on the former steading. It would be approximately 33.0m in length, up to 24.5m in width and up to 9.5m in height; would provide 4 bedrooms, along with various other expansive areas of living accommodation within a split level building. In addition it would consist of various features including a copper roofed cloister, large areas of glazing and large terrace. A car port, gunroom, gym and store would also be integrated into the building. Several minor amendments to the internal accommodation have introduced

ancillary gamekeeping facilities within the dwellinghouse, including dog kennels, a gamekeeper's cottage and beaters bothy.

7. A Design Statement has been provided to support the application, outlining the aspirations for the siting and design of the proposed house. It suggests that the design is a 'contemporary approach' which marries 'new and traditional design elements' and 'blends into its immediate natural and built environment through careful consideration of layout, orientation, use of materials and landscaping.'



Fig. 7 – Proposed Estate House perspective from south west



Fig. 8 – South elevation

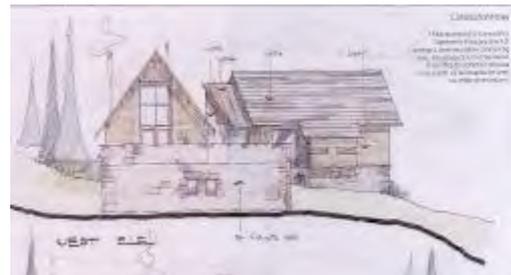


Fig. 9 – West elevation



Fig. 10 – East elevation

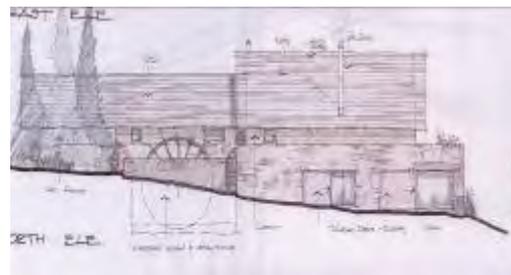


Fig. 11 – North elevation

8. A high level of sustainability is proposed - passive solar gain would be maximised through extensive glazed area's and the orientation of the building, while solar panels and efficient insulation would go some way to ensuring that the house would have a low energy demand overall. Surface and foul drainage provision includes the use of a septic tank and soakaway system, while drinking water would be via a private supply.
9. A bridge would be constructed to cross the Deskry Water and the existing unmade farm track would be upgraded to a nominal 3m width, with compacted gravel chips. The bridge would comprise a timber deck, set upon a steel structure and be 6.7 m in length and 3.5 m wide, with post and handrails of 1.1 m in height. Concrete abutments would be placed on the river bank with no piers or footings required within the watercourse. The junction with the road would be modified to achieve the necessary visibility splays, requiring the removal of 4no. small trees.

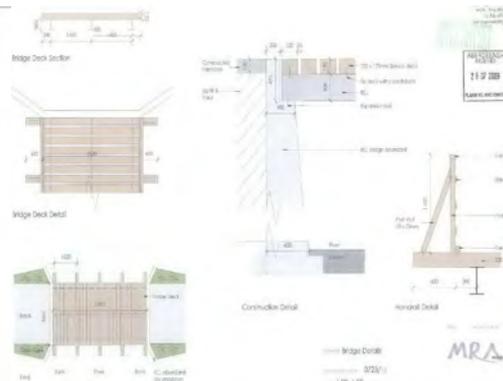


Fig. 12 – Proposed site layout **Fig. 13 – Bridge details**

10. A Landscaping Strategy Plan has also been submitted to support the application and proposes a process of managing and restoring the wider site area around the Blue Mill including sensitively enhancing the moorland and rough grassland for amenity and biodiversity purposes and to compliment and reinforce the setting of the proposed dwellinghouse. It also includes the reinstatement of drystone dykes and fences, indigenous tree planting and other 'considered' land management practices.

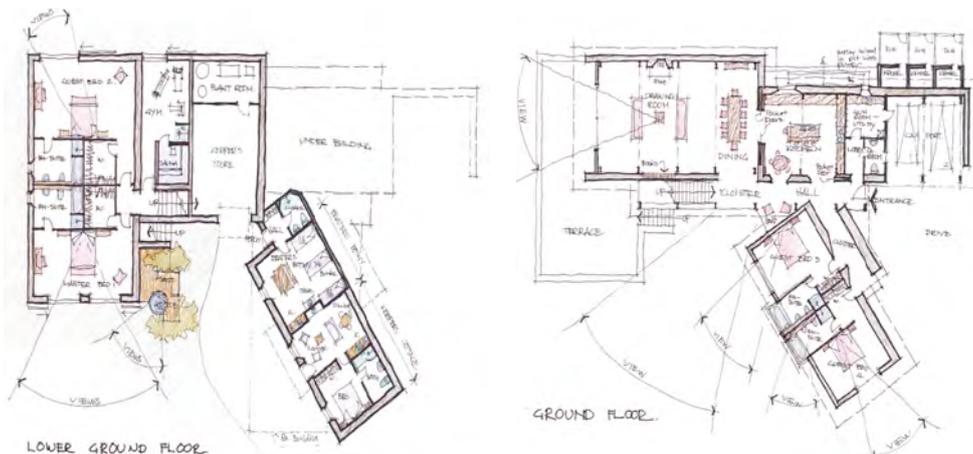


Fig. 14 – Internal layout

BACKGROUND AND JUSTIFICATION

11. A Need/Economic Justification Statement, dated January 2010 has been provided by the applicants; this sets out the policy and background to the proposals. The Glenkindie Estate is a traditional 'highland sporting' Estate comprising hill land, woodland and open moor extending to some 7,300 hectares providing sport shooting, stalking and fishing on a commercial basis. *The Estate is split into two distinct parts, lying to the north and south of the River Don. Glenkindie House lies in the northern part and provides a management base for the day to day activities of this part of the Estate – no equivalent is available on the 'relatively remote' southern part. Consequently, the 2 Directors and a staff of 2 gamekeepers are required to 'undertake a lengthy and time-consuming round trip to reach the vicinity of the southern part of the site, for general management of the game species and control of poaching.'*
12. The applicants assert that the *'establishment of the proposed dwellinghouse within the southern part of the estate would significantly aid the day to day Estate management requirements, through the physical presence that it would create within this relatively remote part. It is considered essential to the continued efficient and effective running of this established estate enterprise and to allow further investment to be made. In addition to providing accommodation for one of the Estate's Directors, the proposed dwellinghouse would be available to let to paying guests as part of the Estate's sporting/shooting facilities and would augment the accommodation which Glenkindie House itself, provides. The various uses of the proposed dwellinghouse would benefit and allow for the expansion of the Estate's commercial activities.*
13. An additional Business Development Statement, received September 2010 provides some further details of the land management justification/Business Case for the proposed dwellinghouse. This outlines the existing operations of Glenkindie Estate, suggesting that on average 40 days shooting etc are undertaken annually. It also highlights that the 2 Directors spend on average 50 days per annum (once per fortnightly visits) on the Estate. This represents an anticipated total of 90 days that the proposed house would be used. It goes on to say that is not always practicable or desirable for both Directors and/or shooting clients to occupy Glenkindie House simultaneously. Finally, it is suggested that *a marked increase in local employment opportunities will arise as a consequence of the proposed dwelling as well as increased custom and expenditure towards local businesses. Furthermore, the southern part of the Glenkindie Estate will be brought back into increased active use, the full potential of which has not been realised in recent years.*

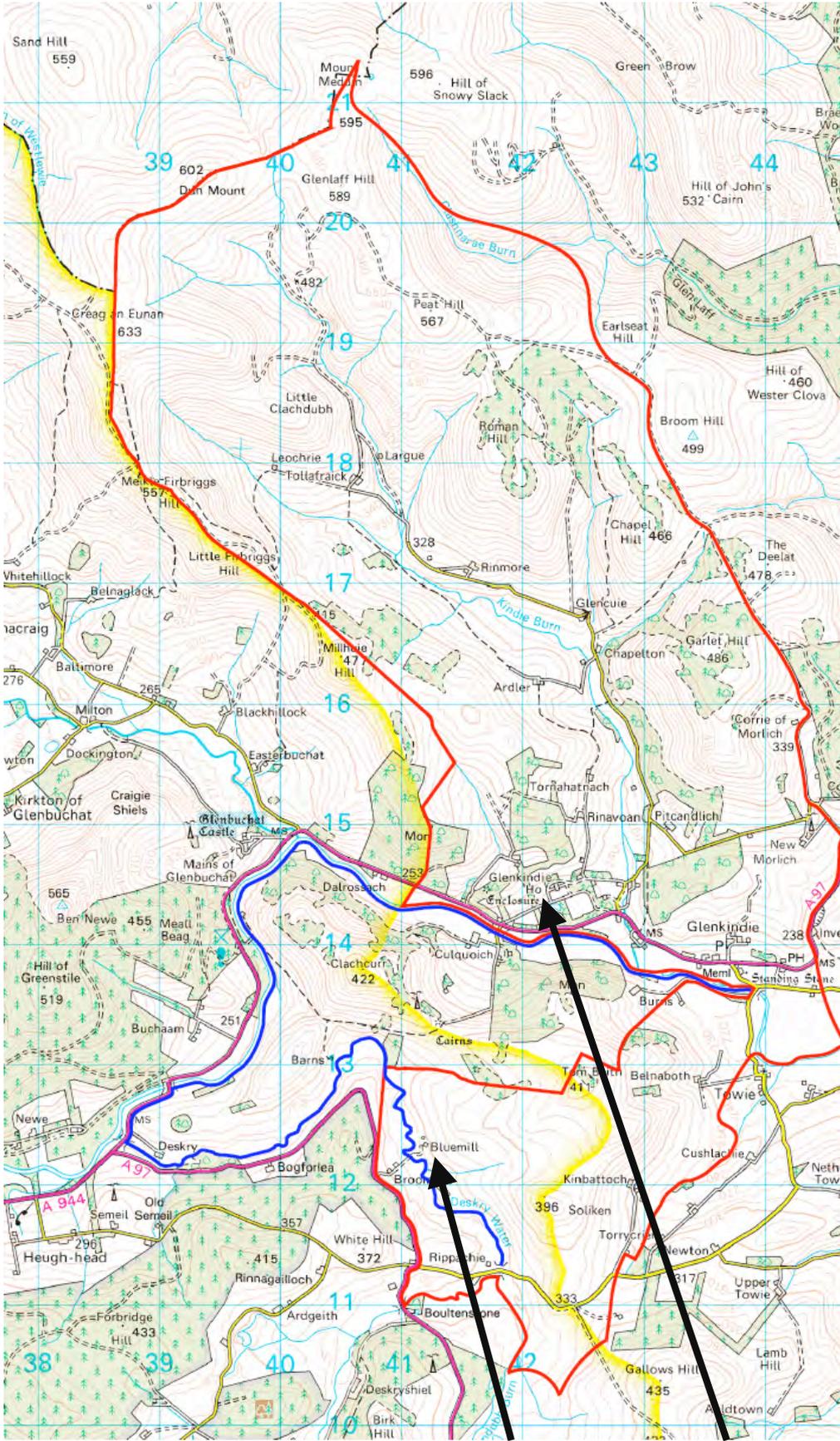


Fig. 15 – Extent of Glenkindie Estate; house site and Glenkindie House locations

DEVELOPMENT PLAN CONTEXT

14. Part 2, Section 25 of the Planning etc (Scotland) Act 2006, requires that planning applications are determined in accordance with the Development Plan unless material considerations indicate otherwise.
15. The Planning Committee has now resolved that the Cairngorms National Park Local Plan proceeds to adoption on 29 October 2010 and consequently it is this Local Plan that is now being used as the basis for planning determinations, along with the Aberdeen and Aberdeenshire (NEST) Structure Plan 2001 and the National Park Plan. The Aberdeenshire Local Plan 2006 is still a material consideration until the CNP Local Plan is adopted.

National Planning Policy

16. **Scottish Planning Policy (2010)** provides the national context for decision making and sets out the key priorities for the planning system. The primary objectives are; to set the land use framework for promoting sustainable economic growth; creating good quality sustainable places; and to maintain and enhance the quality of the natural heritage and built environment.
17. Within the subject topics of the SPP including the section titled **Economic Development**: planning authorities are required to respond to the diverse needs and locational requirements of different sectors and sizes of businesses and take a flexible approach to ensure that new economic opportunities can be realised. The planning system is expected to support development which will provide new employment opportunities, enhance local competitiveness and promote the integration of employment generation opportunities with supporting infrastructure and housing development. Within **Rural Development** it states policies should promote economic activity and diversification in rural areas, encourage the efficient use of land and support opportunities to replace rundown housing and steadings where the new development is designed to fit in the landscape setting. All new development should respond to the specific local character of the location and seek to achieve high design and environmental standards, particularly in relation to energy efficiency. It also emphasises that the Planning System is important for supporting a wide range of economic activity in rural areas, enabling development which supports environmental enhancement and regeneration.

Lastly, in **Landscape and Natural Heritage**: Improving the natural environment and the sustainable use and enjoyment of it is one of the Government's national outcomes. Planning authorities are required to support opportunities for enjoyment and understanding of the natural heritage.

18. **PAN 67 Housing Quality** recognises the fact that many people want to live in a place that has a distinct identity, “rather than one that could be anywhere.” **PAN 67** advises that all development has the potential to contribute to a sense of place and also highlights the fact that “thoughtlessly chosen standard house types and inappropriate materials look disconcertingly out of place.” In a detailed section on layout, it also urges developers to think about the qualities and characteristics of places and not consider sites in isolation.

Cairngorms National Park Plan 2007

19. The **Cairngorms National Park Plan** sets out the strategic objectives for the Park under three headings – (i) conserving and enhancing the Park; (ii) living and working in the Park; and (iii) enjoying and understanding the Park.
20. **Conserving and Enhancing the Park**, the strategic objectives include maintaining and enhancing the distinctive landscapes of the Park and also ensuring that development compliments the landscape character of the Park.
21. **Living and Working in the Park**, the National Park is recognised as being a national asset and a place of recreation and enjoyment. The Park Plan includes a specific section on Housing. Objectives include increasing the accessibility of rented and owned housing to meet the needs of communities throughout the Park and ensuring that there is effective land and investment for market and affordable housing to meet the economic and social needs of communities throughout the Park. Reference is also made to the quality and design of new housing which is expected to be consistent with or enhance the special qualities of the Park through careful design and siting.
22. In relation to **Enjoying and Understanding the Park**, the Plan recognises that enjoyment of the park area is not only relevant to those people travelling to the Park, but is part of the everyday experience of those living in and around the area. The experience of residents and visitors alike should be of the highest quality.

Aberdeen and Aberdeenshire Structure Plan 2001 – 2006 (NEST)

23. **Policy 12 House Building in the Countryside beyond the Green Belt** requires a presumption against house building in countryside not designated as Green Belt except for the rehabilitation or extension of an existing house; or replacement on the same site of a largely intact house; or a new house which is essential to the efficient operation of an enterprise which is itself appropriate to the countryside and in the interests of local needs, local economic development and services. All such development must be of the highest quality particularly in terms of siting, scale, design and materials.
24. **Policy 19 Wildlife, Landscape and Land Resources** requires that all new development should take into consideration international, national and regional/local designations, biodiversity and the character of the landscape in terms of scale, siting, form and design.

25. **Policy 21 Design** states that an improvement in the general standard of design shall be encouraged.

Cairngorms National Park Local Plan Post-Inquiry Modifications 2010

26. The CNPA will adopt the Local Plan on 29 October 2010. Thereby the materiality of the plan is considerable in the determination of planning applications in the National Park.
27. **Policy 5 Biodiversity** states that development should not have an adverse effect on LBAP habitats or species.
28. **Policy 6 Landscape** states a presumption against any development that does not complement and enhance the landscape character of the Park.
29. **Policy 8 Archaeology** requires that impacts on any archaeological resources be considered, including the need for submission of survey reports where considered necessary.
30. **Policy 11 The Local and Wider Cultural Heritage of the Park** development should protect, conserve and enhance the cultural heritage of the area.
31. **Policy 12 Water Resources** development should utilise SUDS, be free from the risk of flooding and private sewerage systems discharge via soakaways.
32. **Policy 13 Mineral and Soil/Earth Resources** all development must avoid unnecessary disturbance of soils, peat and any associated vegetation.
33. **Policy 16 Design Standards for Development** requires that all development minimises the effects of climate change, reflects the local vernacular and uses materials and landscaping that compliments its setting.
34. **Policy 18 Developer Contributions** requires the developer to make a fair and reasonable contribution towards increased or improved public services, facilities or infrastructure where necessary.
35. **Policy 19 Contributions to Affordable Housing** requires all housing developments to make a contribution to affordable housing.
36. **Policy 22 Housing Development outside Settlements** will be permitted where there is no suitable alternative residential accommodation available on site, or the development is sited on brownfield land.
37. **Policy 25 Business Development** proposals which support economic development will be supported where it supports the vitality and viability to rural business activities.

38. **Policy 27 Conversion and Reuse of Existing Traditional and Vernacular Buildings** allows for suitable conversion where buildings are redundant, proposals are required to maintain the style and character of the original building.
- Aberdeenshire Local Plan 2006**
39. **Policy Env\5B Areas of Landscape Significance** requires that development within or adjacent to 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.
40. **Policy Gen\1 Sustainability Principles** considers that development will be assessed against sustainability indicators that relate to the local environment, community and economy, demonstrated by whether the proposal accords with a range of criteria including d) protecting or enhancing any valuable natural resources including landscapes and wildlife habitats or species; e) does not damage built or cultural heritage resources; and f) does not impact negatively on the character, including landscape character, environment or amenity of the surrounding area. The policy concludes that where the assessment concludes that there is significant uncertainty as to whether the proposed development would cause substantial harm, the precautionary principle will be applied.
41. **Policy Gen\2 The Layout, Siting & Design of New Development** requires new development to be appropriately sited, laid out to respect the character and amenity of the surrounding area, display a high standard of design and be respectful of natural features and the landscape.
42. **Policy Hou/4 part 1: New Housing in the Countryside** states that the erection of new housing in the countryside will be approved, in principle if: a) it is for a full time worker in an enterprise which is itself appropriate to the Countryside; b) the presence of that worker on-site is essential to the efficient operation of the enterprise; c) there is no suitable alternative residential accommodation available; d) the proposed house is within the immediate vicinity of the worker's place of employment; e) it conforms with Appendix I
43. **Policy Hou/4 part 2: New Housing in the Countryside** states that in the Countryside, the conversion of an existing non-residential vernacular building for housing will be approved, in principle, if the original building contributes to the traditional character and landscapes of the area and: a) the conversion is to a single house; or b) the conversion is to a single house combined with space for a business; or c) the conversion is to two or three houses, accessible to local services by public transport, foot or bicycle. In all cases, the developer will be required to demonstrate that a) the existing building contributes to the traditional character of the area and is largely intact; b) the existing building is no longer required or suitable for its original

purpose; c) existing and proposed neighbouring uses are compatible with housing and any business use proposed; d) the converted building would largely preserve its existing form, retain its vernacular appearance, and maintain its contribution to the traditional character and landscape of the area; and e) regard has been had to the guidance contained in Appendix 2.

44. **Policy Inf/1: Roads and Accesses** states that new roads or other accesses will be approved if they are designed to be safe, convenient for pedestrians, cyclists and public transport, resource efficient and cause minimal impact on the character of the site and surrounding area.
45. **Policy Inf/4a: Drainage and Water Standards** states that development will be approved in principle if, when required, private infrastructure including a septic tank can be provided without negative impacts on public health, the environment or the quality of ground water and where requested, a drainage impact assessment has been provided by the developer.
46. **Policy Inf/5: Water Supply** states that development will be approved, in principle, if it can be satisfactorily served by a mains water supply, or if the developer is able to demonstrate an alternative adequate supply, including where necessary, potable water supply.
47. **Appendix 1/Appendix 2** of the Aberdeenshire Local Plan provides design guidance and criteria for conversions respectively. Appendix 1 advises that a successful development requires careful attention to the site layout, landscaping and design, particularly encouraging innovative and contemporary design. Appendix 2 requires structural surveys and promotes design quality.

CONSULTATIONS

48. **Aberdeenshire Council's Transportation and Infrastructure (Roads)** has no objections stating that adequate visibility splays can be provided and recommends that a number of conditions are attached to any grant of planning permission.
49. **Aberdeenshire Council's Flood Prevention Unit** initially had some concerns regarding emergency access across the proposed bridge in a flood event, further discussions with the applicant ensures they have no objections subject to a number of conditions being attached to any grant of planning permission.
50. **Aberdeenshire Council Archaeology Service** has no objections but requires a Standing Buildings Survey is undertaken prior to any works commencing.
51. **Aberdeenshire Council (Planning Gain)** require contributions to affordable housing, education and for public art.

52. **SNH** originally reserved its position on the grounds of insufficient information on the potential impact on otters (a European protected species). The applicant has responded by submitting a walkover habitat survey which identified some evidence of otters. A series of mitigation measures have been outlined which SNH is satisfied with.
53. **Scottish Water** confirms that no public water mains or sewers are located in the vicinity of the proposed development site.
54. **CNPA Heritage Land Management** have noted that an updated habitat survey should be undertaken and that further information should be submitted regarding the formation of any ponds, method statements detailing measures to prevent damage to the wetland area. In terms of landscape impact, a number of additional conditions are recommended related to the alignment of the access track, drainage and establishing vegetation on side slopes, while site levels, sections and landscaping details associated with the house site should be provided.
55. **CNPA Economic Development Officer** states general support for the application, which clearly allows for the expansion of the estate's business, supporting shooting to the south of the estate, providing overflow accommodation from the main house which overall should be a benefit to the business, the local community and economy.
56. **Donside Community Council** were consulted but returned no comments.

REPRESENTATIONS

57. The application was advertised as a potential departure from the development plan in the Deeside Piper on 21 August 2009. No letters of representation have been received with regard to this application.

APPRAISAL

58. **Principle of Development and Need Case**
In determining this planning application regard is to be had to the development plan and the determination shall be made in accordance with the plan unless material considerations indicate otherwise. The current statutory plans are those listed above, with the planning policy applicable outlined in paragraphs 14 – 47 of this report. The main considerations are the principle of the proposed development in this location in terms of need and planning policy, its suitability in terms of design, siting and landscape fit, the impact of the development on the character and amenity of the Area of Landscape Significance (ALS) and the wider National Park.

59. Firstly, in terms of national policy, in the form of the Scottish Government's Scottish Planning Policy (SPP), it seeks to encourage sustainable economic growth, including in rural areas. The proposal to build a high quality dwellinghouse to provide additional accommodation for the Director's and shooting clients would enhance the sporting business of the Estate. This accords with the provisions of the SPP, as it allows an economic development opportunity to be realised and also provide employment, as well as having the potential to deliver economic benefits to the wider area.
60. Looking at Structure Plan and Local Plan policies, the site lies outwith any settlement in an area of countryside, where policy identifies a strong presumption against housing development unless a justifiable land use management need can be demonstrated. Policy 22 'Housing Developments Outside Settlements' of the CNP Local Plan is echoed by policy 12 'Housing in the Countryside beyond the Green Belt' of the Structure Plan and policy Hou/4 of the Aberdeenshire Local Plan 2006. These policies restrict new houses in countryside areas except in certain circumstances, where the house is essential for the management of land, such as estate management and where the presence of that worker on site is essential to the efficient operation of a business.
61. The development proposal should also be looked at in terms of Policy 25 on Business Development, which is favourable towards development which is complementary to current rural business activity and supports the vitality and viability of a rural business.
62. The house is not proposed as a permanent residence, but is instead proposed to provide additional accommodation to Glenkindie House to assist and augment the Estate's sporting operations. In this instance, the proposed dwellinghouse is for the one of the Estate's two Directors and would provide alternative accommodation to Glenkindie House for them on their regular visits to the estate. A detailed case has been advanced in support of this, detailing the operations of the Estate including shooting and stalking records, details of the number of existing employees and their duties in running the estate and reference to on-going land use management and future increased sporting and leisure activities.
63. In assessing whether the development proposal is acceptable in the context of housing (and business) policies, it is important to ascertain whether the need is sufficient to warrant the proposed house. This requires the CNPA to look at the need for the house overall, by examining the business case and the proposed number of days that the house would be occupied (whilst recognising the nature of the Director's role on the Estate only requires regular yet limited visits). As highlighted in paragraphs 11 - 13 of this report, the 2 Directors spend on average 50 days per annum on the Estate, the house would also be utilised for shooting parties and other corporate events also, amounting to an average 40 days use over and above the days the Directors would be resident. This represents an anticipated total of 90 days that the proposed house would be used.

64. The Business Case demonstrates the overall need for the house is for approximately 90 days only, generally this limited need is not a level considered wholly sufficient to merit the requirement for a new house. Whilst not being in a position to wish to prescribe the total number of days that would represent an acceptable threshold, it is considered that 90 days falls short of those thresholds. However it should be stressed that the assessment of need is by any means definite and rigid in the determination of an application. It is clear that the business case fails to present a substantially clear need for the house, especially given that Glenkindie House is within close proximity of the site, being 5.2 miles away by road. It is accepted that it may not be desirable or practical for guests and the Directors to be resident at the same time.
65. On the basis of the details provided, it is clear that the development of a new house on this part of the Estate does not readily accord with Structure Plan and Local Plan policy regarding Housing, which specifically requires a business case need or land management justification to support proposals. It should however be recognised that there is a justification present, albeit a limited one.
66. In terms of Policy 25 Business Development, it is accepted that the proposal would be complementary to the Estate's current rural business activity and would support the vitality and viability of a rural business. The proposal would bring economic benefits to both the Estate and the local area, support shooting to the south of the Estate; provide overflow accommodation from the main house, and the possibility to expand into new corporate markets.

Design, Landscape and Visual Amenity

67. Looking now at design, landscape and visual amenity, it is accepted, as the SPP suggests different landscapes have different capacities to accommodate new development. The CNPA have been involved in pre-application discussions with the applicant regarding the design and landscape fit of the proposed house. A house proposed in an area of countryside is required by planning policy to be of a good standard of design and in harmony with the landscape. The proposed house design adopts a very high 'exemplary' standard of design using a bold blend of contemporary and traditional building components, formed from the existing steading structure, which would be sensitively incorporated into the new building. A series of influences derived from the local area and vernacular materials including granite, oak and larch and slate would be drawn into the building; coupled with extensive areas of glazing and copper which would provide a contrasting and visually stimulating and striking building. It is considered that the proposal strongly accords with policy aims to encourage good house design in the countryside.
68. In considering the siting of the proposed house, as well as the related infrastructural and ancillary works and landscaping, it is necessary to assess the landscape and visual amenity implications of the development. Its siting and positioning, on the lower slopes of Tom Beith hill, is considered acceptable, when considered in the context of the wider area and its landscape – one which heavily features sporadic and ruinous building groups,

by utilising the site of the existing steading and by breaking up the main envelope of the building and restricting its overall height, this ensures its overall landscape fit is both sensitive and sympathetic. A scheme of landscaping and landforming around the site would also ensure the building would relate well to the slope of the hill. The proposed house is considered appropriate to the local landscape and would not be detrimental to the countryside or character of the area. The upgraded access track could be conditioned to ensure it does not present a visually intrusive feature, with the alignment, vegetation and the need for cut and fill carefully considered. The bridge is thought to cause minimal intrusion and would appear in-keeping with the location.

69. As detailed earlier in this report, the CNPA's Landscape Officer had been engaged in detailed pre-applications discussions and has no objection from a landscape perspective. The opportunities borne out of the Landscape Management Strategy submitted as part of the application and which proposes a process of managing and restoring the wider site area, is seen as a significant attribute of the proposals. The CNPA see a number of benefits to extending this to include the larger southern section of the Estate and for Glen Deskry in particular. The opportunity for improving the natural environment and the sustainable use and enjoyment of it is one of the Government's national outcomes as set out in the SPP. This would accord with CNP Local Plan policy 6 Landscape supporting the opportunity for the enhancement of the landscape character of the Park. This part of the Park, which appears diminished, sparsely populated and with prominent ruinous steadings would benefit from the restoration and reinstatement opportunities which the proposal brings with it.
70. It is considered that the proposal is acceptable in design, landscape and visual amenity terms. It accords with planning policy and that of the Park Plan requiring the quality and design of new housing be consistent with or enhance the special qualities of the Park through careful design and siting. The exemplary design and landscape management enhancements clearly demonstrate that the proposal would make a significant positive contribution to the character of the area and that of the Cairngorms National Park.

Natural and Cultural Heritage

71. The proposal raises a number of issues in terms of natural and cultural heritage, the existing steading is known to be home to bats, while owl pellets were found during the Habitat Survey carried out as part of the application. Evidence of otters was found at various points on the Deskry Water and a specific otter survey and mitigation report carried out taking cognisance of the bridge proposals. In this case it is thought that the measures set out in mitigation plan and method statement could be conditioned if planning permission was forthcoming, a resurvey of the whole site would also be carried out. SNH confirm that the proposal is unlikely to result in a detrimental impact on otters. The creation of ponds / lochans have also been proposed and such features could be considered as providing opportunities to enhance the natural heritage of the area, however the detail of these would require to be conditioned to ensure more detailed information was

provided. The proposals set out in the Landscape Management Strategy for this part of the Estate could provide also provide various natural heritage enhancements.

72. A number of cultural heritage benefits are recognised, including the rehabilitation and enhancement of the immediate area in terms of the reuse of the Bluemill steading, the restoration and reinstatement of dykes, fences and the reversal of the decline of Glen Deskry overall. Policy 27 Conversion and Reuse of Existing Traditional and Vernacular Buildings encourages the conversion of redundant buildings if the building makes a significant contribution to the character and cultural heritage of the National Park allowing for proposals which maintain the style and character of the original building. The reuse of the Bluemill steading, to be conserved and incorporated into the new house, could be seen to broadly accord with the spirit of this policy. The section on Rural Development within the SPP also supports opportunities to replace rundown housing and steadings where the new development is designed to fit in the landscape setting.

Other Matters – Technical Issues

73. Aberdeenshire Council's Flood Prevention Unit had raised initial concerns at the risk of the proposed bridge being inundated by flood events and emergency access subsequently being blocked. As a result, negotiations to raise the overall height and length of the bridge or to provide an alternative access point have been explored. This issue can be addressed via condition attached to any planning permission granted.
74. Previous concerns about insufficient visibility splays for the access point to the A97 have been fully addressed in this application. Aberdeenshire Council Roads are content with the proposed arrangements and there are no outstanding road safety concerns, subject to suspensive planning conditions. The details of any gates, piers or other features and the need for construction method details for the access and the access track could be addressed again via conditions attached to any planning permission granted.

Conclusion

75. In considering this application, it is evident from the report that this proposal is one that is finely balanced. The house proposed here is intended to accommodate the Estate Director's on the various occasions they visit the Estate and also to provide accommodation for shooting parties, allowing for alternative and additional accommodation on the Glenkindie Estate, augmenting the role and function of nearby Glenkindie House. The need case for a house in this location is considered to be limited, when calculating that the house would only be occupied for 90 days per year. This number of days seems low given it is seen as necessary and essential for the efficient operation and management of that land, the business case provided by the applicant does not fully reconcile the perceived demand with the essential need. In planning policy terms, the proposal goes some way towards but fails the key test to demonstrate a justifiable and strong need to meet the requirements for a house.

76. However the proposal accords with a variety of other Structure and Local plan policies as detailed elsewhere, the innovative and distinctive house design is generally recognised to be of a high 'exemplary' standard; its position within the site is good in terms of landscape impact and is considered to be an enhancement to the surrounding countryside and character of the area. It is considered that the layout, design and materials are appropriate, and that the proposal would provide a high quality residential development as required by Structure Plan policy 21 and local plan policy, in particular policy 16 of the CNP Local Plan Post Inquiry Modifications and policies Env\5B, Gen\1 and Gen\2 of the Aberdeenshire Local Plan.
77. Given the proposal does, as previously stated, go some way towards but fails to adequately demonstrate that it fully accords with Policy 12 of the Structure Plan, Policy 22 of the CNP Local Plan and also Policy Hou/4 and Appendix Two of the Aberdeenshire Local Plan, there may be a case to allow for the proposed house, if other material considerations are apparent and outweigh the policy requirement. The Planning etc (Scotland) Act 2006, requires that planning applications are determined in accordance with the Development Plan unless material considerations indicate otherwise. Therefore the relative merits of the proposal should be assessed to gauge their prominence and if this range of considerations might be significant in planning terms to allow the application to be granted.
78. Circular 4/2009 (Development Management Procedures) states that the design of a proposed development and its relationship to its surroundings is a material consideration, which along with recognised regenerative benefits, may be given appropriate weight in the determination of a planning application. As detailed elsewhere in this report, the design is considered to be of a high 'exemplary' standard, while the environmental enhancement of the landscape of the Park within Glen Deskry, improving its visual amenity and landscape character are significant benefits which would arise from this proposal. It is considered the weight given to these considerations is significant.
79. Scottish Planning Policy is another material consideration, one which has been found to support the proposals, examined elsewhere in this report; the proposal promotes sustainable economic growth, would create good quality sustainable places and ensure the maintenance and enhancement of natural heritage and the environment. The SPP suggests that planning should proactively support development that would contribute to sustainable economic growth and to high quality sustainable places. In this instance, this application relates to a proposal that would aid the Estate to reinvigorate its approach to the southern part of its lands. The reinforcement of this existing enterprise, supporting the vitality and viability of a long established Estate sits well within the requirements of the SPP and with the social and economic aims of the National Park. As highlighted earlier the SPP also supports opportunities to replace rundown housing and steadings where the new development is designed to fit in the landscape setting.

80. The proposed house also accords with the many of the other aims of the National Park including conserving and enhancing the natural and cultural heritage of the Park and displays consistency with the strategic aims of the Cairngorms National Park Plan, another material consideration. The proposal is considered to meet some of its strategic objectives including maintaining and enhancing the distinctive landscapes of the Park, ensuring that development compliments its landscape character, while promoting the enhanced quality and design of new housing and boosting the experience of residents and visitors alike. The weight attributable to this is also significant. The landscape improvements to an area that is highly visible and prominent from a main road through the Park should be fully welcomed.
81. Overall, it is considered that the proposal, while not being able to demonstrate an wholly essential need to fully accord with planning policy, goes some way towards it, however, this is outweighed by other significant material considerations in particular, design, landscape and economic benefits. It is considered that approval of this application, whilst not fulfilling the policy criteria in their entirety, has on balance significant weight attached to it to warrant approval. Taking account of all the compelling factors, including in particular the positive implications to the aims of the Park, as set out below, the application is recommended for approval subject to S.75 legal agreement and suspensive conditions.

IMPLICATIONS FOR THE AIMS OF THE NATIONAL PARK

Conserve and Enhance the Natural and Cultural Heritage of the Area

82. The new house would be sited sensitively within its location; its exemplar design and its careful positioning in the landscape context are such that the landscape impacts would be kept to a minimum and generally the character of the area restored. The surrounding moorland and pastureland are to be enhanced for biodiversity and cultural heritage including reinstatement of drystone dykes and 'considered' land management practices.

Promote Sustainable Use of Natural Resources

83. The applicant proposes the sustainable use of natural resources, and the planning statement confirms environmental aspects are a key driver – energy efficiency and passive solar gain are maximised in the house design. Local timber and reclaimed granite would also feature heavily.

Promote Understanding and Enjoyment of the Area

84. Glenkindie Estate undertakes a number of activities associated with a traditional sporting estate including stalking, fishing and shooting alongside other business and corporate entertainment. The dwelling would be used for accommodation for a director of the estate but also be made available for clients undertaking sporting/shooting and other related corporate and business activities. This would promote the commercial activities and enterprise of the estate and the area in general. A number of existing rights

of way paths exist within the estate land – these would be retained as part of the proposals.

Promote Sustainable Economic and Social Development of the Area's Communities

85. The provision of an estate house would ensure the right conditions are in place for this rural business to augment its activities and enterprise and would provide enhanced employment and economic activity in the area in general.

RECOMMENDATION

That Members of the Committee support a recommendation to:

GRANT FULL PLANNING PERMISSION FOR THE ERECTION OF AN ESTATE DWELLINGHOUSE AND BRIDGE AT BLUEMILL, GLENKINDIE, SUBJECT TO:-

- A. The completion of a Section 75 Legal Agreement restricting the sale, lease or any other form of disposal of the proposed estate house separate from the estate, and;**

The estate house shall be used for persons mainly or solely connected with the operation and sporting activities of the Estate (the extent of which is identified on the Estate Plan, ref: I4745, 01), and;

- B. A scheme of Landscape Management for the appropriate enhancement, restoration and reinstatement of the southern area of the Glenkindie Estate lying within Glen Deskry for visual amenity, landscape character and biodiversity benefits, and;**

- C. A Financial contribution towards Affordable Housing, Education and Public Art, and;**

- D. The following conditions:**

- I.** The development to which this permission relates must be begun within 3 years from the date of this permission.

Reason: To comply with Section 58 of the Town and Country Planning (Scotland) Act 1997 or amended by the Planning etc (Scotland) Act 2006.

- 2.** Visibility splays of not less than 2.4 metres x 160.0 metres shall be provided in both directions at the junction of the new access with the existing road prior to the commencement of the development and thereafter maintained free from any obstructions exceeding a height of 1 metre above the adjacent road channel levels.

Reason: In the interests of road safety; to ensure the provision and maintenance of adequate visibility at junctions and accesses.

3. The access road shall have a maximum gradient of 1:20 for the first 5m from the edge of the public road and not be surfaced with loose materials.

Reason: In the interests of road safety and safe access to the development.

4. Off street parking spaces for 3 cars should be provided within the site.

Reason: For the development to be in accordance with Aberdeenshire Council's Car Parking Standards and to prevent indiscriminate roadside parking.

5. Prior to commencement of any development, details of any gates or gateway features are to be submitted and approved by the CNPA acting as Planning Authority.

Reason: To ensure the implementation of a development of satisfactory visual impact.

6. Prior to commencement of any development, details of satisfactory access for emergency vehicles during a flood event is to be submitted and approved by the CNPA acting as Planning Authority in consultation with Aberdeenshire Flood Prevention Unit. Thereafter any physical/agreed works should be retained.

Reason: To ensure the continued safe and easy access for emergency services to the house during flood events.

7. Prior to commencement of any development, the applicant shall secure the implementation of an archaeological standing building survey level 1 of the existing structures and the name and details of the appointed archaeological organisation is to be submitted and approved by the CNPA acting as Planning Authority in consultation with Aberdeenshire Council Archaeology Service.

Reason: In order to ensure that features of archaeological importance are investigated.

8. Prior to commencement of any development, exact details and specifications of all proposed external finishing materials (including roofing materials, timber and natural stone finishes) shall be submitted for the further approval of the CNPA acting as Planning Authority.

Reason: In order to ensure that the materials are appropriate to the character of the building.

9. Prior to commencement of any development, sections, levels and specifications for the house site which demonstrate the footprint which responds to the site and minimises the need for ground modification, proposals for site clearance, materials storage for re-use, restoration and reinstatement of disturbed ground and proposals for landforming shall be submitted for the further approval of the CNPA acting as Planning Authority.

Reason: To ensure the implementation of a satisfactory scheme of landscaping which will in due course improve the environmental quality of the development.

10. Details of the foul drainage systems for the house shall be submitted to and agreed in writing with the CNPA acting as Planning Authority, prior to any work commencing on site. Thereafter, the agreed systems shall be operational prior to the units coming into use and shall be retained and maintained in accordance with the details into perpetuity.

Reason: To ensure that a satisfactory drainage solution is achieved and to prevent pollution of the nearby watercourse.

11. Prior to the commencement of any development, specific details of the private water supply and water test results are submitted to and approved by the CNPA acting as Planning Authority in consultation with Aberdeenshire Council Environmental Health.

Reason: To ensure water supplies are adequate and suitable as required by the Private Water Supplies (Scotland) Regulations 1992.

12. Prior to the commencement of any development, a construction method statement and detailed proposals of discharge points for pumping tests and detailed management of runoff from construction measures shall be submitted to and agreed by the CNPA acting as Planning Authority. Any construction and operation of the site shall adhere to SEPA's pollution prevention guidelines PPG's 05-06 and take place in accordance with approved measures.

Reason: To ensure the bridge or other works do not cause any environmental pollution of or sedimentation to the watercourses it crosses or destabilisation / scour to the watercourse embankment.

13. Notwithstanding any submitted drawings, the development shall be landscaped and maintained in accordance with a scheme which shall be submitted to and approved by the 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 include a phasing programme for implementation 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:-

- (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 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 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.

Reason: To ensure the implementation of a satisfactory scheme of landscaping which will in due course improve the environmental quality of the development.

- 14.** Prior to the commencement of any development, written clarification of proposals for the adjacent Broomhill steading shall be submitted to and agreed in writing with the CNPA acting as Planning Authority.

Reason: To ensure the cultural heritage of the area is maintained.

- 15.** Prior to the commencement of any development, an updated Habitat, water vole and otter survey shall be undertaken. The surveys shall be submitted for the written approval of the CNPA acting as Planning Authority. No work shall be undertaken until the surveys have been verified and where necessary agreement has been reached on any modifications to the position of the house and / or the line of the proposed access track. All works shall thereafter be undertaken in accordance with the agreed measures.

Reason: In the interests of ensuring that natural heritage interests in the area are appropriately protected.

- 16.** That the development hereby approved shall be carried out strictly in accordance with the "Potential Impacts & Mitigation Measures for Otters – Pond and Bridge Proposals" dated August 2009, by Flora Grigor-Taylor and Steff Ferguson, subject to the carrying out and submission of an updated survey and recommendations, to be carried out no more than 6 weeks prior to the commencement of the development and with the additional requirements that:

- (a) Construction and excavation works shall be limited to the period between 2 hours after sunrise and 2 hours before sunset;
- (b) A protection zone of 30 metres shall be clearly marked out around any Otter holts identified in the survey, with access barred to people and machinery during the construction period and SNH contacted for further advice.

Reason: To protect Otters during construction works.

17. Prior to the commencement of any development, detailed design and construction methods for the bridge and access track shall be submitted and approved by the CNPA acting as Planning Authority. This should show the alignment for the track that minimises the need for infill, any provision for drainage through the track construction to minimise the restriction to flood waters, side slopes that are at an angle suitable for vegetation establishment and proposals for establishing vegetation cover on track side slopes, shoulders and central strip. No landraising associated with the formation of the track or bridge or for any other reasons shall take place within the flood plain.

Reason: In the interests of visual amenity and to ensure that the bridge and access track mentioned are to an acceptable standard and to ensure that flood storage capacity is maintained.

18. Notwithstanding any submitted plans, the details of any ponds or lochans proposed as part of the development should be submitted and approved by the CNPA acting as planning authority.

Reason: In the interests of ensuring that natural heritage interests in the area are appropriately protected.

19. Prior to the first occupation of the development hereby approved a scheme to incorporate nesting/roosting opportunities for bats, swifts, house martins and barn owls shall be submitted to and approved by the CNPA. Agreed measures to be in place prior to the building first being brought into use.

Reason: To support the first aim of the Park to conserve the natural heritage of the area.

Advice notes:

- (a) All works within the limits of the public road require an application for a Road Opening Permit to be made.
- (b) The proposal may require registration with SEPA under the Water Environment (Controlled Activities) (Scotland) Regulations 2005 (CAR). The applicants are advised to liaise with SEPA for further information on this matter. The applicant should also refer to the Engineering in the Water Environment Good Practice Guide for best practice requirements.
- (c) The CNPA would advise that any Lochan / pond is not stocked with fish and that care should be taken to avoid the introduction of non-native invasive species of plants during construction works.

- (d) You are advised of your responsibilities to protect wildlife at the site in accordance with the requirements of the 1981 Wildlife and Countryside Act. You are advised that if works do not commence within 12 months of this decision notice a new bat survey should be carried out.

Robert Grant
06 October 2010
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